



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: PAUL KRUTKO

SUBJECT: PUBLIC ART MASTER PLAN

DATE: February 21, 2007

Approved

Ray Wimer

Date

2/26/07

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adoption of the Public Art Master Plan and:

1. Direct the City Attorneys' Office to draft an ordinance for the approval of City Council modifying the basis for calculating the percent for art, with proposed amendments to Title 22 of the Municipal Code implementing the Public Art Master Plan;
2. Direct the City Attorney to work with the Office of Cultural Affairs to prepare updated resolutions for the approval of City Council that set forth in more detail the procedures to be followed after implementation of the Public Art Master Plan.
3. Direct the City Manager to present the draft City's Art in Public Places Ordinance to the Treatment Plant Advisory Committee (TPAC) for recommendation on applying the requirements of the Ordinance to all Treatment Plant capital projects; and to report to Council on TPAC's recommendation when the Ordinance is presented for Council approval.
4. Direct the City Attorney to draft an ordinance requiring that developer-constructed parks comply with the same Art in Public Places requirements that apply to City projects, and direct the City Manager to review this draft ordinance with the development community prior to presentation to the City Council for approval.

EXECUTIVE SUMMARY

Since January 2006, the Office of Cultural Affairs (OCA) has been working with a consultant team and stakeholders on the development of a Public Art Master Plan. The Plan's recommendations include priority project types that will employ public art to reinforce San Jose's urban design and development goals. It identifies the need to create more flexible funding sources in order to

commission public art where it will have the greatest impact. Funding recommendations include changing the City's current construction project-based 2% for Art that is restricted to publicly-visible capital improvement projects over \$500,000 in value, to an across-the-board 1% for Art that applies to *all* capital projects and their associated costs. This funding formula is administratively simpler than the current formula, it spreads the costs of public art more evenly while increasing public art funding, and it provides a more flexible funding stream (see Attachment A). Funding for San Jose Redevelopment Agency (SJRA) projects would also be program-based, and would remain at 2% but would exclude land acquisition. SJRA-assisted private developments would require a 1% for Art allocation for on-site projects or an in-lieu fee of .60 % for projects that contribute to a public art pool. The Plan recommends the development of specific Public Art Focus Plans to guide the use of pooled public art funds, starting with plans for Downtown and North San Jose. Finally, it proposes a more inclusive and clearly defined stakeholder involvement process.

A separate memo will be submitted by the San Jose Redevelopment Agency for approval of related recommendations by the Redevelopment Agency Board.

OUTCOME

Approval of the Plan establishes long-term solutions for the improvement and continuation of the City's Public Art program. Implementation of the Plan will better align public art with the next generation of design and development in San Jose, simplify administration of Public Art citywide, improve stakeholder involvement, create opportunities for higher-impact art in high-traffic locations, and resolve issues raised in the 2006 Auditor's report.

BACKGROUND

The City's original public art Ordinance was adopted in 1984, revised in 1988, and again in 1992. In 2001, the Council accepted a new Public Art Master Plan, but it was never codified. Many of the programmatic recommendations in the 2001 Public Art Master Plan were implemented by many City departments and the Redevelopment Agency as a part of their project planning.

In May 2005, the City Auditor completed a review of the Public Art Program and recommended that the City Manager's Office and the Office of Cultural Affairs address a number of issues related to funding eligibility, to tracking of public art funds, and to community involvement in the Public Art Program (see Attachment B). Some of the issues raised in the Audit were the same issues that were to have been addressed in the ordinance based on the 2001 Master Plan. Others were procedural issues that needed to be addressed in the context of a revised Council Resolution on Public Art.

In 2005-06, OCA was integrated into the Office of Economic Development. The 2005-06 OCA work plan included the development of a new five-year (2006-2010) Public Art Master Plan. In January 2006, stimulated by the 2005 Public Art Audit, by anticipated changes in San Jose's capital funding, and by the City's Economic Development Strategy, OCA developed a Scope of

Work for a Public Art Master Plan Consultant, issued a Request for Qualifications, and hired the firm of Brown & Keener Bressi and their associates, Via Partnership public art planners, to develop the plan. OCA established a Steering Committee that includes representatives from the business and development community, community representatives from each Council District, arts and cultural leaders, San Jose Redevelopment Agency and City Department representatives.

The development of the Public Art Master Plan was overseen by the Arts Commission which has recommended it for City Council approval.

ANALYSIS

Based on their research and discussions with the steering committee and stakeholders the master plan team identified the following challenges to the Public Art Program:

- Public art funding will decline as bond projects are completed and public infrastructure is financed increasingly through public-private partnerships;
- The current Public Art Ordinance does not recognize or provide for funding from the types of public-private partnerships that will form the basis for much new City infrastructure development;
- The current Public Art Ordinance has been subject to varying interpretations by City departments, resulting in some projects being exempted from public art requirements even when they could be visually or functionally enhanced through public art;
- Public art has not been consistently included in the City's long-range planning and urban design processes;
- The current community involvement process is cumbersome and yields uneven results.

In response to these challenges and the Public Art Audit, the Plan includes the following core recommendations:

- Prioritize innovative public art in three regional destination areas: Downtown, North San Jose, and Airport.
- Incorporate public art in high-traffic transportation corridors and pedestrian areas.
- Continue to create projects in community-gathering places.
- Integrate public art in long-term planning initiatives.
- Establish ongoing, collaborative planning relationships with other City departments and the Redevelopment Agency to insure that the Public Art Program aligns with their plans.
- Encourage private financial participation in public art, beginning with Downtown and North San Jose.

- Clarify the ground rules for funding public art projects and apply them equally across the board, building in more flexibility for how funds can be allocated and exploring the expansion of public art to private development in major growth areas.
- Establish a project oversight process that involves a broader range of stakeholders and clarifies each stakeholder's role in the decision-making process.
- Create new operating funds to support a higher level of public art maintenance, public outreach and education.

To meet these goals, the Plan proposes revisions and streamlining of the existing Percent for Art Ordinance and its eligibility requirements (see Attachment A – Term Sheet). The purpose of the revised funding recommendations is to create a public art funding stream that will allow broader pooling of public art funds for significant projects that can reinforce San Jose's urban design goals.

The principle recommended change to the public art ordinance is to set-aside one percent for art on the entire City Capital Improvement Project budgets, including land acquisition, instead of the current two percent for art on a project-by-project basis. San Jose Redevelopment Agency public art calculations will remain at two percent and continue to exclude land acquisition costs.

The Plan recommends that, rather than funding two percent for art on a per-project basis, the Municipal Code be changed to mandate one percent for art on the basis of all City construction project funding. It recommends that as CIP programs are created, whether they are bond-based, rate-based or funded through another mechanism, once eligibility has been established, one percent will be set-aside from the overall project budget and placed in a public art appropriation. Programs that fund seismic and ADA retrofits, maintenance and operations, non-construction projects (such as studies), projects that are primarily rehabilitation or maintenance of existing facilities, or affordable housing will be deemed ineligible. Funds that specifically exclude art in their legal definition will be ineligible. OCA will work with departments to analyze projects within the fund, to determine a nexus and to designate where public art dollars would best be spent. Since the allocation is proposed to change to a program-based rather than project based allocation, the public art allocation would remain the same as individual project budgets expand or contract during the fiscal year because public art project budgets will no longer correspond to specific project budgets. As program funding changes in each annual Proposed Capital Improvement Program, the public art allocation will be evaluated and adjusted accordingly to ensure allocations are recalculated based on the capital program in those years. In addition, the OCA will work with the Budget Office to insure that percent for art is allocated only for new project funding and is not double-counted due to the rebudgeting of project funds.

Based on preliminary analysis of the impact of the proposed Public Art Master Plan on various capital programs, approximately \$1.8 million of additional public art funding would be generated from programs that previously did not contribute to public art funding. It should be noted that actual allocations for each program will be proposed through the budget process and may change from the figures represented in the table below. In addition, expenditures in each program would be subject to the legal revenue restrictions for use of funding on public art.

Program	Projected 2008-2012 CIP Funding
Sanitary Sewer System	\$ 508,000
Parking	42,000
Traffic	940,000
Communications	79,000
Water Utility System	10,000
Storm Sewer System	75,000
Water Pollution Control	100,000
Total	\$ 1,754,000

POLICY ALTERNATIVES

Alternative # 1: Retain the existing project-based two percent for art structure of the Public Art Program, restricting it to projects that are funded through the City’s CIP program and SJRA.

Pros:

- The program will continue to produce high quality work within the constraints of its existing funding and community involvement structure.

Cons:

- The current funding program lacks the flexibility to pool funds to the extent recommended by the Master Plan. Some of the financing mechanisms that the current ordinance excludes are turnkey projects, projects funded through financing districts, and SJRA-assisted private development outside of Downtown.
- Without explicit ordinances, City capital projects that are constructed through public-private partnerships, financing district funds, grants and other non-bond forms of funding, may exclude the public art component that is standard for City-funded projects.

Reason for not recommending Alternative #1: More and more elements of the City’s infrastructure and growth are being financed through public-private partnerships including SJRA, City-assisted partnerships, financing districts and other creative funding strategies. Retaining the current public art funding framework overlooks the changes in the way the City builds its infrastructure.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)

- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action meets Criteria 2 above. The OCA has included public outreach as a key component throughout the development of the Public Art Master Plan. The following is a list of community meetings that occurred during the development of the draft plan. The Steering Committee membership list and a list of individuals and groups who met with the master planners are attached as Appendix A to the Master Plan.

Public meetings, including all meetings of the Arts Commission, Public Art Committee and Strong Neighborhoods Initiative Project Advisory Committee, were posted on the City's website and notices were mailed to a broad group of stakeholders.

<u>Date</u>	<u>Location</u>	<u>Purpose</u>
1/17/06	City Hall	Public Art Committee Meeting
1/18/06	City Hall	Steering Committee Meeting
2/21/06	City Hall	Public Art Committee Meeting
2/22/06	MLK Library	Steering Committee Meeting
4/19/06	MLK Library	Public Art Task Force Focus Group
4/20/06	MACLA	Multi-Cultural Organizations Focus Group
5/16/06	City Hall	Public Art Committee Meeting
6/20/06	City Hall	Public Art Committee Meeting
6/21/06	City Hall	Steering Committee Meeting
8/15/06	City Hall	Public Art Committee Meeting
8/16/06	City Hall	Steering Committee Meeting
9/27/06	City Hall	SNI Project Advisory Committee Meeting
10/17/06	City Hall	Public Art Committee Meeting
10/28/06	California Theatre	Arts Commission Retreat
11/8/06	City Hall	Arts Commission Meeting
11/13/06	City Hall	Public Art Committee Meeting
11/27/06	City Hall	Driving a Strong Economy Committee Meeting
11/29/06	Alma Senior Center	SNI Project Advisory Committee Meeting
12/13/06	City Hall	Arts Commission Public Hearing
2/14/07	City Hall	Arts Commission Meeting

COORDINATION

The Public Art Master Plan has been circulated to all stakeholders who have met with the planners to date and reviewed by all City departments overseeing Capital Improvements, San Jose Redevelopment Agency, the City Attorney/General Counsel Office and the City Manager's Budget Office.

FISCAL/POLICY ALIGNMENT

The Public Art Master Plan aligns with the following strategic initiatives in San Jose's Economic Development Strategy:

- Build a world-class airport facility and air services;
- Evolve and position Downtown as a unique creative and cultural center of Silicon Valley;
- Revise key land use and transportation policies to reflect the new realities of the San Jose economy;
- Communicate a compelling, consistent community identity for San Jose;
- Engage private sector leadership for San Jose's economic strategy.

COST SUMMARY/IMPLICATIONS

1. **SOURCE OF FUNDING:** The sources of funding will include Bond Funds and other CIP Funds, San Jose Redevelopment Agency Funds, Private Development Funds, and Special District Funds.
2. **FISCAL IMPACT:** The fiscal impact of the Public Art Master Plan will be the creation of new artworks that will require maintenance and conservation. To ensure the City's investment in public art, funding for annual maintenance of public art will be evaluated and if additional funding is necessary, augmentations will be proposed through the annual budget process in the General Fund or eligible funds from other sources to address these needs. OCA thoroughly investigated the option of funding maintenance through the % for Art and determined that, legally, this was an ineligible expense for most funds. The actual fiscal impacts cannot be determined at this time and will need further review.

BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

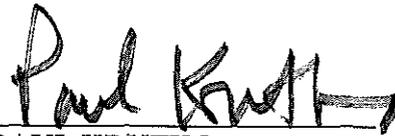
February 21, 2007

Subject: Public Art Master Plan

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CEQA

Exempt, File No. PP05-184

A handwritten signature in black ink that reads "Paul Krutko". The signature is written in a cursive style with a horizontal line underneath the name.

PAUL KRUTKO
Chief Development Officer
City Manager's Office

Attachments (3)

Attachment A – Term Sheet

Attachment B – Response to Public Art Audit

Public Art Master Plan

For questions please contact Barbara Goldstein, Public Art Director, 277-5144 ext 27

ATTACHMENT A
TERM SHEET – PUBLIC ART FUNDING

The purpose of this Term Sheet is to identify the key policies and points that should be incorporated into a revised Art in Public Places Ordinance. The following framework outlines a change in the way the % for Art will be determined and calculated. The basic premise is that for City projects, instead of applying 2% of the construction budget for "eligible construction projects," all construction projects in the City's CIP will set aside 1% of their entire budget, including land acquisition. This allocation will not apply to non-construction projects (such as studies), projects that are primarily rehabilitation or maintenance of existing facilities, or affordable housing.

Projects where public art allocations are already programmed or appropriated (such as the Airport and Library Bond projects) would not be affected by the proposed change. This revised framework will simplify the budgeting and accounting of these funds.

San Jose Redevelopment Agency (SJRA) public projects will continue to set-aside two percent for art and will also calculate this on a program basis. SJRA will continue to exclude land acquisition, as land purchased by SJRA is often sold to private developers for development that is then eligible for its own percent for art.

1. As a matter of basic, citywide policy, public art should be linked to all aspects of San Jose's public realm, community facilities and civic infrastructure. Throughout the city, the following funding programs should be considered eligible for a 1% public art requirement.
 - a. *Public realm*, or public spaces designed and built for the use of the general public. These include spaces such as parks, playgrounds, sports fields, plazas, streetscapes, trails.
 - b. *Community and civic facilities* or buildings that provide space for public activities and services. These include buildings such as libraries, recreation centers, sports facilities, police stations, fire stations, general government buildings, cultural facilities, etc.
 - c. *Civic infrastructure*, or facilities that support the health, functioning and environmental and economic well-being of the city. These include bridges, parking garages, transit facilities, storm water management facilities, wastewater management facilities, water and recycled water delivery systems, solid waste and recycling facilities.
 - d. And in general, any other City or SJRA-provided public infrastructure.

2. This is a fundamental, philosophical and policy approach that underscores the city's funding of public art. It is the starting point for considering public art requirements for all capital programs, regardless of the actual mechanisms established for the programs. Those funding mechanisms include, but are not limited to:
 - a. City CIP
 - b. Financing district capital projects
 - c. PDO/PIO projects
 - d. Grants from regional, state or federal agencies

3. The following exceptions apply:
 - a. Projects funded by sources that, by law (such as municipal code or state law), are explicitly restricted from making expenditures on public art.
 - b. Projects that are primarily maintenance projects, ADA retrofits; seismic upgrades, or projects that otherwise do not expand the capacity of a facility.
 - c. Affordable housing.

City CIP Funds

4. For eligible capital programs, the one percent public art budget shall be determined in the following manner:
 - a. Design fees, engineering fees and construction costs shall be included.
 - b. Site acquisition shall be included when the property is specifically acquired for the program being considered.
 - c. Site remediation, seismic retrofit costs shall be excluded.
5. Public art funds should be spent in a manner that most appropriately enhances the public realm. Public art may be incorporated within the funding program that originates it, including the site of specific projects, the general area where a project is located, or the overall system of civic infrastructure of which the project is a part.
 - a. Whenever possible, public art appropriations should be established for each funding program. This will enable public art funds to be pooled for projects designated in a bi-annual public art work plan at the recommendation of the Public Art Program Director and under the discretion of the City Manager, department director or SJRA Executive Director.
 - b. The only exception is projects that are funded through sources that prohibit the pooling of public art funds or spending of public art funds offsite. Generally, these are sources that require that monies can be spent only on the construction of a specific facility (e.g. ratepayer-funded utility projects).
 - c. When a new funding source (such as capital fund, a financing district or a bond issue) is established, its enabling language should include provisions that allows for the pooling or transferring of funds to the extent allowable under the law.
 - d. Where appropriate, OCA will work with the SJRA and/or City departments to create special Public Art Focus Plans for individual programs, discrete infrastructure systems, specific funding streams (such as a bond issue), special districts (such as a Financing District), or specific areas of the city for which a long-term, coordinated strategy for public art would be desirable from a fiscal, project management and artistic point of view. These plans will provide clarity about where pooled public art funds can be spent.
 - e. For specific City departments or the SJRA, departmental master plans shall outline public art projects that are consistent with the mission of the department (e.g. wastewater facility plan; trails plan, etc.).

- f. Transferred or pooled funds shall be documented and tracked on an annual basis in one of the following places:
 - (i) the Public Art section of the City CIP, (ii) the specific department section of the City CIP, (iii) the Merged Section of the SJRA budget, or (iv) the Financing District funding summary that will be incorporated for information purposes into the CIP. OCA shall be responsible for accurately documenting the transferred or pooled public art funds.
6. Public art funds, whether spent in conjunction with an Eligible Construction Program or through an offsite or pooled arrangement, can be spent in any manner indicated in existing City Council and SJRA resolutions and policies, including plans, consultants, etc., by ordinance or resolution. In addition, funds can be expended in the following manner, to the extent that the underlying fund sources allow:
 - a. On Public Art Program project management costs.
 - b. On public art maintenance and conservation.
 - c. On temporary projects.

Financing Districts

7. In many parts of the city, public realm, community facilities and civic infrastructure projects will be funded through Financing Districts, such as assessment districts or community facilities districts. The funding mechanisms for these districts are special assessments or special taxes imposed on the properties within the district, and which must be approved in advance by property owners or voters within the district.
 - a. Any public realm, community facility and civic infrastructure project constructed through a Financing District mechanism that, by its nature, would require public art if it were constructed by the city or SJRA, should also require public art.
 - b. The exceptions in section 3.a apply.
 - c. A Public Art Focus Plan should be developed concurrently with the creation of the overall infrastructure plan that is prepared in connection with the approval of the special assessment or special tax.
 - d. Public art funds and expenditures for Financing Districts should be tracked through the CIP project tracking system and the informational reports provided annually on Financing District funds.
 - e. From time to time, Financing District or impact fee-based capital improvement projects may be constructed by the private sector as turnkey projects. Special review and approval protocols shall be developed for incorporating public art into these projects.

PDO/PIO Park Projects

8. In many parts of the city, public parks are funded and constructed by private developers under the City's PDO/PIO ordinance (turnkey projects) or through in lieu fees paid by developers.

- a. These projects shall be subject to the public art requirement, just as if they were constructed by the City .
- b. Should the Director of the Public Art Program determine that the budget for any given project is not adequate to commission a public artwork, the Director of the Public Art Program can:
 - i. Supplement the developer funding with other public art funding.
 - ii. Recommend that the developer pay an in-lieu fee, which may be used for public art on parkland meeting the nexus requirements for that development. The amount of the developer's obligation for both the art in-lieu fee and the parkland and improvements would not exceed the developer's obligation under the PDO/PIO.
- c. Special review and approval protocols shall be developed for incorporating public art into these projects.

Grants

9. In certain cases, public realm, community facilities and civic infrastructure projects will be funded through grants from regional, state or federal agencies. To the extent allowable by the funding source, City-sponsored grant applications for projects that would be eligible for public art should include, in the application, a provision that one percent of the capital budget be set aside for public art.

SJRA CIP Funds

10. For eligible capital programs, the two percent public art budget shall be determined in the following manner.
 - a. Design fees, engineering fees and construction costs shall be included.
 - b. Site acquisition, site remediation, seismic retrofit costs shall be *excluded*.
11. Public art funds should be spent in a manner that most appropriately enhances the public realm. Public art may be incorporated within the funding program that originates it, including the site of specific projects, the project area where a project is located or, if appropriate findings of benefit can be made, outside the project area.

San Jose Redevelopment Agency (SJRA)-Assisted Private Development

12. SJRA-assisted private development projects are required to set aside one percent of the project cost for public art.
 - a. This applies to projects that receive SJRA assistance or purchase land that belongs to SJRA.
 - b. This does not apply to projects that receive the following types of assistance from SJRA:

- i. Provision of infrastructure to support private development. In these cases, SJRA will be supporting public art to the extent these public art projects are eligible CIP projects.
 - ii. Affordable housing.
13. Private developers who are required to fund public art may choose from the following options:
 - a. Project sponsors can commission the art themselves, using OCA to conduct project facilitation and assistance. In this circumstance, 15% of the public art requirement shall be transferred to OCA for Public Art Program administrative costs.
 - b. Project sponsors may choose to retain their own art consultant. If so, the sponsor would pay a fee to the Public Art Program for coordinating project review and record-keeping of maintenance and access agreements. SJRA and OCA will develop a fee schedule, along with review and approval protocols for incorporating public art into these projects.
 - c. Project sponsors can contribute funds to a public art pool at a rate of 60% of the one-percent public art set-aside. These funds shall be spent in accordance with a Public Art Focus Plan and the terms of the Development and Disposition Agreement (DDA)..
 - d. Project sponsors can provide a combination of on-site commissioning and transfers to the public art funding pool.

ATTACHMENT B
RESPONSE TO PUBLIC ART AUDIT

The Public Art Audit called attention to several issues that are addressed in the Plan recommendations dealing with the financial structure of the current Public Art Program:

- Better define public visibility and eligible capital projects for purposes of identifying all construction projects that should receive a two percent art allocation;
- Submit for City Council consideration a proposal to allow art allocations to be increased in the event of increased project budgets beyond specific percentage or dollar amount; and
- Require departments to coordinate with the Public Art Program Director prior to proposing any public art allocation reductions.

These three recommendations point to a structural limitation in the current Art in Public Places ordinance that the Plan recommendations address. The existing percent for art ordinance is project-based, resulting in budget difficulties for CIP departments and limiting the effective use of Public Art Program funds. Project-based percent for art results in two specific challenges. First, each project within a department's CIP must be separately evaluated for eligibility, its costs estimated in advance and, in the instance of cost increases, increases in the public art allocation. Second, project-based funding results in public art projects are narrowly tied to a specific project and site. This means that public art funds may not always be directed to their highest and best use. The Plan recommends that, rather than funding two percent for art on a per-project basis, the Municipal Code be changed to mandate one percent for art on the basis of all construction project funding, with the exclusions that are defined in the Term Sheet (Attachment A)t. This will allow for a greater amount of pooling within funds. OCA will work with departments to analyze projects within each fund to determine a nexus and where public art dollars can be spent. Since the allocation is proposed to change to a program-based rather than project based allocation, the public art allocation would remain the same as individual project budgets expand or contract during the fiscal year because public art project budgets will no longer correspond to specific project budgets.

Public Art Audit Recommendations #5 and #6 dealt with financial tracking issues. These recommendations stated:

- Develop a means to track and monitor administrative cost information for each individual public art project; and
- Track and report information on pooled public art project funds to the City Council and the City Manager's Budget Office.

In analyzing the financial tracking issues within the Public Art Program, the Audit pointed out a significant policy issue. The current resolution limits the cost of administering the Public Art Program to 15% on a project-by-project basis. This prescription for administrative costs places small projects at a disadvantage. It takes the same investment of staff time to procure an artist and involve stakeholders in a small, neighborhood based public art project as a large regional project. The proposed change in the Ordinance will simplify the reporting of information. Funds will be

tracked within programs rather than on a per-project basis. Furthermore, the Plan recommends that the project management costs for CIP projects should align with Public Works project management costs, a performance measure that is based on project complexity rather than a fixed formula.

The Public Art Audit Recommendations #7 and #8 proposed the following with changes in process:

- Ensure public art task forces are established for all eligible art projects and report any exception in its Quarterly reports to the Arts Commission.
- Establish guidelines for community members in the public art process and communicate those guidelines to potential and current public art task force members.

These two recommendations pointed toward a public involvement process that lacked clear guidelines and parameters for participation. Typically, an open-ended Public Art Task Force (PATF) was assembled for each neighborhood-based project. PATF membership consisted of whoever attended a particular meeting; and PATF members were charged with “project oversight” and with making recommendations on artist selection and design review. This practice gave community members a false impression of responsibility and often resulted in unsatisfactory results. First, recommendations on procurement of City design services were being made in public by non-professionals. Second, a changing population of individuals was reviewing design of public infrastructure. Third, although the Arts Commission and its Public Art Committee are charged with reviewing and recommending artist selection and design approval, community members believed that these decisions rested with them. These practices have resulted in compromised and sometimes timid works of art and, in the worst scenarios, conflicts between community members and the Arts Commission or conflicts between OCA and partner City departments.

The Plan addresses these specific issues by proposing a more managed and inclusive stakeholder involvement process. It proposes to streamline stakeholder involvement while promoting more meaningful community engagement for each project. Instead of creating an open-ended PATF for each public art project, OCA will convene a core team of stakeholders including the department building the facility, the architect or designer, arts professionals and community members. This team will work with Public Art Program staff to review and recommend artists for each project and review projects at their conceptual design stages. Whenever possible, Public Art Program staff will work with the artists to create a unique community engagement project for each project that will allow community members and other stakeholders to meet and engage with the artist through workshops, studio visits, lectures or other means. Responsibility for technical and esthetic review will be the clear purview of the Public Art Committee (PAC). Core team members will be invited to attend PAC meetings and make their recommendations to that committee. The Arts Commission will delegate responsibility for artist selection review and design review to its Public Art Committee, eliminating an additional layer of review. The Arts Commission will focus its attention on review of Public Art policy, Focus Plans and work plans.

Public Art NEXT!

San José's New Public Art Master Plan

Draft

Submitted by:

Todd Bressi, Brown and Keener Bressi
Meridith McKinley, Via Partnership

Commissioned by:

City of San José
Office of Cultural Affairs
Public Art Program
Barbara Goldstein, Director

February 2007

PUBLIC ART NEXT!

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I. EXECUTIVE SUMMARY

About This Report

This Executive Summary summarizes the main elements of *Public Art NEXT!*, the recommended update to San José's existing Public Art Master Plan, which was adopted in 2001. This new Public Art Master Plan is intended to guide San José's Public Art Program over the next five years.

This Executive Summary, and the accompanying Complete Report, are provided for review by the general public, the Arts Commission and, ultimately, by the City Council. The Complete Report—which details findings, recommendations, and the outreach and consultation process used to create the report—is available at www.sanJoseculture.org/pub_art.

Public Art NEXT! was created through a process that integrated national expertise, local expertise, stakeholder consultation, and research. The planning team—led by urban designer Todd Bressi and public art consultant Meridith McKinley—worked for a year with Public Art Program staff and stakeholders in city government, the art and business communities and the community at large.

The team conferred extensively with the San José Arts Commission's Public Art Committee, and with a broad-based, 41-member Steering Committee assembled specifically for this process (see Appendix A). The planning team conducted interviews, held community focus groups, observed community public art meetings, interacted with City staff and studied San José's key documents and future development plans.

A specific charge given to the planning team was to address issues identified by the 2005 City Auditor's review of the Public Art Program.

Why A New Master Plan Now?

San José boasts one of the most established public art programs in the country, and one of the nation's largest and most diverse public art collections (over 200 artworks in 85 locations). For many years, San José's Public Art Program has been regarded within its field as a national leader.

Over its 22-year history, the program has evolved significantly— focusing initially on major commissions Downtown, then more recently on projects in community facilities throughout the city. Recent artworks at libraries, parks and City Hall are among the program's finest accomplishments.

At the same time, the program faces challenges: declining funding (as bond projects are completed and public infrastructure is financed increasingly through public-private partnerships), a community involvement process that is cumbersome and yields uneven results, and funding mechanisms that restrict public art investments. Perhaps most important, involved residents, city leaders and experts see strong opportunity for public art to play a more powerful role in shaping the identity and experience of the city. By aligning public art with the next-generation of design and development in San José, San José can lead in making public art a recognizable asset that strengthens the city as an attractive place to live, work, learn, play and visit.

What This Plan Provides

Public Art NEXT!, addresses the challenges and opportunities, and charts a course for the next generation of public art in San José. The plan:

- *What*. Establishes a bold vision of public art that embraces San José/Silicon Valley's innovative attitude and becomes a proactive contributor to the design of public places;
- *Where*. Identifies geographic priorities for focusing resources in high-traffic, high-visibility locations -- from a reinvigorated Downtown to a new urban corridor in North San José; from community gathering places to the planning of new communities;
- *How*. Recommends the planning, funding and decision-making processes that are necessary to achieve the vision.

Public Art NEXT! provides a fresh look at how San José's Public Art Program contributes to and operates in the context of an evolving and dynamic city.

Key Findings From Research and Outreach

Bold, Destination-Quality Artworks Desired. There is a desire for public art in San José that is bold, innovative and risk-taking, and for destination-quality artworks in strategic locations.

1. *Limited Impact on City Image and Pride*. San José's public art is "nationally known, but locally unknown." Public art does not yet have a strong enough visual impact in San José to affect people's experience of the city and to engender community recognition and pride.
2. *"Percent for Art" Leads to Reactive, Site-Specific Approach*. The traditional Percent for Art financing strategy links public art expenditures to specific capital projects as they come along. This limits the program from proactively planning to locate artworks in areas that have the most visible impact.
3. *Inconsistency Across Departments*. City departments interpret public art funding requirements in an inconsistent way, and do not always involve public art staff early enough in their capital project planning process to create projects with impact.
4. *Funding Fall-Off Imminent*. With the completion of current bond programs, the Public Art Program faces a substantial drop-off in project funding. Moreover, the current public art ordinance did not contemplate a time when public infrastructure would be funded through public-private partnerships, such as development fees, financing districts, and turnkey arrangements, rather than public capital budgets.
5. *Public Art Not At Table for Urban Design*. The Public Art Program is not fully engaged in helping to shape and implement the City's urban design visions in Downtown, North San José, or the Strong Neighborhood Initiative program.
6. *Stakeholder Roles Need Clarification*. Public art stakeholders do not have clearly defined roles and responsibilities in the process of conceptualizing projects, selecting artists and reviewing designs. As a result, the commissioning and review process is time-consuming and does not always produce the desired aesthetic outcomes.
7. *Artworks Falling Into Disrepair*. Conservation and maintenance of San José's existing public art collection is a pressing issue; artworks are falling into disrepair.

8. *Collaborative Relationships Growing.* The Public Art Program has developed significant assets that can be used for the future: constructive relationships with a range of City departments and agencies and the VTA, a community of resident advocates and artists who are highly supportive of the Public Art Program and a track record of accomplishment on recent bond projects.

Recommendations

As San José moves toward new visions for how it will grow, the Public Art Program must adapt so that it can play a strong, pro-active role in shaping the visual environment.

The master plan recommends *priorities* for the Public Art Program over the next five years, *planning* and *funding strategies* to help it move forward and *public review and approval processes* that involve stakeholders appropriately.

Vision

San José's Public Art Program must promote a bold vision that exemplifies the City's creativity and energy. The program should be a proactive force in the design of public environments, particularly in high traffic, high visibility places.

1. Prioritize innovative public art in three regional destination areas: Downtown, North San José, Airport.
 - Create Public Art Focus Plans for Downtown and North San José that identify target locations for artwork and a range of public art project types including iconic destination artworks, artworks that reinforce urban infrastructure, and temporary artwork installations.
 - Continue to implement the Art & Technology program at Mineta San José International Airport to reinforce San José's identity as a global leader in innovation and creativity.
2. Incorporate public art in high-traffic transportation corridors and pedestrian areas.
 - Place public art at transportation hubs; pedestrian, bike and transit improvements in pedestrian priority areas.
 - Encourage the inclusion of public art at VTA and BART stations.
 - Integrate a broad range of art projects in the trail network to connect neighborhoods and bring people closer to nature.
3. Continue to create projects in community-gathering places.
 - Complete public art projects associated with bond-funded park, library, community facility and public safety projects.
 - Cultivate community-based art projects that support neighborhood revitalization goals.
4. Integrate public art in long-term planning initiatives.
 - Collaborate with Coyote Valley planners and other planned development to refine vision, funding and implementation mechanisms for public art.

5. Establish ongoing, collaborative planning relationships with other City departments and the Redevelopment Agency to insure that the Public Art Program aligns with their plans.
 - Involve Public Art Program staff, arts and design professionals on planning teams to closely align the Public Art Program with City-sponsored urban design and planning efforts from departmental-wide efforts to General Plan revisions.
6. Encourage private financial participation in public art, beginning with Downtown and North San José.
 - Include One Percent for Art on all San José Redevelopment-assisted private developments.
 - Create an incentive for developers to contribute to a public art pool to implement iconic public art projects that reinforce urban design.
 - Explore the expansion of public art into private partnership projects outside Redevelopment areas
 - Establish creative partnerships with the cultural, digital design and business communities.
7. Clarify the ground rules for funding public art projects and apply them equally across the board, building in more flexibility for how funds can be allocated and exploring the expansion of public art to private development in major growth areas.
 - Make the policies for determining which capital projects are required to include public art more explicit and detailed.
 - Explore new approaches to including public art in the design of affordable housing projects.
8. Establish a project oversight process that involves a broader range of stakeholders and clarifies each stakeholder's role in the decision-making process.
 - Develop a community engagement process for each project to introduce the artist and project to the community being served.
 - Include a core team of stakeholders in the planning, artist selection and concept design stage of each project.
 - Involve the Arts Commission in high-level discussions about public art policy issues, bi-annual work plans and focus plans.
 - Authorize the Public Art Committee rather than the Arts Commission as a whole to provide recommendations regarding design and contracting issues.
9. Create new operating funds to support a higher level of public art maintenance, public outreach and education.

II. SAN JOSE PUBLIC ART NOW

San José's Public Art Program was created in 1984 with a simple goal: use public art to embellish public buildings Downtown as part of a grander strategy to grow the city center as an active place with shopping, housing, work places, entertainment and lively public spaces.

In its early years, the program focused largely on creating free-standing artworks in key Downtown locations, and it worked in close collaboration with the San José Redevelopment Agency. At first, art was simply acquired for specific sites; then artists began integrating their works into the design of buildings and public spaces. These site-determined projects still adorn significant new buildings such as the San José McEnery Convention Center, the HP Pavilion and the Tech Museum of Innovation. They span a range of genres from commemorative sculptures to mosaic works to video installation.

Beginning in 2001, with the approval of bond funding for parks, libraries and public safety facilities, the Public Art Program began to work with City departments and communities to complete projects in virtually every corner of San José. Many of these projects involved residents in new and meaningful ways, and many have established new standards for collaborative and integrated art projects. To accomplish these projects, the program developed partnerships with a wide range of City departments, most notably Parks, Recreation and Neighborhood Services (PRNS), Library, Fire, Police and the Department of Public Works.

The City of San José's public art collection now numbers over 200 artworks in 85 locations in an increasingly wide range of media.

The Public Art Program thus has momentum to build on:

- A range of established and growing partnerships with City departments;
- Public awareness that has been established with recent community facility projects; and
- Innovative artistic accomplishments.

Public Art NEXT! shows how to build on that momentum and integrate public art into new visions for city building.

III. URBAN DESIGN AND PLANNING FRAMEWORK FOR PUBLIC ART

Where in San José should the next generation of public art projects be located?

This is a deceptively simple yet critically important question. A proactive, creative strategy for identifying project locations can:

- Enable projects that have the strongest possible potential to significantly impact the visual character of the city — addressing the concern that San José’s public art is “nationally known but locally unknown;”
- Build support for new and innovative strategies for funding and maintaining art projects;
- Offer an opportunity to better align projects with stakeholder interests and expectations.

San José’s priorities for public art take direction from the city’s visual, urban design and planning frameworks — the overall patterns of development, the city’s visual character and activities, and the areas that are being targeted for public infrastructure and private development.

The priorities for the Public Art Program are:

- Develop public art Downtown and at the Airport that is iconic, dynamic and reflective of the city’s entrepreneurial spirit.
- Reinforce the city’s important connective fabric and high traffic areas — such as trails, transit hubs and pedestrian priority areas — with art that is integrated into functional elements such as street furniture, banners and paving.
- Continue to employ public art to strengthen community anchors, such as libraries, parks and recreation facilities.
- Create and support opportunities for community-generated projects that help to revitalize neighborhoods.
- Include public art in long-term planned development, such as North San José and Coyote Valley, by establishing a vision and identifying funding mechanisms now.

Key Issues

In conducting research for this plan, the following issues emerged:

Bold, Destination-Quality Artworks Desired. There is a desire for public art in San José that is bold, innovative and risk-taking, and for destination-quality artworks in strategic locations.

Limited Impact on City Image and Pride. San José’s public art is “nationally known, but locally unknown.” Public art does not yet have a strong enough visual impact in San José to affect people’s experience of the city and to engender community recognition and pride.

Percent for Art Leads to Reactive, Site-Specific Approach. The traditional Percent for Art financing strategy links public art expenditures to specific capital projects as they come along. This limits the program from proactively planning for artworks and areas that have the most visible impact.

Public Art Not At Table for Urban Design. The Public Art Program is not fully engaged in helping to shape and implement the City's urban design visions in Downtown, North San José, Coyote Valley or the Strong Neighborhood Initiative program.

Poor Coordination with City Planning Efforts Limits Opportunities. City departments do not always involve public art staff early enough in their ongoing planning. This reduces the ability of the Public Art Program to integrate public art effectively into capital projects, in terms of project management and visual outcomes.

Recommendations:

Commission public art that exemplifies the city's creativity and energy. Use public art as a proactive force in the design of public environments, particularly high traffic, high visibility places, including:

- *Downtown, the Airport and North San José*
- *Trails and transit corridors*
- *Community gathering places, such as parks, community facilities and Strong Neighborhood Initiative (SNI) areas*

Establish ongoing planning relationships with other City departments so that public art can be aligned with the visions and missions of each.

- *Align the program more closely with City-sponsored and Redevelopment Agency urban design processes by involving Public Art Program staff, or artists and arts planners identified by the Public Art Program, on urban design teams.*
- *Create Public Art Focus Plans as tools for working with stakeholders in an area of the City, or within a particular department, to develop specific, proactive public art visions, project ideas and work plans.*
- *Develop or strengthen ongoing planning relationships with key City departments —Parks, Recreation and Neighborhood Services, Transportation, Environmental Services, Housing, as well as the San José Redevelopment Agency, so that public art is discussed at the earliest stages of projects.*
- *Establish creative partnerships with the cultural and digital design communities.*

Downtown

Recommendations:

- *Develop a proactive Public Art Focus Plan of projects that are related to overall the City and SJRA's urban design visions for Downtown, including iconic projects that build on the concept of the historic Tower of Light.*
- *Pool public and private public art funds and establish an ongoing project team, to implement the work plan.*
- *Work towards expanding public art requirements to all Downtown private development.*

Downtown is the highest priority focus for public art.

Downtown is critical to San José's economic and cultural vitality, and its image as Silicon Valley's city center.

The starting point for thinking about Downtown's visual character is the Redevelopment Agency's *Strategy 2000*. That plan set out a strong urban design framework that is based on a recognizable hierarchy of streets and open spaces, and strongly emphasizes walking. Since then, *Strategy 2000* has been further elaborated on through plans for streetscape, signage and lighting for the Diridon Station and the SoFA District and for St. James and Guadalupe River Parks.

Building on *Strategy 2000*, last summer 1stACT, a civic and business organization, created a vision for a Downtown re-invigorated with "big deal" projects (such as BART, a new art museum, a theatre complex, iconic artworks and a sports stadium) and "small wonders" like temporary public art, colorful signage, more outdoor cafes and street vendors. About the same time, the ZeroOne Festival turned Downtown into a week-long gallery for temporary public art projects, including colorful patterns projected on City Hall that kept onlookers Downtown into the early morning hours.

These plans and visions demonstrate that public art can serve a greater purpose than simply embellishing individual public or private construction projects. The dynamic potential of Downtown's public environment for art can best be realized through a proactive, area-wide Public Art Focus Plan that identifies key locations and approaches for art projects that contribute to a coherent, integrated artistic and urban design strategy.

Projects in the Public Art Focus Plan may include:

- *Iconic, destination-quality artwork*, such as a contemporary interpretation of the historic Tower of Light;
- *Gateway elements* at the entryways to Downtown, or thresholds where people leave their cars or transit and become pedestrians;
- *Kiosks, or architectural sculpture*, that create visual way-finding elements, accommodate street-oriented vendors or support events;
- *Integrated streetscape elements* that enrich the pedestrian environment;

- *Interactive art projects*; and
- *Designated locations* to accommodate a program of *changing temporarily-placed artworks*.

Key mechanisms for implementing this recommendation are:

- A Downtown NEXT! Focus Plan that will marshal the cutting-edge thinking, stakeholder support and financial resources;
- *A pooled fund*, consisting of transfers of public art funds set aside from San José Redevelopment Agency (SJRA) public projects, Agency-assisted private developer projects, grants and contributions; and
- A standing Downtown Public Art Core Team (see page 34), that will advise on artist selection and conceptual designs and to work with the Public Art Program to establish annual work plans.

The Downtown NEXT! Focus Plan must:

- Be created in partnership with SJRA, along with civic, business and cultural leaders;
- Establish visual objectives and make specific recommendations for projects;
- Create mechanisms for pooling various Downtown public art income streams into a fund that allows the Public Art Program (partnering with SJRA) to commission projects where they suit the overall objectives of the public realm Downtown; and
- Include a timetable that sets clear expectations for the delivery of projects.

The Downtown NEXT! Focus Plan will create a supportive environment for all new private development, not just SJRA-assisted projects.

Mineta San José International Airport

Recommendation:

Implement the Art and Technology program at Mineta San José International Airport

The Airport, because of its scale and its nature as a gateway to San José, plays a critical role in expressing the city’s creative energy and raising its cultural profile.

Public art is an important part of the Airport’s identity and environment, and the Airport will have a vigorous collection of permanent and changing art projects. The Airport, because of its reliance on cutting edge communications and data technologies, is an especially important location for the exploration of art that focuses on new technologies.

In November 2004, City Council adopted the Airport Public Art Master Plan. Following its adoption the Public Art Program commissioned the team of Gorbet+Banerjee to develop a public art “activation plan” for the Airport. The plan establishes basic infrastructure that can be used to support changing or permanent art projects and result in pilot projects. This and future projects are funded through the Airport’s CIP budget; partnerships with regional cultural, digital design institutions and businesses will supplement these resources.

The Airport planning process is being overseen by the Airport Art Project Oversight Committee (AAPOC), a special stakeholder steering committee that will continue to function during the life of this program. The Airport Master Plan and its oversight committee is a good model for similar committees in areas with Public Art Focus Plans.

Vision North San José

Recommendation:

Integrate strategies for public art into guidelines for private development along the North First Street corridor, as well as plans for transportation, open space and public facility improvements in the broader Rincon de los Esteros Redevelopment Area.

North San José is a high priority for public art because of the vision for turning the North First Street transit corridor into a mixed-use “main street” with workplaces, residences and shopping— and because \$500 million in public improvements are targeted there.

The outlines of future development in this area are already in place. Plans for transportation improvements are complete, urban design guidelines have been commissioned, and major development projects are underway.

The urban design plan for this area offers a critical opportunity to advance the visual character of North San José through an innovative approach to integrating public art. To accomplish this, the urban design plan must include a public art layer that:

- Sets an overall vision for how public art can contribute to the visual environment of North San José;
- Recommends approaches for incorporating public art into private development;
- Recommends a comprehensive strategy for commissioning art projects in the public realm, such as streets, parks and connections to trails;
- Proposes how SJRA, Department of Transportation (DOT) and Parks, Recreation and Neighborhood Services (PRNS) funding can support public art projects; and
- Proposes options for expanding requirements for public art to all private development projects in the North First Street corridor.

Key urban design opportunities to consider are:

- Gateway elements at entryways to the North First Street Corridor;
- Thresholds where people leave their cars or transit and become pedestrians;
- Iconic elements that turn North First Street into a corridor of art projects that celebrate risk-taking and innovation;
- Sequential or linear projects along other key visual corridors;
- Markers, integrated projects or architectural sculpture that address the transition between the public realm and privately-owned spaces such as plazas or paseos;
- Streetscape elements that enhance the pedestrian environment;
- Iconic or integrated projects that help call out the importance of public facilities; and
- Integrate with the recommended City Trails Focus Plan, to consider trail elements and public spaces along the Coyote Creek and Guadalupe River corridors, and where major streets cross the trails.

City Trails

Recommendation:

Develop a broad palette of art projects that can be integrated into key areas of the trail network.

San José's trail network is a high priority for public art because it connects communities, brings people closer and offers a wide range of visual and artistic opportunities.

The trail network touches virtually every corner and every landscape of the city: from Downtown to neighborhoods to communities that are still on the drawing boards; from the valley floor to riparian corridors to the retention ponds and the mountain slopes.

Currently, the trails are designed only to provide a basic function – creating a system of paths alongside the creeks, rivers and overland areas to serve recreational and commute purposes. Public art can provide a layer of design enhancement that knits the trails together into a unique, recognizable, user friendly system, and highlights distinctive places along the way. This will require a comprehensive approach to integrating public art into the trail network.

The best strategy for advancing this approach is to develop a City Trails Focus Plan, in full partnership with Parks, Recreation and Neighborhood Services (PRNS), and involving a stakeholder group that includes staff from other city and regional agencies, trail users and advocates. The plan should address the following challenges:

- It is just as important to retrofit existing systems of the trail system as it is to enhance new systems;
- The trail network will be built as 31 individual systems, each system being composed of many reaches. With different funding sources, the commissioning and construction process will have to be flexible;
- The lands through which trails pass are not always owned by the City. With multiple public or private owners, and various uses, the design and funding approaches will have to be flexible.

The City Trails Focus Plan should examine the entire trail network, built and un-built systems, and include recommendations about:

- A vision for how art can infuse the identity and experience of the trails;
- The types of places along the trail that are priority locations for enhancement through public art;
- Specific, priority locations for iconic projects;
- Funding mechanisms that support public art along the trails; and
- The types of public art projects that are possible, goals for those projects, and processes for commissioning them.

Key urban design opportunities to consider include:

- Places where people access the trail, such as parks, trailheads and intersections with major streets;
- Places where there is a overlap with other important visual elements, such as bridges, or areas with special environmental features or views; and
- Places where trails run through community parks, next to recreation centers or schools, or near neighborhood commercial areas.

The City Trails Focus Plan should lay the groundwork for a varied vocabulary of projects, flexible in terms of how they can be funded, commissioned and built, able to respond to new location and funding opportunities. These include:

- Integrating art into the basic functional elements of the trail, such as bollards, bridges, seating, shade structures, street crossings and wayfinding;
- Using a design team approach that includes collaborations between artists and design professionals for the design of specific segments;
- Using a Kit of Parts approach that establishes prototypes for specific functional elements such as kiosks, benches and entryways that can be adapted and executed by different artists over time;
- Site-specific artworks that highlight natural, cultural or social assets; and
- Temporary or event-based projects that draw attention to the trail network or individual systems.

Pedestrian Priority Areas

Recommendation:

Develop a toolkit of public art approaches to enhance areas where pedestrian improvements are a key planning and infrastructure strategy.

- *Consider short-term opportunities in Martha Gardens/Spartan Keyes, along North Fifth Street, at the Alum Rock Cultural History Corridor and in Protected Intersection areas*

Pedestrian Priority areas are places where the City regards pedestrian improvements as an essential tool for attracting infill development or stabilizing commercial areas. Public art can support the planning objectives for these places. These places include:

- *Pedestrian Corridors* identified by the San José 2020 General Plan;
- *Neighborhood Commercial* areas identified by SJRA, especially in Strong Neighborhood Initiative areas;
- *Protected Intersections* designated by the City's Department of Transportation (DOT) as places where priority will be placed on pedestrian, transit and bicycle enhancements, rather than roadway capacity upgrades; and
- *Transit Oriented Development* areas mapped in the San José 2020 General Plan,

Innovative approaches are necessary in these areas because streetscapes are crowded and because funding will come in small and fragmented increments. The Public Art Program should commission artists to work collaboratively with DOT planners and engineers to develop a toolkit for public art projects in these areas, including:

- Unique streetscape-related projects;
- Design standards or templates for common streetscape elements in Protected Intersections;
- Iconic elements at important gathering places;
- Community arts projects or collaborations with neighborhood-based arts organizations; or
- Temporary street elements and events.

Funding for design and implementation could come from various sources, such as the Percent for Art from DOT projects, or streetscape projects funded by the Redevelopment Agency (SJRA).

Several short-term opportunities to develop prototypes for artist involvement include:

- Streetscape improvements in the Spartan Keyes SNI (funded by SJRA);
- Streetscape improvements on North Fifth Street (managed by DOT);
- The Alum Rock Cultural History Corridor project, a history walk being developed in partnership with the Mexican Heritage Corporation.

These projects could be expanded to encompass a citywide initiative to develop concepts for art in pedestrian places. The next step would be a specific design workshop involving artists, City departments and agencies and community members to brainstorm art ideas for specific areas that are typical of the conditions throughout the city.

Transit Corridors and High Transportation Hubs

Recommendations:

Incorporate public art in high-traffic transportation corridors and pedestrian areas.

- *Place public art at transportation hubs.*
- *Incorporate public art into BART station areas and the surrounding pedestrian zones.*
- *Support VTA public art projects on Alum Rock light-rail extension.*
- *Retrofit VTA light-rail stations with public art as transit-oriented development occurs around them.*

High traffic areas, such as major arterial streets, neighborhood gateways, and transit hubs are key areas for public art development. Light rail and BART stations and corridors should continue as a strong focus for public art—as new lines are built, and through retrofitting existing stations. As development surrounds these stations, they will become increasingly important activity hubs and visual reference points.

BART's San José extension is in active planning. There will be four stations in San José, all of which will create new public spaces and connections. Public art should be an integral part of the stations, as well as plazas and walkways that serve as entries and connectors to them. Plans for public art in the vicinity of the Diridon and Market Street stations can be developed through the Downtown NEXT! Focus Plan process. The Diridon Station hub is a key opportunity because BART, VTA and CalTrain will converge there.

VTA's Alum Rock light rail line is being expanded south along the Capitol Expressway to Eastridge Mall. VTA has commissioned artist Jack Mackie to prepare a public art master plan for this extension. The Public Art Program does not have direct involvement with this project, but staff should encourage potential partnerships with VTA, particularly in regard to artist selection and community process.

Many older VTA stations have no public art and only basic station infrastructure. As development is directed to transit-oriented planning areas, the light-rail stations will need to be upgraded to enhance their roles as community assets. Public art can be integrated into plans for pedestrian improvements in and around these stations.

In addition, there are opportunities to use public art to enhance the City's urban design priorities at automobile-focused transportation hubs. Auto Row on Stevens Creek Boulevard is a priority project for the Office of Economic Development, which is working with businesses to create a stronger urban design identity for the boulevard. Adding an artist to the design team can help strengthen the identity of Auto Row.

Community Gathering Places

Recommendation:

Continue to create projects in community-gathering places:

- *Complete public art projects associated with bond-funded park, library, community facility and public safety projects.*
- *Cultivate community-based art projects to support the neighborhood revitalization goals through the Strong Neighborhood Initiative update process.*

Bond-Funded Library, Park and Public Safety Facilities

The Public Art Program's recent focus on art integrated into community facilities (neighborhood parks, libraries, community centers and public safety buildings) has resulted in some of its strongest accomplishments. This emphasis will continue as the rest of these bond projects are designed and constructed.

Strong Neighborhood Initiative Projects

The public art program can also cultivate community-generated art projects that support the overall community revitalization goals of the Strong Neighborhood Initiative program.

The SJRA is working with neighborhoods to update their Neighborhood Action Plans and the City is considering the expansion of the Strong Neighborhood Initiative process to new communities..

Public Art Program staff should take part in neighborhood planning processes to assist communities in identifying and developing community-generated public art projects. Priority should be placed on cultivating projects that enrich community gathering places like shopping streets, parks, trails, and commercial corridors.

The Public Art Program will continue to employ standard public art procedures for the development of major neighborhood-based City Capital Improvement Projects, such as community centers and cultural facilities. In addition, Public Art Program staff can stimulate partnerships between neighborhoods and community-based art groups, particularly cultural groups, to participate in the development of smaller scale, community-generated projects.

Collaborative Relationships with City Departments

Recommendation:

Establish ongoing, collaborative planning relationships with other City departments and the Redevelopment Agency to insure that the Public Art Program aligns with their plans.

Parks

Parks, Recreation and Neighborhood Services (PRNS) has embarked on an ambitious twenty-year *Greenprint* plan to guide development and expand the City's parks system. The program is funded by multiple revenue streams, including bond funds, construction and conveyance tax revenues, developer fees and turnkey projects (Parks Dedication Ordinance and Parks Impact Ordinance -- PDO/PIO), grants and interagency transfers. The trail network is partially defined by the *Greenprint*.

Parks should be a continued, ongoing focus for the Public Art Program because of their importance to the community and their visual impact on the city.

The most effective strategy will be for the Public Art Program to:

- Monitor the PRNS ongoing capital planning process;
- Ensure that public art resources are allocated to the most significant projects; and
- Ensure that artists are involved as early as possible in project planning.

Developer-constructed turnkey projects do not currently include a public art requirement. In the near future, the Office of Cultural Affairs (OCA) will work with PRNS to develop a means for including simple, artist-designed elements into turnkey parks. In the future, turnkey parks projects should be treated in the same way as City-funded parks. They should include a public art component, or contribute in-lieu funds for public art in the same area, in accordance with the funding recommendations elsewhere in this plan.

Environmental Services Department

Recommendations:

- *Partner with the Environmental Services Department (ESD) to develop a work plan of public art projects at ESD facilities that stimulates understanding of environmental issues and mitigates the impact of ESD infrastructure.*
- *Study the feasibility of pooling ESD funds to commission public art and at high-traffic and/or environmentally significant public places such as parks, libraries and community centers that focus on educating the public about environmental issues and promoting San José as an environmental leader.*

The Public Art Program should partner with the Environmental Services Department (ESD) to commission public art at new ESD facilities, including a proposed sewage treatment plant and a drop-off center for household hazardous waste.

The Public Art Program should look for opportunities to commission artwork that:

- Highlights the city's natural assets and richness;
- Stimulates education around environmental challenges;
- Demonstrates innovations in environmental management;
- Creates an appreciation of aspects of the environmental services infrastructure;
- Enhances customer-services areas (recycling centers, household hazardous waste drop-offs);
- Promotes San José as an environmental leader; and
- Mitigates the impact of ESD infrastructure in public places.

Public Art Program staff must take several steps to facilitate this partnership:

- Review the funding sources for ESD projects and study the feasibility of pooling funds to commission artwork in places of high public usage and/or environmental significance;
- Develop strategies, potentially through a Public Art Focus Plan process, for the use of pooled funds. The Public Art Focus Plan can guide the budget, scope and scale of public art on-site, and, if possible, off-site;
- Work with ESD staff to identify grants and other funding opportunities, such as education and outreach programs that could be fulfilled by commissioning of a work of art, and
- Seek opportunities to partner with other City departments and environmental stakeholders to commission environmentally-related public art at places of high public usage or environmental significance.

Planning Opportunities for Public Art

Public art is an integral part of the city-building process. Plans for public art should be incorporated into the update of the General Plan, long-range master plans, community plans and redevelopment initiatives.

Development in these areas is sometimes a very long-term proposition, but visions for public art and mechanisms for funding it must be established now so art can be incorporated when development occurs. By planning early on, the Public Art Program can seed ideas that may require more creative funding and development approaches.

When possible, artists and/or public art planners should be incorporated into the consulting planning teams, or retained by the Public Art Program to support these processes through interagency collaboration.

Coyote Valley

Recommendation:

Participate in the Specific Plan process to ensure that public art opportunities are identified from an urban design point of view; and that funding and implementation mechanisms are established.

The *Coyote Valley Specific Area Plan*, which outlines a development template for a broad area of agricultural lands at the southeast end of the city, is an important long-term opportunity because of its scale and visual significance.

Coyote Valley offers numerous urban design opportunities:

- *Public Realm/Civic Infrastructure Systems*, including two unique infrastructure systems—Urban Canals and Fixed Guideway Transit Lines — as well as a “multi-use” network of streams, wetlands and detention basins. Coyote Valley will include extensive public trails, which could incorporate art based on the City Trails Focus Plan;
- *Signature/Iconic Elements*. These include gateways at entry points like trails and interchanges, transit hubs, special park elements, art in the international garden, and infrastructure, such as the water tanks that will be built on the hillsides or hilltops;
- *Community Facilities and Neighborhood Elements* include:
 - Neighborhood parks, community/recreation centers, regional sports facilities, libraries and public safety facilities;
 - Neighborhood commercial centers, areas where there are clusters of shops and workplaces organized around public spaces or walkways; and

- Schools and the college campus. These are operated by independent public agencies and typically have not been involved with public art, but which might be encouraged to incorporate public art into new facilities in this emerging area.

Evergreen–East Hills

Recommendation:

Incorporate public art into enhancements built as part of the Evergreen–East Hills development process. Consider the inclusion of public art priorities, funding mechanisms and project management mechanisms as appropriate in development agreements with developers and/or others (e.g. school districts).

The Evergreen–East Hills Vision Strategy proposes new housing and other development on several large properties. The City is working with the property owners of these lands on a community-based plan to balance new development with transportation investments and community amenities, such as recreation facilities. Several of these amenities will be appropriate for public art.

In addition, existing locations in the area may lend themselves to inclusion of public art. Evergreen Village, at the heart of this community, includes a mix of retail, housing and parks that is notable for its high quality urban design and building finishes. Together with historic preservation opportunities, public art can further enhance Evergreen Village and should be discussed as the remainder of the Village builds out.

The following steps are necessary to ensure public art is incorporated into these facilities:

- Monitor ongoing development and approval of amenities lists;
- Ensure that funding streams include provisions for incorporating public art into these projects; and
- Establish a mechanism for creating an Evergreen-East Hills pooled public art fund, so that the public art program has flexibility to direct public art funds to projects that have the maximum visual and community impact in this area.

Martha Gardens / Spartan Keyes

Recommendation:

Incorporate public art into the pedestrian and arts-related features developed as part of the Martha Gardens Specific Plan and the Spartan Keyes Neighborhood Action Plan. Consider streetscape improvements here as a prototype for artist-designed elements.

The *Martha Gardens Specific Plan*, which covers an area just south of the Downtown SoFA District, calls for a focus on arts-related housing and economic development. It covers part the Spartan Keyes neighborhood, whose Neighborhood Action Plan focuses on streetscape improvements, pedestrian connections and traffic calming.

The Martha Gardens plan includes a proposal for converting an existing rail right of way into a “pedestrian way” that will relate to arts and arts-related businesses, a “pedestrian emphasis public street” and a “pedestrian corridor,” all of which should have pedestrian-friendly design enhancements. These pedestrian streets are key opportunities for public art.

Public Art Program staff should monitor public and private development proposals in the Martha Gardens area to identify projects (such as streetscape or public space improvements) that could have a public art component. Artist designed streetscape elements in this area could serve as a prototype for the rest of the city.

Public Art Focus Plans

Recommendation:

Develop Public Art Focus Plans as tools for creating specific, pro-active public art visions, project ideas and work plans.

In recent years, special, focused public art work plans and master plans have successfully strengthened the outcome of major public art initiatives. They have:

- Led to significant or complicated urban places, such as City Hall or the Martin Luther King, Jr., Library;
- Facilitated comprehensive, areawide approaches to allocating resources among bond issue projects, such as the Airport, parks and community facilities, and
- Explored how public art could be integrated most effectively into the design and construction of capital projects.

The Public Art Focus Plan is a valuable tool that can be used to:

- Address places where there are important urban design opportunities that are not necessarily linked to capital projects;
- Build long-term collaborative relationships with City departments, agencies or programs; and
- Create an agreed-upon strategy for allocating of pooled funding resources.

Each Public Art Focus Plan will take its own form. However, every Public Art Focus Plan should follow these basic principles:

Integrate Public Art Focus Plans with ongoing planning processes.

Incorporating planning for public art in the processes that the City Planning Department and other City departments manage can help identify visual opportunities and funding possibilities early on, and help to anticipate project coordination issues.

For example, the Downtown NEXT! Focus Plan should be drafted in partnership with SJRA and be adopted as a document that parallels — and supports — the agency's *Strategy 2000* plan as well the signage, streetscape, lighting and district plans that have followed.

Consider a range of issues — from overall vision to the practicalities of implementation.

A Public Art Focus Plan can be a visionary document, imagining new creative possibilities for how art can enhance the visual and experiential nature of the city. It can also be an applied document, setting clear priorities and outlining strategies for implementing projects.

Depending on the circumstances, a Public Art Focus Plan can consider a range of issues necessary to the integration of public art into an area of the city or a set of capital projects:

- Visual goals for the public art;
- Appropriate stakeholder and community involvement processes;
- Appropriate process for commissioning projects — artist selection, concept review;
- Related urban design and planning initiatives;
- Funding; and
- Unique design, project management and construction management issues.

Employ interdisciplinary teams including artists, designers and planners.

A successful Public Art Focus Plan team will involve professionals from various fields. Artists and designers each bring important perspectives to the visual nature of the city and the process of building in the public realm. Planners can help with approaches to stakeholder engagement, policy and funding.

IV. FUNDING

Key Issues:

Funding Fall-Off Imminent. Bond projects that have comprised most of the Public Art Program's recent work will soon be completed, and there is no sizable stream of CIP projects coming forward.

Ordinances and Policies are Outdated, Rigid and Inconsistently Applied. City departments interpret public art funding requirements in an inconsistent way, and do not always involve public art staff early enough in their capital project planning process to create projects with impact. In particular:

- City departments make their own interpretations about which capital improvement projects are eligible to include public art. Departments do not apply the same criteria when they interpret the public art requirement.
- The Percent for Art strategy generally links public art expenditures to capital projects as they come along, rather than allowing the program to respond appropriately or creatively to opportunities that would have the most public impact.
- The City's Public Art ordinances and resolutions do not contemplate a time when public infrastructure would be funded through public-private partnerships, such as development fees, financing districts and turnkey arrangements, as opposed to the capital budget.
- City policies that link public art to private development focus on only a small group of Downtown projects, and do not involve emerging growth areas like North San José, Coyote Valley or Evergreen.
- The project management allocations the Public Art Program receives from CIP and private development projects do not accurately reflect the staff cost of planning, managing and monitoring projects.
- The Public Art Program does not have enough funds for critical support activities, such as maintenance, conservation and marketing.

Recommendations:

Clarify the ground rules for funding public art, apply them evenly across the board, allow more flexibility for how funds can be allocated, and explore how public art requirements can be expanded to private development in major growth areas.

- *Make the policies for determining which capital projects are required to include public art more explicit and detailed.*
- *Apply these policies across the board, no matter how a public improvement is funded — whether through a City or Redevelopment Agency CIP, a financing district, a grant, or a developer turnkey arrangement.*
- *Involve the Public Art Director in decisions about exempting projects.*
- *Provide the Public Art Program with more flexibility in identifying projects and locations, and allocating resources to them. Use “pooling” of funds to the extent possible to implement focus plans.*
- *Replace Two Percent for Art on eligible Capital Improvement Projects over \$500,000 in value with an across-the-board One Percent for Art on all construction projects in the City’s CIP, inclusive of the entire budget, including land acquisition.*
- *Retain the Two Percent for Art for the Redevelopment Agency’s entire CIP, exclusive of land acquisition.*
- *Mandate One Percent for Art for Redevelopment Agency-assisted projects that include public art on-site*
- *Create an in-lieu incentive payment of .60 Percent for private developers of Redevelopment Agency-assisted projects who add to a pooled public art fund.*
- *Explore expanded requirements for private development downtown, in North San José and in transit-oriented development areas.*

Eligible Funding

As a matter of basic, citywide policy, public art should be linked to all aspects of San José’s public realm, community facilities and civic infrastructure. Throughout the city, the following funding programs should be considered eligible for the public art requirement.

- Public realm, or public spaces designed and built for the use of the general public. These include spaces such as parks, playgrounds, sports fields, plazas, streetscapes, trails.
- Community and civic facilities or buildings that provide space for public activities and services. These include buildings such as libraries, recreation

centers, sports facilities, police stations, fire stations, general government buildings, cultural facilities, etc.

- Civic infrastructure, or facilities that support the health, functioning and environmental and economic well-being of the city. These include bridges, parking garages, transit facilities, storm water management facilities, wastewater management facilities, water and recycled water delivery systems, solid waste and recycling facilities.
- And in general, any other City or Redevelopment Agency-provided public infrastructure.

This is a fundamental, philosophical and policy approach that underscores the city's funding of public art. It is the starting point for considering public art requirements for all capital programs, regardless of the actual mechanisms established for the programs. Those funding mechanisms include, but are not limited to:

- City Capital Improvement Program
- San José Redevelopment Agency Capital Improvement Program
- Financing district capital projects
- PDO/PIO and turnkey projects
- Grants from regional, state or federal agencies

Projects can be exempted from the Public Art requirement in limited circumstances. Department directors will submit lists of proposed exempted projects to the Public Art Director for review and concurrence. Projects that can be exempted include:

- Projects funded by sources that, by law (such as municipal code or state law), are explicitly restricted from making expenditures on public art.
- Projects that are primarily maintenance projects, ADA retrofits; seismic upgrades, or projects that otherwise do not expand the capacity of a facility.
- Affordable housing.

City CIP Funds

For eligible capital programs, the one percent public art budget shall be determined in the following manner.

- Design fees, engineering fees and construction costs shall be included;
- Site acquisition shall be included when the property is specifically acquired for the program being considered.
- Site remediation, seismic retrofit costs shall be excluded.

Public art funds should be spent in a manner that most appropriately enhances the public realm. Public art may be incorporated within the funding program that originates it, including the site of specific projects, the general area where a project is located, or the overall system of civic infrastructure of which the project is a part.

- Whenever possible, public art appropriations should be established for each funding program. This will enable public art funds to be pooled for projects designated in a bi-annual public art work plan at the recommendation of the public art program director and under the discretion of the City Manager, department director or Redevelopment Agency Executive Director.
- The only exception is projects that are funded through sources that prohibit the pooling of public art funds or spending of public art funds offsite. Generally, these are sources that require that monies can be spent only on the construction of a specific facility (e.g. ratepayer-funded utility projects).
- When a new funding source (such as capital fund, a financing district or a bond issue) is established, its enabling language should include provisions for establishing a public art appropriation that allows for the pooling or transferring of funds to the extent allowable under the law.
- Where appropriate, OCA will work with the SJRA and/or City departments to create special Public Art Focus Plans for individual programs, discrete infrastructure systems, specific funding streams (such as a bond issue), financing districts or specific areas of the city for which a long-term, coordinated strategy for public art would be desirable from a fiscal, project management and artistic point of view. These plans will provide clarity about where pooled public art funds can be spent.
- For specific departments or the Redevelopment Agency, departmental master plans shall outline public art projects that are consistent with the mission of the department (e.g. wastewater facility plan; trails plan, etc.)
- Transferred or pooled funds shall be documented and tracked on an annual basis in one of the following places:
 - (i) the Public Art section of the City CIP, (ii) the specific department section of the City CIP, (iii) the Merged Section of the SJRA budget, or (iv) the Financing District funding summary that will be incorporated for information purposes into the CIP. The Office of Cultural Affairs shall be responsible for accurately documenting the transferred or pooled public art funds.

Public art funds, whether spent in conjunction with an Eligible Construction Program or through an offsite or pooled arrangement, can be spent in any manner indicated in existing City Council and Redevelopment Agency resolutions and policies, including plans, consultants, etc., by ordinance or resolution. In addition, funds can be expended in the following manner, to the extent that the underlying fund sources allow:

- On public art program project management costs.
- On public art maintenance and conservation.
- On temporary projects.

Financing Districts

In many parts of the city, public realm, community facilities and civic infrastructure projects will be funded through Financing Districts, such as assessment districts or community facilities districts. The funding mechanisms for these districts are special assessments or special taxes imposed on the properties within the district, and which must be approved in advance by property owners or voters within the district.

- Any public realm, community facility and civic infrastructure project constructed through a Financing District mechanism that, by its nature, would require public art if it were constructed by the city or SJRA, should also require public art.
- The exceptions in section 3.a apply.
- A Public Art Focus Plan should be developed concurrently with the creation of the overall infrastructure plan that is prepared in connection with the approval of the special assessment or special tax.
- Public art funds and expenditures for Financing Districts should be tracked through the CIP project tracking system and the informational reports provided annually on Financing District funds.
- From time to time, Financing District or impact fee-based capital improvement projects may be constructed by the private sector as turnkey projects. Special review and approval protocols shall be developed for incorporating public art into these projects.

Turnkey Projects

In many parts of the city, public parks are funded and constructed by private developers under the city's PDO/PIO ordinance (turnkey projects) or through in lieu fees paid by developers.

- These projects shall be subject to the public art requirement, just as if they were constructed by the City.
- Should the director of the public art program determine that the budget for any given project is not adequate to commission a public artwork, the director of the public art program can:
 - a. Supplement the developer funding with other public art funding;
 - b. Recommend that the developer pay an in-lieu fee, which may be used for public art on parkland meeting the nexus requirements for that development. The amount of the developer's obligation for both the art in-lieu fee and the parkland and improvements would not exceed the developer's obligation under the PDO/PIO.
- Special review and approval protocols shall be developed for incorporating public art into these projects.

Grants

In certain cases, public realm, community facilities and civic infrastructure projects will be funded through grants from regional, state or federal agencies. To the extent allowable by the funding source, city-sponsored grant applications for projects that would be eligible for public art should include, in the application, a provision that one percent of the capital budget be set aside for public art.

Redevelopment Agency CIP Funds

For eligible capital programs, the two percent public art budget shall be determined in the following manner.

- Design fees, engineering fees and construction costs shall be included.
- Site acquisition, site remediation, seismic retrofit costs shall be excluded.

Public art funds should be spent in a manner that most appropriately enhances the public realm. Public art may be incorporated within the funding program that originates it, including the site of specific projects, the project area where a project is located or, if appropriate findings of benefit can be made, outside the project area.

Redevelopment Agency-Assisted Private Development

Redevelopment Agency-assisted private development projects are required to set aside one percent of the project cost for public art.

- This applies to projects that receive SJRA assistance or purchase land that belongs to SJRA
- This does not apply to projects that receive the following types of assistance from SJRA:
 - Provision of infrastructure to support private development. In these cases, SJRA will be supporting public art to the extent these public art projects are eligible CIP projects.
 - Affordable housing.

Private developers who are required to fund public art may choose from the following options:

- Project sponsors can commission the art themselves, using OCA to conduct project facilitation and assistance. In this circumstance, 15% of the public art requirement shall be transferred to OCA for administrative costs.
- Project sponsors may choose to retain their own art consultant. If so, the sponsor would pay a fee to the Public Art Program for coordinating project review and record-keeping of maintenance and access agreements. SJRA and

OCA will develop a fee schedule, along with review and approval protocols for incorporating public art into these projects.

- Project sponsors can contribute funds to a public art pool at a rate of 60% of the one-percent public art set aside. These funds shall be spent in accordance with a Public Art Focus Plan and the terms of the DDA.
- Project sponsors can provide a combination of on-site commissioning and transfers to the public art pool.

Affordable Housing

Although Affordable Housing is exempted from the Percent for Art requirement, Public Art Program staff should collaborate with Housing Department staff to develop a simple Kit of Parts approach to integrating applied art into affordable housing projects. The Department of Housing can then encourage developers to include this approach to public art in their applications for available funds.

Operating Funds

Recommendation:

Create new operating funds to support a higher level of public art maintenance, public outreach and education.

The Public Art Program's greatest operating fund need is for the maintenance and conservation of its collection. Its second greatest need is for community development and outreach. These operating needs can be addressed through a combination of strategies:

- Increase the General Fund appropriation.
- Include Operations and Maintenance Costs in an annual Public Art CIP plan.
- Increase the project management costs for CIP projects to align with Public Works project management costs.

V. ARTIST SELECTION AND DESIGN REVIEW

Key Issues:

- *The process for conceptualizing projects, selecting artists and reviewing designs is highly consultative. However, the roles and responsibilities of each stakeholder group are not always clearly understood and not always balanced in regard to their stake in the outcome of the project.*
- *The City departments and staff that will build, live with and maintain art projects are not adequately represented in the decision-making process.*
- *Though community meetings are held frequently throughout the decision-making process, attendance is not consistent, and decisions can be erratic.*
- *Arts professionals (besides the Public Art Program staff) have little opportunity to review and comment on projects before expectations are set at community meetings, creating the potential for conflict between the community and the Public Art Committee.*

Recommendations:

- *Establish, for most projects, a Core Process that serves as a baseline approach to artist selection, project conceptualization, community involvement and project design.*
- *Establish, for most projects, a Public Art Core Team (agency stakeholders, community stakeholders, art and design professionals) that will consult on the preliminary planning, artist selection and conceptual design, and make recommendations to the Public Art Committee.*
- *Authorize the Public Art Committee, rather than the Arts Commission as a whole, to provide recommendations regarding design and contracting issues.*
- *Empower Public Art Program staff to determine artist selection and community consultation processes that are best tailored to the specific project.*
- *Establish alternative stakeholder involvement and review processes when appropriate, such as for private development and Strong Neighborhood Initiative projects.*

The Core Process for Artist Selection and Design Review

The Core Process for Artist Selection and Design Review will apply to most public art projects.

The key to this process is a diverse stakeholder group, called the Public Art Core Team (PACT). The PACT works with the Public Art Program staff to:

- Finalize the vision for the project;
- Review artist qualifications and proposals;
- Make final recommendations to the Public Art Committee regarding artist selection and concept design approval; and

- Advise and assist in community outreach.

Public Art Program staff will coordinate subsequent stages of project development and review, working through the conventional capital project management process as members of the overall project design and construction team.

Public Art Program staff will submit the final design to the Public Art Committee for approval.

This core process serves as a foundation. Public Art Program staff can craft alternatives that are responsive to the needs of specific projects and communities:

- Public Art Program staff can convene a PACT that includes stakeholders who will add value to the commissioning process.
- Public Art Program staff will determine the method of soliciting artist qualifications (roster, open call, invitational call) and the method of selecting the artist (review of qualifications, interview, or competitive proposal) that best suits a particular project.
- Public Art Program staff and the selected artist will develop a plan for community engagement that best fits the needs of the project and the community.

Role of the Public Art Committee and Arts Commission.

Once a Core Team has recommended an artist or reviewed concept design, the artist selection and project design will be advanced to the Public Art Committee for review. The Public Art Committee, a subcommittee of the Arts Commission, will be empowered to review and recommend design and contracting issues. A Public Art Advisory Committee, consisting of artists, art and design professionals will continue to provide technical assistance to the Public Art Committee. In the event that a dispute arises between community stakeholders and the Public Art Committee, project recommendations will be referred to the Arts Commission. Recommendations will also be advanced to the Arts Commission in the event that two members of the Public Art Committee believe that full Arts Commission review is warranted

Variations to the Core Process for Certain Projects

Artist Selection and Design Review in Areas with a Public Art Focus Plan

Areas with Public Art Focus Plans will have a standing Public Art Core Team that will guide the ongoing implementation of the Public Art Focus Plan. A current example of this process is the Airport Art Program Oversight Committee (AAPOC).

In most cases the standing PACT will serve as the stakeholder group for artist selection and design review for individual projects. The Public Art Program staff has the discretion to convene a special PACT for a project that has a specific audience or user group.

Artist Selection and Design Review for Private Development Projects

Professional assistance. Developers of SJRA-assisted projects that are required to

commission artwork obtain the assistance of arts management professionals.

Professional assistance is required for the following stages of project development: preparing the Project Plan; developing an appropriate selection process and selecting an artist; working with the artist and the development team through the artist's development of the concept, schematic and final design; facilitating review with the PACT or Public Art Committee; advising and providing sample artist contracts; reviewing the artist's work through fabrication; and assisting in coordinating installation.

Developers can choose one of two approaches:

- A private art consultant chosen by the developer and approved by the San José Public Art Program and SJRA staff. In that case, a fee should go to the Public Art Program to facilitate technical review, approvals and recordkeeping.
- Assistance directly from the Public Art Program. For the artist selection process, Public Art Program staff should utilize the same artist solicitation methods outlined for public projects.

Review committee. If a private development project is located in an area with a current Public Art Focus Plan and a standing Public Art Core Team, the PACT will review the project plan, artist selection and concept design. For example, projects in Downtown San José will be reviewed by the standing Downtown Public Art Core Team.

Recommendations on private development projects made by the PACT will be reported to the Public Art Committee at its next regular meeting.

If a private development project takes place outside of an area with a plan or a standing PACT, the project will be reviewed by the Public Art Committee.

Review stages. Private development projects are reviewed at three stages:

- *Project Plan and Consultant Selection.* The developer will select a professional art consultant, subject to review by Public Art Program staff and the SJRA development officer. The review will ensure that expectations are met with regard to the consultant's scope of work, professionalism and experience working on projects of high quality and of a similar scale.

The developer (working with Public Art Program staff and, if applicable, its art consultant) will present the standing PACT (or, if applicable, the Public Art Committee) with a plan for commissioning the public art.

The Public Art Program will develop guidelines for what is to be included in a Project Plan. At a minimum, a Project Plan will include the public art budget, a description of the public art opportunities, a timeline for artist involvement and the artist selection method.

- *Artist selection.* The developer (working with Public Art Program staff and, if applicable, an art consultant) will present the preferred artist to the standing PACT (or, if applicable, the Public Art Committee) for approval.

- *Concept design.* The artist or his or her representative will present the concept design to the standing PACT (or, if applicable, the Public Art Committee) for review and approval.

The review of the artist selection and the concept design should take into consideration the vision and goals of any applicable Public Art Focus Plan. Additional specific criteria for the review of private development projects will be outlined in the Public Art Focus Plan.

Artist Selection and Design Review for Strong Neighborhood Initiative Projects

In Strong Neighborhood Initiative areas, public art projects will be commissioned either in relationship to public improvements that are funded as Capital Improvement Projects, or as community-based projects that are initiated through a Neighborhood Action Plan.

Eligible Construction Projects

Capital Improvement Projects constructed with City or SJRA funding, such as new community facilities, open spaces, streetscapes and trails, will include public art as part of the normal Percent for Art requirement. These public art projects will be commissioned using the Core Process described earlier. Public Art Program staff will work with SJRA staff and the Neighborhood Action Committee (NAC) to identify representatives to participate on the PACT and to develop an appropriate community outreach plan for the project.

Community-Based Projects

As Strong Neighborhood Initiative NACs update their Neighborhood Action Plans, Public Art Program staff should take part in community planning meetings and describe the possibilities for community-generated art projects.

NACs can identify specific community-generated public art projects as priorities in their Neighborhood Action Plans. As with other priority projects, these projects may be funded through the SNI process, by the City or the SJRA.

Community-generated projects may be initiated by a NAC and managed by a community or local arts organization under contract to the City or SJRA. The managing organization will be responsible for developing the scope of the project, facilitating artist selection and approval, contracting with the artist, community outreach, facilitating design approval, coordinating installation and the dedication, ownership and ongoing maintenance of the artwork. The managing organization will be required to submit the project to Public Art Program staff to provide technical review at key intervals and the projects on City property will be subject to City approval. Public Art Program staff will provide periodic project updates on community-generated projects to the Public Art Committee.

Methods of Artist Solicitation

The Public Art Program can choose from several options for soliciting appropriate artist candidates for projects, such as using the pre-qualified artist roster, open or limited

competition, direct selection, or direct purchase. These options are a toolkit that Public Art Program staff can draw upon when proposing options for artist selection. For each project in the Bi-Annual Work Plan, Public Art Program staff shall recommend the method of artist solicitation that best fits the needs of the project. The recommendation should reflect any applicable Public Art Focus Plans and other relevant research.

Subcontracting Project Management to Arts Organizations

The Public Art Program can contract with outside arts organizations to oversee various aspects of the commissioning process and project management. This would be appropriate for projects that have a narrow audience or stakeholder group, or projects that require an artist with a very specific style, skills or background that match the knowledge base, connections or expertise of the arts organization.

The agreement with the subcontractor arts organization will clearly outline what project management tasks each entity will oversee. Aspects of project management that can be subcontracted include project planning, management of the artist selection process, coordinating community outreach, and review of designs at all phases of development. Public art projects coordinated by outside arts organizations will be subject to standard City review procedures.

VI. ADVOCACY, DEVELOPMENT AND OUTREACH

Key Issues:

- *There is not enough awareness of the Public Art Program and individual works of art in the collection.*
- *The same community outreach process is used across all projects regardless of the specific nature of the project or the characteristics of the community.*

Recommendations:

- *Develop an annual advocacy and development plan for the program and for individual projects as part of the Bi-Annual Work Plan.*
- *Develop and execute an outreach plan for each new project*

For the Public Art Program, building awareness and partnerships will lead to greater opportunities, more enduring support, and higher satisfaction with project outcomes. As a City program, communication is also a part of staying transparent and accountable.

Planning for Advocacy and Development

Advocacy and development should be undertaken systematically at both program and project levels. Advocacy and development addresses both internal (City staff and Council), and external (art community, local businesses, residents and work force, tourists, etc.) audiences. A plan that addresses these audiences and is thoughtfully implemented will result in increased awareness, support and partnerships. This plan can leverage existing City resources to advance its advocacy goals. Public art awareness can be promoted through the City's website; through City Hall video monitors and the Traffic Information Center planned for the main lobby, and to City staff through the Employee News Network.

The Public Art Program should develop annual advocacy and development plans for both the program and individual projects within the Work Plan. Program advocacy and development plans will be longer ranging and identify the goals for specific audiences, general plans for implementation including resource planning, timelines and desired outcomes.

Individual projects currently provide untapped potential for the City to advance Council and citywide objectives, as well as those of specific departments. Project advocacy and development plans will be timed relative to specific aspects and opportunities presented by the projects. The plans will identify opportunities for advocacy and awareness within the community and funding department/agency, as well as opportunities for public relations to build local, national and international awareness of San José and its public art endeavors.

Outreach

A specific aspect of advocacy and development is the outreach and interaction that occurs with a community of project stakeholders. When a new public art project begins, it is important that the project stakeholders have accurate information about the project and the project development process. This allows for stakeholders to appropriately engage in the project process, assist in developing goals and objectives that will help define the success of the project, realize the most benefit of the project during its development and following its completion, and ultimately to be good spokespeople and resources for the program in the community.

Public Art Program staff, working with the PACT, should develop a specific outreach strategy for each new project. This strategy should identify key project stakeholders, both internal and external. The strategy will outline stakeholder communications from the initial stages all the way through the completion and dedication of the work, including key communication points, goals and opportunities for communication and interaction, as well as determining resources and timelines.

VII. CONSERVING AND MAINTAINING THE COLLECTION

Key Issues:

- *There is insufficient funding for maintenance and conservation; some older projects are in disrepair.*
- *The program has not developed an inventory of ongoing conservation and maintenance requirements, or backlog of restoration work, for the City's public art collection.*
- *Information regarding durability, routine maintenance and long-term conservation needs are requested from the artist during the design process, but they are not developed or reviewed by a qualified conservator.*
- *Routine maintenance information may not be getting to the City staff or contractors who are directly responsible for maintenance of the facilities where the artwork is located.*

Recommendations:

- | |
|---|
| <ul style="list-style-type: none">▪ <i>Support the findings and recommendations in the condition assessment of the collection and a strategic plan for conservation, restoration and maintenance recently commissioned by the Public Art Program.</i>▪ <i>Provide adequate financial and staff resources to implement the findings and recommendations in the assessment and strategic plan.</i> |
|---|

The Public Art Program has commissioned a team of art conservators to inspect the collection, evaluate maintenance needs and develop a conservation plan for the public art collection. Their recommendations should form the basis for increasing annual General Fund allocations to maintain the collection.

VIII. EVALUATION

Key Issues:

- *Evaluation focuses on how community members, but not other Public Art Program partners and stakeholders, appreciate art projects.*
- *There are no current evaluation survey instruments in place that are designed to provide useful feedback about the commissioning process.*
- *Evaluation does not measure the final impact of the public art project in terms of whether it achieved its mission or stated goals.*

Recommendation:

- *Develop process-focused evaluation tools to engage public art project stakeholders in how to improve the commissioning process and strengthen working relationships.*
- *Develop evaluation tools to use with project stakeholders and the general public to measure how well the artwork meets the goals set out for the project and/or results in unexpected reactions and outcomes.*

The purpose of evaluation methods is to provide feedback and information that will help the program better meet its mission, achieve the vision for public art in San José, and meet the goals and objectives for specific projects. Carefully assessing how mission, vision and goals are being met demonstrates the program's accountability and its commitment to strengthening relationships.

Evaluation efforts will focus on two different types of evaluation: process evaluation and outcome evaluation. Process evaluation provides feedback from different project stakeholders regarding *how* artwork is commissioned. The information gained through this evaluation can inform the Public Art Program about the effectiveness of communications, meetings, approaches to sharing information and decision making processes and can help to improve the relationships necessary for public art projects to be successful.

Outcome evaluation seeks to measure the impact of the artwork in the community. The information gathered through this type of evaluation can inform the Public Art Program about how well the artwork meets the goals set out for the project, what unexpected outcomes might have resulted, and how the art helps to contribute to the greater vision for public art in the city. Outcome evaluation will be especially powerful in two situations: when there has been a Public Art Focus Plan that has set out specific goals against which a project can be evaluated, and when there has been a body of projects (such as library bond issue projects) that create a basis for comparing projects. For further information see Appendix E page 60.

APPENDIX A

Public Art Master Plan Steering Committee Members

Meeting Dates: January 18, February 22, June 21, August 16, 2006

Arts Commissioners

Ben Miyaji, Arts Commissioner, resident,
Council District 9
Ernest Guzman, Arts Commissioner

Business Representatives

Tina Balsamo, BD Bio Sciences
Don Gralnek, Silicon Valley Sports &
Entertainment
Steve Landau, Phillips Lumileds
Alexandra (Alexie) Lee, Hitachi
Lisa Moore, Manager, IBM Silicon Valley
Lab
Mark Ritchie, Ritchie Commercial
Steve Speno, Gibson Speno

City Council Representatives

Forrest Williams, Council Member District 2
Judy Chirco, Council Member District 9
Nancy Pyle, Council Member District 10

City Department Representatives

Katy Allen, Department of Public Works
Jim Helmer, Department of Transportation
Dennis Richardson, Planning, Building and
Code Enforcement
John Stufflebean, Environmental Services
Department
Kim Welsh, Office of Economic
Development

San José Redevelopment Agency

Representatives

John Weis, San José Redevelopment Agency
Bill Ekern, San José Redevelopment Agency

San José Residents

Jerry Hiura, California Arts Council
Charles Lauer, resident, Council District 1
Wilma Hashii, resident, Council District 2
Kevin Christman, resident, Council District 3
Michael Gross, resident, Council District 4
Ted and Helen Johnson, residents, Council
District 5
Tracy Corral, resident, Council District 6
Deborah Morillo, resident, Council District 7
Gordon Lund, resident, Council District 8
Diane Perovich, resident, Council District 10
Don and Phyllis House, residents, Council
District 10

Affiliated Department and Agency

Representatives

Gail Collins, Valley Transportation Authority
Jane Mark, Parks Commissioner

Arts Leaders

Tamara Alvarado, MACLA
Marcela Davison-Aviles, Mexican Heritage
Corporation
Dan Keegan, San José Museum of Art
Gordon Knox, Montalvo Art Center
Robin Lasser, artist
Connie Martinez, Children's Discovery
Museum
Diana Pumpelly-Bates, artist

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Public Art Committee and Public Art Advisory Committee

Meeting dates: January 17, February 21, May 16, June 20, October 17, November 13, 2006

Public Art Committee

Ruth Tunstall-Grant, chair
Amul Goswamy, vice chair
Jill Arnone
Douglas Beach

Michael Martin
Francis Czyz
Ben Miyaji, past chair
Ernest Guzman, past vice chair

Public Art Advisory Committee

Diana Pumpelly-Bates
Bob Ruff

Amy Trachtenberg
William Versaci, past member

Arts Commission

Meeting dates: October 28, November 8, December 13, 2006; February 14, 2007

Steve McCray, Chair
Dennis Martin, Vice Chair
Jill C. Arnone
Aarti Awasthi
Douglas Beach
Francis Czyz
Jenny Do, Esq.

David Eisbach
Lisa Gonzales, EdD
Amul Goswamy
Sharon Gustafson
Ernest Guzman
Ben Miyaji
Ruth Tunstall-Grant

Focus Groups

PATF Focus Group, April 19, 2006

Richard Ajluni
Tracy Corral
Ernest Guzman
Wilma Hashii
Don House

Phyllis House
Ted Johnson
Helen Johnson
Nina Koepcke
Diane Perovich

Arts Organization Focus Group, April 20, 2006

Tamara Alvarado - MACLA
Mai Bui - Viet Arts
Maria De La Rosa - Mexican Heritage Corporation
Jenny Do - Green Rice Gallery
Cevan Forristt - artist, First Voices
Lissa Jones - MACLA, Arts Council of Silicon Valley
Dilip Kuchibhatla - Shri Krupa Dance Foundation

Sylvia Lowe - Chinese Moon Festival & Opera in the Park
Pauline Lowe - Overfelt Gardens - Chinese Cultural Garden
Ben Miyaji - San José Arts Commission
Helen Moreno - Kaisahan
Clarita Nelson - Kaisahan
Javier Salazar - Aztlan Academy
Viera Whye - Tabia Theatre; San José Multicultural Artists Guild (SJMAG)

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Department of Public Works Project Manager Focus Group, May 16, 2006

Salvador Alvarez
Bruce Biordi
Steve Blum
Don Dewald
Deedee Flauding

Jim McClure
Fred Moezzi
Arlene Nakagawara
William Tucker
Evelyn Velez Rosario

Community and Economic Development CSA, October 17, 2006

Laurel Prevetti, Planning, Building and Code Enforcement
Kim Walesh, Office of Economic Development
Laurel Prevetti, Planning Department
Nanci Klein, Office of Economic Development
Leslye Krutko, Housing Department
Ru Weerakoon, San José Redevelopment Agency

City Manager's Development Cabinet, October 18, 2006

Les White, City Manager
Kim Walesh, Office of Economic Development
John Weis, San José Redevelopment Agency
Dan McFadden, City Manager's Office
Ed Shikada, City Manager's Office
Joe Guerra, Mayor's Office
Hans Larsen, Department of Transportation

Public Art Program Staff and Consultant Interviews

Barbara Goldstein
Jennifer Easton
Brooke Jones
Lynn Rogers
JenJoy Roybal
Mary Rubin
Julie Lazar

City and Redevelopment Agency Staff Interviews

In addition to those on the Steering Committee and in Focus Groups

Planning, Building and Code Enforcement

John Baty
Andrew Crabtree
Joe Horwedel
Michael Mena
Laurel Prevetti
Susan Walsh
Salifu Yakubu

Public Works

Timm Borden
Tom Borden
Katy Jensen

Parks, Recreation and Neighborhood Services

Brian Hartsell

San José NEXT!

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Julie Mark
Dave Mitchell
Jason Munkres
Steve Parker
Evelyn Velez-Rosario
Yves Zsutty

San José Redevelopment Agency

Kip Harkness
Kelly Klein
Pete Larco
Bob Ruff
William Versace
Ru Weerakoon
John Weis

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Other City Staff

Anastazia Aziz, Environmental Services
John Cannon, CIP Action Team
Julia Cooper, Finance
Rich Desmond, Libraries
Barbara Jordan, City Attorney's Office
Danielle Kenealey, City Attorney's Office
Hans Larsen, Transportation
Manuel Pineda, Transportation
Henry Servin, Transportation
Margaret McCahan, Finance
Melody Tovar, Environmental Services
Bob Wilson, Environmental Services
Kay Winer, Office of the City Manager

Artist Interviews

Banny Banerjee
Sheila Ghidini
Jim Hirshfield
Doug Hollis
Sonya Ishii
Larry Kirkland
Jack Mackie
Anna Valentina Murch
Joe Saxe
Michael Stutz
Amy Trachtenberg

Other Interviews

Councilmember Judy Chirco
Councilmember Forrest Williams
Councilmember Nancy Pyle
Scott Knies, Downtown Association
Steve McCray, Arts Commission Chair
Ken Kay, Ken Kay Associates
Shang-Wen Chiu, Ken Kay Associates

APPENDIX B DEFINITIONS

Arts Commission: Thirteen-member citizen commission appointed by City Council to assess cultural needs of San José and develop arts policy, program and budget recommendations for approval by the City Council

Bi-Annual Work Plan: A document prepared by the Public Art Program staff that outlines:

- a. Active public art projects and public art projects anticipated in the coming two years, the location of the projects, the partnering department or agency (City department, SJRA, others), the budget and budget source, the current status of the project, and the anticipated timeline.
- b. Active Public Art Focus Plan processes and new plans anticipated in the coming year.
- c. Maintenance and conservation projects for the coming year and resources allocated for those projects.
- d. The marketing and communications goals and strategies for the coming year and resources allocated to implement those strategies.

Community: Can be broadly defined as the residents of San José. Also refers to the intended audience for a work of art, the people who will be interacting with it and the people to whose values, aspirations, culture, ideals and tastes the artwork is intended to speak. The description or definition of community may differ depending on the location or scope of the artwork.

Conservation: Regularly scheduled examination, documentation, treatment and preventive care of the public art collection conducted by a professional art conservator.

Eligible Funding: Any capital improvement of the City, SJRA, financing district that involves the **public realm, community facilities or civic infrastructure**, as identified in the annual Capital Improvement Budget of the City or the SJRA, or in the capital improvement database for financing districts, and is paid for wholly or in part by City, SJRA, financing district funds or grants, or with municipal debt. This shall also apply to developer turnkey projects that fall into the above categories of **public realm, community facilities or civic infrastructure** improvements, including parks built and dedicated to the City under the PDO/PIO ordinance and offsetting transportation improvements built in Transportation Impact Areas.

Public Art Focus Plan: A public art plan for a specific area of the city, department or infrastructure system. Public Art Focus Plans can include a long-term visual strategy, identify the highest priority projects, indicate how funds should be spent, and consider the best outcomes for specific public art opportunities.

Maintenance: Routine care and repair of works of art in the public art collection that does not require specialized expertise (e.g. dusting, washing, lubrication of moving parts).

Pooled Funds: Public art monies collected to implement a public art project in a public place other than the project that generated the funding.

Project Plan: A plan that a private developer of an SJRA-assisted project is required to submit at the beginning of the process of fulfilling the public art requirement. The Project Plan will establish goals for the art, taking into consideration any existing Public Art Focus Plans or urban design plans for the area, as well as processes for commissioning the artist.

Public Art: Elements of a public place that are designed by a professional artist or artist team. Public art can be permanent, temporary or functional. Public art can be stand-alone or integrated into the architecture, landscape or infrastructure such as public buildings, bridges and parks. Public art can be the sole creation of the artist or it may result from a design team approach in which artists work on project teams with architects, engineers, landscape architects and others to design and create public places.

Public Art Committee: A five-member committee of the Arts Commission. The committee is comprised of five Arts Commission members appointed by the Chair of the Arts Commission. The committee reviews and recommends the selection of artists, concept designs and design development of public art projects. It also reviews the San José Public Art Bi-Annual Work Plan, the Public Art Master Plan, Public Art Focus Plans and conservation plans and advances them to the Arts Commission for review, approval and recommendation to City Council.

Public Art Advisory Committee: A five-member, non-voting adjunct committee of the Public Art Committee (PAC) comprised of professionals in the fields of art, design, architecture, landscape architecture and urban planning. The Public Art Advisory Committee evaluates aesthetic issues related to art projects and makes recommendations to the PAC prior to votes on agenda items.

Public Art Core Team (PACT): An ad-hoc team convened to advise the Public Art Committee on the selection of the artist(s) and to review the concept design for a specific public art project.

Public Place: Any element of the public realm, community facilities or civic infrastructure that is visible to public view. For the purposes of the Public Art Program, the following City-owned or -operated structures and spaces shall be considered as fulfilling the definition of “public places” regardless of the source of funding and the entity that constructs them.

This shall include, but not be limited to:

- a. The *public realm* includes public spaces designed and built for the use of the general public. These include spaces such as parks, playgrounds, sports fields, plazas, streetscapes, and trails.
- b. *Community and civic facilities* are buildings that provide space for public activities and services. These include buildings such as libraries, community centers, youth/recreation centers, sports facilities, police stations, fire stations, general government buildings, convention and cultural facilities, etc.
- c. *Civic infrastructure* includes facilities that support the health, functioning and environmental and economic well-being of the city. These include bridges, streetscapes, new roads and interchanges, parking garages, transit facilities, storm water management facilities, wastewater management facilities, water and recycled water delivery systems, solid waste and recycling facilities.
- d. And in general, any other public use, service or public infrastructure that is visible to public view.

APPENDIX C

PUBLIC ART PROGRAM STAKEHOLDER ROLES

San José City Council / Redevelopment Agency Board

Description: Mayor plus ten council members elected by San José citizens to create citywide policy. The San José City Council also serves as the Redevelopment Agency Board.

Roles:

- Approve the San José Public Art Master Plan, Bi-Annual Work Plans and Public Art Focus Plans.
- Approve public art contracts over \$100,000.
- Serve as a resource for the San José Public Art Program regarding community stakeholders, organizations, and leadership that can help inform the commissioning process.

City Manager

Description: Official nominated by the Mayor and appointed by City Council to serve as chief administrative officer for the City.

Roles:

- Inform San José Public Art of Eligible Construction Projects (ECPs) in the annual Capital Improvement Budget and proposed discretionary funds added to the Public Art Program.
- Inform the Arts Commission of all construction projects determined to be ineligible
- Approve public art contracts of \$100,000 or less.

Redevelopment Agency Executive Director

Description: Official appointed by the Redevelopment Agency Board to serve as chief administrator for the Redevelopment Agency.

Roles:

- Inform San José Public Art of Eligible Construction Projects in the San José Redevelopment Agency annual budget, proposed discretionary funds added to the Public Art Program, and of pending and proposed processes for selecting architectural and design-related consultants for Eligible Construction Projects.
- Designate a staff member to work with San José Public Art to develop the Bi-Annual Work Plan.

San José Arts Commission

Description: Thirteen-member citizen commission appointed by City Council to assess cultural needs of San José and develop arts policy, program and budget recommendations for approval by the City Council.

Roles:

- Arts Commission chair appoints members to the Public Art Committee.
- Delegate approval of artist selection recommendations to the Public Art Committee.
- Delegate approval of design development recommendations to Public Art Committee.
- Receive regular reports from Public Art Program staff regarding status of artist selection, design development and project completion.
- Review and approve the Public Art Master Plan, Bi-Annual Work Plan, Public Art Focus Plans and conservation reports.
- Recommend that City Council adopt the Public Art Master Plan, Bi-Annual Work Plans and Public Art Focus Plans.
- Review and approve procedural documents, e.g. procedural guidelines, exhibition guidelines, memorial guidelines, etc.
- Mediate disputes between the Public Art Committee and Public Art Core Teams. The Arts Commission decision is final.

Public Art Committee (PAC)

Description: Five -member committee of the Arts Commission. Members are appointed by the Arts Commission Chair and can serve up to two consecutive three-year terms.

Roles:

- Review and recommend to the Arts Commission the Public Art Bi-Annual Work Plan, the Public Art Master Plan, Public Art Focus Plans and conservation reports, and monitor their progress.
- Review and approve artist selection recommendations.
- Review and approve concept design, schematic design (when staff deems there is a significant aesthetic change from concept design) and final design development recommendations of public art projects.
- Recommend that the City enter into design, fabrication and installation contracts with artists.
- Participate as observers on Public Art Core Teams.
- Where there is a Public Art Focus Plan, receive reports from the standing Public Art Core Team regarding artist selection and concept design approval for Private Development Projects. In instances where

there is not a standing Public Art Core Team, review and approve artist selection and concept design for Private Development Projects.

- Receive periodic updates from Public Art Program staff on Strong Neighborhood Initiative community-based projects.
- Advise staff and the Arts Commission on policy-related issues.
- Review and recommend upon proposed gifts of art to the City and proposed de-accession of art from the City's collection.
- Serve as an advocate for public art and represent the Public Art Program at community events.

Public Art Advisory Committee

Description: A five-member, non-voting adjunct committee of the Public Art Committee comprised of professionals in the fields of art, design, architecture, landscape architecture and urban planning. Meets monthly, in conjunction with the Public Art Committee meeting.

Roles:

- Evaluate aesthetic issues related to art projects.
- Make recommendations to the Public Art Committee prior to votes on agenda items.

Public Art Core Team (PACT)

Description: There are two types of Public Art Core Teams.

1. A Public Art Core Team is a team convened by staff to advise the Public Art Committee on artist selection of the artist(s) and to review the concept design for a single public art project. The PACT convened for a project should have at least five voting members, including:
 - A minimum of two community representatives;
 - A minimum of one facility stakeholder with an intimate knowledge of or connection to the site (i.e.: staff who will be using the facility);
 - A minimum of two professionals in the fields of art, design, architecture, landscape architecture or urban planning; and
 - If public art is part of a new capital project, a representative of the lead architectural firm or design team may sit on the Public Art Core Team as a voting member.

In addition, a member of the Public Art Committee or the Public Art Advisory Committee can be appointed as an ex-officio member to act as an observer and liaison.

As appropriate, the City department, SJRA and/or Department of Public Works project manager(s) are requested to attend meetings as non-voting members.

Community representation should not exceed representation by the facility stakeholder; the professionals in the fields of art, design, architecture, landscape architecture and urban planning; and the design team representative combined.

2. For areas that have a Public Art Focus Plan, the PACT is convened by the Public Art Program staff to monitor the implementation of the Public Art Focus Plan, as well as to advise the Public Art Committee on artist selection and to review concept design for an individual public art project in the Public Art Focus Plan. The composition of these PACTs should include a mix of professionals in the fields of art, architecture and/or design, and location-specific stakeholders. The recommended composition for a specific PACT should be outlined in the Public Art Focus Plan.

Roles:

- Commit to learning about public art: develop an understanding of the needs of the assigned public art project and finalizing the goals for the project.
- Review artist qualifications and proposals; interview artists (depending on the artist selection method used); make final recommendations to the Public Art Committee regarding artist selection and concept design approval.
- Assist with community outreach by communicating decisions and advocating for the project with the constituencies they represent.

In addition to the roles described above for single public art projects, PACTs monitoring the implementation of a Public Art Focus Plan also:

- Recommend a work plan for the area covered by the Public Art Focus Plan, to be incorporated into the Bi-Annual Work Plan.
- Review the plan, artist selection and concept design for private development projects and report results to the Public Art Committee.

**Department of Public Works (DPW), City Department and Redevelopment Agency
Project Management Staff**

Description: Staff that are assigned to manage the capital construction project where a public art project is to be sited.

Roles:

- Describe artist involvement in the Request for Qualifications/ Proposals when selecting the Project Architect and, in accordance with SJRA and City resolutions, invite Public Art Program staff to participate in the selection of the Project Architect.
- Consult with Public Art Program staff prior to artist selection, including review of the program for the capital project, sharing research and notes from community involvement already conducted for the capital project, identifying department stakeholders, and reviewing budget, schedule and project tracking.

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- Serve as a resource for Public Art Program staff at all stages of the commissioning process, and consult and advise with the selected artist during design development and, if necessary, through installation.
- When applicable, serve on the PACT in an advisory capacity.

Project Architect / Design Team

Description: The individuals or firm hired by the City or the SJRA to design the capital construction project where a public art project is to be sited.

Roles:

- Serve as a resource for Public Art Program staff during the commissioning process, and consult and advise with the selected artist during schematic design, design development, construction documents and, if necessary, through installation.
- When applicable, serve on the PACT as a voting member.

Community

Description: Can be broadly defined as the residents and workforce members of San José. Also refers to the intended audience for a work of art, the people who will be interacting with it and the people to whose values, aspirations, culture, ideals and tastes the artwork is intended to speak. The description or definition of community may differ depending on the location or scope of the artwork.

Roles:

- Inform the commissioning process by bringing a unique understanding of how a site is used, the history and culture of a particular place, and overarching community goals and plans.
- Participate on the PACT. Public Art Program staff, through research in the community, identifies a minimum of two community members to participate on the PACT. Community representatives should have a relationship to the site where the art is to be located, connections to or relationships with relevant community organizations, an interest or background in art, and a commitment to working on the PACT through the entire process.
- Participate in information sessions to learn about and engage in a dialogue about the commission.

Facility Stakeholder

Description: The City staff who will be part of the primary user group for a capital facility.

Roles:

- Voting representation on the PACT.

- Provide information to Public Art Program staff and the selected artist regarding the goals, function, and use of the facility.

Artist

Description: The artist selected for a project.

Roles:

- Develop and present the concept, schematic, design development and construction documents for his or her project as per the contract. Designs should reflect a clear understanding of the site and project requirements gained through consultation with Public Art Program staff and project stakeholders identified by staff.
- Attend meetings and make presentations to the PACT, the Public Art Committee and/or the community as requested by the Public Art Program staff and agreed to by contract.
- Participate actively in the development and implementation of community engagement process.
- Fabricate and install or oversee the fabrication and installation of the artwork per approved design development and construction documents and contract; keep Public Art Program staff informed of progress; and coordinate with other project stakeholders as directed by Public Art Program staff.
- Provide Public Art Program staff with all information necessary to ensure the proper maintenance and conservation of the artwork.
- Participate in dedications and other community outreach and education activities as requested by the Public Art Program staff and agreed to by contract.

Public Art Program Staff

Description: The director, project managers and support staff of the San José Public Art Program.

Roles:

- Work with the Public Art Committee, Arts Commission and City and SJRA staff to develop and implement the Bi-Annual Work Plan.
- Develop Public Art Focus Plans and conservation reports. Present to the Public Art Committee for their review and recommendation and to the Arts Commission for their review and recommendation.
- Develop and update procedural documents, e.g. procedural guidelines, exhibition guidelines, memorial guidelines, etc. Present procedural documents to the Public Art Committee for their review and recommendation and to the Arts Commission for their review and approval.
- Ensure that the City's adopted public art policies and procedures are followed.

- Develop Project Work Plans including recommendations for budget, timetables, artist solicitation and selection methods, and outreach strategies.
- Convene PACTs through a process of consultation with other City departments, the SJRA, Council members and community leaders.
- Oversee the commissioning of new works of art for the City's public art collection including, but not limited to, project planning; management of the artist selection process; coordinating community outreach; facilitating communication between the artist, City staff and the project architect/design team; review of designs at all phases of development; contract compliance; budget oversight; and presentation of PACT recommendations to the Public Art Committee.
- Ensure that the public art collection is properly documented, maintained and conserved.

APPENDIX D

LOCAL ARTIST DEVELOPMENT AND INVOLVEMENT

One area of critical interest to the San José Public Art Program is training local artists and commissioning to produce artwork for the program. Public art is different from studio-based art and it demands a special set of skills. Creating public art involves working closely with City staff, architects, community members and contractors to design and install enduring art that is permanently installed. This type of work is well paid and is a good career for working artists. At the same time, it is not the kind of work that all artists enjoy. Many artists prefer to develop art in their studios that can be purchased through a gallery or installed as a free-standing work in front of a building.

The San José Public Art Program has made efforts to attract Santa Clara-based artists to the public art field. Over the last ten years, the program has provided annual training through all-day workshops and, for the last four years, by partnering with San José State University to provide an 'Art in the Community Class' that offers both theoretical and practical training to artists considering public art as a field. These classes have resulted in three public art projects: Bestor Art Park in Spartan Keyes, Padre Mateo Sheedy Park, currently in development in the Gardner Neighborhood, and Camden Community Center art, currently under construction in District 9.

San José artists who attended one-day workshops have applied for and received commissions in the San José's Library Bond public art program. SJSU graduate and San José resident Joe Saxe created three artworks at the Berryessa Branch Library and San José artist Lucy Liu is currently developing art for the Joyce Ellington Library.

In addition, the San José Public Art Program has targeted a number of its Requests for Qualifications and Requests for Proposals to Santa Clara-based artists. The program retains a roster of Santa Clara-based 'urban artists' (artists who work with popular imagery and lettering forms), and five local urban artists are currently engaged in public art projects for the City of San José, creating 'customized' library tables for the Martin Luther King, Jr. Joint Library, a mural at Ryland Dog Park, and site-integrated artwork at Roosevelt Community Center. San José artists are also developing two artworks for the upcoming temporary public art program on the First and Second Street transit mall.

There are other ways that San José artists have participated in the Public Art Program: San José artists have been members of artist selection panels; have served as Arts Commissioners; and have been appointed to the Public Art Advisory Committee, and various stakeholder and steering committees. All of these experiences help to attract local artists to the public art field and involve them in San José's Public Art Program.

With the passage of the Public Art Master Plan, the Public Art Program will expand into a greater breadth of projects including more ephemeral artworks, community-generated projects, and artwork integrated into streetscape elements and City Trails. These projects will provide additional types of opportunities for local artists.

APPENDIX E
EVALUATION

Process Evaluation

To evaluate the effectiveness of how public art is commissioned, it is important to solicit input from different stakeholders. The following evaluation methods will help the Public Art Program understand the effectiveness of its processes and address issues raised in the City Auditor’s report on the program.

<i>Target Group</i>	<i>Topics for Evaluation</i>	<i>Evaluation Tools</i>
Community	<ul style="list-style-type: none"> - Awareness and understanding of public art project during the commissioning process including: location of the project, goals, decision making process, role of the community, and timeline. - Effectiveness of mechanisms for community input/engagement. 	<ul style="list-style-type: none"> - Ongoing conversations with community leadership. - Evaluations at the conclusion of community engagement sessions.
Public Art Core Team	<ul style="list-style-type: none"> - Understanding of the commissioning process and the PACT role in the project. - Availability and quality of information needed to make a decision. - Perceived effectiveness and appropriateness of method of solicitation and selection. - Effectiveness and appropriateness of facilitation and decision-making methods used in meetings. - Meeting logistics. - Effectiveness of communication and community involvement. 	<ul style="list-style-type: none"> - “Check-in” time at each PACT meeting to see if there are any questions or feedback. - A feedback survey at the end of the PACT process.
Client Department or Agency	<ul style="list-style-type: none"> - Effectiveness of project coordination and communication. - Effectiveness of mechanisms for community input/engagement. - Degree to which art reflects their mission and the goals for the facility / clientele where the art is located. 	<ul style="list-style-type: none"> - An interview or survey with department or agency representative upon project completion.
City Project Managers and the Project Architect	<ul style="list-style-type: none"> - Effectiveness of project coordination and communication. 	<ul style="list-style-type: none"> - An interview or survey upon project completion.

<i>Target Group</i>	<i>Topics for Evaluation</i>	<i>Evaluation Tools</i>
Private Developers	- Appropriateness, effectiveness and value of project review process	- An interview or survey upon project completion.
Artists	- Quality, fairness of selection process. - Adequacy of information provided. - Appropriateness, effectiveness of design review process. - Effectiveness of coordination and communication.	- An interview or survey upon project completion.
Public Art Program Project Manager	- PACT meetings - Selection process - Community involvement - Design review - Communication and coordination with artists, program department or agency, City project managers, project architect, and others	- An assessment of lessons learned to be shared with the Public Art Director. (Debrief with colleagues at staff meeting.)

Outcome Evaluation

Learning how art has been accepted and understood, how it has made an impact on the perception of a place or on the visual environment or how it has met other goals requires engaging many people, potentially in many different ways. It also may require time, for reactions and relationships to art and place can change over time. And while the findings of an outcome evaluation may be informative, it may be difficult to translate into actions or strategies for future projects, because each public art project is unique.

An outcome evaluation will measure how well a project or group of projects meets its goals, to the extent they were made clear at the outset of the project. Other issues, related to how people interact with public art, might include:

- How does an art project affect a person’s perception of a place, use of a place?
- How do people engage with the art, on a personal level? On a collective level?
- What do people think an art project is communicating about a place — the building, its setting, the community, local culture and history?

Due to the importance and complexity of this type of evaluation, the San José Public Art Program should contract with a consultant or partner with a local university to develop an outcome-focused evaluation tool or tools.