

**Public Art Advisory Committee
Regular Meeting
Monday, May 7, 2018**

**Oakland City Hall
Hearing Room 4
1 Frank Ogawa Plaza
5:30 - 7:30 pm**

AGENDA

- I. **Welcome/Call to Order**
- II. **Open Forum**
- III. **Approval of Minutes: April 2, 2018 meeting**
- IV. **Action Item: Cultural Funding Program Grantee Artist Deborah Koppman- Proposal for Soon's Lounge - 3449 Fruitvale Ave**
- V. **Action Item: MacArthur Gateway Arches Public Art Project Design Review- Artist Eric Powell**
- VI. **Action Item: PAAC Recruitment- Review Credentials and Recommend Additional Nominees for Mayor and Council Appointment to the PAAC: Jennifer Correia**
- VII. **Informational Item: Public Art in Private Development Update: Council Proposed Revisions**
- VIII. **Informational Item: Staff Updates on Pending Projects and Program Activity**
 - a. **Measure KK and Prop 84: Rainbow Recreation Center – Review Project Opportunity and Provide Input on Shortlist of Artists for Consideration (To be provided at meeting)**
 - b. **Measure DD: Gardens at Lake Merritt Gates Project- Artist Shawn Lovell**
- IX. **Announcements**

Agenda Building: Outline agenda for June 2018 meeting

Next regular meeting: June 4, 2018, Hearing Room 4, Oakland City Hall
- X. **Adjourn**

Oakland Cultural Affairs - Public Art Program, 1 Frank H. Ogawa Plaza, 9th fl. Oakland, CA 94612

www.oaklandculturalarts.org

Public Art Advisory Committee
(PAAC)
April 2, 2018
Minutes

Members Present: Bryan Cain (co-chair), Allison Cummings (co-chair), Jennifer Kessler, Yulia Pinkusevich, Charmin Roundtree-Baaqee, Patricia Cariño Valdez
Excused: Chris Treggiari
Absent:
Staff Present: Kristen Zaremba, Public Art Coordinator
Guests: Lily Brown, Department of Transportation

Meeting Chair: B. Cain

*Indicates partial attendance

1. Meeting called to order at 5:34 p.m.
2. **Open Forum.**
3. **Minutes: J. Kessler moved to approve the minutes of the March 5, 2018 Public Art Advisory Committee meeting. A. Cummings seconded. Motion passed unanimously.**
4. **Action Item: Pro Arts Imagining Post Capitalism FOP Temporary Installations, May 1-6, 2018 Design Review.** Public Art Coordinator Kristen Zaremba introduced the item, noting the City typically reviews proposals for temporary and permanent art installations proposed for City property, including Frank Ogawa Plaza. Additionally, the agreement for leasing space in the 150 building includes requirements for activation of the plaza and City oversight of those initiatives. Pro Arts Executive Director Natalia Mount presented the program, noting that certain activities and interventions would be occurring on the plaza during the week, commencing on May Day, including some night time projections in accordance with and invited the PAAC members to attend the events. **Motion: Y. Pinkusevich moved to approve the Pro Arts Imagining Capitalism Festival temporary installations for Frank Ogawa Plaza. P. Carino Valdez seconded. Motion passed unanimously.**
5. **Action Item: OakDOT – Paint the Town Street Mural Pilot Program – Design Review.** K. Zaremba introduced the item and referred committee members to the presentation included in the agenda packet. OakDOT staffer Lily Brown presented background on the program and the 30 selected proposals, and shared images for the designs developed to date. The designs are all intended to be temporary and will not be maintained unless the communities elect to take on that responsibility. Committee members reviewed and discussed the individual proposals, identifying some site challenges and expressed concerns about expectations

PAAC 5-7-18 Item III

regarding longevity and the ambitious nature of some of the proposals. They focused on the completed proposals and acknowledging that others would need to be reviewed later. The following motions were made:

- a. **Motion: Y. Pinkusevich moved to approve the design proposal by Earth Team for Arthur Street between Dashwood and 78th Avenue. A. Cummings seconded. Motion passed unanimously.**
 - b. **Motion: Y. Pinkusevich moved to approve the design proposal by Ascend School for 39th Avenue between San Leandro and 12th Street. P. Carino Valdez seconded. Motion passed unanimously.**
 - c. **Motion: A. Cummings moved to approve the design proposal by Senya Dennis for FordGo Bike Share dock at Mandel and 14th. J. Kessler seconded. Motion passed unanimously.**
 - d. **Motion: A. Cummings moved to approve the preliminary conceptual design, pending final design review, for the Temescal Business Improvement District proposal for Shattuck between 45th and 46th Streets. B. Cain seconded.**
 - e. **Motion: J. Kessler moved to approve Andrew Waggoner's final designs for Herman and Ayala Streets. A. Cummings seconded. Motion passed unanimously.**
 - f. **Motion: P. Carnino Valdez moved to approve the Attitudinal Healing Connection design for the Friends of Hoover Durant proposal at Filbert and 32nd Streets. C. Roundtree Baaqee seconded. Motion passed unanimously.**
- 6. Informational Item: Staff Updates on Pending Projects and Program Activity**
- a. MacArthur Gateway Arches Design Development
 - b. Measure KK and Prop 84: Rainbow Recreation Center
 - c. Measure DD Bond Project Updates-Garden Gates, Channel and Estuary
 - d. Public Art in Private Development Updates
- 7. Action Item: PAAC Recruitment- Review Credentials and Recommend Nominees for Mayor and Council Appointment to the PAAC: Lilian Blanco, Demetri Broxton, Sarah Dragovich, Chris Fraser, Bill Wei-Shek Jeng, Eric Murphy, Michelle Ramirez, Kate Roades.** PAAC members discussed the nominees and the need for a diverse pool of candidates. **Motion: P. Carino Valdez moved to approve the PAAC nominees. J. Kessler seconded. Motion passed unanimously.**
- Motion: P. Carino Valdez moved to extend the meeting for ten minutes. J. Kessler seconded. Motion passed unanimously.
- 8. Announcements:**
- 9. Agenda Building:** Staff updates on Pending Projects and Program Activity; PAAC recruitment. MacArthur Gateway Arches, Rainbow Recreation Center.
- 10. Adjournment: J. Kessler moved to adjourn the meeting at 7:40. C. Roundtree-Baaqee seconded. Motion passed unanimously.**

Cultural Affairs Division

Economic & Workforce Development

Public Art Advisory Committee Proposal Review Form

Date March 15, 2018

Artist Debra Koppman

Project Contact Debra Koppman

Phone # 510/482-1818 Email: debkoppman@gmail.com

Street Address: 2307 Damuth St.

City Oakland State CA Zip 94602

Proposed Site of Project Soon's Lounge - 3449 Fruitvale Ave, Oakland, 94602

Name of Property Owner Raymond Silver

City Council District 4

Attachments Checklist Attach a separate document to address the following items, bundled together in a single electronic file:

1. Review Form (this page)
2. Project Narrative
3. Artist Resume
4. Examples of Past Work
5. Visual Proposal
6. Materials and Methods
7. Photos of Site
8. In-Situ Mockup
9. Timeline
10. Budget
11. Maintenance Plan
12. Community Outreach/Support Documentation
13. Insurance Documentation
14. Permission – Private Property Owner

Oakland Cultural Affairs Division, 1 Frank Ogawa Plaza, 9th Floor, Oakland, CA 94612
www.OaklandCulturalArts.org

Project Narrative

Through this project, titled: *Jazzin' up Soon's Lounge*, I hope to contribute to the ongoing revitalization of the Dimond Neighborhood, by helping to convert this unremarkable brick facade into a visually dynamic destination unto itself. Through the creation of a mosaic tile mural, the project will help to improve the overall visual appearance and economic viability of the Dimond neighborhood, and will create a connection between several existing murals, including the recently completed Dimond Cafe storefront, *Dimond's Hidden Jewels*, on the Fruitvale wall of Farmer Joe's, *I Love Dimond* on the P G & E Substation wall on MacArthur at Lincoln, and *Dimond River*, on the Champion Street strip, next to our recently-installed transit plaza.

In collaboration with Dimond Public Art and the business owner, it was decided to draft a design which would honor the still-existing visual artifacts of the neighborhood's history. Just adjacent to the property we discovered a small strip of the original Art Deco tile, in rust, mint green, and black. Three proposals were drawn, using this color scheme, with multiple details found on Art Deco architecture.

The project will be undertaken on the exterior brick wall of Soon's Lounge. The overall dimensions of this space are roughly 10' high, x 16' wide. Taking the doorway and the iron gate away, the total area is approximately 117 square feet. I am intending to start working on the project in May 2018, creating the bulk of the tiles in my studio during the rainy season. Installation and completion of the project to hopefully take place in July 2018.

Through this new project I hope to continue the work begun on five community murals executed over the last five years, which combine neighborhood beautification, community development, and community ownership of spaces which are essentially public. This mural will also serve to showcase the cultural diversity of the Dimond, while highlighting and embodying the rich blending and interactions which help to form an aesthetically appealing shared environment. A public event will be held upon completion to dedicate the mural.

DEBRA KOPPMAN, Doctor of Arts

2307 Damuth St. Oakland, CA 94602, 510/482-1818 debkoppman@gmail.com

www.debrakoppman.com

EDUCATION:

DOCTOR OF ARTS, Studio Arts, New York University, 1993
Emphasis in painting, printmaking, criticism, aesthetics

MASTER OF ARTS, Fine Arts, University of California, Berkeley 1982

BACHELOR OF ARTS, Fine Arts, University of California, Berkeley 1980

SUMMARY OF EXPERIENCE: Wide variety of cultural settings has influenced all aspects of work as a painter, printmaker, sculptor, teacher, writer, and community artist. Investigations in multicultural aesthetics in Mexico, Guatemala, Nicaragua, Ecuador, Bolivia, Peru, Brazil, Spain, Portugal, Israel, India, Thailand, and Turkey have inspired artistic work and formed the bases for writing about and working with diverse people. Extensive work in Oakland Public Schools includes ongoing collaboration and professional development for classroom teachers, as well as development of arts integrated curriculum. Ongoing community work includes successful implementation of large-scale mural projects, involving students and other community participants.

SELECTED MURALS

- 2018 TRAVELING ON INTERNATIONAL BOULEVARD, Oakland, California.
- 2017 PALMA CEIA'S MAGIC GARDEN, Hayward, California.
- 2017 FIESTA EN LA FINCA! La Finca Tortilleria, Oakland, California.
- 2017 PLANTS ON PLANTERS, Laurel District, Oakland, California.
- 2016 DIMOND CAFE, Dimond District, Oakland, California.
- 2016 SEQUOIA'S RAINBOW ROAD, Sequoia Elementary School, Oakland, California.
- 2016 ENCHANIMALS! (With Sequoia Elementary School students), Oakland, California.
- 2016 THREADS OF SAN PABLO, City of San Pablo (3 panels). San Pablo, California.
- 2015 WELCOME TO SAN PABLO! City of San Pablo (2 panels). San Pablo, California.
- 2015 DIMOND RIVER, Dimond District, Oakland, California.
- 2014 THE BUDDHA'S 8 FOLD PATH, Bret Harte Middle School. Oakland, California.
- 2014 I LOVE DIMOND, Dimond District. Oakland, California.
- 2013 YOU'RE HUNGRY, EAT HEALTHY, Bret Harte Middle School. Oakland, California.
- 2012 RAINBOW FISH, (directed 90 3rd graders) Glenview Elementary. Oakland, California.
- 2012 SEQUOIA'S HIDDEN JEWELS, Mosaic Mural in collaboration with the Sequoia Elementary School community. Dimond District. Oakland, California.
- 2011 WELCOME TO FRUITVALE, 880 & Fruitvale, 12 Pillars. Oakland, California.
- 2011 DIMOND'S HIDDEN JEWELS, in collaboration with Amanda Lockwood and Sequoia Elementary School students. Fruitvale Avenue and MacArthur, Dimond District. Oakland, California.
- 2008 WHAT'S COOKIN', GOOD LOOKIN'? Designed and facilitated, in collaboration with Amanda Lockwood. Healthy Start After-School Program, Sequoia Elementary. Oakland, California.
- 2008 IMAGINE, (with 6th, 7th, and 8th grade art students) Bret Harte Middle School. Oakland, California.
- 2007 PLANTS AND HOPES RISING, Sequoia Elementary, Oakland, California.
- 2006 PHOENIX RISING, BRET HARTE RISING, Bret Harte Middle School, Oakland, California.

- 2006 QUETZALCOATL, (with 6th, 7th, and 8th grade art students) Bret Harte Middle School. Oakland, California.
- 2005 THE FOUR ELEMENTS (with 6th, 7th, and 8th grade art students) Bret Harte Middle School. Oakland, California.

SELECTED SOLO/2-PERSON/3-PERSON EXHIBITIONS:

- 2013 SCULPTURE AND FURNITURE
500 Howard Street, San Francisco, California
- 2013 SCULPTURE AND FURNITURE
1111 Broadway, Oakland, California
- 2013 SCULPTURE AND FURNITURE
Union Bank, San Francisco, California
- 2012 A CHANCE TO PLAY (with Luz Marina Ruiz)
San Pablo Arts Center, San Pablo, California
- 2012 SOLO: AN EXHIBITION OF PAPER MACHÉ SCULPTURE
The Atrium: 600 Townsend Street, San Francisco, California
- 2010 STORY POLES
Gymboree Lobby, 500 Howard Street, San Francisco, California
- 2009 I SAW THE STRANGEST THINGS
Humanities Center Gallery, Cal State Chico, Chico, California
- 2009 DEBRA KOPPMAN: SCULPTURES
525 Market Street, San Francisco, California
- 2008 13 WISHES FOR 13 WITCHES
1870 Gallery, Belmont, California
- 2006 WERNER GLINKA & DEBRA KOPPMAN (2-person)
Crockett Contemporary Art, Crockett, California
- 2006 SCULPTURES AND MASKS
Destination Art, San Francisco, California
- 2006 IN THE SANCTUARY
San Jose Museum of Quilts and Textiles, San Jose, California
- 2005 MARCH OF THE TOTEMS
Marin Technology Center, Marin, California
- 2005 SCROLLS
940 Gallery, Berkeley, California
- 2004 ROCK, PAPER, SCISSORS (3-person)
Olive Hyde Gallery, Fremont, California
- 2002 CYCLES/RECYCLES (3-person)
Creative Arts Center Gallery, Sunnyvale, California
- 2002 TOTEMS
455 Market Street, William Torphy Fine Arts, San Francisco, California
- 2002 PAPER MACHÉ SCULPTURES
Green Shutter Gallery, Hayward, California
- 2002 A CALLING FORTH OF ALLUSIONS
Los Medanos College Gallery, Pittsburg, California
- 2002 REINCARNATIONS IN ART (3-person)
San Pablo Art Gallery, San Pablo, California

- 2000 VOICES OF THE ANCESTORS (SCULPTURES TURNED PUPPETS)
Puppets for Performances in Collaboration with ARTSHIP, Oakland, California
- 2000 RELIQUARIES
Windows Project, Broadway Corridor, Oakland, California
- 1998 WHY MOSQUITOS BUZZ IN PEOPLE'S EARS (SCULPTURES TURNED PUPPETS)
Jack London Square, Oakland, California
- 1998 SPIRIT HOUSES
Windows Project, Broadway Corridor, Oakland, California
- 1998 SUEÑOS SUREÑOS (SOUTHERN DREAMS): WORKS ON PAPER
Peruvian/North American Cultural Institute, Lima, Peru
- 1998 TO THE PACHA MAMA: WORKS ON PAPER
Fulbright Commission, Lima, Peru
- 1995 MIXED MEDIA PAINTINGS AND SCULPTURES
Banaker Gallery, San Francisco, California
- 1994 MUTANT FORMS
Art Center Gallery, Clatsop Community College, Astoria, Oregon
- 1989 WORKS ON PAPER
Regional Museum of the State of Puebla, México
- 1988 NARRATIONS (3 PERSON)
1078 Gallery, Chico, California
- 1988 ANN FLANAGAN FELLOWSHIP AWARDS EXHIBITION (3 PERSON)
Kala Institute, Berkeley, California
- 1987 STORIES TO TELL IN BLACK & WHITE
Creative Arts Center Gallery, Sunnyvale, California
- 1987 MONOTYPES
Jalapeño's, San Francisco, California
- 1984 MONOPRINTS
Heller Gallery, Berkeley, California

SELECTED GROUP EXHIBITIONS:

- 2015 MAGIC CARPET RIDE
Grammatopoulou Gallery, Athens, Greece
- 2011 LIBERTY ARTS PRESENTS: PACIFIC RIM SCULPTOR'S GROUP
Yreka, California
- 2010 RUTH BANCROFT GARDENS PRESENTS: OUTDOOR SCULPTURE
Walnut Creek, California
- 2008 RE-USE, RE-CYCLE, RE-CREATE
Adobe Art Gallery, Castro Valley, California
- 2007 PAPER CUTS: THE ART OF CONTEMPORARY PAPER
Hearst Art Gallery, St. Mary's College, Moraga, California
- 2005 AN ARRAY OF SMALL WORKS
Crockett Contemporary Art, Crockett, California
- 2005 THE FACES OF ART
National Association of Women Artists, New York, New York
- 2005 AMERICAN CRAFT COUNCIL EXHIBITION, San Francisco, California

2005	WIT AND WISDOM	Falkirk Cultural Center, San Rafael, California
2004	MAGICAL, MYSTICAL, MYTHICAL	Frank Bette Center for the Arts, Alameda, California
2004	AMERICAN CRAFT COUNCIL EXHIBITION	San Francisco, California
2004	CALIFORNIA DREAMING (John Toki, juror)	Design Center, San Francisco, California
2003	GALLERY ARTISTS	Virginia Breier Gallery, San Francisco, California
2003	PACIFIC RIM SCULPTORS' GROUP (Steven Oliver, juror)	Design Center, San Francisco, California
2002	PACIFIC RIM SCULPTORS' GROUP (Karen Tjusimoto, juror)	Design Center, San Francisco, California
2002	LIGHT AND LAUGHTER	Claudia Chapline Gallery, Stinson Beach, California
2001	CITY OF MIRACLES	SOMA, San Francisco, California
2001	PLY AND COIL	Green Shutter Gallery, Hayward, California
1999	LESSONS	John F. Kennedy Arts and Consciousness Gallery
1999	WHAT IS ART FOR?	Oakland Museum, Oakland, California
1999	TOTEMS AND TIMEPIECES	JFK University Gallery, Berkeley, California
1998	ARCHETYPE	Quan Yin Gallery, Oakland, California
1997	JORNADAS DE ARTE EN PAPEL	Casa de Arte, Concepcion de Uruguay, Entre Rios, Argentina
1997	KALA FELLOWSHIPS EXHIBITION	Presidio, San Francisco, California
1997	RECEPTIVITY: AN EXHIBITION OF WOMEN ARTISTS	Graduate Theological Union, Berkeley, California
1996	KALA FELLOWSHIPS EXHIBITION	Yerba Buena Center for the Arts, San Francisco, California
1996	INTERNATIONAL EXHIBITION OF WOMEN ARTISTS	Escuela de Bellas Artes, Arequipa, Peru
1993	PRINTED FROM WOOD	Joanne Chappell Gallery, San Francisco, California
1991	FACULTY EXHIBITION, SCHOOL OF FINE ARTS	Nicaraguan Institute of Culture, Managua
1989	ART IN PUÉBLA	Nicte Gallery, Puébla, México
1989	CSP/GRAPHIC WORKSHOP OF FUNEN EXCHANGE EXHIBITION	Brandts Klaedefabrik Museum, Odense, Denmark
1987	BERKELEY/NEW CASTLE EXCHANGE,	New Castle Art Center, New Castle, Australia
1987	IMPRESSIONS BY KALA	Gensler and Associates/Architects, San Francisco, California
1987	IMPRESSIONS/KALA INSTITUTE	Art Store Gallery, San Francisco, California
1987	MONOPRINTS	

Lawson Galleries, San Francisco, California

1987 WOMAN OF SPIRIT, DISCOVERY AND PRACTICE,
Walker Ames Gallery, Seattle, Washington

TEACHING EXPERIENCE:

1998 - 2016 ARTIST-IN-RESIDENCE
Sequoia Elementary School, Oakland, California

2005 - 2014 ARTIST RESIDENCY, MURAL PROJECTS
Bret Harte Middle School, Oakland, California

2012 - 2013 ADJUNCT PROFESSOR, SCHOOL OF ARTS AND SCIENCES: Teaching Visual Art
Brandman University, Walnut Creek, California

2007 - 2009 FACULTY, DEPARTMENT OF ART AND PATHWAYS PROGRAM
Dominican University, San Rafael, California

2007 - 2009 ARTIST-IN-SCHOOLS, Arts and Literacy in Children's Education
ALICE Project, Various Schools: Oakland, Berkeley, Hayward, California

2006 - 2007 ART EDUCATION FACULTY FELLOW: PROFESSIONAL DEVELOPMENT
California College of the Arts, Westlake Middle School, Sequoia Elementary

2004 - 2007 ARTIST-IN-SCHOOLS
VALA, Visual Arts, Language Arts: Various Schools: Richmond, Oakland

2004 - 2006 ARTIST-IN-SCHOOLS, PROFESSIONAL DEVELOPMENT
Young Audiences of Northern California: Various Schools: San Francisco

1999 - 2005 INSTRUCTOR
University of California, Berkeley, Extension

1996 - 2010 FACULTY, DEPARTMENT OF ARTS AND CONSCIOUSNESS
John F. Kennedy University, Orinda, California

1997 INSTRUCTOR, DEPARTMENT OF ART
Diablo Valley College, Pleasant Hill, California

1995 VISITING PROFESSOR, DEPARTMENT OF ART
Universidad Católica, Lima, Peru

1993 - 1997 PROFESSOR, DEPARTMENT OF GRADUATE STUDIES
Academy of Art College, San Francisco, California

1993 INSTRUCTOR, DEPARTMENT OF ART
Los Medanos College, Pittsburg, California

1992 INSTRUCTOR
Kala Institute, Berkeley

1991 VISITING PROFESSOR
Escuela Nacional de Bellas Artes, Managua, Nicaragua

1987-1989 PROFESSOR, DEPARTMENT OF ART AND DESIGN
Universidad de Las Américas, Puebla, México

FELLOWSHIPS/GRANTS/AWARDS:

CITY OF OAKLAND, INDIVIDUAL ARTIST GRANTS, for *I LOVE DIMOND*, *DIMOND RIVER* Murals
DIMOND IMPROVEMENT ASSOCIATION, for DIMOND'S HIDDEN JEWELS MURAL

CITY OF OAKLAND, PAY-GO FUNDS, FOR *DIMOND'S HIDDEN JEWELS* MURAL
OAKLANDISH, FOR *DIMOND'S HIDDEN JEWELS* MURAL

REACH-A-STAR FOUNDATION, FOR ARTS-IN-EDUCATION AT SEQUOIA SCHOOL
ROGERS FAMILY FOUNDATION, FOR ARTS-IN-EDUCATION AT SEQUOIA SCHOOL
UNITED PARCEL SERVICE, COMMUNITY GRANT, FOR ARTS-IN-EDUCATION AT SEQUOIA SCHOOL
CULTURAL ARTS DIVISION, CITY OF OAKLAND, ARTS-IN-EDUCATION GRANTS
CALIFORNIA ARTS COUNCIL, ARTIST-IN-RESIDENCE
OUTSTANDING OAKLAND ARTS EDUCATOR, CALIFORNIA STATE SENATE
LOCAL HERO AWARD, CITY COUNCILMEMBER JEAN QUAN'S OFFICE
PUFFIN FOUNDATION GRANT
JOSEPHINE BAY PAUL AND C. MICHAEL PAUL FOUNDATION
ELLA LYMAN CABOT CHARITABLE TRUST
FACULTY DEVELOPMENT GRANT, John F. Kennedy University
FULBRIGHT SCHOLAR LECTURING AWARD IN PERU
WOMEN'S STUDIES COMMISSION DOCTORAL DISSERTATION AWARD, New York University
ANN FLANAGAN FELLOWSHIP, Kala Institute

PUBLICATIONS:

"Artweek," Previews Editor, 2001 – 2009.

"Artweek," Reviews and Articles, 1997 – 2009.

One Step at a Time: Art and Arts Integration at Sequoia Elementary. Self-Published, 2012.

Artful Teaching. New York, Teacher's College Press, 2010. Donahue, David and Jen Stuart, eds.
Chapter entitled: "One Step at a Time."

Contemporary Issues in Art Education. New Jersey, Prentice-Hall, 2002. Chapter entitled: "Transformation, Invocation, and Magic in Contemporary Art, Education, and Criticism: Reinvesting Art With a Sense of the Sacred."

Reclaiming the Spiritual in Art: Contemporary Cross-Cultural Perspectives. Albany, New York: SUNY Press, 1999.

"America Latina 96' en el Museo Nacional de Bellas Artes," Artes Visuales, Buenos Aires, Argentina, April 1996.

"Arte Contemporaneo en Peru," Symposium on Contemporary Andean Images, Instituto Nacional de Cultura, Cajamarca, Peru, December 1995.

Mutant Forms: A Contemporary Artistic Response to Mythic Female Deities. Doctoral Dissertation,
Department of Art and Arts Professions, New York University, 1993. Available through UMI Dissertation Services.

"Odyssey of Faith; Faith Ringgold--A Twenty-five Year Survey." Woman's Art Journal (Fall/Winter 1991) Vol. 12, #2.

"Precarious Balance; Can Beauty Survive the Fall?" Exhibition catalog, Hong-Juin Shieh, June 1991, Taipei, Taiwan.

CONFERENCES/TALKS:

Integrated Learning Summer Institute, "Inventing Our Future." Presenting: *Making Sense of Math through Art*, August 2013. Sponsored by Alameda County Office of Education, at the Chabot Science Center, Oakland, California.

OUSD 2013, 2014, 2015 Summer Institutes: Professional Development for Classroom Teachers: *Retelling our Stories with Puppets, Masks, and Books*. Co-presenter with Erin Cogan, English Language Arts Coordinator for OUSD, Elementary Schools.

Press Conference: Common Core State Standards Mathematics Showcase, invited speaker, alongside California Superintendent of Schools, Tom Torlakson. Hosted by California Department of Education. June 17, 2013. Broadcast on local Sacramento News.

Common Core State Standards Mathematics Showcase: *Patterns, Fractions, and Geometry: Integrating Art and Math (K-5)*, California Department of Education, Sacramento, California, June 17, 2013. Co-presenter with Sandra Oby, Sequoia Elementary.

OUSD 2012 Summer Institute: Arts Integration Workshop Entitled *Telling our Stories with Puppets, Masks, and Books*.

"One Step at a Time – Arts Integration at Sequoia Elementary," National Art Education Association, 2011.

Arts Learning Anchor Schools Conference – Dreams Create Hope, Oakland, California, 2008.

"The Art of Paper," Hearst Art Gallery, St. Mary's College, Moraga, California, 2007.

"Art, Collaboration, and Community," Mills College, Oakland, California. 2002.

"Reclaiming Spirit: Authentic Experience in Multicultural Art Education," INSEA World Congress, 2002.

"Reclaiming Spirit: Authentic Experience in Multicultural Art Education," National Art Education Association, 2002.

Artist Talk, Green Shutter Gallery, Hayward Council for the Arts, Hayward, California, 2002.

Puppets Alive! Workshop in Collaboration with Claudia Bernardi, Catholic Worker, Oakland, California, 2001.

"Puppets Alive!" National Art Education Association, 2000.

"Art, Education, and Imagination," Oakland Museum, in conjunction with the exhibition, "What is Art For?" 1999.

"Multicultural Storytelling Arts Workshop and Puppet Theater," National Art Education Association, 1999.

"Transformation, Invocation, and Magic in Contemporary Latin American Art," College Art Association, 1999, Chair.

"Tres Mundos," College Art Association, 1999.

"Transformation, Invocation, and Magic in Contemporary Art, Criticism, and Education," NAEA Meeting, 1998

"Transformation, Invocation, and Magic in Contemporary Latin American Art," NAEA Meeting, 1997.

"Women, Art, and the Sacred," Sculpture Group Gallery, Danville, California, 1996.

"Transformation, Invocation, and Magic in Contemporary Art," Sophia Center, Holy Names College, Oakland, CA. 1996.

"Artistic Processes," Escuela de Bellas Artes, Concordia, Entre Rios, Argentina, 1996.

"Transformation, Invocation, and Magic in Contemporary Art," A series of lectures given in schools and cultural centers in Peru and Bolivia under the auspices of the Fulbright Commission, Lima, Peru, 1995-1996.

"The Subjugation of the Spiritual in Art"; Program Chair, College Art Association, 1995.

"Thou Art; The Continuity of Religious Ideology in Modern and Post modern Theory and Practice" CAA, 1995.

"Revisioning Aesthetics in a Pluralist America;" National Art Education Association, Annual Meeting; 1994.

"Multiple Visions;" The American Society for Aesthetics 51st Annual Meeting; 1993.

THEATER PROJECTS

2004 CASINO: A Production of the Glenview Performing Arts Center: Set Design.

2004 CHILDREN'S FAIRYLAND; CHILDREN'S THEATER: *La Cucaracha Martina*, Set Design.

2003 CHILDREN'S FAIRYLAND; CHILDREN'S THEATER: *Thumbelina*, Set Design, Masks, and Puppets

BOOK ILLUSTRATION

2007 ARI AMONG THE LIONS; written by Lion Koppman. Also in Spanish: ARI ENTRE LOS LEONES.

CURRENT AND PREVIOUS PROFESSIONAL AFFILIATIONS:

Artweek	Pacific Rim Sculptor's Group	College Art Association
Kala Institute	National Art Education Association	Society of Mosaic Artists

LANGUAGES: Native-level fluency in Spanish, conversational in Portuguese, Hebrew.

Examples of Past Work



Dimond River

Champion Street, Dimond District, Oakland



Dimond Cafe - 3430 Fruitvale Ave, Oakland, 94602



I Love Dimond MacArthur & Lincoln, Oakland



I Love Dimond

MacArthur & Lincoln, Oakland, CA



Enchimals

Sequoia Elementary, Oakland, CA

Visual Proposal



Soon's Lounge- 3449 Fruitvale Avenue, Dimond District, Oakland, 94602

Materials and Methods

This project will be largely created off-site, using a non-direct method, in which each square of the 117 square-foot design is first tiled onto mesh, and later installed all at the same time. This will allow for the preparation of most of the wall irregardless of weather. Parts of the wall will then be finished on site – the area around the pipes, and various small metal boxes will need to be tiled/and-or painted to blend in with the rest of the wall. The wall will be grouted when finished.

Photos of Site



In-Situ Mockup

NG

SOON'S LOUNGE



Timeline

The project is budgeted to take approximately 150 hours. If I am able to work 40 hours/week on the project, it will take approximately 1 month to complete. This timeline is somewhat weather-dependent, and also might vary depending on other projects I am currently negotiating.

Budget

Artist's Hours: Approximately 150 hours @ \$45/hour	\$6,750
Materials	<u>\$ 750</u>
Total	\$7,500

Funding Sources:

Cultural Funding Program	\$4,999
Dimond Public Art (DIA) in process request	\$ 2,501
Total	\$7,500

Maintenance Plan

Debra Koppman promises to jointly work together with the Dimond Improvement Association, through the Keep Dimond Clean program to insure that the mural is well-maintained. Other murals in the neighborhood, including painted and mosaic tiled murals, have not had any serious tagging problems. The longest-standing mural on the wall of Farmer Joe's Marketplace, has been in good shape for 5 years, with only the slightest maintenance needed. Other murals have not been tagged, even when the neighboring spaces and sidewalks have been severely tagged. The wall itself is solid, with no drainage problems, so that the tile itself will hold up over a long period of time.



DIMOND IMPROVEMENT ASSOCIATION

Involvement Builds Community

P.O. Box 27355
Oakland, CA 94602
dia@dimondnews.org
www.dimondnews.org

April 24, 2017

To Cultural Funding, City of Oakland, and the Public Art Committee,

On behalf of the Dimond Improvement Association, we would like to offer our enthusiastic support for the new mural currently proposed by our local artist Debbie Koppman on the façade of Soon's Lounge, on Fruitvale Avenue. This new project, which has the tentative working title, *All that Jazz*, dovetails beautifully with our work as a neighborhood organization towards improving the quality of life in our Dimond neighborhood. We are interested in building community, while enhancing the aesthetics of the Dimond, and Debbie's existing murals on the side of Farmer Joe's and on the Dimond Cafe on Fruitvale, on the PG& E Substation wall on MacArthur, on the exterior walls and fences of Sequoia Elementary, and on Champion Street have already greatly contributed to that mission. This project will contribute in a positive way towards improving the aesthetics of Fruitvale Avenue, will make a visual connection to the small amount of original Art Deco tile still remaining on the adjacent storefront, and will greatly improve the appearance of this old neighborhood bar. We sincerely hope you approve this project, and we look forward to collaborating with Debbie on its execution.

Sincerely,

Julie Johnson
Dimond Public Art, Dimond Improvement Association
Involvement Builds Community

--
Julie Johnson
Dimond Improvement Association, Treasurer
Dimond Public Art, Chair
Art In The Street, Chair
dimondnews.org
Involvement Builds Community
510-375-3571

Soon's Lounge
3449 Fruitvale Ave
Oakland, CA 94602

To Whom it May Concern, the Public Art Commission, and Dimond Public Art:

I, Raymond Silver,
the business owner of Soon's Lounge

at 3449 Fruitvale Ave, Oakland, CA 94602,

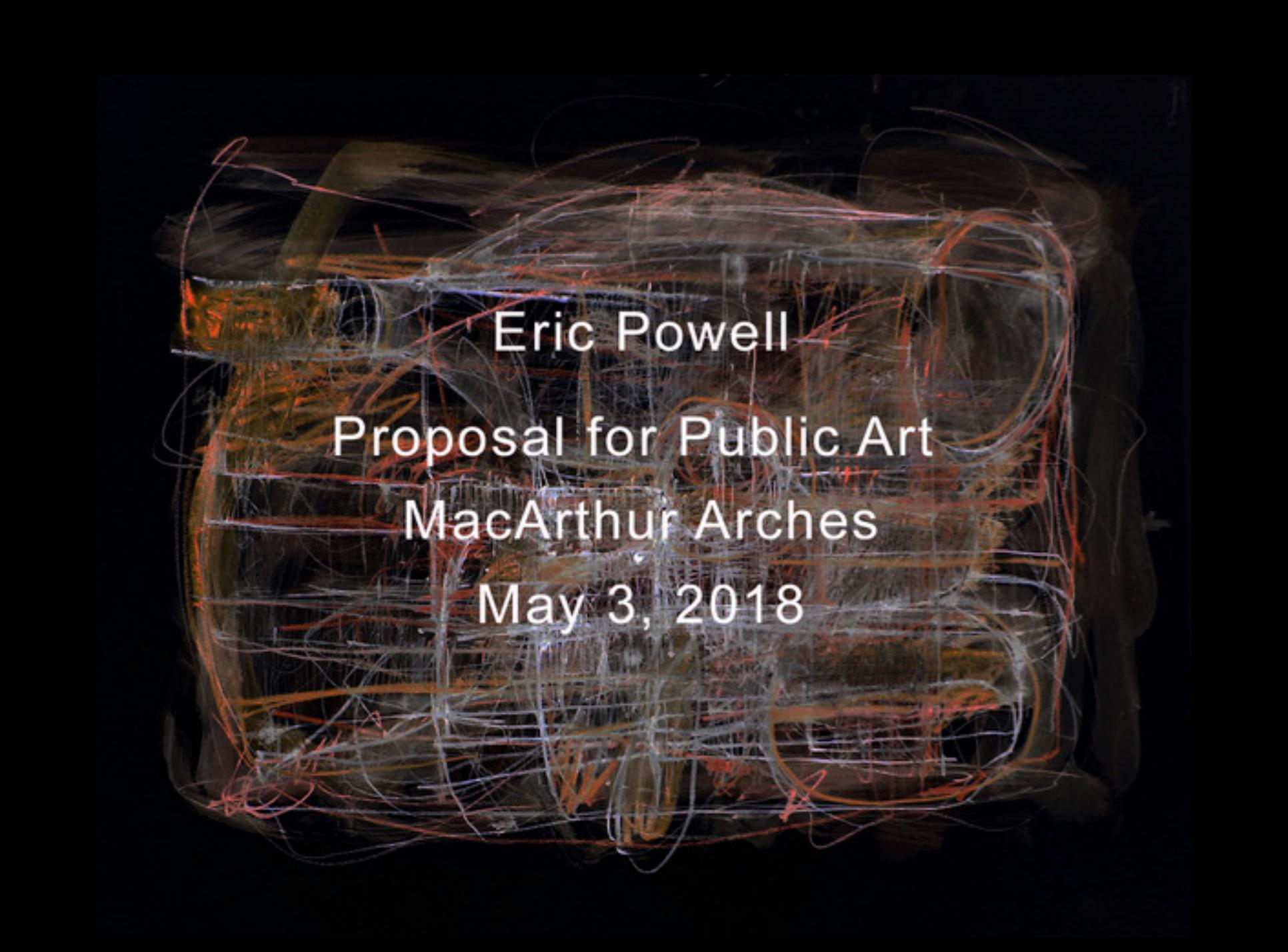
have invited local artist Debbie Koppman to create a mosaic mural on the exterior wall
of my property. She has my full support and approval.

X Raymond Silver 1/12/18

We commit to working together in the case of damage done to the mural.

I, Raymond Silver,
the property owner of 3449 Fruitvale Ave, Oakland, CA, 94602,
also give my permission for this project.

X Raymond Silver 1/12/18

The background of the slide is a complex, abstract artwork. It consists of a dense, chaotic web of thin, overlapping lines in white and orange-red, set against a solid black background. The lines are drawn in a way that suggests movement and depth, creating a sense of a three-dimensional, tangled structure. The overall effect is one of intense energy and complexity.

Eric Powell

Proposal for Public Art

MacArthur Arches

May 3, 2018





EASTMONT





EASTMONT



EASTMONT













JENNIFER M. CORREIA

Oakland, CA 94606
jcorreia.preserve@gmail.com

Education

University of Pennsylvania, School of Design, Philadelphia, PA

- Advanced Certificate in Conservation Management, 2006
- Master of Science Historic Preservation Program, 2005
- Recipient of Kress Fellowship 2005-2006, and Binder Travel Fellowship 2004

Tulane University, A. B. Freeman School of Business, New Orleans, LA

- Bachelor of Science in Management with a Minor in Studio Art, 2001
- Additional coursework in chemistry and architectural history, 2002-2003
- Recipient of Tulane Academic Scholarship 1997-2001

Universidad Pontificia Comillas, ICADE, Madrid, Spain

Institut d'Études Politiques, Sciences Po, Paris, France

- Tulane University, A. B. Freeman Summer Abroad Program, 2000

Relevant Experience

ARG CONSERVATION SERVICES (ARG/CS), SAN FRANCISCO, CA

JANUARY 2018 – PRESENT

Associate Principal

- Work with the Principals on long-term planning for the company, client development and relations, and staff development. Serve as the Principal-in-Charge for selected conservation projects.
- Responsible for training staff to learn company procedures for project work and documentation. Worked with the conservation team to research new technology and resources to implement in future work.

SAN FRANCISCO ARTS COMMISSION (SFAC), SAN FRANCISCO, CA

DECEMBER 2015 – DECEMBER 2017

Project Manager

- Managed projects with budgets of varying sizes with a consistent level of attention and customer service including vandalism abatement, relocation, conservation, and restoration projects for the city's civic art collection. Tracked progress and compiled documentation to maintain archival records.
- Supervised and evaluated the work of outside contractors, ensuring adherence to all project specifications and compliance with prevailing ethical standards relating to conservation and collections management.
- Assisted with annual maintenance/conservation planning, scheduling and budgeting for prioritized artworks based upon anticipated available funding. Assisted in coordinating work and/or planning functions to meet established program goals and objectives.

ARG CONSERVATION SERVICES (ARG/CS), SAN FRANCISCO, CA

JULY 2012 – NOVEMBER 2015

Project Manager

- Promoted to lead Project Manager for conservation projects July of 2013 and assumed duties of the former Director of the conservation department. Work included planning and managing all subcontracted or in-house conservation projects at various sites. Responsible for compiling proposals, preparing project estimates and budgets, planning, designing and implementing conservation treatments, managing projects, preparing documentation, and communicating with clients. Served on the safety committee that is responsible for the company's OSHA compliance.

- Managed projects with budgets of varying sizes with a consistent level of attention and customer service. Selected project information below.
- Previously worked as a seasonal architectural conservator April through July of 2008.

PRESIDIO TRUST (PT), SAN FRANCISCO, CA
Historic Compliance Coordinator

AUGUST 2008 – JULY 2012

- Reviewed all proposed projects for compliance with federal preservation regulations per the National Historic Preservation Act (NHPA). Specifically, performed tasks associated with project monitoring, resource documentation, condition assessments, archival research, writing, and permit reviews.
- Organized and led N² (NHPA & NEPA) project review meetings for a variety of project scopes and complexity from full building rehabilitations to reforestation. Required extensive written and verbal communication, research, documentation and organization. Reviewed all submittals for completion and worked with applicants to provide additional information as needed. Selected projects below.
- Conducted in house reviews and monitoring for the Presidio Trust Maintenance Department, coordinating with commercial and residential real estate teams, contractors, and in-house architects, landscape architects, and project managers. Attended department meetings on a weekly basis to create strong inter-department relationships and provide prompt decisions to keep projects moving.

MATERIALS CONSERVATION COLLABORATIVE, LLC (MCC), CHADDS FORD, PA
Architectural Conservator

MAY 2006 – JANUARY 2008

- Primary tasks included project management, material analysis, preparation of treatment/condition reports, and documentation. Also managed the company's materials laboratory.
- Additional responsibilities included organizing and compiling web site and marketing materials, managing laboratory supplies, and cost estimating for project proposals. Company was formerly named Milner + Carr Conservation. Selected projects below.

UPENN ARCHITECTURAL CONSERVATION LABORATORY, PHILADELPHIA, PA
Architectural Conservation Intern/ Fellow

MAY 2004 –MAY 2006

- Provided project support for implementation of projects. Tasks included completing condition assessments and documenting existing conditions of structures.
- Obtained Kress Fellow funding to manage the conservation of the Rose Window at Mission San José y San Miguel de Aguayo in San Antonio, Texas while earning an Advanced Certificate in Conservation Management. Created the treatment design using results from thesis research.

Selected Projects

MCKINLEY MONUMENT SEISMIC IMPROVEMENT AND CONSERVATION, SFAC, SAN FRANCISCO, CA, FEB – AUG 2017

- Contracted, planned, and managed the seismic improvement and conservation of one of the city's largest public monuments. Coordinated work with RPD to facilitate logistics, reviewed contractor's submittals and mock-ups, and conducted final walk through prior to final approval. Documented all work and reviewed submitted treatment reports.

NATIVE SONS MONUMENT AND LOTTA'S FOUNTAIN, SFAC, SAN FRANCISCO, CA, MARCH – JUNE 2016

- Contracted, planned, and managed the conservation of two historic monuments on Market Street. Coordinated work with DPW and SFMTA to facilitate logistics, reviewed mock up treatments, and conducted final walk through prior to final approval. Documented all work and reviewed submitted treatment reports.

500 CAPP STREET, SAN FRANCISCO, CA, ARG/CS, JANUARY 2013 – SEPTEMBER 2015

- Artwork included unique finishes on the interior finishes and architectural elements and applied artworks.

- Conducted stabilization treatments for high priority interior finishes and artworks prior to the start of a structural upgrade of the building.
- Assisted the owner with the continued monitoring of the property during construction.

COIT MEMORIAL TOWER MURALS, CA, ARG/CS, NOVEMBER 2013 – JULY 2014

- Assembled a team for the proposal process that included specialists in mural conservation and decorative painting. Created the budget and project schedule. Managed all subcontractors and in house labor during repairs.
- Contracted work with the San Francisco Arts commission and assisted coordination of the project with multiple city agencies and a construction team executing concurrent building repairs. Attended weekly progress meetings to share updates, address problems, and keep tasks moving on schedule.
- Conducted treatment testing for the indoor architectural finishes not addressed by the murals team and managed repairs.
- Project recently received a California Preservation Foundation award.

MEMORIAL CHURCH, STANFORD, CA, ARG/CS, APRIL – AUGUST 2013

- Managed the exterior maintenance repairs of the wood window frames and decorative masonry for this historic landmark. Managed all subcontractors and in house labor during repairs.
- Managed communications with a diverse group of stakeholders for client representatives at the University.
- Delivered project ahead of schedule and under-budget. Currently preparing a proposal for the final phase of repairs.

MAIN POST UPDATE, SAN FRANCISCO, CA, PT, SEPTEMBER 2008 – DECEMBER 2010

- Participated in a lengthy process (2+ years) to amend the agency's master plan for the Main Post District.
- Organized and managed all visual simulations and figures for alternatives in the Supplemental and Final Environmental Impact Statement documents.
- Assisted planning and executing required public outreach and focused meetings between federal agency representatives and consulting parties in the NHPA process.

DOYLE DRIVE REPLACEMENT PROJECT, SAN FRANCISCO, CA, PT, JANUARY 2009 TO JULY 2012

- Provided project assistance to the TOP (advisory panel experts) from various agencies to make decisions affecting historic resources. Worked with CalTrans and their subcontractors to provide written stipulations and monitoring for projects or tasks that impact historic resources.
- Reviewed technical documents including HSR and HABS documentation, condition assessments, and design drawings.
- Coordinated with CalTrans cultural resources to prepare a scope of work for exterior masonry repairs to building 669, and provided oversight for the subsequent subcontracted work for several small masonry projects.

FIRST PRESBYTERIAN CHURCH, ELIZABETH, NJ, MCC, SEPTEMBER 2007 TO JANUARY 2008

- Managed masonry conservation repair treatments and subcontracted archaeological monitoring.
- Completed a database to document repairs to 500 historic cemetery markers and conducted all site mock-ups and worked with the project architect and client to obtain approvals.

SACRISTY WINDOW, MISSION SAN JOSÉ Y SAN MIGUEL DE AGUAYO, SAN ANTONIO, TX, ACL, SEPTEMBER 2004 – JULY 2006

- Conducted laboratory and on-site research to design and execute a conservation treatment plan for the sculptural limestone window surround. The managed scope of work for treatments included mobilization out of state, masonry stabilization, oversight of subcontractors, and documentation.
- Completed a Masters' thesis addressing the treatment of the limestone window entitled, *Treatment Evaluation for the Sacristy Window Micritic Limestone at Mission San José y San Miguel de Aguayo in San Antonio, Texas.*

CONFERENCES/PUBLICATIONS/PROFESSIONAL TRAINING

- **American Institute for Conservation of Historic and Artistic Works (2014).** Served as program vice chair for the Architecture Specialty Group (ASG) and was responsible for developing content for the ASG sessions during the 42nd Annual Conference in San Francisco, CA in *May of 2014*.
- **American Institute for Conservation of Historic and Artistic Works (2012).** Co-presented a paper titled, “A Dynamic Public Resource – The Conservation of a Spanish Colonial Tile Artifact in the Middle of a Revitalized Watershed at the Presidio of San Francisco,” at the American Institute for the Conservation of Historic and Artistic Works’ 40th Annual Conference in Albuquerque, NM in *May of 2012*.
- **Journal of the American Institute for Conservation (2008).** Coauthored with Frank Matero, “Tartrate-based Preconsolidation of Salt-Contaminated Limestone at Mission San José y San Miguel de Aguayo.” Journal of the American Institute for Conservation, v. 47 No. 2, (Summer 2008).
- **American Institute for Conservation of Historic and Artistic Works (2007).** Presented a paper titled, “Conservation of the Rose Window at Mission San José y San Miguel de Aguayo, San Antonio, TX,” at the American Institute for the Conservation of Historic and Artistic Works’ 35th Annual Conference in Richmond, VA in *April of 2007*.
- Completed workshops offered by the **National Preservation Institute** include: “Section 106: An Introduction,” *September 2008*; “Green Strategies for Historic Buildings,” *March 2009*; “GIS: Practical Applications for Cultural Resource Projects,” *May 2010*; “Identification and Evaluation of Mid-Century Buildings,” *March 2011*; and “Section 106 – Agreement Documents,” *September 2011*.
- Completed workshops offered by the **California Preservation Foundation** include: “The Use and Application of the California Historic Building Code, July 2009; “Weatherization and Materials of Historic Buildings,” January 2010; “Cultural Landscapes Workshop,” August of 2010; “The Secretary of Interior’s Standards for the Treatment of Historic Properties with a Facilities Management Perspective,” March 2012.

Technical and Language Skills

Adobe Creative Suite (Acrobat, InDesign and Photoshop),
Microsoft Office (Access, Project, PowerPoint, Excel, Word),
Sage Accounting Software
Embark Database (proficient)

AutoCAD (working knowledge)

French (proficiency), **Spanish** grammar (working knowledge)

Green Advantage Certification (2007)

OSHA 30 and **First Aid/CPR** certification.

Professional Affiliations

American Institute for Conservation of Historic and Artistic Works (AIC), former Architecture Specialty Group (ASG) Chair, AIC member since 2004

Association for Preservation Technology International (APTI), and Western Chapter APT Vice President of the Board, member since January 2013, APTI member since 2009

California Preservation Foundation, member since 2008

San Francisco Architectural Heritage, member since 2011

PAAC 5-7-18 ITEM VII AGENDA REPORT

To: Public Art Advisory Committee
Attn: Allison Cummings and Bryan Cain, Co-chairs
From: Kristen Zaremba, Public Art Program Staff
Date: May 7, 2018
RE: Public Art in Private Development – Proposed Revisions to Oakland Municipal Code

Overview

The Public Art Advisory Committee is asked to review and comment on the proposed amendments to Oakland Municipal Code (OMC) Chapter 15.78, Public Art Requirements for Private Development. The proposed revisions will be heard by Council's Community & Economic Development (CED) Committee on May 8, 2018.

The original legislation requiring freely accessible public art for certain private development projects was adopted by the City Council in December 2014 and went into effect February 2015. After discussion with City staff and stakeholders, the Public Art Advisory Committee and Planning Commission in January 2017, the legislation was amended in July 2017 to clarify specific requirements and allow for implementation of projects in the Public Right of Way within a ¼ mile of the development site. Currently, projects are required to meet all requirements through submittal of documents to demonstrate compliance in accordance with Planning and Building and Public Art Program regulations. Projects currently proposed for within a ¼ mile of the development site are required to meet previously established Public Art Advisory Committee (PAAC) criteria for artworks in the Public Right of Way, in addition to any City-related building and encroachment permitting requirements.

The proposed amendments, as submitted by Councilmember Gibson McElhaney (see attached CED agenda report), would allow a developer, subject to City approval, to satisfy a public art requirement by making an in-lieu contribution to a City-owned arts facility within one mile of the development site for capital improvements, or to satisfy the requirement by installing art on nearby property owned by other public agencies.

Staff supports the intention of the proposed amendments yet we have concerns regarding how the City will operationalize these alternatives. The drafted amendments are implementable if sufficient time and resources are allocated to evaluate, approve and realize these alternative options. They require additional analysis; preparation of Committee, Commission and Council reports; and coordination between staff of Public Art, Planning and Building, and Public Works.

Additionally, while these proposed amendments are being brought forth on behalf of certain community members, the proposed revisions have yet to be discussed or considered by the broader community and oversight boards. The original code requirements adopted in 2014 and the amendments made in July 2017 were preceded by community meeting discussions and public hearings with the Public Art Advisory Committee (PAAC) and the Planning Commission. The fiscal and administrative impact of the proposed revisions should be considered by the Council as part of this amendment process.

Cultural Affairs Division

Economic & Workforce Development Department



Staff Analysis of Current Proposed Changes:

The proposed amendments are implementable if sufficient staff time and resources can be added or allocated. Council should consider the cost to implement and the implications of receiving a high number of alternative equivalent proposals from private development projects. Not only will processing these proposals create an additional burden on staff, but they may add delay to the development approval process, particularly during the current construction boom

Proposed Amendment Option 1: Current established Public Art review and approval procedures could be expanded to accommodate public art proposals for artwork to be placed on property owned by other public agencies. Costs associated with those reviews, including development of review criteria, proposal applications and City Council approved transfer of ownership and long-term maintenance agreements would need to be evaluated and assessed. A cost recovery mechanism is currently included in the Master Fee schedule for Public Art review of smaller projects of limited scope, but it does not anticipate this level of facilitation and administration. Actual costs associated with administration of inter-agency agreements regularly exceed any costs recovered.

Proposed Amendment Option 2: Staff has not had the opportunity to analyze or consider the review process for alternative equivalent proposals, including contribution of funds for City-owned arts facilities. Administrative protocols on how to operationalize these contributions, as well as how to ensure they have the desired results, will need to be established. Our preference would be to establish these protocols prior to adopting the amendments.

Program Administration Cost Recovery Mechanisms: In addition to overall administration of the program, City expenses to review and assess these alternative proposals are not fully covered by existing fees. Cost recovery models utilized by other cities to implement and administer public art requirements for private development include one or more of the following:

- A) Dedicated staff costs covered by general purpose funds
- B) A percentage of relevant building department permit fees
- C) A percentage for all alternative proposal budgets
- D) A percentage from all required developments budgets

Impact

Adoption of these proposed revisions would potentially significantly impact City staff in the Public Art Program and other departments. A report regarding the potential impacts is being developed.

Action Requested

The Public Art Advisory Committee is asked to review, discuss, and comment on the proposed revisions, and to provide feedback for staff to share with the City Administrator and City Council.

Respectfully submitted,

Kristen Zaremba

Kristen Zaremba, Public Art Coordinator



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 APR 26 PM 4:00 **AGENDA REPORT**

TO: Members of the City Council

FROM: Councilmember Lynette
Gibson McElhaney

SUBJECT: Amendments to Chapter 15.78:
Public Art Requirements for Private
Development Ordinance

DATE: 04/26/18

RECOMMENDATION

Councilmember Lynette Gibson McElhaney recommends that the City Council adopt an ordinance amending Oakland Municipal Code Chapter 15.78 to (A) authorize the satisfaction of the public art requirement through the submission and approval of alternative equivalent proposals for installation of public art in state highway right-of-way or on other public agency property and (B) permit in-lieu contributions to nearby City owned arts facilities to satisfy the public art requirement for private development and authorizing the allocation of funds contributed for capital improvements to capital improvement fund accounts established by the City Administrator.

EXECUTIVE SUMMARY

Oakland Municipal Code (OMC) Chapter 15.78 'Public Art Requirements' currently offers few options for developers to make payments in-lieu of the required public art installation. These proposed amendments allow the developer, subject to City approval, to satisfy the requirement by making an in-lieu contribution to a nearby, publicly owned art and/or cultural facility for capital improvements so that all Oaklanders can more fully utilize that resource. Additionally, these amendments provide an option for developers to satisfy their public art requirement by installing art on nearby property owned by other public agencies.

BACKGROUND / LEGISLATIVE HISTORY

The City's current requirement for public art in private development, most recently amended by the City Council on June 20, 2017 (Ordinance No. 13443 C.M.S. and included in O.M.C. Chapter 15.78), is for certain nonresidential developments to contribute 1.0 percent and certain residential developments to contribute 0.5 percent of building development costs for freely accessible art and/or cultural facilities. The requirement for public art in private developments is applied to residential developments of 20 or more new dwelling units and subject to design review approval and nonresidential development of 2,000 square feet or more of new floor area and subject to design review approval. This contribution can be satisfied in one of three ways:

Item: _____
CED Committee
5/08/18

1. The entire contribution could be used by the developer for the acquisition and installation of permanent public art on the development site or the adjacent right-of-way (within one quarter of a mile).
2. The entire contribution could be satisfied through an in-lieu contribution by the developer that would be placed into the Public Art Project Account, which is used to acquire, place, and maintain public art on public property throughout the City, and to administer the Public Art Program.
3. The contribution could be satisfied, with approval from the City, including the Public Art Advisory Committee, through a combination of:
 - a. Up to 25 percent toward a rotating art gallery within the development project that is free and open to the public; and
 - b. Up to 50 percent toward design and dedication of a minimum 500 square feet of interior cultural and art space in the development that would be available to the public;
 - c. The balance would be paid as an in-lieu contribution into the Public Art Project Account.

ANALYSIS AND POLICY ALTERNATIVES

The proposed ordinance seeks to amend Chapter 15.78 to create two additional ways for developers to satisfy the required contribution:

- 1) The developer can apply to the City Council to satisfy the public art requirement by making an in-lieu contribution for capital improvements at a publicly owned art and/or cultural facility located within a mile from the development. These funds will be held in a separate capital improvement fund account created by the City Administrator; or
- 2) The developer can apply to the City Council to satisfy the requirement with an equivalent proposal on land owned by a different public agency.

These common sense amendments create additional flexibility to developers to satisfy the public art requirements while retaining strong public oversight by requiring City Council oversight. Additionally, funding for capital improvements for arts and culture facilities will bring badly needed improvements that all Oaklanders can enjoy.

FISCAL IMPACT

There is no anticipated fiscal impact from these amendments.

COORDINATION

These amendments are being brought forth on behalf of community members who have requested that the public art requirements of recent private developments be satisfied in these alternative means. Councilmember McElhaney's office consulted with the Office of the City

Attorney and the Cultural Affairs Division of the Department of Economic and Workforce Development in the drafting of this ordinance.

ACTION REQUESTED OF THE CITY COUNCIL

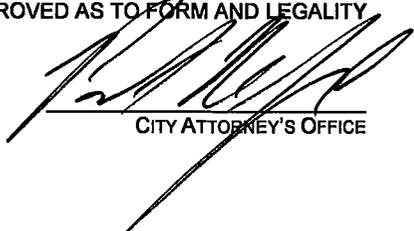
Adopt an ordinance amending the Oakland Municipal Code Chapter 15.78 to (A) authorize the satisfaction of the public art requirement through the submission and approval of alternative equivalent proposals for installation of public art in state highway right-of-way or on other public agency property and (B) permit in-lieu contributions to nearby City owned arts facilities to satisfy the public art requirement for private development, and authorizing the allocation of funds contributed for capital improvements to capital improvement fund accounts established by the City Administrator.

For questions regarding this report, please contact Alex Marqusee, Legislative Analyst, at 510-238-7031.

Respectfully submitted,


Councilmember Lynette Gibson McElhaney

Prepared by:
Alex Marqusee, Legislative Analyst
Office of Councilmember McElhaney



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.78 TO (A) AUTHORIZE THE SATISFACTION OF THE PUBLIC ART REQUIREMENT THROUGH THE SUBMISSION AND APPROVAL OF ALTERNATIVE EQUIVALENT PROPOSALS FOR INSTALLATION OF PUBLIC ART IN STATE HIGHWAY RIGHT-OF-WAY OR ON OTHER PUBLIC AGENCY PROPERTY AND (B) PERMIT IN-LIEU CONTRIBUTIONS TO NEARBY CITY OWNED ARTS FACILITIES TO SATISFY THE PUBLIC ART REQUIREMENT FOR PRIVATE DEVELOPMENT, AND AUTHORIZING THE ALLOCATION OF FUNDS CONTRIBUTED FOR CAPITAL IMPROVEMENTS TO CAPITAL IMPROVEMENT FUND ACCOUNTS ESTABLISHED BY THE CITY ADMINISTRATOR

WHEREAS, on February 28, 1989, the Oakland City Council adopted Ordinance No. 11086 C.M.S., the Percent for Public Art Ordinance, which authorized the allocation of 1.5% of City capital improvement project costs to commission and acquire public art; and

WHEREAS, on December 9, 2014, the Oakland City Council adopted Ordinance No. 13275 C.M.S. to adopt Oakland Municipal Code Chapter 15.70, Public Art Requirements, which established a new requirement of .5% for residential or 1% for nonresidential of private development project costs for public art and codified, in part, the existing requirement of 1.5% of the City's capital improvement project costs for public art; and

WHEREAS, on June 27, 2017, the Oakland City Council adopted Ordinance No. 13443 C.M.S. making certain amendments to Chapter 15.70 and adopted the chapter in a new section as Chapter 15.78; and

WHEREAS, new development generally results in aesthetic impacts to a community. As development and revitalization of real property within the City continues, the opportunity for creation of cultural and artistic resources is diminished. As these opportunities are diminished and urbanization occurs, the need to develop alternative sources for cultural and artistic outlets to improve the environment, image and character of the community is increased; and

WHEREAS, through the inclusion of public art or payment of an in lieu fee, developers of benefitting land uses will address at least a portion of the impact of their developments on aesthetics; and

WHEREAS, the Ordinance also provides the following benefits to the community: (a) maintaining Oakland's art and culture for generations; (b) recognizing the vital importance of the arts to the City as a whole; (c) enhancing the economic sustainability of artists and arts organizations as a key to the vitality of the City of Oakland; and (d) making a lasting contribution to the intellectual, emotional and creative life of the community at large, and creating a more desirable community to live, work, and recreate; and

WHEREAS, the public interest, convenience, health, safety and/or welfare require that public art be provided in conjunction with the approval of land use applications to address the legitimate public concern of mitigating the aesthetic impacts of development and land use proposals on the urban environment; and

WHEREAS, the visual and aesthetic quality of development projects has a significant impact on property values, the local economy and vitality of the city. Public art can illuminate the diversity and history of Oakland communities, and point to their aspirations for the future. A wealth of art and culture in the public realm will foster the economic development of the community; and

WHEREAS, to implement these policy goals, public art should be integrated into development projects and land use applications citywide. Where possible, consideration of public art should be integrated into project planning at the earliest possible stage, and the selected artist should become a member of the project's design team early in the design process; and

WHEREAS, the legislative requirement to provide either public art or an in lieu fee generally applies to all private developers, and is a permissible land use regulation and a valid exercise of the City's traditional police power; and

WHEREAS, public art enhances the quality of life for Oakland's citizens, residents, visitors and businesses, and provides a means to enjoy and experience the City's cultural diversity; and

WHEREAS, the City seeks to amend Chapter 15.78 to create a process for developers to apply to the City to satisfy the public art requirement by alternative means not currently authorized under the Chapter, involving the installation of artwork on the State highway right-of-way and on property owned by other public agencies; and

WHEREAS, the City further seeks to amend Chapter 15.78 to provide a new mechanism by which residential developers can satisfy the previously adopted public art requirements by funding capital improvements to City owned or operated arts or cultural facilities; and

WHEREAS, funding capital improvements for the aforementioned facilities will increase the residents' resources for creating the arts and cultural activities to improve the environment, image and character of the community and to address the aesthetic impacts of land use approvals as intended by the public art requirements for residential developments; and

WHEREAS, this Ordinance does not codify the existing requirement that 1.5% of the City's capital improvement project costs be allocated to commission and acquire public art throughout the City, which was adopted by the City Council through Ordinance No. 11086 C.M.S. and continues to remain in effect; and

WHEREAS, this Ordinance serves the public interest and is necessary to protect and promote the health, safety, and/or welfare of the City of Oakland's constituents, and is enacted pursuant to Article XI, Sections 5 and 7, of the California Constitution, Section 106 of the Charter of the City of Oakland, the City's General Plan, specific plans and other land use plans; and

WHEREAS, Article XI, Section 5 of the California Constitution provides that the City, as a home rule charter city, has the power to make and enforce all ordinances and regulations in respect to municipal affairs, and Article XI, Section 7, empowers the City to enact measures that protect the health, safety, and/or welfare of its residents; and

WHEREAS, Section 106 of the Oakland City Charter provides that the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs; and

WHEREAS, numerous policies enacted to support, protect and promote the health, safety and/or general welfare of Oakland's constituents are contained in the Land Use and Transportation Element of the City's General Plan and the Oakland Municipal Code, and include public art recommendations for the Broadway Valdez District Specific Plan, Central Estuary Area Plan, Coliseum Area Specific Plan, Lake Merritt Station Area Plan, West Oakland Specific Plan, and the pending Downtown Oakland Specific Plan; and

WHEREAS, the City has broad authority, under its general police power, to regulate the development and use of real property within its jurisdiction to promote the public welfare; and

WHEREAS, the public art requirement for private development serves the public interest and is necessary to protect the health, safety, and/or welfare of the citizens of Oakland; and

WHEREAS, this Ordinance is supported by sufficient justifications and/or evidence, including for reasons stated herein and in the record, and meets the appropriate legal standards, including without limitation the City's police power, constitutional standards, the terms of the Mitigation Fee Act, the Oakland City Charter, the Oakland Municipal and Planning Codes and the City's General Plan, specific plans and other land use plans/policies; and

WHEREAS, this Ordinance was considered, after a duly noticed public meeting, at a regular meeting of the City Council on _____, and all interested parties were provided an ample opportunity to participate in said meeting and express their views; and

WHEREAS, this action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (no significant effect on the environment), and 15183 (projects consistent with a community plan, general plan, or zoning), each as a separate and independent basis, and when viewed collectively provide an overall basis for CEQA clearance; now, therefore,

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals are true and correct and are an integral part of the City Council's decision, and are hereby adopted as findings.

SECTION 2. Amendments to Chapter 15.78 to the Oakland Municipal Code. Chapter 15.78 of the Oakland Municipal Code is hereby amended to add, delete, modify or renumber sections as set forth below (chapter and section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not shown in underscoring or strike-through type are not changed).

**CHAPTER 15.78
PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT**

- 15.78.010 Title.**
- 15.78.020 Purpose.**
- 15.78.030 Definitions.**
- 15.78.040 Conflict.**
- 15.78.050 Amendments.**
- 15.78.060 Administrative Regulations.**
- 15.78.070 Contribution Requirements.**
- 15.78.080 Appeal Procedure.**
- 15.78.090 Artist Requirement.**
- 15.78.100 Compliance, Ownership and Maintenance.**
- 15.78.110 Violations.**

15.78.010 - Title.

This Chapter shall be known as the "Public Art Requirements for Private Development" and is referred to herein as "this Chapter."

15.78.020 - Purpose.

The purpose of this Chapter is to establish a public art requirement for private development in order to provide the following benefits to the community: (a) maintain Oakland's art and culture for generations; (b) recognize the vital importance of the arts to the City as a whole; (c) enhance the economic sustainability of artists and arts organizations as a key to the vitality of the City of Oakland; and (d) make a lasting contribution to the intellectual, emotional and creative life of the community at large, and create a more desirable community to live, work, and recreate. A policy is hereby established to require developers and/or owners of certain private developments to use a portion of building development costs for the acquisition and installation of freely accessible works of art for placement on the development site or on the right-of-way adjacent to the development site (within one-fourth (1/4) mile) as a condition of project approval. Developers and/or owners are encouraged, but not required, to employ Oakland artists and/or arts organizations to fulfill the public art requirement.

15.78.030 - Definitions.

As used in this Chapter, the following terms shall have the meanings set forth hereto or as otherwise specified in the guidelines referenced herein. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

"Affordable Housing" means housing that is restricted to occupancy at an affordable rent or an affordable housing cost to moderate-income households, low-income households, or very low-income households. The terms "affordable rent" and "affordable housing cost" shall be as defined in California Health & Safety Code Sections 50053 and 50052.5 and their implementing regulations.

"Artist" means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and production of art work.

"Building Development Costs" means those construction costs as declared on building permit applications, and as accepted by the Building Official. Building permit applications shall include building, plumbing, mechanical and electrical permit applications for the project.

"Capital facility" means any building or structure that serves a particular purpose.

"City-owned Arts Facility" means any City-owned Capital Facility primarily devoted to visual or performing arts, including performing arts centers, museums, cinemas, galleries, music venues, and workshop and rehearsal spaces, and theaters.

"Developer and/or Owner" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Oakland), industry, public or private corporation, or any other entity that undertakes any construction within the City subject to the requirements in this Chapter.

"Economically Feasible" is defined in Section 17.107.020 of the Oakland Planning Code.

"Floor Area" is defined in Section 17.09.040 of the Oakland Planning Code.

"Freely Accessible" means the artwork is accessible to the public for viewing, in its entirety and in a direct line of sight without hindrances or visual obstacles, during regular business hours consistent with the operation and use of the premises. Nothing in this definition or Chapter is intended to require access by any member of the public to any area not otherwise accessible to the public pursuant to the normal operation and use of the premises.

"Maintenance" of artwork shall include, without limitation, preservation of the artwork and, where applicable, of the lighting and surrounding landscaping, in good condition to the satisfaction of the City; and protection of the artwork against physical defacement, mutilation or alteration.

"Oakland Planning Code" means Title 17 of the Oakland Municipal Code.

"Public Art Advisory Committee" means that term as it is defined under City of Oakland Ordinance No. 11086 C.M.S.

"Public Art Projects" are projects which involve artists working through the public art process that result in the creation of original works in freely accessible spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, and/or crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Public art projects also include artists serving on design and development teams to identify opportunities to incorporate art in freely accessible space.

15.78.040 - Conflict.

Wherever the provisions of this Chapter conflict with each other or with the provisions of other associated codes, regulations, or ordinances, the applicable requirements of this Chapter shall control.

15.78.050 - Amendments.

Where any section, subsection, sentence, clause, phrase, or other part of this Chapter and the referenced law recited herein are amended subsequently, all provisions of the original recitation not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

15.78.060 - Administrative Regulations.

The City Administrator is hereby authorized to adopt rules and regulations consistent with this Chapter as needed to implement this Chapter, subject to the review and approval of the Office of the City Attorney, and to develop all related forms and/or other materials and take other steps as needed to implement this Chapter, and make such interpretations of this Chapter as he or she may consider necessary to achieve the purposes of this Chapter.

15.78.070 - Contribution Requirements.

A. Calculation.

1. **Nonresidential Building Developments.** Private nonresidential building developments involving two thousand (2,000) square feet or more of new floor area and subject to design review approval pursuant to Chapter 17.136 of the Oakland Planning Code shall devote an amount not less than one percent (1%) of building development costs for acquisition and installation of freely accessible art on the development site or the adjacent right-of-way (within one-fourth (1/4) mile).

2. **Residential Building Developments.** Private residential building developments of twenty (20) or more new dwelling units and subject to design review approval pursuant to Chapter 17.136 of the Oakland Planning Code shall devote an amount not less than one-half of one percent (0.5%) of building development costs for acquisition and installation of freely accessible art on the development site or the adjacent right-of-way (within one-fourth (1/4) mile).

B. **In-Lieu Contribution.** ~~The in-lieu contribution can be satisfied in the following two (2) ways.~~
4. At the discretion of the developer and/or owner, and in lieu of installing public art, an in-lieu contribution shall be placed into the Public Art Project Account, as defined in Ordinance No. 11086 C.M.S., for acquisition and placement of public art throughout the City.

C. Alternative Means of Satisfaction of Public Art Requirement

~~2. The developer and/or owner may by special application and approval by the City satisfy up to seventy five percent (75%) of the in-lieu contribution required hereunder as follows, if approved by the Public Art Advisory Committee, as defined in Ordinance No. 11086 C.M.S. The remaining in-lieu contribution shall be placed into the Public Art Project Account.~~

Instead of installing public art on site, or making an in lieu contribution to the Public Art Project Account, the developer and/or owner may propose to satisfy the public art requirement in any of the three following alternative ways, subject to City approval:

1. The developer and/or owner may by special application approved by the City, following review and approval from the Public Art Advisory Committee, complete an alternative equivalent proposal to install freely accessible art in the State highway right-of-way or on property owned by other public agencies. The developer and/or owner must demonstrate that the cost of the alternative equivalent proposal will equal

the cost of the public art contribution that would otherwise be required under Subsection 15.78.070(A). The City may approve the alternative equivalent proposal if it finds that: 1) the alternative equivalent proposal will further the purposes of this Chapter as set forth under Subsection 15.78.020, 2) the cost of the alternative equivalent proposal will be equal to or greater than the cost of the public art contribution that would otherwise be required under Subsection 15.78.070(A), and 3) the developer and/ or owner has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or greater extent than installation of the public art on the development site or payment of in lieu fees. In approving an alternative equivalent proposal, the Public Art Advisory Committee may impose reasonable conditions of approval requiring the developer and/or owner to enter into agreements with the City or other public agencies or private parties in order to memorialize the legal obligations of all parties involved with the alternative equivalent proposal; or

2. The developer and/or owner may by special application to and approval by the City make a contribution to the City, either in the full amount of the in lieu contribution or a percentage thereof (with the remainder of the in lieu contribution placed into the Public Art Project Account), for the purpose of capital improvements to a specified City-owned Arts Facility or Facilities within one (1) mile of the development.

- i. The City Administrator may approve such a contribution if he or she finds that: 1) the City-owned Arts Facility or Facilities are in need of capital improvements, 2) the Facilities once improved will create greater opportunities for the exhibition of visual or performing arts, and provide enhanced opportunities for city residents and visitors to experience visual or performing arts, and 3) the project will not create unbudgeted costs for the City.
- ii. Any capital improvements approved under this subsection are public works of improvement and shall be subject to advertising, bidding, lowest responsible bid award, prevailing wages, bonding, state contractor licensing and other requirements for public works of improvement.
- iii. The City Council hereby authorizes the establishment of facility-specific project accounts for each City-owned Arts Facility or Facilities to which funds are contributed pursuant to this Subsection 15.78.070 (C)(2), and further authorizes the City Administrator to appropriate all funds contributed to the City pursuant to this Subsection to the corresponding facility-specific project account. Funds so appropriated, if not expended in any given fiscal year, shall be carried over to the next fiscal year; or

3. The developer and/or owner may by special application and approval by the City satisfy up to seventy-five percent (75%) of the in-lieu contribution required hereunder as follows, following review and approval by the Public Arts Advisory Committee. The remaining in-lieu contribution shall be placed into the Public Art Project Account.

- i. Developer and/or owner's inclusion of space within the development project that is generally open to the public during regular business hours and is dedicated by developer and/or owner for regular use as a rotating art

gallery, free of charge, will be deemed to satisfy twenty-five percent (25%) of the in-lieu contribution; and/or

- ii. Developer and/or owner's provision, design and commitment of at least five hundred (500) square feet of space within the development project, to be made available to the public for the primary use of arts and cultural programming, may be deemed to satisfy fifty percent (50%) of the in-lieu contribution.

D. Exclusions. The requirements of this Chapter shall not apply to an affordable housing development if the developer and/or owner demonstrates to the satisfaction of the City that said requirements would cause the development project not to be economically feasible.

15.78.080 - Appeal Procedure.

- A. Within ten (10) calendar days after the date of a decision by the Planning Director or City Planning Commission that includes a condition of approval imposing a public art requirement for private development, an appeal from said decision must be filed by the applicant or any other interested party. The appeal shall be submitted to the Bureau of Planning at 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Bureau of Planning and shall be filed with the Planning and Building Department ("Department") and submitted to the Department to the attention of the Planning Director, along with the appropriate fees required by the City's Master Fee Schedule. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Director or City Planning Commission or wherein the Planning Director or City Planning Commission's decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, including any and all constitutional claims, along with all the arguments and evidence in the record, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues during the appeal and/or in court.
- B. If a hearing is held on the appeal, then during such hearing, the appellant will be limited to issues and/or evidence previously raised in the appeal itself. The appellant shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the appeal process.
- C. In considering the appeal, the City Administrator shall determine whether the public art requirement for private development conforms to the requirements of this Chapter and/or asserted constitutional provisions, and may grant or deny the appeal or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria. The written decision of the City Administrator shall be final and shall be made within sixty (60) days of the submission of the appeal.

15.78.090 - Artist Requirement.

Public art shall be designed by independent artists or artists working in conjunction with arts and/or community organizations that are verified by the City to be a 501(c)(3) tax designated organization in good standing. Developers and/or owners are encouraged, but not required, to employ Oakland artists and/or arts organizations to fulfill the public art requirement. For the purposes of this Section, "artists" shall not include members of the architectural, engineering, design, or landscaping firms retained for the design and construction of a development project.

15.78.100 - Compliance, Ownership and Maintenance.

- A. Compliance with the provisions of this Chapter shall be demonstrated by the developer and/or owner at the time of filing the Building Permit application by either:
 - (a) payment of the full amount of the in-lieu fee ~~or~~ (b) furnishing written proof to the Building Department and the Public Art Program of the Public Art for Private Development Checklist complete submittal package including budget and artist contract(s) for projects on the development site or on the right-of-way adjacent to the development site (within one-fourth (1/4) mile) (c) furnishing written proof to the Building Department and the Public Art Program of an alternative equivalent proposal approved by the Public Art Advisory Committee under Subsection 15.78.070(C)(1), including any executed agreements as required by any conditions of approval attached to the alternative equivalent proposal, (d) payment of the full amount of the contribution to specified City-owned Arts Facility or Facilities approved by the City Administrator under Subsection 15.78.070(C)(2); or (e) a complete and approved cultural space plan approved by the Public Art Advisory Committee under Subsection 15.78.070(C)(3).
- B. The developer and/or owner shall install any required artwork or cultural space before issuance of the certificate of occupancy, unless the City has approved some other method of assuring compliance with the provisions of this requirement, and maintain said artwork or cultural space in proper condition on an ongoing basis, in accordance with the maintenance guidelines referenced below.
- C. All artwork or cultural space shall become the property of the developer and/or owner and successor(s) in interest, unless an exception to the requirements of this Subsection 15.78.100 (C) is authorized as part of an alternative equivalent proposal approved pursuant to Subsection 15.78.070(C)(1). Artwork and cultural space cannot be sold or transferred other than to a subsequent successor in interest. The obligation to provide maintenance and security, as necessary to preserve the artwork or cultural space in good condition, shall remain with the developer and/or owner. The developer and/or owner and successor(s) in interest may obtain adequate insurance coverage to cover the costs of the repair of any damage or necessary replacements to the public art or cultural space. In cases where public art is acquired and installed on the development site or on the right-of-way adjacent to the development site (within one-fourth (1/4) mile), or the developer and/or owner elects to provide cultural space on the development site, all of the following must occur prior to issuance of a certificate of occupancy for any project subject to this Chapter:

1. A copy of the maintenance plan that includes information on materials, parts and fabricator contact information has been submitted to the City. Funds for maintenance are not part of the public art contribution requirement; and
 2. A covenant setting forth the developer and/or owner's obligations under this Chapter has been executed and recorded with the Alameda County Recorder, and a conformed copy has submitted to the City. The covenant shall include a financial plan for the maintenance of the artwork or cultural space, a schedule of future condition checks, and preventative maintenance and restoration to conserve the artwork or cultural space at an appropriate level; and
 3. A plaque has been installed adjacent to the artwork measuring no less than 8" x 8" or a proportionate size.
- D. The City reserves the right to inspect the artwork or cultural space at any time to ensure it is being maintained as required by any covenant entered into pursuant to the provisions of Subsection 15.78.100 (C).
- E. Unless an artwork poses imminent danger to life or property, no person may destroy, permanently remove, relocate, change, alter, modify, or allow to be defaced, any artwork or portion thereof without the express consent of the City. This requirement will be included in the covenant to be recorded against the property.
- F. If the developer and/or owner satisfies the public art requirement by installing artwork on the development site or on the right-of-way adjacent to the development site (within one-fourth (1/4) mile), or on an alternative site as part of an alternative equivalent proposal approved pursuant to Subsection 15.78.070(C)(1), and such artwork is subsequently removed or destroyed, the developer and/or owner must either 1) pay an in-lieu fee to the City's Public Art Project Account in an amount equivalent to the original value of the removed artwork, or 2) install replacement art that fulfills the requirements of this Chapter. The decision on which option is chosen is made by the City, not the applicant.
- G. If the developer and/or owner satisfies the public art requirement by including cultural space on the development site and such cultural space is subsequently removed or destroyed or ceases to be regularly available to the public, the developer and/or owner must pay an in-lieu fee to the Public Art Project Account in an amount equivalent to the original value of the space.

15.78.110 - Violations.

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any permit granted to any developer and/or owner who violates the provisions of this Chapter.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 15.78 TO (A) AUTHORIZE THE SATISFACTION OF THE PUBLIC ART REQUIREMENT THROUGH THE SUBMISSION AND APPROVAL OF ALTERNATIVE EQUIVALENT PROPOSALS FOR INSTALLATION OF PUBLIC ART IN STATE HIGHWAY RIGHT-OF-WAY OR ON OTHER PUBLIC AGENCY PROPERTY AND (B) PERMIT IN-LIEU CONTRIBUTIONS TO NEARBY CITY OWNED ARTS FACILITIES TO SATISFY THE PUBLIC ART REQUIREMENT FOR PRIVATE DEVELOPMENT, AND AUTHORIZING THE ALLOCATION OF FUNDS CONTRIBUTED FOR CAPITAL IMPROVEMENTS TO CAPITAL IMPROVEMENT FUND ACCOUNTS ESTABLISHED BY THE CITY ADMINISTRATOR

This Ordinance amends Chapter 15.78 of the Oakland Municipal Code to allow for satisfaction of the public art requirements for private development through the submittal and approval of alternative equivalent proposals to install tangible and freely accessible public art beyond the quarter mile radius of the development site, and to permit developers to make in lieu contributions to nearby City-owned arts or cultural facilities in satisfaction of the public art requirement.