

October 2, 2017

To: Arts Commission
From: Jill Manton, Director of Public Art Trust and Special Initiatives
Re: **Proposed Revisions to Public Art Trust**

Primary Purpose: Provide project sponsors with an incentive to contribute to the Public Art Trust. We also took the opportunity to address, improve and clarify certain issues that have become apparent over the past five-year history of the legislation.

What doesn't change: Project sponsors have the right to choose which Public Art Trust option they prefer and still retain the right to expend the entire Public Art Fee on their project site.

Proposed changes:

1. Eliminate the requirement for project sponsors to spend \$500,000 for onsite art projects if their publicly accessible open space is greater than 1,500 square feet, but less than 3,000 square feet; and to spend \$750,000 for onsite art projects if their publicly accessible open space is greater than 3,000 square feet.
2. At the discretion of the project sponsor, they may contribute all of the Public Art Fee to the Public Art Trust with a 20% discount.
3. At the discretion of the project sponsor, they may expend any portion of the Public Art Fee on the project site and contribute the balance of the Public Art Fee, discounted by 20% to the Public Art Trust.
4. Capture the difference between the *estimated* construction cost as the basis for the Public Art Fee prior to the issuance of the first building permit, and the *actual* construction cost prior to the issuance of the building occupancy permit, which funding shall be contributed to the Public Art Trust.
5. Allow project sponsors to designate a specific purpose for the use of the funds they contribute to the Public Art Trust, provided it is consistent with allowable uses of the Trust, subject to Arts Commission approval.
6. With reference to the above objective, the Arts Commission will distribute the Public Art Trust funds through a public process as opposed to a competitive public process.
7. For integrated art projects where the artwork may be incorporated into the design of the publicly accessible open space or into the façade of the building, only the "delta" cost, above and beyond the cost of materials as deemed appropriate by the Planning Department, shall be expended towards the Public Art Fee.
8. Stipulate that no permanent artwork shall be commissioned for a public site under the jurisdiction of the City and County of San Francisco without the prior approval of the Arts Commission and the establishment of a maintenance endowment.

9. Stipulate that the Department of Building Inspection (“DBI”) shall not charge a fee for collecting the Public Art Fee from the project sponsor and transmitting it to the Arts Commission. While DBI does not currently charge such a fee, the existing legislation is silent about this point and this minor change will convert practice to policy.

10. Include language that alerts the project sponsor that the artwork may be subject to protection by the Visual Artists Rights Act (“VARA”) and/or the California Art Preservation Act (“CAPA”) in addition to the City’s requirements.