City of Ukiah, CA
Design Review Board

MINUTES

Regular Meeting **June 2, 2016**

Ukiah Civic Center, 300 Seminary Avenue

1. CALL TO ORDER: Chair Liden called the Design Review Board meeting to order at 3:10 p.m. in Conference Room #3.

2. ROLL CALL

Present: Member Nicholson, Hawkes, Morrow, Chair Liden

Absent:

Staff Present: Kevin Thompson, Principal Planner
Shannon Riley, Senior Management Analyst
Michelle Johnson, Assistant Planner
Cathy Elawadly, Recording Secretary

Others present:

3. CORRESPONDENCE:

4. APPROVAL OF MINUTES: The minutes from the March 10, 2016 and March 17, 2016 meetings will be available for review and approval.

Nicholson/Morrow to approve March 10, 2016 minutes, as submitted with Morrow abstaining. Motion carried.

Nicholson/Morrow to approve March 17, 2016 minutes, as submitted. Motion carried.

5. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The DRB is required by the City Code to review and make a recommendation on all Site Development Permit applications.

6. NEW BUSINESS:

6A. Provide comments and direction on the City's proposed Public Art Policy.

Senior Management Analyst Riley:

- A public art policy essentially came to fruition primarily because of a person/artist decorating City sidewalks with chalk. While some people called it art others called it graffiti such that it became apparent public art should likely be regulated and that a public art policy would best be managed by the City.
- The Mendocino Arts Council became involved in 2012 when they wanted to place a sculpture at the historic Train Depot and found the process to be discouraging.
- A local arts group that orchestrates community art walks has taken an interest in how to go about effectively displaying public art.
- Explained the progression and/or how development of the public art guidelines came into being.

Principal Planner Thompson:

- Referred to the draft City of Ukiah Public Art Policy as provided for in the staff report and requested the DRB review the proposed policy and provide comments with a recommendation to the Planning Commission.
- For consistency purposes and because DRB members have professional design expertise the DRB is the appropriate body to review the public art guidelines since the function of the Board is to make design recommendations to the Planning Commission for developments/projects.
- The proposed City of Ukiah Public Art Policy is essentially a model from other cities.
- The concept of art is 'subjective' and not definitively absolute.

Member Nicholson:

- The public art policy is regulated. Finds the approval process to be arbitrary and subjective such that it does not allow enough participation from the artist's perspective. Is of the opinion the artist should be allowed to have more input.
- An artist's work should be based on the appropriateness of the concepts to the project rather than what is defined/outlined and/or restricting/limiting with regard to the language in the document. What if a particular art project fits/complies with the 'appropriateness' definition in the policy document but someone on the discretionary review body is of opinion the proposed art should not be displayed in public and is this valid? Is of the opinion this is not valid in terms of artistic sensibilities.

Chair Liden:

- Finds the document to be a necessity.
- Related to the term concerning the 'concept of the project' understood it to be the artist's concept.

Member Nicholson:

- An artist does get to present his/her concept but that is the end of it because the art is being evaluated by committees/discretionary review approval process.

Chair Liden:

- Requested clarification the language in the policy document is based on the artist making his/her presentation built on what the art concept is and being able to address this concept accordingly rather than the concept of the project being something that is defined by the discretionary review body, such as the Planning Commission.

Member Nicholson:

- Acknowledged while the reviewing body plays a role in the evaluation process the art must also fit in with the social and physical environment. The art to be displayed also has to be appropriate for the City and the goals/policies of the Downtown Design Guideline District for commercial development.
- It appears the process is 'watered down' so rather than looking for quality art we are looking for art that is non-controversial/non-confrontational and while it may not be a necessary attribute of what constitutes 'good' art, art should be confrontational/stimulating/provoking. Confrontational art does not necessarily mean 'in your face type of art, but rather a nuance having distinction/character. Quality art should raise more questions than answers.

Principal Planner Thompson:

- Asked which sections of the proposed policy are inhibiting to art.

Members Nicholson/Hawkes:

- Page 3, section 2. Process for Review by Appropriate Commission and Planning Commission, subsections ‘a’ and ‘b,’ Qualifications and Quality.

Member Nicholson:

- Understood the intended approach is to move forward in a rapid way toward ‘mediocrity.’
- Acknowledges the concept of art to be displayed publicly does need to have a censorship mechanism in its public policy should the art be offensive and in poor taste.

Member Hawkes:

- It would appear the intent is to have a committee make a judgment. It may be the art proposed for public display is extremely offensive to some group in the community and as such should not be displayed publicly.
- It may be very difficult to formulate a censorship mechanism because art is subjective and people view art differently.
- It may be the committee should be defined more than the artwork itself.

Senior Management Analyst Riley:

- Related to the most recent revisions to the public art policy from those persons who participated in the process they recommended formulating a new and separate commission altogether that would be comprised of multiple artists, etc. A concern in this regard was that particular group’s ability to factor in the design of the City, the surrounding architecture and/or the scale of the artwork.
- No funding is available for public artwork at this time. As such, no artwork is proposed at this point.

Member Morrow:

- Agrees with Member Nicholson’s comments above.
- Would like to see more interesting art in Ukiah.
- The proposed public art policy tends to make the process more difficult to install art such there would likely be a lot of ‘watered down’ artwork proposed for display. It would be better if we could find ways to encourage more art and whether or not people like it is an individual interpretation of the artwork. The process of being able to display art publicly appears to be a cumbersome process. For instance, to put artwork in the park would require the filing of an application for review by the DRB where a recommendation has to be made by the DRB to the Planning Commission for final approval.
- If he wanted to put art in a public place, he might look at all the rules and get discouraged rather than encouraged to do so.
- Is not fully supportive of the public art policy as presently proposed.

Member Hawkes:

- It should be the artists interpreting art rather than people who have not spent much time thinking about art.
- What if someone wanted to put a statute in a park? There could be something about the sculpture that park staff should look at such as how to mow around it and/or other concerns an artist group might not look at.

Member Nicholson:

- If an art sculpture was going into a park, City staff would likely review the proposal and make a determination.

Principal Planner Thompson:

- If an art project was going to Planning Commission for approval all related City departments would review the project and make comments.

Chair Liden:

- His interpretation of the public art policy is that it is open and broad and allows the artist to do what he/she wants to do.
- Is of the opinion artists should not be restricted in any way.
- Since the DRB will be the initial body to review a potential art project there may be a way to meet with the artist and/or artist community if they are interested and have a discussion so it is not just the DRB making the assessment/evaluation with a recommendation to the Planning Commission.
- Assumes the Planning Commission would highly consider the DRB's recommendation regarding artwork for public display.

Member Morrow:

- Can appreciate that a more involved procedure is appropriate that merits more review for situations where an artist is wanting to install a very large type of artwork but for smaller-scale installations preference would be to have a 'summary procedure' where staff has discretionary purview.

Member Hawkes:

- Questions whether the Planning Commission should be making the final decision.
- We are presently in a position with the proposed public art policy to consider an alternative solution where the Planning Commission does not have the final say on the particular issue of artwork.

Member Nicholson:

- It would be City Council or the Planning Commission that would have the final say. They are the only reviewing body with such authority unless the authority is delegated to the DRB.

Principal Planner Thompson:

- While the DRB functions as an advisory board to the Zoning Administrator or Planning Commission there has been discussion about allowing the DRB to have the final say.

Senior Management Analyst Riley:

- Asked about the possibility of adding a couple of art members that would function as an ad hoc committee comprised of artists to only review DRB items that address public art policy. Does not foresee the necessity for having to review public art items on a regular basis.
- Related to public art projects, what would occur is two people from an artist group would be designated to participate in the review process.

DRB:

- Is fine having two designated persons from an artist group participate with DRB items concerning public art. This would provide for appropriate representation. It is likely artist groups would not approve of just having the DRB review public art items.

Principal Planner Thompson:

- Staff will look into how designating two persons from a local artists group to participate with the DRB in discussions about public art items would work.

Assistant Planner Johnson:

- The only challenge to the above-referenced proposal is if the applicant is choosing the artist that he/she may not be objective.
- Artists are diverse and the artist group members reviewing a particular project need to understand this diversity from the artist perspective and be objective when looking at a

public art project. If an applicant is looking to get an art project approved he/she is going to want members who are going to 'sell' the project whereas it there is a diversity of artists among the art group members looking at the project that are not necessarily associated with the particular project they may provide a different insight.

Chair Liden:

- It would appear the artist and the artist group should be able to lobby through the process because they will be working with the DRB.
- Supports the proposed public art policy have some restriction such that any decision made by the DRB if the artwork gets installed and the public does not like it, it is the DRB that will have to take responsibility for the decision. There could be public repercussions/outcry for some of the artwork being approved.

Senior Management Analyst Riley:

- Preference would be for the arts committee to designate specific members in advance of a project to make certain the proposed project is objectively being received.

Member Nicholson:

- An artist can bring a fellow artist to the DRB meeting for support purposes if he/she wants to.
- If we are going to invite experts from the art field they should be somewhat independent and objective.

Principal Planner Thompson:

- Referred to page 3 and 4 of the draft public art policy regarding the criteria and site selection requirements the DRB will use when considering the selection of artwork for installation in public places and requested the DRB talk about this.
- The criteria the DRB will consider includes: qualifications, quality, artistic value, media, appropriateness to site, size and weight for outdoor artwork, size and weight for indoor artwork, appropriateness to City's public art purpose, permanence, diversity, communication, maintenance.
- Essentially other sections of the proposed public art policy address what the applicant needs to submit.

DRB:

- Consider adding appropriate language to the policy that says we do not want to inhibit the artist's creativity and/or artistic freedom of expression.
- Important to remember it is the public that will be enjoying the art not just the artist and/or art community.
- Questioned the purpose and intent of the criteria with regard to 'qualifications' and whether or not the language is appropriate and/or is 'qualifications' even necessary/relevant. Who needs 'qualifications' to do something interesting?

Senior Management Analyst Riley:

- The section related to 'qualifications' is likely standard language that appears in public art policies. It does not mean that 'qualifications' has to be in Ukiah's public art policy.

Chair Liden:

- Questioned whether the proposed public art policy contains loopholes the artist can get around.

Member Morrow:

- It appears the DRB has pretty broad discretion. The policy only pertains to public places and not private property.

Member Nicholson:

- 'Qualifications' should be sub-component of consideration.

Principal Planner Thompson:

- The criteria for 'Qualification' states, 'Artists shall be selected based on their qualifications as demonstrated by past work, and the appropriateness of their concepts to the particular project,' and noted language could be added that states, 'new artists can be considered.'

Senior Management Analyst Riley:

- Could modify the language that states, 'Artists shall be selected based …..' to read 'Artists may be selected based ….'

Member Morrow:

- Recommends modification to page 3, line 34 that reads, 'The following criteria shall be used by the appropriate commission…..' to read, 'The following factors may be waived by the appropriate commission….'
- Are we writing the policy document so that artists want to submit applications or are we writing this to ensure people are not chalking sidewalks.

Assistant Planner Johnson:

- The public art policy provides leverage in that if artist wants to submit an application and meets all the necessary criteria but nobody likes it and do not see the artwork fitting in, the policy provides leverage and the opportunity to look at the project objectively. This leverage could work for or against the project, but gives the DRB tools to make those decisions.

Principal Planner Thompson:

- Changing a term from 'shall' to 'may' indicates we may or may not do something.

Assistant Planner Johnson:

- Whether or not an art project moves forward is up to the discretion of the Board. The Board will be voting on a particular project with a recommendation to Planning Commission. The document provides for latitude on the part of the DRB.

DRB:

- We are writing a public arts policy to provide for some guidelines regulating public art and, at the same time to encourage artists to submit applications to display public art.
- Fine with modification to the language on page 3, line 34 to read, 'The following factors may be used by the appropriate commission….'
- Fine with modification to the language on page 3, line 37, qualifications, to read, 'Artists may be selected based on their qualifications ……..'
- Discussion regarding the criteria, item c, 'Artistic Value' with no modification to language. Noted the artist could generate a discussion concerning artistic value that states, 'Public artwork shall have a recognized aesthetic value.'
- Discussion regarding the other criteria to be used by the DRB when considering the selection of artwork for public display with no other modifications to this section.
- Related to Artwork Location and Site Selection, there was discussion about what would occur if the artwork is abstract such as a sculpture by Alexander Calder or artwork made of steel like that of Richard Serra as to site location/selection. No change to language with regard to section 3, Artwork Location and Site Selection.
- There was also discussion about artwork having to be compatible with the historic character of the site and determined this could be any type of artwork.
- The DRB looked at photographs that demonstrate examples of acceptable public art installed in other communities.

Assistant Planner Johnson:

- Related to item 3, Artwork Location and Site Selection, section does state, 'When selecting artwork for public places, the DRB and Planning Commission and responsible department(s) *shall* consider: installation, location, site infrastructure, impacts, accessibility. The language is not saying the artwork has to comply with the aforementioned criteria as it pertains to artwork location and site selection.
- Related to the criteria language, page 4, communication that reads, 'The ability of the public artwork to effectively communicate should be taken into consideration' asked what does this mean?
- Discussed the meaning/interpretation of the criteria related to diversity that states, 'Public artwork shall strive for diversity of style, scale, media and artists, including ethnicity and gender of artists selected.'

Member Morrow:

- Would be good to identify things not considered as art to make certain someone does not come along without going through the art process so as to determine what should or should not go through the art process.

Chair Liden:

- What is not considered art?

Principal Planner Thompson:

- Can eliminate some of the criteria regarding the art selection process if the DRB wants to do this.

DRB:

- It may be not all the criteria is relevant to every project and depends upon the artist and artwork type proposed.

Member Nicholson:

- No artwork should be discriminated against, particularly as it relates to ethnicity of the artist.
- It may be the public art policy is a 'cut and paste' type of document that is open to interpretation.

Principal Planner Thompson:

- The draft policy came from other cities that display a lot of public art where the language in the document has been reviewed by their respective attorneys and been adopted by their councils. We did not reinvent the public art policy.

Chair Liden:

- If fine with the document in that it allows the DRB the freedom to accept any type of art and have a discussion and gives the artist latitude as well.

DRB:

- Made a change to section 1, Purpose to read, 'Public art creates a unique sense of place and communicates a strong civic identity for the City of Ukiah ("City"). The City encourages the placement of artwork in public places and recognizes that art provides cultural and economic benefits for residents and visitors. Therefore, it is important that procedures and policies be established and implemented to support and facilitate the acquisition of public art.'
- Emphasized the importance that the policy document provides for, encourages and promotes an artist's personal expression. We do not want to discourage personal/individual expression.

- Discussion about inviting the artist and someone educated in art to review the artwork with the DRB.

Member Morrow:

- Allow the DRB to be the final decision maker and if it is determined the DRB is not qualified to make a decision then identify someone else who is qualified.

Member Hawkes:

- The DRB would be stronger in the decision making process having persons with art expertise also looking at the artwork.

Assistant Planner Johnson:

- The policy allows for enough criteria/measures and flexibility such that if an art project gets approved and the public does not like it, it provides a guideline/tool to substantiate why a particular decision was made.
- The DRB is reviewing public art for the community as a whole such that an artist is not essentially going to be there to explain his artwork and even if art experts are assisting in the review process it may be that the majority of the community does not understand the artwork. It is not to say the art is not appreciated but may not be publicly understood and/or well received even with art experts assisting the DRB in the review process.
- Cited an example of public artwork approved in Geyserville that is not appealing to her. As such, there must be a reason why the art was chosen for public display. There may be something 'artistic' about the artwork that she simply does not understand.
- The intent is to encourage the artist/applicant.

Member Nicholson:

- Now that the City will soon have a public arts policy we should have an arts district that promotes art.

Assistant Planner Johnson:

- Possible formulation of an arts district would be a component of the Ukiah General Plan relative to a Plan update.

6B. Discussion of process for appointment of DRB members.

Chair Liden:

- Acknowledged this agenda item is the result of the Member Thayer's inability to regularly attend DRB meetings.
- He has discussed the problem with Member Thayer and it became apparent that Member Thayer's business and personal commitments conflict with DRB meeting dates and times. As such, Member Thayer thought it was in the best interest of the DRB if he steps down as a member.
- It may be Member Thayer could attend meetings if the date and time for meetings is changed.

Assistant Planner Johnson:

- In her email conversations with Member Thayer and with his business and personal commitments, it is probably not the best time for him to be a Board member.

DRB:

- Acknowledged that Member Thayer's landscaping architecture expertise is important to the Board.
- Would be open to changing the date and time for DRB meetings provided Member Thayer is committed to attending.

Assistant Planner Johnson:

- Has compiled a list of about seven perspective applicants interested in serving on the Board.
- What can occur is for the DRB to make recommendations to Councilmember Crane who is the councilmember responsible for making the appointment.
- The vacancy is a very important position. Planning staff relies on the DRB because this Board is the expert when it comes to aesthetics and design and soon to be art expert.

Member Nicholson:

- Is of the opinion the selection of the DRB member is the responsibility of the Councilmember.

Chair Liden:

- Pointed out Councilmember Crane is asking for input regarding appointment to the DRB.

Assistant Planner Johnson:

- The seven perspective applicants will complete an application for review by Councilmember Crane. It may be that Councilmember Crane is not an expert in the area of selecting who would be the best and most qualified to fill the vacancy. It may be the DRB may want to first review the applications and corresponding qualifications with a recommendation to Councilmember Crane as opposed to Councilmember Crane making the decision without a recommendation from the DRB.
- If the DRB desires to be a part of the selection process we can make this request.

Member Nicholson:

- Supports Assistant Planner Johnson suggests to Councilmember Crane the DRB would be open to reviewing the applications with a recommendation to Councilmember Crane provided Councilmember Crane does not feel comfortable making the decision on his own.

DRB:

- Is fine with aforementioned recommendation.

Assistant Planner Johnson:

- Advised the DRB may be reviewing a project concerning the MCAVHN building on Clara Avenue.

7. MATTERS FROM THE BOARD:

8. MATTERS FROM STAFF:

9. SET NEXT MEETING

The next regular meeting will be scheduled based on project need.

10. ADJOURNMENT

The meeting adjourned at 4:36 p.m.

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Cathy Elawadly, Recording Secretary