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**ITEM IV AGENDA REPORT**

To: Public Art Advisory Committee  
Attn: Allison Cummings and Bryan Cain, Co-chairs  
From: Kristen Zaremba, Public Art Program  
Date: January 8, 2018  
RE: Carmel Partners Public Art in Private Development Proposal for JLS 4<sup>th</sup> & Madison  
Project- 500 block of Madison St., by artist team Jason Kelly Johnson and Nataly  
Gattegno (Future Cities Lab)-  
Preliminary Design Review

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SUMMARY

Staff requests the Public Art Advisory Committee (PAAC) review and provide comments on the preliminary conceptual designs developed by the artist team Jason Kelly Johnson and Nataly Gattegno (Future Cities Lab) proposed by Carmel Partners for the 500 block of Madison Street (an I-880 underpass) in the public right of way, adjacent to development sites at 150 and 155 4<sup>th</sup> Street, in accordance with City Ordinance 13443 O.M.S. for Public Art for Private Development.

BACKGROUND

The proposal was designed to comply with the public art in private development requirement, and the City requirement that public art projects intended for placement on City property be reviewed and approved by the Public Art Program and Public Art Advisory Committee prior to proceeding with all other City permitting requirements.

The City's current private development requirement is for nonresidential development to contribute 1.0 percent and residential development to contribute 0.5 percent of building development costs for public art. The current proposal complies with these requirements, as documented in the submittal included here. Building construction is underway. The artwork will be permitted through a "p-job" permit for improvements in the public right of way, and remain the property of and be maintained by Carmel Partners. An agreement for ongoing maintenance for the artwork placed in the Public Right of Way will be developed after design approval, prior to installation.

As the proposed location is under California State Transportation Agency (Caltrans) jurisdiction, if approved, this proposal will also require approval and permitting by that agency. Due to current Caltrans requirements for Transportation Art Projects, including transfer of ownership and copyright, staff recommend that the project be presented to Caltrans as a supplemental lighting enhancement. The applicants and Public Art Program staff have consulted with representatives from Caltrans, and subsequently with City of Oakland Public Works, Department of Transportation and Planning and Building staff, on the feasibility of this approach. All representatives expressed enthusiasm for the proposal and have encouraged the applicants to submit a proposal for review.

The artist team was selected for this project through a competitive process facilitated by Oakland-based Community Design and Architecture (CD+A) and art consultants Helene Fried Associates.

**Cultural Affairs Division**  
**Economic & Workforce Development Department**



If the project cannot be realized to comply with the all the Oakland Public Art Ordinance, Oakland building codes and Caltrans requirements, the applicants have the option to propose an alternate artwork and/or location, or to make an in-lieu contribution to the Public Art Project Account, prior to issuance of a Certificate of Occupancy from the City.

ACTION REQUESTED

The Public Art Advisory Committee is asked to review and provide comments, and/or approve with conditions, the preliminary public art designs proposed by artist team Jason Kelly Johnson and Nataly Gattegno (Future Cities Lab) proposed by Carmel Partners for the 500 block of Madison Street (an I-880 underpass) in the public right of way, adjacent to development sites at 150 and 155 4<sup>th</sup> Street, in accordance with City Ordinance 13443 O.M.S. for Public Art for Private Development; and to authorize staff to proceed with facilitation of the proposal and development of a draft agreement for ownership responsibilities and ongoing maintenance of artwork placed in the Public Right of Way.

Respectfully submitted,

Kristen Zarembo, Public Art Coordinator