

CITY OF ALAMEDA PUBLIC ART COMMISSION
DRAFT RESOLUTION

APPROVING PUBLIC ART APPLICATION (PLN16-0425) FOR FIRE STATION NO. 3
AND EMERGENCY OPERATIONS CENTER (EOC) AT 1625 BUENA VISTA AVENUE

WHEREAS, an application was submitted by the Alameda Fire Department pursuant to the City of Alameda public art ordinance (Alameda Municipal Code Section 30-65) on August 8, 2016, to provide public art at the Fire Station and EOC project site; and

WHEREAS, the proposed art project consists of an Alameda firefighter's memorial plinth and benches surrounding a firefighter sculpture and other associated ground improvements to create a small plaza; 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 May 11, 2015, and has examined all pertinent submittals and documents.

NOW, THEREFORE, BE IT 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 or Conversion of Small Structures; and

BE IT FURTHER RESOLVED that the Public Art Commission finds the proposed art proposal compliant with the following criteria pursuant to the Alameda Public Art Ordinance:

Inherent Artistic Quality - The artistic or conceptual merit of the public art proposals, independent of other considerations. Based upon a review of the application, staff finds that the proposal exhibits inherent artistic quality and is consistent with the objectives and goals of the public art ordinance.

Context - Works of art must be compatible in scale, material, form and content with its surroundings. Consideration should be given to the architectural, historical, geographical and social/cultural context of the site. The proposed public art concept is inspired by local fire fighter history. The firefighter's memorial theme is very appropriate for these new civic buildings. The proposed art is also unique and different from the art proposals in recent years, which have been predominantly portrayals of Alameda's modern history. Furthermore, the placement of the memorial at Hibbard Street and Buena Vista

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Avenue anticipates both pedestrian and automobile traffic along Buena Vista Avenue, which would enhance the streetscape. Staff finds the proposal well-conceived and consistent with the surrounding environment.

Media - All forms of public art may be considered. Works may be either portable or permanently attached. A real example of the artist's work is available in the form of the Alameda Police Department's memorial. The proposed art will be created in similar material and appearance. Staff finds that the proposed art is high quality, durable, and overall consistent with the intent of the Public Art Ordinance. The expression of art in the form of permanent sculptures surrounded by garden landscaping is also appropriate for a civic setting in close proximity to residences. The proposed concept and placement of the art also relate to the physical environment and maximize public enjoyment.

Permanence - Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism and weathering. The art project is intended for long-term durability. The materials require simple maintenance and resistant to theft, vandalism and weathering. The installation's placement along the public right-of-way allows for easy maintenance.

Ability to Maintain - Significant consideration shall be given to the cost of on-going maintenance and repair anticipated, and the applicant's ability to provide adequate maintenance. The proposed artwork will be maintained and protected by the Fire Department and the Public Works Maintenance staff, as required by the conditions of approval. The bronze metal is extremely durable and requires only minimal maintenance annually with a wet rag and when necessary, with soap. Occasionally waxing of the bronze can extend the life of the patina. Special cleanser and solvents are not necessary and should not be used.

Public Safety and Accessibility - Each work shall be evaluated to ensure that it does not present a hazard to public safety and complies with all applicable building codes and accessibility requirements. As proposed, the project will not present a hazard to public safety. Installation of the artwork will require issuance of building permits, specifically for any ground-laid lighting and electrical components. The building permit plan check process will ensure that the final construction details of the project will comply with all codes and safety regulations.

Diversity - The City is committed to acquiring public art that reflects its diverse cultural communities and perspectives. Innovative work as well as established art forms shall be encouraged. The proposed art is the very first public art project with a civic theme commemorating Alameda firefighters. The proposed art plaza and sculptures represent an established art form.

Feasibility - Proposed works shall be evaluated for feasibility and factors to be considered include, but are not limited to: project budget, timeline, artist's experience, soundness of materials, City approval requirements, and level of community support. The project is feasible and achievable. Due to the location of the art

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in front of the building, construction and installation of the art plaza will occur at least six months after completion and occupancy of the fire station. Staff anticipates the public art to be well-received by the community because it will reinforce the local pride and appreciation for those who risk their lives for public safety in Alameda.

Duplication - To assure that the public art is a fine art product, the artist will be asked to warrant that the work is unique. Staff finds that the proposed artwork is unique and qualifies as a fine art product. The proposed firefighter's memorial represents an individually-made and unique work of art in Alameda.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the Public Art Application No. PLN16-0425, pursuant to Alameda Municipal Code Section 30-65, subject to the conditions listed below:

1. Building Permits: The plans submitted for building permits and construction shall be in substantial compliance with the public art proposal prepared by Lawrence Noble, stamped received on August 8, 2016, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
2. Installation: The final Certificate of Occupancy for the Emergency Operations Center shall not be issued until the public art requirements have been satisfied. Satisfaction shall mean construction of the art installation with all public art standards and conditions imposed by the City of Alameda.
3. Notice of Completion: The applicant shall inform the City of the approximate date the project will be installed or completed in compliance with sections 30-65.8 (f) and 30-65.9 of the public art ordinance.
4. 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.
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. Maintenance: The property owner is responsible for maintaining the art installation,

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including repairs, 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 to the satisfaction of the City.

7. 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.
8. Identification signage: Applicant shall be required to obtain approval from the Community Development Department of identification signage that shall be developed in compliance with the Public Art Identification Signage Guidelines.
9. Hold Harmless. The City of Alameda requires that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda 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 provide for in Government Code Section 66499.37. The City of Alameda 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.

The decision of the Planning Board 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.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or final action on any appeals plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The Conditions of Project Approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. You are hereby further notified that the 90 day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

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