

PUBLIC ART TRUST

INTRODUCTION AND OVERVIEW

The Public Art Trust (Trust) established in May 2012 by an amendment to Section 429 of the San Francisco Planning Code has the potential to enhance the cultural ecology of San Francisco. The Trust provides private developers with more flexibility and options relative to their use of the existing 1% for Art requirement. This will allow developers to support the introduction of dynamic and exciting art programs in the public open spaces associated with their property or in the vicinity of their development project. The corresponding influx of pedestrian traffic, nightlife and a new cultural focus in the downtown and other commercial districts will yield economic benefits to the area and enhance the cultural vibrancy of the neighborhood for residents and visitors alike.

Proposed Public Art Trust Goals

1. Enliven and activate the downtown and other eligible commercial zones with a dynamic art environment that includes a changing program of art installations, innovative arts programming and improved cultural facilities to create new art activity and cultural destinations.
2. Tangibly demonstrate the importance of the arts as a major factor in economic growth and neighborhood vitality.
3. Ensure public access to artistic excellence and diversity in artistic expression.
4. Preserve the city's cultural legacy for generations to come by restoring city-owned cultural assets in the downtown and other eligible zones.

Trust funds will be distributed through a granting process managed by the San Francisco Arts Commission (SFAC) that enables artists and nonprofit organizations throughout the city to apply for grants to create artworks in all media, produce installations, events or performances and to make capital improvements to nonprofit art spaces in the downtown and other eligible commercial districts. The SFAC will also use the Trust to commission temporary or permanent artwork and to restore city – owned cultural assets. Trust funds will be used for art purposes only. Urban design and landscape improvements are not eligible for Trust funds.

Public Input into Guidelines and Priorities for Funding

The SFAC will conduct a public process to solicit comments regarding draft Trust guidelines and proposed priorities for the uses of the Trust. Based upon the public input and with SFAC approval, the Trust Guidelines will be finalized.

Explanatory Fact Sheet

An explanatory Fact Sheet regarding the 1% for Art Requirement and the Public Art Trust options will be distributed to developers by the Planning Department and will be available on both the Planning Department's and the SFAC's websites.

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 Fund and provide on-site Artwork with the remainder.

Non-residential development projects with POPOS ranging from 1,500 to 3,000 square feet must spend \$500,000 for on-site artwork. Projects with POPOS that are 3,000 square feet or greater must spend \$750,000 of the 1% for Art requirement on site. Any amount above these thresholds may be paid into the Trust or spent for on-site artwork at the sole discretion of the developer.

Benefit District

The new 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 new zones that have been added to the legislation. Developers 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 new areas now required to allocate 1% for Art.

Use of Trust Funds

Applications may be submitted 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 media-based artwork. The Trust may also be used for capital improvements to high-capacity nonprofit art facilities. Permanent public artworks will be commissioned only by the SFAC and shall become a part of the Civic Art Collection. The SFAC may elect to set aside funds from each contribution to the Trust to establish reserves for capital improvements and art restoration.

Additionally, the SFAC may exercise its curatorial discretion to select artists for temporary or permanent installations. The SFAC may also seek opportunities to temporarily display existing works of art that are loaned by artists, galleries, museums or private collections and may underwrite associated costs with the Trust.

Application Process

The SFAC will distribute a Request for Proposal (RFP) to artists and nonprofit organizations for project proposals in eligible districts. The SFAC will convene a selection panel to review submissions for project proposals. Developers are encouraged to participate as a member of the selection panel and/or indicate preferences from the menu of art projects pre-selected through this process. 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 developer's proposed uses of the Trust if consistent with the selection criteria established by the SFAC.

Capital Improvement Grant Applications and Process

Capital improvement grants to 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. To the extent possible, the SFAC will assist the nonprofit arts organization slated to receive funding for capital improvements with technical assistance support to ensure the nonprofit is able to leverage other funds. 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 enliven and activate the neighborhood.

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) that the Arts Commission determines, based upon on its review of the organization's annual report, certified audits, performance attendance, prior track record, critical review, and other information, which can provide the intended programming based upon such factors as: the number of years of operation; the financial health and stability of the organization; and the quality of programming, constituency served and evidence of community support.

Art Activation Plans for Private Development Projects

If the developer wishes to work with the SFAC to develop an art activation program for the POPOS or adjacent areas to be implemented over a span of years, the SFAC will develop a Memorandum of Understanding to be entered into with the Developer and the funds from that specific development site shall be reserved for the program to be developed by the SFAC. The SFAC would then conduct a competitive process to select grantees to implement the various components of the Art Activation Program for the development project.

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.

Applicant Eligibility

Trust funds are available for artists and nonprofit organizations from anywhere in the City to create art projects, events, installations or to make capital improvements to cultural facilities that will take must take place in the C-3, 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.

Credit and Signage for Developers Contributing to the Trust

Developers 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.

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. Meets criteria for High Capacity Arts Organization for capital improvement project proposals.