



PUBLIC INFORMATIONAL HANDOUT

MURALS



San Francisco
Planning



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MURALS

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Introduction

“Murals generally serve as a means of publicly communicating ideals, values, hopes, and aspirations of a people and often serve as an alternative vision of history as well as a major medium of social criticism and protest.”

(Floyd Coleman “Keeping Hope Alive: The Story of African American Murals,” in *Walls of Heritage, Walls of Pride: African American Murals*).



The purpose of this document is to help inform the public about the steps and approvals required to paint murals on private property in San Francisco, consistent with [San Francisco's General Plan](#)¹, Planning Department guidelines, and the [Planning Code](#)². Murals are an important cultural asset of San Francisco. This document also recommends basic best practices for painting new murals in order to avoid potential conflicts between artists and property owners.

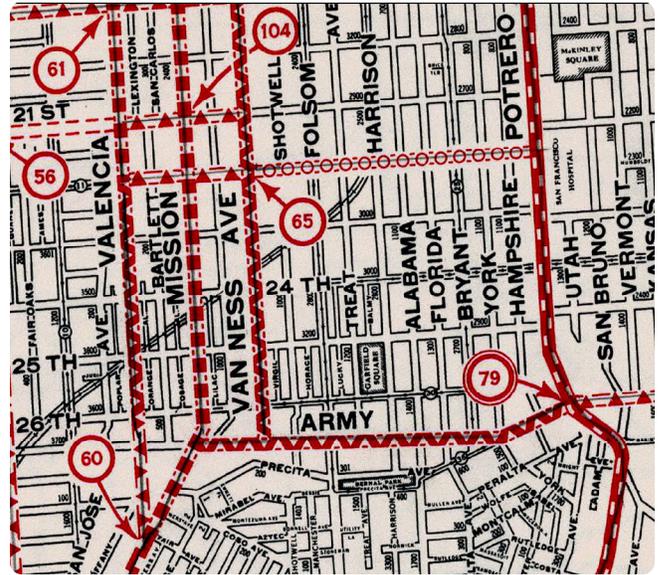
Murals have a long and storied history in San Francisco and have helped shape the City's distinctive cultural landscape for decades. From the WPA murals of the Depression to the contemporary murals of Balmy and Clarion Alleys, murals throughout San Francisco reflect the histories, stories, and struggles of the City, region, state and nation. Murals are a powerful public medium that bring attention to local issues, brighten streets, harness creative community-based efforts, and facilitate positive placemaking.

Benefits of Murals

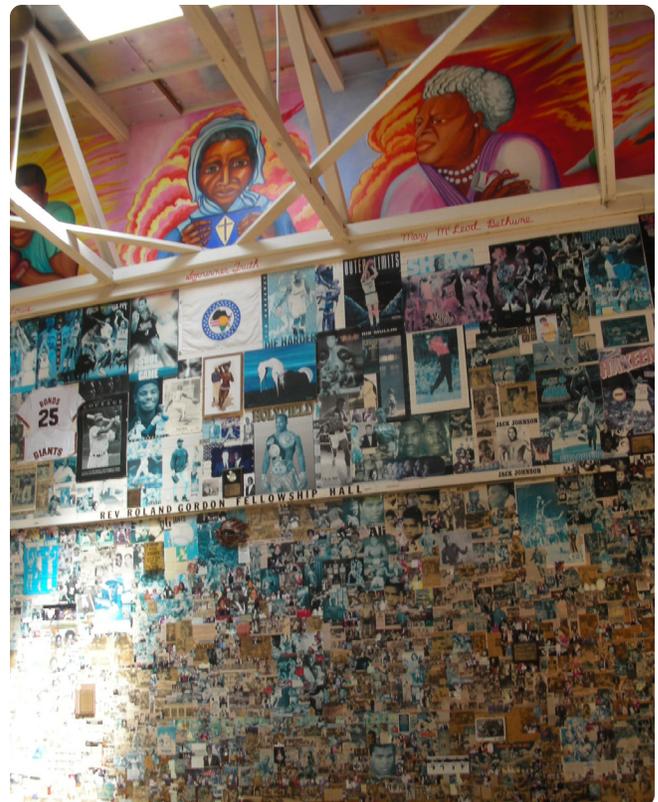
Murals offer numerous public benefits. They encourage artistic expression and enhance the visual character of the streetscape in an appealing way. Murals are also visual markers of cultural and historic context. Murals are a highly democratic form of art that can foster community pride, expression, and positive placemaking. In addition to their visual appeal, murals can also serve a practical purpose, such as deterring vandalism.

1 <https://generalplan.sfplanning.org/>

2 https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17747



Historic map of Mission District, ca. 1934



The Great Cloud of Witnesses at Ingleside Presbyterian Church is an interior "collage-mural" consisting of a variety of paper clippings and posters, framed artwork, objects and painted portraits and painted lettering.

The Great Cloud of Witnesses (1980-)
By Reverend Roland Gordon



Example of a painted sign.



Example of a sign.

Definitions

Murals are distinct from other types of art or plaques that are painted on or affixed to walls or buildings. Murals are recognized as a work of fine art under the California Preservation Act (California Civil Code Sections 987 et seq.). Murals are distinct from signs and are treated differently than paintings that possess a commercial message, promote a brand or company, or sell a service or good. They are also distinct from other illegal property markings, such as graffiti because they are commissioned with the property owner's consent.

Mural

The Planning Department considers a mural to be a work of art that is:

- » Purposefully integrated into the interior or exterior of the property on which it is located.
- » For decorative purposes only.
- » Lacking any commercial message.
- » Created with the written consent of the property owner.

Murals can be created with any type of medium - such as paint, tile, paper, and be of any size.

Sign

According to [Article 6 of the Planning Code](#),³ a sign:

- » Is any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected or represented on any land or right-of-way, or on the outside of any building or structure including an Awning, Canopy, Marquee or similar appendage, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building.
- » Displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, direction, warning, or designation by or of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.
- » Is subject to different regulations than murals and is not afforded protections under CAPA or VARA.

³ [http://library.amlegal.com/nxt/gateway.dll/California/planning/article6signs?f=templatesSfn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$ sanc=JD_604.2](http://library.amlegal.com/nxt/gateway.dll/California/planning/article6signs?f=templatesSfn=default.htm3.0vid=amlegal:sanfrancisco_ca$ sanc=JD_604.2)



Example of a commercial message mural. Photo by Joe Lencioni.

Commerical Message

A commercial message is any message that advertises:

- » A business conducted.
- » Services rendered.
- » Goods produced or sold.

Painting a Building

Painting a building for basic maintenance is not granted special protections under law. Murals differ from simply painting a building because even if executed by a single artist, murals are:

- » Wholistic, creative collaborative efforts that involve multiple stakeholders.
- » Protected by law if commissioned through proper routes, along with the artists who paint them.

Graffiti

According Article 23 of the Public Works Code⁴, graffiti is:

⁴ [http://library.amlegal.com/nxt/gateway.dll/California/publicworks/article23graffiti/removalandabatement?7=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_Article23](http://library.amlegal.com/nxt/gateway.dll/California/publicworks/article23graffiti/removalandabatement?7=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Article23)



Example of graffiti.

- » Done without the consent of the owner of the property or the owner's authorized agent.
- » Any inscription, word, figure, marking, or design.
- » Affixed, applied, marked, etched, scratched, drawn, or painted.
- » On any building, structure, Public Property, fixture, or other improvement, whether permanent or temporary, including by way of example only and without limitation, signs, banners, billboards, and fencing surrounding construction sites, whether public or private.
- » Is visible from the public right-of-way, or located on, in, above, or under the public right-of way.

Graffiti shall not include any mural or other painting or marking on the property that is protected as a work of fine art under CAPA (California Civil Code Sections 987 et seq.) or as a work of visual art under the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et seq.) (City Administrative Code).

What to Know



Applicable Laws
Agency Oversight

Applicable Laws



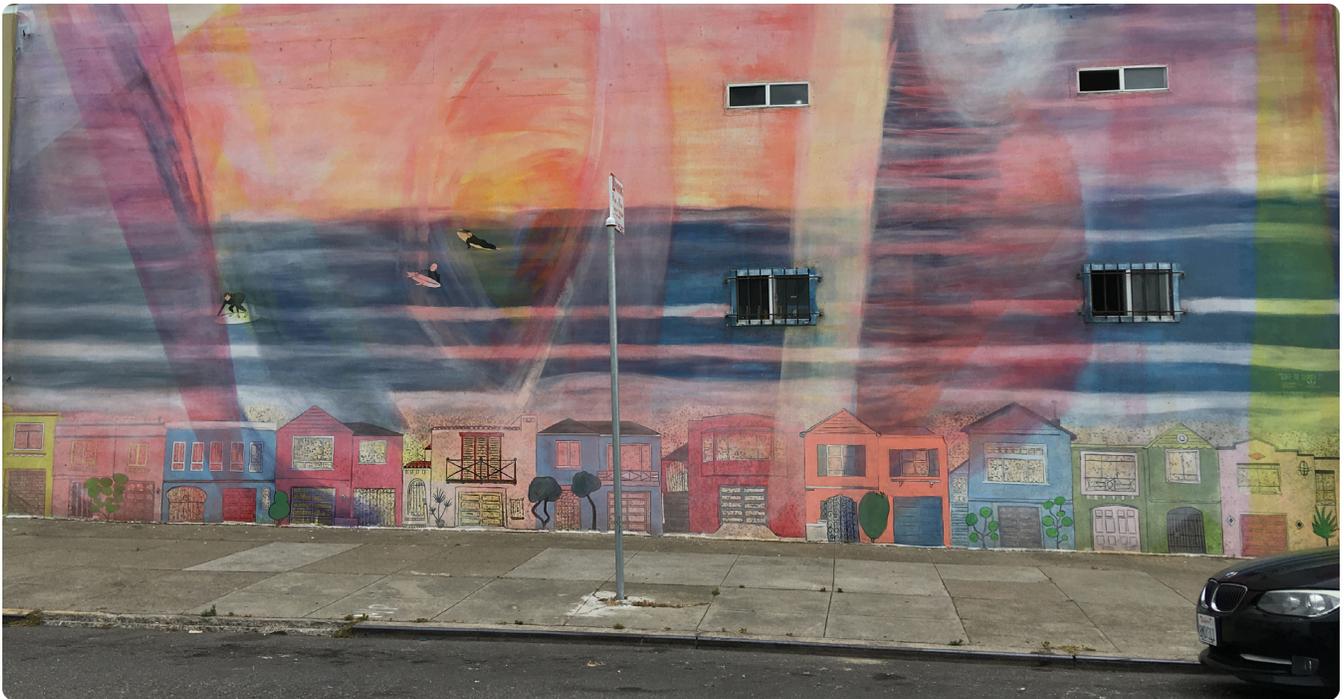
Mural facade from the Women's Building on 18th Street.

CAPA - California Art Preservation Act:

- » Protects against the destruction or alteration of fine art in California, as this is detrimental to an artist's reputation and against public interest.
- » Establishes what is a protected fine art in California including paintings (California Civil Code Sections 987 et seq), of which murals are a subset (Botello v. Shell Oil Co.).
- » Is most relevant to murals that are privately-funded and on private property. These types of murals are often created with no prior contract or written agreement in place between the artists and the property owner, which can lead to later conflicts if the mural is altered or destroyed without notifying the artist. This does not apply to murals for hire or contract.
- » Mandates that if the building owner wishes to take down the art and can do so without damaging the art, the owner must contact the artist in writing and allow the artist 90 days to remove or save the mural, at the artist's expense.
- » Applies if the artist is no longer living and is enforceable by the beneficiaries, devisees, or personal representative of the deceased artist.

To read more about CAPA, visit SFAC's CAPA [webpage](#) ⁵.

⁵ <https://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/california-art-preservation-act>



Mural in Outer Sunset

VARA - Visual Artists Rights Act

- » Defines artists' "moral rights" which include an artist's "right to attribution", their right to be identified with their work, and "right of integrity", or their ability to protect their works from modification or destruction.
- » Imposes a legal liability for those who destroy, alter, or mutilate a mural.
- » Mandates that if the building owner wishes to alter or tear down the structure on which the work of art has been placed, the owner must contact the artist in writing and allow the artist 90 days to remove it, at the artist's expense.

To read more about VARA, visit SFAC's VARA [webpage](https://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/visual-artists-rights-act).¹

¹ <https://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/visual-artists-rights-act>



One Monarch mural in the Tenderloin

Agency Oversight



San Francisco Planning

- » Oversees review of new murals to be placed on City Landmarks and buildings within Article 10 and 11 historic districts.
- » Oversees the review of projects that impact existing murals on City Landmarks and buildings within Article 10 and 11 historic districts.



San Francisco Arts Commission

- » Oversees approval of all permanent and temporary murals on public property and/or murals created with public funds. Visit the Art Commission's website for a complete checklist of requirements for new mural approval.



San Francisco Public Works

- » Regulates murals placed on surface-mounted facilities (any utility facility (physical element or structure) that is installed, attached, or affixed in the Public Right-of-Ways on a site that is above the surface of the street and that requires the permittee to excavate in order to install the facility in the Public Right-of-Ways).
- » Assists in StreetSmARTS, an anti-graffiti program.



San Francisco Department of Building Inspection

- » Oversees permitting for scaffolding and cherry pickers.



Mural on Balmy Alley

Approvals



Mural on Mission District Building. Photo by Karl Schultz (CC BY-NC-ND 2.0)

Getting a Mural Approved
 Murals and Historic Buildings
 Article 10 Buildings and Districts

Article 11 Buildings and Districts
 Potentially Historic and Non-Historic Buildings

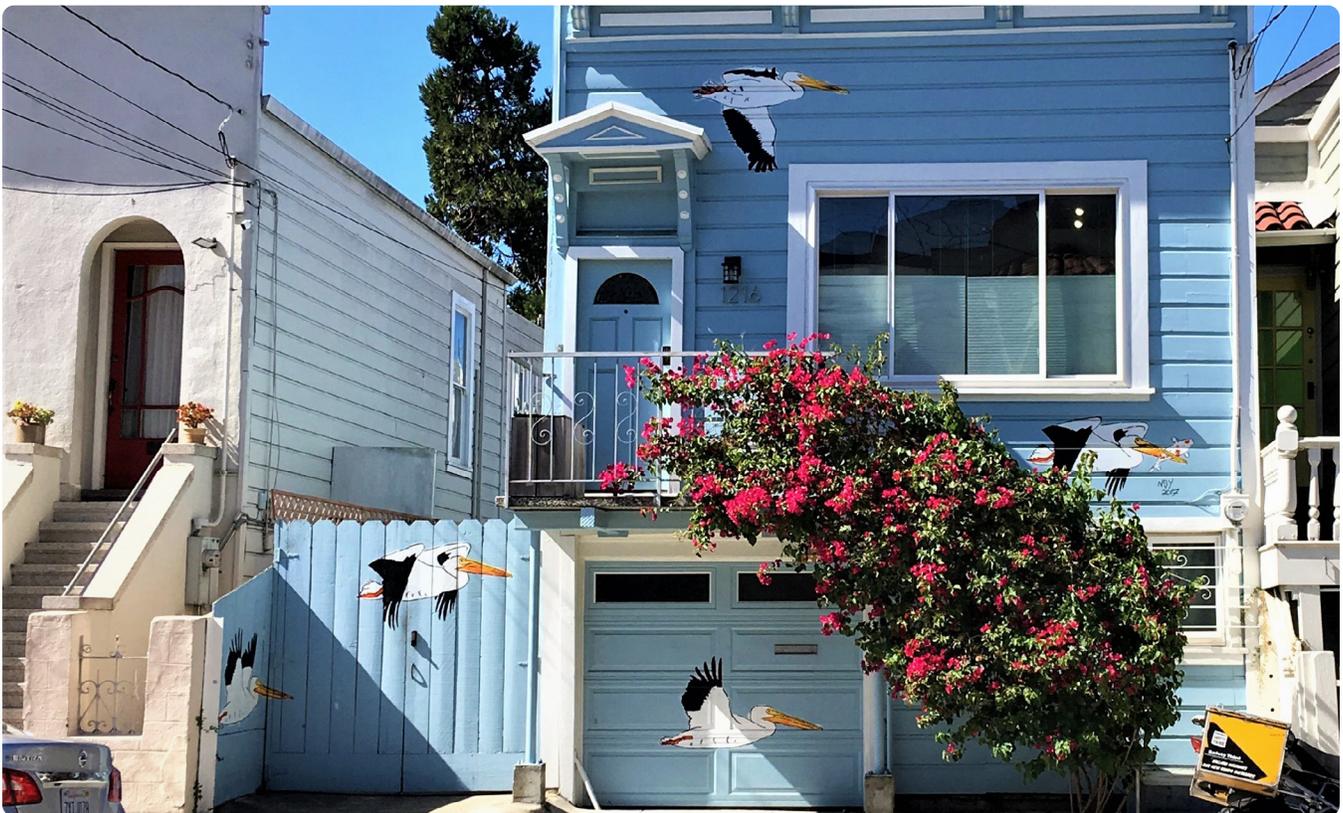
Getting a Mural Approved

For murals commissioned on private property AND privately-funded:

- » Check to see if the mural is being placed on a City Landmark or on a building subject to Article 10 or 11 of the Planning Code.
- » Visit the Property Information Map to see your property's status under the "Historic Preservation" tab.
- » Follow this packet's recommended best practices.

For murals that are publicly-funded and/or on public property:

- » Check to see if the mural is being placed on a City Landmark or on a building subject to Article 10 or 11 of the Planning Code.
- » Visit the Property Information Map to see your property's status under the "Historic Preservation" tab.
- » Follow this packet's recommended best practices.
- » Visit the Art Commission's website for a complete checklist of requirements for new mural approval.



Example of a privately commissioned mural on private property. This building is not subject to Article 10 or 11, and therefore does not require review by the Planning Department.

Murals and Historic Buildings



Mural facade of the Women's Building on 18th Street.

Any new temporary or permanent mural proposed on a building categorized by the Planning Department as an Article 10 Landmark or district contributor, or within an Article 11 conservation district, must be reviewed by Planning preservation staff. Staff does NOT review the content or artistic merit of new murals but considers only the placement, size and location of the mural to determine whether the mural covers or obscures significant architectural features, such as windows, doors, unpainted masonry, and decorative details, of the landmark or contributory structure.

You can check the Article 10 or Article 11 status of the building on which you want to put your mural on PIM.

On the next page is a list of required entitlements for each type of historic building category.

ARTICLE 10 BUILDINGS AND DISTRICTS

The provisions on this page apply to City Landmarks and all structures within Article 10 Landmark Districts.

A new mural on private property:

- » Requires an Administrative Certificate of Appropriateness Application to be granted by the Planning Department if the proposed work follows the requirements for murals that are delegated to staff by the Historic Preservation Commission.
- » If the proposed work does not conform to the requirements for murals, a Certificate of Appropriateness Application is required that must be granted by the Historic Preservation Commission in a public hearing.

A new mural on public property and/or publicly-funded:

- » Does not require a Certificate of Appropriateness.
- » SFAC approval required. See their checklist of requirements for new mural approval.
- » The mural won't be approved until SFAC has received advice from HPC on the impact of the mural on the historic structure.

An existing mural on public or private property:

- » Any removal or alteration involving an existing mural requires an Administrative Certificate of Appropriateness Application to be granted by the Planning Department if the proposed work follows the requirements for murals that are delegated to staff by the Historic Preservation Commission.
- » If the proposed work does not conform to the requirements for murals, a Certificate of Appropriateness Application is required that must be granted by the Historic Preservation Commission in a public hearing.



Mural artwork that wraps around a bay window.



The Portola Then and Now mural found at 1390 Silver Ave.

ARTICLE 11 BUILDINGS AND DISTRICTS

The provisions on this page apply to **all** structures within Article 11 Conservation Districts as well as structures outside those districts that are rated I - IV under Article 11.

A new mural on private property:

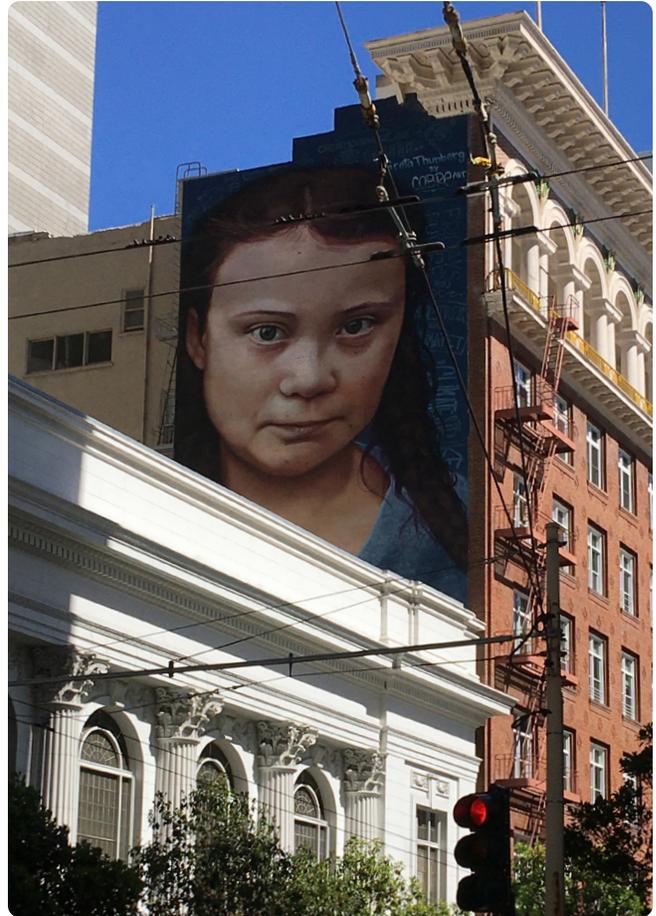
- » Requires a Minor Permit to Alter Application to be granted by the Planning Department if the proposed work follows the requirements for murals that are delegated to staff by the Historic Preservation Commission.
- » If the proposed work does not conform to the requirements for murals, a Major Permit to Alter Application is required that must be granted by the Historic Preservation Commission in a public hearing.

A new mural on public property and/or publicly-funded:

- » Requires a Minor Permit to Alter Application to be granted by the Planning Department if the proposed work follows the requirements for murals that are delegated to staff by the Historic Preservation Commission.
- » If the proposed work does not conform to the requirements for murals, a Major Permit to Alter Application is required that must be granted by the Historic Preservation Commission in a public hearing.
- » SFAC approval required. See their checklist of requirements for new mural approval.

An existing mural on public or private property:

- » Any removal or alteration involving an existing mural requires a Minor Permit to Alter Application to be granted by the Planning Department if the proposed work follows the requirements for murals that are delegated to staff by the Historic Preservation Commission.
- » If the proposed work does not conform to the requirements for murals, a Major Permit to Alter Application is required that must be granted by

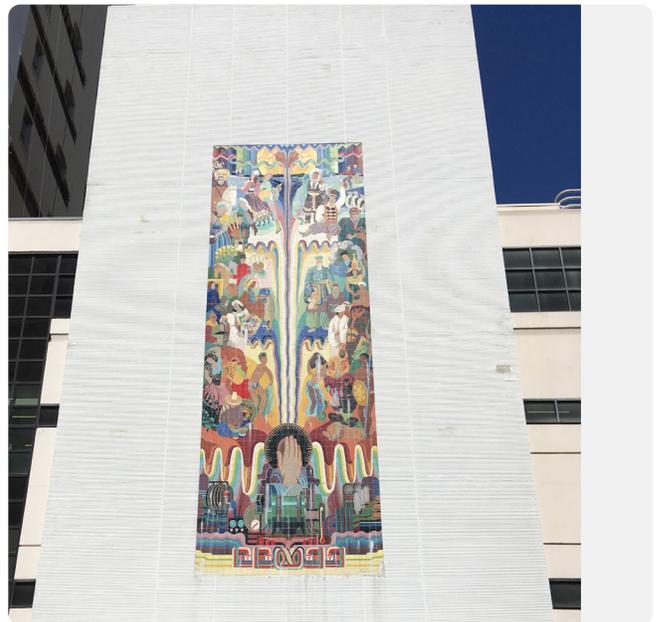


Greta Thunberg mural within San Francisco's Kearny-Market-Mason-Sutter Conservation District.

OTHER TYPES OF BUILDINGS

- » Murals proposed on buildings that are not subject to Article 10 or Article 11 as described on the previous pages do not require review or approval by the Planning Department. If you are unsure of your building’s historic status, we strongly suggest contacting the Planning Department. Regardless of historic status, the Department encourages following the recommended best practices in this packet, regardless of funding source, especially if the new mural requires attachment to a building surface or if it could potentially obscure a storefront.

- » SFAC approval is required for publicly-funded murals and/or murals on public property regardless of building’s historic status. See their checklist of requirements for new mural approval.



TOP: The Tuzuri Watu mural at Third and Palou Streets.

MIDDLE: Mural found in Union Square.

BOTTOM: Latin Rock mural house found in the Mission District.

FAQs and Resources



Everyone Deserves a Home Mural - Boeddeker Park. Photo by Jay Galvin (CC BY 2.0)

Frequently Asked Questions (FAQs)

Recommended Best Practices

Resources

Mural FAQs

Why is it important to have an approved mural?

- » Non-approved murals and their artists may have less legal protection and may be subject to fines.
- » In instances where private property owners seek to destroy or alter a building with a mural on it that was created without the owner’s approval, there may be SOME protections to preserve the mural.
- » If commissioned properly muralists and property owners can come to an agreement beforehand about what to do should the mural be potentially damaged, altered, or destroyed. See the “recommended best practices” section of this packet.

What should I consider before painting a mural or having a mural painted on my property?

- » We highly suggest artists and property owners consult these guidelines, regardless of whether the mural will be painted on private or public property to make the process of obtaining the proper administrative approval easier.

- » Creating a proper maintenance and care plan for the mural to ensure longevity or in the event the mural is altered or slated for removal.
- » Consider if the mural is proposed on a building subject to Article 10 or Article 11 as described on the previous pages. If so, it is subject to review by the Planning Department as well as SFAC. You can see if the proposed property is a historic resource on PIM.

Can I remove a mural on my property?

- » The Planning Department does not encourage property owners to remove existing murals without cause or mitigation.
- » If a project will have an unavoidable impact on an existing mural, it is strongly suggested the project be reviewed by Planning and a local mural organization to see if mitigation measures could limit impacts to the mural.
- » If removal of or damage to a mural is unavoidable, it is a recommended best practice to contact the artist of the mural and provide an opportunity to either formally document the mural and/or retain it or remove it.



Mural found in the Parkside neighborhood.

Who maintains murals?

Private Property

- » No city agency takes responsibility for maintenance or preservation of privately funded and created murals. It is highly recommended you create a care and maintenance plan prior to commissioning a mural on your property.

Public Property

- » No city agency takes responsibility for maintenance or preservation of murals on public property.
- » For city-funded murals or murals in need of restoration on public property call 311.

Civic Art Collection: SFAC

- » If the mural has been formally acquired by the City for the Civic Art Collection, it is then maintained by SFAC.



Above street-grade mural found in the Mission District.



A series of murals along Hemlock Alley.

Recommended Best Practices

The Mural Creation Best Practices were formulated by the American Institute for Conservation (AIC), formerly known as Heritage Preservation, for its Rescue Public Murals program in 2006. It includes best practices for both property owners and artists to consider before commissioning a mural. See AIC's full Mural Creation Best Practices [here](#).¹ Planning recommends following these best practices when considering a mural on private property.

- » Recommendations are not meant to be prescriptive but instead to pose questions and raise issues that should be considered at each stage of creating a mural: planning, wall selection, wall and surface preparation, painting, protective top coating, and maintenance.
- » Establish a realistic estimate of the likely lifespan of the mural before work begins. The recommendations assume that a mural that is painted with careful planning and consideration to technique and materials and that receives regular maintenance could have a lifespan of 20-30 years. However, this may not be the intention of all mural projects.
- » While mural painting is frequently done as a spontaneous act, community murals that are expected to last require deliberate planning. Each party, the commissioning organization/agency, artist(s), building owners, community members, and other partners, should establish what rights and responsibilities they have in the process of creating and maintaining the mural.
- » Determine who will own the mural upon its completion. The artist(s)? The commissioning organization/agency? The building owner? Others? More than one individual or entity?
- » Does ownership of the mural convey responsibility to repair and maintain the mural, including prompt repair or removal of graffiti? If not, determine which individual(s) and/or entity will assume these roles. Will the party/parties have or be given access to funds to do this work? How are maintenance and repair defined? At what point would a mural be deemed too damaged to repair and who will make this decision?
- » Determine who owns the copyright to the mural, images of the mural, or associated materials (plans, drawing, notes). The artist(s)? The commissioning organization/agency? The building owner? Others? What are terms for reproductions of the image of the mural? May images of the mural be used for commercial purposes?
- » Check local laws and ordinances to determine how the mural project under consideration will comply. For example, permissions may need to be secured for access to the wall, the mural design may need to be approved, and selection of paints and coatings may be limited due to environmental regulations.

¹ <https://www.culturalheritage.org/about-us/foundation/programs/heritage-preservation/rescue-public-murals>

PROPERTY OWNERS

- » Establish an agreement with artist(s). This should address all the considerations listed in this section as well as specifying the project timeline, budget (including provisions for cost overruns), deliverables, project documentation, insurance, liability and indemnification, equipment (esp. scaffolding) and supplies, and if signage, lighting, or security measures will be incorporated into the mural.
- » Will the artist(s) retain rights to the mural after it is completed? The federal Visual Artist Rights Act (VARA) outlines the rights to attribution and integrity that are due to authors of works of art. Since VARA includes all types of work, it is often difficult to apply toward public art and Will the artist(s) retain rights to the mural after it is completed? The federal Visual Artist Rights Act (VARA) outlines the rights to attribution and integrity that are due to authors of works of art. Since VARA includes all types of work, it is often difficult to apply toward public art and commissioning groups may request artists waive their VARA rights. If this is done, it is recommended that it be replaced with language that specifies terms such as, who will repair or maintain the mural and what will be done

if repair or maintenance results in a change in appearance to the mural, if the artist(s) must be notified before a mural is altered, removed, or destroyed, and what accommodations the artist(s) will have to rescue or remove the artwork.

ARTISTS

- » Determine all the individuals and groups who will be involved in this project such as artist, client, community members or groups, building owner, adjacent building owners, architect, landscape designers, legal counsel, etc. Involve all those who have a stake in the project budget, design, and implementation but note that too large a team can hamper progress. Define the mission of the team and clearly define each individual's roles. It is important that the artist helps to build this team and determine its mission and its roles.
- » Define the scope of the mural project by asking questions such as: Why is it being commissioned? Where will it be located? How will the subject matter be selected? How will the design be approved? Which community groups should be involved in the project? What is the project budget?



Mosaic mural found in the Mission District.

- » Establish an agreement with the building owner or ensure the client or commissioning group has done so. You may be involved in or provide your input in the process. An agreement with the building owner should address issues such as timeframe in which mural will remain on the building, whether an easement should be placed on the building, whether the current owner will to add a covenant to the building deed regarding the mural should the building change ownership, implementation of security measures for the mural, maintenance and care of the mural, access to the building during the mural creation or during future maintenance, and insurance and liability.
- » If the mural is being done as work for hire, establish an agreement with the client or commissioning group that addresses all the considerations listed in this section as well as specifying the project timeline, budget (including provisions for cost overruns), deliverables, project documentation, insurance, liability and indemnification, equipment (esp. scaffolding) and supplies, and if signage, lighting, or security measures will be incorporated into the mural.

OTHER CONSIDERATIONS

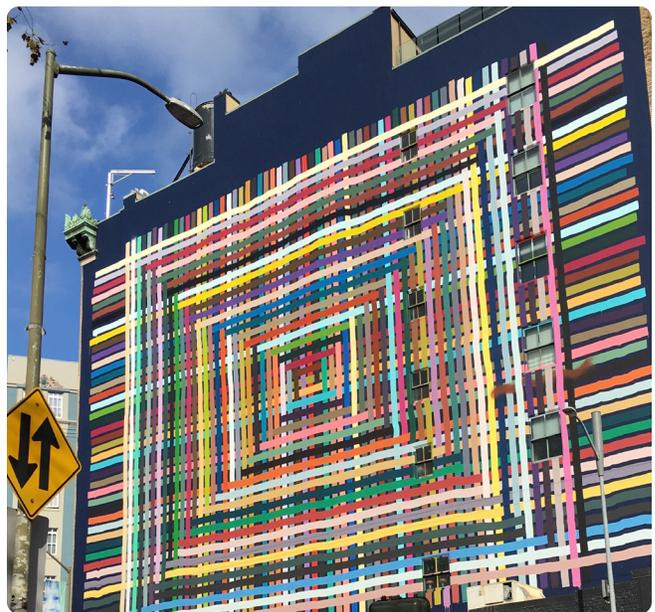
Other important considerations for murals include:

- » Wall selection
- » Wall/surface preparation
- » Painting
- » Protective top coating

See full [Mural Creation Best Practices¹](https://www.culturalheritage.org/docs/default-source/resources/mural-creation-best-practices-full-document.pdf?sfvrsn=4) for detailed recommendations.



Jazz Mural found at 606 Broadway.



Wave composition mural at 7th and Market Streets.

¹ <https://www.culturalheritage.org/docs/default-source/resources/mural-creation-best-practices-full-document.pdf?sfvrsn=4>

Resources

San Francisco Planning

- » For general questions about projects involving an existing mural or about the location of new murals, contact the Planning counter at the Permit Center at 628.652.7300 or pic@sfgov.org.

San Francisco Arts Commission

- » For information on mural design approval for new, permanent murals see SFAC's Mural Design Approval Guidelines
- » For information on temporary murals see SFAC's Guidelines for Temporary Art

San Francisco Public Works

- » For information on the StreetSmARTS anti-graffiti program visit SFAC's website
- » For information on murals to be placed on a non-wall location e.g. a surface-mounted facility visit Public Works' FAQ page.

Organizations

- » Precita Eyes: 415.285.2287 or info@precitaeyes.org
- » Calle 24

Other Resources

- » Mural Creation Best Practices from AIC
- » Standards for Storefront Transparency from San Francisco Planning
- » Retained Elements Design Guidelines from San Francisco Planning



Bird Song mural found at 1540 Market Street.



The Portola Then and Now mural found at 1390 Silver Ave.



San Francisco
Planning

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception

49 South Van Ness Avenue, Suite 1400
San Francisco CA 94103

TEL: **628.652.7600**
WEB: <https://www.sfplanning.org>

Planning counter at the Permit Center

49 South Van Ness Avenue, 2nd Floor
San Francisco CA 94103

TEL: **628.652.7300**

Planning staff are available by phone and at the Planning counter. No appointment is necessary.