

PUBLIC ART TRUST GUIDELINES

INTRODUCTION AND OVERVIEW

The Public Art Trust (“Trust”) was established in May 2012 by an amendment to Section 429 of the San Francisco Planning Code which provides Project Sponsors an option to pay some or all of their required 1% for Art funds to the Trust. This option has the potential to significantly enhance the cultural ecology of San Francisco.

The Trust provides flexibility and innovative options for Project Sponsor’s use of the existing 1% for Art requirement. Through the auspices of an approved Memorandum of Understanding (“MOU”) with the San Francisco Arts Commission (“SFAC”), developers may:

1. Designate their contributions to the Trust for a wide variety of publicly accessible, outdoor art projects or activities that may include temporary sculpture installation, music, video and theatrical performances, art events, arts markets and light- or media-based artwork;
2. Elect to use their 1% for art to commission a permanent public artwork for a publicly owned site which will become part of the Civic Art Collection upon approval of the Arts Commission;
3. Recommend nonprofit art organizations to be included in a competitive selection process to be the recipient of the capital improvement and/or art programming funds;
4. Recommend artists to be included in a competitive selection process for the presentation of temporary art projects and;
5. Propose which artwork in the Civic Art Collection shall be restored through the use of Trust funds.

The Project Sponsor is invited to participate in the SFAC’s competitive process of selecting of artists, art projects or programs to be funded by the Trust with the Project Sponsor’s contribution. However, the SFAC must approve all final appropriations of Trust funds in alignment with standard SFAC policies and procedures.

Public Art Trust Goals

1. Enliven and activate the downtown and other eligible commercial zones with a dynamic art environment that includes a rotation of new art installations, innovative arts programming in the visual, performing and media arts and improved cultural facilities to create new art activity and cultural destinations that tangibly demonstrate the importance of the arts as a major factor in economic growth and neighborhood vitality.
2. Provide public access to artistic excellence and diversity in artistic expression.
3. Preserve the City’s cultural legacy for generations to come by restoring City-owned cultural assets in the downtown and other eligible zones.
4. Ensure that San Francisco is competitive with other major urban destinations for cultural tourism.

Use of Trust Funds

Trust funds will be used for art purposes only with the exception of capital improvements to cultural facilities. Neither landscape improvements nor architectural enhancements are eligible for Trust funds. Nonprofit arts organizations receiving funds may use the funds for capital improvements and public programming. Trust funds may not be used for general operational expenses by the nonprofit arts organization.

The SFAC may elect to set aside funds from each contribution to the Trust to establish reserves for capital improvements and the restoration of selected works from the Civic Art Collection. The SFAC may exercise its curatorial discretion to select artists and/or artworks for temporary or permanent installations and may underwrite associated costs with Trust proceeds.

Public Input into Guidelines and Priorities for Funding

The SFAC conducted a public process to solicit comments regarding the draft Trust guidelines and proposed priorities for the uses of the Trust. Based upon the public input and upon review by the SFAC, these Trust Guidelines were originally approved by the SFAC in April, 2014 and have been updated in April, 2016.

Explanatory Fact Sheet

A Fact Sheet regarding the 1% for Art requirement and the Public Art Trust option will be distributed to developers by the Planning Department staff and is available on both the Planning Department's and the SFAC's websites.

Project Sponsor's Options: On-site Artwork or Payment to the Trust

Project Sponsors of residential development projects in the C-3 District may elect to contribute 100% of the 1% for Art requirement to the Trust Fund OR may place artwork on-site, provided they have a privately-owned public open space ("POPOS"). Such projects may also pay portions of their fee to the Trust and provide on-site artwork with the remainder.

Two Options, Two Related Purposes	
<i>Contributions to the Downtown Gallery of Public Art</i>	<i>Contributions to the Public Art Trust</i>
Over the past two decades that the 1% for Public Art requirement has been in place, several dozen artworks have been installed as part of development projects in the downtown. These artworks are available to the public and have enriched the open spaces where they are located. A complete inventory of these artworks along with images and descriptions can be found on the Planning Department website: http://popos.sfplanning.org	The Public Art Trust was established in 2012. It is a fund into which all or part of the 1% for Public Art mandated may be deposited. The Public Art Trust will be used to enliven and activate the downtown and other core areas with ongoing and imaginative arts programming such as: temporary or permanent sculpture installations, the performing arts, light and video projects, special art events or art markets. The Trust may also be used for capital improvements to cultural facilities and restoration of City-owned artworks within the eligible districts. A primary goal of the Trust is to help these areas become cultural destinations.

Benefit District

The legislation also provides for a "Benefit District" for the use of Trust funds which is ½ mile outside of the existing C-3 boundary and the boundaries of the additional zones that are included in the legislation. Project Sponsors within the expanded ½-mile zone will not be required to comply with this section of the Planning Code unless their zone falls within one of the areas outside of the C-3 district now required to allocate 1% for art.

Locations for Public Art Trust Projects

Trust funds may be used for projects that take place in the C-3 district and other eligible zones, established by the amendment to Section 429 including the ½-mile extended benefit district.

Art Activation Plans for Private Development Projects

The Project Sponsor may work with the SFAC to develop an Art Activation Program for the Project Sponsor's POPOS or adjacent public areas to be implemented over a specified number of years which will be incorporated into the MOU between the SFAC and the Project Sponsor.

Process for Review and Approval of Project Sponsor's Plan for the Use of Trust Funds

1. The Project Sponsor will work with SFAC staff to discuss the potential options for the use of Trust funds which shall be incorporated into a draft MOU.
2. The MOU will be presented by staff to the SFAC's Executive Committee, at which time public comment will be heard.
3. The Commission reserves the right to approve the draft MOU in whole or part at the full Arts Commission meeting at which time public comment will be heard.

Selection Process

Once funds are deposited into the Trust, they will be distributed through a competitive process in accordance with Section 429 of the San Francisco Planning Code to be managed by the SFAC. Project Sponsors may participate as a member of any competitive selection panel related to their project. The SFAC shall make its best effort to be responsive to the nexus of the developer's project and/or already established plans regarding the Project Sponsor's proposed uses of the Trust, consistent with the selection criteria established by the SFAC.

SFAC Administration Fee

In accordance with Section 429 of the San Francisco Planning Code, the Arts Commission will charge an administrative fee no greater than 20% of any funds deposited into the Trust.

Criteria for Evaluation of Proposals

1. Excellence and originality of proposal
2. Demonstrated ability of applicant to execute project proposed
3. Appropriateness of project to its context
4. Consistency with the goals of the Public Art Trust
5. Public accessibility
6. Durability, safety and maintenance requirements for temporary public art installations
7. Meeting the criteria for high-capacity arts organization for capital improvement project proposals

Special Requirements and Conditions for Capital Improvement Grants

Capital improvement grants to nonprofit cultural facilities shall be a minimum of \$100,000, but not more than \$1,000,000 to ensure equity of diverse applicants and to facilitate the leverage of funds from other sources. Once an applicant is awarded a capital improvement grant of \$100,000 or more, the organization must abstain from submitting another application to the Trust for a period of five years.

Recipients of capital improvement grants must agree to have art visible at the pedestrian level of their facility, if physically feasible, and/or must commit to a negotiated series of free public performances or

installations in an adjacent public space in accordance with the goals of the Trust to make art accessible to the public and to enliven and activate the neighborhood. All recipients of capital improvement grants shall be required to document and provide a full financial report to the SFAC regarding the expenditure of all funds received from the Public Art Trust.

Definition of High-Capacity Nonprofit Arts Organization

A high-capacity nonprofit arts organization shall have documented tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Service Code (or a designated fiscal conduit with such status), and shall be capable of providing the intended programming based upon such factors as: the number of years of operation; the financial health and stability of the organization; the quality of programming; the constituency served and/or evidence of community support. The SFAC will make this determination based upon its review of the organization's annual report, certified audits, performance attendance, prior track record, critical review and other information.

Applicant Eligibility

Trust funds are available for artists and nonprofit organizations from anywhere in the city to create art projects, events or installations, or to make capital improvements to cultural facilities, inside the C-3 and other eligible districts, or within the ½-mile extended benefit zone. Artists or nonprofit organizations in the C-3 and other eligible zones may be given priority for grant consideration if all other criteria are met. Only high-capacity nonprofit arts organizations are eligible to apply for capital improvement grants.

Credit and Signage for Project Sponsors Contributing to the Trust

Project Sponsors who contribute to the Trust will be credited with on-site project signage and acknowledged on the SFAC's website and any printed materials about the project for which the private development funds were used.