




## MEMORANDUM

April 22, 2022

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Doreen Woo Ho, Vice President  
Hon. Kimberly Brandon  
Hon. John Burton  
Hon. Gail Gilman

**FROM:** Elaine Forbes  
Executive Director 

**SUBJECT:** Informational presentation on how the Port currently accepts and reviews public art proposals, opportunities going forward to expand outreach for public art, and review of a proposed temporary art installation at Pier 14 by artist Denise de la Rue.

**DIRECTOR'S RECOMMENDATION:** Information Only – No Action Required

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### EXECUTIVE SUMMARY

Visiting the Port of San Francisco is enhanced by the many temporary and permanent art pieces that have been placed along the waterfront during the past 20 years. When City funds are involved in a project, the Port has implemented public art in several locations through the City's 2% for public art program. The Port also is fortunate in that artists and art organizations find the San Francisco waterfront to be a desirable location to display public art and several have offered to display their art at little or no expense to the Port. Going forward, the Port is looking to expand opportunities for participation from local disadvantaged communities and to increase the racial diversity of artists.

The Port recently received a proposal from Denise de la Rue, a Mexican artist who is proposing to place an art piece in the entry plaza to Pier 14 for a 6-month period. The art is titled 'Time=30' and is a replica of a blue whale skull fabricated from ocean collected plastic, with a purpose to call attention to the plastic waste in the ocean being on track to exceed the content of fish within 30-years.

**THIS PRINT COVERS CALENDAR ITEM NO. 12B**

## **STRATEGIC OBJECTIVES**

The proposed sculpture installation supports the Port's 2021 - 2025 Strategic Plan through the following Goals and Objectives.

***Equity: Opportunities for Disadvantaged Communities.*** Increase opportunities for activation in historically disadvantaged communities

***Evolution:*** Improve Port open spaces to provide publicly desired amenities and activities.

***Engagement:*** Engage stakeholders and public on Port functions and activities.

## **OVERVIEW**

### **Public Art at the Port of San Francisco**

“Public Art” refers to original works of art in any artistic medium that is in the public realm, permanent or temporary, whether owned by a public agency or by a private entity. It can be sculptures, murals, utility covers, lighting, paving patterns, railings, entry portals, street furniture, fountains, play equipment, mosaics, tapestries, drawings, signage, and more. Public art aids in celebrating the Port's history and diversity while demonstrating a vision for the future and commitment to cultural values. Through public art, the Port hopes to educate, inspire discussion, delight citizens and visitors, and add to the waterfront's sense of recognizable place.

### **Challenges of Placing Public Art at the Port**

The Port does not currently have a dedicated public art program or staff resources to implement a comprehensive public art program. While public art is something that the Port celebrates and welcomes, it is not part of its core function and therefore, is unable to dedicate the resources needed to run a full art program.

Most of the public art on Port property comes through either the City's 2% for public art program or through unsolicited proposals. The City's 2% for public art program requires that two percent of the hard construction cost of civic buildings, transportation improvement projects, new parks, and other above-ground structures be allocated for public art. When City funds are part of a project, the Port works with the San Francisco Arts Commission (SFAC) to select sites and establish criteria for art in Port public spaces. The program is then conducted by the SFAC and their established process that includes forming a selection panel, distributing a publicized Request for Qualifications (RFQ), an initial review by staff to determine conformance with the selection criteria, a series of selection panel meetings, and a recommendation to the Port Commission for consideration of approval.

Public art that has followed the 2% public art program includes the 'Islais' sculpture at Bayview Gateway (Third Street and Cargo Way), partial funding of the 'Bayview Rise' mural on the Pier 92 grain silos, Embarcadero Roadway interpretive displays and the concrete and glass block 'art ribbon', and the large red 'Sea Change' sculpture at South Beach Park.

In addition, periodically artists or arts organizations approach the Port requesting that they be permitted to temporarily display their art on Port property at their own expense. The Port has welcomed many such unsolicited proposals which include several at the Pier 14 entry plaza ('Raygun Rocketship', 'Soma' by Flaming Lotus Girls, 'Passage' by the Black Rocks Art Foundation), a collection of 'Hearts' and 'Sea Lions' at many Port locations, and the 'Polar Bear' for the Global Climate Action Summit at Harry Bridges Plaza. In each case, the proposer is responsible for entering into a License to use Port property, provide required insurance and indemnification, perform necessary maintenance, and post the permit performance guarantees. The Port Commission has authorized<sup>1</sup> waiving certain fees for the purpose of better facilitating public art on Port property at locations suitable for large art installations. The Port welcomes public art from both the City's 2% program and unsolicited proposals and is looking to encourage more public art on Port property.

### **Outreach for Artists**

The Port will continue to work with SFAC on public art projects that use City funds and rely on the work and process of the SFAC for these proposals. As a first-step to increase public outreach and greater inclusivity to a wide audience of artists, beginning later this summer, staff will create a webpage devoted to public art and circulate the webpage to various art organizations including identified Black, Indigenous, and other People of Color (BIPOC) art organizations. If we are successful and start to receive more proposals, we would further develop how we would evaluate art proposals, recognizing that this is the first step towards a more robust outreach plan to be developed in tandem with the Port's Racial Equity Action Plan.

The Port's website currently includes information on current art installations [Art at the Port | SF Port](#) .

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*(\*Source - "The Port's Executive Director is authorized to waive Public Art use fees in license agreements and MOUs under the following circumstances: (i) there are no other uses for the space during the term of the license/MOU that would generate rent to the Port; (ii) no uses would be displaced; (iii) the Port does not expend any or only minimal or incidental resources or revenues to support the installation; (iv) there is a direct benefit to the Port in that Public Art enlivens and attracts people to the waterfront, and (v) the sites that are most likely to be attractive for large scale public art, and that have adequate space for a variety of types of installations include: Pier 14, Cruise Terminal Plaza, Harry Bridges Plaza, Brannan Street Wharf, Crane Cove Park, and Heron's Head Park. Port staff would continue the practice of informing citizen advisory committees and presenting informational items on public art installations to the Port Commission." (Port Commission Resolution No. 19-24.))*

In addition to this information, the website would include the following:

- Requirements for using Port property for public art including entering into a License and an Encroachment Permit
- An outline of the Port's review process for large- and small-scale public art
- Sites suitable for large scale art installations
- Smaller public art opportunities, what they may consist of and where they may be added

The Port would also continue to accept unsolicited proposals with recommendations presented to the Port Commission in an informational briefing, such as today's briefing.

## **TEMPORARY ART PROPOSAL**

### **Project Description**

The Port has received an unsolicited art proposal from artist Denise de la Rue to site a temporary sculpture known as *'Time≈30'* on Port property between the Agriculture Building and Pier 14. Ms. de la Rue is a Mexican artist with many international accomplishments. She is the first Latin American artist exhibited by the Gagosian Gallery, the first artist to be granted permission by Succession Picasso to use "Guernica" for a contemporary work of art. In 2014, she presented her video "A Cry for Peace" at the United Nations headquarters in New York, which was the first presentation of an art project during the United Nations General Assembly, and the first artist granted the opportunity to create an immersive intervention at the Chapel of San Antonio de la Florida in Madrid, part of Spanish National Heritage and the location for Goya's most important frescoes.

Ms. de la Rue notes that "By 2050 there will be more plastic than fish in the ocean and humanity has approximately 30 years to do something to prevent this catastrophe from happening." *Time≈30* is a 7-meter (23') replica of a blue whale skull made of out of collected and recycled plastic found in the ocean. The skull's symbolic counter-life is made from the same material that is killing life in the ocean and is intended to remind the viewer of the effects of plastic. She also states, "The fusion of an organic form and an artificial element with a pearl like patina, reflects how society produces content and how it likes its forms to be presented, functioning as a metaphor to the way we are depleting life in the sea."

### **Project Location**

The sculpture would be located at the Pier 14 entry plaza east of the Embarcadero Promenade and south of the new passenger bridge to the Downtown Ferry Terminal. The proposed location would be visible to those on the Embarcadero Promenade and roadway while not impeding circulation and allow room for visitors to walk around the sculpture. The space for the installation is large enough for visitors to gather off the Promenade or sit on raised sections of the Art Ribbon to view the art.

**Use of Port Property**

Public art generally has enjoyed positive public comments and has attracted more visitors to the waterfront and to other waterfront uses. The Port’s current leasing policies adopted by the Port Commission on July 9, 2019, authorized the Executive Director to waive Public Art use fees for art installations where (i) there are no other uses for the space during the term of the license/MOU that would generate rent to the Port; (ii) no uses would be displaced; (iii) the Port does not expend any or only minimal or incidental resources or revenues to support the installation; (iv) there is a direct benefit to the Port in that Public Art enlivens and attracts people to the waterfront. Pier 14 is included in the list of applicable sites. Port staff believes that the Time=30 installation meets these criteria and will be an activating contribution to the Pier 14 and Downtown Ferry Terminal site.

Denise de la Rue would enter into a standard form license with the Port to provide all installation and removal costs, necessary maintenance, liability insurance, temporary lighting, and removal of the sculpture at any time upon 30 days’ notice from the Port. Pending completion of the license and an encroachment permit, the artists would install the sculpture in the Fall of 2022, for a 6-month period.

**Permitting & Environmental Review**

The artist is required to submit an approvable Port Encroachment Permit for which the Port would waive the permit fee. The permit requires stamped engineering drawings, proof of liability insurance, compliance with the Port’s maintenance and removal requirements, and compliance with the Americans with Disabilities Act for installations in public spaces.

The Port has previously secured approval from the Bay Conservation and Development Commission for the installation of public art at this location, on a rotating basis, for a period not to exceed two years per art piece.

**Citizen and Environmental Review (CEQA)**

This public art installation is a continuation of an existing use and does not require further CEQA environmental review. The art proposal was recently circulated to the Port’s Northern Advisory Committee for review and will be presented to the Committee in May.

**RECOMMENDATION**

Port staff recommends that the Port Commission hear the staff presentation and provide feedback as desired.

Prepared by: Dan Hodapp, Senior Waterfront Planner

For: David Beaupre, Deputy Director  
Planning and Environment

Ming Yeung, Assistant Deputy Director  
Planning and Environment

**Attachments:** Time=30 presentation packet

Letters re Time=30:

Anne Bown-Crawford, Executive Director, California Arts Council

Ralph Remington, San Francisco Arts Commission, Director of  
Cultural Affairs

Debbie Raphael, Director, SF Environment (former)