

**CITY OF ALAMEDA PUBLIC ART COMMISSION
RESOLUTION**

APPROVING PUBLIC ART APPLICATION FOR TIDAL ARCH AT 1777 Clement Avenue

WHEREAS, an application was submitted on February 17, 2023, by Pacific Development pursuant to the City of Alameda public art ordinance (Alameda Municipal Code Section 30-98), which application was revised on February 22, 2023; and

WHEREAS, the proposal was reviewed for compliance with the requirements of the Public Art Ordinance by the Community Development Department; and

WHEREAS, the Community Development Department found the application to be in compliance the Public Art Ordinance; and

WHEREAS, the Public Art Commission has been advised that, subject to meeting City standards and requirements, the proposed use would conform to the public art ordinance; and

WHEREAS, the Public Art Commission held a public meeting on this application on March 20, 2023, and has examined all pertinent submittals and documents:

NOW THEREFORE be it resolved that the Public Art Commission has made the following findings regarding the application:

The artist has demonstrated qualifications to complete the proposed on-site artwork with the highest professional standards. Staff finds that Mr. Pan and Mr. Marnata's resume and examples of previous work demonstrate the experience and qualifications required to complete the proposed artwork to the highest professional standards.

There is sufficient public visibility and accessibility to the on-site artwork, and the proposed on-site artwork is compatible with and harmonious with the development project and surrounding environment. The proposed artwork would be located on nine utility boxes that are clearly visible from public right of ways. AS shown in Exhibit 1, the nine utility boxes are located in areas either visible from a publicly accessible parking lot, pedestrian path or public street (Alameda Marina Drive). This location would provide ample visibility for passing pedestrians, bicyclists and motorists. Installation of the artwork will comply with all Americans with Disabilities Act requirements.

The proposed on-site artwork is durable and cost-effective to maintain using ordinary methods of maintenance. The proposed artwork would be easy to maintain and durable. The proposed artwork would be hand painted with several layers with a high-quality exterior paint.

The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is would satisfy the 1777 Clement Avenue public art requirement.

BE IT FURTHER RESOLVED that the Public Art Commission finds accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and

BE IT FURTHER RESOLVED that the Public Art Commission hereby approves the Tidal Arch Public Art Application pursuant to Alameda Municipal Code Section 30-98, subject to the conditions listed below:

1. Installation: The final art installation shall be in substantial compliance with the public art submittal, prepared by Daniel Pan and Antione Marnata, submitted on February 22, 2023.
2. Separate Permits Required: The applicant shall be responsible for obtaining all necessary building and/or encroachment permits for the installation of the public art. The plans submitted for building permits shall be in substantial compliance with the public art proposal prepared by Daniel Pan and Antione Marnata, and received on February 22, 2023.
3. Certificate of Occupancy:
No owner or person shall be issued a Certificate of Occupancy for 1777 Clement Avenue until the City has issued a written determination that Pacific Development has satisfied all public art requirements for that property. Such satisfaction shall include, but is not necessarily limited to, construction of the art installation, payment of the in-lieu fee, and compliance with all public art rules, standards, and conditions imposed by the City of Alameda.
4. Notice of Completion: The applicant shall inform the City of the approximate date the project will be installed or completed.
5. Notice of Ceremonies: The applicant shall notify the Community Development 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.
6. Final Budget Reconciliation: Upon final installation of the art, and prior to issuance of the final certificate of occupancy for the development project, the applicant shall provide City staff copies of final receipts to be reconciled with the approved public art budget. The applicant shall pay any unused amount in the budget as a monetary contribution into the Public Art Fund. Such payment shall be made prior to issuance of the final certificate of occupancy for the development project.
7. Maintenance: The property owner is responsible for maintaining the art installation,

including repairs and accessibility, should it be damaged, destroyed, or become inaccessible. The property owner shall maintain, or cause to be maintained, in good condition the Public Art continuously after its installation and shall perform necessary repairs and maintenance in compliance with the final Long Term Maintenance Plan to the satisfaction of the City.

8. Removal: The permanent removal of public art requires approval by the Public Art Commission. Should the property owner wish to remove the subject art, the City must be notified in advance by way of submitting a Public Art Application and payment of processing fees required by the City. The property owner shall replace the Public Art with public art of equal or greater value, as defined by the public art ordinance.
9. Identification signage: Applicant shall be required to obtain approval from the Community Development Department for identification signage that shall be developed in compliance with the Public Art Identification Signage Guidelines. The identification signage shall contain the following components:
 - a. The title of the public art,
 - b. Artist's name
 - c. Date completed
 - d. The logo of the City of Alameda
 - e. The text "Alameda Public Art Program"
 - f. Optional: 30 to 50 word descriptive narrative
10. Hold Harmless. The applicant, and its successors in interest, shall defend, indemnify, and hold harmless the City of Alameda, including its City Council, boards, commission, agents, officers, and employees, from and against any claim, action, proceeding, costs, and expenses whatsoever, including reasonable attorney's fees and costs of litigation, arising from or in any manner connected the City's review and determination of this Public Art Application. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.
11. Appeal. The decision of the Public Art Commission shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form paying the required fee.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Public Art Commission of the City of Alameda during the Regular Meeting of the Public Art Commission on the 23rd day of February, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ATTEST:

Walker Toma, Secretary
Public Art Commission

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