

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST
1390 Market Street, Suite 1150, San Francisco, CA 94102
(415) 552-9292 FAX (415) 252-0461

Policy Analysis Report

To: Supervisor Kim
From: Budget and Legislative Analyst's Office
Re: Review of Public Art Programs
Date: October 29, 2015



Summary of Requested Action

Your office requested that the Budget and Legislative Analyst prepare a report on the public art requirements of Planning Code Section 429 and Administrative Code Section 3.19, including a history and overview of the requirements, and an analysis of historic spending and the types of public art produced. You also asked that we review the municipal code provisions pertaining to public art to identify the various ways that a project sponsor can fill their public art obligation.

For further information about this report, contact Severin Campbell at the Budget and Legislative Analyst's Office.

Executive Summary

- The City has two Percent for Art programs, in which a percentage of capital project costs are allocated to art. The San Francisco Arts Commission administers the 2 Percent for Art program, which requires that the City's publicly funded capital projects spend two percent of the project costs on artwork¹. The Planning Department administers the 1 Percent for Art program, which requires some private developers, mostly in the downtown area, to acquire or commission publicly accessible art equal to one percent of the development's hard construction costs. The intent of the 1 Percent for Art program was to enrich large building projects with publicly accessible works of art in the downtown area.
- The Planning Department has limited documentation on the installation of public art in private downtown developments. Without documentation the public does not know where all of the art is located and the department does not have a way to evaluate overall if the 1 Percent for Art program is achieving its goals.

¹ The Port, Asian Art Museum, Fine Arts Museums and War Memorial are exempt from the requirements of the Art Enrichment Ordinance

- In lieu of on-site art, private developers may contribute one percent of the project's construction costs to the Public Art Trust Fund. Since its creation in 2012, only one developer has opted to contribute to the fund due to on-site space constraints. The Fund could be spent on workspace for artists and support for non-profit arts organizations.
- The Budget Analyst reviewed six west coast percent for art programs as well as New York's program as a basis of comparison with San Francisco's program. None of the programs require developers to contribute funds in lieu of on-site art, but the City of San Diego's program offers an incentive to contribute to a public art fund in-lieu of on-site art.

An interactive dashboard and downloadable dataset of all public data used in the report is available [online](#).

Policy Option

The Board of Supervisors should request that the Planning Department present a plan to improve public information and evaluation of the 1 Percent for Art program.

Project staff: Hampton Smith, Julian Metcalf, and Severin Campbell

San Francisco's Percent for Art Programs

Percent for Art programs are ordinances or policies that set aside a percentage of the cost of private or public development projects for the purchase and installation of publicly accessible art or for other art programming. San Francisco has two such programs: a two percent requirement for city-funded capital projects (2 Percent for Art), and a one percent requirement for private development projects (1 Percent for Art). This report reviews the administration and results of both requirements, and considers how the Public Arts Trust Fund established by the Planning Code can be used for other potential art programs, such as cultural programs and artist space. We reviewed art produced by both the 2 Percent for Art for city-funded capital projects and the 1 Percent for Art for private development projects, with an emphasis on trends since 2005; and documentation supporting the administration of both programs for this period. Finally, the Budget and Legislative Analyst compared six west coast Percent for Art programs as well as New York's program to San Francisco's programs.

The City's 2 Percent for Art Program

The San Francisco Arts Commission administers the "2 Percent for Art" requirement under Administrative Code Section 3.19 enacted in 1969. The requirement allocates two percent of construction costs of the City's capital improvement projects for artwork associated with the projects. The two percent art requirement has generated works in a wide variety of media. The works are distributed across a broad geographic area because publicly funded capital projects occur throughout the City.

The Arts Commission may allocate up to 20 percent of funds for administrative costs and 10 percent for ongoing conservation. The Arts Commission and staff oversee a public process that concludes with the Commission's review and approval of the artists, and the type, durability, design and accessibility of the art in question.

Figure 1: 2 Percent for Art Completed 2005 to the Present

Individual Capital Projects Requiring Public Art	66
Number of Commissioned Artists	194
Individual Works of Art ²	506
Total Value of Art Installed ³	\$32,468,676

Source: Budget and Legislative Analyst Office analysis of Arts Commission data

² This includes instances in which multiple works of art were commissioned for a single large project, e.g. art for the San Francisco General Hospital expansion will include 222 digital prints on aluminum plates.

³ Does not include up to 30% administration and conservation fees.

The 1 Percent for Art Program for Private Downtown Development

The Planning Department administers a “1 Percent for Art” requirement based on Planning Code Section 429 enacted in 1985 and amended in 2012. The 1 Percent for Art requirement was adopted in the context of the City’s Downtown Plan and intended to provide public art in conjunction with downtown development. It requires some private developers, mostly for large buildings in the downtown area, to acquire or commission works of art to be placed on or near their developments. This program relies on private developers using their own funds to place art in publicly accessible areas on or near their properties. Approximately half of the artwork is located in lobbies, terraces and other interior spaces on the premises of the buildings, but accessible to the public⁴. The rate of growth of this “Downtown Gallery” depends on the rate and location of private construction.

Planning Department staff confers with department management in reviewing and approving the type and location of the artwork. The art must not be functional building elements or architectural features, but the Department does not evaluate the artistic merit of the work, and the Planning Commission does not have approval authority of the developer’s choice of artist or type of art. The program does not include direct funding for the Planning Department’s administrative costs, but these costs are presumably accounted for in other Planning Department fees.

Figure 2: 1 Percent for Art Completed 2005 to the Present⁵

Individual Private Developments Requiring Public Art	16 ⁶
Number of Commissioned Artists	18
Individual Works of Art	20
Total Expenditures on Art Installed	Unknown
Total Value of Art from Buildings Under Construction ⁷	\$18,417,942

Source: Budget and Legislative Analyst Office analysis of Planning Department data

2012 Amendment to the 1 Percent for Art Program

In 2012, the Board of Supervisors amended Planning Code Section 429 to:

- Expand the areas subject to the public art requirement to include projects in the South of Market, Rincon Hill and other nearby neighborhoods as San

⁴ The Planning Code sets open space requirements for certain downtown buildings. Privately owned public open-spaces or POPOS include plazas, roof gardens, atriums and similar spaces.

⁵ The total art installed since the 1985 ordinance was enacted has resulted in 53 publicly accessible private works.

⁶ Does not include projects currently under construction or permitted

⁷ Includes only buildings currently under construction. An additional 48 buildings are in pre-construction planning. Value estimates derived from Department of Building Inspection records, which will likely differ from Planning Department construction cost calculations once construction is complete.

Francisco's downtown has effectively expanded beyond the original downtown area. The zoning districts in which the public art requirements are now applied are listed in Appendix A. The amendment also subjected large residential projects in the C-3 zoning district to the art requirement.

- Create a Public Art Trust Fund. Project sponsors of large residential or non-residential projects in the C-3 district and non-residential projects in the South of Market and DTR Districts can satisfy the art requirement by contributing to the fund, providing art on site or some combination of the two.

The Public Art Trust Fund may be used to fund projects within ½ mile of the district where the project that generated the funds is located. Contributions to the fund are not mandatory and the code provides no incentives to contribute to the fund.

Arts Commission's Civic Art Collection – 2 Percent for Art Program

Arts Commission Process

For each project subject to the public art requirement, the Arts Commission conducts a public process that includes selection of artists, examination of art concepts and required expenditures on art, and approval of art, artists and proposed expenditures. The art that the program has produced is in a wide variety of media and located throughout the entire City. Program costs include as much as 30 percent in administrative fees and a conservation allocation⁸.

The Budget and Legislative Analyst reviewed a random selection of 16 projects⁹ undertaken between 2005 and 2015 to determine whether the Arts Commission consistently tracked, documented and monitored art acquired through the 2 Percent for Art program. The Commission was able to provide documentation for all sampled projects demonstrating that staff presented the Commission with calculations of the cost and proposed expenditure on the art, assessments that the capital project's art requirements were being met, a review of the selection process of the art and artist, and evaluation of the art's accessibility. All procedures appear in accordance with the governing code.

2 Percent for Art Program Results

Since the required art is funded through public capital spending its location and sponsoring department are directly tied to overall City capital spending. The majority of the art installed since 2005 has been associated with several large capital projects. Since 2005, the Central Subway and San Francisco General

⁸ 20% in administrative fees and up to 10% in conservation fees

⁹ The 16 projects were selected at random from projects with art installed since 2005. The selected capital projects represent 24.2 percent of capital projects, and the individual art represents 3.2 percent of all art installed in the period.

Hospital projects have accounted for about a third of expenditures. The ten largest projects account for over two thirds of planned and actual expenditures.¹⁰

Figure 3: Actual Expenditures on Art For 10 Largest Projects In the 2 Percent for Art by Amount 2005 to the Present

Project	Capital Project Art Budget
Central Subway	\$6,882,297
San Francisco General Hospital	\$4,893,760
Third Street Light Rail	\$3,735,344
SFO Terminal 2	\$2,604,528
Laguna Honda Hospital	\$2,600,705
Public Safety Building	\$2,013,140
SF PUC 525 Golden Gate	\$1,468,644
Academy Of Sciences	\$1,218,247
SFO Terminal 1	\$1,144,100
SFO Terminal 3	\$930,418
SFO Control Tower	\$500,000
SFO International Terminal	\$492,162
Palega Rec Center	\$387,900
Betty Ann Ong Rec Center	\$204,500
Islais Creek Waterfront	\$167,931
Hamilton Rec Center	\$162,285
Octavia Streetscape	\$150,000
McLaren Park Wayfinding	\$149,200
Metro East Vehicle Facility	\$148,920
Youth Guidance Center (Juvenile Hall)	\$142,790
Church And Duboce Streetscape	\$130,000
Total	\$30,126,871¹¹

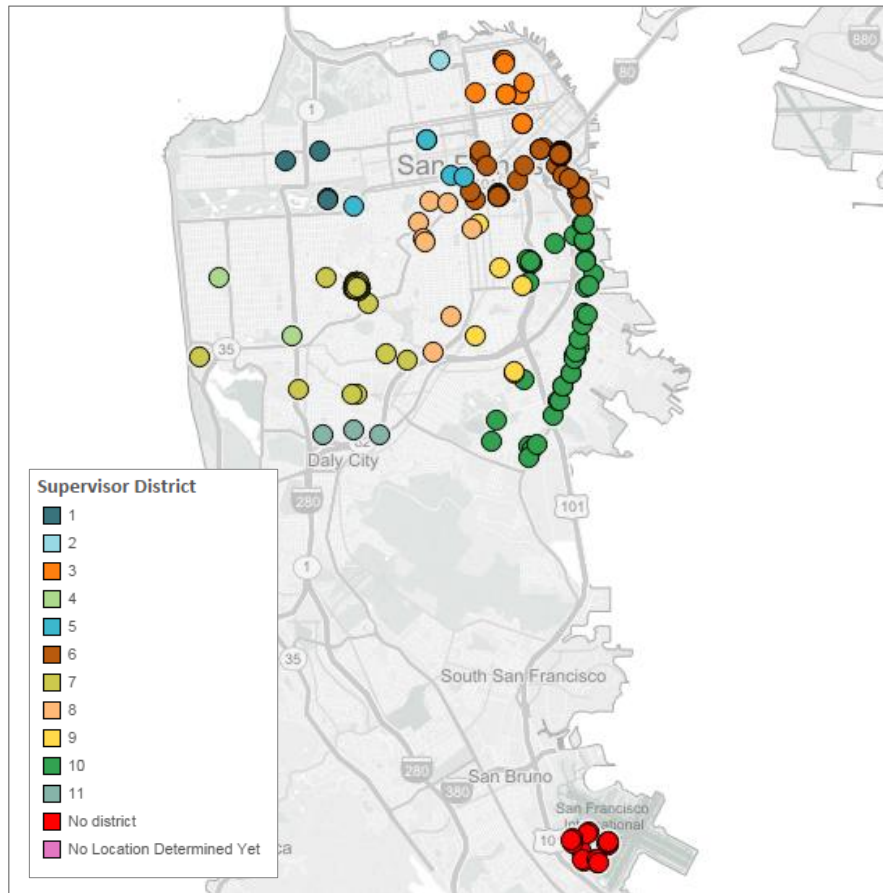
Source: Arts Commission

¹⁰ These amounts do not include administrative or conservation costs or fees.

¹¹ The entire Civic Art Collection includes works acquired prior to the 1969 ordinance, contains over 4,000 objects and is valued at over \$90 million.

Figure 4: Location of Art Installed Under the 2 Percent for Art Program 2005 to the Present

(Interactive version and full dataset available [online](#))



Source: Budget and Legislative Analyst Office analysis of Arts Commission data

Administration Costs

Since 2005, the expenditures for the artwork in the 2 Percent for Art program total \$32.5 million. In addition, the Art Commission collects administration fees of “up to 20%” and the conservation fee (up to 5% until 2014 and up to 10% since 2014). The maximum amount the Arts Commission could have collected in fees for art projects undertaken since 2005 is approximately \$8.0 million.

Planning Department's Downtown Gallery – 1 Percent for Art Program

Planning Department's Process

The Planning Department does not evaluate the artistic merit of private developer choices for art, and neither the Department nor the Planning Commission has approval authority over the choice of artwork or artists. The Department's role is to:

- Engage the developer in a discussion of the public art requirement.
- Make sure that the proposed work is valued at 1 percent of hard construction costs and meets the code's requirements for public accessibility.
- Determine that the artwork is not an architectural feature.

Because many large downtown development projects must meet open space requirements, much of the required art is located in privately owned and publicly-accessible open spaces, such as plazas, terraces, and atriums as well as in hotel and office building lobbies.

Locations of New Art Not Published

The Department has limited documentation on the installation of public art in private downtown developments. Without public information and documentation the public does not know where all of the art is located and the department does not have a way to evaluate overall if the 1 Percent for Art program is achieving its goals.

In 2011, the Department published a document titled "Today's Downtown Gallery," which cataloged all of the art up to that point. This information has since been added to the City's open data portal and on an [interactive map](#) showing the artworks' locations and details. However, the document hasn't been updated since 2011; 16 projects have been completed with installed public art since its publication. This limits the public's ability to find and access art installed since 2011. The Planning Department notes that it expects it will update public information in early 2016.

Lack of Tracking Hinders Evaluation

The Department has no tracking mechanism for projects with public art, which limits its ability to evaluate goals of the program. Missing from the current systems are database fields to mark projects that are subject to the requirement. Without such tracking, it is difficult for the Department to review the public art program and update public information. The Department states that it expects its Permit and Project Tracking System project (PPTS) to include tracking of public art by early 2016. This should fix the problem for future projects, and previous

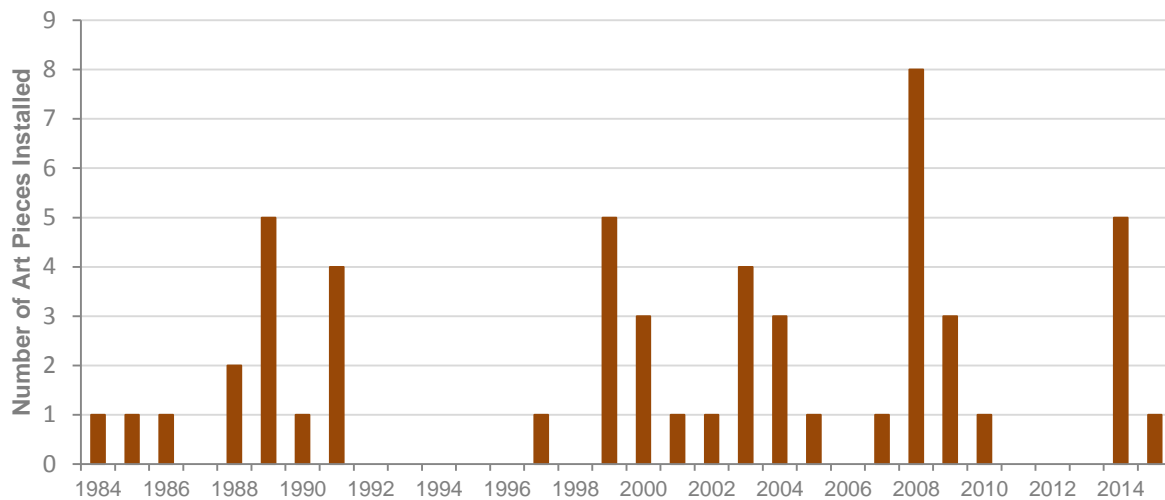
projects could be updated with the information compiled by the Budget and Legislative Analyst for this report.

The Planning Department does not consistently retain receipts and invoices for the art; only one project file since 2005 contains this documentation. This is problematic since it limits the Department's ability to evaluate if the art requirement was fully met. Despite this documentation weakness, we found no indication that current practices have failed to properly enforce the Planning Code requirements. The Department's current practice is to have each planner's work on a project reviewed by a supervisor and at planning coordination meetings with senior staff. Retaining documentation would improve the Department's accountability and assist with resolving any future enforcement investigations the Department may conduct.

1 Percent for Art Program Results

Since 1985 when the program was implemented, 1 Percent for Art has resulted in 53 works of art associated with 41 projects or about one development project per year on average. From 2005 to the present period, the requirement resulted in 20 works of art associated with 16 projects. Compared to the 2 Percent for Art program, which depends on City capital spending, the 1 Percent for Art program depends on large-scale private building projects. These developments are impacted by economic cycles and are often built in waves; see figure 5. An interactive map and full download of the data is available [online](#).

Figure 5: Installation of Art in the 1 Percent for Art Program by Year, 1985 to 2015

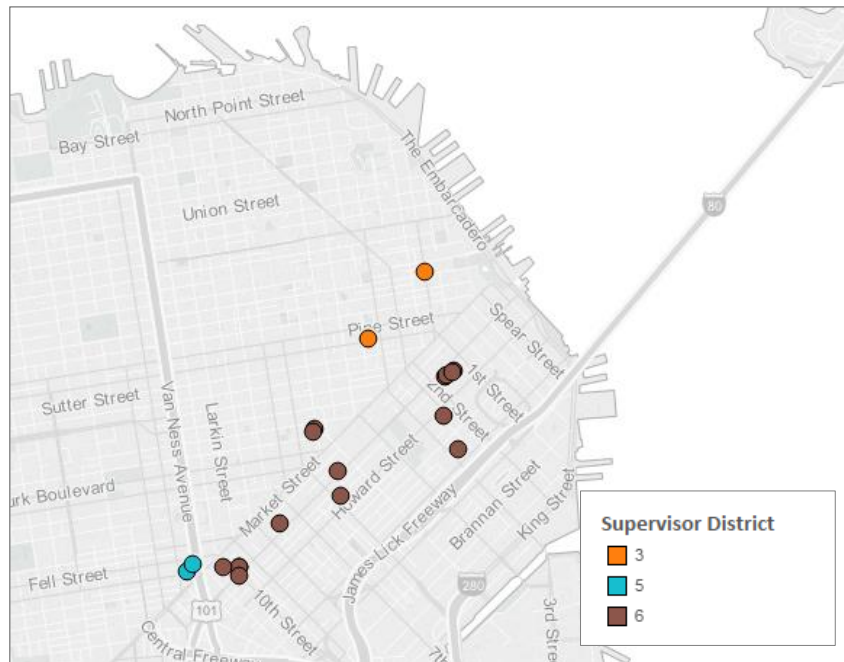


Source: Planning Department documentation and Department of Building Inspection records

This art is mostly located in buildings in San Francisco’s downtown C-3 zoning district in accordance with the Planning Code. A 2012 amendment to Planning Code Section 429 expanded the 1 Percent for Art program to other downtown, Rincon Hill and South of Market neighborhoods as the city’s “downtown” has expanded to include much of SoMa and other nearby neighborhoods, which have experienced and are expected to experience more growth. The Planning Department refers to the entire collection as the Downtown Gallery. The locations of the artwork are shown in figure 6.

There are currently 23 buildings under construction, and 71 in a pre-construction phase that are subject to the 1 Percent for Art requirement. The total value of the 1 Percent for Art contribution of buildings currently under construction is expected to be \$19.1 million if all projects are completed. These figures will likely change as the scope and cost of some projects may change, and this estimate is based on the Department of Building Inspection construction cost calculation, which can differ from the Planning Department’s calculation of hard construction costs. Regardless of the exact construction costs, a sizable amount of new public art is expected to be installed in the near to medium-term. This presents an opportunity for the Planning Department to improve its public information on public art before the upcoming wave of art is installed.

Figure 6: Location of Art Installed Under the 1 Percent for Art Program 2005 to the Present (Interactive version and full dataset available [online](#))



Source: Budget and Legislative Analyst Office analysis of Planning Department data

Types of Art and Access

Types of Art

Both the 2 Percent for Art and 1 Percent for Art programs frequently result in sculpture. See examples below in figure 7. This makes practical sense, as sculpture and similar types of installation art are more durable, easily displayed outdoors and have relatively low conservation costs. Private developers in the 1 Percent for Art program may especially be drawn to types of art with minimal long-term conservation costs. This pattern of durable art seems in line with the specific requirements of the Planning Code and the spirit of the codes' intent of art enrichment.

Figure 7: Examples of Sculpture and Installation Art



“Annular Eclipse” by George Rickey, installed in a public space in front of a Golden Gate University building at 560 Mission Street. Installed under the 1% requirement. Photo provided by the Planning Department.



“Firefly” Ned Kahn, installed on the side of the Public Utilities Building at 525 Golden Gate Avenue. Funded by the 2% requirement. Photo provided by the San Francisco Arts Commission.

Figure 7: Examples of Sculpture and Installation Art (continued)



“Lily Pad” by Laurel Ture, installed at Hayes Valley Playground at Buchanan Street and Hayes Street. Funded by the 2% requirement. Photo provided by the San Francisco Arts Commission.



“Not Out of the Woods Yet” by Richard Deacon, installed in the plaza at the Foundry Square building at 500 Howard Street. Installed under the 1% requirement. Photo provided by the Planning Department.

Accessibility of Art

Not all public art may seem immediately accessible to the general public, but we saw no true instance of inaccessibility. For example, art installed inside the terminals of the San Francisco International Airport, is generally only accessible to passengers, and can only be accessed by non-passengers with a pre-arranged tour. However, there were 47.1 million¹² passengers who had access to art in 2014 across the various terminals. Another example is art within the lobbies of private hotels or office buildings, which may appear less accessible even when indicated by an exterior plaque. Similar to the Airport, art within private lobbies has thousands of viewers annually, enhances urban experience, and, some advocates suggest¹³, contributes to economic development. See examples below in figure 8.

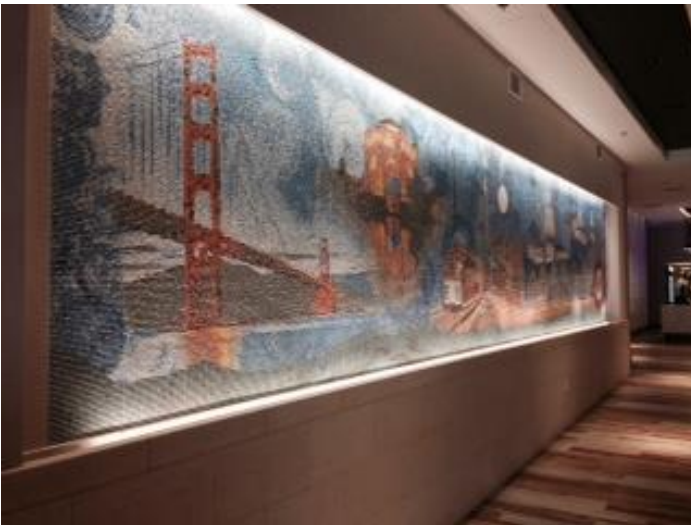
In 2011, the Planning Department’s enforcement staff conducted an audit of all of the public art provided under Section 429. At that time, only one piece of art appeared to not be publicly accessible. The Department has also investigated three cases to verify installation of the art. Two cases, 1 Kearny Street and 120 Howard Street, were initiated by complaints that the Department found to be invalid and that the public works of art were in place. A complaint is still active on

¹² [San Francisco International Airport 2014 Fact Sheet](#)

¹³ [“How the Arts and Culture Sector Catalyzes Economic Vitality”](#), American Planning Association

a third case, 421 Turk Street, where the public art is close to completion and the delays are attributable to both the project sponsor and the artist.

Figure 8: Accessibility Examples



“Untitled” mosaic by K.P. Tripathi , installed in the lobby of 942 Mission Street inside of a Hampton Inn. The lobby has 24 hour access and an external mosaic plaque to “encourage the passerby to enter the hotel and view the larger piece within.” Installed under the 1% requirement. Photo taken by the Budget and Legislative Analyst Office.



“Sky” by Merge Conceptual Design, installed in Terminal 3 of San Francisco International Airport. Non-passengers can request a tour of all art within the Airport. Funded by the 2% requirement. Photo provided by the San Francisco Arts Commission.

Artist Work Space and the Public Art Fund

The Budget and Legislative Analyst was asked to consider if the Percent for Art programs could serve other art needs such as creating space for artists to work. The Public Art Trust Fund, to which private developers may contribute in lieu of onsite art, could potentially be a source of funds for art spaces. Any contributions to the Fund, however, would reduce the amount of public art created onsite in large downtown buildings.

The Trust Fund was created in 2012 when the Board of Supervisors amended Planning Code Section 429. It was intended to provide an alternative to installing onsite artwork for developers with limited building space or with privacy concerns due to a residential development. The Planning Code allows Trust Fund monies to be spent on other public art and culture needs. Workspace for artists and support for non-profit arts organizations may fit this definition.

Anecdotal evidence indicates that many local artists are at risk of losing their workspaces as commercial rents in San Francisco increase. The Arts Commission surveyed artists regarding their work space needs. 579 people responded to the survey with 68 percent reporting that their lease has not been or will not be

renewed or that they are offered lease renewals with rent increases as a condition. The actual amount of displacement to other locations is unclear, but the fact of rent increases is not surprising in the current market. Compounding the cost of art workspace is that many artists work with hazardous materials and they require specialized workspaces beyond traditional office or residential units.

The Trust Fund has limited resources and the Planning Code does not provide an explicit incentive for developers to contribute to the Trust Fund. To date the Trust Fund has received one anonymous donation and one contribution to meet the public art requirement due to limited on-site space to install art.¹⁴ None of the other buildings under construction or in a pre-construction phase have indicated that they intend to contribute to the Trust Fund in lieu of placing art on site.

Percent for Art in Other Jurisdictions

Few west coast cities offer an incentive for developers to contribute to a fund instead of installing onsite art. The Budget Analyst reviewed six west coast Percent for Art programs as well as New York's program. Only San Diego's program offers an incentive structure to developers to contribute to a fund instead of installing onsite art. The San Diego program decreases the public art fee from 1 percent to 0.5 percent for developers that contribute to the public art fund. Oakland recently implemented a private Percent for Art program with a similar incentive to contribute to a fund in lieu of placing art on site if approved by the City under special circumstances. It's unclear how often these options are utilized by developers in either city.

Four jurisdictions provide means of meeting the public art requirement other than placement of art on site. San Diego has a "cultural use" option whereby developers can provide onsite space and other support to nonprofit arts organizations. Los Angeles and Oakland have similar options. In none of these cases "cultural use" options or trust fund contributions are mandated. They are merely options, and the jurisdictions did not provide information on how often they are utilized. *Appendix B provides a more detailed summary of the seven comparison programs.*

Policy Options

The Board of Supervisors should request that the Planning Department present a plan to improve public information and evaluation of the 1 Percent for Art program.

¹⁴ The Emerald Fund project at 150 Van Ness and 101 Polk

Appendix A – Zoning Districts With 1 Percent for Art Requirement

(a) all projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District; and

(b) all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013 on the following parcels:

(1) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts;

(2) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and

(3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall). For the purposes of this Section, a “Development Application” shall mean any application for a building permit, site permit, environmental review, Preliminary Project Assessment (PPA), Conditional Use, or Variance.

(Added by Ord. 62-12, File No. 110853, App. 4/19/2012, Eff. 5/19/2012)

Appendix B - Detailed Table of Other Jurisdictions

Summary of Seven Percent for Art Programs

City	San Jose
Ordinance	San Jose Code of Ordinances Chapter 22.08
Title	Art in Public Places
Administrator	San Jose Arts Commission
Purpose	Enhance the appearance of public places by incorporating art; engage artists to help beautify City.
Summary	Not less than one percent of the cost of municipal capital improvement projects is set aside for the acquisition of works of art to be displayed in or about public places within the City. The city manager or the city council approves the final public art to be acquired under the capital improvement budget taking into consideration the recommendations of the arts commission.

City	Los Angeles
Ordinance(s)	Muni Code 91.107.4.6.5 and Admin Code 22.118
Title	Private Arts Development Fee Program (ADF) and The Public Works Improvement Art Program (PWIAP)
Administrator	Cultural Affairs Department / Cultural Affairs Commission
Purpose	To create art and provide support for cultural and artistic facilities and services in the community. To use private fees to support arts projects facilities and arts educational programs available to the end users of the development site.
Summary	<p>Private Percent for Art provides cultural and artistic facilities, services and community amenities to be available to the project and its future employees.</p> <p>Non residential development projects with construction values of \$500,000 or more pay an Arts Development Fee according to building type. The maximum fee is \$1.57 per gross square foot or 1% of the valuation of the project, whichever is lower.</p> <p>Option One: Pay fee. Fees are deposited into a Cultural Affairs Department fund used to support arts projects, facilities and arts educational programs available to users of the site. Fees paid into this fund may be used only to provide cultural and artistic facilities, services and community amenities available to the development project and its future employees.</p> <p>Option Two: Developer agrees to complete an arts project for the value of the Arts Development Fee. Examples include public artwork at the development site, or support of non-profit arts organizational activities. The facility, service or community amenity: (a) may be used by patrons, occupants and owners of the development project; and (b) satisfies the cultural and artistic needs of the development project so as to reduce the need for public cultural and artistic facilities, services and community amenities to serve the patrons, occupants and owners of the development project.</p> <p><u>Public Works Improvement Art Program (PWIAP)</u></p> <p>Requires 1% of the cost of any City public works capital improvement project be set aside for an art component administered through the Arts and Cultural Facilities and Services Trust Fund for: Acquisition or placement of publicly accessible works of art or acquisition or construction of arts and cultural facilities; Providing art and cultural services; Restoration or preservation of existing works of art; Supporting the City's cost of administering the PWIAP. Support to program operations of the Cultural Affairs Department.</p>

City	San Diego
Ordinance	San Diego Municipal Code Chapter 2 26.0714
Title	Public Arts Ordinance / Civic Enhancement Allocation
Administrator	San Diego Commission for Arts and Culture
Purpose	To ensure that the City's increasing urbanization is offset by the creation of artworks and venues dedicated to cultural use
Summary	Private industrial or commercial non-residential developments with a total building permit valuation greater than or equal to \$5,000,000 are subject to a "Civic Enhancement Allocation" in an amount equal to one percent or one-half of one percent of total building permit valuation. Developers comply through one of the following: (1) Placement of artworks valued at one percent of the total building permit valuation for the development on the premises. If the value of the artwork is not equal to or greater than the Civic Enhancement Allocation, the developer pays into the Public Art Fund an amount equal to the difference between the amount of the allocation and the value of the artwork. (2) Maintaining a portion of the premises which is open and accessible for cultural use. If the value is not equal to or greater than the Civic Enhancement Allocation, the developer pays the Public Art Fund an amount equal to the difference between the Allocation and the value of the premises open and accessible for cultural use. (3) Depositing in the Public Art Fund an in-lieu fee equal to one-half of one percent (.5%) of the total building permit valuation for the development.

City	Oakland
Ordinance	1989 Ordinance 11806 and 2014 Oakland Municipal Code Section 15.70
Title	Percent for Public Art and Art Requirements for Private Development
Administrator	Cultural Arts Division
Purpose:	Expand the opportunities for citizens to experience art in public places throughout the City; Promote the arts in Oakland by requiring the inclusion of public art in new development projects
Summary	Allocation of 1 1/2% of the City's capital improvement projects costs for the commissioning of public art works and artists' services in the construction of public works. <u>Private Percent for Art Program</u> Non residential buildings of 2,000 square feet or more of new floor area pay 1% of building development costs for art on site. Residential buildings of 20 or more units devote not less than .5% of building costs for publicly accessible art on site. In lieu of art on site: Contribute to the Public Art Project Account for acquisitions and placement of public art throughout the City OR satisfy 25% of the contribution by including a space for a rotating art gallery and / or 50% of the in lieu contribution by dedicating at least 500 sq. ft. for arts and cultural programming and pay the remainder via the in-lieu contribution.

City	Portland and Multnomah County, Oregon
Ordinance	Portland City Code 5.74.040
Title	Acquisition of Art / Percent for Art program
Administrator	Regional Arts and Cultural Council
Purpose	To integrate a wide range of art into public spaces in the community and reflect the diversity of artistic disciplines, and points of view. The program promotes education about public art through its collection and related programming; raises the public's awareness of their environment, and expands the region's knowledge and understanding of the arts.
Summary	2 % of the Total Costs of Capital Improvement Projects is dedicated to Public Art and deposited in a Public Art Trust Fund administered by the Regional Arts and Cultural Council

Floor Area Ratio Bonus for *Private Developers*

A public art program for private development that awards a floor area ratio bonus to developers who install public art or contribute to the public art fund. Development projects that commit one percent of their total construction cost to public art may receive floor area ratio bonus of 1:1. Projects committing more than one percent to public art receive additional bonus floor area ratio of 0.1:1 for each additional 0.1 percent of the project's total construction cost devoted to public art, up to a maximum floor area ratio bonus of 2:1.

Developers may receive the bonus by doing one of the following:

- Allocate and spend 75% of 1% to 2% of construction costs on art and contribute the remaining 25% to the Public Art Trust Fund.
- Contribute the full 1% to 2% of construction costs to the Public Art Trust Fund.
- Contribute an amount greater than 25% of 1% to 2% of construction costs to the Public Art Trust Fund, and dedicate the balance to on-site artworks.

City	New York
Ordinance	1983 Local Law 65
Title	Percent for Art
Administrator	Department of Cultural Affairs
Purpose	The Percent for Art Program offers City agencies the opportunity to acquire, commission or restore works of art specifically for City-owned buildings throughout the five boroughs. By bringing artists into the design process, the City's civic and community buildings are enriched.
Summary	The "Percent for Art" law applies to City-owned capital construction projects that provide public services and accessibility. These projects include firehouses, schools, shelters, police precincts, courthouses, hospitals, clinics, passenger terminals, prisons, detention centers, parks and sanitation facilities. ¹⁵

No less than 1% of the first \$20,000,000 plus no less than 0.5% of the exceeding amount allocated for artwork, capped at \$400,000 per commission.¹⁶ Only municipal or City-funded construction projects are mandated to abide by the PFA law.¹⁷ The art work must be located in an area of the facility that is accessible to the public.

¹⁵ <http://www.nyc.gov/html/dcla/html/panyc/faq.shtml#purpose>

¹⁶ Sheppard Mullin

¹⁷ http://itsartlaw.com/2015/02/09/public_art_percent_for_the_arts/

City	Seattle
Ordinance	Municipal Code Sections 20.32.010, .020, .030, .040 and .050
Title	One Percent for Art
Administrator	Office of Arts and Culture
Purpose	The City accepts a responsibility for expanding public experience with visual art. Such art has enabled people in all societies better to understand their communities and individual lives. Artists capable of creating art for public places must be encouraged and Seattle's standing as a regional leader in public art enhanced.
Summary	1% of eligible city capital improvement project funds be set aside for the commission, purchase and installation of artworks in a variety of settings.
