



CASE STUDY FINDINGS

TITLE PAGE: *Watts*
Towers, Simon Rodia,
1954, Los Angeles.

According to the Americans for the Arts, today there are more than 350 public art programs throughout the nation²⁷; and because Philadelphia created the nation's first Percent for Art Program, many of these programs can trace their roots back to Philadelphia. **However, Philadelphia's groundbreaking percent-for-art programs were created in 1959, and since that time, many cities have improved upon Philadelphia's legislation.**

The following case studies — New York, Los Angeles and Seattle — illustrate how three cities have begun to redefine the role that city government plays in creating public art. Each city explored in the following case studies provides a glimpse into various approaches to the delivery of public art; but, across the board, the featured public art programs are far from perfect. In particular, a major issue with which many cities struggle is how to allocate dollars for ongoing conservation and maintenance for existing public art. Every public art administrator interviewed for this report indicated that, moving forward, public art programs throughout the nation must begin to critically examine the percent for art legislation and begin to build in safeguards to ensure that dollars are earmarked for continuous maintenance and conservation of public art collections.

NEW YORK CITY

New York City's recent public art success stories are in large part directly connected to Mayor Michael Bloomberg's personal interest in arts and culture. Mayor Bloomberg believes that, "every New Yorker deserves an enriching built environment" and that government must "ensure that public art remains an important component of New York's public spaces."²⁸

The importance of having a champion cannot be underestimated. However, successful arts and culture programs are measured by their ability to leverage a champion's commitment and use that attention to strengthen the program and establish long-term relevance. In recent years, New York's Department of Cultural Affairs (DCA) has worked hard to establish its significance and in the process has demonstrated that arts and culture, including public art, is a backbone of tourism, and that it can serve as a magnet for new businesses and residents.²⁹

First, the city has strengthened the DCA by making art accessible and visible throughout the city. Since the start of the Percent for Art Program in 1982, 220 works have been commissioned and 66 projects are currently in progress.³⁰ The Percent for Art Program, an initiative which commissions artists to create permanent public artwork in municipal buildings and city-owned public spaces — such as schools, parks, police stations, libraries, hospitals, sanitation facilities, etc. — has been aggressive about reaching across city agencies and working with various city departments to bring public art into the five boroughs. The Percent for Art Program continues to work hard to position the initiative as a funding resource, not a restriction. However, the program is not without its bureaucratic pitfalls: Every interdepartmental partnership has slightly different terms that hinder the efficient management of the program; artists have criticized the selection process; and maintenance needs are not considered within the Percent for Art budget. Despite the constraints of the program, it has successfully brought artists, city agencies and the public together to begin incorporating public art into the city's varied communities.

The city has also strengthened the DCA by developing and implementing an arts and culture policy that directly links arts and culture to the citywide economic development policy of investing in sectors that will strengthen small businesses, create jobs and attract tourists. With in-house staff members that are fully dedicated to developing partnerships and policies that are aligned across city departments, the DCA has succeeded in embedding arts and culture goals into the city's economic development policies. The DCA's policies are often coupled with strategic initiatives that focus on implementation. For example, recognizing that small cultural institutions had trouble accessing financing for capital projects, the DCA and the New York City Economic Development Corporation (NYCEDC) partnered to develop a financing tool that

RIGHT: Olafur Eliasson's *City Waterfalls*, organized by the nonprofit Creative Time in partnership with New York City government, is estimated to have generated \$70 million.



provides these institutions with access to capital financing. Through this partnership, the DCA is able to do two things: fulfill its role as an advocate for arts development and link cultural institutions to essential funding tools. Through this strategic initiative, the DCA ensures that small institutions can contribute to the economic vitality of the city.

Additionally, the DCA has reached beyond city government to develop strong partnerships with nonprofit entities such as the Public Art Fund and Creative Time. Creating successful partnerships with the nonprofit sector has enabled the DCA to lend its support to popular, alternative public art events such as Christo and Jeanne-Claude's 2005 installation *The Gates*, and Olafur Eliasson's 2008 installation *City Waterfalls*. Such partnership between sectors creates a means by which the city can help to push the boundaries of traditional public art. Nonprofit partners like the Public Art Fund or Creative Time will typically embrace the role of "producer" — they commission proposals from emerging artists, identify possible locations, fix budgets, raise money, solve technical problems such as permitting, and ultimately implement public art in unexpected locations.³¹ The actual implementation of these projects, however, requires facilitation and support from the city. Thus, the DCA completes behind-the-scenes work that enables the delivery of the installation. DCA tasks include evaluating artistic merit, providing necessary funding, and making introductions and facilitating negotiations with city departments. It is evident that much of the success of the DCA rests in its ability to foster partnerships and encourage collaboration between sectors. Through these relationships, the DCA has played a role in delivering projects such as *The*

Gates and *City Waterfalls*, and has helped to infuse the arts across the city, effectively increasing public awareness of and support for arts and culture.

In addition to policy and partnership development, the department measures the economic impact of arts and culture initiatives on the city's economy. According to data compiled by the DCA, the NYCEDC, and the city's tourism group NYC & Company, *The Gates* helped to increase attendance at many of the city's nonprofit arts institutions between 78 percent and 300 percent.³² Similarly, the 2008 *City Waterfalls* project by Olafur Eliasson is estimated to have generated \$70 million.³³ Based on the economic successes of *The Gates* and *City Waterfalls*, the DCA has made a conscious effort to work with a variety of partners (tourism, businesses, schools, parks and

recreation, NYCEDC, etc.) to track and provide quantifiable data that evaluates how arts and culture impact the city's economy. The results are consistently positive. Thus, for the DCA, tracking attendance at events and modeling the economic impact of DCA initiatives has become department practice. This data demonstrates the DCA's importance as an economic development entity.

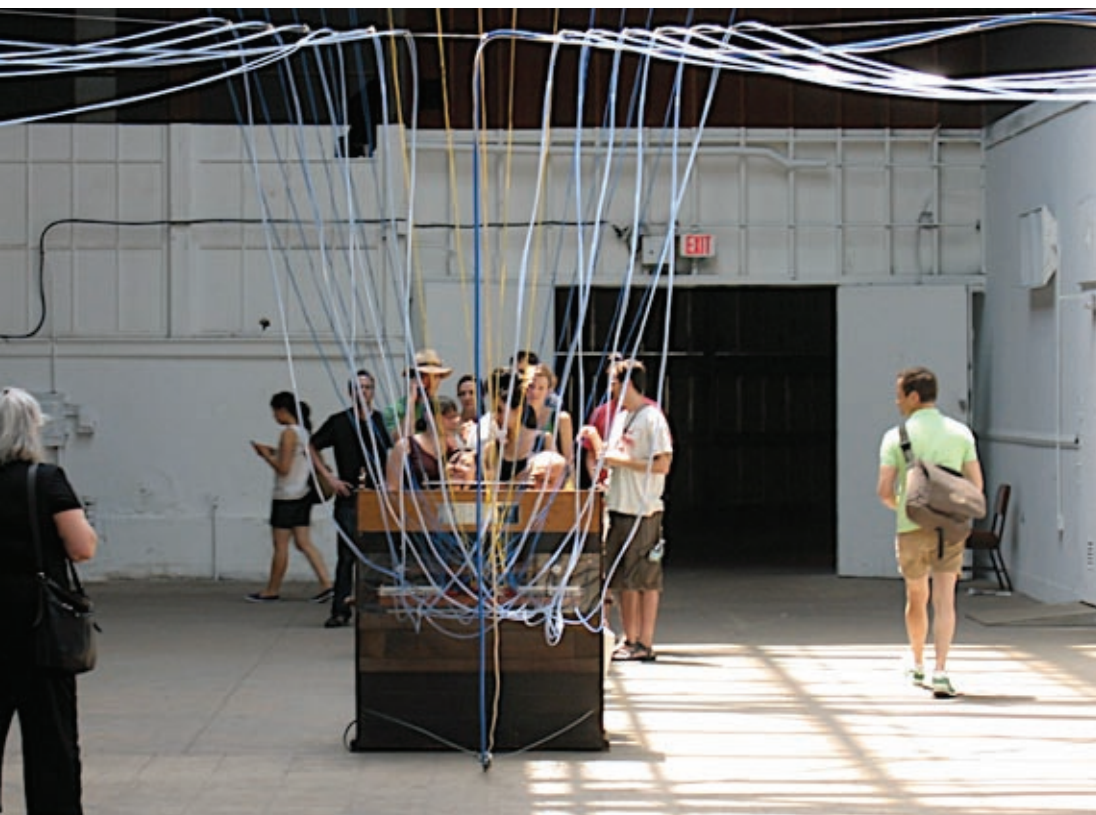
The DCA's objective is to use the current support of the mayor to make the department able to withstand a change in administration. With its in-house staff dedicated to developing policies and strategies intimately linked to economic development, the DCA is building a foundation that will help to sustain the department beyond Mayor Bloomberg's tenure. **In Philadelphia, the creation of the Office of Arts, Culture**



LEFT: Anish Kapoor's *Sky Mirror*, a steel mirror 35 feet in diameter that reflected different views of the New York skyline depending on the viewer's perspective. It sat on the Fifth Avenue side of Rockefeller Center in fall 2006.

BELOW: *Playing the Building*, a temporary installation by Creative Time and artist/musician David Byrne that connected an antique organ to the structural features of a Lower Manhattan building, creating unique music when “played” by visitors.

and the Creative Economy represents an important first step in reasserting arts and culture as an administration priority. As a next step, the OACCE, like New York City’s DCA, must concentrate on developing key policy recommendations and defining essential strategies that will fortify the primacy of the office — ultimately ensuring the long-term strength of the city agency. The lessons from New York are not focused entirely on how the city delivers public art; rather, the lesson is that public art is integral to the city’s overall arts and culture policy. With strong direction at the departmental level, New York City’s public art initiatives are well poised to succeed.



LOS ANGELES

In 1990, Los Angeles passed a landmark ordinance that redefined the traditional parameters of its Percent for Art programs. Instead of focusing Percent for Art program dollars on city capital projects, the city expanded the boundaries of the program and required that any commercial development with a budget of more than \$500,000 provide an Arts Development Fee. With this ordinance, commercial developers have two choices: Pay the fee to a city arts fund or commission their own artworks. The fee is based on use and square footage, or it is equal to one percent of the construction value — whichever is less.

Following the city’s lead, the Los Angeles Community Redevelopment Agency (CRA/LA) has also tapped into the resources of private developers to deliver arts and culture to the city. The CRA/LA is charged with attracting new growth and investment into defined redevelopment project areas. As an economic development division, the agency lends financial and administrative support to developers in order to encourage development in underserved areas of the city. Like New York, Los Angeles has identified that there is a nexus between arts and culture and economic development. Thus, the agency has a stated goal of using arts and culture to improve livability and economic conditions within the city’s neighborhoods. The CRA/LA’s Art Program helps the agency achieve this goal. The art program requires that private developers receiving financial assistance from the city contribute one percent of the total development costs to arts-related projects. Contributions can be applied to on-site public art projects or to a Cultural Trust Fund that will finance facilities and enhancements

throughout the project area.³⁴

The range of eligible percent-for-art projects is vast. The city-sponsored Arts Development Fee can be applied to programming on and around the site or it can be applied to art that is integrated into the site. Programming examples include musical performances, festivals, etc., and integrated art can include amenities such as mosaic flooring or artistic hardscaping like benches, lighting and street furniture. The CRA/LA-sponsored program allows developers to provide for on-site art that is developed as an “integral part of the [entire] project program.”³⁵ Additionally, the private developer can incorporate a new cultural facility into the development plans or upgrade an existing facility. Developers also have the option of contributing to a Cultural Trust Fund that supports “visual enhancements” and strengthens existing cultural facilities.

However, the private component of the Percent for Art requirements does have its weak points:

- The city-sponsored program has been criticized for being an additional tax on developers, and because the art requirements add to the cost of doing business, developers have an indifference to the program. So, rather than becoming personally involved and embracing the spirit of the Percent for Art Program, developers often simply hire arts consultants to deal with the requirement in the most cost-effective and -efficient way. As a result, little thought is given to quality and to how the final product comes together. This has created a string of disappointing commissions. It is estimated that in the early years of the program, \$2.5 million was invested in artwork in 65 private developments, but “even daily visitors don’t

often realize that art is in their midst.”³⁶

- During boom times, city staff and CRA/LA staff are inundated with Percent for Art applications. And because the city and the CRA/LA have limited staff, the city’s arts administrators find themselves acting in the role of the facilitator — where they are simply focused on getting the project through the system and ensuring it complies with code regulations. In this scenario, the Percent for Art Program relinquishes some control over quality and design. In fact, it is rare that the city will reject a developer’s art proposal.

- An unintended consequence associated with involving the private sector in delivering public art has been that Los Angeles relinquished some control over ongoing maintenance and conservation of public art. The result has been rampant deterioration of many of



LEFT: One of the many murals for which downtown Los Angeles is known.

RIGHT: Public art lines the outdoor plaza at Frank Gehry's Walt Disney Concert Hall.

BELOW: A CRA/LA installation outside the Museum of Contemporary Art in downtown Los Angeles.



the installations funded through the Arts Development Fee. However, in response to such visible signs of wear and tear, the city revised its ordinance to include a maintenance covenant. The inclusion of this covenant has helped the city ensure that, moving forward, public art on private property will remain well maintained over time and as private properties change owners. This covenant, while still new, represents an important shift in the city's thinking about the long-term "health" of its public art collection.

These challenges are not insurmountable. Where Los Angeles' private program succeeds and can serve as a model is in its administration of the cultural affairs trust funds. When a developer chooses to contribute to the cultural fund, the city and the CRA are charged with providing arts programming for the



end user of the site. This fund has helped support neighborhood projects, art fairs, arts-related workshops, etc. Currently, utilizing cultural affairs trust fund dollars, the city is piloting a coordinated, citywide public art program where city facilities will host outdoor, temporary public art happenings.³⁷ Utilizing the funds for this type of temporary event has tapped into a wealth of new artists and has encouraged new levels of participation among the artist community. The cultural affairs trust fund provides an outlet for the city to support and deliver more vibrant and cutting-edge art.

While Los Angeles' approach to its Percent for Art Program is imperfect, it does provide an important lesson for Philadelphia: The percent-for-art legislation must continue to evolve and challenge the development



LEFT: *Peace on Earth*, a sculpture by Jacques Lipchitz, is located at the Los Angeles Music Center. The sculpture is accessible from the street and surrounded by additional art and a fountain. Lipchitz created a similar piece that is currently outside the Municipal Services Building in Philadelphia.

BELOW: An example of public art implemented by a private corporation in downtown Los Angeles.





RIGHT: A memorial statue for guitar legend and Seattle's hometown hero Jimi Hendrix.

RIGHT: *Black Sun* by Isamu Noguchi, located in Volunteer Park. *Sun* is part of the City of Seattle's permanent public art collection.



community to contribute to the built environment in innovative ways.

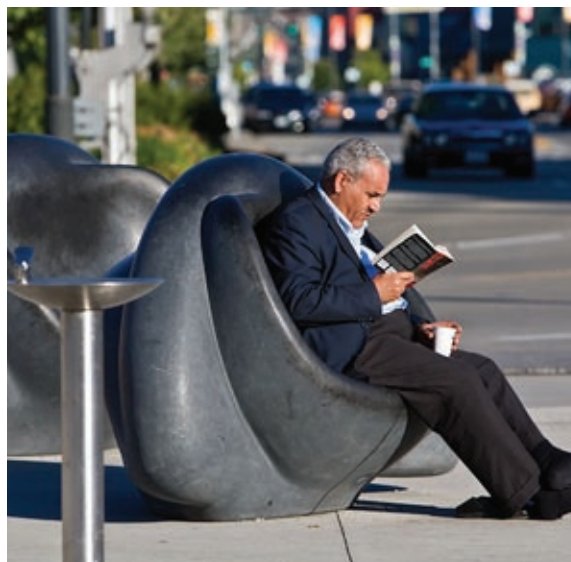
SEATTLE

Similar to Philadelphia, Seattle was one of the nation's first cities to adopt a percent-for-art ordinance. However, whereas Philadelphia's Percent for Art Program ties art installations to specific city-owned development projects, Seattle's ordinance allows for much more flexibility. The Seattle Municipal Code requires that one percent of capital improvement program funds be placed into the Municipal Art Fund; it is from this fund that the Public Art Program then purchases and commissions artwork for the city's public art collection.³⁸

In establishing the Municipal Art Fund, Seattle has given its Public Art Program a great deal of autonomy — both in terms of building its sources of revenue and selecting public art projects to finance. The Office of Arts and Culture manages the fund and collects dollars from voter-approved levies, eligible capital improvement project revenues, transferred construction funds and special funds such as grants.³⁹ Then, based on the total revenues collected, the Public Art Program develops an annual Municipal Art Plan and a series of artist-authored art plans that, together, provide a framework for commissioning artworks. In fiscal year 2008, the Municipal Art Fund will finance more than \$2.6 million worth of public art projects for Seattle City Light, Seattle Public Utilities, various city fleet facilities, the Seattle Center, parks and recreation centers, transit facilities and libraries.⁴⁰

A major constraint of the Municipal Arts Fund is that public art funding remains consistent at one percent of the city's capital improvement budget. In

addition, the Public Art Program must continue to deliver a high level of service and maintain a growing collection with a budget that rarely increases. As a result, the Public Art Program has made a concerted effort to support Municipal Art Plan projects that can leverage investment by other government entities, foundations and communities.⁴¹ This means that in recent years, Seattle's Office of Arts and Culture has begun to alter the way in which it has traditionally supported the installation of public art. In the past, Seattle's Municipal Arts Fund was designed to support artist-initiated, more monumental projects. Today, the Public Art Program has a much more democratic bent, focused on encompassing neighborhoods and increasing public awareness of and support for the arts. For example, the program works with artists,



LEFT: Louise Bourgeois' *Eye Benches*, functional sculptures in Olympic Sculpture Park that create a public space around another Bourgeois installation.

BELOW: Claes Oldenburg and Coosje van Bruggen's *Typewriter Eraser, Scale X*, on display at Seattle's Olympic Sculpture Park.



designers and architects to foster collaborations that bring public art into the building or the landscape. The program also looks to support emerging artists by growing a portable public art collection that is displayed in public areas of municipal buildings. This change in focus has been criticized by some as being too focused on delivering the mayor's agenda and not on "expanding experience with visual arts."⁴² However, on the flip side, the change in focus is reflective of the adaptability of the Public Art Program and the Municipal Art Fund. Through the Municipal Arts Fund, Seattle's Percent for Art Program has been able to creatively address budgetary constraints and evolving public art needs.

For Philadelphia, the lesson from Seattle centers on developing ways in which this city's well-regarded

Percent for Art Program can adjust with the times, become more responsive to the city's needs, and enable the city to challenge definitions of where public art goes.

RIGHT: *Father and Son*, a Louise Bourgeois fountain installed where Olympic Sculpture Park ends and the waterfront trail begins, features the characters reaching out for each other while obscured by water. The design of the sculpture and accompanying benches create a sculpture park that is also an amphitheater and public gathering space.



BELOW: As part of Seattle's percent for art program, the Seattle Arts Commission installed Jonathan Borofsky's *Hammering Man* in front of the Seattle Art Museum in 1992. Borofsky recently completed *Humanity in Motion* in the lobby of the Comcast Center in Philadelphia.



