

- (1) No minimum parking is required on Bay Area Rapid Transit (BART) district-owned parcels that are subject to the TOD zoning standards in Cal. Pub. Util. Code §[29010.6](#).
- (2) No minimum parking is required for projects that meet the parking exemptions provided in Chapter [18.183](#). (Ord. 07-2023 § 12, 12-5-23.)

18.43.135 City center district art program.

(a) Purpose and Goals. The purpose of this section is to implement the city center community plan by establishing a city center [district](#) art program. It is the intent of the city to create a program designed to promote the arts in the city center [district](#). It is intended that artwork will be installed throughout the [district](#) and be a source of pride to the [residents](#) of the city and the community life. The program will provide art education and experiences that will spur creativity and economic development by creating a destination that attracts visitors and encourages walking through the [streets](#) of the city center [district](#). The program will develop community pride and identity and improve the general welfare and quality of life in the city. The program will promote partnership between business, local government, and private citizens and thereby encourage awareness and enjoyment of art experiences. An increase in the quantity and quality of distinguished works of art will improve and expand the use and value of [buildings](#) and facilities and enhance the urban development of the city center [district](#).

(b) City Center [District](#) Art Fee Requirement.

- (1) Construction Less Than 100,000 Square Feet of [Gross Floor Area](#). In the case of the construction of any [building](#) that is less than 100,000 square feet of [gross floor area](#) anywhere in the city center [district](#), or the addition of less than 100,000 square feet of [gross floor area](#) to an existing [building](#) anywhere in the city center [district](#), a city center [district](#) art fee shall be paid into the city's city center [district](#) public art fund.
- (2) Construction Greater Than 100,000 Square Feet of [Gross Floor Area](#). In the case of the construction of any [building](#) of 100,000 square feet of [gross floor area](#) or more in the city center [district](#), or the addition of 100,000 square feet or more of [gross floor area](#) to any existing [building](#) in the city center [district](#), a city center [district](#) art fee shall be paid into the city's city center [district](#) public art fund; provided, however, that the developer, in lieu of paying up to 50 percent of the fee, may choose to pay at least half of the city center [district](#) art fee

into the city center [district](#) public art fund, and expend the remaining amount for on-site artwork.

(3) The amount of the fee shall be based on an amount per square foot adopted by resolution of the [city council](#), and subject to an annual escalator (applied at the beginning of each calendar year) based on the Consumer Price Index (CPI) in the San Francisco-Oakland-San Jose area for the preceding year.

(c) Timing of Payment of City Center [District](#) Art Fee and Installation of On-Site Artwork. The city center [district](#) art fee shall be paid prior to the issuance of the first [building](#) permit for the project. The fee may be subject to deferral consistent with city fee deferral policies for development impact fees. For projects where the developer has opted to provide in-lieu on-site artwork, the art shall be installed on the property prior to the issuance of the first [certificate of occupancy](#), unless the [community development director](#) grants an extension taking into consideration the size of the artwork, difficulty of manufacturing and/or installation, and related costs while ensuring that the artwork is installed as soon as reasonably feasible.

(d) City Center [District](#) Public Art Fund. All fees collected under this section shall be deposited into a segregated fund to be designated the “city center [district](#) public art fund.” The fund shall be used for city-owned art or city-sponsored exhibitions located within the boundaries of the city center [district](#). The fund shall be used exclusively to prepare sites for works of art, acquire and install works of art, maintain works of art, support the exhibition of publicly accessible art or fund other administrative costs, including city staff time, associated with the city center [district](#) art program. The city will oversee the design and installation of the art in the city center [district](#) pursuant to the city’s art in public places policy.

(e) Approval of On-Site Artwork. For projects with construction greater than 100,000 gross square feet of [floor area](#), if the developer has opted to place in-lieu artwork on site, the developer must comply with the process and guidelines promulgated by the [community development director](#) for approval, installation and maintenance of on-site artwork. The owner of the real property on which artwork approved under this program is located shall maintain the artwork installed pursuant to this section. The [community development director](#) is authorized to approve on-site artwork but may refer proposed artwork to the art review board and/or [city council](#) if he or she believes further input

and direction is required.

(f) Installation and Maintenance of On-Site Artwork – Enforcement.

(1) Following approval and installation of the artwork, the developer shall record a document with the county recorder setting forth a description of the artwork and stating the obligation of the property owner to repair and maintain the artwork.

(2) At any time the [community development director](#) has determined that the artwork has not been installed or maintained in substantial conformance to the manner in which it was originally approved, he or she shall require the current property owner to either:

(A) Install, repair or maintain the artwork; or

(B) Pay the city center [district](#) art fee required by subsection (b)(2) of this section, based upon the current fee schedule and the square footage of the [building](#), [structure](#) or improvement for which the artwork was required. (Ord. 04-2016 § 10, 3-1-16.)

Article 3. Walkable Block Standards

18.43.140 City center scale, intended physical character streetscapes.

Property and rights-of-way subject to the city center code are intended to generate and support the walkable blocks, streetscapes and city-scale physical character as described below.

(a) Design Objectives. Existing blocks are allowed to remain until any of the requirements of Section [18.43.030](#)(a)(2)(A) apply. New or existing blocks to be modified shall be designed and maintained to:

(1) Support the city center-scale environment of interconnected blocks and streetscapes that facilitate walking and multi-modal access;

(2) Support the intended physical character of the zone; and

(3) Generate blocks per the requirements of the zone and identified in Section [18.43.170](#).