

1 [Planning Code - Landmark Designation - Chata Gutierrez Mural]

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3 **Ordinance amending the Planning Code to designate Chata Gutierrez Mural, located**  
 4 **at 3175-24th Street, Assessor's Parcel Block No. 6519, Lot No. 041, as a Landmark**  
 5 **consistent with the standards set forth in Article 10 of the Planning Code; affirming the**  
 6 **Planning Department's determination under the California Environmental Quality Act;**  
 7 **and making public necessity, convenience, and welfare findings under Planning Code,**  
 8 **Section 302, and 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.

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

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17 Section 1. CEQA and Land Use Findings.

18 (a) The Planning Department has determined that the actions contemplated in this  
 19 ordinance comply with the California Environmental Quality Act (California Public Resources  
 20 Code Sections 21000 *et seq.*). Said determination is on file with the Clerk of the Board of  
 21 Supervisors in File No. 231033 and is incorporated herein by reference. The Board of  
 22 Supervisors affirms this determination.

23 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
 24 proposed landmark designation of "La Rumba No Para: The Chata Gutierrez Mural  
 25 (hereinafter Chata Gutierrez Mural), located at 3175 24<sup>th</sup> Street, Assessor's Parcel Block

1 No. 6519, Lot No. 041, will serve the public necessity, convenience, and welfare for the  
2 reasons set forth in Historic Preservation Commission Resolution No. 1347, recommending  
3 approval of the proposed designation, which is incorporated herein by reference.

4 (c) On September 20, 2023, the Historic Preservation Commission, in Resolution  
5 No. 1347, adopted findings that the actions contemplated in this ordinance are consistent, on  
6 balance, with the City's General Plan and with the eight priority policies of Planning Code  
7 Section 101.1. The Board adopts these findings as its own.

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9 Section 2. General Findings.

10 (a) On March 21, 2023, the Board of Supervisors adopted Resolution No. 142-23,  
11 initiating landmark designation of Chata Gutierrez Mural as a San Francisco Landmark  
12 pursuant to Section 1004.1 of the Planning Code. The Resolution was enacted on March 28,  
13 2023 without the Mayor's signature. Said resolution is on file with the Clerk of the Board of  
14 Supervisors in Board File No. 230300.

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

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

24 (d) The Historic Preservation Commission, at its regular meeting of September 20,  
25 2023, reviewed Planning Department staff's analysis of the historical significance of Chata

1 Gutierrez Mural set forth in the Landmark Designation Fact Sheet dated September 13, 2023.

2 (e) On September 20, 2023, after holding a public hearing on the proposed  
3 designation, and having considered the specialized analyses prepared by Planning  
4 Department staff, and the Landmark Designation Fact Sheet, the Historic Preservation  
5 Commission recommended designation of Chata Gutierrez Mural as a landmark under Article  
6 10 of the Planning Code by Resolution No. 1347. Said resolution is on file with the Clerk of the  
7 Board in Board File No. 231033.

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

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14 Section 3. Designation.

15 Pursuant to Section 1004.3 of the Planning Code, Chata Gutierrez Mural, located at  
16 3175 24<sup>th</sup> Street, Assessor’s Parcel Block No. 01765192, Lot No. 041, is hereby designated  
17 as a San Francisco Landmark under Article 10 of the Planning Code. Appendix A to Article 10  
18 of the Planning Code is hereby amended to include this property.

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20 Section 4. Required Data.

21 (a) The description, location, and boundary of the Landmark site consists of those  
22 portion(s) of the west (side) elevation of the building on City parcel at 3175 24<sup>th</sup> Street, in  
23 Assessor’s Parcel Block No. 6519, Lot No. 041, occupied by the Chata Gutierrez Mural,  
24 measuring 22-feet by 28-feet, painted on the west-facing exterior wall of a two-story-over-  
25 basement residential building, in San Francisco’s Mission District.

1 (b) The characteristics of the Landmark that justify its designation are described and  
2 shown in the Landmark Designation Fact Sheet and other supporting materials contained in  
3 Planning Department Record Docket No. 2023-003506DES. The Chata Gutierrez Mural,  
4 painted in 2015 by Carlos “Kookie” Gonzalez and other artists, depicts the late Chata  
5 Gutierrez, radio station KPOO’s first Latina DJ and host of Bay Area’s longest-running Latin  
6 music program, surrounded by dancers and conga players. The Chata Gutierrez Mural, a  
7 tribute to a cultural icon of the Latinx community, is a cultural asset that has a significant  
8 association with the Mission District’s Pan-Latino community, and celebrates the Latin Music  
9 Movement, a significant and vibrant part of San Francisco’s cultural heritage. In addition, the  
10 Chata Gutierrez Mural is representative of the Community Art Movement, or Mission  
11 Muralismo, a distinctive mode of expression within the Mission District, which is internationally  
12 known for its rich collection of murals.

13 (c) The particular features that shall be preserved, or replaced in-kind as determined  
14 necessary, are those shown in photographs and described in the Landmark Designation Fact  
15 Sheet, which can be found in Planning Department Record Docket No. 2023-003506DES,  
16 and which are incorporated in this designation by reference as though fully set forth.  
17 Specifically, the following features are character-defining and shall be preserved or replaced  
18 in kind:

19 (1) All those physical features of the exterior west (side) wall associated with  
20 the structural support, construction, and visual depiction and expression of the Chata  
21 Gutierrez Mural, including:

- 22 (A) The size, shape, form, and materials of the mural;
- 23 (B) Combination of paints, pigments, and other materials that form the  
24 mural; and
- 25 (C) Configuration of exterior wall where the mural is located.

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

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Peter R. Miljanich  
PETER R. MILJANICH  
Deputy City Attorney

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