

To: Arts Commission Executive Committee
From: Jill Manton, Public Art Trust Director
Date: October 29, 2019

PUBLIC ART TRUST REPORT FOR EXECUTIVE COMMITTEE MEETING

I Public Art Trust Funds and Allocations to Date

Since its inception in May 2012, a total of \$4,680,280 has been deposited into the Public Art Trust from eleven different projects.

\$3,570,604 of that funding is restricted for specific purposes by the Project Sponsors.

Project Sponsor	Project Site	Amount	Designation
Emerald Fund	101 Polk and 100 Van Ness	\$1,500,000	Bill Graham Civic Auditorium Polk Street Elevation—Joseph Kosuth artwork
Oceanwide Holdings	First and Mission	\$1,000,000	MoAD General Support
The Martin Group	1415 Mission	\$250,000	Mint Plaza—HYBYCOZO Suspended Sculpture
Group i	950 Market Street	\$525,000 (to be divided between four recipients)	Wildflowers: \$200,000 CounterPulse: \$100,000 Magic Theater: \$150,000 GLBTQ History: \$75,000
500 Pine Street	500 Pine Street	\$145,604	Chinese Culture Center for Sculpture Project in St. Mary's Square
5M	Fifth and Mission	\$150,000	
Total		\$3,570,604	

As of March 15, 2018, the balance of undesignated funds was \$1,259,280, obtained from the following projects:

Affordable Housing (Unidentified)	\$100,000
505 Howard Street	\$106,500
570 Jessie Street	\$87,780
505 Brannan Street	\$365,000
945 Market Street	\$600,000

Staff recommended that \$1,000,000 of this amount be used for grants and projects in the three categories approved by the Commission on April 2, 2018 (see resolution below). The remaining \$259,280 of undesignated funds will be held in reserve for future use.

RESOLUTION NO. 0402-18-121: Motion to approve the proposed allocation of \$1,000,000 from the Public Art Trust for the following purposes pursuant to Section 429 of the Planning Code, not to exceed the amounts listed for each:

\$500,000 to be awarded to one or more San Francisco-based arts organizations for capital improvement projects;

\$200,000 to be used for multiple grants to artists and/or nonprofit arts organizations within the City's established cultural districts for artistic projects that celebrate and honor longstanding communities in imaginative and meaningful ways, and which are free and accessible to the general public;

\$300,000 to be used for temporary public art projects in the Civic Center Commons and other sites as recommended by staff and approved by the Commission.

In accordance with Section 429 of the Planning Code, the funds must be expended for projects within a half-mile of the district where the project that generated the funds is located. In this case, the projects generating funds are all located with the C-3 District.

Allocations

The Public Art Trust Director recommended that the Public Art Trust funding for projects in Civic Center be used to support and underwrite the majority of costs associated with the Commission's American Indian Initiative which commenced with members of the American Indian community being photographed on the vacant fourth plinth gallery. Those photos are currently being displayed at the Arts Commission Gallery. The images were also projected onto the façades of the Asian Art Museum and the Main Library for a week in early October as an honorific tribute to the American Indian community allowing them to purify and reclaim the space from its degrading past.

Final costs are estimated to be approximately \$200,000.

Resolution No.	Description	Sources	Uses	Notes
0507-18-143	Civic Center Plaza	30,000	(30,000)	Zak Ove Sculptures
0402-18-121	Capital Projects	500,000	-	SF-Based Arts Organizations
0402-18-121	CBO Grants	200,000	-	Artists and Arts Organizations
0402-18-121	Temporary Public Art	300,000	(200,000)	\$200K for American Indian Initiative
	Undesignated	229,280	-	
	Total	1,259,280	(230,000)	

II Recommendations for Revisions to Public Art Trust Legislation

The primary purpose of the suggested revisions is to provide project sponsors with clear incentives to contribute to the Public Art Trust ("Trust"). Additionally, this is an opportunity to make improvements that address issues that have arisen over the Trust's six-year history.

What doesn't change: Project sponsors have the sole and discretionary 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 a specified amount of money for onsite art projects greater than 1,500 square feet.

2. Project sponsor 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. (Staff comment: amount of the discount is still being evaluated.)
3. Project sponsors who contribute all of the Public Art Fee to the Public Art Trust will receive a **20%** discount. (Staff comment: amount of the discount is still being evaluated.)
4. Capture the difference between the *estimated* construction cost as the basis for the Public Art Fee which is determined prior to the issuance of the first building permit and the *actual* construction cost as documented prior to the issuance of the building occupancy permit, which funding shall be contributed to the Public Art Trust. (Staff comment: This could result in a substantial increase of funding to the Trust which is consistent with the intent of the original legislation from 1985.)
5. Allow the project sponsor 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. (Staff comment: Many developers have stated that they will only contribute to the Trust if they can designate how the funds are to be used. The ordinance states that decisions regarding the distribution of funds are to be made by the Commission through a competitive public process. While the MOUs and their proposed allocations are voted upon by the Commission at a public meeting, the public process is limited. It would be better to change the Trust to reflect how it is used by developers rather than do something that is not consistent with the intent of the policy.)
6. For onsite 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. (Staff comment: Arts Commission staff have been asked to intervene in situations where the developer has tried to charge the full cost of the architectural material to the 1% fee when the artwork is integrated, such as in the paving design of a plaza.)
7. 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.
8. 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 a fee, the existing legislation is silent about this point and this minor change will convert practice to policy.
9. 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.