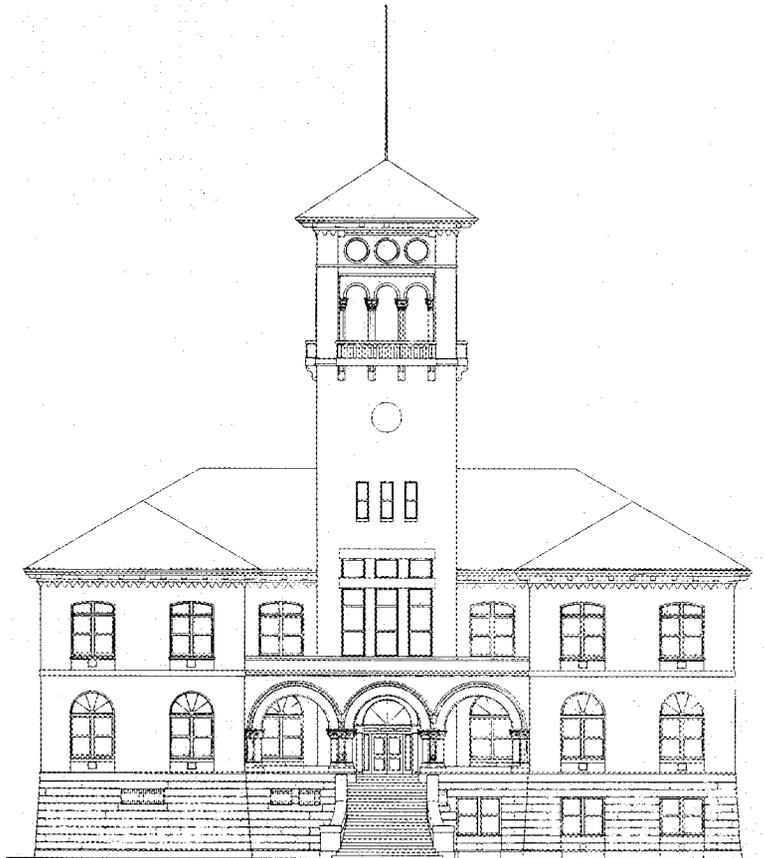


# ALAMEDA PUBLIC ART POLICY GUIDELINES



RANDOLPH LANGENBACH  
ARCHITECTURAL CONSERVATOR  
Christophe Gigot, Delinator

**ALAMEDA CITY HALL**  
Tower Reconstruction From Photographic Evidence

SWANSON ASSOCIATES TEAM  
1988

**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT  
2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA, CA 94501  
(510) 747-6800**

# CITY OF ALAMEDA PUBLIC ART POLICY GUIDELINES

## TABLE OF CONTENTS

	<u>Page</u>
<b>I. WHAT IS THE ALAMEDA PUBLIC ART PROGRAM?</b>	<b>3-9</b>
A. Program Goals	3
B. Projects that are Required to Provide Public Art and Determining Public Art Program Allocation	3-4
C. Program Allocation for Phased Projects	4
D. Art In-Lieu Contributions & the Public Art Fund	5
E. Compliance and Funds Held in Trust	5
F. Public Art Programs	5-7
1. Art Projects	5-6
2. Cultural Programs	6-7
3. Art Spaces or Cultural Facilities	7
G. Public Art Program Allocation	7-9
1. Allowable Expenses	7-8
2. Ineligible Expenses	8-9
H. Help with Artist Selection	9
<b>II. WHAT IS THE APPLICATION PROCESS?</b>	<b>9-11</b>
A. Filing an Application	9-10
B. Review and Appeals	10
C. Notification and Follow-up	11
D. Unveiling or Dedications	11
<b>III. WHAT ARE THE CRITERIA AND REQUIREMENTS FOR THE PUBLIC ART PROGRAM?</b>	<b>11-14</b>
A. Artist Selection	11-12
B. Project Approval	12-13
C. Project Budget	13
D. Maintenance	13-14
<b>IV. HOW ARE THE PUBLIC ART PROGRAMS PROMOTED?</b>	<b>14-15</b>

The intent of the City of Alameda Public Art Program is to provide art that is easily accessible to the general community throughout the City. The Public Art Program is designed to offer a wide range of artistic styles, themes, and media, all of outstanding quality. The variety of artistic expression is chosen to insure and encourage discussion. Public Art is dependent on public-private cooperation between the City, artists, and the applicant. All public art is privately or publicly owned, and is designed to encourage pride in ownership and add value to the community.

The Alameda City Council adopted Public Art Ordinance No. 2892 on March 4, 2003, which was amended by Ordinance No. 2942 on July 5, 2005. The Public Art Policy Guidelines describe the program policies, procedures, and application process. Development projects approved for construction by the City of Alameda are subject to the Public Art Program Policy Guidelines in effect at the time building permits are issued for each individual building within the development project.

## **I. WHAT IS THE ALAMEDA PUBLIC ART PROGRAM?**

### **A. Program Goals**

1. The intent of the Alameda Public Art Program is to promote a diverse and stimulating cultural environment to enrich the lives of the City's residents and visitors, and contribute to the vitality of the City's economic development.
2. The City of Alameda is committed to presenting art that meets the highest aesthetic standards and reflects diverse social and cultural perspectives. This represents a commitment to the preservation and the display of art for public benefit.
3. The Public Art Program will recognize Alameda's historic and maritime traditions and distinguish it as a special place to live, work, play, and visit.
4. Public art integrates the vision of artists and design professionals in planning and designing the urban landscape.
5. Public art will be included in private and public development projects to insure the positive impacts of development without diminishing public resources.
6. Art is important to strengthen cultural awareness, innovative thinking, lifelong learning, and the City's sense of community.

### **B. Projects that are Required to Provide Public Art and Determining Public Art Program Allocation**

1. Private and municipal projects with building development costs of two hundred fifty thousand dollars (\$250,000) or more shall devote at least one

percent (1%) of such costs for public art on the development site, subject to a maximum of one hundred fifty thousand dollars (\$150,000). This amount is the Program Allocation and is computed by the City's Chief Building Official. An initial building valuation is determined when the applicant submits plans and is re-evaluated prior to final approval of the public art project. The program allocation will be reset if the project's building valuation has increased or decreased by 10% due to project modifications or additions.

2. The Program Allocation applies to commercial, industrial, municipal, and residential projects that create five (5) or more residential units. An existing building that is remodeled with a construction value equal to or more than 50% of the original building assessed valuation shall be subject to the Public Art program requirement.
3. No owner or person shall be issued a Certificate of Occupancy until the public art requirements have been satisfied. Satisfaction shall mean the permanent installation of an on-site public art project, development of an on-site cultural program, and/or development of an on-site art space or cultural facility and/or equivalent in-lieu contributions of art in conformance with all public art standards and conditions imposed by the City of Alameda.
4. The applicant shall pay the public art administrative fee upon issuance of the building permit for the prospective project. The amount of the administrative fee is up to 25% of the 1% program allocation based upon anticipated administrative costs required to coordinate the project.

### **C. Program Allocation for Phased Projects**

1. For a development project that proceeds in phases, the applicant will include a detailed plan with timelines to comply with the public art program requirements. This includes residential developments with model homes as their first phase. All plans are subject to review and approval by the City's Public Art Commission (PAC). Phased developments have two (2) options:
  - a. Per existing guidelines, a public art project shall be created for each phase valued at \$1 million or more, as each phase is completed, thereby placing multiple public art projects at the site.
  - b. At the discretion of the applicant, a Public Art Plan may be submitted that proposes to combine some or all of the project's program allocations. The PAC must approve the Public Art Plan prior to completion of the first phase of the development project.

#### **D. Art In-Lieu Contributions and the Public Art Fund**

1. In lieu of acquisition, installation and development of a public art project on the development site, the applicant may place a Public Art In-Lieu Contribution in an amount equal to the Program Allocation into the Alameda Public Art Fund. The Public Art In-Lieu Contribution shall be paid prior to the issuance of a building permit for the project on the development site.
2. Contributions are placed in trust and Public Art In-Lieu Contributions and contributions made to the City of Alameda for public art are managed through the Alameda Public Art Fund. This dedicated Fund shall be used for development, maintenance, insurance, administrative expenses and other related expenses for public art projects. The guidelines for the Alameda Public Art Fund are described in Ordinance sections 30-65.5.

#### **E. Compliance and Funds Held in Trust**

1. Should the public art project approved by the PAC not be completed prior to the applicant's request for a certificate of occupancy, the following option may be requested before the PAC: a written agreement to install the public art and a security equivalent to the 1% minimum program allocation will be recorded against the property. The City shall hold the funds in trust until the public art project is completed. The agreement will allow the City to determine the final location of the public art project should there be any complications over the arrangement.
2. The public art should be approved and completed within a six (6) month period of the date the application is approved. Should the public art project not be completed after a one-year period from the date the application is approved, the City shall then control the funds in trust and completion of the public art project.

#### **F. Public Art Programs**

The on-site public art programs are reviewed by the PAC. The Planning and Building Director or his/her designated representative is responsible for administering the City's public art programs. On-site public art programs may include the following three (3) options:

1. Art Projects:
  - a. Sculpture: Such as in the round, bas-relief, mobile, fountain, kinetic, electronic, or other, in any material or combination of materials.
  - b. Painting: All media, including but not limited to murals.

- c. Graphic and Multi-media: Printmaking, drawing, calligraphy and photography including digital, any combination of forms of electronic media including sound, film, holographic, and video and other art forms.
- d. Earthworks, Installations and Crafts: In clay, fiber and textiles, wood, metal, plastics, mosaics and other materials.
- e. Mixed Media: Any combination of forms or media, including collage.
- f. Other forms: Conceptual or Ephemeral Works.

## 2. Cultural Programs

- a. An applicant may propose contracting with visual/performing arts groups and arts/cultural organizations as a means of meeting the public art requirement. Programs and events may be planned and implemented by individual artists or not for profit organizations. Management agreements for single or multiple events shall be reviewed by the PAC to determine compliance with the Public Art Program requirements.
- b. Cultural programming may include, but is not limited to:
  - 1. Performing Arts: Theatre, dance, and music.
  - 2. Literary Arts: Poetry readings and story telling.
  - 3. Media Arts: Film and video, screenings and installations.
  - 4. Education: Art lectures and presentations.
  - 5. Special Events: Festivals and celebrations.
  - 6. Artist-in-Residence Programs: Artist-in-Residence programs may be eligible as long as they are widely accessible to the general public.
  - 7. Any other form of cultural program determined by the PAC to satisfy the intent of on-site cultural programming projects.
- c. When an applicant elects to provide programming, an Art Concept and Art Plan should include the proposed site, program subject, intended audience, and budget (including staff needs and media/outreach). A Final Art Concept Plan will include a complete articulation of the first performance series/exhibition program and a program budget for the entire mandated allocation. In the case of facilities that are intended to host public programming (museums, etc.), these monies must be applied to programming beyond the existing scope of the organization.
- d. For such programming the complete allocation requirement will be deposited with the City and the applicant will annually submit a

proposed program and budget for approval by the PAC. Funds will be issued as reimbursement to the pre-approved programming. Cultural programming may be renegotiated and converted to another form of public art, but will be subject to the same approval process as outlined in these Policy Guidelines.

### 3. Art Spaces and Cultural Facilities

- a. The applicant may propose to create an art space or cultural facility as a means for meeting the public art program requirement. The proposal must demonstrate the need for and impact of an on-site facility. The City reserves the right to require additional information.
- b. Art spaces or cultural facilities may include one or more of the following eligible components that are open and accessible to the public:
  1. Gallery/exhibition spaces, art centers and community cultural centers.
  2. Resource libraries and visual arts slide registries.
  3. Performance and rehearsal spaces and artist studio spaces.
  4. Arts-in-education facilities.
  5. Other
- c. The construction and availability of on-site art spaces or cultural facilities shall be equal in value to the required public art program allocation requirement. In certain locations it may be more desirable to provide an art space or cultural facility. Space developed under this program will be available to individual artists and not-for-profit cultural organizations presenting arts and artists whose programs are intended for the general public.
- d. A management proposal and agreement outlining plans for promotion and use of the space, potential users, audience, technical considerations and other requirements shall be submitted to the City. Proposals for art spaces and cultural facilities shall be evaluated for approval.

## **G. Public Art Program Allocation**

### 1. Allowable Expenses

- a. The work of art itself, including the artist's fee for design, structural engineering, permit or certificate fees including specialized reports or studies directly related to the project, and fabrication.

- b. Historically designated buildings and landmarks shall participate based on public art projects that involve the restoration, rehabilitation or preservation of exterior facades or exterior decorative elements only, and shall as a rule conform with the Secretary of the Interior's Standards for Historic Preservation Projects.
- c. Transportation, handling and installation of the public art.
- d. Identification plaque(s) or signs for the public art.
- e. Mountings, anchors, containments, pedestals, bases, or materials necessary for the installation of the public art.
- f. Lighting specifically illuminating the public art.
- g. Dealer, gallery or art consulting fees which shall not exceed 10% of the total art program allocation.
- h. Direct and indirect City administrative costs up to 25% of the 1% art program allocation deposited in the Alameda Public Art Fund.

## 2. Ineligible Expenses

- a. Public art that is mass produced of standard, commercial design such as playground equipment, fountains, or statuary objects. However, limited editions signed by the artist of original prints, cast sculpture, photographs, etc. may be included.
- b. Reproductions by mechanical or other means of original art, except in cases of film, video, photography, printmaking, or other media arts.
- c. The cost of locating the artist(s) (e.g., airfare for artist interviews, etc.).
- d. Decorative, ornamental, or functional elements that are designed by the project architect or other design industry professionals, as opposed to an artist commissioned for this purpose.
- e. Fees for architectural, engineering and or other design professional services not under the direct purview of the project artist.
- f. Landscape architecture, landscape gardening and engineering except where the elements are designed by an artist and/or are an integral part of the public art by the artist.

- g. Services or utilities necessary to operate or maintain the public art over time. Maintenance of public art must be included in the applicant's building maintenance costs.
- h. Lighting elements not integral to the illumination of the public art.
- i. Publicity, public relations, photographs of dedication ceremonies, educational materials, business letterhead or logos bearing the public art image.
- j. Dedication ceremonies, including public art unveilings or grand openings.

#### **H. Help with Artist Selection**

- 1. Private applicants are free to select and submit artists of their choice. The City's Planning and Building Department is available to provide assistance throughout the project. An arts consultant may be retained for public art projects valued at \$25,000 and above. A list of private art consultants who could assist applicants is available from staff.

## **II. WHAT IS THE APPLICATION PROCESS?**

### **A. Filing an Application**

- 1. Successful public art projects involve collaboration and cooperation between the applicant, the artist and the City. Prospective applicants will be notified of the Public Art Program Allocation requirements and will file the application with the Planning and Building Director or his/her designated representative.
- 2. The applicant may choose from the following methods for artist selection for on-site public art programs:
  - a. Open Competition: The PAC determines the competition criteria and issues a call for artists to submit credentials for consideration. The PAC invites a short-list of artists to interview and to develop proposals for the project.
  - b. Invitational Competition: The PAC invites a limited number of artists to submit credentials for consideration. A short-list of artists may be invited to interview and to develop proposals for the project.
  - c. Direct Selection: The applicant recommends specific artist(s) to the PAC for review and approval. The artist(s) may be asked to prepare a proposal for the project.

3. Private applicants are free to select a method described in II (A-2). An Open Competition will be the selection process for City public art projects.
4. The applicant submits an application for review by the PAC who either approves or denies the application. The application process shall take place in the early stages of the design and planning process to allow for integration of the public art into the overall project design and ensure timely completion of the project.

## **B. Review and Appeals**

1. All applicants are encouraged to provide an introduction and overview of the conceptual plan at a scheduled PAC meeting before filing an application.
2. The applicant submits the Public Art Application to the City's Planning and Building Department. City staff reviews the application and all materials, and advises the applicant of any incomplete items before the PAC meeting.
3. The PAC is the technical body responsible for reviewing, and evaluating for approval, all public art projects and shall ensure that all public art projects meet program criteria established by the Public Art Ordinance.
4. The PAC shall meet as soon as possible after all application materials are submitted in their complete form. If items are found incomplete, the 60-day period for review will not begin until all outstanding items are received. Staff will inform the applicant of the date, time and location of the PAC meeting.
5. The PAC reviews the application following the criteria listed in section III (Review Criteria and Requirements). The applicant must be prepared to make an oral presentation that clearly supports the public art proposal. The presentation shall include both written and visual materials. It is important for the applicant to be present at the meeting to receive the comments and suggestions of the PAC, should the application not be approved in full. The PAC retains the right to ask the applicant and/or art consultant to provide further information or demonstrate how their applicant meets the review criteria, prior to giving their final decision.
  - a. The PAC conducts the final review and approval of public art projects within 60 days of receiving completed materials and application.
  - b. A final decision of the PAC may be appealed to the City Council within ten (10) calendar days following the PAC decision.

### **C. Notification and Follow-up**

1. The applicant shall be notified in writing of the PAC's decision within ten (10) working days of the review meeting. If the project application is approved, any outstanding items that must be completed by the installation date will be listed and given to the applicant.
2. If the project application is not approved, the reason(s) for denial will be noted, as well as possible modifications or additions that could lead to approval. Should the applicant agree to the modifications, he/she may resubmit an application to the PAC for reconsideration. Staff shall inform the applicant of the date, time and location of the meeting to review the revised application.
3. Once the project application is approved, the applicant shall inform the City of the approximate date the project will be installed or completed in compliance with sections 30-65.8 (f) and 30-65.9 of the Public Art Ordinance.

### **D. Unveiling or Dedications**

The applicant shall notify the Planning and Building Department regarding any unveiling or dedication ceremonies for the public art project. An unveiling or dedication is strictly optional. In the event the applicant chooses to conduct an unveiling or dedication, City staff shall provide the applicant with an invitation list of City Council Members, Public Art Commission Members and other appropriate guests. City staff shall work with the applicant to promote press opportunities and public interest in the public art project.

## **III. WHAT ARE THE CRITERIA AND REQUIREMENTS FOR THE PUBLIC ART PROGRAM?**

### **A. Artist Selection**

1. Artists will be selected on the basis of their qualifications, as demonstrated by the quality of their past work and their artistic expression, professional experience, or specific proposal for a particular project. Additional considerations will be the ability of the artist to successfully execute the project within the timeline.
2. All financial arrangements shall be negotiated between the applicant and the artist(s), and shall be verified according to the written agreement. A copy of the executed agreement between the applicant and the artist(s) shall be submitted to the City.
3. Artists must be able to verify the value of the proposed public art based on their public art commissions. The City will look for purchase prices of similar works sold by the artist that progressively increase toward, or exceed,

the proposed commission amount. The City may request records, including but not limited to, sales contracts, invoices and payments. Gallery list prices or asking prices of art are not necessarily comparable, as they are not records of a willing buyer.

4. If the value of the proposed project cannot be verified, the City may choose, at its sole discretion, to have the artist's proposal and/or other completed projects appraised by a qualified art appraiser. This expenditure shall be counted toward the total public art allocation and shall be borne by the applicant. The value of the proposed public art project shall be verified prior to PAC review so as to not delay the approval process.

## **B. Project Approval**

Criteria to be used when considering public art projects shall include, but not be limited to the following:

1. **Inherent Artistic Quality:** The artistic or conceptual merit of the public art proposal, independent of other considerations.
2. **Context:** Works of art must be compatible in scale, material, form and content with their surroundings. Consideration should be given to the architectural, historical, geographical and social/cultural context of the site.
3. **Media:** All forms of public art may be considered. Works may be either portable or permanently attached.
4. **Permanence:** Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism and weathering.
5. **Ability to Maintain:** Significant consideration shall be given to the cost of on-going maintenance and repair anticipated, and the applicant's ability to provide adequate maintenance. Ephemeral artwork will be maintained for the lifetime as defined by the artist.
6. **Public Safety and Accessibility:** Each work shall be evaluated to ensure that it does not present a hazard to public safety and complies with all applicable building codes and accessibility requirements.
7. **Diversity:** The City is committed to acquiring public art that reflects its diverse cultural communities and perspectives. To that end, the City shall actively seek public art from artists of diverse backgrounds. The program encourages works in a variety of styles, scales, media and numbers of artists represented. Innovative work as well as established art forms shall be encouraged.

8. Feasibility: Proposed works shall be evaluated for feasibility and factors to be considered include, but are not limited to: project budget, timeline, artist's experience, soundness of materials, City approval requirements, and level of community support.
9. Duplication: To assure that the public art is a fine art product, the artist will be asked to warrant that the work is unique. A limited edition will be evaluated on a case-by-case basis.
10. Not eligible to be selected for commissions:
  - Members of the design team or their immediate families
  - Project architects or consulting architectural firms
  - Members of the selection team
  - Members and immediate families of the City of Alameda Public Art Commission
  - Planning and Building Department Staff or other City staff

### **C. Project Budget**

1. The applicant is required to submit a line item Budget Breakdown, reflecting costs of the artwork and artist design fees, transportation and installation fees, art consultant fees, and any other fees as applicable and necessary. The Budget Breakdown should total or exceed the 1% minimum art program allocation.
2. The applicant must also submit a copy of the Artist Agreement and/or Contract of Sale including the long-term care and maintenance instructions for the public art.

### **D. Maintenance Requirement**

1. All property owners are legally responsible for maintaining their public art for its lifetime and replacing the art should it be damaged beyond repair, destroyed, or stolen. The applicant should demonstrate that the selected public art is constructed appropriately for its display and that provisions have been made for the care of the work throughout its lifetime. Permanent artwork will be maintained in perpetuity. Ephemeral artwork will be maintained for the lifetime as defined by the artist. The Artist Agreement and/or Contract of Sale should address the following areas of long-term care and maintenance:
  - a. Maintenance Instructions – Artist's recommendations for on-going and long-term care. These recommendations will be used for routine cleaning and occasional treatments to prevent damage from weather elements, bird and tree droppings, spray from sprinklers, aging, graffiti and vandalism.

- b. Restoration – The artist or art conservator will be responsible for repairs for one year.
  - c. Maintenance Funds – How the property owner will provide a funding source for maintenance. The property owner is required to establish a source of funding to maintain the public art for its lifetime. The maintenance and long-term care of the public art is not the responsibility of the City unless the City owns it.
  - d. City staff will regularly inspect each public art for damage or maintenance concerns. Current property owners will be informed of inspection results for repair. Property owners will be subject to code enforcement for failure to comply.
2. All public art included in a project belongs to the property owner, however, the art work copyright belongs to the artist(s). The copyright remains with the artist unless specifically assigned in the artist agreement. The City has the right to use any photos, slides, models, printed materials, etc. of the public art for non-commercial purposes. The City and applicant agree to act in accordance with Federal and State of California artist’s rights legislation with regard to the ownership, maintenance, preservation, disposition, sale, copyright, and other legal considerations concerning public art.
  3. When an applicant elects to provide on-site cultural programming or facilities, such commitments shall be fully articulated in the agreements between the applicant and the City. The City shall also approve contracts between the applicant and performance and cultural facility management groups. These public art programs may take the form of annual programming budget commitments and may be re-negotiated after a period of one year and converted to a permanent public installation or facility, upon review and approval by the PAC.

#### **IV. HOW ARE THE PUBLIC ART PROGRAMS PROMOTED?**

The Alameda Public Art Program aspires to a broad variety of projects, encouraging artistic innovation and striving for widespread community participation and awareness. The City may publish or promote projects and programs, may organize educational events such as exhibits, artists’ public appearances, prepare pamphlets describing the public art projects and/or slide shows and video documenting the development and installation of selected public art, performance events or artist/community interaction.

The City recognizes the potential for controversy in any effective public art program. The applicant, artist(s) and general public are encouraged to participate in all aspects of

these activities to promote understanding of the art being produced and thereby, a greater awareness and enjoyment of the public environment.

The applicant is required to provide and affix a plaque with the following information: the title of the public art or facility, the artist's name, the date completed, an optional 30 to 50 word descriptive narrative, the City of Alameda logo and Alameda Public Art Program.

6/17/2007  
Public Art Guidelines