

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. 210565 and is
2 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. 1184, recommending approval of the proposed designation,
9 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. 1184.

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 April 28, 2021.

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. 1184. Said resolution is on file with the Clerk of
11 the Board in File No. 210565.

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 (7) The Board of Supervisors hereby finds that, notwithstanding the designation
18 of SFAI as Landmark No. 85, pursuant to Ordinance No. 208-77, the addition of a compatible
19 entryway to the Diego Rivera Gallery from the public right-of-way on Chestnut Street, on the
20 south side of the Diego Rivera Gallery, to provide and maintain public visibility of, and
21 enhance access to, the Fresco from the public right-of-way, may be considered, subject to
22 approval of a Certificate of Appropriateness by the Historic Preservation Commission.

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24 Section 2. Designation.

25 Pursuant to Section 1004 of the Planning Code, the fresco titled “The Making of a

1 Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art
2 Institute, 800 Chestnut Street, Assessor’s Block No. 0049, Lot No. 001, is hereby designated
3 as a San Francisco Landmark consistent with the standards set forth in Section 1004.
4 Appendix A to Article 10 of the Planning Code is hereby amended to include this property.
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6 Section 3. Required Data.

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

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

1 also significant for its influence on the New Deal-era Works Project Administration mural
2 program. The Fresco is also significant for its association with the Latinx and Chicanx arts
3 communities through its direct lineage with the Mission Mural movement (also known as the
4 community mural movement), a significant and vibrant part of San Francisco’s cultural
5 heritage.

6 (c) The particular features that should be preserved, or replaced in-kind as determined
7 necessary, are those generally shown in photographs and described in the Landmark
8 Designation Fact Sheet, which can be found in Planning Department Record Docket No.
9 2021-001721DES, and which are incorporated in this designation by reference as though fully
10 set forth. Specifically, all those physical and spatial features of the wall and room where the
11 Fresco is located associated with the structural support, construction, and visual depiction and
12 expression of the Fresco should be preserved or replaced in-kind, including:

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

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

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

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

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

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

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

1 Section 4. Effective Date.

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

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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10 By: /s/ Victoria Wong

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11 VICTORIA WONG
12 Deputy City Attorney

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