

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date: April 24, 2012

Cmte	Board	
<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER: MOU between Illuminate the Arts and the Department of Public Works for Lead Agency for Transportation Art/Community Proposal Permit for the Bay Lights

Completed by: Annette Lonich

Date: April 19, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

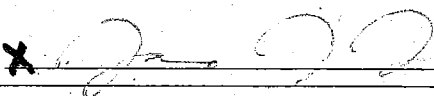
Supervisor Kim

Subject:

Supporting the Bay Lights Fine Arts Installation and Public Works Project

The text is listed below or attached:

see attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

170391

1 [Supporting The Bay Lights Fine Art Installation and Public Works Project]

2
3 **Resolution supporting The Bay Lights art installation on the Bay Bridge west span,**
4 **beginning with its Grand Lighting in 2012 and continuing with illumination throughout**
5 **2014.**

6
7 WHEREAS, The Bay Lights is an iconic light installation designed by renowned artist
8 Leo Villareal to commemorate the Bay Bridge and its 75th Anniversary; and

9 WHEREAS, The Grand Lighting Ceremony will commence in 2012 with illumination
10 continuing through 2014 in celebration of the completion of California's largest public works
11 project, the Bay Bridge East Span; and

12 WHEREAS, Government agencies including Caltrans, the Metropolitan Transportation
13 Commission, the Bay Area Toll Authority, and the City and County of San Francisco have
14 collaborated on a thorough environmental review as a part of their collaborative permit
15 process, on file with the Clerk of the Board of Supervisors in File No. 120391, which is hereby
16 declared to be a part of this resolution as if set forth fully herein; and

17 WHEREAS, The project sponsor, Illuminate the Arts, has done extensive community
18 outreach to a broad spectrum of neighborhood groups, merchant associations and arts
19 organizations, as well as secured project endorsements from government officials – including
20 Lt. Governor Gavin Newsom and Mayor Ed Lee – civic leaders, private funders and major arts
21 organizations, including SFMOMA, Berkeley Museum of Art/Pacific Film Archive and ZERO1:
22 The Art and Technology Network; and

23 WHEREAS, The Bay Lights will create art installation jobs, attract tourists and media
24 attention to San Francisco, and instill civic pride in the City's continued cutting-edge arts
25 innovation; and

1 WHEREAS, This project will coincide with "The Year of the Bay," which will feature the
2 international America's Cup race, the Port of San Francisco's 150th Anniversary, the opening
3 of the new Exploratorium at Pier 15 and the long-awaited completion of the Bay Bridge East
4 Span within days of the America's Cup finale; and

5 WHEREAS, An informal economic impact assessment, on file with the Clerk of the
6 Board of Supervisors in File No. 120391, which is hereby declared to be a part of this
7 resolution as if set forth fully herein, conservatively estimated \$97,000,000.00 will be added to
8 the local economy as a result of this project; and

9 WHEREAS, This visually stunning fine arts installation will capture the attention and
10 imagination of over 50 million people in the Bay Area alone, with billions more people
11 worldwide seeing The Bay Lights in other media and online; and

12 WHEREAS, This intricately planned and well-researched installation design
13 contemplates environmental and public safety concerns by utilizing over 25,000 white energy-
14 efficient LED lights, visible only from north of the Bay Bridge West Span and not by drivers on
15 the Bay Bridge itself; and

16 WHEREAS, The San Francisco Arts Commission "enthusiastically" endorsed The Bay
17 Lights project at its March 2012 meeting in Resolution No. 0305-12-075, on file with the Clerk
18 of the Board of Supervisors in File No. 120391, which is hereby declared to be a part of this
19 resolution as is set forth fully herein, because "this temporary artwork will make a significant
20 contribution to the architectural beauty of the bridge and the region as a whole" and is a
21 temporary gift to the City; and

22 WHEREAS, The funding for this public works project is solely a private effort and will
23 not impact the City's General Fund or draw from its public budget, as outlined in Page 1, Line
24 2A of the Memorandum of Understanding between the Department of Public Works and the
25 project sponsor, Illuminate the Arts, on file with the Clerk of the Board of Supervisors in File

1 No. 120391, which is hereby declared to be a part of this resolution as if set forth fully herein;
2 now, therefore, be it

3 RESOLVED, That the Board of Supervisors supports The Bay Lights arts installation,
4 and the efforts of Illuminate the Arts and the City to offer visitors from all over the world a
5 visual spectacle in honor of the spirit of San Francisco's lasting legacy of arts innovation and
6 the 75th Anniversary of the Bay Bridge; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors recognizes and supports the
8 efforts of the coalition of over 250 people from private, non-profit, civic, arts and cultural
9 organizations spearheading this massive public works effort.

MEMORANDUM OF UNDERSTANDING

between

ILLUMINATE THE ARTS

and

THE CITY AND COUNTY OF SAN FRANCISCO, ACTING THROUGH THE DEPARTMENT OF PUBLIC WORKS

for

LEAD AGENCY FOR TRANSPORTATION ART / COMMUNITY PROPOSAL PERMIT FOR THE BAY LIGHTS

February [], 2012

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Agreement") is entered into as of February __, 2012, in the City and County of San Francisco, by and between Illuminate the Arts ("ITA"), a California non-profit, and the City and County of San Francisco ("City", acting through the Department of Public Works ("DPW")), collectively known as the "Parties". The purpose of this agreement is to define the scope, rights and responsibilities of the Parties in connection with The Bay Lights ("Project").

BACKGROUND

In observance of the Bay Bridge 75th Anniversary, ITA is the Project sponsor for The Bay Lights, a light sculpture designed by internationally renowned artist Leo Villareal ("Artist"). Created with over 25,000 white energy-efficient LEDs on the Bay Bridge West Span, the installation will be 1½ miles wide and 230 feet high. Its ever-changing illumination will be viewable for two years from dusk to midnight from San Francisco's northeast side and points north of the span – but not by drivers on the bridge itself. The Project has written letters of support from San Francisco Museum of Modern Art, the Exploratorium, the University of California, Berkeley Art Museum & Pacific Film Archive, the San Jose Institute of Contemporary Art, and others. The Project is installed on property controlled by Caltrans.

SCOPE OF SERVICES

At the Request of ITA, who is working with the Artist to have the Project designed, manufactured, installed, displayed, and removed, the City acting through DPW has agreed to act as the Local Public Agency for the Project in permits to be filed with Caltrans.

ITA is working with the San Francisco Board of Supervisors to pass a Resolution supporting the proposed Project. A condition to the City or DPW acting as the Local Public Agency Application ("LPA Applicant) is the passage of such a resolution, which is done at the sole discretion of the Board of Supervisors. If the Resolution is passed, the Parties Agree as follows:

- 1) DPW shall complete and file the Transportation Art Proposal (attached as Exhibit A), listing DPW as the LPA Applicant.
- 2) ITA agrees to be responsible for the following items in the Transportation Art Proposal that are nominally listed as being the responsibility of the LPA Applicant:
 - A) All costs associated with the design, engineering, testing, construction and installation of the proposed transportation art or community ID including labor, materials, supplies, and traffic control, maintenance and removal, and encroachment permit fee.
 - B) Obtaining and documenting local community support for the Project.

C) Removing the transportation art or community ID (Project) at the end of its useful life cycle, at the end of the term of the permit, or if the LPA Applicant is requested by Caltrans, and returning the site to a condition as good or better than at the start of the project.

D) If the LPA Applicant is requested by Caltrans, timely graffiti removal/ repair, and or restoration of the Project.

E) The Artist and ITA will adhere to and remain in compliance with Caltrans' rules, regulations and any additional restrictions Caltrans may apply to the transportation art or the Project.

F) Provide the name, address and telephone number of each responsible person who will be working within the State right of way to construct, maintain, rehabilitate or remove the transportation art Project.

G) Provide a copy of all agreements between the artist(s) and ITA pertaining to ownership, copyright, installation, operation, maintenance and removal of the Project to Caltrans and DPW.

H) The State of California should be names as a party in all agreements regarding removal, ownership, copyrights, and indemnification under Chapter 29 – (Section 6 & 8) of the PDMM (attached as Exhibit B)

I) Verify the accuracy of the information on the LPA application.

k) ITA shall be responsible at all times for compliance with applicable patents, copyrights, trademarks, and/or other intellectual property rights held by others encompassing, in whole or in part, any invention, design, process, product, device, material, article or arrangement used, directly or indirectly, in the performance of the Project or incorporated into the Project.

3) DPW will complete the Standard Encroachment Permit Application (attached as Exhibit 3).

4) ITA will pay for all fees and costs associated with Project, including all fees and payments to Caltrans.

5) Prior to the time that the City files the Transportation Art Proposal, ITA will provide a performance and payment bond with the City the following bonds using the form attached as Exhibit 3, which includes a corporate surety bond, in a sum not less than 100 percent of the cost of work that ITA agrees be responsible, as outlined in paragraph 2 and its subparts above, to guarantee the faithful performance of the Contract ("Performance Bond"); and a corporate surety bond, in a sum not less than 100 percent of the Contract Sum, to guarantee the payment of labor, materials, supplies, and equipment used in the performance of the Contract ("Payment Bond"). Corporate sureties issuing these bonds shall be legally authorized to engage in the business of furnishing surety bonds in the State of

California. All sureties shall have either a current A.M. Best Rating not less than "A-, VIII" or shall be listed in the current version of the United States Department of the Treasury's Listing of Approved Sureties (Department Circular 570), and shall be satisfactory to the City.

6) ITA shall maintain in full force and effect, the Project, the following liability insurance with the following minimum specified coverages or coverages as required by laws and regulations, whichever is greater:

- A). Worker's Compensation in statutory amount, including Employers' Liability coverage with limits not less than \$1,000,000.00 each accident, injury, or illness.
- B). Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence, plus \$2,000,000 excess liability insurance (totaling \$3,000,000 for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations.
- C). Commercial Automobile Liability insurance with limits not less than \$1,000,000.00 each occurrence combined single limit for bodily injury and property damage, including owned, hired or non-owned vehicles, as applicable.
- D). For general liability, environmental pollution liability and automobile liability insurance, ITA shall include as additional insured, the City, its board members and commissions, and all authorized agents and representatives, and members, directors, officers, trustees, agents and employees of any of them. Other parties to be protected by Contractor's liability insurance shall be as: State of California Department of Transportation
- E). Before commencement of the Work of this Project, certificates of insurance and policy endorsements in form and with insurers acceptable to the City, evidencing all required insurance and with proper endorsements from ITA's insurance carrier identifying as additional insureds the parties indicated under Article "Insurance for Others" above, shall be furnished to the City, with complete copies of policies to be furnished to the City promptly upon request. ITA will be not be allowed to proceed with any work on the Project until the certificates are delivered.
- F). Each such policy shall be endorsed to provide 30 days advance written notice to the City of reduction or non-renewal of coverages or cancellation of coverages for any reason. All notices shall be made to:

Manager, Contract Administration Division
City and County of San Francisco
875 Stevenson Street, Room 420
San Francisco, CA 94103.

AND To Department's District Adopt-A-Highway Coordinator or Statewide

Adopt-A-Highway Coordinator.

- G). All policies shall be endorsed to provide waivers of subrogation against City.
 - H). ITA, upon notification of receipt by the City of any such notice, shall file with the City a certificate of the required new or renewed policy at least 10 days before the effective date of such cancellation, change or expiration, with a complete copy of the new or renewed policy.
- 7) ITA will indemnify the City as follows:
- A) Consistent with California Civil Code section 2782 ITA shall assume the defense of, indemnify and hold harmless the City, its boards and commissions, and all of its officers, agents, members, employees, authorized representatives, or any other persons deemed necessary by any of them acting within the scope of the duties entrusted to them, from all claims, suits, actions, losses and liability of every kind, nature and description, including but not limited to attorney's fees, directly or indirectly arising out of, connected with or resulting from the performance of the Project. This indemnification shall not be valid in the instance where the loss is caused by the sole negligence or intentional tort of any person indemnified herein.
 - B) To the fullest extent permitted by law, ITA shall save, defend, hold harmless, and fully indemnify the City and all its officers and employees connected with the Project, and all of its officers, agents, members, employees, authorized representatives, or any other persons deemed necessary by any of them acting within the scope of the duties entrusted to them, from all damages, claims for damage, costs, or expenses in law or equity, including attorney's fees and costs, that may at any time arise or be set up for any infringement or unauthorized use of any patent rights, copyrights, trademarks or other intellectual property claims by any person in consequence of the use by the City, or any of its officers, agents, members, employees, authorized representatives, or any other person deemed necessary by any of them acting within the scope of the duties entrusted to them, of articles to be supplied under the Contract and of which ITA is not the patentee or assignee or does not have the lawful right to sell or use the same.
- 8) ITA and Artist grant the City an irrevocable, perpetual, non-exclusive license to photograph and/or reproduce images of the Project in any media.

MODIFICATION OF AGREEMENT

This Agreement may not be modified except by written agreement between both Parties.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Accepted for City and County of San Francisco:

Name: Fuad Sweiss
Title: Deputy Director Design & Construction

Accepted for the Illuminate the Arts:

Name: Ben Davis
Title: Chair and President



MEMORANDUM

TO: Jason Weinstein, Senior Program Coordinator, BATA/MTC
Natalina Bernardi, Principal/Vice President, BKF Engineers

FROM: Meryka Blumer, David J. Powers & Associates, Inc.
Judy Shanley, David J. Powers & Associates, Inc.

DATE: April 5, 2012

SUBJECT: **Biology Technical Memorandum**
Bay Bridge Toll Authority Temporary Bay Bridge Lights

Please find enclosed the revised technical memorandum for the assessment of potential impacts of the temporary Bay Bridge lights project on birds and fish.

H.T. Harvey & Associates, as a subconsultant to DJP&A, prepared the enclosed Biological Technical Memorandum. The memorandum is based on review of relevant project information and published information on lighting effects on birds and fish.

The Biological Technical Memorandum evaluates the potential impact of the temporary lighting on birds and possible impacts of the temporary lighting installation should it occur during the avian breeding season. The Biological Technical Memorandum also evaluates the potential impact of temporary lighting on federally listed salmonids, green sturgeon and state listed longfin smelt.

As noted in the enclosed memorandum, the Bay Bridge lights project is not likely to influence avian species directly during installation unless nests are impacted during the breeding season. Indirect effects of lighting are also not expected to disturb avian species or listed fish in the project area. The Bay Bridge in its current condition already has a relatively significant amount of lighting. The additional lighting from this project is not anticipated to result in any additional impacts to listed avian or fish species.



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

5 April 2012

Meryka Blumer
Associate Project Manager
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San Jose, CA 95126

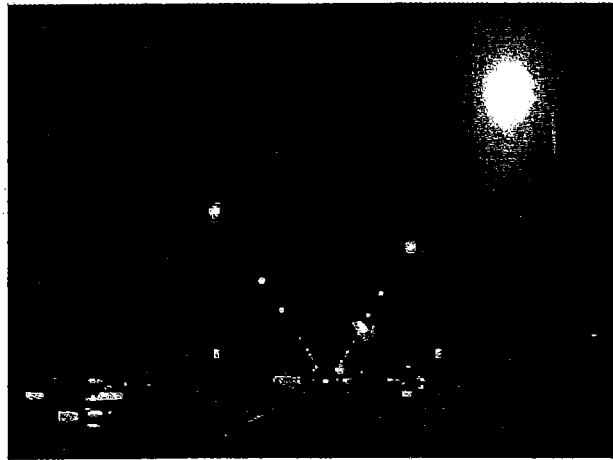
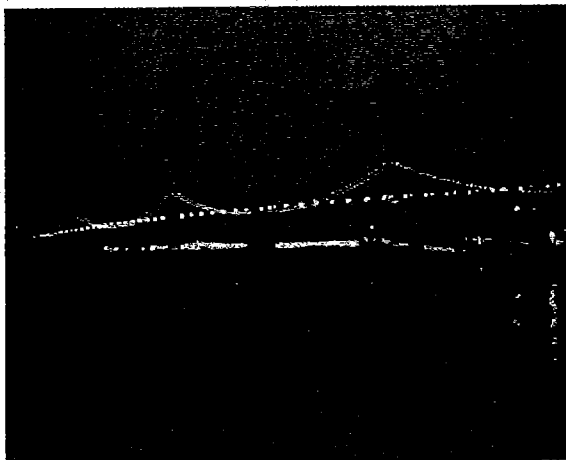
Subject: Final Assessment of the Potential Impacts of the Bay Bridge Lighting Project on Birds and Fish (HTH #3305-01)

Per your request, H. T. Harvey & Associates is providing an assessment of the potential impact of the Bay Bridge Lighting Project on birds and fish. Drs. Scott Terrill and Sharon Kramer have reviewed the project description and are providing their assessments of potential project impacts on birds and fish.

Scott Terrill conducted research on avian migration for both his Masters of Science and his PhD and has published approximately 30 scientific publications. He has conducted research on bird migration in the United States, Mexico, Germany and Austria. Sharon Kramer has conducted research on fish ecology in Hawaii, Australia, and California/Oregon/Washington for her Masters of Science and PhD, with numerous publications. Both resumes are attached.

Overview of the Project

The Project proposes to temporarily install light-emitting diode (LED) white lights on the Bay Bridge, in honor of the Bay Bridge's 75th Diamond Anniversary. Up to thirty thousand (30,000) energy-efficient LED lights, approximately two (2) inches in diameter each, will be installed on the vertical suspender cables of the north facing side of the upper deck level of the Bay Bridge's West span. The Bay Bridge is already well-lit by static bright lights, as shown below.



The LED lights will be secured to the vertical suspender bridge cables in strings of 75 fixtures per string at one foot spacing, and the LED nodes will be placed on the cables' outside-facing direction. The lights will be attached to the outer part of the bridge suspender cables with two (2) plastic coated stainless steel zip ties (one on top and one at the bottom of each fixture), so no paint disturbances will occur to the bridge structure. There will be a main fiber line installed through the system for control of the lighting system and power will be taken from existing facilities on the bridge. Electrical boxes (approximately 8x8x3 inches in size) will be required for the power of the lights (80 power/data boxes total) and communication of the lights control system (80 FO/Ethernet media converter boxes total). All electrical boxes will be bolted to a longer steel channel that will be attached to the existing bridge cable as one unit. The electrical boxes will be evenly spaced along the lower railing and on top of the bridge at the highest point, with a maximum spacing of 100 feet. Installation of the lights will not require any permanent disturbance to the bridge structure or ground disturbance off the bridge.

The bridge lights will face away from bridge vehicular traffic and will be lit from dusk to early morning (between 12:00am and 2:00am) in commemoration of the Bay Bridge's 75th Diamond Anniversary. The light display will be controlled by the artist and will appear to be moving in a wave like and alternating flickering pattern, with the option of a static pattern as well. The light installation will begin in August 2012 and it is anticipated that the lights will be first illuminated in late 2012.

The LED lights will be installed over a period of six months during the evening/overnight hours (8:00pm to 5:00am weekdays and 9:00pm to 8:00am weekends), which will require nightly lane closures. The lights will be permanently removed from the West Span after two years, with light removal expected to begin in January 2015. Removal of the lights will also be done during the evening/overnight hours, requiring nightly lane closures, and will take approximately three months.

Each energy-efficient LED node when fully powered uses about one watt per hour. The Project will install 30,000 nodes, but each node will be on less than half the time, so this will equate to 15,000 watts per hour.

Avian Assessment

Direct Effects of Installation and Removal

In general, the installation of the lights should not disturb breeding birds to the point of abandonment, unless the work is to occur in such a way as to directly impact the nests of breeding individuals. If the lights are installed in late fall – early winter, the installation will fall outside the primary breeding season and not be a potential issue. If the activity of installing the lights occurs during the breeding season, it should not significantly increase human activity levels relative to existing conditions with respect to local birds, which are obviously habituated to the traffic and other anthropogenic activities normally associated with the bridge. If installation is to occur during the breeding season (February-September), it is recommended that a biological monitor be present during the installation of the lights. If an active nest that might be directly impacted (including disturbing adults to the point of nest abandonment) is detected, the Regulatory Resource Agencies (California Department of Fish and Game / United States Fish

and Wildlife Service) should be contacted to consult on avoidance. Potentially breeding birds include cormorants and peregrine falcon, however these birds breed primarily below the traffic bearing portions of bridge structures which lie below the project activity.

The removal of the lights should involve the same considerations as the installation. If the lights are removed after the avian breeding season (i.e., “late in 2013”), there would be no impacts to breeding birds.

Indirect Effects of Installed Lighting

The lighting should not have a significant impact on birds. Nocturnal migrants collide with towers and other structures that are lit with constant white light. These birds also collide with lit windows on buildings during migration. This phenomenon is most pronounced in eastern and central North America and, with respect to towers, typically occurs when guy wires are used to secure the towers. Strobe lights and colored lights (especially green) substantially reduce the collision rates on migrants with lit structures (Gauthreaux and Belser 2006). Collision rates increase with decreased visibility due to fog, drizzle etc. In this case, the lights are not single-source, nor are they static. The movement patterns associated with the lighting scheme should not lead to the attraction and disorientation (and collision) of migrants associated with single-source, constant white lighting. The addition of constant white lighting sources to the existing lighting on the bridge could slightly increase likelihood of collision, especially during foggy or stormy nights, for nocturnally migrating birds.

In a general sense, nocturnal migrants (especially passerines or songbirds), may be attracted to the horizon glow and overall lighting of populated areas. However, no negative effects of such attraction have been demonstrated. Under current conditions, given the amount of artificial light associated with development in the San Francisco Bay Area (including the current lighting on the Bay Bridge itself), the installation of the LED lights would not add significantly to the overall lighting in the region.

Similarly, the lighting should not affect waterbirds or shorebirds associated with the Bay, including birds breeding on the bridge. In general, these birds are well below the portions of the bridge to be lit by this project and are associated with water. Migrant shorebirds flying at bridge height should be able to easily detect and avoid the bridge in most conditions. Under foggy conditions, the lighting may even increase the probability of detection and avoidance by these birds.

Fish Assessment

Fish have only been exposed to artificial lighting at night for a relatively short time (in the last 100 years or so), until then the aquatic environment at night was only affected by the moon, stars, cloud cover, and biological luminescence (Nightingale et al. 2006). Fish can be potentially affected by artificial lighting at night in the following ways: changes to essential behaviors such as feeding, schooling, and migration, changes to predation risk, and affects on reproduction (Nightingale et al. 2006). The effects of the proposed Bay Bridge Lights project on federal Endangered Species Act listed steelhead (*Oncorhynchus mykiss*) and green sturgeon (*Acipenser medirostris*), and state-listed longfin smelt (*Spirinchus thaleichthys*) are described below. We

anticipate that the only effects to fish would be associated with operation of the lights and not installation and removal: we estimated that approximately $<0.005 \text{ lux}^1$ of additional indirect light would reach the water surface from the Bay Bridge Lights project (note the Bay Bridge is already lit at night).

Indirect Effects of Installed Lighting

Steelhead

Both adult and juvenile steelhead swim past the Bay Bridge. Adult steelhead usually migrate from the ocean to tributaries in the South Bay where they spawn from late December through early April, with the greatest activity in January through March, when flows are sufficient to allow them to reach suitable habitat in far upstream areas. After hatching, juvenile steelhead remain in fresh water for one to four years before migrating to the ocean. The downstream juvenile migration occurs between February and May.

There is no specific literature on effects of artificial night lighting for steelhead, especially for the marine environment of the San Francisco Bay. The West Span of the Bay Bridge spans the deepest part of the channel leading into South San Francisco Bay, which likely will convey much of the water moving from the ocean into South San Francisco Bay. If this is the route taken by steelhead moving in as adults and out as juveniles from South San Francisco Bay to the sea, then adults and juveniles would be exposed in 2011/2012, and juveniles exposed in 2013. A potential effect of the Bay Bridge lights is to delay or alter the migration of juveniles out to sea past the bridge, or movement of adults into the south bay.

Movement of adults is unlikely to be affected by the Bay Bridge Light project. Adults are likely to be using water quality cues to move quickly into tributaries used for spawning. There is information indicating that changes in light levels (e.g., shading or lighting from docks) and strobe lights can disrupt juvenile steelhead movement (Johnson et al. 2005, Rondorf et al. 2010). Juvenile salmon swimming past docks encounter a dramatic change in light levels during the day, from bright light to shading, which seems to be the greatest impact affecting their movement and potential susceptibility to predation. Strobes deter fish from swimming into portions of dams or navigational locks where they may suffer increased risk of injury or mortality: these strobes are powerful, synchronously flashing (300 flashes per minute) lights, which are not equivalent to the light levels likely to reach the water from the Bay Bridge Lights project. Results of studies conducted on juvenile sockeye salmon in urban settings suggest that keeping direct lighting levels at $<0.1 \text{ lx}$ minimizes effects to outmigrating fish, and that shielding or redirecting lights can mitigate for effects (Tabor et al. 2004). In addition, ambient light conditions are already very bright in the bay area, and fish in urban settings may already be habituated to relatively bright night conditions.

Green Sturgeon

In the Sacramento River, green sturgeon spawn in late spring and early summer (Adams et al. 2002). Adults typically migrate into fresh water beginning in late February; spawning occurs

¹ Calculated using 12.3 lumens per node, for 5 strings on one suspension cable. Assumes light reaching the surface from each cable is not additive, using 250 ft as the approximate distance above the water.

March-July, with peak activity in April-June (Moyle et al. 1995). Juveniles spend 1-4 years in fresh and estuarine waters before migrating to the ocean (Beamesderfer and Webb 2002).

Green sturgeon are believed to spend the majority of their lives in nearshore oceanic waters, bays, and estuaries. Little information exists on green sturgeon, much of what exists is based on telemetry. Green sturgeon have been found to be more active at night than during the day when at sea (Erickson and Hightower 2007). However, in San Francisco Bay activity appeared to be independent of light level with no discernable peaks in activity at any particular time of day or light level (Kelly et al. 2007). It is unlikely that the Bay Bridge Lights project will have any effects on green sturgeon.

Longfin Smelt

Longfin smelt are a coastal/estuarine fish that moves into freshwater or slightly brackish waters of the delta and Sacramento/San Joaquin rivers to spawn in winter/spring (Baxter 1999). Longfin smelt are found throughout the San Francisco Bay (Baxter 1999). Long-term sampling in the San Francisco Bay has shown a consistent pattern of bathymetric distribution for longfin smelt, where juvenile longfin smelt tend to occur in greater abundance in deep-water habitats as they migrate into marine environments during summer months (Rosenfield and Baxter 2007).

Even less is known about effects of light on longfin smelt. The Bay Bridge Lights project would not affect spawning as spawning is not likely to occur in the project area. Lighting could potentially affect susceptibility of juvenile longfin smelt to predation (Kahler et al. 2000). However, lighting from the project is not anticipated to affect susceptibility of longfin smelt to predation as the light levels expected to reach the water are low (see above), and the bay already has high ambient light conditions.

Overall Summary

Effects of the Bay Bridge Lights project are not likely to affect avian species directly during installation unless nests are impacted during the breeding season. Indirect effects of lighting are also not expected to affect avian species or listed fish in the project area. The Bay Bridge in its current condition already has a relatively significant amount of lighting. The additional lighting from this project is not anticipated to have any additional effects to listed avian or fish species.

References

- Adams PB, CB Grimes, ST Lindley, ML Moser. 2002. Status review for North American green sturgeon, *Acipenser medirostris*. National Marine Fisheries Service.
- Baxter B. 1999. Osmeridae. In: Orsi J, editors. Report on the 1980-1995 fish, shrimp, and crab sampling in the San Francisco Estuary, California. Stockton (CA): California Department of Fish and Game. Technical Report 63; p. 179-216.
- Beamesderfer RCP, MAH Webb. 2002. Green sturgeon status review information. Sacramento (CA): State Water Contractors.

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- Gauthreaux SA, Jr., G Belser. 2006. Effects of artificial night lighting on migrating birds. In: Rich C, Longcore T, editors. Ecological consequences of artificial night lighting. Washington (DC): Island Press; p. 67-93.
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Scott B. Terrill, Ph.D.

VP & Principal, Wildlife Ecology

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AREAS OF EXPERTISE

- Bird ecology
- Endangered Species Act consultation/compliance
- Environmental impact assessment (NEPA/CEQA)
- Regulatory permitting/compliance

EDUCATION

- Ph.D. Biology/Ecology, State Univ. of New York, 1986
- M.S. Zoology, Arizona State Univ., 1981
- B.S. Zoology, Arizona State Univ., 1978

PRIOR PROFESSIONAL EXPERIENCE

- Associate Adjunct Professor, San Jose State University 1995-Present
- Research Director, Coyote Creek Riparian Station 1991-1995
- Adjunct Professor, State University of New York 1988-1990
- Assistant Professor, Siena College, New York 1988-1990
- Alexander von Humboldt Research Fellow, Max-Planck-Institut, Germany, Present
- Chair, Scientific Advisory Committee, San Francisco Bay Bird Observatory, Present

KEY PROJECTS

- Bear River Ridge Wind Farm Habitat Conservation Plan
- San Jose WPCP opportunities and constraints analysis
- Yolo County HCP
- NOAA marine sanctuaries management plan
- San Joaquin River improvement project biotic study

KEY PUBLICATIONS

- Berthold, P. & S. B. Terrill. 1991. Recent advances in studies of bird migration. *Annual Review of Ecology and Systematics* 22:357-78.
- Terrill, S. B. 1991. Evolutionary aspects of orientation and migration in birds. In: Berthold, P., editor. *Orientation in Birds*. Birkhauser Verlag, Basel. pp. 180-201.

Complete list of publications available upon request

PROFESSIONAL PROFILE

Scott is a Vice President and Principal, and oversees operations in our North Coast office, based in Arcata. Scott also directs our firm's research activities.

Scott is an internationally recognized ornithologist with extensive experience in avian ecology and behavior; he has made major contributions to the study of bird migration and movements. His field expertise ranges from the Antarctic to far northern Alaska, including three oceans, and he is an acknowledged expert in avian ecology. He also has a strong background in vertebrate community ecology and population biology. He leads our ornithologists on numerous special-status species investigations, and their work history includes over 500 burrowing owl and raptor projects.

Scott directs the company's full range of wildlife division projects, which can begin with identifying and investigating special-status species, creating effective and innovative mitigation measures, and ending with writing the biological sections of environmental impact reports and statements (EIR/EISs). Scott has lent his expertise to numerous large-scale EIRs, natural environment studies, constraints analyses, environmental risk assessments, hazardous-waste clean ups, and Endangered Species Act consultations. In his 18 years with the company, he has successfully managed more than 1000 projects, and his expertise spreads across all major habitats in western North America, including marine and estuarine habitats.

Examples of Scott's projects include: assessing and mitigating cumulative impacts of selenium in agricultural drain water on wildlife; more than seven years monitoring of bird use and risk at agricultural drain water basins and associated mitigation habitats in California's San Joaquin Valley; monitoring potential effects of oceanic dumping of dredge spoils on marine birds and mammals; restoring over 2000 acres of wetlands in the San Joaquin Valley; overseeing biological characterization, risk assessment, and long-term monitoring of endangered species in remediated wetlands at Concord Naval Weapons Station; conducting biotic characterizations of Fallon and Lemoore naval air stations; and completing the wildlife components of the Measure A+B transportation upgrades under the Santa Clara Valley Transportation Authority in Santa Clara County, which included successfully implementing measures to avoid take of protected species during construction on the multibillion dollar projects. Currently, he is Principal-in-Charge of a Caltrans on-call environmental services contract of over 15 transportation projects. He is also Project Manager on the Yolo County Habitat Conservation Plan.

Scott's expertise is most recently extending to renewable energy. He is Principal-in-Charge of many projects, including: the Bear River Ridge Wind Farm Habitat Conservation Plan; a bird and bat movement and mortality assessment at the Collinsville Montezuma Hills Wind Resource Area for the California Energy Commission; the King City Wind Farm site assessment and resource agency consultation; the Pacific Gas & Electric WaveConnect wave-energy project off Eureka, California; an environmental assessment framework for marine renewable energy projects for the Department of Energy; preparation of a "white paper" on developing wave energy in Coastal California; and other renewable projects in California, Oregon, Washington, and Hawaii.



Sharon H. Kramer, Ph.D.

Senior Associate Fish Ecologist

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AREAS OF EXPERTISE

- Ecology of fishes
- Riverine, coastal and estuarine ecosystems
- Habitat conservation planning
- Endangered Species Act consultation/compliance

EDUCATION

- Ph.D. Marine Biology, UC San Diego, Scripps Institution of Oceanography, 1990
- M.S. Zoology, Univ. of Hawaii, Manoa, 1983
- B.A. Aquatic Biology, UC Santa Barbara, 1979

PRIOR PROFESSIONAL EXPERIENCE

- Senior Aquatic Ecologist & Principal, Stillwater Sciences, 2000-2007
- Regional Science Coordinator, National Marine Fisheries Service, 1997-2000
- Resource Specialist, Metropolitan Water District of Southern California, 1996
- Fish/Wildlife Biologist, U.S. Fish and Wildlife Service, Pacific HCP, 1994-1995
- Science Associate, California Sea Grant College Research Program, 1993-1994
- Postdoctoral Researcher, Australian Institute of Marine Science, 1991-1993

KEY PUBLICATIONS

Golightly, R. T., S. H. Kramer, and C. D. Hamilton. 2011. Assessment of natural resource and watershed condition: Redwood National and State Parks, Whiskeytown National Recreation Area, and Oregon Caves National Monument. Natural Resource Report NPS/NRPC/WRD/NRR—2011/335. National Park Service, Fort Collins, Colorado

Bell, E., S. H. Kramer, J. L. Aspittle, D. Zajanc. (2008). Salmonid Fry Stranding Mortality Associated with Daily Water Level Fluctuations in Trail Bridge Reservoir, Oregon. *North America Journal of Fisheries Management* 28:1515-1528.

Complete list of publications available upon request

PROFESSIONAL PROFILE

Sharon is an experienced fish ecologist heading up our fish ecology division and North Coast office, operating out of Arcata, California. Sharon's expertise spans over 25 years and focuses on aquatic ecology and fisheries biology in the Pacific Northwest, California, Australia, and Hawaii. Her academic research included studies of larval and juvenile fish energetics, distribution patterns, survival and growth of fishes in shallow water marine and estuarine habitats, use of shallow-water eelgrass, mud, and sand flat habitat as nursery habitat for juvenile fishes on the Great Barrier Reef, and juvenile salmonid habitat utilization. Sharon's recent professional research and work has focused on integrating watershed and coastal processes and the freshwater, estuarine, and coastal ecology of fishes, including listed salmonids and tidewater goby.

Since joining H. T. Harvey & Associates in 2007, Sharon has been involved in a variety of projects, with a focus on environmental effects of renewable energy projects. She developed study plans and provided strategic input for the Federal Energy Regulatory Commission (FERC) licensing process for Ocean Power Technology's Reedsport Wave Energy Park. She recently completed a Department of Energy market acceleration project with RE-Vision to develop an environmental assessment framework for wave and tidal renewable energy projects. She was also involved in developing the marine biological baseline, effects assessment and monitoring and adaptive management for PG&E's Humboldt WaveConnect Project FERC Pilot License Application. Most recently, she was part of a larger team developing a monitoring protocol framework for the Bureau of Ocean Energy Management for marine hydrokinetic projects including offshore wind. In addition, she has been integral in developing the Habitat Conservation Plan (HCP) for the Bear River Wind Project, focusing on minimizing and mitigating project effects on marbled murrelets.

She recently completed 3-years of fish monitoring of levee repair projects on the Sacramento River and Delta focusing on Chinook salmon and steelhead habitat utilization, watershed condition assessments of three national park units, and monitoring and restoration permitting associated restoration of the Salt River in the Eel River Estuary. She has also developed an alternative assessment and conceptual design for the removal of San Clemente Dam on the Carmel River addressing impacts to steelhead passage, and is involved in fish aspects of the South Bay Salt Pond Restoration Program, from development of fish monitoring plans to biological assessments.

Before joining HTH, Sharon opened and managed the Arcata office of a North Coast consulting firm: as a Principal, she managed over 20 scientists mostly involved in the FERC hydro-relicensing process. She has extensive experience with salmonids and habitat, including work on instream flows in the McKenzie River, OR and work on the San Joaquin River Restoration Objectives and Strategies conducted during the pre-settlement process for the San Joaquin River Restoration Program. She was the principal investigator for the Napa River Estuary Fisheries Monitoring Program for the U.S. Army Corps of Engineers. Sharon previously worked for the National Marine Fisheries Service (NMFS) as a regional science coordinator and fisheries biologist, managing and developing aquatic conservation strategies for salmonids in multi-species HCPs including the Pacific Lumber Company Headwaters HCP. Additionally, she provided scientific guidance to NMFS on regional planning strategies for salmonid recovery, including the development of guidelines for forest practices.



MEMORANDUM

TO: Jason Weinstein, Senior Program Coordinator, BATA/MTC
Natalina Bernardi, Principal/Vice President, BKF Engineers

FROM: Meryka Blumer, David J. Powers & Associates, Inc.
Judy Shanley, David J. Powers & Associates, Inc.

DATE: April 5, 2012

SUBJECT: **Technical Memorandum – Visual Assessment**
Bay Bridge Toll Authority Transportation Art Proposal
Temporary Bay Bridge Lights

The purpose of this memorandum is to assess the visual impacts associated with the proposed transportation art installation of temporary lights on the upper deck level of the Bay Bridge's West span in the City of San Francisco.

PROJECT DESCRIPTION

The Project proposes to temporarily install light-emitting diode (LED) white lights on the Bay Bridge, in honor of the Bay Bridge's 75th Diamond Anniversary. Up to thirty thousand (30,000) energy-efficient LED lights, approximately two (2) inches in diameter each, will be installed on the vertical suspender cables of the north facing side of the upper deck level of the Bay Bridge's West span.

The LED lights will be secured to the vertical suspender bridge cables in strings of 75 fixtures per string at one foot spacing, and the LED nodes will be placed on the cables' outside-facing direction. The lights will be attached to the outer part of the bridge suspender cables with two (2) plastic coated stainless steel zip ties (one on top and one at the bottom of each fixture), so no paint disturbances will occur to the bridge structure. There will be a main fiber line installed through the system for control of the lighting system and power will be taken from existing facilities on the bridge. Electrical boxes (approximately 8x8x3 inches in size) will be required for the power of the lights (80 power/data boxes total) and communication of the lights control system (80 FO/Ethernet media converter boxes total). All electrical boxes will be bolted to a longer steel channel that will be attached to the existing bridge cable as one unit. The electrical boxes will be evenly spaced along the lower railing and on top of the bridge at the highest point, with a maximum spacing of 100 feet. Installation of the lights will not require any permanent disturbance to the bridge structure or ground disturbance off the bridge.

The bridge lights will face away from bridge vehicular traffic and will be lit from dusk to early morning (between 12:00am and 2:00am) in commemoration of the Bay Bridge's 75th Diamond Anniversary, which extends from late 2011 to 2012. The light display will be controlled by the artist and will appear to be moving in a wave like and alternating flickering pattern, with the option of a static pattern as well. The light installation will begin in August 2012 and it is anticipated that the lights will be first illuminated in late 2012.

The LED lights will be installed over a period of six months during the evening/overnight hours (8:00pm to 5:00am weekdays and 9:00pm to 8:00am weekends), which will require nightly lane closures. The lights will be permanently removed from the West Span after two years, with light removal expected to be in January 2015. Removal of the lights will also be done during the evening/overnight hours, requiring nightly lane closures, and will take approximately three months.

VISUAL ENVIRONMENT OF THE PROJECT SITE

Project Setting

The West Span of the Bay Bridge crosses the San Francisco Bay (SF Bay) between Yerba Buena Island (YBI) and the City of San Francisco. The West Span is 10,304 feet (approximately two miles) long and consists of a double deck structure with two complete steel plated suspension spans connected at a center concrete anchorage. The West Span includes diagonal perforated steel crossbeams connecting the upper and lower road decks and four steel towers 519 feet high, located between rows of vertical suspender cables (Photo 1). The upper deck level includes five one-way travel lanes and serves as the Interstate 80 (I-80) western anchorage and touch-down for the San Francisco side of the Bay Bridge from YBI.

Existing Visual Character and Visual Quality

Given that the Bay Bridge is located at the interface between the natural setting of the SF Bay, YBI, and the existing development of the City of San Francisco and YBI, the project area is considered to be suburban in nature. The visual character of the Bay Bridge is dominated by the SF Bay. The Bay Bridge itself is also a visual feature because its massive scale visually dominates the area. Under existing nighttime conditions, views of the Bay Bridge include lights along the top of the suspender cables between the towers, and roadway lights (Photo 2). The Bay Bridge also includes marine navigation lights pursuant to the requirements of 33 CFR 118. The center of the navigable channel under each span is marked by two green lights, and each margin of each navigable channel is marked by a red light. Because the Bay Bridge has two or more spans over a navigable channel, the main channel span is also marked with three white lights arranged in a vertical line directly above each green light. The steel and concrete of the bridge contrast with the SF Bay and YBI, adding to the visual diversity of the landscape. The scale and structure of the bridge complement the existing buildings on the San Francisco side of the bridge.

According to the publication *Visual Impact Assessment for Highway Projects* (Federal Highway Administration, March 1981), visual quality is evaluated by identifying the vividness, intactness, and unity present in the viewshed.¹ The visual quality of the Bay Bridge is high, given the presence of the SF Bay. The **vividness** of the project setting is high, given the Bay Bridge is massive in scale and dominates views in the area. The Bay Bridge does not disrupt the **intactness** of the landscape because the scale and elevation of the bridge is consistent with development on the San Francisco shoreline. The Bay Bridge provides **unity** to the project area, as development transitions from the sparsely populated YBI in the east, across the SF Bay, to the highly developed urban skyline of San Francisco in the west.

¹ **Vividness** is the visual power or memorability of landscape components as they combine in distinctive visual patterns. **Intactness** is the visual integrity of the natural and man-built landscape and its freedom from encroaching elements. **Unity** is the visual coherence and compositional harmony of the landscape considered as a whole; it frequently attests to the careful design of individual man-made components in the landscape.

EXISTING VIEWS OF AND FROM THE PROJECT SITE

Project Viewshed

The north facing side of the upper deck level of the Bay Bridge's West span is visible looking west from a small stretch of the existing bridge viaduct structure on the west side of YBI (Photo 3 and Photo 4), and looking east from various public access points along the San Francisco shoreline. Groups with a predominate view of this area of the Bay Bridge include the people who work at, or visit the San Francisco shoreline, mainly along The Embarcadero (Photos 5 to 13). This area of the Bay Bridge is also visible to mariners within the Bay channel traveling south.

Viewer Exposure

Viewer exposure is typically assessed by measuring the number of viewers exposed to the resource change, type of viewer activity, duration of their view, speed at which the view moves, and position of the viewer.² For example, viewer groups with frequent, stationary exposure to a particular landscape are expected to have greater sensitivity and have a stronger desire for visual detail; whereas users of a roadway would have a temporary, moving view and would, therefore, have different values regarding scenic quality, such as a greater need for visual simplicity.

The employees and travelers along the San Francisco shoreline, as well as the mariners in the Bay, have the greatest degree of exposure with frequent and stationary views of the north facing side of the Bay Bridge upper deck. While drivers along the upper deck would have frequent exposure to the bridge vertical suspender cables, they would have a moving view, which reduces visual acuity and narrows the cone of vision (Photos 14 to 15). The speed limit along the Bay Bridge is 50 miles per hour. At this speed, the duration of views is not long enough for drivers and passengers to perceive the landscape and notice visual features in the project area. The motorists, bicyclists and pedestrians traveling the San Francisco shoreline, and the mariners within the Bay, would have the greatest degree of exposure due to the ability to view the Bay Bridge from along most of the shoreline and the increased duration of views.

Viewer Sensitivity

Viewer sensitivity is defined both as the viewers' concern for scenic quality and the viewers' response to change in visual resources that make up the view.³ Viewer response is influenced by local values and goals with particular sensitivity to landscapes with cultural significance.

The San Francisco Bay shoreline and Bay are considered scenic resources in the City of San Francisco. According to the City of San Francisco General Plan, the Pacific Ocean, San Francisco Bay and their respective shorelines are the most important natural resources in San Francisco and the Embarcadero corridor is becoming one of the world's great public waterfronts. Policy 3.4 in the Recreation and Open Space Element is to "create a visually and physically accessible urban waterfront along the Embarcadero corridor between Fisherman's Wharf and China Basin." As indicated by the General Plan, maintaining the visual accessibility and views along the San Francisco shoreline is a priority in terms of visual resources for the City.

² Federal Highway Administration. 1981. *Visual Impact Assessment for Highway Projects*. March 1981

³ Ibid.

VISUAL ASSESSMENT

The visual impacts of the proposed temporary lights project are determined by assessing the visual resource change due to the project and predicting viewer response to that change.⁴ The following describe the levels of visual impact:

Low: Minor adverse change to the existing visual resource, with low viewer response to change in the visual environment. May or may not require mitigation.

Moderate: Moderate adverse change to the visual resource with moderate viewer response. Impact can be mitigated within five years using conventional practices.

Moderately High: Moderate adverse visual resource change with high viewer response or high adverse visual resource change with moderate viewer response. Extraordinary mitigation practices may be required. Landscape treatment required will generally take longer than five years to mitigate.

High: A high level of adverse change to the resource or a high level of viewer response to visual change such that architectural design and landscape treatment cannot mitigate the impacts. Viewer response level is high. An alternative project design may be required to avoid highly adverse impacts.

Changes to Visual Character of the Site

The installation of the LED white lights would change the visual character of the site, but would complement the existing aesthetic value of the Bay Bridge and its surrounding setting by adding an additional visual element to the character of the bridge. The light display has been designed to be compatible with the surrounding SF Bay and shoreline. The LED white lights would not affect daytime views, as the small LED lights would be imperceptible from the San Francisco shoreline. When lit, the light pattern would replace the existing lights along the top of the suspender cables between the towers, but would not otherwise change the view of the Bay Bridge or block existing views in anyway. The LED white lights would not interfere with the marine navigation lights, as they will be installed on the vertical suspender bridge cables, well above the marine navigation lights.

The visual character of the site would be slightly affected during the installation of the lights due to the presence of installation crews and traffic controls. The lights will be installed during the evening/overnight hours and will require nightly lane closures on the Bay Bridge. Because the installation is temporary (up to four months) and the visibility of the traffic controls and installation crews would be primarily limited to the immediate surroundings, the visual impact would be low.

Changes to Visual Resources

The temporary LED white lights would not substantially affect the visual quality of the area, as the light display has been designed to complement the existing views of the Bay Bridge and its surrounding by adding an additional element that increases the visual experience. The lights will create a fine arts experience for San Francisco residents and visitors, and bring a fresh focus to the structure that represents connectivity and mobility. The white lighting scheme is representative of

⁴ Ibid.

the Bay Bridge's 75 Diamond Anniversary of the bridge opening. The white theme will also serve to introduce the aesthetic of the new East Span, slated to open in 2013.

Views of the Bay Bridge Lights

As previously described, the key views from which the project will be visible include the San Francisco shoreline, mariners within the Bay, vehicle users on the Bay Bridge (passengers and drivers), and a small stretch of the existing bridge viaduct structure on the west side of YBI. The Bay Bridge's massive scale visually dominates the area; therefore, the proposed project would affect a scenic vista.

The Bay Bridge lights will be lit from dusk to early morning (between 12:00am and 2:00am). It is anticipated that viewer response in the area will be low and likely positive, because the view of the Bay Bridge with the proposed light display will generally be similar to existing views (Photo 16).

The LED white lights will be installed on the outside of the vertical suspended cables and face away from bridge vehicular traffic. The view of the bridge structure from roadway users would be the same as existing views. The duration of views is not long enough for drivers and passengers to perceive the landscape and notice visual features or changes in the area; therefore the viewer response of roadway users would be low.

Per the federal requirements of Title 33: Navigation and Navigable Waters, (33 CFR 118.10), no person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part. Therefore, the proposed Bay Bridge lights may not obstruct or interfere with the existing Bay Bridge navigational lights. The proposed LED white lights will be installed on the vertical suspended cables well above the existing marine navigation lights and will not block or obscure the navigational lights. Additionally, the LED white lights cannot interfere with the visibility of the required navigation lights by mariners, especially during varying weather conditions (i.e., fog). For this reason, Caltrans will have an established procedure in place during the period the lights are illuminated to quickly extinguish or adjust the LED white lights display, as needed, to ensure marine navigation safety.

Similarly, the proposed Bay Bridge lights will not obstruct or interfere with the Federal Aviation Administration (FAA) aviation obstruction lights currently in place on the bridge for aviation safety.

Because the project will not adversely affect the visual quality of the area or block views, the viewer response to the Bay Bridge lights by mariners within the Bay, and motorists, bicyclists and pedestrians traveling along the San Francisco shoreline viewer group will be low and likely positive.

References:

United States Department of Transportation, Federal Highways Administration, Office of Environmental Policy. *Visual Impact Assessment for Highway Projects*. March 1981.

Caltrans Transportation Art Proposal. *The Bay Lights*. July 2011.

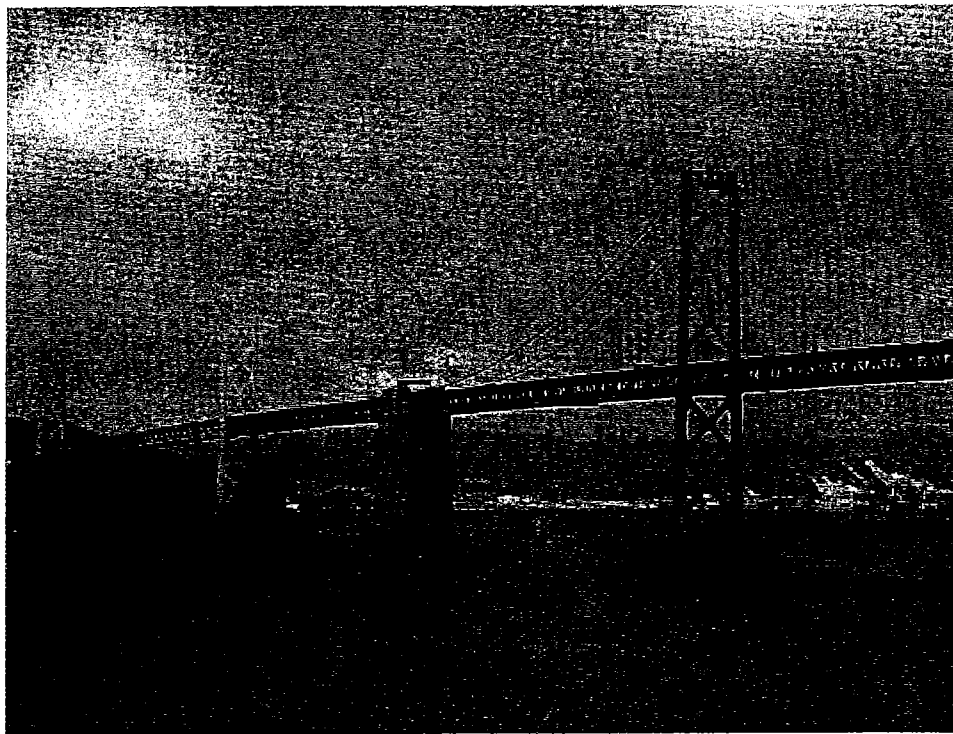


Photo1. View of Bay Bridge looking east from the San Francisco shoreline, towards Yerba Buena Island and hills.

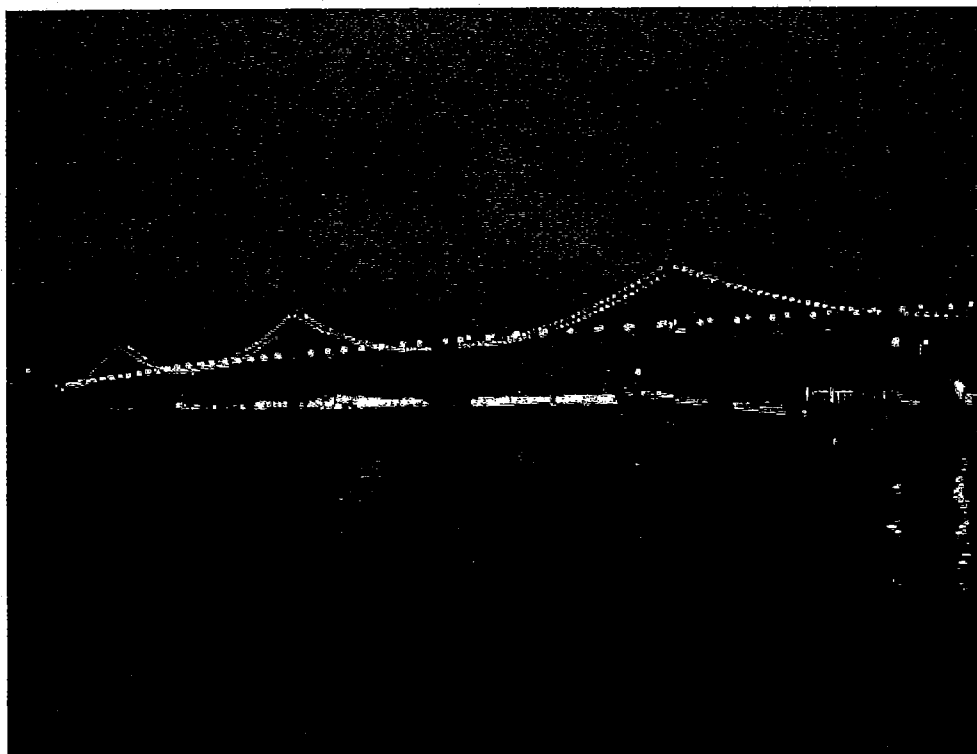


Photo 2: Nighttime view of Bay Bridge looking east from the San Francisco shoreline, towards Yerba Buena Island and hills.



Photo 3: View of the Bay Bridge looking west from Yerba Buena Island, towards the San Francisco shoreline.

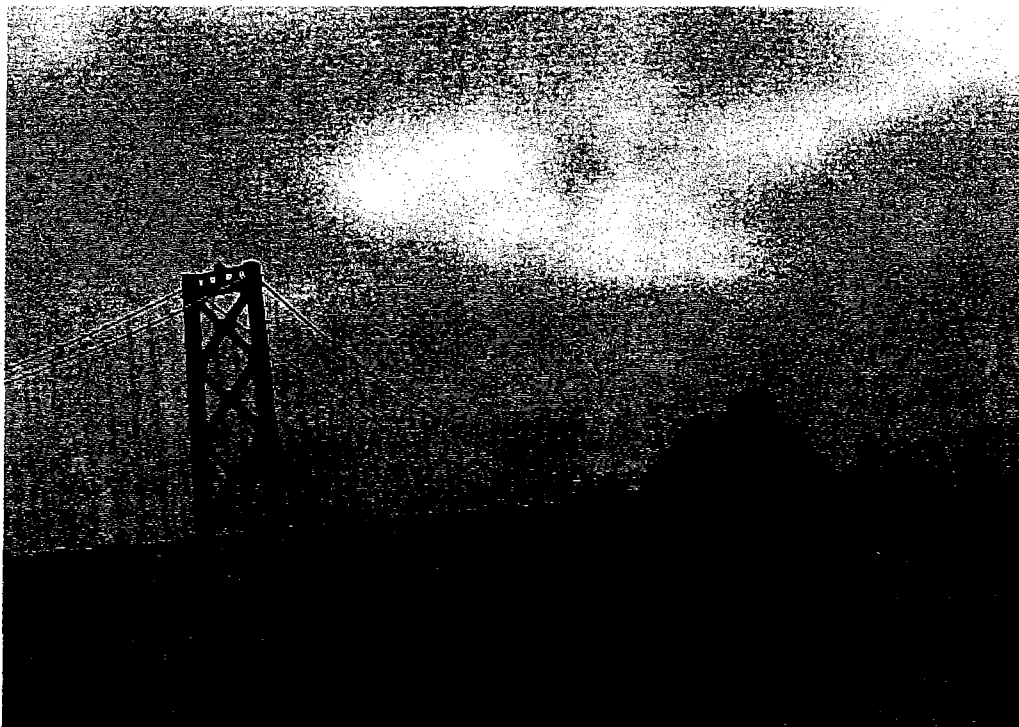


Photo 4: View of the Bay Bridge looking west from Yerba Buena Island, towards the San Francisco shoreline.



Photo 5: View of Bay Bridge looking east from the San Francisco shoreline between Pier 9 and Pier 7, towards hills.



Photo 6: View of Bay Bridge looking east from the San Francisco shoreline from Pier 7, towards hills.

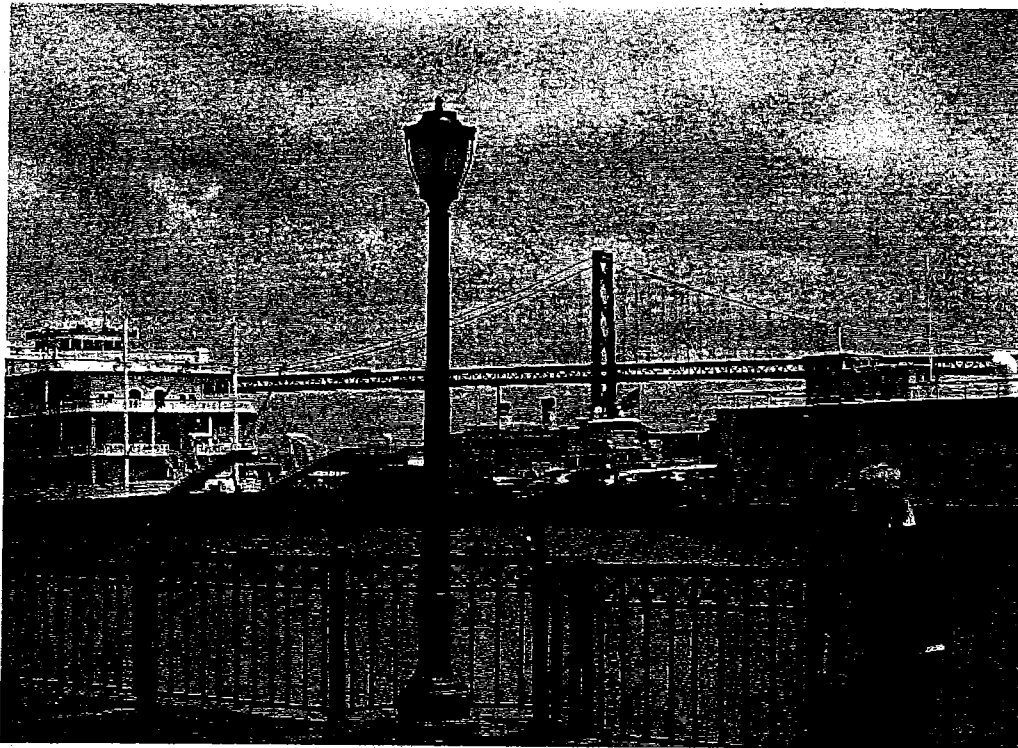


Photo 7: View of Bay Bridge looking east from the San Francisco shoreline on wooden pier between Pier 7 and Pier 5, towards hills.

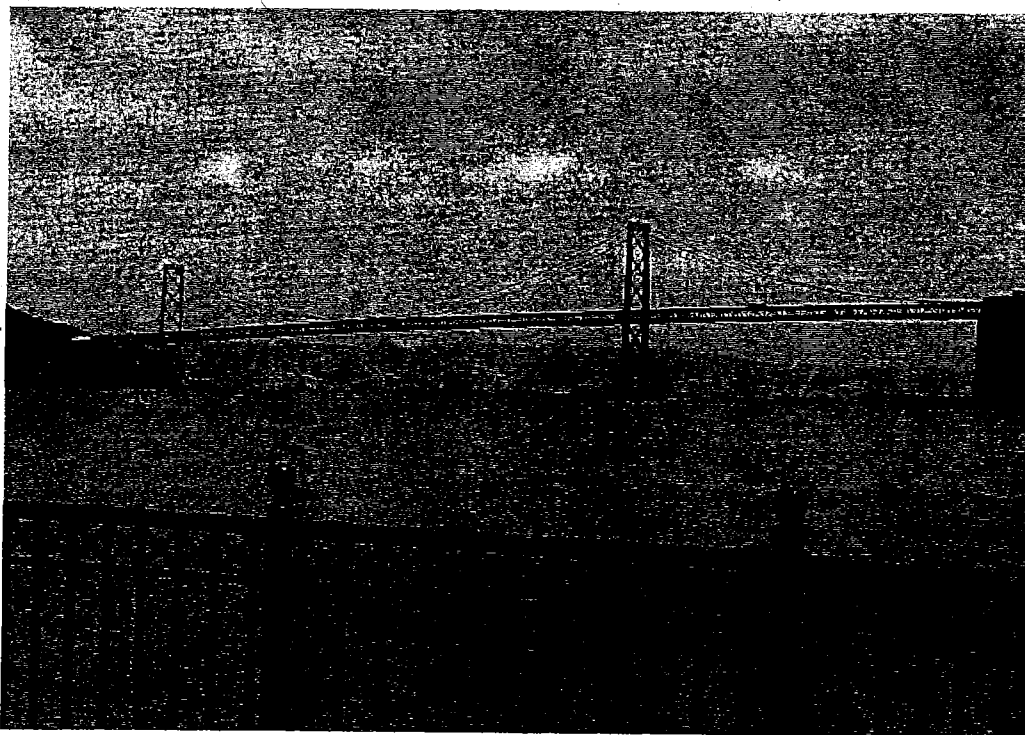


Photo 8: View of Bay Bridge looking east from the San Francisco shoreline from Pier 5, towards Yerba Buena Island and hills.

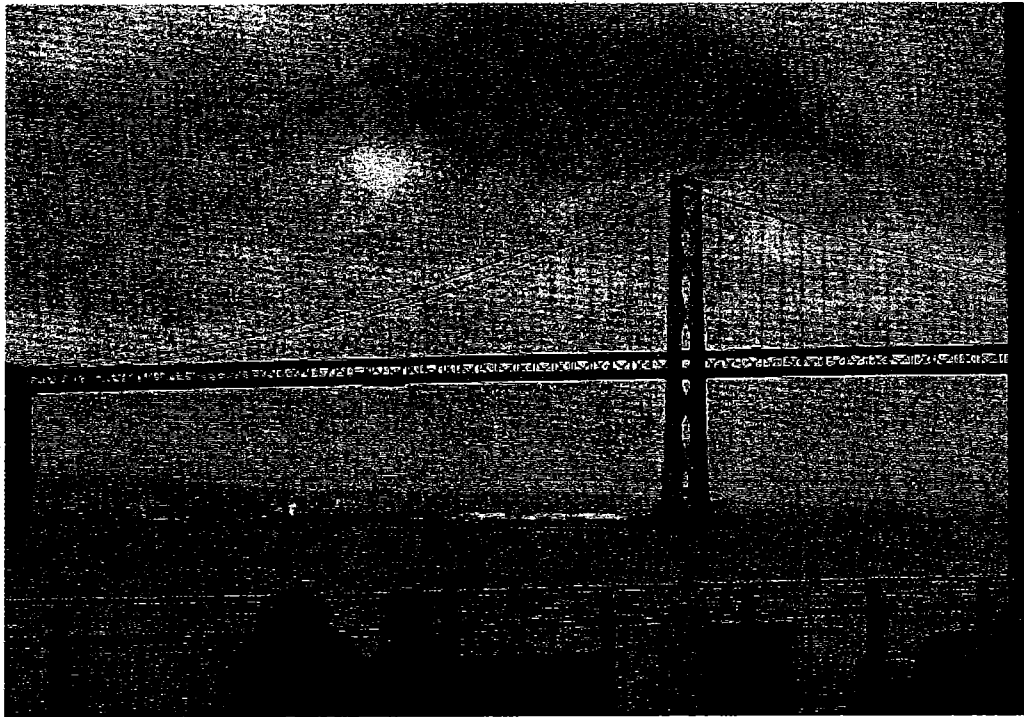


Photo 9: View of Bay Bridge looking east from the San Francisco shoreline from Pier 1, towards hills.



Photo 10: View of Bay Bridge looking east from the San Francisco shoreline from between Pier 1 and Ferry Building, towards Yerba Buena Island and hills.



Photo 11: View of Bay Bridge looking east from the San Francisco shoreline from Ferry Building.



Photo 12: View of Bay Bridge looking east from the San Francisco shoreline from Pier 2.



Photo 13: View of Bay Bridge looking east from the San Francisco shoreline from Pier 14, towards Yerba Buena Island.



Photo 14: View of tower and suspender cables of Bay Bridge looking west, toward the San Francisco shoreline, from Yerba Buena Island on-ramp.



Photo 15: View of suspender cables of Bay Bridge looking west, toward the San Francisco shoreline, from Bay Bridge.

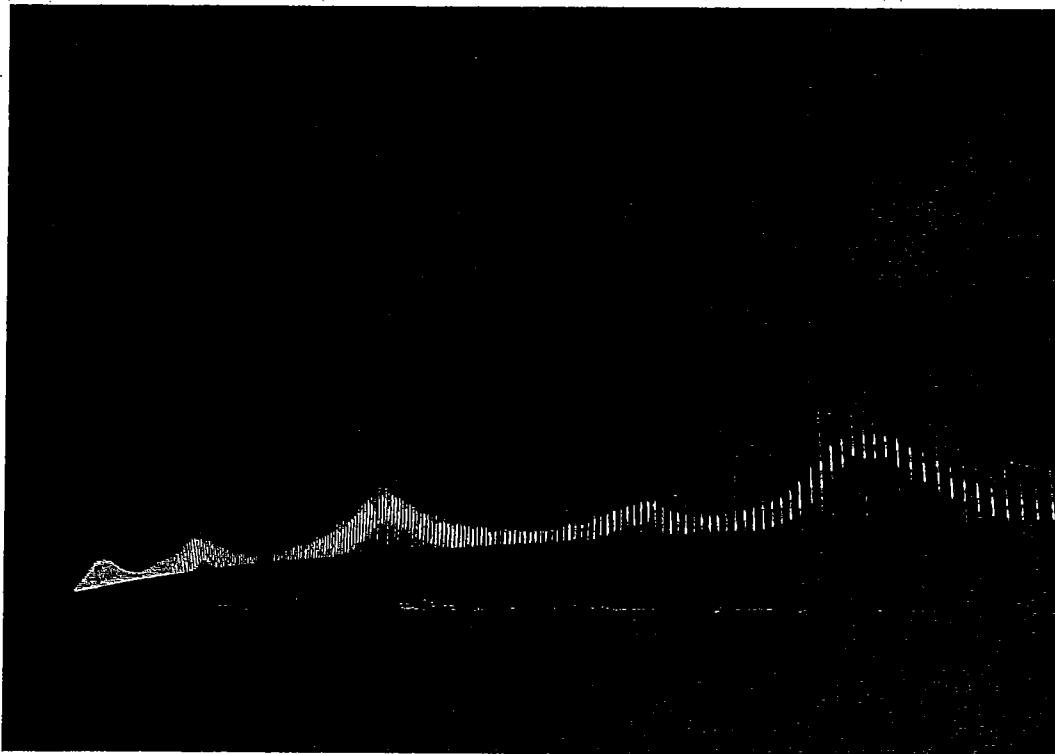


Photo 16: Artist Rendering of Bay Bridge Lights looking east from San Francisco shoreline, towards hills.



MEMORANDUM

TO: Jason Weinstein, Senior Program Coordinator, BATA/MTC
Natalina Bernardi, Principal/Vice President, BKF Engineers

FROM: Meryka Blumer, David J. Powers & Associates, Inc.
Judy Shanley, David J. Powers & Associates, Inc.

DATE: April 5, 2012

SUBJECT: Lead Hazard Technical Memorandum
Bay Bridge Toll Authority Temporary Bay Bridge Lights

The purpose of this memo is to demonstrate that the temporary Bay Bridge Lights installation will not cause a lead contamination hazard above a threshold of concern for the light installers or future Caltrans bridge maintenance staff, or result in any unsafe material for disposal.

PROJECT DESCRIPTION

The project proposes to temporarily install light-emitting diode (LED) white lights on the Bay Bridge, in honor of the Bay Bridge's 75th Diamond Anniversary. Up to thirty thousand (30,000) energy-efficient LED lights, approximately two (2) inches in diameter each, will be installed on the vertical suspender cables of the north facing side of the upper deck level of the Bay Bridge's West span.

The LED lights will be secured to the vertical suspender bridge cables in strings of 75 fixtures per string at one foot spacing, and the LED nodes will be placed on the cables' outside-facing direction. The lights will be attached to the outer part of the bridge suspender cables with two (2) plastic coated stainless steel zip ties (one on top and one at the bottom of each fixture), so no paint disturbances will occur to the bridge structure. There will be a main fiber line installed through the system for control of the lighting system and power will be taken from existing facilities on the bridge. Electrical boxes (approximately 8x8x3 inches in size) will be required for the power of the lights (80 power/data boxes total) and communication of the lights control system (80 FO/Ethernet media converter boxes total). All electrical boxes will be bolted to a longer steel channel that will be attached to the existing bridge cable as one unit. The electrical boxes will be evenly spaced along the lower railing and on top of the bridge at the highest point, with a maximum spacing of 100 feet. Installation of the lights will not require any permanent disturbance to the bridge structure or ground disturbance off the bridge.

The bridge lights will face away from bridge vehicular traffic and will be lit from dusk to early morning (between 12:00am and 2:00am) in commemoration of the Bay Bridge's 75th Diamond Anniversary, which extends from late 2011 to 2012. The light display will be controlled by the artist and will appear to be moving in a wave like and alternating flickering pattern, with the option of a static pattern as well. The light installation will begin in August 2012 and it is anticipated that the lights will be first illuminated in late 2012.

The LED lights will be installed over a period of six months during the evening/overnight hours (8:00pm to 5:00am weekdays and 9:00pm to 8:00am weekends), which will require nightly lane closures. The lights will be permanently removed from the West Span after two years, with light removal expected to be in January 2015. Removal of the lights will also be done during the evening/overnight hours, requiring nightly lane closures, and will take approximately three months.

EXISTING ON-SITE SOURCES OF LEAD

The Bay Bridge was constructed in five phases between 1933 to 1936; the West Span was constructed in the third construction phase.¹ Due to the date of construction, the paint used at the time had a high lead concentration.² Paints contained lead concentrations until 1977, when the United States Consumer Product Safety Commission banned lead paint, because of its health risk effects. The more recent paints used for Bay Bridge maintenance are a zinc based primer, top coated with a latex color coat. However, during the repainting processes the original lead based primer is rarely removed, as it is still the best corrosion protection available.³

Because the Bay Bridge paint contains high lead concentrations, it could present a health risk to workers during installation and removal of the lights. The lights will be attached to the outer part of the bridge suspender cables with two (2) plastic coated stainless steel zip ties. It is not anticipated that any paint disturbances will occur to the bridge structure during the installation or removal process; however, if workers encounter any peeling, chipping, chalking, or cracking paint during the process, there is a potential for exposure to lead. The grime and debris on the bridge may also contain lead.

MEASURES TO ADDRESS ON-SITE SOURCES OF LEAD

Lead-based paint present on the Bay Bridge could present a risk to workers during installation and removal of the lights. The Caltrans *Project Development Procedures Manual, Chapter 18, Environmental Contamination*, defines varying degrees of risk for the presence of hazardous materials: high, medium, and low. The presence of lead paint on structures is a low risk issue, because while these are conditions that will require special provisions for health and safety, they will not need advance cleanup or project design changes. The *Project Development Procedures Manual* notes that if contamination is present, worker health and safety must be considered and measures to eliminate potential harmful worker exposures must be planned for and included in the project. These measures can include a worker Health and Safety Plan and control measures (i.e., contain the work area, minimize dust, and clean up thoroughly).

The project shall comply with the following sections of the 2010 Caltrans Standard Specifications. The project is required to conform to the provisions in *Section 12, Construction Area Traffic Control Devices*, of the Standard Specifications for maintaining traffic during installation and removal of the lights. Section 14-11 of the 2010 Caltrans Standard Specifications includes general specifications relating to hazardous waste and contamination. Standard Special Provisions (SSPs) 14-11.08 is for *Disturbance of Existing Paint Systems on Bridges*. SSPs are project-specific specifications used when specific issues may be encountered that are not covered by the Caltrans Standard Specifications. SSPs are needed when handling contaminants or meeting specialized hazardous waste regulatory or safety requirements. Under SSP 14-11.08, there are procedures for addressing worker exposure to lead based paint, including safety and health provisions. These

¹ Bay Bridge History. Last Accessed August 11, 2011: Available at: <http://baybridgeinfo.org/history>

² Lead paint or lead-based paint (LBP) is paint containing lead, a heavy metal that is used as pigment (either chrome yellow or white). Lead is also added to paint to speed drying, increase durability, retain a fresh appearance, and resist moisture that causes corrosion.

³ Ken Brown. Division of Maintenance, SMI Toll Bridges. Personal Communication. August 5, 2011.

provisions include providing protective work clothing (i.e., gloves, eye and face protection) and washing facilities for the workers. These provisions also include preparation of a lead compliance plan that documents the compliance program to prevent or minimize worker exposure to lead per the Division of Occupational Safety and Health (Cal/OSHA) and California Code of Regulations (8 CCR § 1532.1) requirements. In addition, before starting any activity that presents the potential for lead exposure to workers who have no prior training, the provisions require a safety training program to workers that comply with specific regulatory requirements and the lead compliance plan.

SSP 14-11.08 includes procedures for addressing the disturbed lead paint. These procedures include containment of all paint debris and visible dust when the existing paint system is disturbed. The proposed use of the plastic zip ties is not expected to disturb the existing paint, so debris collection and containment shall not be necessary. Given that maintenance painting of the Bay Bridge is an ongoing process, with work recently completed on the upper deck floor system of the West continuous spans and maintenance crews currently painting the lower section of the suspender ropes⁴, it is not likely that workers will encounter disturbed paint in quantities large enough to constitute a high risk and require a collection and containment plan for paint debris, visible dust, and grime.

CONCLUSION

Because the Bay Bridge contains paint with high lead concentrations, it could present a health risk to workers during installation and removal of the lights. It is not anticipated that any paint disturbance will occur to the bridge structure during the installation or removal of the proposed lights; however, if the workers encounter any peeling, chipping, chalking, or cracking paint during the process, there is a potential for exposure to lead. The temporary lights shall be installed and removed in conformance with Caltrans Standard Specifications, SSP 14-11.08, for disturbance of existing paint systems on bridges, which comprise worker safety and health provisions, including protective work clothing, washing facilities, and training, to reduce the risk for lead exposure.

⁴ Ibid.

Memorandum

To: Amy Critchett

CC: Ben Davis

From: David Bratton, Destination Analysts, Inc.

Date: 10/21/2011

Re: Economic Impact of The Bay Lights project

Last year, nearly 16 million visitors came to San Francisco from around the world. These travelers spent over \$8.4 billion in the city's hotels, restaurants, retail establishments and other businesses. Tourism to San Francisco is obviously big business.

San Francisco is a world class tourism destination, with many attributes that are highly prized by visitors. It might seem that the city hardly needs additional attractions or assets to support its healthy visitor industry. However, tourism is a highly competitive business that is subject to changes in the business cycle. A substantive art installation like The Bay Lights could generate a significant economic impact in new visitor dollars injected into the San Francisco economy.

Opinions on the economic impact of major arts installations on the economies of host cities vary, and case studies for comparable art installations are not available. Furthermore, many unpredictable factors will impact the success of The Bay lights in attracting visitors to San Francisco. These factors include, but are not limited to, the overall economic climate, existing demand for travel to the destination, exchange rates, competitive promotions in other destinations and

October 21, 2011

(very significantly) the reach and effectiveness marketing and PR efforts supporting the project.

In the case of The Bay Lights, all of these factors are either beyond forecasting or are not yet known. Consequently, forecasting the economic impact of The Bay Lights to San Francisco's economy would be difficult at best. We can, however, conduct simulation exercises to see what impact changes in visitor volume potentially generated by The Bay Lights would have on the city's economy.

We believe The Bay lights would have two direct impacts on the San Francisco tourism economy.

1. Increased day-trip visitation by Bay-Area residents (and their out-of-town guests) that will come into San Francisco to experience The Bay Lights.
2. Increased hotel occupancy resulting from visitors either coming to San Francisco specifically to see The Bay Lights or extending their stay for this purpose.

Destination Analysts staff has conducted tourism industry economic impact analysis on the San Francisco tourism industry many years. We unrivaled expertise in this area, and believe that changes in visitor volume generated by The Bay Lights in both segments have the potential to significantly impact the local economy. That being said, we believe that the best approach to understanding the impact of The Bay Lights project is to look at reasonable and conservative changes in these visitor segments (described above) and examine what would happen on the local economy.

For our simulation exercise, we have made three critical assumptions¹:

1. In the both years that The Bay Lights will be in place, San Francisco's hotel occupancy will increase by 0.25% on an annual basis as a direct result of travelers visiting or extending their stay to see the art. Again, the amount they will spend during this trip to San Francisco is assumed to be identical to what San Francisco hotel guests typically spend on a leisure trip to the city.
2. Each year during the two year period of installation, 2.5% of the Bay Area resident population will make a day trip to San Francisco specifically to view The Bay lights installation. Further, the amount they will spend during this trip to San Francisco is assumed to be identical to what these residents would typically spend on a leisure trip to the city.
3. Visitors who come to the Bay Area and stay with friends and relatives who live outside the city may also want to come into town to see the exhibit. We assume here that 2.5 percent of these visitors will make such a visit annually.

In the simulation exercise we conducted based on these assumptions, the increase in new direct visitor spending in San Francisco resulting from The Bay Lights project would amount to a total of \$96.8 million during the two year period.

¹ We believe these to be conservative assumptions, and the project might well exceed these results. For example, a 0.25% increase in San Francisco's hotel occupancy rate could be generated by only 42 new visitors arriving in town daily. Further, each year approximately 65 percent of the Bay Area's residents already make at least one leisure day-trip into San Francisco. The average resident makes 2.8 such trips. The assumption that 2.5 percent of this population will make one special trip to see the art installation seems credible and conservative.

The table below shows our estimates for each segment.

	Estimated New Visitor Spending in SF (2 year period)
San Francisco Hotel Guests	\$25.2 million
Bay Area residents	\$36.0 million
Bay Area residents' guests	\$35.6 million
Total	\$96.8 million

As suggested earlier, the simulation exercises used to make these estimates depend on the assumptions outlined above, which are based on our conservative best guesses as to the impact of the art installation on traveler behavior. Too many factors are yet in play to make any type of forecast. The results of these simulation exercises should therefore be used with the appropriate caution and need be presented to stakeholders and the community not as a forecast, but rather as an indicator of the potential of the art to impact our local economy.

March 5, 2012

MEETING OF THE FULL ARTS COMMISSION

Monday, March 5, 2012

3:00 p.m.

City Hall Room 416

Minutes

Commission President JD Beltran called the meeting to order at 3:03 p.m.

1. Roll Call

Commissioners Present

JD Beltran, President
 Sherene Melania, Vice President
 Mark Breitenberg
 Gregory Chew
 Leo Chow
 Amy Chuang
 Chuck Collins
 Dorka Keehn
 Roberto Ordeñana
 Jessica Silverman
 Kimberlee Stryker
 Ron Miguel, ex officio

Commissioners Absent

John Calloway
 Barbara Sklar
 Cass Calder Smith

Commissioner Miguel explained that, by code, the Planning Commission President is an ex officio member of the Arts Commission, because the two Commissions often have projects and concerns in common. He explained that he was the former President of the Planning Commission, and he introduced Rodney Fong, the incoming Planning Commission President, and Cindy Wu, incoming Vice President. Commissioner Miguel explained that President Fong has asked him to continue to serve as ex officio Arts Commissioner on behalf of the Planning Commission.

President Beltran welcomed President Fong and Vice President Wu, noting that she had attended some Planning Commission meetings and she deeply admired them for the responsibilities they have undertaken.

2. Approval of Minutes

RESOLUTION NO. 0305-12-045: Motion to approve January 9, 2012 Minutes.

Commissioner Ordeñana offered a correction to the February 6 minutes, explaining that he had participated in the LGBT Advisory Committee of the San Francisco Human Rights Commission, not the Human Rights Campaign. The minutes were approved with that correction.

RESOLUTION NO. 0305-12-046: Motion to approve February 6, 2012 Minutes.**3. President's Report**

President Beltran explained that she would not give a report since it would mostly duplicate the budget presentation to be given by the Director and Deputy Director.

4. Director's Report

Director of Cultural Affairs Tom DeCaigny recapped the highlights of his report to the Executive Committee on February 27. He discussed some key human resources policies and procedures. He explained that he has requested that all program directors, the communications director and the accounting team to produce a policies and procedures manual, including an organization chart and key policies and procedures for each program area, as well as up-to-date job descriptions. He noted that some of the job descriptions are out-of-date, or have evolved since the employee's last review, and added that this was a recommendation from the Controller's audit. He expected to have the job descriptions finalized by March 30, and the manuals by the end of the fiscal year, June 30.

Mr. DeCaigny reported that he and Deputy Director Rebekah Krell have undertaken a review of compensatory time and overtime policies in each of the union contracts for Arts Commission staff, and have clarified and restated these policies for staff. He is also conducting a review of the policies and resources with regard to professional development and staff travel; this is also pursuant to a recommendation from the Controller's audit.

(Commissioner Silverman arrived at 3:09 p.m.)

Mr. DeCaigny also wanted to correct the term "grievance" used at that meeting, regarding five cases of back-pay claims. The union has not filed formal grievances, as the agency is not contesting the claims, but is correcting a paperwork error, involving about \$15,000 owed to these five employees.

Regarding the contract with the Center for Cultural Innovation ("CCI"), Mr. DeCaigny reported that he will meet with Cultural Equity Grants Program Director San San Wong and CCI Director Cora Mirikitani to review the status of the studies previously undertaken. He recalled that the Helicon evaluation of Cultural Equity Grants has been completed, and that the studies on the Latino and Asian-American arts ecosystems were put on hold. He explained that he hopes to incorporate the information gathered to date, to capitalize on the investment and integrate the information into a broader strategic planning process. Following the Controller's recommendation to return about \$118,000 allocated, but unspent, for these studies, the funds will be redirected to a more robust agencywide planning process, with considerable community involvement, as well as participation by staff and Commissioners. He added that the agency will be seeking matching funds from private philanthropy to allow for a more robust planning process for a three-to-five year period.

Mr. DeCaigny gave an update on the proposed move to the War Memorial Veterans Building in July, 2015. He explained that there was a verbal agreement on this when he arrived at the Commission, and he is working with Ms. Krell and with War Memorial Managing Director Elizabeth Murray to flesh out plans. He explained that the plan currently includes administrative offices on the third floor, covering some 4,200 square feet, and about 4,400 square feet of gallery and public space on the first floor. He thought it was really exciting to be involved with City peer agencies in activating the War Memorial, and will be working closely with Ms. Murray on a draft floor plan to determine how the space will be used. He added that he has met with Commissioner Chow to help evaluate the plans and will be working with Ms. Krell on financial forecasting for both initial capital costs and ongoing rent costs. He said that he would report further on this in the coming months.

Mr. DeCaigny reported on a new matter not discussed at the Executive Committee, a letter to the Department of Elections on the upcoming ballot regarding Coit Tower policy. He explained that the agency has provided a response to the Ballot Simplification Committee. After consultation with Recreation and Parks leadership, the response says that the Arts Commission found the ballot initiative as drafted overly restrictive. He explained that preservation of the Coit Tower murals is a

primary commitment of the agency, and the Arts Commission is working in cooperation with Recreation and Parks, which has committed some \$250,000 to their restoration. He said that the Arts Commission is currently assessing the total cost of restoring the murals, and the agency is committed to considering the overall context of the health of the building, including some issues of water permeation and possible water storage at the top of the tower. He explained that while the agency totally agrees with the spirit of the initiative, staff felt that the language overly restricted revenue sources for private and commercial use and hope to be able to continue to partner with Recreation and Parks to be able to eventually use the revenue elsewhere in the city, including under-resourced communities throughout San Francisco, and perhaps for other artworks in the City's collection. Of course, he said, the Coit Tower murals are the priority right now, but he believes that the ability at some point in the future to use revenue generated there would be of value.

Commissioner Keehn asked about Executive Committee minutes, and Mr. DeCaigny explained that they were not ready.

There was no public comment.

5. **Consent Calendar**

President Beltran severed item 35, regarding the award of a grant to Queer Cultural Center, at the request of Commissioner Ordeñana, who explained that he would recuse himself for a potential conflict of interest because Queer Cultural Center rents space from his employer, the San Francisco Lesbian, Gay, Bisexual and Transgender Community Center.

Commissioner Keehn requested that item 28, regarding the *Bay Lights* project, be severed, since she was involved with the project.

Peter Warfield, Director of Library Users Association, requested that item 11, regarding the Jovi Schnell mural, be considered separately.

President Beltran called for a vote on item 28, as follows. The motion was passed unanimously, with Commissioner Keehn abstaining.

RESOLUTION NO. 0305-12-075: Motion to enthusiastically endorse *The Bay Lights*, an art project designed by artist Leo Villarreal to be installed on the west span of Bay Bridge to commemorate its 75th Diamond Anniversary. The Arts Commission commends the initiative of *The Bay Lights* organizers and sponsors for initiating such an inspired, ambitious and celebratory work at no cost to the City. The Arts Commission believes that this temporary artwork will make a significant contribution to the architectural beauty of the bridge and the region as a whole, and will elevate the experience of the 50 million Bay Area residents and visitors during its two-year run. *The Bay Lights* will have a positive luminous impact on the San Francisco waterfront and is a generous gift to the City.

President Beltran called for a vote on item 35, as follows. The motion was passed unanimously, with Commissioner Ordeñana abstaining.

RESOLUTION NO. 0305-12-082: Motion to approve recommendation to award a grant to Queer Cultural Center in the amount of \$23,750, in the 2011-2012 cycle of Arts & Communities: Innovative Partnerships Grants, and to authorize the Director of Cultural Affairs to enter into a grant agreement.

President Beltran called for public comment on item 11, the Jovi Schnell mural.

Public Comment:

Mr. Warfield said that in a discussion about another matter, the Bernal Heights mural, the Arts Commission has said it does not want to be responsible for maintenance of murals in public places. He said that the Commission has a policy insisting that new murals be provided with funding for

maintenance, and he was not sure about removal. He asked how the Arts Commission would be responsible for this mural and does not want to be responsible for other murals in public places. He said that he was not for or against this item, but was asking about policies and procedures.

President Beltran asked Public Art Program Director Susan Pontious to discuss the mural. Ms. Pontious explained that, unlike community murals, this mural is sponsored by the Arts Commission through its art enrichment program, that it is the Arts Commission's project and did not come to the Commission through outside entities, and that is the distinct difference. She said that in order to allow other organizations, and artists to have as much freedom and leniency as possible to do murals of their choosing, the Commission entertains proposals, and lets them go ahead as much as possible. The tradeoff, she explained, is that the Arts Commission is not responsible for maintaining them. The difference here, she said, is that this mural was commissioned by the Arts Commission with funds generated by capital improvement projects undertaken by the City.

In response to President Beltran's question, Ms. Pontious explained that because the mural is located on a freeway overpass, the only suitable location at the site, there is an unusual agreement making it property of Caltrans, but the Arts Commission retains responsibility for its maintenance. President Beltran drew a distinction with other murals created by private individuals or other organizations, where the Arts Commission does not have a role. Ms. Pontious agreed that in those cases, the Arts Commission does not sponsor, generate, pay for or maintain them.

Mr. Warfield thanked the President and Ms. Pontious for their response, and acknowledged that although Sunshine did not require a direct response to public comment, he appreciated it.

There was no further public comment. President Beltran called for a vote on this item, as follows. The motion was approved unanimously.

RESOLUTION NO. 0305-12-058: Motion to confirm that the San Francisco Arts Commission will be responsible for the maintenance and removal (if necessary) of the mural by artist Jovi Schnell, to be located on the freeway columns and underpass structure of the SOMA West Skatepark along Duboce Street between Mission and Stevenson streets.

President Beltran called for a vote on the remainder of the Consent Calendar, which was approved as follows.

RESOLUTION NO. 0305-12-047:

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

Approval of Committee Minutes

1. **RESOLUTION NO. 0305-12-048:** Motion to approve the Civic Design Review Committee Meeting Minutes of January 23, 2012.
2. **RESOLUTION NO. 0305-12-049:** Motion to approve the Civic Design Review Committee Meeting Minutes of February 13, 2012.
3. **RESOLUTION NO. 0305-12-050:** Motion to approve the Community Arts, Education and Grants Committee Meeting Minutes of February 14, 2012.
4. **RESOLUTION NO. 0305-12-051:** Motion to approve the Visual Arts Committee Meeting Minutes of February 15, 2012.

Civic Design Review Committee Recommendations (February 13, 2012)

5. **RESOLUTION NO. 0305-12-052:** Motion to approve Phase 3 of the 2008 Restroom Park Bond Program—Traditional Design.
6. **RESOLUTION NO. 0305-12-053:** Motion to approve Phase 1 of the SFO Replacement Air Traffic Control Tower and Integrated Facility.
7. **RESOLUTION NO. 0305-12-054:** Motion to approve Phase 2 of Daggett Park contingent upon presenting a materials board at Phase 3 review, revising the signage, and presenting fence design options prior to Phase 3 review.
8. **RESOLUTION NO. 0305-12-055:** Motion to approve Phase 1 of the SFMTA Operator's Restroom on Phelan Avenue near Ocean with conditions that the design team explore siting the restroom at the corner, extend the concrete wall, streamline the trellis and planters, and refine the corner design.

**Community Arts, Education and Grants Committee Recommendations
(February 14, 2012)**

9. **RESOLUTION NO. 0305-12-056:** Motion to approve recommendations to award thirteen grants totaling \$221,500 in the 2011-2012 cycle of Arts & Communities: Innovative Partnerships Grants to the following organizations, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:
 - Mary Jean Robertson, \$25,000
 - Kulintang Arts Inc., \$25,000
 - Imagine Bus Project, \$25,000
 - Voice of Witness, \$25,000
 - Root Division, \$15,000
 - Croatian American Cultural Center, \$25,000
 - African Advocacy Network, \$22,500
 - Au Co Vietnamese Cultural Center, \$9,500
 - Ana Teresa Fernandez, \$9,500
 - StageWrite, \$10,000
 - Push Dance Company, \$10,000
 - Lenora Lee Dance, \$10,000
 - Pearl Ubungen, \$10,000

Visual Arts Committee Recommendations (February 15, 2012)

10. **RESOLUTION NO. 0305-12-057:** Motion to approve the design of a utility box mural at Oakdale Avenue and Third Street. The painted mural by Malik Seneferu, *From the Hill and Beyond*, is sponsored by The San Francisco Housing Development Corporation and supported by the Bayview Opera House, 4800 Home Owners Association and the Renaissance Entrepreneurship Center.
11. **RESOLUTION NO. 0305-12-059:** Motion to authorize the Director of Cultural Affairs to approve an increase in Merge Conceptual Designs' contract by \$17,000 from \$30,000 to \$47,000 for additional development of conceptual design proposal for an artwork at the Fire Station at the new Public Safety Building.
12. **RESOLUTION NO. 0305-12-060:** Motion to approve revised design and material samples for Shimon Attie's police memorial artwork for the new Public Safety Building.

13. **RESOLUTION NO. 0305-12-061:** Motion to approve selection of movies for development for the Art on Market Street Poster Series by Christina Empedocles for display on Market Street for three months beginning December 2012.
14. **RESOLUTION NO. 0305-12-062:** Motion to approve temporary installation of a sculpture entitled *Breathing Flower* proposed by the Asian Art Museum by artist Choi Jeong Hwa on the Larkin Street side of Civic Center Plaza pending permit approval by the Recreation and Park Commission. The sculpture dimensions are 24 feet tall by 36 feet wide and it will be placed upon a base 12 feet square and 8 feet high. The duration of the exhibition will be from May 18, 2012 through September 2, 2012.
15. **RESOLUTION NO. 0305-12-063:** Motion to proceed with fabrication of the bell for Paul Kos' community plaza artwork for the new Public Safety Building.
16. **RESOLUTION NO. 0305-12-064:** Motion to authorize the Director of Cultural Affairs to approve an increase in Paul Kos' contract in the amount of \$35,000 from \$265,000 to \$300,000, for the purchase of materials for the fabrication of the bell for the community plaza artwork at the new Public Safety Building.
17. **RESOLUTION NO. 0305-12-065:** Motion to approve an extension of the Tomie Arai artwork locations at the Central Subway, Chinatown Station, to include additional façade areas.
18. **RESOLUTION NO. 0305-12-066:** Motion to approve the public art approach for SOMA West—McCoppin Hub as detailed in the SOMA West—McCoppin Hub Public Art Project Outline.
19. **RESOLUTION NO. 0305-12-067:** Motion to approve the following pool of potential panelists for San Francisco International Airport projects (Airport Control Tower non-secure connector; Boarding Areas E & F):
 Amy Ellingson, artist
 Courtney Fink, Executive Director, Southern Exposure
 Rupert Garcia, artist
 Barbara Goldstein, Public Art Director, City of San Jose
 Constance Lewallen, Adjunct Curator, Berkeley Art Museum
 Maysoun Wazwaz, Program Manager, Mills College Art Museum
 Constance Y. White, Art Program Manager, San Diego International Airport
 Shelley Willis, Art in Public Places Program Director, Sacramento Metropolitan Arts Commission
20. **RESOLUTION NO. 0305-12-068:** Motion to approve the mock-up of etched granite for the project *Philosopher's Way* at McLaren Park by artists Peter Richards and Susan Schwartzberg.
21. **RESOLUTION NO. 0305-12-069:** Motion to approve construction mock-up and revised design concept (addition of lighting and top and bottom access panels) of Ned Kahn's *Water Wall* at 525 Golden Gate Avenue.
22. **RESOLUTION NO. 0305-12-070:** Motion to authorize the Director of Cultural Affairs to approve an increase in Ned Kahn's contract for design and construction of *Firefly* and *Water Wall* at 525 Golden Gate Avenue of up to \$40,000 to accommodate design and construction of design modifications for lighting and access panels.
23. **RESOLUTION NO. 0305-12-071:** Motion to approve a new project opportunity for Hamilton Pool with \$65,793 remaining Art Enrichment funds and to request Johanna Poethig

to develop a proposal to create an artwork similar to *Dragon Snake Monkey Bird* at Boeddeker Park Recreation Center.

24. **RESOLUTION NO. 0305-12-072:** Motion to approve the final design and construction documents for Nobuho Nagasawa's artwork for Islais Creek.
25. **RESOLUTION NO. 0305-12-073:** Motion to authorize the Director of Cultural Affairs to approve an increase in the contract with Nobuho Nagasawa by \$37,250 for a new contract total of \$78,850 to increase scope of work to include fabrication/restoration for the bell and cleat elements, and for sandblasting poetry text into the site pavers.
26. **RESOLUTION NO. 0305-12-074:** Motion to approve final art fence panel mock-up by artist Michael Bartalos for Mission Playground.
27. **RESOLUTION NO. 0305-12-076:** Motion to approve Design Development (which includes final selection of chair types, dimensioned design of *Gateway*, artwork materials, surface treatments, and installation locations for all elements) of the Church and Duboce Public Art Project (*Gateway* and *Chairs*) by Primitivo Suarez-Wolfé.
28. **RESOLUTION NO. 0305-12-077:** Motion to approve the art opportunity as described in the Project Outline for Central Subway, Chinatown Station: Crosscut Cavern Wall.
29. **RESOLUTION NO. 0305-12-078:** Motion to approve the following finalists for the Central Subway, 4th and Brannan Platform Station Public Art Project as recommended by the 4th and Brannan Public Art Selection Panel: David Boyer, Joyce Hsu, Moto Ohtake, Peter Richards/Andrew Forrest, and Esther Werthheimer.
30. **RESOLUTION NO. 0305-12-079:** Motion to approve the six month installation of three to five sculptures (to be determined by Arts Commission staff) by Jun Kaneko to be placed on the Polk Street side of the Civic Center Plaza at no cost to the City thanks to the generosity of the Rena Bransten Gallery in San Francisco and the artist, in conjunction with the San Francisco Opera's production of *The Magic Flute* for which the artist is designing the costumes, sets and lighting, pending approval of the installation by the Mayor and the Recreation and Park Department.
31. **RESOLUTION NO. 0305-12-080:** Motion to approve the six-month installation of two sculptures by Jun Kaneko (to be determined by the Arts Commission staff) to be placed on the north and south sides of the War Memorial at no cost to the City thanks to the generosity of the Rena Bransten Gallery in San Francisco and the artist, in conjunction with the San Francisco Opera's production of *The Magic Flute* for which the artist is designing the costumes, sets and lighting, pending approval of the installation by the Mayor and the Board of Trustees of both the War Memorial and the San Francisco Opera.

Street Artists Committee Recommendations (February 22, 2012)

32. **RESOLUTION NO. 0305-12-081:** Motion to authorize Program Director to request Board of Supervisors for temporary designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.

6. Arts Commission FY 2012-2013 and 2013-2014 Budget

Mr. DeCaigny began his overview by explaining that the Executive Committee had reviewed the draft budget proposal and had the opportunity to comment on it at their meeting the previous week. He presented the three documents posted with this agenda: the budget narrative memo from Ms. Krell, the draft budget summary of revenue sources by program, and the draft budget showing revenues and expenditures by program.

He recalled that at the last meeting, he had given a high-level overview of the budget timeline and process. He reminded the Commission that the Mayor had requested a five percent reduction in General Fund expenditures in Fiscal Year 2012-2013, and a total of ten percent in the following year. For the Arts Commission, these amounts are \$100,234 and \$200,468 respectively. He has also requested a contingency cut of \$50,117 in each year.

Mr. DeCaigny said he was seeking the Commission's guidance as to philosophy and values; how to approach making the cuts. He said that the documents he was presenting were a recommendation for the Commission to review, to comment on, and to amend as needed. He noted that the budget went through an extended and continuing process: the Mayor's office may amend the Commission's recommended budget, then it is subject to further review and revision by the Board of Supervisors Budget Analyst, and the Board of Supervisors has the final say.

From a values perspective, Mr. DeCaigny said, he wanted to preserve all of the funds going out directly to the community, to both the Cultural Centers (including the virtual centers) and Cultural Equity Grants. Both of these, he noted, are funded by the General Fund. In difficult times like these, he argued, the arts ecology is strongest when arts nonprofit organizations are strong.

He proposed two ways to meet the target cuts. First, he proposed supplanting not cutting \$71,000 in funding for WritersCorps by diversifying and seeking new streams of revenue. There is currently a \$10,000 work-order from the Library for WritersCorps; staff are in discussions with the Public Utilities Commission, which is interested in funding programming in the Bayview and other areas. He noted that the Community Arts and Education Program also funds the program, and he affirmed the agency's 100% commitment to maintaining, and perhaps even growing, this award-winning program in the coming years.

Second, he explained that the agency has three part-time temporary positions which were originally authorized to deal with the promotion of the Program Director of Cultural Equity Grants ("CEG") to take over human resources and other responsibilities. These positions were intended to accommodate the shift in workload. Now that the Arts Commission again has a Deputy Director overseeing human resources responsibilities, the CEG Program Director can resume the program responsibilities. Mr. DeCaigny explained that the funding for those temporary positions has been expended, and their temporary authorization has expired. In order to facilitate a smooth transition, for both the temporary employees and for the program, two of the positions will continue through the end of April, and the third through the end of June. He reported that the agency is applying for one .5 full-time-equivalent ("FTE") position to oversee grant compliance. He recognized the excellence of Cultural Equity Grants, with its focus on historically underserved communities, working with arts organizations to improve their budgeting and development. He added that it was the Arts Commission's aim to work with community stakeholders and determine which of these capacity-building elements are most critical and valuable to them. He plans to work with philanthropic partners, building partnerships and capacity from a big-picture standpoint. He reiterated the commitment to preserving every grant dollar and preserving capacity.

Mr. DeCaigny explained that he was working with staff and the Department of Human Resources ("DHR") to make permanent several positions that are currently temporary, to better align with the organizational structure. He recalled that the Controller's report said that staff morale was challenged, and pointed out that temporary appointments, with the accompanying lack of a sense of security and the confusion regarding classifications contributed to this low morale. He and staff are working to reconcile these issues in the budget and organization chart, to achieve parity across programs; in some cases, he said, two jobs have different classifications, even though the work is very similar. He said that a number of corrections were being made to get to a more appropriate organization chart.

Mr. DeCaigny pointed out proposed one-time capital amounts, intended to cover maintenance of the Coit Tower murals, the Arts Commission's move to the War Memorial Veterans Building, and a long-overdue update of the Arts Commission's website. He explained that these were separate requests to the Mayor's office, who will determine at what level they are funded.

Turning to the reclassification of some positions, he noted that this requires changes to the budget, and that the City's accounting system, FAMIS, autopopulates the required amounts into the budget document. He pointed out three FTEs that will be made permanent and have been temporary.

Mr. DeCaigny explained that the three tables in the "Summary of Program Revenue Sources" gave a high-level overview of the budget. He noted that this was the first time the Public Art Program was shown in the budget this way, since it is funded through non-General Fund sources, traditionally "off-budget." He said that he wanted the Commission to see their budget, even though it was not implicated in the General Fund cuts.

Mr. DeCaigny added that there will be an opportunity to amend the second year's budget in the next fiscal year. He pointed out that the budget proposes no increase to Street Artist fees, which will be maintained at the current level.

He called for questions. President Beltran offered a summary of the budget, noting that it looks confusing to those not familiar with the process. She said that revenue sources for the Arts Commission are complex and multiple, and that the Mayor's budget reductions apply only to the General Fund. She pointed out the General Fund amounts, and added that this was the first time the Mayor's office was requesting a two-year budget from all departments, with some flexibility as to the second year. She reported that the Executive Committee had also discussed the budget. Pointing out the POP Concert funds going to Administration and to the Gallery, she noted that the Gallery was not getting an increase, but that funds allocated to the Gallery but included in the Administration line for FY 2011-2012 were being shown in the Gallery line in the FY 2012-2013 budget.

Commissioner Chew said that this was fairly good, but not great, news. He wanted to highlight that the proposed budget preserves every dollar in grant funding, including grants to the Cultural Centers. He noted that there had been some misunderstanding, but he acknowledged that the agency was working very hard to preserve those dollars.

President Beltran explained that when the Controller's report came out, some people misinterpreted its findings to mean that the Commission was cutting funds for CEG and the Cultural Centers. She reaffirmed that the Commission is not cutting funds for either.

Commissioner Keehn congratulated Mr. DeCaigny for coming up with a budget that does not cut those grant funds. Turning to the Public Art Program, she asked where funds from the Public Utilities Commission ("PUC") were shown. Mr. DeCaigny explained that these funds were not included in the budget document. He explained that the work order with the PUC was not yet secured, and that he and Arts Commission staff would be meeting with them in coming weeks. He said that the PUC expected to have significant aboveground work in the coming three to five years, but could not forecast exactly which years for which projects. He explained that each of these projects will generate two percent art enrichment funds, and the PUC has expressed a commitment to allocating 35% to Public Art and 65% to Community Arts and Education. He noted that work has begun at 525 Golden Gate, but funds are not yet secured and not listed in revenues in the draft budget document.

Commissioner Keehn asked about the Capital Planning Committee. Mr. DeCaigny said that he would ask Ms. Krell to talk about the Committee, but he explained that the draft budget listed only a baseline \$20,000 for FY 2012-2013 and FY 2013-2014, since he couldn't include any additional funds until they are actually awarded by the Committee. Ms. Krell explained that the Capital Planning Committee was first convened about three years ago, and has a ten-year capital plan for the City. She explained that voting members include representatives of major City departments, with major capital needs, along with the Mayor's office and the Controller's office. She explained that they consider requests Citywide, and will meet over the next few months to consider them as the budget is developed. In response to a question, she explained that the Arts Commission is represented, but does not have a vote on the Committee, and attends meetings when the Arts Commission is on the agenda. She explained that Arts Commission staff have put in the agency's requests to the Committee, and will present when asked.

In response to President Beltran's question, Ms. Krell explained that the capital requests included HVAC work and roof replacement at the Cultural Centers, maintenance and restoration in the Civic Art Collection, and investment in the move to the War Memorial.

Mr. DeCaigny explained that the request for funds to upgrade the Arts Commission's website went to a separate committee with a similar process, the Committee on Information Technology ("COIT"), which likewise takes Citywide requests and assesses them based on need and funds available.

Commissioner Keehn asked for clarification about figures for Public Art. Mr. DeCaigny explained that the two-percent enrichment is based on development, and that the Arts Commission can't control the amounts or when the projects come up. He said that the agency responds, and plans to be responsive, in years to come. He added that Public Art staff has done a great job with projects that they know to be coming down the pike. He noted that there was not a finite or fixed number of projects, and that it could change.

Ms. Pontious echoed his comments, explaining that the amounts shown were based on known projects, that there are always new projects that come up, and those were not reflected in the current document. She said that there was a projected decline in large capital projects in the coming years. In response to President Beltran's question, Ms. Pontious explained that the figures in the current document reflected City projects that staff knew were going forward. She said that there was no way to know or project any amounts based on changes in the Planning Code, and therefore such amounts were not reflected in the current proposed budget document.

Mr. DeCaigny noted that a major project was drawing to a close. Ms. Pontious explained that by FY 2014-2015, work on General Hospital, the Public Safety Building, and 525 Golden Gate was expected to be completed; these were big projects finishing soon.

President Beltran commended staff for an amazing amount of hard work, and for all their input and consultation.

Community Arts and Education Program Manager Robynn Takayama spoke as shop steward for Service Employees International Union ("SEIU"), which represents the majority of Arts Commission staff, and which, she added, will represent even more if the budget is passed. She said that President Beltran was no stranger to complexity, and she knew that as Interim Director, President Beltran had heard frustration from staff who felt they were working out of class, and a lack of consistency in new hiring. But she didn't think any of the staff felt how deeply they were wronged. Ms. Takayama said that the relationship between management and staff has grown much stronger, that Mr. DeCaigny has created an atmosphere where staff feel more comfortable discussing HR concerns, and there is an open invitation to meet with Ms. Krell.

Ms. Takayama said that, as shop steward, she has brought forward eight cases for staff, and challenged the comp time policy. She was pleased to say that these have been worked through in congenial face-to-face meetings rather than having to go through a formal grievance process.

She said that this budget represents a bold revisioning of the agency, building consistency into the organization chart that has been missing over the past couple of years. She noted that some program managers were hired as 3542, while others doing similar work were classified as 1842. She said that the budget responds to the Controller's audit recommendation to better align actual job duties and classifications.

Ms. Takayama said that SEIU is negotiating a new contract and has surveyed members for priorities; 90% of the Arts Commission's members participated. She reported that priorities were job security, health care and addressing the issue of temporary/as needed workers. These workers, she said, are the most exploited and serve knowing they can be cut. She thanked Cultural Equity Grants Program Associates Corinne Matesich, Jaime Cortez and Sylvia Sherman for their dedication to the Arts Commission over the past three years, and called them valuable members of the staff. She said that leadership will need to make sure that the workload is adjusted, particularly with this reduction in staff, so that work can be completed in an eight-hour day, and a forty-hour week.

Ms. Takayama said that, in order to continue to mount cutting-edge Gallery exhibitions and maintain WritersCorps at a level that has garnered the attention of the White House, it is important to figure out a way for these programs to receive grants that are only awarded to 501(c)(3) organizations. She argued that until this is resolved, there will be decreases in their budgets despite the proposal for consistent funding.

Ms. Takayama said that it was important to resolve a number of contract violations incurred under earlier leadership, including claims of working out-of-class, which are being investigated; and claims for back pay totaling almost \$15,000 for five workers, with increased pay rates moving forward (previously rejected by Payroll and DHR). She was confident that the cooperation, intelligence and creativity of current leadership, these issues would be resolved fairly.

Finally, she said, this budget represents a new era with more transparency and collaboration with staff, and a deeper understanding of staff concerns. She called it a bold move to use this transition in leadership to overhaul the organizational chart to better reflect the work staff actually does.

Public Comment:

William Clark read from the appropriations ordinance, Section 10.01 and 10.02, regarding cash reserve funds and any surplus at the end of the fiscal year. He also cited Section 10.06 regarding encumbrances, saying that there is no obligation unless the Controller certifies it. He cited Section 2404 regarding the Street Artists examination fee, and funds credited. He said that he was citing these ordinances because at the January 30 Executive Committee meeting, he received this document from Street Artists Program Director Howard Lazar. He said that there was a lot of information and that the Commission was making appropriations not approved by the Board of Supervisors, that were not valid.

Robert Clark said that the Controller's audit said that it was improper for the Arts Commission to withhold funds from the fee. He said that now he doesn't even know what the budget is for next year, that there are no papers breaking it down, and he has no idea. He contended that Mr. Lazar said there was a \$28,000 surplus, and the artists received \$1,927. He said that Mr. Cancel improperly assessed a fee in 2010, and that President Beltran assessed \$19,950. He said that there should be approximate salary and benefits savings of \$100,000, and that whatever the budget, approximately \$100,000 should be subtracted. He said that street artist certificates must be reduced to approximately \$510. He said that at the last meeting, President Beltran said that she charged the additional \$19,950 because of the previous policy she was following. He said that Mr. Cancel stated that he was doing it without a policy. Mr. Clark accused President Beltran of an outright lie as to whether she was following policy, because there was no policy.

President Beltran pointed out that there is a draft budget, and it was distributed to the public.

Mr. DeCaigny pointed out that this budget was a proposal to the Mayor, and that there was no increase proposed to the license fee. He said that the program would access the surplus to cover the required slight increase in salary and benefits for program staff. He pointed out that the management and supervision fee had been approved by the Controller.

Ms. Krell reiterated that this fee was approved by the Controller, and that it was based on head count, for two staff, at a rate of seven percent, and was applied to two salaries, hers and Mr. DeCaigny's.

There were no questions.

President Beltran wanted to correct a statement attributed to her at the Executive Committee. She said that she had not said that the management and supervision fee was "policy," but that it was the Controller's advice. She explained that Ms. Krell worked closely with the Controller's office to determine how the fee should be assessed, and that the agency is taking all of its actions with the advice and review of the Controller's office.

Mr. Warfield thanked Mr. DeCaigny for his report. He said that he had some concern about folks working in the Arts Commission, and making temporary positions permanent. He said that the Controller's review said staff morale was challenged. He said that he was glad to hear that SEIU was apparently satisfied with some of the things that have happened since the arrival of the new Director. He said he would like a more general discussion, a separate agenda item, as to what has changed in response to the Controller's report. He said that it was good to hear that the representatives of folks working at the Arts Commission are saying something good about the budget.

He showed a picture of the mural on the Bernal Heights Library, and said that working women were honored on that mural. He said one could see portraits of four working women, including political and cultural workers. He said that the picture showed the mural when it was new, and that it is now very much worn, but could be restored. He said that it was nice to see working people honored, and he hoped SEIU would support restoration of the mural.

There was no more public comment.

President Beltran thanked Ms. Krell and Mr. DeCaigny for their hard work, saying that she'd heard they've worked every weekend in the past month.

Mr. DeCaigny thanked staff, and the Controller's office, for helping him with a steep learning curve.

President Beltran called for a vote. The motion passed unanimously.

RESOLUTION NO. 0305-12-083: Motion to approve proposed fiscal year 2012-2013 and 2013-2014 Arts Commission budget.

7. Committee Reports and Committee Matters

1. Executive Committee

1. President Beltran reported that the Committee discussed the move to the War Memorial, the budget and a third item, a report from Director for Legislation and Special Initiatives Jill Manton on America's Cup.

Ms. Manton reported that the Arts Commission is part of a staff working committee organized by the Mayor's office and meets fairly regularly to discuss what the City can do for the arts. She reported that Commissioner Keehn joined in for some of the meetings. Unfortunately, she explained, as people may have read in the newspaper, there is no separate allocation for the arts. She said that what the group has been able to promise is to provide a link, to allow people to search for arts events and activities by venue, location, media, schedule, etc., in an all-inclusive list. She said there would be no screening, so that a piano recital in the Richmond would appear just like a major performance. She said that the event authority, after hearing from the arts community, is starting to pay more attention to the arts. She said that some members have spoken to her about underwriting temporary artworks, perhaps on the waterfront. She said that she and Mr. DeCaigny will meet with the director and public relations director shortly, to discuss the possible temporary displacement of street artists from Justin Herman Plaza. She said they had hoped to have additional spaces, but those may be needed just to replace the ones lost.

President Beltran said that she knew Ms. Manton was working very hard, and that a lot of things are now up in the air because of limited funds.

Commissioner Miguel said that there is a large body of work showing sailing ships from the mid-1800s, and that it has been viewed by enthusiasts. He thought there might be an opportunity to put together an exhibit. He noted that the trials are this

year, and there is not a lot of time. He said that at Pier 27, there was potential for a halfway decent cruise ship terminal. He thought that something planned for that site would draw some attention to it.

2. Civic Design Review Committee—Cass Calder Smith, Chair

1. 1. In the absence of Commissioner Smith, Commissioner Chow reported that the Committee met on February 13 and reviewed four projects. He reported that the first was a result of a bond passed in 2008, which was passed to address the condition of some of the City's public restrooms, some of which are in desperate need of repair or replacement. He explained that this particular project came for Phase 3 review, with some conditions on its previous approval, including adjustments for Americans with Disabilities Act ("ADA") compliance.

President Beltran said that there were some really cool restrooms.

Commissioner Chow said that the second project, on a somewhat different scale, was an air traffic control tower at the San Francisco Airport. He explained that it was placed on a very small site between T1 and T2, and it came to the Committee for initial concept review. He said that the Committee noted that this was a congested site, and needed to accommodate many elements. He reported that the Committee felt that the team did a very good job negotiating the requirements, and as is typical, the Committee made many recommendations to them.

Next, he reported, the Committee reviewed Daggett Park, a private development project in a public park. He said that they thought it was very nice, located between 16th Street and 17th Street, between two residential buildings, and incorporates a dog run along with other features. He reported that the Committee gave Phase 2 approval with some comments.

The fourth project he reported on was a restroom for the use of Municipal Transportation Agency operators on Phelan Avenue and Ocean Avenue. He explained that the project was part of an overall design for a transit hub, and was previously rejected with many comments. He said that the project came back much improved.

Commissioner Breitenberg noted that the Committee does spend a fair amount of time on restrooms. He said that the Phase 1 presentation of the air traffic control tower was great, and that the airport will have an iconic structure. He thought this was the most exciting project he has yet worked on with the Commission.

Commissioner Miguel noted that the Daggett Park project also includes senior housing, and is located on the site of a former paint factory.

Public Comment:

Mr. Warfield said that he was sorry to have missed that meeting. He said that restrooms are very important and they enable people to go around the city. He said that benches are also important. He called City Hall a palace of restrooms, with some of the finest public restrooms. He said that there was a time in the past when restrooms were kind of small palaces, with a lot of thought given to them, a lot of civic pride, that the public could enter, make use of for free, without having to pay a quarter; this was a point of civic pride. He said that he would like to see more projects like this. He said that in certain places, they have signs that restrooms are for customers only, and unfortunately not everyone is free to use them. He offered to lend anyone his book, *The Bathroom*.

Mr. Warfield said that the Golden Gate Library had a beautiful urinal with multiple

folds going all the way down to the floor, with a crazed finish. He said it was "one size fits all," that one could be a midget, one foot tall or seven feet tall, and still use it. He said that now he sees small urinals for children, and a separate one for adults.

President Beltran said that if one has ever used the restrooms in City Hall, one will see that they are quite luxurious, with marble, wood and real brass fixtures, rivaling the ones at Nordstrom. She said that she hadn't checked out the urinals. She said that the City had iconic bathrooms and would have an iconic tower.

3. Community Arts, Education and Grants Committee

1. Vice President Melania presented the following motion:

RESOLUTION NO. 0305-12-084: Motion to approve the following individual as a grants application review panelist for Cultural Equity Grants: Wayne Vitale, composer, performer, teacher, instrument conservator, and arts administrator

2. Commissioner Ordeñana reported that Community Arts and Education ("CAE") Program Director Judy Nemzoff presented a report on the CAE program, which was a great opportunity for orientation to their many projects. He said that there was a report on the Cultural Centers, including discussion on their current needs, and plans for moving forward. He added that Community Arts and Education Program Manager Robynn Takayama presented an update on The ARTery Project, and noted that the Committee approved the thirteen Arts and Communities: Innovative Partnerships Grants just approved in today's Consent Calendar above.

4. Street Artists Committee—Gregory Chew, Chair

1. Commissioner Chew reported that the Committee met on February 22, and he thanked and acknowledged Commissioners Chuang and Calloway for their delicate and masterful handling of complaints heard by the Committee. He also thanked Mr. DeCaigny for his participation.

Commissioner Chew reported that the fortieth anniversary of the Street Artists Program was coming up this summer, and that the Committee discussed plans for marking it.

He presented the following motion, for the approval of licenses for artists previously screened and participating in the program.

2. **RESOLUTION NO. 0305-12-085:** Motion to approve requests by former certificate holders for priority issuance of certificate with waiver of re-screening of wares: Eric Ruston, Hsien Jen Chiu, Lynn Sunday, Virginia Travers, Zhong Yu Wang, Marc Melancon, Shui Kuen Yu, Santiago Alonso.

5. Visual Arts Committee

1. Commissioner Keehn reported that the Committee had 23 items on its agenda, and that Public Art staff is hard at work. She wanted to highlight a couple of projects. In the Public Safety Building, artworks by Paul Kos and Shimon Attie are both moving forward, as is work on the Central Subway Fourth and Brannan station. The Committee was also excited about the control tower at the Airport; she noted that she sits on both the Visual Arts and Civic Design Review Committees, both of which discussed the project.

Commissioner Keehn commended staff for finding additional funds for the Central Subway, allowing for additional art in the Chinatown station. She also commended Ms. Manton for facilitating a partnership with Rena Bransten Gallery to temporarily install several sculptures by Jun Kaneko at the War Memorial and the Civic Center.

Commissioner Chew reported on a temporary installation outside the Asian Art Museum coming in May: an inflatable motorized lotus by an artist from Seoul, Korea, large but not as big as Zhang Huan's *Three Heads, Six Arms*.

President Beltran praised the work of Public Art Program Manager Marcus Davies for a great job on the Michael Bartalos artwork for Mission Playground. She reported that the fences will be realized soon.

She added that Commissioner Keehn was instrumental in the process of the incredibly exciting *Bay Lights* project approved in the Consent Calendar above. Commissioner Keehn explained that it will, if realized, be the largest light sculpture in the world, at a cost of \$7,000,000 for fabrication, installation and removal after two years. She has known the artist for years. She said that \$4,000,000 of the total \$7,000,000 has been raised, \$3,500,000 in the last week. President Beltran reiterated that the Commission has endorsed and not funded the project, and that there will be no cost to the City. Commissioner Keehn said she had been pleased to see all of the public entities, including the Bay Bridge authority, come together to move the permitting process forward.

8. Public Comment

Mr. Warfield said that he had some questions as to what has gone back and forth, in and out of obscurity, in regard to the Bernal Heights mural removal and replacement plans. He said there has been a lot of back-and-forth between the Library and the Arts Commission and hoped the Commission could clarify the role of the Arts Commission as to removal and replacement. Second, he said, the status of the mural was unclear to him. He said that in August, the Arts Commission had approved a plan to replace the front and side portions of the mural with tile. He said that he had been told informally that the project had only conceptual approval, and that the color palette had not been approved. He said that there were some discussions after that, and he was not clear what has happened, and what needs to happen, regarding removal and replacement of the mural.

Second, he asked about Cultural Equity Grants, which seemed not to have a role. He said that the funding and approval were not clear to him. He said that, on some level, he was glad the Arts Commission had not gone forward with plans to destroy a thirty-year-old mural.

President Beltran asked Public Art Program Director Susan Pontious to address this question.

Ms. Pontious said that the role of the Arts Commission is limited to two areas: first, approval of design, and second, approval of removal of existing murals. She said that these two areas, charter-mandated, are because the mural in question is on a City building. She said that the Commission did approve the original murals in 1979, and if there were new murals, the Arts Commission would have to approve their removal. She said that the Arts Commission gave conceptual approval to the new murals, and as part of the process, there are still outstanding documents which have not yet been received.

She said that the matter was tentatively scheduled for the Visual Arts Committee in March, assuming that the Commission receives all of the outstanding documents by March 15. If not, she said, the matter would be deferred to a later time.

In response to a question from President Beltran, Ms. Pontious explained that some documents have been requested from the Library, and that the Visual Arts Committee heard the matter in some detail in 2009. She said that the community process had been spearheaded by Supervisor Campos, that some people vehemently wanted the murals to stay, some wanted them removed, and some wanted new murals.

She said that the Bernal Library Art Project ("BLAP") chose two artists, who met with community members and came up with proposals to develop new murals that honored the existing murals. She said that Arts Commission staff has asked for documentation of the process and community feedback

for the new murals. She said that letters of support and the BLAP plan have not yet been received.

There was no further public comment.

9. New Business and Announcements

President Beltran distributed new Committee assignments and asked if there were any questions; there were none.

Public Comment:

Mr. Warfield asked to see the list of Committee assignments, and said he would like to hear more announcements of activities going on. He said that at the first meeting of the full Arts Commission he had attended, he heard an announcement of an event which he went to and found fascinating. He said the Commission should have more announcements.

There was no further public comment.

10. Adjournment

There being no further business, the meeting was adjourned at 4:49 p.m.

3/26/12 spr

