

**CITY OF ALAMEDA PUBLIC ART COMMISSION
RESOLUTION**

**APPROVING PUBLIC ART APPLICATION FOR NEPTUNE BEACH ROLLER
COASTER, FOR SUBPAR MINIATURE GOLF, 1600 PARK STREET**

WHEREAS, an application was submitted on February 17, 2022, by Subpar Entertainment LLC pursuant to the City of Alameda (City) Public Art Ordinance (Alameda Municipal Code Section 30-98); and

WHEREAS, the Public Art Commission held a public meeting on April 18, 2022 and requested that the applicant revise the application to improve visibility; and

WHEREAS, on April 26, 2022 the applicant submitted a revised application that addresses visibility concerns; and

WHEREAS, the revised 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 May 16, 2022 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. The artist'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 in a display case located in a window fronting Park Street. The display case itself would be illuminated by interior lighting in order to better draw attention to the artwork and to make it visible at night. In addition, the revised proposed artwork would include a large replica of the Neptune Beach entry sign affixed to the inside of the window above the display and the window adjacent to the display would include a vinyl panel with information about the amusement park and the roller coasters themselves. This location would provide ample visibility for passing pedestrians and bicyclists. 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 sculpture would be protected from the elements and from people handling it by an acrylic box located indoors. The acrylic box will also serve as protection from errant miniature golf balls, which will probably periodically hit the box.

The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is equivalent to or exceeds the required program allocation.

BE IT FURTHER RESOLVED that the Public Art Commission finds that the project is Categorically Exempt from the California Environmental Quality Act, under Section 15303 of the CEQA Guidelines – New Construction of Small Structures, which exempts the new construction of small structures from environmental review. On a separate and independent basis, the installation of the proposed public art is exempt under Section 15061(b)(3), where it can be seen with certainty that the proposal does not have the potential to have a significant effect on the environment; and

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

1. The final art installation shall be in substantial compliance with the public art submittal, prepared by Jon Altemus, submitted on April 26, 2022.
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 Jon Altemus, and received on April 26, 2022.
3. Installation:
 - a. No owner or person shall be issued a Certificate of Occupancy for 1600 Park Street until the public art requirements have been satisfied. Satisfaction shall mean completion and installation of the Neptune Beach Roller Coaster with all public art standards and conditions imposed by the City.
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
 - e. The text "Alameda Public Art Program"
 - f. Optional: 30 to 50 word descriptive narrative
10. Hold Harmless. The City requires that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
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 16th day of May, 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ATTEST:

Lois Butler, Secretary
Public Art Commission

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