



# SAN FRANCISCO PLANNING DEPARTMENT

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## New Planning Code Public Artworks Requirement

**Case Number:** Board File No. 11-0853/ Ord. No. 62-12

**Initiated by:** Mayor Lee and Board President Chiu

**Effective Date:** Generally, May 19, 2012. Note the new requirement outside of the C-3 does not become effective until January 1, 2013.

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### **The Way It Was:**

Section 429 of the Planning Code required that in the Downtown C-3 Districts any new building or any addition of at least 25,000 square feet include a work of art equal to at least 1% of the construction value be provided in one of the following locations:

1. on-site in a privately owned public open-space<sup>1</sup> (POPOS);
2. on-site and clearly visible from the public sidewalk or the public open-space (POPOS); or
3. on adjacent public property subject to approval of said public agency; or
4. if the building is a hotel it may be provided in the publicly accessible lobby.

The artwork must be permanent art and not merely architectural detailing of building features. The Code emphasizes that the location must promote "public enjoyment" and while the location and the type of art may be reviewed, the artistic merit of the art are not to be a matter for public review. Both the artist and the building architect must be recognized by a plaque or cornerstone on the site.

### **The Way The Downtown Art Requirement Is Now:**

The Ordinance has amended the requirement for public art onsite and instead would allow the following options.

#### **Public Artworks Requirement for the C-3 Districts**

Within the C-3 Districts the art requirement is to be provided either within the C-3 District or, newly allowed by this proposed Ordinance, within a ½ mile radius of this district.

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<sup>1</sup> Planning Code Section 138 describes "Open Space Requirements in C-3 Districts". This open space requirement was developed by the Downtown Plan in 1985 and are also known as "privately owned public open-spaces" or "POPOS". POPOS include features such as plazas, roof gardens, greenhouses, atriums and others. SPUR in coordination with Planning Staff produced an assessment of these spaces, titled "Secrets of San Francisco" available at: [www.spur.org/publications/library/report/secretsofsanfrancisco\\_010109](http://www.spur.org/publications/library/report/secretsofsanfrancisco_010109).

**Residential C-3 Projects.** Project sponsors with residential projects within the C-3 District now have options for satisfying the public art requirement. The project sponsor may choose to either pay into the Public Artworks Fund; provide on-site art; or fulfill the requirement with any combination of on-site art or fee payment so long as it equals 1% of the project total costs.

**Non-Residential C-3 Projects.** The requirement for non-residential projects shall be linked to the size of the required public open space:

- 1) if the open space requirement is less than 1500 sf, the project sponsor may choose to either pay into the Public Artworks Fund; provide the artwork on-site; or to fulfill the requirement with a combination of on-site and payment to the fund.
- 2) if the open space requirement is between 1500 - 3000 sf, the artwork must be provided on-site. Where the artwork requirement would be valued at more than \$500,000 only the first \$500,000 needs to be spent on-site. Above that amount, the project sponsor may choose to either pay into the Public Artworks Fund; or provide the full amount on-site; or provide a combination thereof;
- 3) if the open space requirement is greater than 3000 sf, the artwork must be provided on-site. Where the artwork requirement would be valued at more than \$750,000 only the first \$750,000 needs to be spent on-site. Above that amount, the project sponsor may choose to either pay into the Public Artworks Fund; provide the full amount on-site; or provide a combination thereof.

**Public Artworks Requirement for Non-Residential Projects in the South of Market and DTR Districts and Certain Parcels Zoned as EN and C-2.**

This Ordinance increased the zoning districts that are subject to the Public Artworks Requirement. Beginning January 1, 2013, the requirement for non-residential projects in the districts described below shall be the same as for non-residential projects in the C-3 Districts.

- The requirement applies to parcels in the RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts.
- The requirement applies to parcels zoned MUG, MUO, or MUR and that are north of Division/Duboce/13th Streets. The requirement applies to all C-2 zoned parcels except Stonestown Mall and Executive Park.

Within these areas, the art requirement is to be provided within a ½ mile radius of the project. (See attached map.)

The link to signed legislation:

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| Board<br>File No<br><br>110853 | Ord.<br>No.<br><br><a href="#">0062-12</a> | Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund<br><br><a href="http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances12/o0062-12.pdf">http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances12/o0062-12.pdf</a> |
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# Art Ordinance - Map 1

## ZONING DISTRICTS

(Downtown and SoMa unless otherwise stated)

### Downtown Residential Districts

- RH DTR Rincón Hill Downtown Residential
- SB-DTR South Beach
- TB DTR Transbay

### South of Market Mixed Use Districts

- SLR Service/Light Industrial/Residential
- SLI Service/Light Industrial
- SSO Service/Secondary Office

### Eastern Neighborhoods Mixed Use Districts

- MUG Mixed Use General
- MUO Mixed Use Office
- MUR Mixed Use Residential
- UMU Urban Mixed Use \*

### Commercial Districts

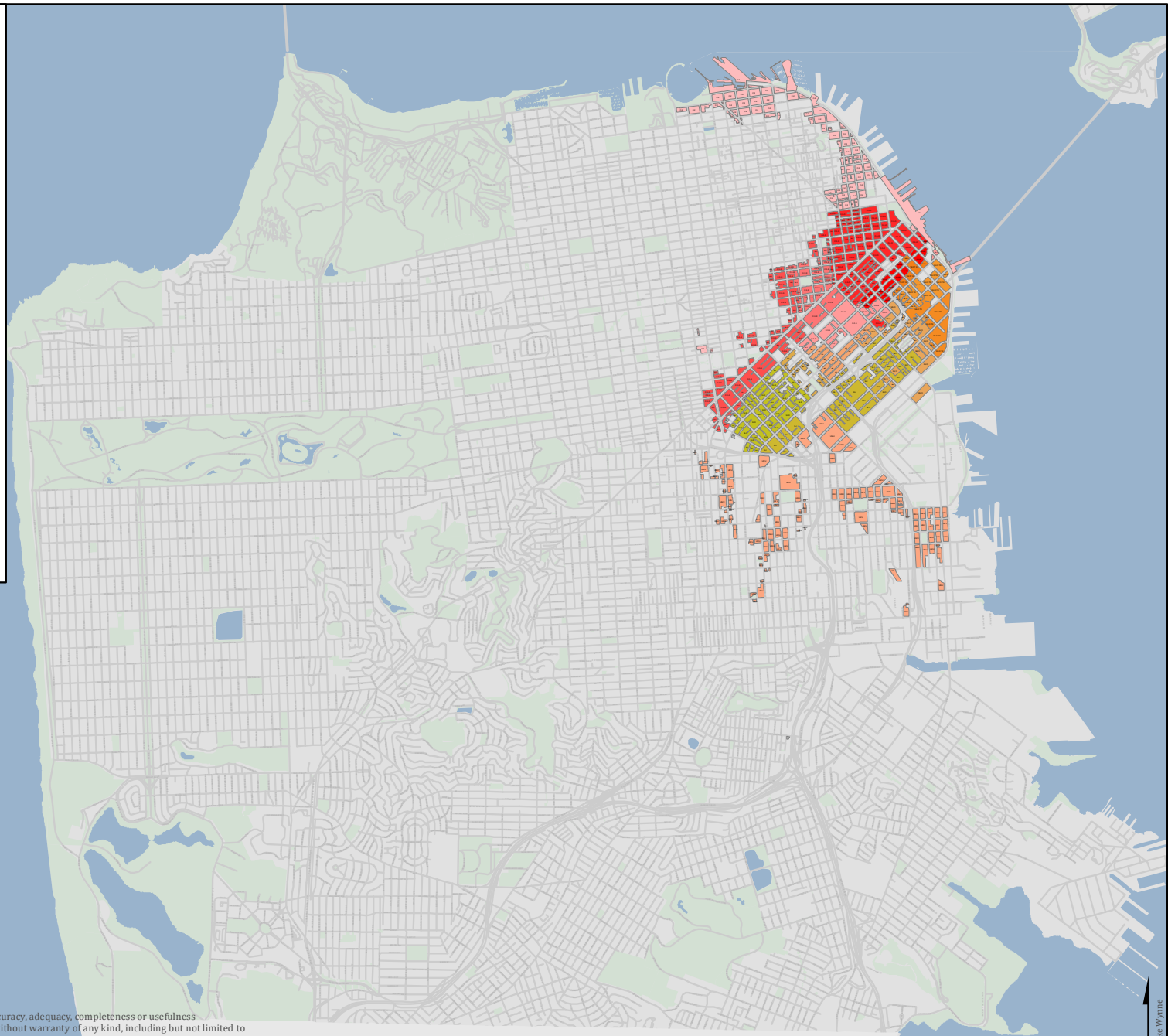
- C-2 Community Business \*\*
- C-3-S Downtown Support
- C-3-R Downtown Retail
- C-3-G Downtown General
- C-3-O Downtown Office
- C-3-O(SD) Downtown Office (Special Development)

### Industrial Districts

- C-M Heavy Commercial \*

\* All districts are included

\*\* All C-2 districts are included except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall)



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