

BOARD of SUPERVISORS



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MEMORANDUM

Date: December 20, 2023
To: Joaquín Torres, Assessor-Recorder, Office of the Assessor-Recorder
From: *ACC* Angela Calvillo, Clerk of the Board, Office of the Clerk of the Board
Subject: Planning Code, Zoning Map - Non-Profit Arts Education Special Use District (File No. 230924)

On November 28, 2023, the Board of Supervisors finally passed Ordinance No. 238-23, sponsored by Supervisor Peskin and approved by Mayor London N. Breed on December 4, 2023.

A copy of the Ordinance is being forwarded to you, pursuant to the Administrative Code, Section 34.1.

If you have any questions or concerns, please contact John Carroll, Assistant Clerk, at (415) 554-4445 or by email at: john.carroll@sfgov.org.

c: Board President Aaron Peskin
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

1 [Planning Code, Zoning Map - Non-Profit Arts Education Special Use District]

2
3 **Ordinance amending the Planning Code to create the Non-Profit Arts Education Special**
4 **Use District (Assessor's Parcel Block No. 49, Lot No. 1, generally bounded by**
5 **Francisco Street, Jones Street, Chestnut Street, and Leavenworth Street, and**
6 **numbered as 800 Chestnut Street); amending the Zoning Map to show the Non-Profit**
7 **Arts Education Special Use District; affirming the Planning Department's determination**
8 **under the California Environmental Quality Act; making findings of consistency with**
9 **the General Plan, and the eight priority policies of Planning Code, Section 101; and**
10 **making findings of public necessity, convenience, and welfare pursuant to Planning**
11 **Code, Section 302.**

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

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

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 230924 and is incorporated herein by reference. The Board affirms
24 this determination.

1 (b) On November 9, 2023, the Planning Commission, in Resolution No. 21436,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. 230924, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 21436, and the Board incorporates such reasons
9 herein by reference. A copy of said resolution is on file with the Clerk of the Board of
10 Supervisors in File No. 230924.

11
12 Section 2. Additional Findings.

13 (a) Founded in 1871, the San Francisco Art Institute ("SFAI") was one of the oldest
14 arts institutions in the country.

15 (b) In 1926, the SFAI moved to 800 Chestnut Street. The approximately 93,000-
16 square-foot art campus was designed by the architectural firm Bakewell & Brown, which
17 designed many classic structures in the Bay Area, including the iconic San Francisco City
18 Hall. The art campus includes a bell tower, interior courtyard, library, terrace, rooftop
19 amphitheater, galleries, studios and beautiful bay views.

20 (c) Several years later, Diego Rivera was hired to paint *The Making of a Fresco*
21 *Showing the Building of a City*. The mural was painted using the *buon fresco* technique,
22 meaning it was painted directly on fresh lime plaster using water-based tempera pigments.
23 The mural is a *trompe l'œil*, depicting Rivera and assistants on a scaffold painting their fresco
24 mural.

1 (d) For many years, the SFAI nurtured the creative arts, and provided arts education to
2 thousands of San Franciscans. Notable teachers included Ansel Adams, Dorothea Lange, Ad
3 Reinhardt, Mark Rothko, and Clyfford Still. Notable alumni include Richard Diebenkorn, Sam
4 Francis, Michael Heizer, Annie Leibowitz, Paul McCarthy, Catherine Opie, and Kehinde Wiley.

5 (e) In 1977, with the enactment of Ordinance No. 208-77, the original 1926 building at
6 800 Chestnut Street was designated as Historical Landmark No. 85.

7 (f) In 2016, the 800 Chestnut Street location was nominated for listing on the National
8 Register of Historic Places under Criterion A (events). That same year, the Historic
9 Preservation Commission concurred with the assessment based on the SFAI's role in the
10 development of American art and for its contributions to art education in the United States.

11 (g) On October 15, 2021, the City enacted Ordinance No. 169-21, finding that *The*
12 *Making of a Fresco Showing the Building of a City* has a special character and special
13 historical, architectural, and aesthetic interest and value, and that its designation as a
14 Landmark would further the purposes of and conform to the standards set forth in Article 10 of
15 the Planning Code. The mural was designated as Historical Landmark No. 294. Ordinance
16 No. 169-21 found that, notwithstanding the designation of SFAI as Landmark No. 85, pursuant
17 to Ordinance No. 208-77, the addition of a compatible entryway to the Diego Rivera Gallery
18 from the public right-of-way on Chestnut Street, on the south side of the Diego Rivera Gallery,
19 to provide and maintain public visibility of, and enhance access to, the fresco from the public
20 right-of-way, could be considered, subject to approval of a Certificate of Appropriateness by
21 the Historic Preservation Commission.

22 (h) In 2020, the SFAI announced that it would stop accepting students due to declining
23 enrollment, high real estate costs, and financial constraints. The SFAI closed permanently in
24 2022. On April 26, 2023, the SFAI filed for Chapter 7 bankruptcy.

1 Section 3. Article 2 of the Planning Code is hereby amended by adding Section 249.8,
2 to read as follows:

3 **SEC. 249.8. NON-PROFIT ARTS EDUCATION SPECIAL USE DISTRICT.**

4 (a) **General.** A special use district entitled the “Non-Profit Arts Education Special Use
5 District” consisting of Assessor’s Parcel Block No. 49, Lot No. 1, which is generally bounded by
6 Francisco Street, Jones Street, Chestnut Street, and Leavenworth Street, and is numbered as 800
7 Chestnut Street, is hereby established for the purposes set forth below. The boundaries of the Non-
8 Profit Arts Education Special Use District are designated on Sectional Map No. SU01 of the Zoning
9 Map.

10 (b) **Purpose.** The purpose of the special use district is to continue the tradition of arts
11 education at the site of the former San Francisco Art Institute and facilitate the establishment of a Non-
12 Profit Arts Education Institutional Use.

13 (c) **Definition.** For purposes of this special use district, a Non-Profit Arts Education
14 Institutional Use shall mean an Institutional use in which the chief activity is not carried on as a
15 gainful business and whose chief function is to operate as a post-secondary educational institution that
16 gathers persons for the purposes of offering arts education. A Non-Profit Arts Education Institutional
17 Use shall not be required to be certified by the Western Association of Schools and Colleges. Such
18 institution may include employee or student dormitories and other housing operated by and affiliated
19 with the institution.

20 (d) **Controls.** All provisions of the Planning Code applicable to the RH-3 District shall apply;
21 provided that a Non-Profit Arts Education Institutional Use is principally permitted and shall not be
22 obligated to comply with Section 304.5 concerning institutional master plans.

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24 Section 4. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheet SU 01 of
25 the Zoning Map of the City and County of San Francisco is hereby amended, as follows:

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Assessor's Parcels (Block/Lot Numbers)	Special Use District Hereby Approved
49/01	Non-Profit Arts Education Special Use District

Section 5. Effective Date; Operative Date.

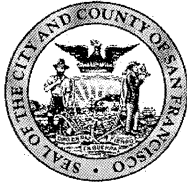
(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative upon the later of the effective date of this ordinance or the recordation of a grant deed for the sale of Assessor's Block 49, Lot 1.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Austin M. Yang
AUSTIN M. YANG
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: 230924

Date Passed: November 28, 2023

Ordinance amending the Planning Code to create the Non-Profit Arts Education Special Use District (Assessor's Parcel Block No. 49, Lot No. 1, generally bounded by Francisco Street, Jones Street, Chestnut Street, and Leavenworth Street, and numbered as 800 Chestnut Street); amending the Zoning Map to show the Non-Profit Arts Education Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

October 23, 2023 Land Use and Transportation Committee - CONTINUED

November 06, 2023 Land Use and Transportation Committee - CONTINUED

November 13, 2023 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

November 14, 2023 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

November 28, 2023 Board of Supervisors - FINALLY PASSED


Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230924

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/28/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

12/4/23

Date Approved