



# San Francisco

---

## *Fine Art Guidelines*

# San Francisco

---

## *Fine Art Guidelines*

*Implementing the San Francisco  
Planning Code, Section 149,  
Requirements for Art Works  
in the Downtown Area.*

*Approved by:  
San Francisco City  
Planning Commission  
July 24, 1986*



## *INTRODUCTION*

---

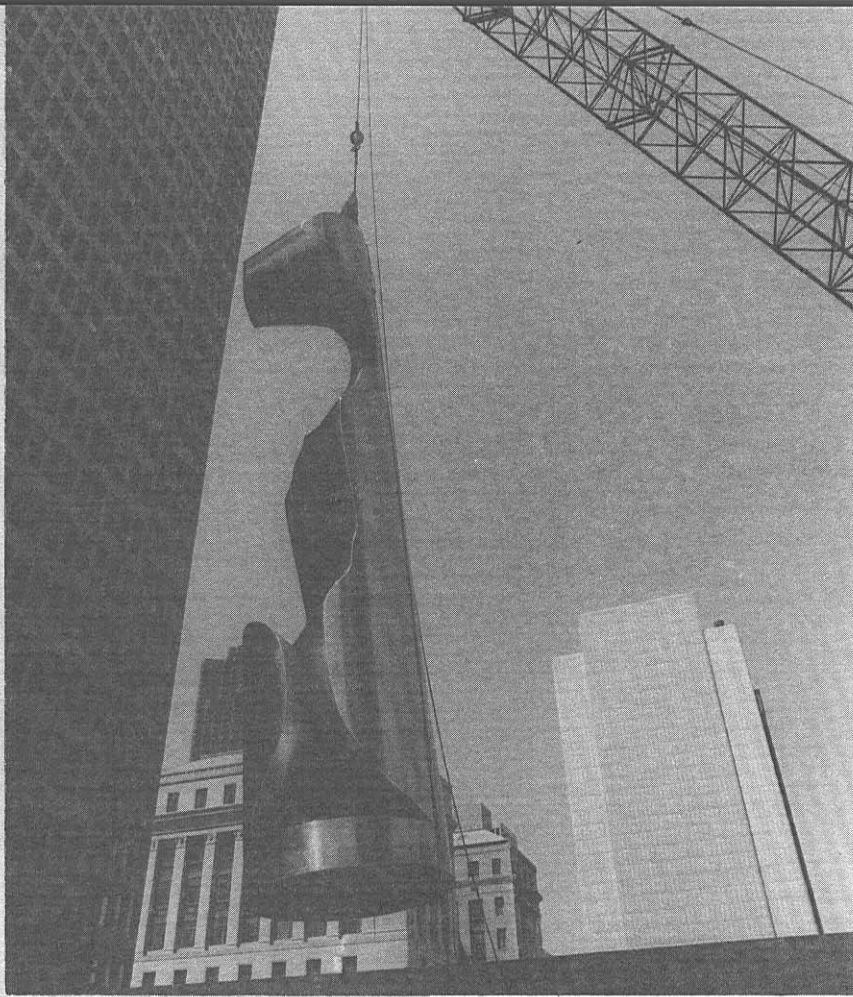
The San Francisco Board of Supervisors, under Section 149 of the Planning Code, has mandated that sponsors of projects in the Downtown Plan area allocate and spend one percent of construction costs on the creation, commission or purchase of art to be displayed in conjunction with the project.

The quality of life is enriched by art and artistic expression in many varied forms. The worker or visitor to Downtown San Francisco spends many hours in an environment of office buildings and commercial enterprises. Art in this particular environment can offer a counterpoint, attract the eye, stimulate the imagination, arouse the emotions or just cause a momentary interest or amusement. In short, make downtown a more enjoyable place to be.

In the past, many prominent buildings included sculptured relief, ornate custom grillwork, mosaics, murals, carvings, as well as statuary and other forms of artistic embellishment. Buildings were less separable from art and artistic expression.







Installation of sculpture  
at Embarcadero Center,  
San Francisco  
Artist: Willi Gutman

The spirit of this new mandate for art is to ensure that variety and form of art for public display are not limited, or pre-determined in content. The Ordinance is not designed to be restrictive; it looks to achieve the goal of a more vital and interesting San Francisco downtown, and safeguards the many subjective choices which can be made in this process.

These Guidelines are intended to clarify the process and respective roles that developers, architects and artists will play, emphasizing the many avenues by which this one percent expenditure can be creatively made. This is particularly important since artwork will be an important factor in evaluating those projects competing for approval under the annual growth limits presently in effect in San Francisco.

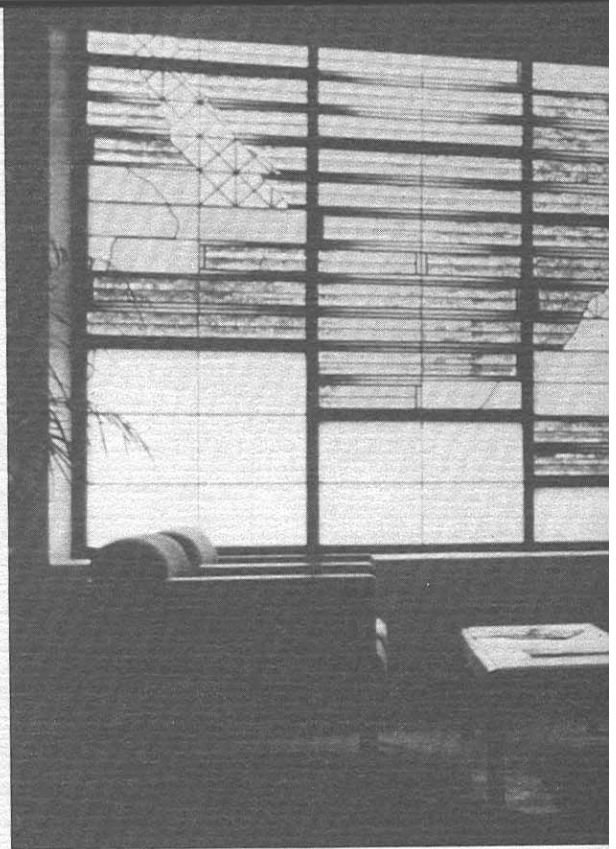
## *CATEGORIES*

---

### *Works of Art*

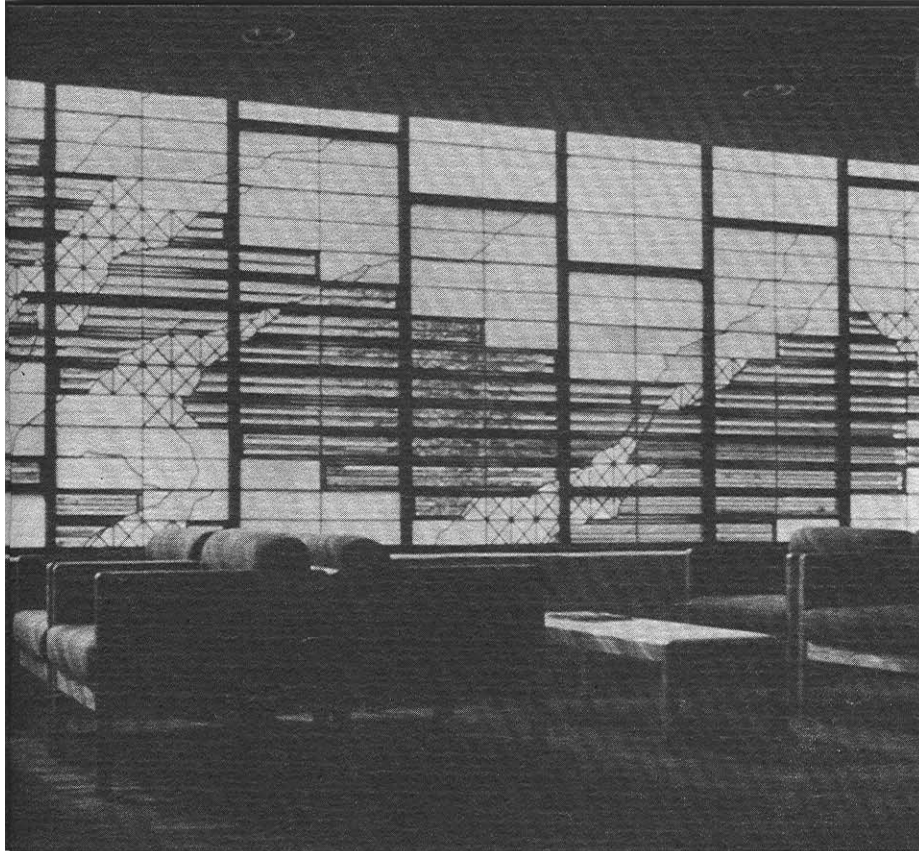
Works of art shall mean all forms of original creation of visual art, whether contemporary or historical. If a work of art is contemporary, it may be existing or especially commissioned. The creator of the work of art shall be a practitioner in the visual arts recognized as a professional of serious intent and who is not a member of the project architect firm.

It is the intent of the Ordinance to include a broad definition of art, and to encourage high-quality, imaginative interpretations of the various media. To this end, works of art may include art that is merely decorative, or is both decorative and functional. Over time, new materials and art forms may be developed. Therefore, it is the intent of these Guidelines to include in their definition of "works of art" such innovations in form and media.



Glass panels in  
building lobby,  
Carson, California  
Artist: Ed Carpenter







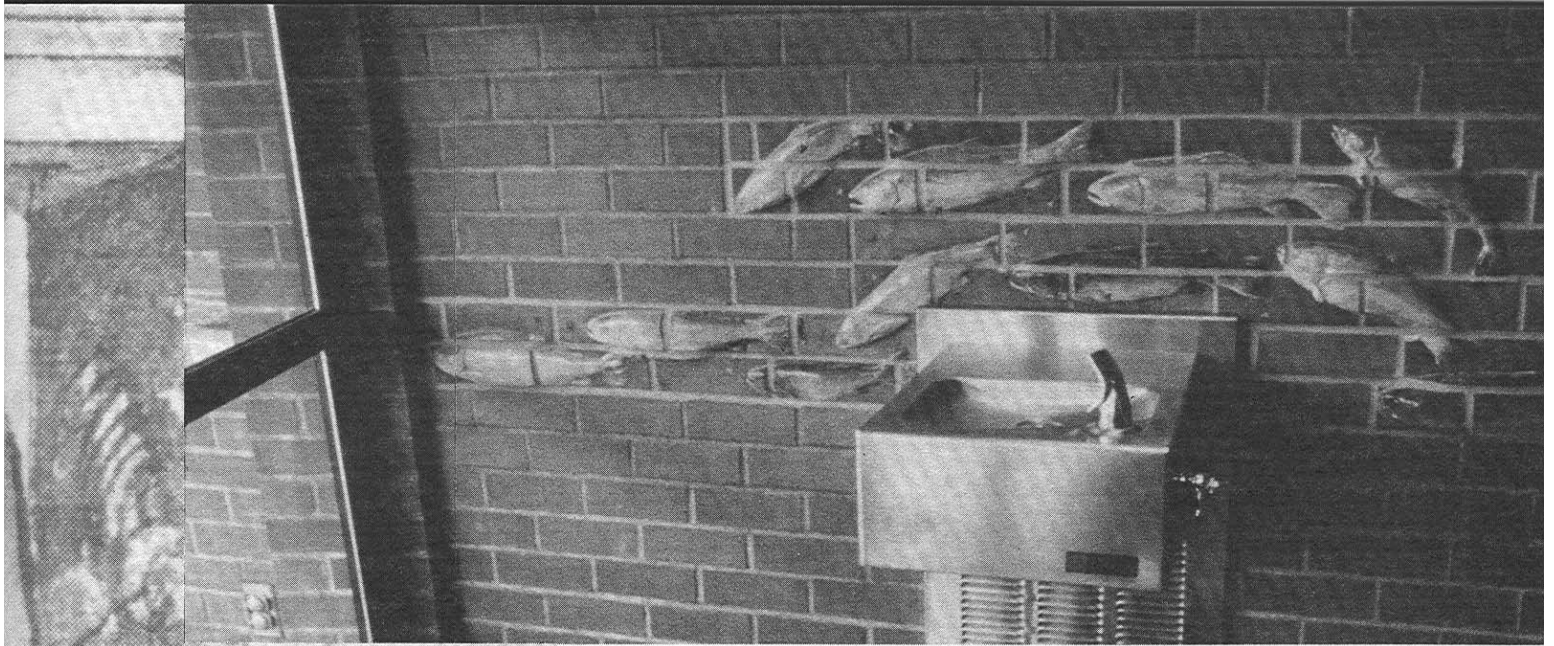
*Works of Art may include,  
but are not limited to,  
the following:*

1. Sculpture (s);
2. Decorative Water Features;
3. Painting (s);
4. Murals, Wall or Ceiling;
5. Photography;
6. Tapestry;
7. Glass;
8. Original Works of Graphic Art, Limited Edition Prints, Works On/Of Paper;
9. Works of Design, which through the passage of time or application of other criteria, become recognized as works of art (such as the Chicago Stock Exchange elevator doors, by Louis B. Sullivan).

Media for works of art may include, but are not limited to: paint, clay, wood, metal, paper, glass, fiber, textiles, plastic, fresco, mosaic, marble, plaster, neon, stone, photography, film, video, electronics, mixed media, or any other material or combination of materials appropriate to the work of art.







Integrated wall  
sculpture,  
Seattle, Washington  
Artist: Halvorsen

### *Works of Art do not include:*

1. Decorative, ornamental or functional elements designed for the project by the project architect or consultants retained by the project architect.
2. Objects which are mass produced, or of a standard design.
3. Directional elements such as supergraphics, signage or color coding, except where these elements are an integral part of an original work of art.
4. Reproduction, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media which are recognized as limited editions.
5. Architectural features of the building. However, this exclusion does not apply to a work, or works of art, commissioned or purchased specifically for the project and which otherwise meet the criteria of the Ordinance and the Guidelines, even though that artwork may be integrated into the architectural structure of the building.





## *Permanently Affixed*

The Ordinance requires that works of art be "permanently affixed." The intent is to require the sponsor's commitment that artwork shall remain throughout the life of the project, and be permanently maintained throughout the life of the project. This shall not prohibit the installation of hanging works of art, or free-standing or portable works of art.



Adaptation of  
Regional Indian  
design motif onto  
manhole cover,  
Seattle  
Artist: Nathan Jackson



Integrated plaza  
treatment with  
sculpture and fountain  
in the National Geographic  
Plaza, Washington, DC  
Artist: Elyn Zimmerman



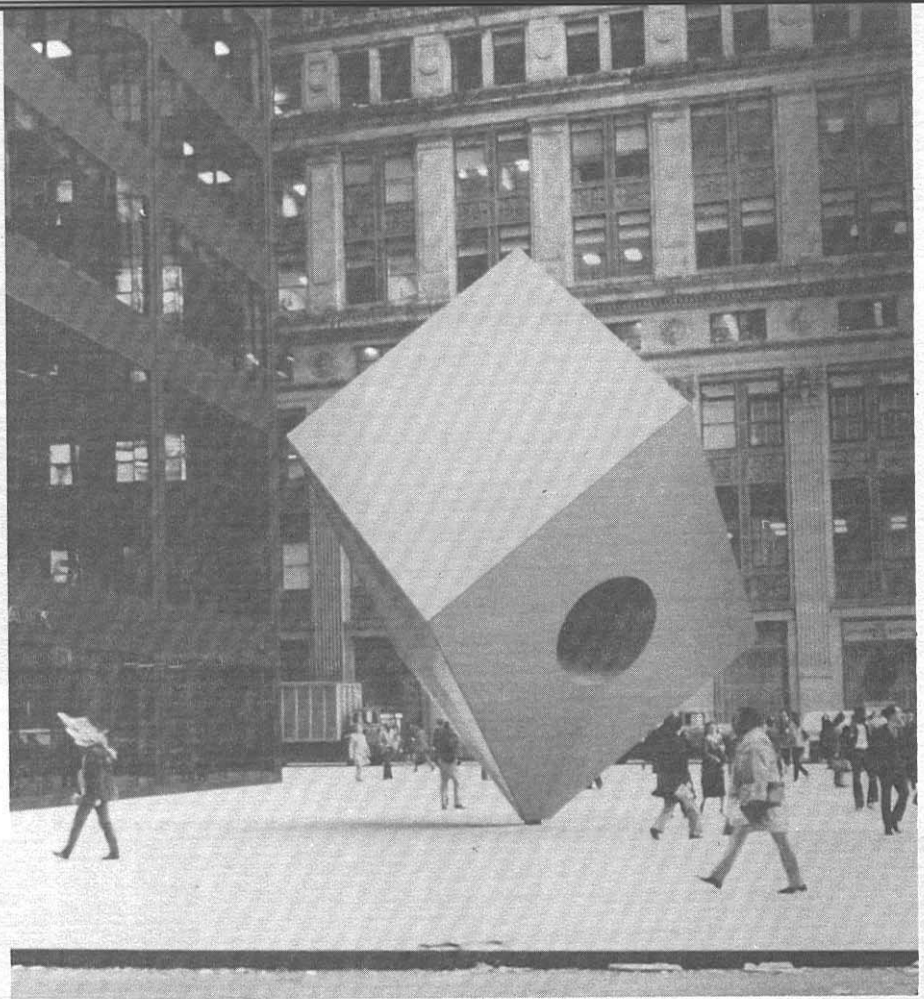
### *Artistic Selection*

Selection of the art shall be at the discretion of the project sponsor, who is encouraged to obtain qualified professional advice in order to ensure high standards of quality. While not mandated exclusively, works by living artists and by Bay Area artists should be given positive consideration.



## LOCATION

---



Revolving sculpture  
in plaza  
New York City  
Artist: Noguchi

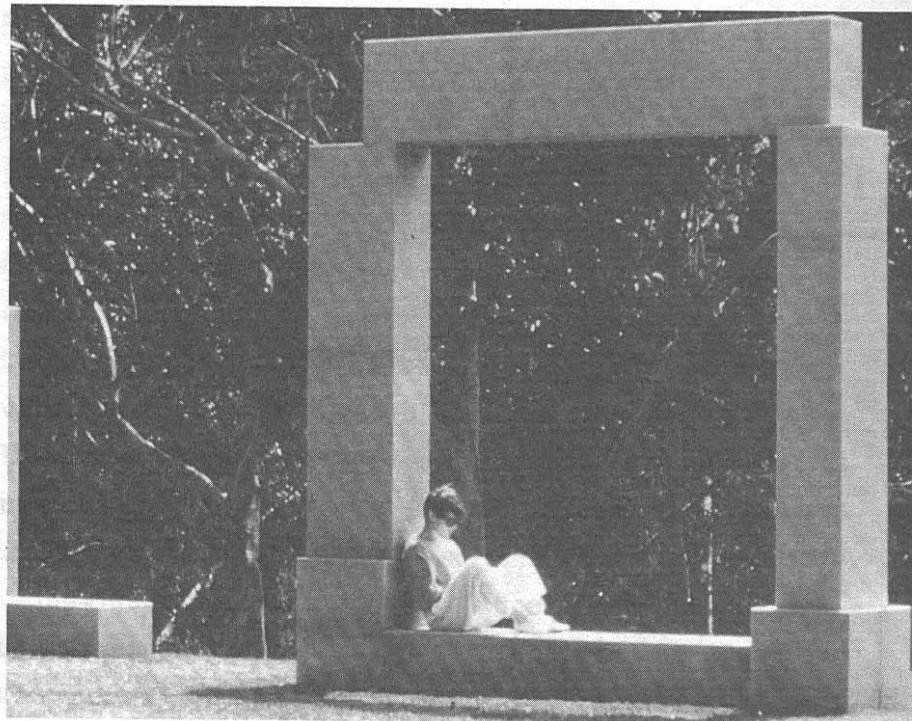
The implementation of this Ordinance provides for significant high-quality works of art in the downtown area. The careful and appropriate siting and placement of these works of art is essential to the effectiveness and impact of the art. The Ordinance provides:

"works of art...shall be installed and maintained (1) in areas on the site of the building or addition and clearly visible from the public sidewalk or the open space feature required by Section 138 or (2) on the site of the open space feature provided pursuant to Section 138, or (3) upon the approval of any relevant public agency, on adjacent public property, or (4) in a publicly accessible lobby area of a hotel."

Maximum visibility of the artwork is of principal concern. In determining the location of the artwork, the following factors should be taken into consideration:

1. Unobstructed public viewing and accessibility;
2. Public safety;
3. Interior and exterior traffic and use patterns;
4. Consideration of the audience (pedestrians, passing motorists, building tenants and employees, etc.);
5. Relationship to existing or planned architectural or natural features;
6. Primary uses of the building;
7. Other objects or architectural features within the vicinity;
8. Enrichment of the pedestrian environment;
9. Contribution to the spatial definition of the area in which the artwork will be located;
10. Avoidance of visual clutter.

Sculpture on the  
U.C. San Diego  
campus which serves  
more than a visual purpose  
Artist: Richard Fleischner





## *FINANCIAL MATTERS*

---

The one percent fine arts requirement should include, in addition to the direct cost of the artwork:

Direct expenses, including:

1. Consultation and direct administration of art selection and purchase or commission, not to exceed 10 percent of the fine arts requirement
2. Insuring the art, up to the time of installation
3. Shipping or storage of the art, up to the time of installation
4. Preparation of the site, and actual installation.

Other expenses which may be included, in certain unique situations, are items such as waterproofing, lighting, structural engineering, or additional structural support directly attributable to the installed artwork.

Expenses which should not be included are:

1. Maintenance of the installed artwork
2. Indirect administrative costs.

## *PROCEDURES*

---

A general art concept should be presented to the City Planning Department staff during the initial schematic design phase of the project, prior to the commencement of the preliminary draft environmental impact report. Therefore, the project applicant and the Department staff are encouraged to focus on the art concept, and if appropriate, include the artist in the design team as early in the project design process as possible.

As the art concept evolves, these changes should be presented to the Department staff along with the progression of the building design, throughout the course of project review. Final approval of category and location of the artwork will occur at the same time as final project approval, by the City Planning Commission or Director of Planning.

Once the category and location of the artwork have received final approval, a material change in the location or category of artwork will require further approval, under Section 309 of the Planning Code. So long as the category and location comply with these guidelines, the review and approval of any material change will be administrative only, and said change may be approved by the Zoning Administrator.

At such time as the project applicant applies for the first certificate of occupancy (either a temporary certificate of occupancy, or a certificate of final completion and occupancy, as defined in the San Francisco Building Code, Section 307) the project applicant should provide to the Zoning Administrator either 1), evidence that the art concept has been implemented, and the artwork installed on the project site, or 2), if it is not feasible to install the artwork at that time, adequate assurance must be submitted that the artwork will be installed in a timely manner, not to exceed an additional 12 months.

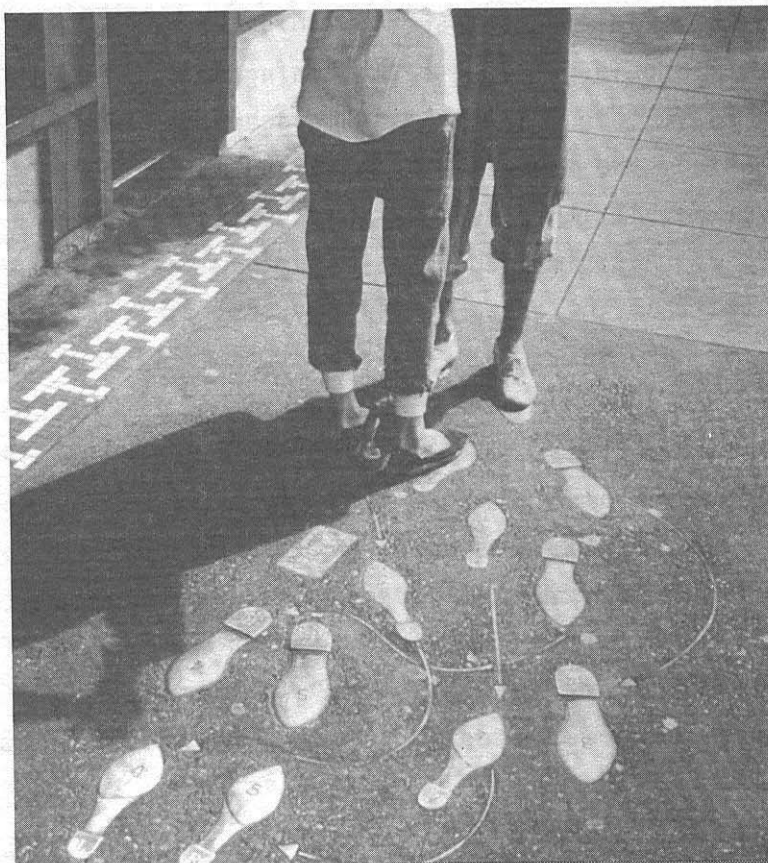
The project applicant shall also submit the information requested by the Superintendent of the Bureau of Building Inspection to enable the Superintendent to determine the construction costs of the building or addition, and reasonable evidence as to the cost of the artwork, so as to enable the Zoning Administrator to determine that the costs are qualified expenditures



under these Guidelines, and that the total costs are equal to or more than one percent of the construction costs of the project.

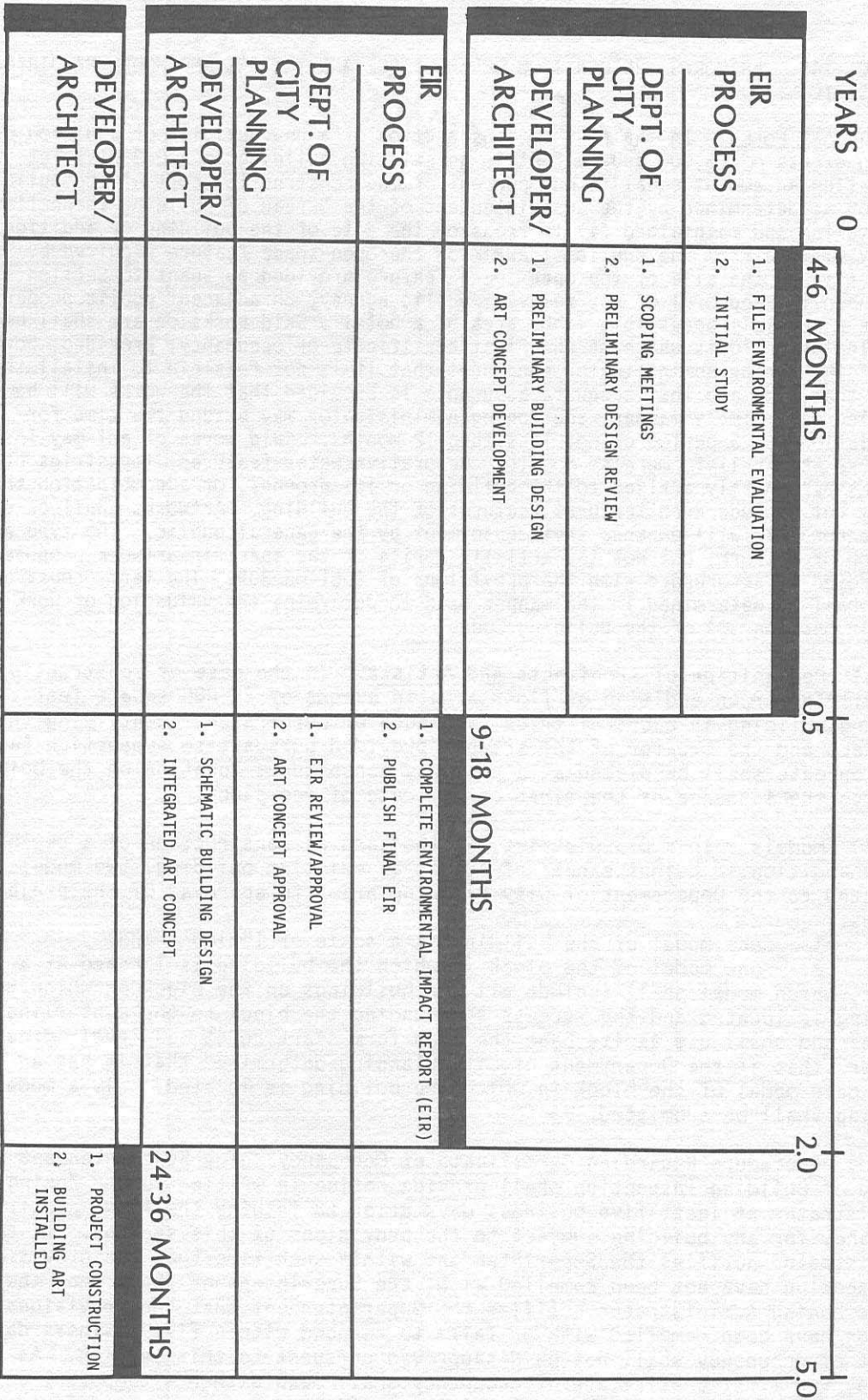
The integration of the artist, and/or the art concept, into the overall design process of the project early in the project can be accomplished in a variety of ways. Amongst the various methods, the project sponsor may wish to consider these approaches:

1. Obtain professional advice from one or more of the following: art professional, art consultant, architect, landscape architect.
2. Obtain the services of an artist, separately, as a design consultant.
3. Obtain the services of an artist, directly, to create and execute the artwork.
4. Set up a bona fide competition to produce the artwork.



Sidewalk installation,  
Seattle, Washington  
Artist: Jack Mackie

# Design/Approvals Process PROJECT DEVELOPMENT





## SECTION 149

### SEC. 149. ARTWORKS, RECOGNITION OF ARCHITECT AND ARTISTS AND MODEL REQUIREMENTS IN C-3 DISTRICTS.

(a) Art Works. In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, works of art costing an amount equal to one percent of the construction cost of the building or addition as determined by the Superintendent of the Bureau of Building Inspection shall be installed and maintained (i) in areas on the site of the building or addition and clearly visible from the public sidewalk or the open-space feature required by Section 138 or (ii) on the site of the open-space feature provided pursuant to Section 138, or (iii) upon the approval of any relevant public agency, on adjacent public property, or (iv) in a publicly accessible lobby area of a hotel. Said works of art shall be installed prior to issuance of the first certificate of occupancy; provided, however, that if the Zoning Administrator concludes that it is not feasible to install the works within that time and that adequate assurance is provided that the works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not less than 12 months. Said works of art may include sculpture, bas-relief, murals, mosaics, decorative water features, tapestries or other artworks permanently affixed to the building or its grounds, or a combination thereof, but may not include architectural features of the building. Artworks shall be displayed in a manner that will enhance their enjoyment by the general public. The type and location of artwork, but not the artistic merits of the specific artwork proposed, shall be approved in accordance with the provisions of Section 309. The term "construction cost" shall be determined in the manner used to determine the valuation of work as set forth in Section 304 of the Building Code.

(b) Recognition of Architects and Artists. In the case of construction of a new building or an addition of floor area in excess of 25,000 square feet to an existing building in a C-3 district, a plaque or cornerstone identifying the project architect and the creator of the artwork provided pursuant to subsection (a) and the erection date shall be placed at a publicly conspicuous location on the building prior to the issuance of the first certificate of occupancy.

(c) Models. In a C-3 district, in the case of construction of a new building, or any addition in height excess of 40' to an existing building, two models shall be submitted to the Department of City Planning prior to approval of the project as follows:

1. one model of the building at a scale of 1"=100', and
2. one model of the block in which the building is located at a scale of 1"=32', which model shall include all the buildings on the block on which the building is located and the streets surrounding the block to the centerline of the streets and shall use as its base the land form starting at sea level; provided, however, that if the Department of City Planning determined that it has an up-to-date model of the block in which the building is located, only a model of the building shall be submitted.

(d) Procedure Regarding Certificate of Occupancy. The Superintendent of the Bureau of Building Inspection shall provide notice in writing to the Zoning Administrator at least five business days prior to issuing the first certificate of occupancy for any building subject to the provisions of this section. If the Zoning Administrator notifies the Superintendent within such time that the provisions of this section have not been complied with, the Superintendent shall deny the permit. If the Zoning Administrator notifies the Superintendent that the provisions of this section have been complied with or fails to respond within five business days, the permit of occupancy shall not be disapproved pursuant to this section. As used herein, the first certificate of occupancy shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in the San Francisco Building Code Section 307, whichever is issued first. The procedure set forth in this subsection is not intended to preclude enforcement of the requirements of this section through any means otherwise authorized.