

BOARD of SUPERVISORS



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May 26, 2021

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On May 18, 2021, Supervisor Peskin introduced the following legislation:

File No. 210565

Ordinance amending the Planning Code to designate the fresco titled “The Making of a Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art Institute, located at 800 Chestnut Street, Assessor’s Parcel Block No. 0049, Lot No. 001, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Scott Sanchez, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
AnMarie Rodgers, Legislative Affairs
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

1 [Planning Code - Landmark Designation - "The Making of a Fresco Showing the Building of a
2 City" - San Francisco Art Institute - 800 Chestnut Street]

3 **Ordinance amending the Planning Code to designate the fresco titled "The Making of a
4 Fresco Showing the Building of a City" in the Diego Rivera Gallery of the San Francisco
5 Art Institute, located at 800 Chestnut Street, Assessor's Parcel Block No. 0049, Lot No.
6 001, as a Landmark consistent with the standards set forth in Article 10 of the Planning
7 Code; affirming the Planning Department's determination under the California
8 Environmental Quality Act; and making public necessity, convenience, and welfare
9 findings under Planning Code, Section 302, and findings of consistency with the
10 General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

19 Section 1. Findings.

20 (a) CEQA and Land Use Findings.

21 (1) The Planning Department has determined that the Planning Code
22 amendment proposed in this ordinance is subject to a Categorical Exemption from the
23 California Environmental Quality Act (California Public Resources Code Sections 21000 et
24 seq., "CEQA") pursuant to Section 15308 of California Code of Regulations, Title 14, Sections
25 15000 et seq., the Guidelines for implementation of the statute for actions by regulatory
agencies for protection of the environment (in this case, landmark designation). Said

1 determination is on file with the Clerk of the Board of Supervisors in File No. _____
2 and is incorporated herein by reference. The Board of Supervisors affirms this determination.

3 (2) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
4 the proposed landmark designation of the fresco titled "The Making of a Fresco Showing the
5 Building of a City" in the Diego Rivera Gallery of the San Francisco Art Institute (SFAI), 800
6 Chestnut Street ("the Fresco"), Assessor's Parcel Block No. 0049, Lot No. 001, will serve the
7 public necessity, convenience, and welfare for the reasons set forth in Historic Preservation
8 Commission Resolution No. _____, recommending approval of the proposed
9 designation, which is incorporated herein by reference.

10 (3) The Board of Supervisors finds that the proposed landmark designation of
11 the Fresco is consistent with the General Plan and with Planning Code Section 101.1(b) for
12 the reasons set forth in Historic Preservation Commission Resolution No. _____.

13 (b) General Findings.

14 (1) Pursuant to Charter Section 4.135, the Historic Preservation Commission
15 has authority "to recommend approval, disapproval, or modification of landmark designations
16 and historic district designations under the Planning Code to the Board of Supervisors."

17 (2) The Landmark Designation Fact Sheet was prepared by Planning
18 Department Preservation staff. All preparers meet the Secretary of the Interior's Professional
19 Qualification Standards for historic preservation program staff, as set forth in Code of Federal
20 Regulations Title 36, Part 61, Appendix A. The report was reviewed for accuracy and
21 conformance with the purposes and standards of Article 10 of the Planning Code.

22 (3) The Historic Preservation Commission, at its regular meeting of May 5,
23 2021, reviewed Planning Department staff's analysis of the historical significance of the
24 Fresco set forth in the Landmark Designation Fact Sheet dated _____.
25

1 (4) On January 12, 2021, the Board of Supervisors adopted Resolution No. 12-
2 21, initiating landmark designation of the Fresco as a San Francisco Landmark pursuant to
3 Section 1004.1 of the Planning Code. On January 22, 2021, the Mayor approved the
4 resolution. Said resolution is on file with the Clerk of the Board of Supervisors in File No.
5 210016.

6 (5) On May 5, 2021, after holding a public hearing on the proposed designation
7 and having considered the specialized analyses prepared by Planning Department staff and
8 the Landmark Designation Fact Sheet, the Historic Preservation Commission recommended
9 designation of the Fresco as a landmark consistent with the standards set forth in Section
10 1004 of the Planning Code, by Resolution No. _____. Said resolution is on file with the
11 Clerk of the Board in File No. _____.

12 (6) The Board of Supervisors hereby finds that the Fresco has a special
13 character and special historical, architectural, and aesthetic interest and value, and that its
14 designation as a Landmark will further the purposes of and conform to the standards set forth
15 in Article 10 of the Planning Code. In doing so, the Board hereby incorporates by reference
16 the findings of the Landmark Designation Fact Sheet.

17
18 Section 2. Designation.

19 Pursuant to Section 1004 of the Planning Code, the fresco titled “The Making of a
20 Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art
21 Institute, 800 Chestnut Street, Assessor’s Block No. 0049, Lot No. 001, is hereby designated
22 as a San Francisco Landmark consistent with the standards set forth in Section 1004.
23 Appendix A to Article 10 of the Planning Code is hereby amended to include this property.

24
25 Section 3. Required Data.

1 (a) The description, location, and boundary of the Landmark site consists of the fresco
2 titled “The Making of a Fresco Showing the Building of a City” on the north wall of the Diego
3 Rivera Gallery of the San Francisco Art Institute, on the City parcel located at 800 Chestnut
4 Street, Assessor’s Block No. 0049, Lot No. 001, in San Francisco’s Russian Hill
5 neighborhood.

6 (b) The characteristics of the Landmark that justify its designation are described and
7 shown in the Landmark Designation Fact Sheet and other supporting materials contained in
8 Planning Department Record Docket No. 2021-001721DES. In brief, the Fresco is eligible for
9 local designation as it is associated with events that have made a culturally and historically
10 significant contribution to the broad patterns of San Francisco history and it embodies the
11 distinctive characteristics of a type, period, or method of construction and work of master artist
12 Diego Rivera. Specifically, designation of the Fresco, which demonstrates familiar themes in
13 Rivera’s work on the critical importance of labor in the artistic and creative process, is proper
14 given its association with the preeminent Mexican artist, Diego Rivera. The Fresco, designed
15 and painted on a wall selected by the artist from amongst several options, reflects its
16 immediate environment, physically and artistically, and is also significant for its association
17 with art education at SFAI, contributing to development of an academic field of study in mural
18 and fresco painting and influencing many generations of artists that have taught or attended
19 SFAI. This artwork, and the academic program and artists that evolved with and around it, is
20 also significant for its influence on the New Deal-era Works Project Administration mural
21 program. The Fresco is also significant for its association with the Latinx and Chicanx arts
22 communities through its direct lineage with the Mission Mural movement (also known as the
23 community mural movement), a significant and vibrant part of San Francisco’s cultural
24 heritage.

1 (c) The particular features that should be preserved, or replaced in-kind as determined
2 necessary, are those generally shown in photographs and described in the Landmark
3 Designation Fact Sheet, which can be found in Planning Department Record Docket No.
4 2021-001721DES, and which are incorporated in this designation by reference as though fully
5 set forth. Specifically, all those physical and spatial features of the wall and room where the
6 Fresco is located associated with the structural support, construction, and visual depiction and
7 expression of the Fresco should be preserved or replaced in-kind, including:

8 (1) All metal and other furring channels that support the underlying wall behind
9 the Fresco;

10 (2) All metal lathe and plaster, including the scratch, brown, and other plaster
11 coats that underlie the Fresco;

12 (3) The combination of pigments and plaster that form the *buon fresco* artwork;

13 (4) The size, shape, form, and materials of the Fresco inclusive of the *trompe*
14 *l'oeil* painted post supports along the bottom portion of the wall;

15 (5) The double-height, pedimented solid wall on which the Fresco is located;

16 (6) The open trusses of the underside of the gable roof of the Diego Rivera
17 Gallery; and,

18 (7) The placement of the Fresco in relation to the surrounding features of the
19 room, including its height above the floor and its extension to the roofline and corners
20 of the wall.

21
22 Section 4. Effective Date.

23 This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
25 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the

1 Mayor's veto of the ordinance.

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

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By: /s/ Victoria Wong

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VICTORIA WONG
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Landmark Designation - “The Making of a Fresco Showing the Building of a City” - San Francisco Art Institute - 800 Chestnut Street]

Ordinance amending the Planning Code to designate the fresco titled “The Making of a Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art Institute, located at 800 Chestnut Street, Assessor’s Parcel Block No. 0049, Lot No. 001, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Under Article 10, Section 1004 of the Planning Code, the Board of Supervisors may, by ordinance, designate an individual structure that has special character or special historical, architectural or aesthetic interest or value as a City landmark. Unless prohibited by state law, once a structure has been named a landmark, any construction, alteration, removal or demolition for which a City permit is required necessitates a Certificate of Appropriateness from the Historic Preservation Commission. (Planning Code § 1006; Charter of the City and County of San Francisco, § 4.135.) Thus, landmark designation generally affords a high degree of protection to historic and architectural structures of merit in the City. There are currently approximately 290 individual landmarks in the City under Article 10, in addition to structures and districts in the downtown area that are protected under Article 11. (See App. A to Article 10.)

Amendments to Current Law

This ordinance amends the Planning Code to add a new historic landmark to the list of individual landmarks under Article 10: “The Making of a Fresco Showing the Building of a City,” San Francisco Art Institute, at 800 Chestnut Street (“the Fresco”).

This ordinance finds that the Fresco is eligible for local designation as it is associated with events that have made a culturally and historically significant contribution to the broad patterns of San Francisco history and it embodies the distinctive characteristics of a type, period, or method of construction and work of master artist Diego Rivera. Specifically, designation of the Fresco, which demonstrates familiar themes in Rivera’s work on the critical importance of labor in the artistic and creative process, is proper given its association with the preeminent Mexican artist, Diego Rivera. The Fresco, designed and painted on a wall selected by the artist from amongst several options, reflects its immediate environment,

physically and artistically, and is also significant for its association with art education at the San Francisco Art Institute (SFAI), contributing to development of an academic field of study in mural and fresco painting and influencing many generations of artists that have taught or attended SFAI. This artwork, and the academic program and artists that evolved with and around it, is also significant for its influence on the New Deal-era Works Project Administration mural program. The Fresco is also significant for its association with the Latinx and Chicana arts communities through its direct lineage with the Mission Mural movement (also known as the community mural movement), a significant and vibrant part of San Francisco's cultural heritage.

As required by Section 1004, the ordinance lists the particular features that shall be preserved, or replaced in-kind as determined necessary.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: