

# Cultural Affairs Division

## *Economic & Workforce Development*



### PUBLIC ART FOR PRIVATE DEVELOPMENT

#### CHECKLIST FOR ON-SITE ART PROJECTS

#### **SUPPLEMENTAL PACKET– TO BE SUBMITTED PRIOR TO OR WITH BUILDING PERMIT APPLICATION AND APPROVED BY PUBLIC ART COORDINATOR PRIOR TO ISSUANCE OF BUILDING PERMITS**

1. **Project address and applicant details** (may include permit application summary for reference)
2. **Updated construction valuation and art allocation** (Including basis for valuation verified by Building Services)
3. **Itemized art budget** (Including enumeration of any consultant and subcontractors' fees) \*
4. **Value of artwork to be placed on site** (If different from above, excluding fees, alternative compliance, etc.)
5. **Artist resume or C.V. and five (5) examples of past work** (of comparable quality, style and scale)
6. **Artist's statement and description of proposed artwork** (Including conceptual approach and other relevant design information; roles and responsibilities of all art project partners) \*
7. **Visual proposal** (Digital file and 11 x 17 in. color rendering of the proposed artwork / design) \*
8. **Materials and Methods Plan** (A detailed description of proposed materials and methods of installation deemed suitable for the site conditions; include samples or photo documentation of samples) \*
9. **Project site plan, site photos and project mock-up** (Digital mockup or rendering indicating proposed artwork location within the development – to scale and in relation to all surroundings including landscaping, public rights-of-way, street frontage, parking lots, etc.) \* **NOTE: Projects proposed for placement within the Public Right of Way require additional reviews and approvals; see reverse for more information**
10. **Artists' contract(s) and relevant subcontracts** (Including project scope, schedule, materials and methods, etc.) \*
11. **Preliminary Maintenance Plan** (For long-term maintenance: identifying the responsible parties, anticipated maintenance milestones, etc. Final maintenance plans due upon completion of project) \*
12. **Planning and Building Documentation Requirements** (List of anticipated Building Services requirements, including additional signage and building permits, insurance, etc.)
13. **Community outreach documentation** (for Alternative Compliance and Public Right of Way Projects)
14. **Timeline** (Project timeline that includes community outreach efforts, project development milestones, City reviews and installation schedule, if applicable)
15. **Post Installation: Final Maintenance Plan, Covenant, Plaque and Photo documentation.** \*\*

**NOTE:** Please consult with Public Art staff prior to finalizing the project budget. Public Art projects realized in compliance with the **Oakland Municipal Code [Chapter 15.78 - PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT](#)** are subject to a review fee. As of **7/1/2023**, the fee for projects requiring review by Public Art staff is a minimum of \$1,635.75 per project; \$162.75 for every additional hour for projects on public property. The fees are included in the adopted **[FY23-24 Master Fee schedule](#)**.

\* Items may be included as part of the artist's contract materials for staff review.

**\*\* Certificate of Occupancy will not be issued until all items listed above, as well as final maintenance plan, proof of inspection of artwork, covenant, plaque and photo documentation are received and approved by Public Art Program.**

**Questions? Contact Kristen Zaremba, Public Art Coordinator: [kzaremba@oaklandca.gov](mailto:kzaremba@oaklandca.gov) / 510-238-2155**

Oakland Cultural Affairs - Public Art Program, 1 Frank H. Ogawa Plaza, 9<sup>th</sup> fl. Oakland, CA 94612 [www.oaklandculturalarts.org](http://www.oaklandculturalarts.org)

## ADDITIONAL REQUIREMENTS FOR PROJECTS PROPOSED FOR THE PUBLIC RIGHT OF WAY

**City of Oakland Public Art Program staff and the Public Art Advisory Committee must review and accept all projects within the Oakland city limits that result in the placement of a work of art on City of Oakland or other Public property, as well as all public art projects funded in whole or in part with City funds, before such projects can be executed.**

The project sponsor and/or artist will submit a proposal with work plan for review by the Public Art Advisory Committee (PAAC) prior to creation and/or installation of the artwork. The PAAC is a professionally qualified citizen committee appointed by the Mayor and approved by Oakland City Council to oversee the City's public art program and to advise the Mayor, City Council, and City Administrator on public art-related matters.

### **Review Process**

With coordination from Public Art Program staff, the artist and project sponsor (including City staff, if applicable) shall present the project proposal to the PAAC at a scheduled public meeting. The PAAC typically meets on the first Monday of each month. Proposals must be submitted to Public Art staff for review at least two weeks prior to a meeting.

Please allow sufficient time for the PAAC review process. The PAAC cannot make a judgment on the proposal without all the required documentation. Allow additional time if the proposal requires approval from other departments or review boards for placement on City property prior to PAAC review. Art proposed for placement on Caltrans (State of California Department of Transportation) property requires a separate, additional approval and permitting process.

Following review of the proposal, the PAAC will make an advisory judgment regarding form, content, and feasibility of the artwork and will determine whether the proposed project meets technical standards for public art in the city of Oakland. Once the PAAC has made a judgment regarding the proposed project design, no design changes can be made by the artist and/or sponsor without returning for PAAC approval prior to implementation. **Please contact staff to discuss your project and schedule a review of your project proposal.**

**In addition to the items requested of all private development project submittals, projects proposed for placement on City or Caltrans property, including the Public Right of Way, shall include the following. All submittals should be bundled into a single electronic Microsoft Word or PDF (digital) file for public distribution:**

1. **Required Community Outreach/Support Documentation.** Demonstration of community notification/outreach and support for the proposed project (letters of support, meeting attendance lists, neighborhood surveys, etc.).
2. **Insurance Documentation.** Provide evidence of insurance or a quotation for ongoing insurance coverage sufficient to indemnify the City of Oakland for the lifetime of the artwork.
3. **Permissions.** Relevant permits and written permission for use of the proposed site, including acknowledgment of individual parties' rights and responsibilities (artist/sponsor, property owner, City departments if applicable, and review bodies). Please allow sufficient time to obtain appropriate permissions. Written permission must be obtained from the department head and any governing boards with jurisdiction over the project site, e.g. Oakland Public Library, Oakland Parks and Recreation, or Oakland Public Works.

**Project applicants will be required to execute an agreement with City for ongoing maintenance** and include an **Artist(s) Waiver Of Proprietary Rights For Artwork Placed On City Property**. Consult the Federal Visual Artists Rights Act (VARA) and California Art Preservation Act (CAPA) guidelines posted on our Public Art website for more information: <http://www2.oaklandnet.com/Government/o/CityAdministration/d/EconomicDevelopment/s/PublicArt/index.htm>



# Cultural Affairs Division

## *Economic & Workforce Development Department*

### **Oakland Municipal Code Chapter 15.78 Public Art for Private Development Final Deliverable Requirements\***

1. **Artwork Plaque:** Permittee shall install adjacent to the Artwork a permanent identification plaque measuring no less than 8" x 8" or a proportionate size. The plaque shall include Artist's name, year in which the Artwork is completed, Artwork title, medium, Artwork description (optional) and the following credit statement: "**Artwork commissioned in accordance with Oakland Municipal Code 15.78: Public Art for Private Development**".
2. **Photographic documentation:** For project tracking and reproduction purposes, including photographer and artist permission for City to reproduce images for non-commercial purposes.
3. **Maintenance Plan:** Executed plan for future maintenance that includes information on materials, parts and fabricator contact information. Funds for maintenance are not part of the public art contribution requirement.
4. **Covenant:** A conformed copy of a covenant setting forth the developer and/or owner's obligations recorded with the Alameda County Recorder. 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.
5. **\*Indenture Agreement and Artist Waiver (For Works Placed on Public Property):** Artworks placed in the public right of way require additional Public Art Program approvals and legal instrument permitting the work.
6. **Inspection:** Public Art Staff Inspection & Confirmation for Building Department
7. **Proof of Payment:** For Public Art Review Fee for Private Development, as adopted in the [FY 23-24 Master Fee Schedule, Page M-1](#).

These requirements can be found in the [Oakland Municipal Code Chapter 15.78](#) under section 15.78.100: Compliance, Ownership and Maintenance.