Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and after January 1, 2013 imposing this requirement on any new development project or addition to an existing building over 75,000 square feet located in a zoning district other than C-3 to extend the fee to all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013, on the following parcels: (a) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (b) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (c) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall); 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

(a) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110853 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18477, and incorporates those reasons herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 110853.

(c) The Board of Supervisors finds that this ordinance is in conformity with the General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18477, and hereby incorporates those reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 429, to read as follows:

SEC. 429. ARTWORKS, OPTIONS TO MEET PUBLIC ART FEE REQUIREMENT, RECOGNITION OF ARCHITECT AND ARTISTS' AND MODEL REQUIREMENTS IN C-3 DISTRICTS.
(The effective date of these requirements shall be either September 17, 1985, the date that they originally became effective, or the date of a subsequent modification, if any, became effective.)

**SEC. 429.1. DEFINITIONS.** (a) **Artworks.** In addition to the definitions set forth in Section 401 of this Article, the following definitions shall govern interpretation of Section 429.1 et seq.:

"Conservation" shall mean the profession devoted to the preservation of cultural property for the future.

"Construction Cost" shall be determined by the Department of Building Inspection in accordance with established industry standards or in the manner used to determine the valuation of work as set forth in Section 107.2 of the Building Code.

"High-capacity nonprofit arts organization" shall mean a nonprofit organization that the Arts Commission determines, based on its review of the organization's annual report, certified audits, performance attendance, prior track record, critical reviews, and other information, can provide the intended programming based on such factors as: the number of years of operation; the financial health and stability of the organization; and the quality of programming, constituency served, and evidence of community support. The Arts Commission may, in its discretion, further refine this definition in rules and regulations.

"Maintenance" shall mean a minimally invasive, routine and regularly scheduled activity that may involve the removal of superficial dirt or debris build-up on the surface of the artwork or the cleaning and repair of non-art support material such as a pedestal or plaque.

"Preservation" shall mean the protection of cultural property through activities that minimize chemical and physical deterioration and damage, and that prevent loss of informational content. The primary goal of preservation is to prolong the existence of cultural property, and should be undertaken or overseen by a professional conservator.
"Restoration" shall mean a treatment procedure intended to return cultural property to a known or assumed state, often through the addition of non-original material.

SEC. 429.2. APPLICATION. This section shall apply to:

(a) all projects that involve 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 and

(b) on or after January 1, 2013, all projects in zoning districts other than a C-3 District that involve construction of a new building or addition of floor area in excess of 75,000 square feet; all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013 on the following parcels: (1) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (2) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall). For the purposes of this Section, a "Development Application" shall mean any application for a building permit, site permit, environmental review, Preliminary Project Assessment (PPA), Conditional Use, or Variance.

SEC. 429.3. IMPOSITION OF PUBLIC ART FEE REQUIREMENT.

(a) Determination of Requirements. The Department shall determine the applicability of Section 429.1 et seq. to any development project requiring a first construction document and, if Section 429.1 et seq. is applicable, the number of gross square feet subject to its requirements, and shall impose this requirement as a condition of approval for issuance of the first construction document for the development project to address the need for additional public art in the downtown districts. The project sponsor shall supply any information necessary to assist the Department in this determination.
(b) **Amount of Fee.** Upon design approval of the development project from the Planning Department, and except as otherwise provided herein, the project sponsor shall dedicate and expend an amount equal to one percent of the construction cost of the building or addition as determined by the Director of DBI the Department of Building Inspection (the "Public Art Fee") for the purposes described herein and subject to the options set forth below, 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. In lieu of installing and maintaining works of art pursuant to subsections (i) through (iv) above, a project sponsor may elect to contribute a sum of money at least equivalent to the cost of the artwork to finance, in whole or in part, rehabilitation and restoration of the exterior of a publicly owned building provided that the building is (i) owned by the City and County of San Francisco, and (ii) located in a P District adjacent to a C-3 District, and (iii) designated as an historical landmark by Article 10 of this Code or designated as a Category I Significant Building by Article 11 of this Code and listed as a National Historical Landmark on the National Historical Register; provided, however, that the right to elect to use this in-lieu provision to satisfy the obligations of this Section shall terminate five years from the effective date of this provision.

(c) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross floor area subject to Section 429.1 et seq. and the dollar amount of the Public Art Fee required, the Department shall immediately notify the Development Fee Collection Unit at DBI of its determination, in addition to the other information required by Section 402(b) of this Article.

(d) **Sponsor's Choice Options to Fulfill Requirements.**
(1) Non-Residential Development Projects With Large Ground-Floor Public-Open Space Requirements. Non-residential buildings with public open space requirements greater than 1,499 square feet but less than 3,000 square feet that provide on-the-ground floor open space that are over 3,000 square feet shall comply with Section 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $1,000,000 $500,000, only on-site public art valued at $1,000,000 $500,000 is required to be provided on-site. Non-residential buildings with public open space requirements greater than or equal to 3,000 square feet that provide ground floor open space shall comply with Section 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $750,000, only on-site public art valued at $750,000 is required to be provided on-site. In any case where the Public Art Fee requirement exceeds the amount required on-site, prior to issuance of a building or site permit the project sponsor may shall elect one of the following options to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice: (a) to expend the remainder of the Public Art Fee on-site, or (b) to deposit the remainder of the Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non-profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary, or (c) to expend a portion of the remainder on-site and deposit the rest into the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.
(2) Residential Development Projects and Non-Residential Development Projects

Without Large Ground-Floor Public Open Spaces, Prior to issuance of a building or site permit for a residential development project or a non-residential development project with public open spaces on the ground floor that are 3,000 square feet or less that is subject to the requirements of Section 429.1 et seq., the sponsor shall elect one of the options listed below to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice of the following:

(1) (i) Option to Use 100% of Public Art Fee to Provide On-Site Public Artwork. Unless otherwise provided below, the project sponsor may elect to provide on-site public art of a value at least equivalent to the Public Art Fee.

(2) (ii) Option to Contribute 100% of Public Art Fee Amount to Public Artwork Trust Fund. Effective on the effective date of this Ordinance No. for a project that has not received its first construction document, and except as provided herein, the project sponsor may pay the Public Art Fee for deposit in the Public Artwork Trust Fund defined under established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.57(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non-profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(3) (c) Option to Expending Provide 50% of a Portion of the Public Art Fee Amount to On-Site Public Artwork with and the Remainder Remaining Discounted Amount to the Public Artwork Trust Fund. Effective on the effective date of this Ordinance No. a project that has not received its first construction document may elect to expend 50% of a portion of the Public Art...
Fee for the acquisition of On-Site Public Artwork that shall be subject to the requirements of subsection (d) (2)(a)(4) above regarding On-site Public Artwork, and deposit 45% of the remaining balance of the Public Art Fee into the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(e) Department's Notice to Development Fee Collection Unit of Sponsor's Choice. After the project sponsor has notified the Arts Commission and the Department of the choice to fulfill the requirements of Section 429.1 et seq., as required by Section (d)(1) or (2) above, the Department shall immediately notify the Development Fee Collection Unit at DBI of the project sponsor's choice.

(f) Development Fee Collection Unit Notice to Arts Commission and Department Prior to Issuance of the First Certificate of Occupancy. The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Arts Commission and to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 429.1 et seq. that has elected to fulfill all or part of the requirements with an option other than the project sponsor's payment of an in-lieu fee to verify that the artwork was placed in the agreed upon location with the appropriate ADA compliant signage. If the Arts Commission or the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 429.1 et seq.

(g) Process for Revisions of Determination of Requirement. In the event that the Department or the Planning Commission takes action affecting any development project subject to Section 429.1 et seq., and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

SEC. 429.4. COMPLIANCE BY PROVIDING ON-SITE PUBLIC ARTWORK.
(a) **Installation.** The project sponsor must install the public art in compliance with this Section
(1) in areas on the site of the building or addition so that the public art is 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) in a publicly accessible lobby area of a hotel ("On-Site Public
Artwork").

Said works of art **On-Site Public Artwork** 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, nor artwork designed by the architect, except as
permitted with respect to the in lieu contribution regarding publicly owned buildings meeting
the criteria described above. 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 by the Zoning Administrator following a
review of the Arts Commission's written report under subsection (b) below in accordance with
the provisions of Section 309 of this Code. The term "construction cost" shall be determined in the
manner used to determine the valuation of work as set forth in Section 107.2 of the Building Code.

(b) **Consultation with Arts Commission.** Effective on the effective date of this
Ordinance No. __________, the project sponsor shall provide information to the Arts Commission
regarding the type, durability, design, artistic merit, and publicly accessible location of the
project sponsor’s proposed **On-Site Public Artwork.** Following such consultation and prior to
DBI’s issuance of the first construction document, the Arts Commission shall provide the
(c) Administrative Fee. The Arts Commission is authorized to collect an administrative fee from the project sponsor of $2,500 for administration of this option and, if justified, an additional amount based on a time and materials basis. The administrative fee shall be taken out of the Public Art Fee, not calculated in addition to the Fee. The Arts Commission may adjust the administrative fee annually based on a cost-of-living or similar index. Any such adjustment shall be published on the Arts Commission and Department of Planning websites.

(b) (d) Removal, Relocation, or Alteration of Artwork. Once the project sponsor has installed and completed the final Artwork, the project sponsor, building owner and any third party, may not remove, relocate or alter the Artwork without notifying and consulting with the Arts Commission Planning Department at least 120 days prior to the proposed removal, relocation or alteration. The Arts Commission Planning Department shall not approve any removal, relocation, or alteration unless it finds that such removal, any removed Artwork will be replaced with Artwork of equal or greater value, or that any relocation, or alteration is only a minor modification of equal or greater value. If a project sponsor does remove, relocate, or alter the Artwork without notification and approval of the Planning Department Arts Commission, the Planning Department is authorized to pursue enforcement of this Section under Section 176 or 176.1 of this Code or to pursue any other remedy permitted by law.
SEC. 429.5. COMPLIANCE BY CONTRIBUTION OF 100% OF PUBLIC ART FEE AMOUNT TO PUBLIC ARTWORK TRUST.

With the approval of the Arts Commission, the project sponsor may designate the use of her or his contribution to the Trust to a high capacity private, non-profit arts organization to provide exterior public artistic programming in the C-3 district or within a half mile of the boundary of the C-3 District. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI. DBI shall not issue a first construction document for a project subject to this Section unless and until the project sponsor has paid the fee in full.

SEC. 429.6. COMPLIANCE BY PROVIDING 50% OF PUBLIC ART FEE AMOUNT TO ON-SITE PUBLIC ARTWORK WITH REMAINING DISCOUNTED AMOUNT TO PUBLIC ART TRUST.

(a) Installation. The project sponsor must install and complete the final artwork as provided in Section 429.4(a) and 45% of the remaining amount to the Public Art Trust. These two actions will fulfill the project sponsor’s Public Art Fee Requirement under this Section 429.9 and the project sponsor may retain the balance of 5% of the Public Art Fee.

(b) Consultation with Arts Commission. Effective on the effective date of this Ordinance No. ___________, the project sponsor shall provide information to and consult with the Arts Commission pursuant to the provisions of Section 429.4(b).

(c) Administrative Fee. The Arts Commission is authorized to collect an administrative fee from the project sponsor of $2,500 for administration of this option and, if justified, an additional amount based on a time and materials basis. The administrative fee shall be taken out of the Public Art Fee Requirement, not calculated in addition to the Fee. The Arts Commission may adjust the administrative fee annually based on a cost of living or similar.
index. Any such adjustment shall be published on the Arts Commission and Department of Planning websites.

SEC. 429.57. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.

(a) All monies contributed to the Public Artwork Trust Fund pursuant to this Section 429 shall be deposited in the special fund maintained by the Controller called the Public Artwork Trust under Section 10.100-29 of the Administrative Code, as may be amended from time to time. The receipts in the Trust are hereby appropriated in accordance with law to be used by the Arts Commission within the C-3 District or within a half-mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary to enhance the visibility and quality of artworks in the public realm and to improve the public’s access and enjoyment of the artworks in the public realm.

(b) With the above objective, through a competitive public process the Public Artwork Trust Fund shall be overseen by the Arts Commission and used to fund: (i) the creation, installation, and exhibition of temporary and permanent public works of art in the public realm and within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary; (ii) the conservation, preservation, and restoration, but not maintenance of temporary and permanent public works of art in the public realm and within the C-3 District or within a half-mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary subject to a 15% maximum allocation per single project; (iii) a competitive public process overseen by the Arts Commission for distribution of funds to San Francisco nonprofit arts entities and artists to fund temporary public art projects, performance, film and video screenings, and capital improvements for publicly accessible cultural facilities within the C-3 District or within a half-mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary; (iv) with the approval of the Arts Commission and the designation of the project
sponsor, to a high capacity private, non-profit arts organization to provide exterior public
artistic programming in the C-3 district or within a half mile of the boundary of the C-3 District;
and (v)-(vi) the reasonable administrative expenses of the Arts Commission staff in connection with
administering compliance with the requirements of this Section on a time and materials basis for
managing projects funded through the Public Artworks Trust, not to exceed 20% of the costs for
any one project as well as the services of the Department of Building Inspection in
administering collection of the Public Art Fee pursuant to Chapter 107A.13 of the San
Francisco Building Code.

(c) The Arts Commission shall administer and expend the Public Artwork Trust Fund, which
shall have the authority to prescribe rules and regulations governing the Fund that are consistent
with this Section. The Arts Commission shall prepare and submit an annual report of the
expenditures and use of the Public Art Trust to the Director of the Planning Department
starting in July 1, 2012 for the prior fiscal year.

SEC. 429.68. (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, an ADA compliant plaque or cornerstone identifying the project architect and the
creator of the On-Site Public Artwork artwork provided pursuant to Subsection (a) this Section 429
and the erection date of the On-Site Public Artwork shall be placed at a publicly conspicuous
location on or in the building prior to the issuance of the first certificate of occupancy. Prior to
the issuance of the First Certificate of Occupancy, the project sponsor shall also send a
written notice to the Arts Commission for the Commission’s records containing the name of
the artist(s), the title, date and medium of the artwork, a photograph of the artwork, and the
location of the Artwork and address of the building. The Commission staff shall make this
information available to the public in an accessible format, such as through the publication of
a public art map or on its website, and shall update the information regularly.
(e) Models. In a C-3 District, in the case of construction of a new building, or any addition in height in excess of 40 feet to an existing building, two models shall be submitted to the Planning Department 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 Planning Department determines 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 Director of DBI 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 Director of DBI within such time that the provisions of this Section have not been complied with, the Director of DBI shall deny the permit. If the Zoning Administrator notifies the Director of DBI 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. The procedure set forth in this subsection is not intended to preclude enforcement of the requirements of this Section through any means otherwise authorized.

SEC. 429.79. LIEN PROCEEDINGS. A project sponsor's failure to comply with the requirements of Sections 429.5 or 429.6 Section 429.3(d)(2)(b) or (c) shall be cause for the Development Fee Collection Unit at DBI to institute lien proceedings to make the in-lieu fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.
Section 3. The San Francisco Administrative Code is hereby amended by adding a
new section 10.100-29 to read as follows:

SEC. 10.100-29. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.

(a) Establishment of Fund. The Arts Commission Public Artwork Trust Fund is established as
a category eight fund to receive any monies collected for the Public Art Fee in accordance with
Planning Code Section 429, as may be amended from time to time, and deposited with the City
Treasurer for use by the Arts Commission in accordance with Planning Code Section 429 and to
receive all revenue from private contributions to the City for the Arts Commission's public art program
for use in the C-3 District or within a half mile of the boundary of the C-3 District or, if the
project is within another zoning district, within a half mile of the project boundary.

(b) Use of Fund. Unless otherwise provided by Charter, municipal code, contract or funding
source, the monies in said fund shall be expended only for the (i) the creation, installation, and
exhibition of temporary and permanent public works of art in the public realm and within the C-3
District or within a half mile of the boundary of the C-3 District or, if the project is within another
zoning district, within a half mile of the project boundary; (ii) the conservation, preservation, and
restoration, but not maintenance of temporary and permanent public works of art in the public realm
and within the C-3 District or within a half-mile of the boundary of the C-3 District or, if the project is
within another zoning district, within a half mile of the project boundary subject to a 15%
maximum allocation per single project; (iii) a competitive public process overseen by the Arts
Commission for distribution of funds to San Francisco nonprofit arts entities and artists to fund
temporary public art projects, performance, film and video screenings, and capital improvements for
publicly accessible cultural facilities within the C-3 District or within a half-mile of the boundary of the
C-3 District or, if the project is within another zoning district, within a half mile of the project
boundary; (iv) with the approval of the Arts Commission and the designation of the project
sponsor, to a high capacity private, non-profit arts organization to provide exterior public

Mayor Lee, Supervisor Chiu
BOARD OF SUPERVISORS
artistic programming in the C-3 district or within a half mile of the boundary of the C-3 District;
and (v) the reasonable administrative expenses of the Arts Commission staff in connection with
administering compliance with the requirements of this Section on a time and materials basis for
managing projects funded through the Public Artworks Trust, not to exceed 20% of the costs for
any one project, as well as the services of the Department of Building Inspection in
administering collection of the Public Art Fee pursuant to Chapter 107A.13 of the San
Francisco Building Code.

(c) Exceptions to Fund Category. The Arts Commission shall authorize all expenditures from
the fund.

Section 4. The Board of Supervisors urges the Arts Commission, in consultation with
the Planning Department and the public, to engage in a strategic planning process as to how
the Public Artwork Trust Fund shall be expended. The Board of Supervisors also urges the
Arts Commission to recommend an updated set of "Fine Arts Guidelines" to the Planning
Department for review and approval by the Planning Commission.

Section 5. Effective Date. This ordinance shall become effective 30 days from the
date of passage.

Section 6. This Section is uncodified.

In enacting this Ordinance, the Board intends to amend only those words, phrases,
paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any
other constituent part of the Planning Code that are explicitly shown in this legislation as
additions, deletions, Board amendments additions, and Board amendment deletions in
accordance with the "Note" that appears under the official title of the legislation. This
Ordinance shall not be construed to effectuate any unintended amendments. Any additions or deletions not explicitly shown as described above, omissions, or other technical and non-substantive differences between this Ordinance and the Planning Code that are contained in this legislation are purely accidental and shall not effectuate an amendment to the Planning Code. The Board hereby authorizes the City Attorney, in consultation with affected City departments, to make those necessary adjustments to the published Planning Code, including non-substantive changes such as renumbering or relettering, to ensure that the published version of the Planning Code is consistent with the laws that this Board enacts.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and to extend the fee to all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013, on the following parcels: (a) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (b) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (c) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall); 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
April 03, 2012 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

April 10, 2012 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 110853

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/10/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved 4/19/2012
Mayor