

**From:** [Zak Franet](#)  
**To:** [Preston, Dean \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Guled Muse](#)  
**Subject:** Re: 231268 [Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects]  
**Date:** Monday, October 7, 2024 11:01:35 AM  
**Attachments:** [Outlook-Text\\_Desc.png](#)

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Good Morning Supervisors,

Hope each of you had a wonderful weekend.

My name is Zak Franet and I am the Director of Policy and Public Affairs at Episcopal Community Services. I am writing in regards in opposition to Item #5 on today's agenda, 231268 [Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects].

As a developer of affordable housing for formerly homeless people, we wholeheartedly understand the need reduce the cost of building new affordable housing projects, but believe that the wholesale elimination of the public art requirement is not the best path forward. ECS and our peers have long appreciated the ability of leveraging public art to engage with local artists and the communities are projects are built in.

CCHO, in partnership with its membership, conducted an analysis of costs in a variety of affordable housing projects and ultimately recommended that we reduce the cost requirement by more than half while keeping in place a minimally sufficient budget to fund meaningful public art and fairly compensate artists. This alternative sets a range between .4%-.55% of construction costs which is significantly lower than the city's current requirements.

ECS supports this alternative proposal and asks that each of you consider supporting it as well. We believe that this policy strikes the balance between meeting the spirit of our HCD and Housing Element mandates to reduce restraint and lower costs, while protect affordable housing projects' ability to empower residents to feel at home and proud in their neighborhoods.

We appreciate your time and consideration.

Warm regards, Zak.

**Zak Franet** *(he, him, his)*

Director of Policy and Public Affairs

Episcopal Community Services

165 Eighth Street, San Francisco, CA 94103

ZFranet@ecs-sf.org | W: (628) 227-0617 | C: (510) 688-2086

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**Episcopal  
Community Services**  
San Francisco

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**From:** [Charlie Sciammas](#)  
**To:** [Melgar, Myrna \(BOS\)](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#); [Lovett, Li \(BOS\)](#); [Horrell, Nate \(BOS\)](#)  
**Subject:** CCHO Letter: Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects  
**Date:** Monday, September 23, 2024 1:50:03 PM  
**Attachments:** [Public Art in Affordable Housing\\_CCHO Letter Land Use Committee September, 2024 \(1\).pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Melgar,

Thank you for your ongoing commitment to public art strategies in our city's affordable housing and community development work. We are writing to express our concerns regarding [Ordinance #231268](#), sponsored by Supervisor Dorsey, which eliminates public art requirements for new 100% affordable housing projects.

Please see our letter attached.

Thank you

--

Charlie Sciammas, Policy Director  
Council of Community Housing Organizations / CCHO Action  
Cell: 415-615-2632 Office: 415-882-0901  
325 Clementina Street, San Francisco 94103  
[www.sfccho.org](http://www.sfccho.org). [www.sfcchoaction.org](http://www.sfcchoaction.org)  
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**September 23rd, 2024**

The Honorable Myrna Melgar  
Chair, Land Use and Transportation Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place,  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

Re: File #231268 Oppose Unless Amend

Dear Chair Melgar:

Thank you for your ongoing commitment to public art strategies in our city's affordable housing and community development work. We are writing to express our concerns regarding [Ordinance #231268](#), sponsored by Supervisor Dorsey, which eliminates public art requirements for new 100% affordable housing projects. Supervisor Dorsey has requested that this ordinance be calendared at the Land Use and Transportation Committee in October. As organizations deeply committed to affordable housing, we see public art as a vital way to maintain a neighborhood's sense of culture and vibrancy and key to our organizations community development strategies in the neighborhoods we serve. By writing out affordable housing from Planning Code Section 429 in the C-3 district and Admin Code Section 3.19 citywide, this legislation eliminates mechanisms to sustain community public art in affordable housing projects all across the city, including cultural districts and communities that rely on cultural arts strategies. We would like to work with you and the Land Use and Transportation Committee to safeguard these vital placemaking resources.

This legislation came about as a result of HCD's [Policy and Practices Review](#) which states in Action 4.2 that "Affordable housing developers report additional procedural complexities, including the aforementioned lack of inter-agency coordination, trouble satisfying public art requirements for 100 percent affordable housing developments." In order to address this concern, the Policy and Practices Review requires that the City and County of San Francisco take action to "**analyze and reduce constraints** imposed on projects receiving City funds for affordable housing development, including removing Public Art requirements for 100 percent affordable housing projects".

When Supervisor Dorsey introduced this legislation, the Council of Community Housing Organizations worked with our member organizations and cultural arts organizations to develop a community based proposal. Our goal was to contain costs in order to prioritize scarce affordable housing funding for affordable housing production while ensuring that public art remains an integral part of the city's community development work. **Based on an analysis of costs in a variety of affordable housing projects, we recommend reducing the cost requirement by more than half while keeping in place a minimally sufficient budget to fund meaningful public art and fairly compensate artists.** Our proposal establishes a floor for the public art budget of .4% and a cap of .55% of the overall construction cost of an affordable housing project. Within this range, community housing organizations can opt to set the budget depending on the project's financing and the community's public art goals. The proposal also establishes a minimal standard for engaging with artists and communities.

We believe that integrating public art into affordable housing projects contributes to community place-making, cultural preservation, and deeper community engagement. **We believe the proposal we put forward complies with the spirit of HCD's Policies and Practices Review to reduce constraints, strikes a balance to contain overall costs, and protects San Francisco affordable housing projects' ability to enable residents to feel at home and proud in their neighborhoods and brand affordable housing as beautiful and culturally celebratory spaces.**

In the spirit of appreciation and collaboration, we request that you work with us to draft amendments based on our community proposal. We also request that this item not be scheduled at the Land Use and Transportation Committee until these amendments are drafted. We will follow up to see when we can arrange a time to meet with your team.

Gratefully and Respectfully,



Charlie Sciammas  
Policy Director

CC

Aaron Peskin, President of the Board, Member of the Land Use Committee

Dean Preston, Member of the Land Use Committee

Matt Dorsey, Member of the Board of Supervisors

John Carroll, Clerk to the Land Use & Transportation Committee

**From:** [Lauren Lim](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** support for file 230706  
**Date:** Monday, December 11, 2023 11:25:54 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

**We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.**

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.

Best,

Lauren Lim

**From:** [Michael Blecker](#)  
**To:** [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Cc:** [Low, Jen \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Carroll, John \(BOS\)](#); [Tramecia Garner](#)  
**Subject:** Support for Legislation Easing Requirements for Community Organizations  
**Date:** Monday, December 11, 2023 11:01:23 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar, Vice Chair Preston, and President Peskin,

I hope this email finds you well. I am writing to express Swords to Plowshares' strong support for the legislation championed by Supervisor Dorsey aimed at easing the regulatory barriers faced by community organizations like ours in expanding operations within the South of Market area.

As you may be aware, Swords to Plowshares has been dedicated to its mission to heal the wounds of war, to restore dignity, hope, and self-sufficiency to all veterans in need, and to prevent and end homelessness and poverty among veterans for almost 50 years. Our commitment to supporting veterans has led us to establish a community center this year on the 3rd floor of our 1060 Howard site. However, during the process, we encountered challenges related to the non-profit use designation.

Upon realizing that the non-profit use was not appropriately set initially, we took the necessary steps to apply for a change of use from industrial/PDR to an institutional community use. Unfortunately, we discovered that the Planning Code necessitates a conditional use authorization and replacement PDR space, causing significant financial barriers for a non-profit organization like ours.

By supporting this legislation to ease these requirements, we believe that you contribute not only to Swords to Plowshares' ability to expand our services but also to the broader enhancement of the community.

Thank you for your time and consideration. We look forward to witnessing the positive changes this legislation can bring to our community, and expanding non profits like ours within the South of Market area.

Best regards,

Michael Becker

ED, Swords to Plowshares

Michael Blecker (He, Him, His) | Executive Director  
Swords to Plowshares (  
<https://www.swords-to-plowshares.org/>) | 401 Van Ness Ave, Suite 313  
San Francisco, CA 94102 | [mblecker@stp-sf.org](mailto:mblecker@stp-sf.org)



415.655.7240 (office)

Follow us: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#) | [YouTube](#)

Sign up for our email updates: <https://www.swords-to-plowshares.org/get-involved>

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Irene Lam](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: Support of Resolution File Number 230706  
**Date:** Monday, December 11, 2023 9:59:00 AM  
**Attachments:** [image001.png](#)

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Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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**From:** Irene Lam <irenelam945@gmail.com>  
**Sent:** Friday, December 8, 2023 8:43 PM  
**To:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** Support of Resolution File Number 230706

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Dear Board of Supervisors and Land Use Committee,

I am writing as a homeowner at 1400 Mission Street, San Francisco, CA. We are a culturally and ethnically diverse community residing in our 100% Below Market Rate (BMR) ownership building. Our community association, known as the 1400 Mission Street Owners Association, comprises 190 family units.

The mural on our building, initially installed by the developer through the Art Commission of the San Francisco Planning Department, holds historical significance. At its installation, its value was equivalent to 1% of the building's overall value. Unfortunately, over the years, the mural has been consistently defaced by graffiti. Despite our numerous attempts to maintain it, our financial constraints, characteristic of a BMR building, prevent us from refurbishing it.

Regrettably, current laws prohibit us from painting over the graffiti-covered mural. We have actively engaged with the city for over three years, seeking assistance to address this issue. While we receive graffiti abatement violations from the Department of Public Works (DPW), we find ourselves in a dilemma as we cannot paint over the graffiti, and refurbishing the mural, as per the artist's estate, involves exorbitant costs through their approved artists.

We seek your support for legislation file 230706 and express our gratitude to Supervisor Dorsey, Madison Tam, and others who have advanced this matter. While we acknowledge the importance of art in San Francisco, our unique situation does not allow us to afford the ongoing maintenance, considering the persistent graffiti challenges.

We urge you to pass this legislation for the Board of Supervisors' vote and kindly request your approval. Our community longs to experience a sense of pride when entering our building, our home. Your assistance in passing this legislation would enable us to finally address the graffiti and restore the vandalized artwork.

Thank you for your understanding and support.

Sincerely,  
Kam Oi leong Lam  
1400 Mission Street Homeowner

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Jingya Huang](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: 支持230706号文件  
**Date:** Monday, December 11, 2023 9:59:00 AM  
**Attachments:** [image001.png](#)

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Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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-----Original Message-----

From: Jingya Huang <jyahuang31@gmail.com>  
Sent: Friday, December 8, 2023 8:05 PM  
To: Carroll, John (BOS) <john.carroll@sfgov.org>  
Subject: 支持230706号文件

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Vivian Pan](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: Support for file 230706.  
**Date:** Monday, December 11, 2023 9:59:00 AM  
**Attachments:** [image001.png](#)

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Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

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[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
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-----Original Message-----

From: Vivian Pan <v.pan36@yahoo.com>  
Sent: Friday, December 8, 2023 4:19 PM  
To: Carroll, John (BOS) <john.carroll@sfgov.org>  
Subject: Support for file 230706.

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.  
Sent from my iPhone

**From:** [Shun Ling Mai](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** 1400 Mission Street - Graffiti Removal  
**Date:** Sunday, December 10, 2023 9:17:24 PM

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, Suite 502, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

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We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.

发自我的 iPhone

**From:** [zhenzhen Ma](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support 230706  
**Date:** Friday, December 8, 2023 11:01:50 PM

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

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We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.

Zhen  
Resident of 1400 Mission street San Francisco

**From:** [Wan Fen Liu](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** support file 230706  
**Date:** Friday, December 8, 2023 10:33:41 PM

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you.

发自我的 iPhone

**From:** [Huang Anissa](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** 230706  
**Date:** Friday, December 8, 2023 7:28:00 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street Apt 503, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

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Sent from my iPhone

**From:** [Fiona Yu](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** 支持230706 号文件  
**Date:** Friday, December 8, 2023 4:46:25 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

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Fiona

**From:** [Carroll, John \(BOS\)](#)  
**To:** [zhiguang yu](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: "支持 230706 号文件"  
**Date:** Friday, December 8, 2023 4:05:00 PM  
**Attachments:** [image001.png](#)

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Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

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**From:** zhiguang yu <zhiguangyu99@gmail.com>  
**Sent:** Friday, December 8, 2023 2:24 PM  
**To:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** "支持 230706 号文件"

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and

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We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork. Thank you!

**From:** [Michael Ng](#)  
**To:** [Myrna.melgav@sfgov.org](mailto:Myrna.melgav@sfgov.org); [Peskin, Aaron \(BOS\)](#); [dean.preston@sfgov.or](mailto:dean.preston@sfgov.or); [Carroll, John \(BOS\)](#)  
**Subject:** Fwd: get rid of our graffiti!  
**Date:** Friday, December 8, 2023 2:17:42 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

----- Forwarded message -----

**From:** **Michael Ng** <[michael.ng084@gmail.com](mailto:michael.ng084@gmail.com)>  
**Date:** Fri, Dec 8, 2023 at 2:04 PM  
**Subject:** Re: get rid of our graffiti!  
**To:** Amna Ali <[amnanadirali@gmail.com](mailto:amnanadirali@gmail.com)>

Yes, I will.

On Fri, Dec 8, 2023 at 10:16 AM Amna Ali <[amnanadirali@gmail.com](mailto:amnanadirali@gmail.com)> wrote:

Thank you. Could you possibly share the email address you used for the land use committee?

Amna

On Thursday, December 7, 2023, Michael Ng <[michael.ng084@gmail.com](mailto:michael.ng084@gmail.com)> wrote:

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at [1400 Mission Street, San Francisco, CA](#). We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

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artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

**We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.**

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

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Michael Ng

**From:** [Richard Hembry](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)  
**Subject:** Support for file 230706  
**Date:** Friday, December 8, 2023 11:07:33 AM

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I am a homeowner at [1400 Mission Street, San Francisco, CA](#). We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is [1400 Mission Street Owners Association](#), and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

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Sincerely,

Richard Louis Hembry Jr

**From:** [Nic](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** SUPPORT FOR FILE 230706  
**Date:** Friday, December 8, 2023 10:32:36 AM

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

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We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork.

Thank you!

Nicholas Mendiola

**From:** [Hannah Guo](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support 230706  
**Date:** Friday, December 8, 2023 10:28:57 AM

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Dear Board of Supervisor and Land Use Committee:

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Hannah Guo  
Resident of 1400 Missions street SF

**From:** [ZOE ZHU](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)  
**Subject:** Petition  
**Date:** Friday, December 8, 2023 7:47:24 AM

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Dear Board of Supervisor and Land Use Committee:

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**From:** [Wilson Li](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support for file 230706  
**Date:** Thursday, December 7, 2023 9:58:21 AM

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the legislation so we can finally remove the graffiti and the vandalized artwork.

Thank you.

Jianpei (Wilson)

**From:** [Jun Li](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support for file 230706  
**Date:** Wednesday, December 6, 2023 8:32:51 PM

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Dear Board of Supervisor and Land Use Committee:

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Thank you.

Jun Li

**From:** [Martha Vallejo](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Board of Supervisors \(BOS\)](#)  
**Subject:** 12-6-2023 VOTE LEGISLATION: Graffiti Problems  
**Date:** Wednesday, December 6, 2023 4:19:43 PM

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Dear Board of Supervisor and Land Use Committee:

I am a homeowner at **1400 Mission Street**, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% **Below Market Rate** (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building.

When we bought our units, **we were not informed** about this matter.

Over the years, the **Mural** has been **repeatedly vandalized** with **Graffiti**. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, **we do not have the funds** to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you **please pass this legislation for the Board of Supervisors' vote**, and

we ask that the Board of Supervisors please vote to approve this legislation.

Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork.

Thank you

Martha Vallejo

**We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.**

**From:** [Megan Freeman](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support for file 230706  
**Date:** Wednesday, December 6, 2023 1:16:08 PM  
**Attachments:** [Screen Shot 2023-12-06 at 1.09.55 PM.png](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. I love my home, building community, and neighborhood. My family, along with all the residents in my building, are good community members. We strengthen the community and add to a growing sense of safety in the mid-Market neighborhood. I am an elementary teacher and the great majority of my neighbors also contribute positively through their work. My two young children also contribute to a feeling of joy and safety in the neighborhood. They bike and scoot to the local playground, the main library, and to many shops. The mere presence of us enjoying the neighborhood helps people feel comfortable and at ease.

I mention these details because the graffiti on our building does the exact opposite. It creates a sense of chaos, discomfort, and neglect. We desperately want to remedy this situation. I want our building to help make the community shine, just like the other new buildings in the area. I want my children to have pride in our building. PLEASE help us fix this graffiti issue (which began during the protests of 2020).

You also need to know that we are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we

were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

**We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.**

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for the Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork.

Thank you,

Megan Freeman

P.S. I'm including a recent photo to show you my the people you'd be helping through your vote. :-)



--

Megan Freeman

**From:** [Carroll, John \(BOS\)](#)  
**To:** "Michael Quan"  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: Support for 230706  
**Date:** Wednesday, December 6, 2023 2:37:00 PM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

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**From:** Michael Quan <michaelquan87@yahoo.com>  
**Sent:** Tuesday, December 5, 2023 9:00 PM  
**To:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** Support for 230706

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,

I can not attend the meeting but want to voice my suppose to paint over the mural because the graffiti would cause a higher crime and overall reduce the home value.

Thanks,

1400.mission st unit 713.

[Sent from Yahoo Mail on Android](#)

[Sent from Yahoo Mail on Android](#)

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Ryan Hazelton](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Tam, Madison \(BOS\)](#)  
**Subject:** RE: Support for File 230706  
**Date:** Wednesday, December 6, 2023 2:37:00 PM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 230706](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
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**From:** Ryan Hazelton <rhazeltonsf@gmail.com>  
**Sent:** Tuesday, December 5, 2023 4:13 PM  
**To:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** Support for File 230706

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear John Carroll,

I am a resident in the building called *1400 Mission* in SOMA (10th & Mission), one of the 100% BMR condo buildings through MOHCD. Our 100% affordable housing building has been plagued by graffiti on our building's art installation for years and our hands have been tied to remedy it due to city code - the mural has been covered by graffiti, yet cannot be painted over because of city code preventing the mural being painted over, even though it is now under layers of graffiti.

**I'm submitting this public comment in support of file 230706 so that our building and other BMR buildings in the future can properly mitigate the impact of chronic graffiti in our neighborhood.**

Supervisor Dorsey's office has been a tremendous help in partnering with our building to find solutions to fix the chronic graffiti on our building's art installation. Community art is an important and valuable attribute for our city and beautifies our neighborhood, but the current building code in place is regressive and has had unintended consequences for our BMR building.

We hope by passing file 230706 that current and future BMR buildings can contribute to our neighborhoods' beauty and charm, while also being able to take care of issues that plague our city streets like graffiti. We need this passed to help better participate in the city's effort to fight graffiti on our streets while still beautifying our downtown corridors.

Thank you,

-Ryan Hazelton

1400 Mission Street, Unit 506

SF, CA 94103

**From:** [Barklee Sanders](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myra \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Tam, Madison \(BOS\)](#); [Merlone, Audrey \(CPC\)](#)  
**Cc:** [1400 BSM: 1400 Manager](#)  
**Subject:** Support for File 230706 (Eliminating Public Art Requirement for 100% Affordable Housing Projects) – Urgent Resolution for Graffiti Issue at 1400 Residence  
**Date:** Tuesday, December 5, 2023 7:59:57 PM

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## Introduction

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=6253964&GUID=23482B46-29CC-4185-925B-977FCBF4C86C&Options=&Search=>

I am writing as a concerned resident and owner at the 1400 building, a community largely comprising Below-Market-Rate (BMR) homeowners. We are united in our support for File 230706, which is pivotal in resolving the persistent graffiti problem that has significantly impacted our building.

## The Plight of BMR Homeowners

Our building, primarily consisting of BMR units, is a testament to our city's commitment to affordable housing. However, the ongoing graffiti issue has been detrimental. It has not only devalued our property but also undermined the sense of pride and community we have strived to foster. As BMR homeowners, it is particularly challenging to continually face such depreciating factors that threaten our investment and living environment.

## Severity of the Graffiti Problem

The graffiti issue at our residence has been chronic and relentless. Over the years, it has transformed a once vibrant mural into a disfigured wall, significantly diminishing the building's aesthetic appeal. This continuous vandalism is more than a visual nuisance; it represents a failure to maintain a respectable and dignified living space for residents who have invested their hard-earned money into these homes.

## Support for Legislative Action and Gratitude to Supervisor Dorsey

We wholeheartedly support the legislation proposed under File 230706 and express our sincere gratitude to Supervisor Dorsey and his office for their steadfast cooperation and efforts in addressing this issue. Their involvement has been instrumental in bringing this matter to the forefront and seeking a resolution that respects both the law and the welfare of the residents.

## Art's Importance and Its Unintended Consequences

While we recognize and value the importance of art in our community, the current state of the mural, overshadowed by graffiti, reflects a regressive and unintended impact. Art should uplift and enhance a community, not contribute to its deterioration. It is crucial that this legislation also considers the long-term implications of such public art installations, especially in BMR housing areas.

## Legal Considerations

[https://www.americanbar.org/groups/state\\_local\\_government/publications/state\\_local\\_law\\_news/2016-17/winter/understanding\\_first\\_amendment\\_limitations\\_government\\_regulation\\_artwork/#:~:text=Narrow%20tailoring%20requires%20that%20the,served%20by%20the%20differential%20treatment](https://www.americanbar.org/groups/state_local_government/publications/state_local_law_news/2016-17/winter/understanding_first_amendment_limitations_government_regulation_artwork/#:~:text=Narrow%20tailoring%20requires%20that%20the,served%20by%20the%20differential%20treatment)

It is pertinent to note that while the First Amendment offers expansive protection for artwork, including murals, it is not without limitations. Artwork that is deemed obscene, incorporates fighting words, or incites violence does not fall under this protection. Moreover, artwork that might be commercial in nature still enjoys First Amendment protection, albeit to a lesser degree. It is essential to recognize that graffiti, as a form of artwork, can be regulated under local nuisance control codes.

## Relevant Legal Precedents

In cases like *Neighborhood Enterprises, Inc. v. City of St. Louis* and others courts have scrutinized local regulations on murals and artworks, particularly focusing on whether such regulations are content and viewpoint neutral. It is vital that any regulation be content neutral, focus on non-communicative aspects of the artwork, and be narrowly tailored to serve a significant governmental interest. As residents, we believe that the removal of graffiti from our building aligns with these legal standards, as it addresses issues of building aesthetics, safety, and property value, without infringing on the expressive content of the original mural.

## Precedent for Other BMR Buildings

Our situation should serve as a precedent for other BMR buildings facing similar challenges. It is imperative that the city proactively addresses these issues, ensuring that communities, particularly those living in BMR housing, do not continuously bear the burden of unchecked vandalism and its associated adverse effects.

## Conclusion and Call for Action

In closing, I urge the Committee and the Board of Supervisors to favorably consider and approve File 230706. This action will not only resolve a long-standing problem but will also set a positive precedent for the management and care of BMR properties in the face of urban challenges.

Thank you for your attention and for supporting our community.

**Barklee Sanders**

Technology Consultant

More about me: [barkleesanders.com](http://barkleesanders.com)

Schedule a meeting: <https://cal.com/barkleesanders>

**From:** [1400manager@titanmg.com](mailto:1400manager@titanmg.com)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Tam, Madison \(BOS\)](#); [Merlone, Audrey \(CPC\)](#)  
**Cc:** ["1400 RSM"; 1400 Manager](#)  
**Subject:** Support for File 230706, 1400 Mission Street Board of Directors  
**Date:** Wednesday, December 6, 2023 10:58:13 AM  
**Importance:** High

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

December 5, 2023

**RE: Support for file 230706**

Dear Board of Supervisor and Land Use Committee:

Hope you are having a great week.

We are the Board of Directors for 1400 Mission Street Owners Association. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate ownership building.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly tagged with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow use to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

In early 2020, we started the long and arduous process of trying to get the mural removed because it is a very large eyesore and demoralizing for our community given how hard we have all worked to be able to purchase here. We reached out to the Planning Division to understand what we must do to get the mural removed so we can better maintain the side of the building when there is graffiti to abate. We reached out to the estate of the artist in order to obtain the approval to remove the mural, which we did. We then reached out to the Zoning and Compliance Division to try to address the mural/ graffiti issue and ask for their help to remove the graffiti, and consequently the mural. After months of back and forth with the Zoning department, they finally told us that the current legislation has no variance or consideration written into the law to help BMR owned buildings maintain the art or otherwise replace it when it is damaged. Additionally, the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. Therefore, we reached out to Supervisor Dorsey and Madison Tam in 2022 for their help. They jumped right in and made every effort to help our community resolve the mural and graffiti issues and have helped us identify what needs to be done to be able to remove the mural and paint over the graffiti.

Which brings us to the matter which has been brought before you, file 230706. **We wish to**

**advise that we 100% support this legislation** and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward. We understand that art in San Francisco is an important part of our cultural fabric, however, this art legislation has had a regressive and unintended impact on our building and community. We also want to make sure other BMR buildings do not have to face the same challenges that we are currently facing.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to come home to an unblemished building, a place we can be proud to call our home. Thank you for your consideration.

Sincerely,

The 1400 Mission Street Owners Association Board of Directors

Brian Schraeder, President  
Rob Nevitt, Vice President  
David Zhang Treasurer  
Alex Martinez, Secretary  
Alexandria Lee, Member at Large

**From:** [Angie Kuo](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support for File 230706  
**Date:** Wednesday, December 6, 2023 12:40:27 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for the Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

We want to feel pride walking into our building, our home. Please help our community, pass the legislation so we can finally remove the graffiti and the vandalized artwork.

Thank you.  
Angela Kuo

**From:** [Megan Koroshetz](#)  
**To:** [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Support for file 230706  
**Date:** Wednesday, December 6, 2023 1:48:31 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisor and Land Use Committee:

I am a homeowner at 1400 Mission Street, San Francisco, CA. We are a community of culturally and ethnically diverse homeowners, who have ownership in a 100% Below Market Rate (BMR) ownership building. Our community association name is 1400 Mission Street Owners Association, and we have 190 units.

The developer for the building had the mural installed via the Art Commission/San Francisco planning department when the building was first built. The value of the art at that time was 1% of the value of the building. Over the years, the Mural has been repeatedly vandalized with Graffiti. We've made many attempts to maintain the mural, however, given the fact that we are a BMR building, we do not have the funds to refurbish it. We aren't allowed to paint over the graffiti because current laws do not allow us to remove or paint over the mural, although it is totally obscured by graffiti and has been for years.

Management and the Board of Directors have been trying to work with the city for over three years to get the graffiti off of our building and address the art issue. Meanwhile, we get graffiti abatement violations for the graffiti over the mural from DPW, but we aren't allowed to paint over it and we can't afford to refurbish the mural since the artist's estate advised that we were only allowed to refurbish the mural via their estate approved artists for tens of thousands of dollars. We need your help!

**We wish to advise that we 100% support this legislation, file 230706 and thank Supervisor Dorsey, Madison Tam and anyone else who helped move this matter forward.**

We understand that art in San Francisco is important, but in our case, it is not something we can afford to maintain given the fact that graffiti is an ongoing, never-ending issue. We also do not want other buildings which are all below market rate to have to go through what we have had to go through.

We are asking that you please pass this legislation for Board of Supervisors' vote, and we ask that the Board of Supervisors please vote to approve this legislation.

Please do not hesitate to reach out if you would like more feedback.

Megan Koroshetz

Apt 801  
415-385-9209