

BOARD of SUPERVISORS



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MEMORANDUM

Date: May 14, 2022

To: Jonas Ionin, Commission Secretary, Historic Preservation Commission
Rich Hillis, Director, Planning Department

From:  Angela Calvillo, Clerk of the Board, Office of the Clerk of the Board

Subject: Planning Code - Landmark Designation - 2261 Fillmore Street (aka Clay Theatre) (File No. 220190)

On April 26, 2022, the Board of Supervisors finally passed Ordinance No. 072-22 (File No. 220190); sponsored by Supervisors Stefani, Peskin, Preston, and Mandelman, and approved by Mayor London N. Breed on May 6, 2022.

A copy of the Ordinance is being forwarded to you for informational purposes.

If you have any questions or concerns, please contact Erica Major, Assistant Clerk, at (415) 554-4441 or by email at: Erica.Major@sfgov.org.

cc: Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Corey Teague, Zoning Administrator
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis
Laura Lynch, Environmental Planning

EM:

1 [Planning Code - Landmark Designation - 2261 Fillmore Street (aka Clay Theatre)]

2
3 **Ordinance amending the Planning Code to designate 2261 Fillmore Street (aka Clay**
4 **Theatre), Assessor's Parcel Block No. 0630, Lot No. 002, as a Landmark consistent with**
5 **the standards set forth in Article 10 of the Planning Code; and affirming the Planning**
6 **Department's determination under the California Environmental Quality Act; making**
7 **public necessity, convenience, and welfare findings under Planning Code, Section 302;**
8 **and making findings of consistency with the General Plan, and the eight priority**
9 **policies of Planning Code, Section 101.1.**

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

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

18 Section 1. CEQA and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 *et seq.*). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 220190 and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
25 proposed landmark designation of 2261 Fillmore Street (aka Clay Theatre) ("Clay Theatre"),
Assessor's Parcel Block No. 0630, Lot No. 002, will serve the public necessity, convenience,

1 and welfare for the reasons set forth in Historic Preservation Commission Resolution No.
2 1224, recommending approval of the proposed designation, which is incorporated herein by
3 reference.

4 (c) On January 19, 2022, the Historic Preservation Commission, in Resolution No.
5 1224, adopted findings that the actions contemplated in this ordinance are consistent, on
6 balance, with the City's General Plan and eight priority policies of Planning Code Section
7 101.1. The Board adopts these findings as its own.

8
9 Section 2. General Findings.

10 (a) On July 27, 2021, the Board of Supervisors adopted Resolution No. 383-21,
11 initiating landmark designation of the Clay Theatre as a San Francisco Landmark pursuant to
12 Section 1004.1 of the Planning Code, and extending the prescribed time within which the
13 Historic Preservation Commission may render its decision by 90 days, for a total of 180 days.
14 On August 4, 2021, the Mayor approved the resolution. Said resolution is on file with the Clerk
15 of the Board of Supervisors in File No. 210726.

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

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

24 (d) The Historic Preservation Commission, at its regular meeting of January 19, 2022,
25 reviewed Planning Department staff's analysis of the historical significance of the Clay

1 Theatre pursuant to Article 10 as part of the Landmark Designation Fact Sheet dated January
2 12, 2022.

3 (e) On January 19, 2022, after holding a public hearing on the proposed designation
4 and having considered the specialized analyses prepared by Planning Department staff and
5 the Landmark Designation Fact Sheet, the Historic Preservation Commission recommended
6 designation of the Clay Theatre as a landmark under Article 10 of the Planning Code by
7 Resolution No. 1224. Said resolution is on file with the Clerk of the Board in File No. 220190.

8 (f) The Board of Supervisors hereby finds that the Clay Theatre has a special
9 character and special historical interest and value, and that its designation as a Landmark will
10 further the purposes of and conform to the standards set forth in Article 10 of the Planning
11 Code. In doing so, the Board hereby incorporates by reference the findings of the Landmark
12 Designation Fact Sheet.

13
14 Section 3. Designation.

15 Pursuant to Section 1004.3 of the Planning Code, the Clay Theatre is hereby
16 designated as a San Francisco Landmark under Article 10 of the Planning Code. Appendix A
17 to Article 10 of the Planning Code is hereby amended to include this property.

18
19 Section 4. Required Data.

20 (a) The description, location, and boundary of the Landmark site consists of the City
21 parcel located at 2261 Fillmore Street (aka Clay Theatre), Assessor's Parcel Block No. 0630,
22 Lot No. 002, in San Francisco's Pacific Heights neighborhood.

23 (b) The characteristics of the Landmark that justify its designation are described and
24 shown in the Landmark Designation Fact Sheet and other supporting materials contained in
25 Planning Department Record Case No. 2021-009311DES. In brief, the Clay Theatre is

1 eligible for local designation as it is associated with events that have made a significant
2 contribution to the broad patterns of San Francisco history (National Register Criterion A) and
3 as an example that embodies the distinctive characteristics of a type, period, region, or
4 method of construction (National Register Criterion C). Specifically, designation of the Clay
5 Theatre, constructed in 1913 as a nickelodeon movie theater and one of the oldest single-
6 screen nickelodeon movie houses in San Francisco, is proper for its association with the initial
7 development of neighborhood theaters during the pioneering period of moving picture theaters
8 and the development of the film industry in San Francisco in the early 20th century. Further,
9 the Clay Theatre is significant as the first dedicated foreign film theater in San Francisco and
10 as an important exhibitor of foreign and independent art house films through the late 1980s.
11 Designation of Clay Theatre is also proper as it is architecturally significant as a building that
12 embodies the distinctive characteristics of both an early 20th century Nickelodeon and a
13 single-screen neighborhood movie theater, increasingly rare building types that are vibrant
14 features of the built environment and important and unique cultural institutions in San
15 Francisco.

16 (c) The particular features that shall be preserved or replaced in-kind as determined
17 necessary are those generally shown in photographs and described in the Landmark
18 Designation Fact Sheet, which can be found in Planning Department Record Case No. 2021-
19 009311DES, and which are incorporated in this designation by reference as though fully set
20 forth. Specifically, the following features shall be preserved or replaced in kind:

21 (1) The character-defining exterior features of 2261 Fillmore Street that express
22 the building's identity as a neighborhood theatre, including:

- 23 (A) Tall one-story form and massing;
- 24 (B) Recessed entryway and volume and location of the built-in box
25 office/ticket booth inclusive of its sheet-metal cladding;

1 (C) Shaped parapet, projecting cornice, and plaster ornamentation on the
2 primary façade;

3 (D) Projecting, curved soffit that extends across entryway with strands of
4 neon tube light fixtures affixed to underside and neon-lit, open face, metal letters, spelling out
5 C-L-A-Y, affixed to soffit;

6 (E) Projecting, metal, double-faced, neon-lit vertical sign, consisting of
7 inset curved panels lit by paired, curved bands of neon tube light fixtures at top and bottom of
8 sign and body with vertically stacked open-faced metal letters lit by neon tube lights, spelling
9 out C-L-A-Y; and

10 (F) Projecting, internally illuminated, double-faced, metal box sign for
11 coming attractions with neon tubes highlighting edges.

12 (2) The character-defining interior features of the building associated with areas
13 that have historically been accessible to the public, and depicted in the floor plans or photos in
14 the Landmark Designation Fact Sheet dated January 12, 2022, including:

15 (A) Regular rectangular plan divided into principal spaces of lobby and
16 auditorium;

17 (B) Lobby and auditorium volumes;

18 (C) Raked floor of the auditorium;

19 (D) Curved ceiling and egg-and-dart moldings in auditorium;

20 (E) Original proscenium arch; and

21 (F) Ceiling moldings at ceiling in second floor office.

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23
24 Section 5. Effective Date.
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1 This ordinance shall become effective 30 days after enactment. Enactment occurs
2 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
3 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
4 Mayor's veto of the ordinance.

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6
7 APPROVED AS TO FORM:
8 DAVID CHIU, City Attorney

9 By: /s/ Victoria Wong
10 VICTORIA WONG
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 220190

Date Passed: April 26, 2022

Ordinance amending the Planning Code to designate 2261 Fillmore Street (aka Clay Theatre), Assessor's Parcel Block No. 0630, Lot No. 002, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; and affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

April 11, 2022 Land Use and Transportation Committee - RECOMMENDED

April 19, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

April 26, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220190

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
4/26/2022 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved