

## **San Francisco Arts Commission Fact Sheet for Art Projects Planned for St. Mary's Square Extension**

Updated by Director of the Public Art Program and Civic Art Collection Susan Pontious

Revised: 11/9/16

1. There are two public art projects proposed for what is referred to as the St. Mary's Square Extension. This extension to St. Mary's Square was made possible by the developer of 500 Pine St. as part of mitigation requirements. Upon completion, the extension property will transfer to the city under the jurisdiction of the Recreation and Park Department.
2. The developer is required to provide an artwork for the extension as part of the city's 1%-for-art requirement for private development. Satisfaction of this requirement is overseen by the Planning Department. and is required prior to the developer receiving a certificate of occupancy. The intent is that the art, like the property, will transfer to the city and become part of the Civic Art Collection under the jurisdiction of the Arts Commission.
3. In fulfillment of this requirement, the developer entered into an agreement with the Chinese Cultural Center (CCC) to conduct an artist selection process. As a result of the selection process, three finalists were chosen to develop a proposal for the site. The art selection panel chose the proposal by Sarah Sze.
4. Arts Commission (SFAC) staff met with the developer and CCC to review the Sarah Sze proposal and provided the developer with a copy of the Commission's gift policies.
5. The gift policies require a Maintenance Endowment as part of any gift intended for the city in order to provide for the long-term care of the artwork. The Commission may also ask for funding to cover SFAC staff time involved in overseeing the process.
6. SFAC staff also provided feedback on the proposal itself, and changes that would need to be made to the design prior to the City accepting the artwork.
7. At the same time, the SFAC was approached by the sponsors of the Comfort Women Memorial (CWM) about potential sites for that memorial. The concept of the memorial itself was approved by the Board of Supervisors, although the design of the project had not yet been selected. While initially other sites in St. Mary's Sq. were considered, Mayor Ed Lee approved the St. Mary's extension as the site for the memorial.

8. The authority of both the Board of Supervisors and the Mayor exceeds that of the Arts Commission. The Comfort Women Memorial must also be located in the St. Mary's Square extension, and the approved project accepted into the Civic Art Collection.
9. The CWM project is also subject to the SFAC gift policies and the requirements therein.
10. The CCC expressed concern that Sarah Sze might withdraw from the project if another artwork was placed in the courtyard. SFAC staff agreed that the placement of the two artworks in such close proximity within the plaza might not be beneficial to either artwork.
11. Since both artworks were intended to be accepted by the Arts Commission into the Civic Art Collection, Staff felt it was important that the Visual Arts Committee (VAC; a subcommittee of the Arts Commission) be informed of the projects. The first issue was placement of the artworks. While the Planning Code and Mayor had ordained that both projects be within the extension, exact siting of the artworks within the extension is the prerogative of the Arts Commission.
12. The item was informational only, with no action taken. The VAC directed staff to work with both project sponsors to best site the projects within the extension.
13. SFAC reviewed potential sites for the CWM. We were informed by the Recreation and Park Department that only sites within the extension could be considered.
14. Sarah Sze decided to withdraw from the project, citing the intent to put another artwork in the extension plaza as the reason. Her withdrawal means the developer will need to meet their 1% obligation in some other way. They may 1) select another artwork for the extension or 2) place the 1% obligation funds in the Public Art Trust, which is administered by the Arts Commission.
15. The developer has decided to proceed with contracting one of the other two finalists selected as part of CCC's selection process.
16. The Arts Commission is supportive of the efforts of both the CCC and the CWM, and committed to working with both parties to accommodate the two artworks within the site.

17. While the sponsors of both projects intend that each of these artworks be accepted by the Arts Commission as a gift, it is nonetheless the right of the Arts Commission to require that the designs meet our requirements for aesthetic excellence, maintainable materials, and are compliant with all other city codes. It is expected that the artist may need to modify their initial proposal to meet these expectations.
  
18. On 11/8/16, Susan Pontious met with Dan Frattin, representing the developer, Abby Chen from Chinese Culture Center, and representatives from the CWM Justice Committee. The following issues were clarified at the meeting:
  - a. Mr. Frattin again stated the developer's intent to fulfill their 1% obligation by contracting with either of the two finalists from the CCC process after assurance that the Arts Commission would approve the proposal. The 2<sup>nd</sup> place selection, a proposal for an artwork entitled *Human Being—Being Human* by Shin Gray Studios would be submitted to the Arts Commission. Mr. Frattin has spoken to the studio and has been assured that the artist is flexible about the siting of the sculpture, as well as making other adjustments to the design as recommended by the Arts Commission.
  - b. The proposal for *Human Being-Being Human* will be submitted to the Visual Arts Committee (VAC) on 11/16/16 for conceptual design approval and intention of accepting the gift. The approved VAC action will go to full Commission on Dec. 5<sup>th</sup> for approval by Resolution.
  - c. Staff will also put a motion on the November VAC agenda confirming the Arts Commission's intent to approve both the Developer's proposed artwork and the CWM for the St. Mary's Sq. extension plaza.
  - d. The CWM memorial proposal will be selected in early December, and is expected to be presented to VAC on 12/21/16 for conceptual design approval and expression of intent to accept the gift. VAC action will go to full Commission on Jan. 5, 2017 for approval by Resolution.
  - e. Arts Commission staff will then work with both artists to determine the siting of the two artworks within the extension plaza. The proposed siting of the two works will be taken to VAC for approval.
  - f. Both artworks will come back to VAC/Arts Commission for final design approval prior to fabrication.
  - g. The project sponsors must commission a conservator's report for care and conservation requirements of the sculptures, including an estimate for the cost of maintaining the artworks for a 20 year period. This estimate will be used to determine the amount of the required maintenance endowments.

- h. The Arts Commission must approve the artworks as fabricated prior to accepting the gifts and accessioning the sculptures into the Civic Art Collection. The sponsors must also provide a gift endowment prior to acceptance.