

1 [1% Set Aside for Public Artworks to Include Historic Landmarks]
2 AMENDING CHAPTER 1 OF THE PLANNING CODE BY AMENDING SECTION 149 TO
3 ADD HISTORIC LANDMARKS TO THE LIST OF AUTHORIZED USES OF THE 1% SET
4 ASIDE FOR PUBLIC ARTWORK, PROVIDED HOWEVER THAT SAID USE FOR HISTORIC
5 LANDMARKS TERMINATES THREE YEARS FROM THE EFFECTIVE DATE OF THIS
6 ORDINANCE.

7 Note: Additions are underlined; deletions are
8 in ((double parentheses)).

9 Be it ordained by the People of the City and County of
10 San Francisco:

11 Section 1. Chapter 1 of the San Francisco Planning Code is
12 hereby amended by amending Section 149, to read as follows:

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

15 (a) **Artworks.** In the case of construction of a new building or
16 addition of floor area in excess of 25,000 square feet to an existing
17 building in a C-3 District, works of art costing an amount equal to
18 one percent of the construction cost of the building or addition as
19 determined by the ((Superintendent)) Director of the ((Bureau))
20 Department of Building Inspection shall be installed and maintained
21 (i) in areas on the site of the building or addition and clearly
22 visible from the public sidewalk or the open-space feature required
23 by Section 138, or (ii) on the site of the open-space feature
24 provided pursuant to Section 138, or (iii) upon the approval of any
25 relevant public agency, on adjacent public property, or (iv) in a

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1 publicly accessible lobby area of a hotel, or (v) in, upon or as part
 2 publicly-visible ornamental features that are located in the C-3 District
 3 of the architectural features of buildings/ designated as historical
 4 or in "P" Districts adjacent to the C-3 District and that are
 5 landmarks by Article 10, as Category I Significant Buildings by
 6 Article 11 of this Code or are listed as National Historical
 7 Landmarks on the National Historic Register; provided however that
 8 the right to elect to use item (v) to satisfy the obligations of this
 9 Section shall terminate 3 years from the effective date of this
 10 ordinance. Said works of art shall be installed prior to issuance of
 11 the first certificate of occupancy; provided, however, that if the
 12 Zoning Administrator concludes that it is not feasible to install the
 13 works within that time and that adequate assurance is provided that
 14 the works will be installed in a timely manner, the Zoning
 15 Administrator may extend the time for installation for a period of
 16 not less than 12 months. Said works of art may include sculpture,
 17 bas-relief, murals, mosaics, decorative water features, tapestries
 18 or other artworks permanently affixed to the building or its grounds,
 19 or a combination thereof, but may not include architectural features
 20 of the building, except as provided by (v) above. Artworks shall be
 21 displayed in a manner that will enhance their enjoyment by the
 22 general public. The type and location of artwork, but not the
 23 artistic merits of the specific artwork proposed, shall be approved
 24 in accordance with the provisions of Section 309. The term
 25 "construction cost" shall be determined in the manner used to
 determine the valuation of work as set forth in Section ((304)) 107.2
 of the Building Code.

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

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

13 (1) One model of the building at a scale of $1^2 = 100$; and

14 (2) One model of the block in which the building is located at
15 a scale of $1^2 = 32$, which model shall include all the buildings on
16 the block on which the building is located and the streets
17 surrounding the block to the centerline of the streets and shall use
18 as its base the land form starting at sea level; provided, however,
19 that if the Department of City Planning determines that it has an up-
20 to-date model of the block in which the building is located, only a
21 model of the building shall be submitted.

22 (d) **Procedure Regarding Certificate of Occupancy.** The
23 ((Superintendent)) Director of the ((Bureau)) Department of Building
24 Inspection shall provide notice in writing to the Zoning
25 Administrator at least five business days prior to issuing the first

1 certificate of occupancy for any building subject to the provisions
2 of this Section. If the Zoning Administrator notifies the
3 ((Superintendent)) Director within such time that the provisions of
4 this Section have not been complied with, the ((Superintendent))
5 Director shall deny the permit. If the Zoning Administrator notifies
6 the ((Superintendent)) Director that the provisions of this Section
7 have been complied with or fails to respond within five business
8 days, the permit of occupancy shall not be disapproved pursuant to
9 this Section. As used herein, the "first certificate of occupancy"
10 shall mean either a temporary certificate of occupancy or a
11 Certificate of Final Completion and Occupancy as defined in San
12 Francisco Building Code Sections ((307)) 109.3 and 109.4., whichever
13 is issued first. The procedure set forth in this Subsection is not
14 intended to preclude enforcement of the requirements of this Section
15 through any means otherwise authorized.

16
17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney

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21 By: _____

Ilene Dick
Deputy City Attorney

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Page 4
2/24/98

Board of Supervisors, San Francisco

Passed on First Reading

August 17, 1998

Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina
Newsom Yaki Yee

Absent: Supervisor Teng

§ Finally Passed

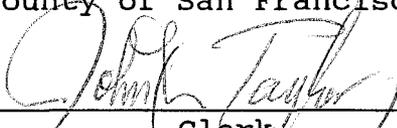
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August 24, 1998

Ayes: Supervisors Ammiano Bierman
Brown Kaufman Leno Medina Newsom
Yaki Yee

Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco



Clerk

File No.
98-0260

 AUG 28 1998
Date Approved



Mayor