Notes from August 27, 2004, Meeting with Business Representatives on Greater Enforcement of Art in Private Development Requirements

Attendance:
Mike Dooley, Lockheed
Jennifer Paedon, Moffett Park Business Association
Wei Chiu, Gilbane Properties
Adam Simms, Toyota of Sunnyvale
Nancy Steward, Superintendent of Cultural Arts
Diane Moglen, Recreation Supervisor
Connie Verceles, Retail and Hospitality Manager
Trudi Ryan, Planning Officer
Diana O'Dell, Senior Planner

Concerns with Proposed Insurance Requirement and Fencing Restrictions:

- Sends an unwelcoming signal to the business community as it will cost more to do business. The City needs to be competitive with surrounding cities to attract and retain businesses.
- Increases ongoing operating expenses that would be passed on to future business and property owners of a developed site.
- Requires another bureaucratic process to confirm adequate insurance is obtained and maintained
- Restricts future needed security measures such as fencing that may be required to do business. Security fencing can be important to businesses to protect their assets.

Comments:

- Artwork is a benefit to the community.
- Businesses and property owners have business incentives to maintain their own property to attract customers.
- The City does not currently require landscape or other site amenities to be insured.
- In long-term leasing situations, property owners are often concerned about the long-term liabilities associated with artwork.
- Look at what other cities are doing (i.e. Santa Monica) to ensure/protect their art in private development.

Solutions:

- These problems can be mitigated substantially by making good decisions up front about placement, security, and damage-resistance.
- Install the artwork in the public right of way and cover it under the City's current insurance policy for public art.
- Have the City's insurance policy cover a certain percentage/amount of each piece of art to offset ongoing expenses to businesses. It would be cheaper overall to insure art as part of larger policy rather than on a business by business basis.