

[Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects]

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects; affirming the Planning Commission’s determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) On November 16, 2023, the Planning Commission, in Resolution No. 21446, determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said Resolution is on file with the Clerk of the Board of Supervisors in File No. 231268 and is incorporated herein by reference. The Board affirms this determination.

(b) The Planning Commission, in Resolution No. 21446, also adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The Planning Commission also adopted findings of public necessity under Planning Code Section 302. The Board adopts these findings as its own.

1 (c) The Board of Supervisors is proceeding with this action to remove a financial
2 obstacle in the creation of affordable housing in furtherance of policy 8.6.5 in the recently
3 enacted Housing Element that states: “[r]emove Planning Code Section 429 Public Art
4 requirements for 100% affordable housing projects.” and action 4.2 in the California
5 Department of Housing and Community Development’s Policy and Practice Review that
6 states: “[a]nalyze and reduce constraints imposed on projects receiving City funds for
7 affordable housing development. . . .”

8
9 Section 2. Article 4 of the Planning Code is hereby amended by revising Section
10 429.2, to read as follows. Section 429.1 is in part reprinted, solely for informational purposes.

11 **[PUBLIC ART FEE]**

12 * * * *

13 **SEC. 429.1. DEFINITIONS.**

14 In addition to the definitions set forth in Section 401 of this Article, the following
15 definitions shall govern interpretation of Section 429.1 *et seq.*:

16 “100% Affordable Housing Project” means a project that meets the applicability
17 requirements for affordable housing projects set forth in Section 315(b) of this Code.

18 * * * *

19 **SEC. 429.2. APPLICATION.**

20 This section (Section 429.1 et seq.) shall apply to:

21 (a) all projects that involve construction of a new building or addition of floor area in
22 excess of 25,000 square feet to an existing building in a C-3 District, except for 100%
23 Affordable Housing Projects; and
24
25

1 (b) all non-residential projects that involve construction of a new building or addition of
2 floor area in excess of 25,000 square feet and that have submitted their first complete
3 Development Application on or after January 1, 2013 on the following parcels:

4 (1) all parcels in RH-DTR, TB-DTR, SB-DTR, UMU, WMUG, WMUO and SALI
5 Districts;

6 (2) properties that are zoned MUG, CMUO, or MUO or MUR and that are north
7 of Division/Duboce/13th Streets; and

8 (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and
9 7295 (Stonestown Galleria Mall).

10 For the purposes of this Section 429.2, a "Development Application" shall mean any
11 application for a building permit, site permit, environmental review, Preliminary Project
12 Assessment (PPA), Conditional Use, or Variance.

13
14 Section 3. Formatting of Ordinance; Explanation of Fonts.

15 (a) On December 11, 2023, the Land Use and Transportation Committee of the Board
16 of Supervisors duplicated Board File No. 230706 to create Board File No. 231268. The
17 ordinance in File No. 230706 proceeded through the legislative process, was enacted as
18 Ordinance No. 003-24, and became effective in February 2024. The ordinance in File No.
19 231268 – this ordinance – remained at the Land Use and Transportation Committee. This is
20 the second version of that ordinance.

21 (b) To clearly understand the proposed amendments to existing law contained in this
22 second version of this ordinance, the ordinance shows in "existing text" font (plain Arial) the
23 law currently in effect, as amended by Ordinance No. 003-24. This ordinance shows in
24 "Board amendment" font (double-underlined Arial font for additions and strikethrough Arial font
25

1 for deletions) amendments to existing law. This ordinance omits sections of the law currently
2 in effect that are not being amended by this ordinance.

3 (c) This second version of the ordinance also includes a new long title that replaces
4 the long title in the previous version of the ordinance, which had included references to the
5 amendments that became effective with the enactment of Ordinance No. 003-24. This
6 second version of the ordinance also includes some new findings.

7
8 Section 34. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Giulia Gualco-Nelson
23 GIULIA GUALCO-NELSON
24 Deputy City Attorney

25 n:\legana\as2023\2300308\01791424.docx



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 231268

Date Passed: October 29, 2024

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

December 11, 2023 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR

October 07, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 07, 2024 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION AS AMENDED

October 22, 2024 Board of Supervisors - PASSED ON FIRST READING


Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Ronen, Safai, Stefani and Walton
Noes: 1 - Peskin

October 29, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Ronen, Safai, Stefani and Walton
Noes: 1 - Peskin

File No. 231268

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/29/2024 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

11/7/24

Date Approved