

REPORT TO THE CITY COUNCIL



DATE: September 4, 2018

TITLE: Application for the Installation of Public Art on the Northeast Corner of the Bunch Palms Trail Cultivation Project Located at the Corner of Cabot Road and Two Bunch Palms Trail (APN 665-030-058) (AIPP No. 01-18)

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Reviewed by: Daniel Porras, P.E., Community Development Director

RECOMMENDATION

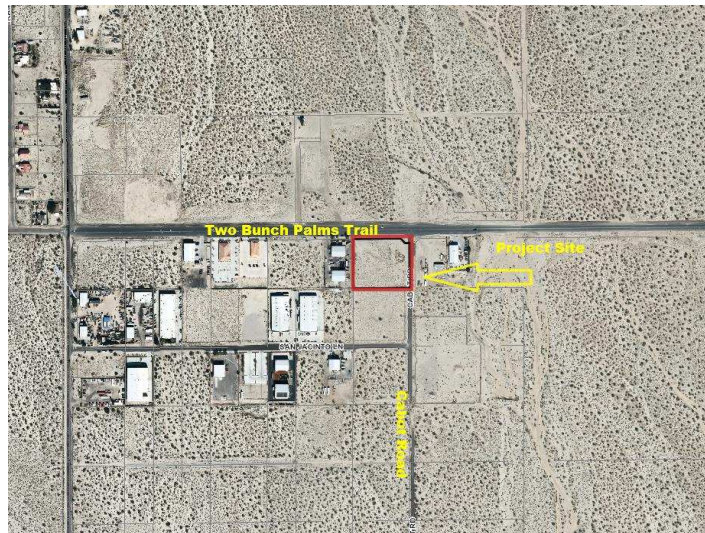
Consider a recommendation from the Community and Cultural Affairs Commission for approval of the proposed public art for the Bunch Palms Trails Cultivation project located at the southwest corner of Cabot Road and Two Bunch Palms Trail, subject to the recommended condition to move the fence behind the art piece.

BACKGROUND

Proposed Public Art

On April 11, 2018 an application for the proposed installation of public art at the Bunch Palms Trail Cultivation Project was submitted.

The applicant is proposing to place public art on their development site in-lieu of paying their required contribution into the City's Art in Public Places program. The Art In Public Places Ordinance was recently changed to require development projects in the Industrial Zone to pay the required contribution amount into the City's Art In Public Places program instead of installing public art. The changes to the ordinance also included a change to the required percentage of valuation in the contribution, and other minor language changes. However, since this application was received and deemed complete prior to this action it is subject to review under the ordinance that was in place at the time. The ordinance at that time did allow for the development project to install public art valued at the equivalent required contribution amount.



The proposed public art was completed by artist, Zohal Dara, who is known for bringing a unique element of artistic creativity to her work. The art piece entitled "Bucking Bronco" is a bronze/copper horse statue that will stand approximately 13 feet tall, with a depth of 4 feet, a width of 6 feet, and an approximate weight of 250 lbs. Total valuation of the piece is \$21,846.00; Exhibit 7 shows the cost estimate details. The proposed location is on the southwest corner of Two Bunch Palms Trail and Cabot Road near the site's entrance. Staff has attached the artists biography, the site plan, renderings/drawings, and a breakdown of the estimated costs associated with the purchase and installation of the proposed public art.

The required minimum contribution into the City's Art In Public Places program for this project is

\$6,419.31, which is 0.75% of the total project valuation. This percentage is based on the equivalent percentages of the Art In Public Places ordinance at the time the application was received and deemed complete.

Without the approval of the public art, the development would be subject to the Art In Public Places fees, and would be required to pay into the City's Art in Public Places program.

Ordinance

Pursuant to the Art in Public Places Ordinance (Sections 17.60.010-.160), the Community and Cultural Affairs Commission ("CCAC" or "Commission") is authorized to review, consider and make recommendations to the City Council to approve, conditionally approve or deny the donation of public art. On August 8, 2018, the CCAC approved making a recommendation to the City Council for approval of the Art in Public Places Application.

Since the application was received prior to the new AIPP Ordinance taking affect, the proposed public art is subject to the AIPP Ordinance as it was written prior to July 19, 2018.

Prior Actions

On August 8, 2018 the Community and Cultural Affairs Commission approved staff's recommendation with the condition that the perimeter fence be relocated behind the art piece to give public direct access to the art.

The applicant has since notified staff of the following concerns with moving the fence behind the art piece:

- 1) *Safety and Liability issues if someone would try to climb the art piece (horse statue) and was to get injured.*
- 2) *Vandalism to the art piece.*
- 3) *Graffiti to the art piece.*

The applicant is requesting that the perimeter fence remain as proposed in front of the art piece.

FISCAL IMPACT

The proposed project has paid all required fees for processing and is proposing to install the public art in lieu of its payments into the Arts in Public Places Program.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) Site Plan
- 3) Dimensioned Rendering
- 4) Artist Biography
- 5) Photograph No. 1
- 6) Photograph No. 2
- 7) Breakdown of Costs
- 8) OC Group – Company Brochure