

# Memorandum

**To:** PUBLIC ART COMMITTEE

**From:** Michael Ogilvie

**Subject:** SEE BELOW

**Date:** May 31, 2018

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**Council District: 7**

**SUBJECT: DEACCESSION SEVEN FOR SEVEN TREES PLAYGROUND ARTWORK BY ROMAN DE SALVO**

## **RECOMMENDATION**

- a) Review and take action on the deaccessioning of “Seven for Seven Trees” playground artwork by Roman De Salvo.

## **BACKGROUND**

According to the City of San José’s Policy for Deaccession and Removal of Artworks, artworks can be removed from San José ’s Public Art Collection when:

- The condition or security of the artwork cannot be reasonably guaranteed;
- The artwork requires excessive maintenance or has defaults of design or workmanship and repair or remedy is impractical or unfeasible, or the artwork endangers public safety;
- The artwork has been damaged and repair is impractical or unfeasible;
- Significant changes in the use, character, or design of the site have occurred which affect the integrity of the work;

## **ANALYSIS**

In 2002, a study funded by a Community Action Pride Grant and the City of San José Parks, Recreation and Neighborhood Services, and led by San José State University, recommended as part of the development of the Seven Trees neighborhood a community center, library and park be created. In 2005, planning for this facility began in earnest with the Public Art Program becoming an integral part of that. In accordance with the Public Art NEXT! San José’s Public Art Master Plan, adopted by City Council on March 13, 2007, the vision of the Public Art Program was to “be a proactive force in the design of public environments, particularly in high traffic, high visibility places.” One priority identified in the plan was to create public art projects in community gathering places including bond-funded public facilities.

With the passage of the O & P Bond Measure in November 2000, the City of San José began building or upgrading branch libraries. The Bond Measure recommendation for the Seven Trees Branch Library and Solari Community Center, called for a new joint facility to be located at 3597

Cas Dr. The strategy for this project was to have a renowned artist work with the landscape architect, as the design lead, on an exterior artwork to address the play area in an innovative way. The Seven Trees Library is part of the joint Seven Trees Community Center and Branch. Artist Roman De Salvo was selected on August 16, 2007 by a review panel to perform the work.

The artist met with a number of stakeholder groups and his discussions focused on the ideas of what would encompass a play area that is attractive to people of all ages.

His concept for the project was based on many of the comments he heard through these various meetings and his own interest in creative reuse of materials. Comments included the desire for an element that would create a focal point for the exterior, a play area for all ages to engage, the ability for seniors to be near the children but with a sense of distance, as well as a place that feels safe for all and discourages gangs from hanging out. Additionally, the significant reference to trees, as well as the historic orchards that used to cover the area served as inspiration for the project. The artist proposed to take one of the mature growth pine trees that must be removed to make way for the center and refashion it into the basis for a play structure that will include many interactive elements, as well as sculptural elements to make it a truly integrative element of art and play. At its October 12, 2007 meeting, the Public Art Committee approved Roman de Salvo's Concept Design for the project.

During the next four years, design, engineering, and fabrication took place, and the artwork was installed in January, 2011. Over the course of the next six years, through use, weather and age the wood playground structures developed severe structural cracking and posed a public safety hazard. In April, 2017 the city public works department performed structural engineering analysis on the art/playground structures and among their recommendations for safety were to remove the swings, the damaged spring riders, and if possible repair the other elements (shade structure, climbing chains, see saw). The custom nature of this playground equipment prevented economical repairs from happening and those pieces of equipment deemed hazardous were either removed or retired from use. This analysis was reported to the Public Art Committee in May, 2017 and the Arts Commission as part of the annual maintenance report in August, 2017.

Parks staff management reached out to the public art director in May, 2018. The playground equipment had deteriorated further, and the Parks department is moving forward with a plan to replace all the playground equipment at this park, and requested the work be deaccessioned for removal based on the grounds that the work is beyond repair and a public safety hazard. They are looking to replace it with equipment that is standard for city parks, and can easily be repaired/maintained.

The artist has been contacted, is aware of the situation and understands the need of the community to have a functional playground. The artist has requested that once removed, the spring riders be returned to him, at his expense.

During the time that Roman's work was activated and operational, it was very much enjoyed by the public. It served its purpose, as art, and play, for the better part of a decade.

**PUBLIC OUTREACH**

The community has had many conversations with city officials that their park does not have a functional playground and it is in an area of the city where one is desperately needed. During the months of May 2017 – May 2018 there was outreach to the Public Art Committee, Arts Commission, Parks staff, the office of Councilmember Nguyen and residents and park users.

**BUDGET REFERENCE**

The cost of removal would be borne by the Parks, Recreation and Neighborhood services department.

**CEQA**

Not a project

/s/

MICHAEL OGILVIE, Public Art Director  
Office of Cultural Affairs