

DATE: October 22, 2024
TO: Honorable Mayor and City Council
FROM: Kirstin Hinds, Economic Development Specialist
John Lang, Economic Vitality Manager
Christian Murdock, Community Development Director
VIA: Kimbra McCarthy, City Manager
TITLE: **Public Art Strategy Study Session**



STUDY SESSION MEMO

PURPOSE

Receive input from the City Council on the vision and goals for a Public Art Strategy in Mountain View, including policies and community engagement.

BACKGROUND

Public art can take many different forms and aspects within a community. Mosaics, murals, paintings, photographs, playscapes, sculptures, structural wraps, streetscapes, interactive art, memorials, fine crafts, and art walks are all examples of public art.

In Mountain View, the installation of public art is guided by City Council Policy K-5 (Public Art and Capital Improvement Projects), which was adopted in 1987. Policy K-5 originally designated that 1% of City construction budgets be set aside for public art for select capital improvement projects.

Shortly after adopting Policy K-5, the City Council in 1989 created an advisory body, the Visual Arts Committee (VAC), whose role is to expand art activities and to approve public art associated with capital improvement projects.

In 2022, the City Council amended Policy K-5 to increase funds for public art associated with qualifying capital improvement projects from 1% to 2%. In addition to increasing the percentage allocation, other changes included establishing a not-to-exceed amount of \$400,000 for the art selection. The not-to-exceed amount will be adjusted by the Consumer Price Index (CPI) every five years beginning on January 1, 2027. The Policy K-5 revisions also expanded the list of eligible projects to include new trails, renovation of public plazas, new bicycle/pedestrian over- or undercrossings, and other capital projects as directed by the City Council.

Over the past 35 years, Policy K-5 and the VAC have funded and approved 40 public art installations throughout the City. The art pieces include functional art, standalone pieces, and art that reflects Mountain View history, nature, and culture. In addition to Policy K-5 public art installations, some private developments have incorporated public art into their developments

as a community benefit or for altruistic reasons. There are an estimated 60 privately installed public art pieces accessible to the community. City staff has created an online public art map to illustrate the locations of all public art installations in Mountain View, as shown in Figure 1.

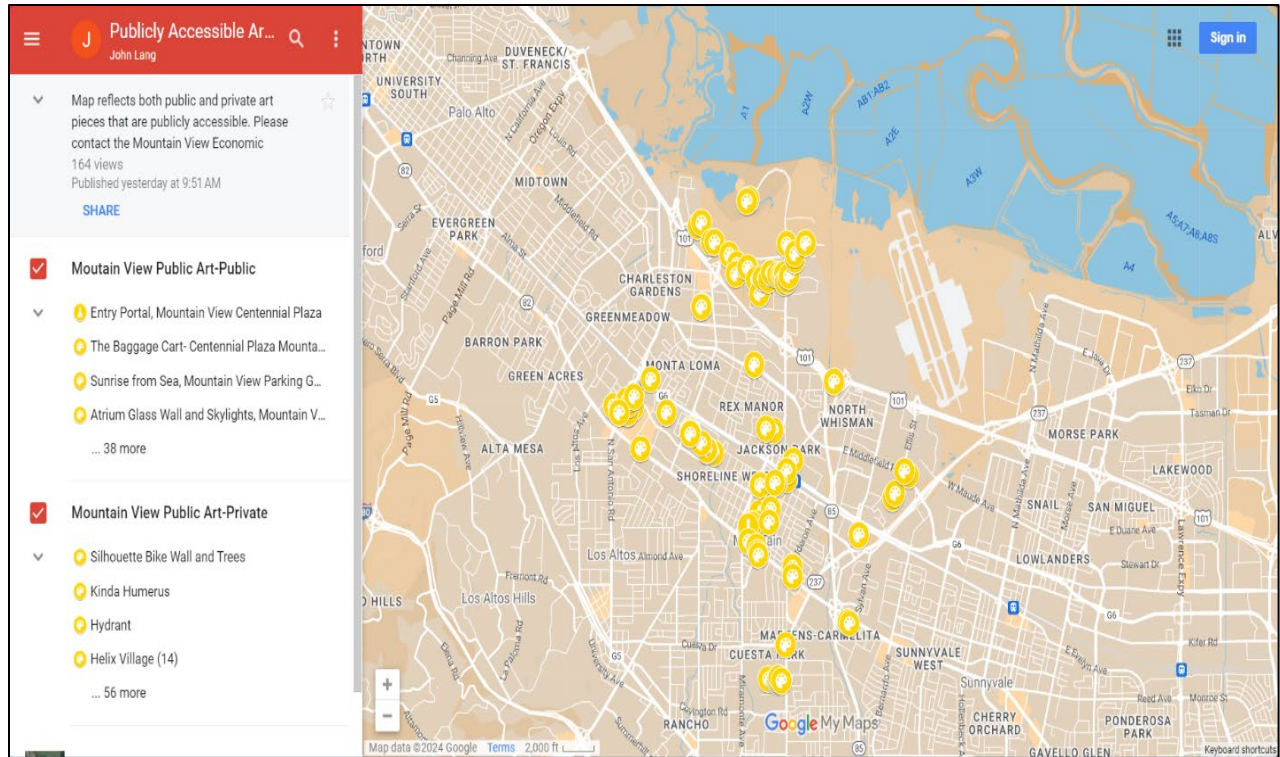


Figure 1: Mountain View Publicly Accessible Art

Source: <https://econdev.mountainview.gov/business/public-art/public-art-map>

Most of the public art resulting from Policy K-5 is in the east, central, and west portions of the City, whereas the privately installed public art pieces are generally located in the northern and southern parts of the City, where most of the larger private development projects have been undertaken in recent years.

Creation of a Public Art Strategy

While there have been roughly 100 public art installations in the City, these installations have occurred as a secondary consideration to other projects being undertaken, either as a requirement of public infrastructure projects, as a negotiated community benefit, or benevolent addition by a developer to private development projects. Desiring a more systematic approach, particularly in relation to private development projects, the City Council directed the VAC to develop a strategy to encourage public art in private development projects as part of the 2017-2019 Major Goals work plan. The item remained on the Council work plans in 2019-2021 and 2021-2023.

In May 2019, the City retained the services of Barbara Goldstein & Associates (BGA) to conduct public outreach and create an art strategy for public art in private development. Key activities in 2019 and 2020 included the following:

- The VAC held several discussions on potential goals and components of a Public Art Strategy.
- BGA reviewed City documents, policies, and procedures as they relate to public art; reviewed public art strategies and policies from other local cities which may help provide context in developing goals; identified potential funding mechanisms, and conducted public outreach to gather initial input on potential public art goals for the City.
- Staff, with assistance from BGA, conducted an initial phase of public outreach at three community events (Monster Bash in October 2019, and two Sunday Farmers' Markets in November and December 2019) to educate the community on what public art is, what it could look like, and receive input on potential goals for public art. In addition, staff held two focus groups in February 2020: one for neighborhood groups and the other for artists.
- On March 11, 2020, the VAC unanimously supported four proposed key goals to guide the development of the Public Art Strategy.

In March 2020, City staff and BGA anticipated conducting a Study Session with Council on the findings of their work and seek further guidance and direction for developing an art strategy focused on public art in private development. The work was then put on hold with the onset of the COVID-19 pandemic.

Beginning in January 2022, Economic Development staff resumed work related to a Public Art Strategy, starting with conversations with the VAC on elements that are traditionally included in public art strategies and master plans. Council's original guidance to focus on a strategy to encourage public art in private development projects, per the 2017-19 Council Work Plan project. Based upon the early community outreach conducted by Barbara Goldstein, the VAC recognized a desire and interest to further grow art in Mountain View. Staff began with research of best practices in other Bay Area jurisdictions' public art programs.

Many public art programs in the Bay Area have a range of policies that supports public art in their respective communities. Staff utilized the monthly VAC meetings to inform the VAC on these policies and seek feedback and guidance. The four types of policies discussed with the VAC included:

- A "percent for art" on private development policy (most closely aligned with the original Council work plan item);
- A maintenance policy;

- A donation policy; and
- A deaccessioning policy.

As the VAC discussed policy considerations, it formed an ad hoc committee to explore developing goals and other potential strategies that could support public art in the City. The VAC's latest phase of work continued through June 2024 and resulted in updating the public art inventory in the City, identifying Mountain View-based artists, updating the call for artist process, and developing draft public art strategy funding elements, programs, and goals for City Council consideration and direction (See Attachment 1. Summary of Visual Arts Committee direction for Public Art-June 2024 meeting).

ANALYSIS

Current Mountain View Programs and Policies Related to Public Art

Mountain View does not have a formal Public Art Strategy, meaning that public art has historically centered around three main efforts:

- Policy K-5 (Public Art in Capital Improvement Projects);
- New development opportunities presented within Precise Plans; and
- Rolling programming of art displays within the Center for the Performing Arts and City Hall.

There have also been temporary programs, like the Sidewalk Studio and Bollard Beautification projects. In addition, the City is dedicated to developing partnerships with arts-related organizations, like SVCcreates and Local Color San Jose.

1. Council Policy K-5—The policy, created in 1987 and amended in 2022, requires public art at certain capital improvement projects and states:

“Capital Improvement Program (CIP) projects for new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, new bicycle/pedestrian over- or undercrossings, or other capital projects as directed by the City Council with construction hard costs of \$1.0 million or greater shall allocate two percent (2%) of the construction budget, not to exceed \$400,000 (Cost Limit), for the selection, purchase, and installation of significant appropriate piece(s) of artwork. The Cost Limit shall be adjusted every five (5) years based on the Construction Cost Index beginning January 1, 2027. All artwork selected and purchased shall be incorporated as an integral part of the project design. This artwork may consist of works integrated into the project, acquisitions, art commissioned, or other appropriate installations. The Visual Arts Committee is responsible for advising the City Council on the selection of art and artists for qualifying CIP projects.”

Over the past five years, Policy K-5 has facilitated public art at the Teen Center; Community Center; and Mora, Pyramid, and Wyandotte Parks. Additionally, there are currently six CIPs under way with a public art component: (a) Rengstorff Park Aquatics Center; (b) Rengstorff Park Tennis and Maintenance Buildings; (c) Transit Center Grade Separation and Access Project; (d) Evelyn and Villa Chiquita Parks; and (e) the Shoreline Boathouse Expansion.

2. Land Use Policies—Public art was integrated into the 2030 General Plan, which serves as the guiding document for the City’s physical development and preservation. It includes goals and policies that convey a long-term vision and guide local decision-making to achieve that vision. The General Plan includes a visual arts goal (POS-11): commitment to the visual arts that celebrate the diversity and aspirations of the City and make art accessible to the entire community.

The General Plan also identified five change areas: East Whisman, El Camino Real, Moffett Boulevard, North Bayshore, and San Antonio. The identification of these areas resulted in four new Precise Plans: East Whisman, El Camino Real, North Bayshore, and San Antonio. These plans require developers seeking additional development capacity to provide community benefits. Public art is one possible community benefit to meet this requirement. The following is a summary of public art provisions in the four adopted plans:

- *East Whisman Precise Plan:* Public art is incorporated to support City public projects and public spaces in private development projects. In addition, the Plan will integrate findings and direction from the Public Art Strategy.
- *El Camino Real Precise Plan:* Public art will be integrated in public plazas as special street-facing open areas that act as gathering spaces for surrounding neighborhoods. These would be designated as unique and notable destinations with the potential to accommodate a range of activities. Amenities could include benches, art, water features, or other elements.
- *North Bayshore Precise Plan:* Public art is defined as a public benefit where nonresidential projects could earn extra floor area ratio (FAR) if they provide public benefits or contribute to a district improvement project.
- *San Antonio Precise Plan:* Public art is included as part of the design guidelines in which art can be added to enrich the pedestrian experience. The Precise Plan outlines how public art could be incorporated into new development and what the art should be—locally sourced, interactive, interpretive, and functional.

3. Center for the Performing Arts and City Hall Rolling Artist Exhibits—The City of Mountain View annually solicits a Call for Artists to display art pieces within the Center for the Performing Arts (CPA) and City Hall Rotunda (See Figure 2). The six- to-eight-week revolving displays allow roughly eight artists to showcase their artwork to both audiences at the CPA and visitors to City Hall. The VAC receives \$5,000 annually from the General Operating Fund

to support the rotating art displays in the CPA and City Hall along with funding the Call for Artist web-based platform. Artists receive a small amount of compensation for their time setting up and taking down their displays.

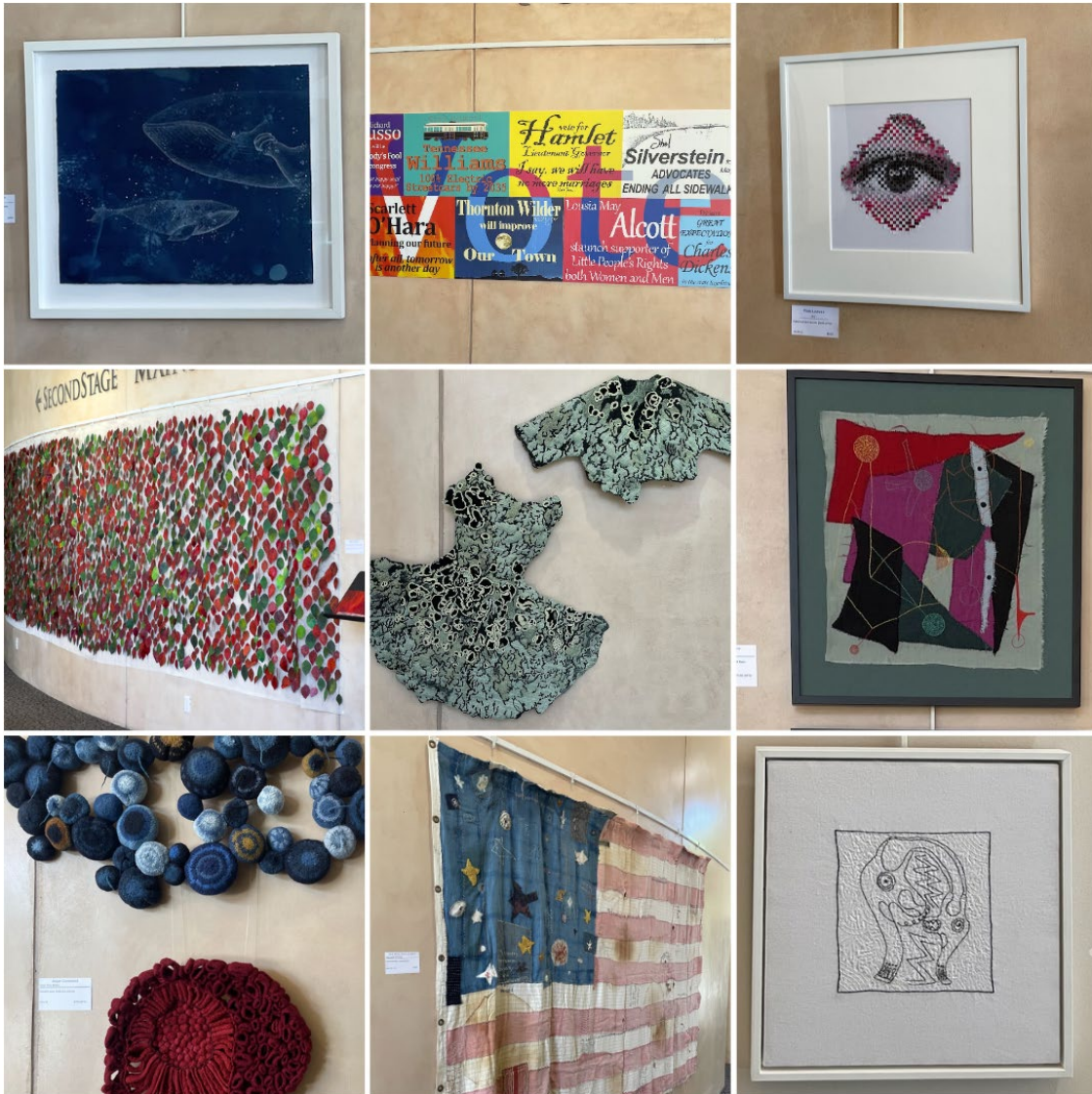


Figure 2: Images Associated with Center for the Performing Arts and City Hall-Artist Exhibit and Promotion

4. Temporary Programs: Sidewalk Studio and Bollard Beautification—For a brief period in 2018, the City launched a Sidewalk Studio Program with one-time funding that resulted in select traffic signal boxes near the downtown being painted by local artists (See Figure 3). Similarly, in 2024, staff identified an opportunity to put art on the cement safety bollards located along Castro Street at the closed intersections and worked with the VAC to issue a Call for Artists to participate in the Bollard Beautification project. As of September 2024,

artists have been selected and staff are working through contracts and planning for installation.



Figure 3: Sidewalk Studio Program Boxes in Mountain View (2018)

5. Partnership Development with SVCcreates and Local Color—Recently the City entered into a Memorandum of Understanding (MOU) with SVCcreates, a local nonprofit arts advocacy group that has been supporting art in Silicon Valley. The MOU outlines the City’s participation in Municipal Arts Roundtables to learn best practices related to Art. The City will inform SVCcreates of upcoming calls for artists so they can assist with local and regional artist engagement. The City has also engaged with Local Color, a nonprofit organization that works with emerging and established artists with a focus on providing opportunities for artists to be engaged with the local community.

Challenges and Opportunities

Although Council Policy K-5 has been in effect for some time and has capitalized on opportunities to require public art in large development projects and within several Precise Plans, creating and installing public art remains opportunistic rather than strategic, with the locations and types of public art based on emergent capital projects undertaken by the City and development projects undertaken by private developers. Development of a comprehensive Public Art Strategy to guide the overall implementation of public art throughout the City will help ensure that Council’s objectives for public art in Mountain View are being met.

A comprehensive framework and set of policies stipulating the types and locations of public art projects desired in Mountain View would help to address some shortcomings of the City’s current ad hoc approach to public art. An effective Public Art Strategy could supplement mechanisms in the Precise Plans, which apply only to certain projects (i.e., those requesting bonus floor area that must provide community benefits) and could also determine ways to provide public art in areas of the City that are not projected to undergo significant capital projects.

Case Studies of Neighboring Cities Art in Private Development

The strategies used by other cities to promote public art are a useful starting point for considering what a Public Art Strategy for Mountain View could include. Cities across the Bay Area support public art through a variety of strategies and have developed policies to fund public art programming. Staff completed an initial review of the nearby cities shown to understand how public art is implemented and supported through in those communities.

The most common approach to facilitating art in private developments is a **“Percent for Art”** requirement. This is usually based on a percentage of total project costs. Public art can be included in a development project subject to the requirements, or payment of an in-lieu fee can be authorized when a private development project chooses not to incorporate public art into a development. The cities listed below in Table 1 use funding from in-lieu fees to create mural programs or procure temporary and permanent works of art for their cities in locations outside of the development project that paid the fees.

The U.S. Supreme Court decided *Sheetz v. County of El Dorado* (2024) earlier this year and held that *Nolan* and *Dolan* standards apply whether or not a land development fee is adopted legislatively or administratively. This means that public art fees tied to land development must have an essential nexus to the proposed development project and must be proportional to the impact the development will have on the city. Additional legal analysis of this issue would be required if Council remains interested in this funding mechanism.

Table 1: Fees for Art in Private Development with In-Lieu Option for Select Silicon Valley Cities

CITY	FUNDING STRUCTURES	
	<i>Percent for Art in Private Development</i>	<i>In-Lieu Option</i>
Cupertino	1% of the first \$100 million construction valuation and 0.9% in excess of \$100 million.	1.25% in-lieu fee.
Los Altos	1% of construction costs.	1% in-lieu fee.
Los Gatos	1% of construction valuation.	In-lieu fee equivalent to public art cost.
Milpitas	0.5% of building development costs for nonresidential building developments over 2,000 square feet.	0.5% in-lieu fee.
Mountain View	No Policy	No Policy
Palo Alto	1% of construction valuation for first \$100 million and 0.9% in excess of \$100 million (valuation adjusted with CPI).	1% in-lieu fee.
Redwood City	1% of new commercial development over 50,000 square feet.	1% in-lieu fee. If developer does not spend all 1%, the remaining amount can go into the fee.
San Mateo	1.19% of building permit fee for commercial/multi-family projects over \$3 million construction valuation.	1.19% in-lieu fee.
Sunnyvale	2% of construction valuation. If developer does not spend entire 2%, remaining amount contributed to the public arts fund.	1.1% in-lieu fee.

While less common, there are other funding mechanisms that can support art in communities beyond Percent for Art in private development programs. Below are some other mechanisms that municipalities have used to generate funding for public art:

- **Transient Occupancy Tax** ([City of San Jose](#)): The City of San Jose uses a portion (6% of the room rent) of their Transient Occupancy Tax to fund its cultural grant programs and fine arts division programs, a convention and visitors bureau for the city, and the convention and cultural facilities of the City of San Jose.

- **Admission/Amusement Fees** (City of Chicago/[City of Seattle](#)): Seattle’s Office of Arts and Culture is primarily funded from revenue from the Seattle Admissions Tax. The 5% tax is applied on for-profit ticketed entertainment events. This money supports the overhead operating costs of the office, grant programs, and art education programs. The remaining one-third of the budget comes from and is reserved for the city’s percent for art program.
- **Property-Based Improvement District** ([San Jose Downtown PBID](#)): The San Jose Downtown PBID allocates a portion of their revenue to Beautification and Street Life, which includes maintaining murals and art in crosswalks, as well as landscape maintenance and improvements.
- **Voter initiative for an “Arts Income Tax”** ([City of Portland](#)): Approved in 2012, the City of Portland implements an Arts Education and Access Income Tax, which is \$35 for each Portland resident age 18 and older that earns income above the federal poverty level and has \$1,000 or more income. The tax funds Portland school teachers and art-focused nonprofit organizations in Portland.
- **Bond initiative:** Similar to a Percent for Art program where a percent of a Capital Improvement Program budget is used for art, cities can dedicate a percent of public construction bonds to public art. The City of Berkeley dedicates 1.5% of all future public construction bonds and capital projects to public art.
- **Public/private partnerships:** Arts and cultural programs require public and private support to thrive. Partnering with private entities, or engaging private funders, is one option to help fund arts.
- **Federal, state, and philanthropic organization grants:** Organizations like the National Endowment for Arts, California Arts Council, or local Community Foundations offer grants for public and private entities.

Other Policy Considerations for Supporting Public Art

In addition to identifying funding sources for increasing art activations, many cities have other policies that complement public art programing, including:

- **Donation of Public Art:** A specific donation policy (different from City Council Policy K-6, [Attachment 4](#)) for art can provide guidance and clarity to both future donors and the City about the suitability of various public art donations, including an assessment of the art’s long-term maintenance requirements.
- **Maintenance of Public Art.** Many outdoor public art pieces are developed and designed to withstand outdoor impacts. Having art maintenance guidelines helps ensure the City is following best practices for maintaining art pieces, supporting the longevity of the art. Maintenance requirements can include having the artist provide specifics on the piece,

including appropriate ways to perform repairs. Pieces with high maintenance requirements can require staff and funding resource allocations.

- Deaccessioning (Removal) of Public Art: Deaccession is the removal of art from a collection. There are many reasons that art may need to be removed, including for safety reasons, redevelopment of property, or a piece no longer aligns with community values. It is helpful to have a defined process that makes it clear the steps to be undertaken to remove art, including the storage, sale, or destruction of the art.

Best Practices

Public art funding mechanisms, policies, and programs are commonly outlined in a Public Art Strategy or master plan to provide a clear vision and goals for art that helps inform local artists, private developers, and community members. Table 2, below, outlines the public art policies and programs implemented by Mountain View’s neighboring cities, and which cities have a Public Art Strategy or master plan (Y=Yes; N=No; IP=In Progress).

Table 2: Best Practice Polices for Public Art Programs

CITY	Art Strategy/ Master Plan	Art in Private Development	In-Lieu Option	Percent for Art in Public Projects	Donation/ Sponsor Policy	Maintenance Policy	Deaccessioning/ Removal Policy
Cupertino	N	Y	Y	Y	N	Y	N
Los Altos	Y	Y	Y	Y	Y	Y	Y
Los Gatos	IP	Y	Y	N	Y	N	Y
Milpitas	IP	Y	Y	Y	Y	N	N
Mountain View	N	N	N	Y	Y	N	N
Palo Alto	Y	Y	Y	Y	Y	Y	Y
Redwood City	Y	Y	Y	Y	Y	Y	Y
San Mateo	N	Y	Y	N	Y	Y	Y
Sunnyvale	Y	Y	Y	Y	Y	Y	Y

Currently, Mountain View implements only two of the identified best practices for public art programs: “Percent for Art in Public Projects” and a donation/sponsor policy. The City Council may consider whether the additional components identified in Table 2 would be appropriate for a Public Art Strategy for the City of Mountain View.

Community Engagement

Staff and members of the VAC have presented information to and solicited feedback on public art in Mountain View from the Mountain View Coalition for Sustainable Planning (January 11, 2024) and Youth Advisory Commission (September 18, 2023), and at the Mountain View Art and Wine Festival (September 9, 2023 and September 10, 2023), Old Mountain View Neighborhood

Association Ice Cream Social (August 26, 2023), Monster Bash (October 26, 2019), and Farmer’s Market (November 10, 2019, and December 15, 2019). Detailed feedback from these efforts is included in Attachment 2. High level feedback from the community engagement includes an interest in:

- More art in neighborhoods and throughout Mountain View (including youth opportunities).
- More interactive art and art types.
- Easier access to finding information about art.
- Broader community engagement including nonartists in strategy development.



Figure 4: Public Outreach Related to a Public Art Strategy

Visual Arts Committee Discussions

Consistent with the General Plan Goal (POS-11), the VAC has reviewed different public art strategies and master plans and has contemplated vision statements, strategies, and goals for consideration in a Public Art Strategy.

As part of their monthly meeting working sessions, the VAC has developed a draft vision statement and public art goals. (See Attachment 1. Summary of Visual Arts Committee Direction for Public Art—June 2024 Meeting.)

Draft Vision Statement from the VAC:

- *The creation of diverse public art enriches Mountain View’s innovative and creative culture, enhances the vibrancy of our diverse community, and transforms Mountain View into an art destination.*

Draft Public Art Goals from the VAC:

- *Cultivate a vibrant civic art culture which builds community and reflects Mountain View’s heritage and diversity.*

- *Foster placemaking and identity to support economic development and enhance Mountain View's livability.*

QUESTIONS FOR THE CITY COUNCIL

Staff requests Council direction to guide continued work on a Public Art Strategy with the VAC and community. Staff recommends that Council consider directing staff to develop a Public Art Strategy that includes the best practices identified in Table 2 and that incorporates these into a cohesive master plan that identifies public art opportunities beyond those associated with capital projects and private development.

Staff seeks Council input on the following questions:

Question No. 1: *What feedback or changes does Council have to the draft Vision Statement and Goals prepared by the Visual Arts Committee that will help guide staff's work?*

Question No. 2: *Does Council agree that all the elements and policies in Table 2 should be included in a Public Art Strategy for Mountain View? Is there anything not listed in Table 2 that should be included?*

Question No. 3: *What specific outcomes are most important to achieve with a Public Art Strategy? For example, should the strategy focus on providing public art in areas of the City that experience less private development or have fewer public facilities where art would be created under current policy?*

NEXT STEPS

Feedback from this Study Session will provide guidance on the development of policies and strategies to explore in the creation of a Public Art Strategy. Additional public outreach, including stakeholder outreach with artists, businesses, and the community, will assist in identifying key themes and direction for the strategy. The VAC will continue to discuss the Public Art Strategy to ensure a draft Public Art Strategy reflects the values of the City and will review and provide input for City Council consideration.

Input from City Council will shape the type and extent of further community outreach while preparing a Public Art Strategy. Staff expects that outreach would include stakeholder meetings for developers/businesses, public art advocates (including the artist community) and the Mountain View community, and a community public art survey.

Staff will finalize a draft Public Art Strategy for Council consideration by Q3 2025 incorporating the guidance from the City Council at this Study Session, input from previously identified local groups and individuals, and any additional outreach specifically identified by Council.

RECOMMENDATION

Staff recommends the City Council direct staff to develop a Public Art Strategy and provide direction on the contents of the Strategy that captures the City’s aspirations for public art. Based on the input, staff will continue to work with the VAC and the community on defining the elements that City Council has directed to include in a Public Art Strategy.

PUBLIC NOTICING

Agenda posting. A notice of the availability of this Study Session memorandum was sent to the Visual Arts Committee and was posted on social media.

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- Attachments:
1. June 2024 VAC Meeting Presentation with Feedback
 2. Public Comments on Public Art
 3. Council Policy K-5
 4. Council Policy K-6