

Opinion: Jan Burton: Remove the shackles for public art

By [DAILY CAMERA GUEST OPINION](#) | openforum@dailycamera.com | Boulder Daily Camera and [JAN BURTON](#) | Jan.burton111@gmail.com | For the Camera PUBLISHED: December 9, 2020 at 4:00 p.m. | UPDATED: December 9, 2020 at 5:38 p.m. By Jan Burton

The recent installation and dedication of “55 Degrees” by Adam Kuby in Boulder’s Civic Area is a landmark accomplishment for the city’s Office of Arts+Culture and the Boulder Arts Commission. Commissioned in 2017, Kuby designed the three rectangular structures as a sculptural reference to the iconic Flatirons and named them as a reflection of the same 55-degree angle of the Flatirons.

Mark Villarreal, a member and former chair of the Boulder Arts Commission and the only public artist on the commission, stated that acceptance of public art usually grows over time. But in this case, I liked it immediately.

Public art became a priority for the city after the City Council approved Boulder’s Community Cultural Plan in my first council meeting in November, 2015. Based on extensive community engagement, one of the cultural plan priorities was to “focus on the expression of culture and creativity in the public realm through public art, the urban landscape, culture in the neighborhoods, and serendipitous encounters with the arts.”

The City of Boulder had the perfect person to reinvent our public art program: Matt Chasansky, who had been hired in 2013 to lead the city’s arts and cultural efforts. Matt and his sole public art staff person, Mandy Vink, wrote a public art policy in 2016, developed funding strategies, forged relationships with key departments such as parks and recreation and transportation, refined community involvement and art selection processes, and began raising the profile of our public art program.

Unfortunately, the city's development services arm of the Planning Department has not put the necessary language and processes in place to enable our public art program. The installation of "55 Degrees" took a full year longer than expected, due to the development services permitting process. Since the department has no clear guidelines for public art, it's left to guesswork and interpretation by different people at different times, a recipe for disaster.

Mark Villarreal estimates the bureaucratic bumbling cost the city more than 5% per quarter, totaling more than \$100,000 of unnecessary and unplanned expense.

My own neighborhood became the victim of a similar process quagmire at Beach Park when a University of Colorado Boulder environmental design class designed "Oculus," a beautiful sculptural gazebo, receiving wholehearted support from the Uni-Hill neighborhood, unanimous approval from the Arts Commission and the Parks and Recreation Board ... before running smack into the wall of developmental services.

Due to its height, this piece of art was classified as an accessory dwelling unit, requiring extra fire suppression and electrical codes. Delays and negotiations ensued, and the semester ended, followed by COVID-19. The disappointed design students graduated and scattered, construction costs soared because of the need for paid (not volunteer student) labor, and now the popular project may never see the light of day. This, after years of work by students, neighborhood sponsors, and city staff and boards.

Other bizarre demands of our beleaguered public art staff by development services for pieces of art: an electrical permit requirement to prove that there is no electricity; a sign code permit to determine that it's a piece of art and not a sign; a requirement to have general contractors submit permit applications, even for a small pedestal piece; and one sculpture needing to be reviewed as a mixed-use development.

Clearly, this is not what the City Council and the community envisioned, five years ago when we approved the cultural plan.

To be clear, I'm not being critical of the frontline staff in development services. They are just implementing the rules and regulations in our massive development procedures manual, "Title IX." It is not their fault nobody has taken the initiative to revise processes that hobble our public art program before a commission is even awarded.

So, what can be done? An already developed public art special permit checklist or a public art land use definition could be spearheaded by the city's new planning and development services director, Jacob Lindsey, who joined the city Nov. 16. What better way for Jacob to make a statement than clearing out unnecessary bureaucracy and expense? Acting City Manager Chris Meschuk would likely support this effort, as would the planning board and other boards and commissions.

In these times of critical budget shortfalls, the City Council should send a clear message that it supports an effort to quickly streamline city processes with commensurate financial benefit to the public art program. It would clearly help our beleaguered artists and staff, and it just might help set in place a new philosophy for development services.

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