



MEMORANDUM

February 23, 2024

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Gail Gilman, Vice President
Hon. Willie Adams
Hon. Ed Harrington
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director 

SUBJECT: Informational presentation and possible action to approve an artwork proposal by artist Ana Teresa Fernández for installation at Cruise Terminal Plaza, located adjacent to the Pier 27 James R. Herman Cruise Terminal, as recommended by the San Francisco Arts Commission (SFAC) Artist Review Panel and funded by the 2012 Parks General Obligation Bond; and to authorize the Port's Executive Director to enter into a Memorandum of Understanding with the Arts Commission for the fabrication, installation, maintenance and liability for the selected artwork to be a part of the City's Civic Art Collection.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution No. 24-16

EXECUTIVE SUMMARY

On September 2, 2022, the Port entered a Work Order Agreement (Attachment A) with the San Francisco Arts Commission ("SFAC") to administer and coordinate the commissioning of an artist or artist team to develop a proposal for a permanent artwork (the "project" or "Project") to be installed at Cruise Terminal Plaza ("site"), located adjacent to the Pier 27 James R. Herman Cruise Terminal. Cruise Terminal Plaza was partially funded by the 2012 Parks GO Bonds and the proposed art is required under the City's Art Enrichment Program administered by the SFAC, which mandates expenditure of 2% of General Obligation Bond (GO Bond) capital costs for public art. This project is funded from the 2012 Parks General Obligation Bond and will be maintained by the Arts Commission

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through funds set aside for long-term maintenance and will become an asset of the City's Civic Art Collection.

The SFAC released a Request for Qualifications ("RFQ") in October 2022, to professional practicing artists to submit public art proposals. The SFAC received 144 proposals, which a qualifications panel consisting of two arts professionals and one SFAC staff member reviewed and narrowed down to the top 28 artists/artist teams. A selection panel comprised of SFAC members, Bay Conservation and Development Commission ("BCDC") staff, a Port representative, and a community member reviewed the 28 proposals and narrowed the respondents down to three (3) artists that were presented to the Port Commission on July 11, 2023. The three (3) artists then submitted proposals for the site and the selection panel held a public meeting to evaluate the proposals. The panel has recommended the artwork proposal by artist Ana Teresa Fernández to the SFAC and the Port Commission for consideration of approval.

STRATEGIC PLAN OBJECTIVES

The proposed public art for Cruise Terminal Plaza supports the Port's 2021-2025 Strategic Plan through the following Goals and Objectives:

Evolution:

Open Space. Improve Port open spaces to provide publicly desired amenities and activities. (The project would place a sculpture in an area of the Plaza designed for a significant art piece, and to activate future Beltline Building (located between the Cruise Terminal and Cruise Terminal Plaza) uses and the transit experience for Cruise Terminal passengers.)

Engagement:

Engage constituents and the public on Port functions and activities.

Agency Coordination. Partner with City departments and government agencies to align communication, engagement, and activities.

BACKGROUND AND ARTIST SELECTION UPDATE

In 2014, the Port of San Francisco completed the construction of the James R. Herman Cruise Terminal and Cruise Terminal Plaza at Pier 27. The Cruise Terminal hosts cruise ships year-round and doubles as an indoor/outdoor event center on non-cruise days. Located on the northern waterfront of the Embarcadero between Chestnut and Lombard streets, the Cruise Terminal is accessible by private vehicles, public transit, and on foot.

Cruise Terminal Plaza was partially funded by the 2012 Parks GO Bond. This Art Project fulfills the 2% public art requirement for the 2012 GO Parks Bond. The Project has faced delays since funding was available and an initial kickoff was held in 2017 with the SFAC, including challenges related to SFAC and Port staffing shortages as well as the COVID-19 pandemic. However, the project is now on track to be completed in late 2025.

SFAC released an RFQ in October 2022, to professional practicing artists/artist teams to engage in an art opportunity for a new sculpture or series of smaller sculptures within Cruise Terminal Plaza. The Arts Commission and the Port presented the following Project goals to the Port Commission on July 11, 2023.

Project Goals:

- Artwork should be positioned to invite visitors, but not impede paths of circulation.
- Artwork should be visible from points north and south along the Embarcadero.
- Artwork should embrace and highlight its visual connection to the Bay, and consider geographic, cultural, and/or historic relationships to the site and surrounding areas.
- Artwork should be ADA-compliant and universally accessible.
- Artwork should be appropriately scaled to the site.
- Artwork should be fabricated with consideration of sustainable materials and constructed as permanent and maintainable within an urban and marine environment.

Project Budget:

Total Public Art Amount: **\$330,000***

- Artwork Budget: **\$136,000**, inclusive of all artist's fees, as well as associated expenses for artwork design, fabrication, insurance, and transportation.
- Site Work and Installation Allocation (managed by SFAC): **\$83,700**
- Long-term Conservation/Maintenance, Project Management, Artist Selection Costs, Signage, Documentation: **\$110,300**

*Total project budget is from the City's 2012 Parks GO.

Artist Selection Process:

Following the RFQ deadline, SFAC staff screened applications to establish a pool of artists meeting the minimum eligibility requirements, inclusive of professional practicing artists who reside in the United States. The eligible applications were presented to an Artist Qualification Panel consisting of two arts professionals and one SFAC staff member. The Artist Qualification Panel reviewed and scored the responses to identify a short list of 28 qualified artists to be considered for the project, including 17 BIPOC artists/artists teams.

On May 31, 2023, the short list of 28 qualified artists was presented to the Cruise Terminal Artist Selection Panel consisting of one staff member or representative from the Port, one representative of the Pier 27 Cruise Terminal design team, one representative of BCDC, one community member, 3 arts professionals, and one SFAC Commissioner. The Artist Selection Panel attended an orientation session with the project team and key stakeholders and scored and identified three finalists to develop conceptual site-specific proposals. Each finalist received an honorarium of \$2,000 plus travel reimbursement for proposal development from SFAC. The three finalists included David Brooks, Ana Teresa Fernández, and James Shen. Their proposals were presented by SFAC staff to the Port Commission on July 11, 2023.

The three finalists spent several months developing a final proposal that was then displayed for public comment inside the Pier 1 lobby for approximately two weeks and was

also publicly available on the SFAC website. The Artist Selection Panel held a public meeting in November 2023 to consider public comments on the proposals and to hear the artists' presentations on their respective proposals. The Artist Selection Panel voted and recommended the artwork proposed by artist Ana Teresa Fernández as the finalist. The panel recommended that the Arts Commission and the Port Commission consider and approve Ana Teresa Fernández's artwork proposal (described below), called "Mareas," for placement and installation at Cruise Terminal Plaza.

On January 17, 2024, SFAC staff presented the artwork proposal to the Northern Advisory Committee (NAC) and received positive feedback and limited questions. Additionally, the artwork proposal was presented to and approved by the SFAC Visual Arts Commission (VAC) and the SFAC Commission in December 2023 and January 2024, respectively.

Final Artist & Proposal:

Ana Teresa Fernández's work creates moments of activation and change in communities, and her artwork creates experiences and ways for individuals to feel an awareness of what has been left unnoticed or silenced. She engages the public through the power of somatic learning to evoke curiosity and motivate change. With a studio in Bayview, Ana is a San Francisco resident and has developed two large-scale public art pieces in the City and is currently engaged with the city of Napa in creating a permanent art piece for installation. She has also created permanent public art projects in Brazil, South Africa, Haiti, and Mexico, and is multilingual, and well-versed in working with different mediums and cultures.

Ana Teresa Fernández's selected proposal is for an arched artwork made of colored polycarbonate panels framed by steel tubing. "Mareas," meaning tides, captures changing light, color and reflected form as projected across Cruise Terminal Plaza in changing light and weather throughout the day. Its colors and form recall rainbows, water, and light at sea, and the piece offers a contrast to the scale and dominance of nearby architectural features. The intent is to invite interaction and welcome cruise passengers and those circulating along the Embarcadero Promenade. The arch will stand almost 15' high, 24' wide, and 7' across.

The proposed materials are akin to those used in the red roof of the newer SFMTA MUNI shelters and may offer similar durability. During design and development, further exploration of the artwork's connection at the ground plane will be required to ensure protection against skateboarding and other wear and tear. Vandalism abatement methods will be further researched by the artist and SFAC staff.

ENVIRONMENTAL REVIEW

The proposed public art installation is consistent with the project analyzed in the Final EIR (State Clearinghouse No. 2011022040) for the 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza, and the installation requires no additional review under CEQA.

USE OF PORT PROPERTY & MEMORANDUM OF UNDERSTANDING (MOU)

Ana Teresa Fernández will enter a standard form license with the SFAC to provide all design, engineering, installation, and maintenance. Per the license, Ms. Fernández will also be required to provide liability insurance, and indemnification, and obtain a Port Building Permit.

The City's Art Enrichment Program requires that the artwork be accessioned into the Civic Art Collection whereupon the artwork will be under the jurisdiction of the SFAC for maintenance, upkeep, and liability. Prior to installation, the Port will enter into a Memorandum of Understanding (MOU) acceptable to the Port with SFAC to set forth all maintenance, liability, indemnification, and insurance provisions, upkeep of the artwork, and steps required for removal of the artwork if necessary. The MOU shall provide that all costs and liability shall be borne by the SFAC.

NEXT STEPS

After consideration and approval of the proposed artwork by the Port Commission, Port staff will prepare an MOU for the Port's Executive Director to enter with the SFAC for the fabrication, installation, maintenance, insurance, and liability for the public art installation. In addition, SFAC staff will continue to work with the artist on the refinement, design, and development of the artwork proposal, including plans for fabrication and installation. SFAC anticipates that the artwork will be installed and completed in mid-2025.

Prepared by: Ryan Wassum, Waterfront Planner
Planning & Environment

For: David Beaupre, Deputy Director
Planning & Environment

Attachment A - SFAC and Port Work Order Agreement (for reference)
Attachment B - Artwork Proposal

ATTACHMENT A
SFAC AND PORT WORK ORDER AGREEMENT

ATTACHMENT B
ARTWORK PROPOSAL

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 24-16

- WHEREAS, In 2014, the Port of San Francisco completed construction on the James R. Herman Cruise Terminal and Cruise Terminal Plaza at Pier 27; and
- WHEREAS, A component of the Cruise Terminal Plaza project is the installation of a signature piece of public art adjacent to the Embarcadero as identified in the Port's Public Art Program; and
- WHEREAS, The 2012 Parks GO Bonds provide General Fund support for certain Port parks, and require the Port to participate in the Art Enrichment Program administered by the San Francisco Arts Commission (SFAC); and
- WHEREAS, The Art Enrichment Program requires that 2% of certain construction costs paid with the 2012 Parks GO Bonds be used for public art; and
- WHEREAS, The Cruise Terminal Plaza artwork project is consistent with the Port's strategic plan objectives to improve Port open spaces and provide publicly desired amenities and activities at Pier 27 and along the Embarcadero; and
- WHEREAS, The Cruise Terminal Plaza artwork proposal is consistent with the project analyzed in the Final EIR (State Clearinghouse No. 2011022040) for the 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza, and the installation requires no additional review under CEQA; and
- WHEREAS, The Port and SFAC identified Cruise Terminal Plaza, which was funded by the 2012 Parks GO Bonds as the best location to fulfill the Port's Art Enrichment Program obligation; and
- WHEREAS, The SFAC, with assistance from Port staff, conducted an extensive public process to select an artist and proposal for Cruise Terminal Plaza; and
- WHEREAS, The Port, working with SFAC staff, established the project goals which SFAC incorporated in the Request for Qualifications (RFQ) issued to invite submittals from professional, practicing artists who reside in the United States; and
- WHEREAS, An artist selection panel consisting of one staff representative from the Port, one representative of the Pier 27 design team, one representative of the Bay Conservation and Development Commission, one community member, three art professionals, and one SFAC Commissioner selected

three finalists who received stipends to develop project-specific concepts for their public art proposals; and

WHEREAS, The SFAC presented the three selected artist finalists at a Port Commission meeting on July 11, 2023, and displayed the final proposals at Pier 1 and on the SFAC website for public comment for two weeks; and

WHEREAS, The artist selection panel held a public meeting in December 2023 to consider the public comments on the proposals and to hear the artists' presentations on their respective proposals; and

WHEREAS, The artist selection panel recommended that the Port Commission and SFAC select Ana Teresa Fernández and her artwork proposal called "Mareas" for the public art installation at Cruise Terminal Plaza; and

WHEREAS, The SFAC presented the artwork proposal by Ana Teresa Fernández to the Port's Northern Advisory Committee (NAC) on January 17, 2024, for public comment; and

WHEREAS, Ana Teresa Fernández has completed two large-scale artworks in San Francisco and other large permanent artworks in Brazil, South Africa, Haiti, and Mexico; and

WHEREAS, Ana Teresa Fernández's proposed artwork "Mareas", will be constructed of colored polycarbonate panels framed by steel tubing and will capture the changing light, color, and reflected form as projected across the plaza in changing light and weather throughout the day; and

WHEREAS, Port staff has recommended the Port Executive Director enter into a Memorandum of Understanding (MOU) with the SFAC for the fabrication, installation, maintenance, and liability for the selected artwork to be a part of the City's Civic Art Collection; and

WHEREAS, Port staff also proposes to waive any encroachment or building permit fees for the project installation because: (1) the project is part of the City's Art Enrichment Program and is funded by 2012 Parks GO Bond funds; and (2) the site cannot be leased or licensed for any other use; now, therefore, be it

RESOLVED, The Port Commission approves the selection of artist Ana Teresa Fernández and her proposal for public art entitled Mareas at the Cruise Terminal Plaza, and be it further

RESOLVED, The Port authorizes its Executive Director to execute a Memorandum of Understanding ("MOU") with SFAC substantially consistent with the description set forth in the Staff Report; and be it further

RESOLVED, That the Port Commission authorizes the Executive Director to enter into any additions, amendments, or other modifications to the MOU that the Executive Director, in consultation with the City Attorney, determines to be in the best interest of the Port, do not materially increase the obligations or liabilities of the Port, and are necessary or advisable to complete the transactions which the MOU contemplates and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of the MOU, and any such amendments thereto.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 27, 2024.

Secretary