



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember  
Magdalena Carrasco

**SUBJECT:** SEE BELOW

**DATE:** March 4, 2019

Approved by:

Date: 3/4/19

**SUBJECT: INCLUDE PUBLIC ART PROJECTS IN PRIVATE DEVELOPMENT  
ORDINANCE IN THE LIST OF POLICY INITIATIVES FOR THE COUNCIL  
POLICY PRIORITIZATION PROCESS**

### RECOMMENDATION

Consider the inclusion of priority setting item to direct the City Manager's Office to explore a Private Percent for Art Ordinance.

### BACKGROUND

I would like to move forward a late inclusion as part of priority setting that is critical in developing funding for development of public art. Due to an omission during the slated time window for the City Council Prioritization process and a consensus of the City's Arts Commission regarding this policy, I would like to include this in the list of policy initiatives for the 2019-2020 Policy Prioritization Process.

Our City's General Plan recommends the policy as does the Diridon Station Area Plan and the City's Cultural and Public Art Masterplan. The 1% for public art has developers pay an amount equal to 1% of the construction value of a large-scale project to fund public. I would encourage the development of the fee to move beyond the development of new work to expand the program to address public art throughout San José. Percent-for-art programs have been wildly successful in various states thus far, such as Philadelphia, New York, and Los Angeles, and percent-for-art programs have been mandated in over 25 states.

We have faced significant issues relating the preservation of murals in San José in recent past. Last year, the Mural de La Raza which colored Story Road for over 30 years was greyed out by a new building owner. The case is currently facing private litigation to address the violations of state and federal law but it has brought to our attention the need for an art inventory and a program to maintain historical art in San José. My office has worked with the Arts Commission and the Historical Preservation Commission to look for options to develop an archive and maintain these pieces in posterity.

If public art is not maintained in the community physically through conservation or intellectually, through programming and information, the community will lose their close relationship to public art that artwork that exists in the commissioning process. Once the Mural De La Raza was carelessly painted over, the graffiti began immediately. Graffiti that has been a signifier for gang activity.

Many corners of my district have been blighted due to graffiti and violence has escalated in these neighborhoods. Particularly gang violence has escalated in the past year in some of these blighted neighborhoods. For instance, the corner of Gridley and Golf has had a property repeatedly tagged with gang graffiti, which many in the neighborhood align with a drive-by shooting that ended with the loss of someone's life. In October, a grandmother was shot by a stray bullet from a gang involved shooting in the Dobern neighborhood and most recently in January of this year a young woman was murdered on Alum Rock and Sunset from what appears to be gang violence. Funding for addressing these hot-spot crime areas with community involvement and the development of murals has been known to lower the violent crime rate in a neighborhood.

A two-year study<sup>1</sup> by researchers from the School of Social Policy & Practice at the University of Pennsylvania found that low-income New York City residents with more access to cultural resources experience better education, security, and health outcomes. That includes a 14% decrease in cases of child abuse and neglect, an 18% decrease in the serious crime rate and a 18% increase in the number of students scoring at the highest level on standardized math and English tests compared to low-income communities with fewer cultural resources. According to the Urban Institute, "Social Impact of the Arts Project (SIAP), have credited the arts with preserving racial and ethnic diversity, lower rates of social distress, and reduced rates of ethnic and racial harassment in Philadelphia. They also found that the presence of cultural assets in neighborhoods was linked with economic improvements, including declines in poverty and increases in population."<sup>2</sup>

We have seen the cost of the continued elimination of graffiti continually impact our budget. In addition, the cost of law enforcement to address the property crimes and violent crimes is escalating. I believe the 1% on private development dedicated to art could lower crime rates, improve communities, address blight and beautify our city. I believe the new funding should fund the development of new work but also address the issues stated prior, restoration, maintaining our public art collections, archiving and

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<sup>1</sup> <https://www.sp2.upenn.edu/new-research-shows-arts-culture-improve-health-safety-well/>

<sup>2</sup> <https://www.urban.org/sites/default/files/publication/79271/2000725-Examining-the-Ways-Arts-and-Culture-Intersect-with-Public-Safety.pdf>

targeted art programs to address blight and crime through collaborations with our public and private organizations. I hope that you can support the development a private percent for art ordinance to fund a robust public art program beyond the downtown core.

