



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0023R/ INFORMATIONAL HEARING – “1% FOR ART” PROGRAM		

TO

DATE:

March 8, 2021

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

The Department of Planning is in receipt of City Council Bill #21-0023R, which is for the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

The Department of Planning recommends approval of City Council Bill #21-0023R. The Department of Planning (DOP) plays a role in the 1% for Art law because it prepares the annual capital budget. According to the law, construction projects involving publicly-owned property that exceed \$100,000 in construction costs, are required to be publicly bid, and are paid for wholly or in part by the City are subject to the law. The capital budget includes many such projects, as well as items of a more programmatic nature, such as home ownership incentives, that would not be subject to the law.

Although many projects in the capital budget are subject to the law, the Department of Planning cannot calculate the 1% for Art requirements at the time of budget adoption. Major renovation or rehabilitation project budgets typically include funds for design, engineering, construction, and sometimes post-award services (such as construction management). The law states that property acquisition costs, soil remediation costs, and architectural and engineering fees are not subject to the 1% for Art requirements. Further, when the capital budget is adopted, the construction cost is typically still a gross estimate. A true construction cost, and therefore the amount subject to the 1% for Art requirement, would be available upon award of the construction project to a contractor.

DOP recognizes the importance of public art in creating a more just, vibrant, and livable City. DOP provides information to agencies on the 1% for Art requirements in its Capital Improvement Program training materials and is committed to working with BOPA to find ways to improve compliance with the 1% for Art law.

If you have any questions, please contact Kristen Ahearn, Capital Improvement Program Planner at 410-396-8357.

CR/ka

cc: Ms. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services