



How New York City's Public Art Gets Made

BY ALINA COHEN IN ARTS & ENTERTAINMENT ON JAN 24, 2017



Ohad Meroni's Sunbather in Long Island City. (Tatiana Katkova/[thestylishflaneuse](#))

The Second Avenue Subway opened earlier this month, with artwork by Chuck Close, Jean Shin, Sarah Sze, and Vik Muniz, and something strange happened: New Yorkers didn't complain. Instead, city dwellers welcomed new offerings like Close's mosaics of musician Lou Reed and Muniz's *Perfect Strangers*, which celebrates the diversity of New York City and features what is believed to be the first permanent, not explicitly political art installation in NY to depict a gay couple.

This was a bit unusual because when it comes to public art in New York City, New Yorkers' dissatisfaction is what generally captures the media's attention. Longtime residents of New York will remember the enormous uproar over Richard Serra's 1981

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sculpture *Tilted Arc*, a 120-foot long, 12-foot tall steel wall installed by in Federal Plaza that set off huge protests from enraged downtown denizens. They said the federally funded sculpture blocked their commutes and defiled the landscape. In a *People* magazine story from that time, locals called it "arrogant," "ominous," "barren," "depressing" —an "iron curtain." It was blamed for a local rat problem and said to pose a threat of magnifying the blast of a hypothetical terrorist bombing.

The sculpture was ultimately removed in 1989 after an acrimonious eight-year legal battle that involved many of the city's most important art personalities and raised larger questions about the role of the public in the creation of public art. Artists became suspicious of government meddling in their creative process; New Yorkers became suspicious of artists and the process by which public art was made. "Both public art and the artists who make it are now expected to be more digestible," art critic Michael Brenson wrote in the Times in 1989, reflecting on the saga.

In the 1990s, artist John Ahearn got into hot water for his South Bronx bronzes—sculptures depicting real-life residents of the neighborhood. Locals complained that the characters he portrayed—"Raymond," a man in a hoody with his pitbull; "Daleesha," a homeless girl who wears roller skates; and "Corey," who stands shirtless, holding a basketball and resting his foot on a boombox—presented a negative, stereotypical image of their community. The city relocated the works to Socrates Sculpture Park in Queens, where they are still on display.

More recently though, in November 2014, Long Island City residents flooded a local blog with complaints that mock-ups for a publicly funded sculpture by the Israeli sculptor Ohad Meromi resembled "Gumby's grandmother" or "an enormous pink bowel movement." Nevertheless, the city went ahead and installed the work this past November.

The Meromi brouhaha drew attention to the city's approval process for public art and the role of New Yorkers in influencing the art that adorns their neighborhoods. This process involves a diverse group of government bodies and independent organizations, all of which interact in an intricate tangle of permitting processes, artist selection panels, and funding.

Kendal Henry, director of Percent for Art, the primary public art program within the Department of Cultural Affairs, identifies the major concerns for public art when taxpayer dollars are at stake: affordability, durability, maintenance, and contextual appropriateness (how a piece engages with its site).

In accordance with a law signed by Mayor Ed Koch in 1982, Percent for Art receives a sum equivalent to one percent of the budget of eligible city-owned construction projects for facilities that provide public services. This money is dedicated to creating public artworks for these facilities, which can include firehouses, schools, shelters, hospitals, and even detention centers. (Of course, it's a bit trickier: "We have a bit of

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math that we do here," says Henry. "In actuality it's one percent of the first 20 million, and half a percent of anything above that.")

The Percent for Art story is part of a larger narrative about the city's finances and the controversial nature of public art. Doris Freedman, founder of the Public Art Fund, an independent non-profit arts organization, helped craft the legislation in the early 1970s during her tenure as the city's director of the Office of Cultural Affairs.

But the city's fiscal crisis put the brakes on it and never reached a vote. Freedman died in 1981, just before the Council finally passed the Percent for Art legislation. Coming in the midst of the Serra scandal, the legislation arrived at a particularly sensitive time for public art in New York. The program has flourished, though, and today, Percent for Art is one of the city's biggest initiatives to fund art. (The MTA commissions art with its own fundings through a similar process, which is how we got the SAS artworks.)

Aiming for broad approval, Percent for Art convenes a panel, intended to represent a diverse range of backgrounds, for each individual project. Three art professionals (one of whom must be an artist) bring aesthetic and creative concerns. Representatives from the city agency sponsoring the project, the borough president's office, and the office of the local council member assess the safety and viability of the project. Community Board members offer their opinion on whether an artist or work will satisfy and adequately represent the particular neighborhood.

Conflicts don't often arise, according to Henry. The parties mainly offer own their own expertise and then come to a consensus in selecting an artist.

Before they even submit a proposal, artists receive a series of specifications about the site, which Department of Cultural Affairs Commissioner Tom Finkelpearl refers to as the "hard facts" and "soft facts." This ensures that proposals, if in need of a few tweaks, are always fairly viable. Hard facts include the type of building and its larger purpose, its dimensions, and its building materials (brick, stone, wood, etc.). Soft facts include the demographics of the neighborhood, who will view and interact with the work, and in which way people will experience the work (from a bench or pier, for example).

Far from a blank canvas, then, the site establishes a set of parameters that will guide artists' proposals. While this is in some ways restrictive, Finkelpearl argues that it can lead to great work. "The genius artists are the ones who understand what the compromises are," he says. "When Michelangelo was presented with the idea of doing *David*, they say, 'Here's the rock you're going to cut it out of, and here is the subject matter, see what you can do.'"

Since its inception, Percent for Art has overseen more than 300 projects; today, Henry and his team are working on 88 projects throughout the five boroughs. Herein lies another compromise: instead of offering projects to just a few select, big-name artists,

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Percent for Art aims at diversity and inclusiveness. A neighborhood's preferences are given particular weight, which Queens Council Member Jimmy Van Bramer says is especially important since the Meromi controversy.

A recent community meeting in Queens, says Van Bramer, raised some of the key challenges that public officials face in considering public art projects. "How can more artists be included in the process? How does an artist even get on the radar screen so they're available to get Percent for Art commissions?" Van Bramer said. "Those are good, healthy discussions to have for the Department of Cultural Affairs and the cultural community as well."

Among hundreds of Percent for Art-style programs throughout the country, New York's city-funded public art program is better known for its steadiness and scale than for innovation. For edgier work, look to a city like Seattle. Since adopting the Percent for Art model in 1973, Seattle has mounted some of the country's most experimental and technically sophisticated public work. Doug Taylor's *Birdsong Listening Station* converts sun and wind into power sources for a listening station. John Roloff's *The Seventh Climate (Paradise Reconsidered)* creates an "artificial microclimate," generating precipitation and simulated sun and moonlight.

These installations symbolize the city's ability to brand itself as a public art leader in a way that New York hasn't quite achieved. Back in 1986, when New York's program was still young, the Times was already praising Seattle for creating "one of the best municipal collections of public art in the country."

Seattle's work also reflects basic maintenance issues that the city has resolved in ways that New York hasn't. According to the Seattle Percent for Art website, the city maintains public art through an "ongoing program of coordinated conservation activities, which include inspections, major restorative work and routine maintenance."

This is an ongoing challenge in New York, where no entity is automatically responsible for this kind of maintenance. That means logistics can be everything. Henry explains that he and his team might have to evaluate whether an installation featuring, say, lights could work practically, given that "there may not be someone to change a lightbulb."

For more ambitious projects that will need upkeep, Percent for Art has to partner with an organization that is willing to do maintenance. Last month, for example, the program unveiled Brian Tolle's *Pageant* (colloquially known as the *Miss Manhattan* and *Miss Brooklyn* statues) at Tillary Street and Flatbush Avenue near the entrance to the Manhattan Bridge. The sculptures, resin-cast replicas of granite figures that once occupied the same space, feature LED lighting and rotating bases. The Downtown Brooklyn Partnership has agreed to monitor the electrical and mechanical elements.

This may be beginning to change. Last week, the City Council passed a package of

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bills that would make the first significant reforms to Percent for Art since its inception. Major changes would include raising the funding caps for the program from \$400,000 to \$900,000 for small projects and from \$1.5 million to \$4 million for larger projects. Hopefully, this will allow artists greater flexibility, and perhaps defray maintenance costs. The bills also promote transparency and greater outreach to potential artists.

The city also offers opportunities for private citizens, non-profit organizations, and commercial art spaces to mount trickier, temporary works on public premises with private money. (Percent for Art projects must be able to last for 30 years—another limiting factor, especially given New York's harsh winters). The temporary nature of these kinds of projects allows for more variety, elasticity, and flexibility, according to Jonathan Kuhn, director of Art & Antiquities within NYC Parks. The NYC Department of Transportation has its own public arts program, Arterventions, which helps organizations or galleries acquire permits to mount temporary works on properties controlled by the agency.

While the DOT allows anyone to apply to Arterventions, applicants must provide all funds for their projects, as well as staff to generate all the requisite permitting materials. According to Courtney Whitelocke, project manager at the NYC DOT Art Program (which oversees Arterventions and other initiatives), all potential sculptural works must be reviewed by a New York state licensed engineer, and applicants must send a full installation plan, procure a construction permit (though the DOT helps with this), and be registered with the DOT—all before the DOT can offer a permit.

So far, a few major galleries, including Paul Kasmin Gallery and Marlborough, have taken advantage of the program. NYC Parks also grants its own permits, though some sites are much more expensive to secure. For example, mounting a work on the Park Avenue Mall requires funds to temporarily shut down a traffic lane for installation.

According to the department, projects have ranged anywhere from \$5,000 to \$2.5 million. To put this in perspective, Olafur Eliasson's 2008 project "Waterfalls", which consisted of four man-made waterfalls at sites along the city's waterfront, cost \$15 million. (That was done through the Public Art Fund.)

This year, both the DOT and Parks will offer artist funding through new programs. In conjunction with clothing brand UNIQLO, Parks will grant \$10,000 each to ten emerging artists who will erect sculptures at parks throughout the five boroughs that have seen limited investment in public art. Artists will be responsible for the entire fabrication, installation, and removal process.

The DOT is also invites artists to apply to its Community Commissions program, in which the department collaborates with community organizations to create new temporary works. Individual artists can receive up to \$12,000 to build work on sites throughout the boroughs.

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Non-profit public art organizations such as Groundswell, Creative Time, Mad. Sq. Art, or Times Square Arts also operate independently, securing permits from the appropriate agencies and funding from the government. The Department of Cultural Affairs provides funds for all of these cultural organizations and others which, in turn, are at liberty to erect shorter term projects than what Percent for Art requires.

Creative Time, in particular, organizes some of the more hyped-up public art in New York. If the city must constantly privilege permanence in the works they fund, Creative Time has often relished in the ephemerality of its projects. In 2013, artist Suzanne Lacy coordinated a public work that lasted just one afternoon: she orchestrated a performance in which hundreds of women and a few men, spread throughout stoops of one Brooklyn street, discussed contemporary gender politics. While a video preserved the afternoon's events, the block itself shows no trace of the art.

"Our projects are very much about an idea, an issue, and capturing a moment in history. Because they are temporary we have the ability to take greater risks," says Katie Hollander, executive director of Creative Time. "We can work with artists on creating an experience, something that may not have a permanent home or structure, but persists instead as a fixed memory." Unlike Percent for Art, Creative Time begins its process through discussions with artists, only choosing a site once they've developed an idea.

After the uproar over the Meromi sculpture, Cumbo and Van Bramer crafted legislation requiring community meetings for Percent for Art Projects. This past March, in accordance with that legislation, Van Bramer and Finkelpearl held a meeting at MoMA PS1 in Long Island City to discuss the issues surrounding the piece and New York's public art efforts.

Van Bramer believes these types of forums will ultimately lead to more ambitious art. "If you have a community involved and they meet the artist and they get to hear from the artist and share their thoughts, I ultimately believe that creates more room for the artist to go a little farther and be a little more daring because there's more trust," he says.

Van Bramer is also working on a bill to expand the program, allowing the city to allocate more building project money to art. Any areas in particular that need it? "Everywhere," he offers.

As for the *Sunbather*, the community is gradually welcoming the new art. The same people are still complaining, says Henry, but he believes that the larger public will come to love it. As a neighborhood resident since 1994 who's witnessed the changes the area has undergone, he's always thought it was the perfect work for the location. It's also served at least one unexpected purpose: "This one individual we saw used it as a backdrop for some fashion shoot," he says.