ATTACHMENT A

NUMBER PRD-05

PROPOSED COUNCIL STUDY ISSUE

For Calendar Year: 2004

Continuing ☐

New ☒

Previous Year (below line/defer) ☐

Issue: Provide for Greater Enforcement of Art in Private Development Requirements

Lead Department: Parks and Recreation

General Plan Element or Sub-Element: Arts Sub-Element

1. What are the key elements of the issue? What precipitated it?

Earlier in the year staff reported to the Arts Commission a situation involving missing (stolen) artwork that was required through the City's Art In Private Development (AIPD) program. Commissioners raised concern regarding the property owner's responsibility for replacing the artwork, especially after discovering the property owner had recovered some of the artwork's cost from their insurance. While there is a requirement that the artwork be maintained by the property owner after it's installation, the policy states that no piece of required artwork may be removed, except for maintenance or repair. There is nothing in the current AIPD policy requiring continued provision of artwork that specifically calls for its replacement regardless of the reason(s) it was removed. In another situation, the Commission had expressed concern that security fencing installed after September 11, 2001 at a different site prevented the public from entering the premises and approaching the required artwork. As a result of the security fencing, the Commission felt the artwork was less accessible to the general public. While the current policy does require that art in private development be publicly visible, it does not require the artwork to be physically accessible to the general public.

To address these concerns, Arts Commission Chair Dane Beezley requested this study issue to:

1. Develop legal and enforceable standards to ensure continued public visibility and access to art installed as a requirement of the Art In Private Development program, and;

2. Develop legal and enforceable requirements for the continued maintenance of artwork provided by the AIPD program with a provision for monetary recovery (i.e. insurance reimbursement) for damaged or stolen art to be used to either replace the artwork or be deposited into the City's art in-lieu fund as deemed fit by the City on a case by case basis.

2. How does this relate to the General Plan or existing City Policy?

Arts Sub-element:
POLICY A.4. Further a sense of community identity through the promotion of the Arts.

Action Statement A.4.c. Explore with Arts Commission and Planning Commission ways to encourage continuation of a sense of community identity through the Arts.

GOAL E: Create an aesthetically pleasing environment for Sunnyvale through use of functional and decorative art.

POLICY E.1. Encourage alternative funding sources, funding strategies and incentives to provide and encourage the provision of art in public and private development.

Action Statement: E.1.c. Consider review of existing code requirements for Art in Private Development for effectiveness and compatibility with City goals and modify as appropriate, looking at incentive-based alternatives to requirements.

POLICY E.2. Provide and encourage the incorporation of art - both functional and decorative - in public and private development.

Community Design Sub-Element:
Policy 2.5C.3: Ensure that site design creates places which are well organized, attractive, efficient and safe.

Action Statement 2.5C.3k. Continue to require visible and attractive artworks for new private development at gateways and on large commercial and industrial properties.

3. Origin of issue:

Councilmember: _____

General Plan: _____

Staff: _____

BOARD or COMMISSION

Arts	**X**	**Housing & Human Svcs**
Bldg. Code of Appeals		**Library**
BPAC		**Parks & Rec.**
CCAB		**Personnel**
Heritage & Preservation		**Planning**

Arts Commission Ranking/Comment:

Arts Commission ranked **No. 1** of **4**

The Arts Commission ranked this issue No. 1 out of 4 issues ranked for Council consideration for study in Calendar year 2004.

Planning Commission Ranking/Comment:

Planning Commission ranked **No.** of

The Planning Commission chose not to rank this issue for Council consideration for study in Calendar year 2004.

4. **Multiple Year Project? Yes No X Expected Year of Completion 2004**

5. **Estimated work hours for completion of the study issue.**

(a) Estimated work hours from the lead department	80
(b) Estimated work hours from consultant(s):	0
(c) Estimated work hours from the City Attorney's Office:	10
(d) List any other department(s) and number of work hours:	
Department(s): Community Development/Planning	70
Total Estimated Hours:	160

6. **Expected participation involved in the study issue process?**

(a) Does Council need to approve a work plan?	**Yes**	**X No**
(b) Does this issue require review by a Board/Commission?	**X Yes**	**No**

If so, which Board/Commission? Arts Commission
Planning Commission

(c) Is a Council Study Session anticipated?	**Yes**	**X No**

(d) What is the public participation process?

Draft RTC review by Sunnyvale Chamber of Commerce.

Public Hearings through Arts Commission, Planning Commission and City Council meetings.

7. **Estimated Fiscal Impact:**

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Cost of Study	**$**
Capital Budget Costs	**$**
New Annual Operating Costs	**$**
New Revenues or Savings	**$**
10 Year RAP Total	**$**
Budget Modification Needed	**$**

8. **Staff Recommendation**

Recommended for Study	
Against Study	
No Recommendation	**X**

Explain below staff's recommendation if "for" or "against" study. Department director should also note the relative importance of this study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Given current workloads in Parks and Recreation and the City's budget crisis, this study is a low priority for the department.

Reviewed by

Department Director — 10/8/03 ***Date***

Approved by

Robert A. LaFata

City Manager — 10-8-03 ***Date***