

Date: Feb. 11, 2010

Item No. 3
File No. 09067

SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
AGENDA PACKET CONTENTS LIST*

- Library Users Assoc. v. Historic Preservation Commission**
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Completed by: Chris Rustom

Date: Feb. 8, 2010

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
December 21, 2009

DATE THE DECISION ISSUED
December 1, 2009

LIBRARY USERS ASSOCIATION V. HISTORIC PRESERVATION COMMITTEE (09067)

FACTS OF THE CASE

Complainant Peter Warfield said the Historic Preservation Committee's meeting minutes on two occasions failed to comply with the Ordinance as they did not provide: (1) a brief summary of each person's statement provided during the public comment; and (2) an indication of whether the speaker favored or opposed the item at issue.

COMPLAINT FILED

On October 13, Mr. Warfield filed a complaint with the Sunshine Ordinance Task Force.

HEARING ON THE COMPLAINT

On December 1, 2009, Complainant Peter Warfield appeared before the Task Force and presented his claim. Respondent Agency was not represented. No one in the audience spoke on behalf of the respondent.

The issue in the case is whether the Agency violated Section 67.16 of the Ordinance for not providing meaningful minutes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Warfield told the Task Force that he had informed the Historic Preservation Commission that it was violation the Sunshine Ordinance by not providing meaningful minutes. He said the Commission Secretary discussed the issue at a subsequent meeting and someone was heard saying: "Mr. Warfield was right." He said discussion of the item ended with those at the meeting being told that budgetary issues are preventing the Commission from getting the basic support needed to comply with the law.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Section 67.16 for not providing a brief summary of each person's statement during public comment and an indication of whether the speaker was for or against particular items during two meetings at issue. The Task

ORDER OF DETERMINATION

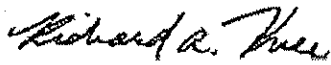
Force also found the Commission in violation of Section 67.21 (e) for failure to appear at the hearing.

The agency is instructed to appear before the Education, Outreach and Training Committee on December 10, 2009, to discuss compliance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 1, 2009, by the following vote: (Cauthen / Goldman)

Ayes: Craven-Green, Cauthen, Manneh, Washburn, Knoebber, Chu, Goldman, Knee

Excused: Johnson, Chan, Williams



Richard Knee

Chair, Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Peter Warfield, Complaint
Linda Avery, Respondent

San Francisco Historic Preservation Commission Meeting Minutes

**Commission Chambers – Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place**

Wednesday, October 7, 2009

11:30 A.M.

Regular Meeting

COMMISSIONERS PRESENT: Wolfram, Buckley, Martinez Matsuda, Damkroger, Hasz, Chase

THE MEETING WAS CALLED TO ORDER BY PRESIDENT CHASE AT 11:40 A.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Tara Sullivan, Aaron Starr, Tim Frye, Angela Threadgill, Shelley Caltagirone and Linda Avery – Commission Secretary

A. TRAINING

1.

(T. Sullivan: 415/558-6257)

Planning CEQA Workshop / Training

Tara Sullivan – Department Staff

- Overview of CEQA and how the Department focuses in Categorical Exemption for historic resources.

SPEAKERS:

Nancy Shanahan – Telegraph Hill Dwellers, re: categorical exemption (Cat Ex) process.

Aaron Goodman – from District 7, re: (Cat Ex) issues of notification

Peter Warfield – Library Users Association, re: CEQA training

12:30 P.M.

Commission Secretary made the following announcements before starting the meeting.

- Public records are available to the public at all HPC hearings and at the Planning Department everyday.
- Full packets of material for the hearings are available at the hearing for the public. They can definitely see it but they need to return the materials for my files after the hearing is over.

B. PUBLIC COMMENT – 15 Minutes

SPEAKERS:

Jeremy Paul – Permit Consultant, re: Ordinance for seismic strengthening for soft story wood-frame buildings.

Robert A. Byrum – Resident representing the neighbors, re: Preserve historic house at 2750 Vallejo.

Bradley Wiedmaier – Concerned Historian, re: 2750 Vallejo preservation.

Aaron Goodman – Resident of District 7, re: Public broadcasting of HPC meetings and HPC meeting minutes.

Johanna Street – Preservation Architect, re: Landmark at Turk and Fillmore

Peter Warfield – Library Users Association, re: Agenda packets, commissioner's attendance, public broadcast of hearings, and draft minutes.

Peggy Coster – Use of historic designation and video recording of hearings.

C. MATTERS OF THE COMMISSION

2. Consideration of Adoption of Draft Minutes:

- Draft minutes of Special Hearing of April 8, 2009
- Draft minutes of Regular Hearing of August 19, 2009
- Draft minutes of Regular Hearing of September 16, 2009

SPEAKER: Peter Warfield – Library Users Association

Motion: April 8, 2009 minutes - Approved

August 19, 2009 minutes – Approved as corrected by Commissioner Martinez, changing Delores to Dolores

September 16, 2009 minutes – Continued to 10/21/09 to address commissioner's concerns

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

Commissioner Martinez:

How is materials given to the Commission at the hearing handled in terms of making them available to the public?

Commission Secretary Avery:

As I do with the Planning Commission, I either stamp or write on the documents that they are received at this hearing. We take them back to the office. Staff, Ms. Margaret Yuen who is assigned to work with me will make a copy. The original will go to the staff planner for their file, and I retain a copy for my public correspondence file.

Commissioner Martinez:

So, whatever is handed out to the Commission during the hearing will be made available to the public.

Commission Secretary Avery:

Yes.

Commissioner Damkroger:

I ask that staff could come back with the report on 2750 Vallejo and I also ask to put packet materials on-line.

Commission Secretary Avery:

The Department is trying to make that happen. Our Department is under the Department of Technology and Information Systems (DTIS) which is the department that handles our website. For instance, the Board of Supervisors (BOS) is not under DTIS. They can link their case documents to their calendar. We are not able to do that, but our Department is working to establish its own software so that we can link our case reports to the calendar. If I can, I'd also like to respond to the whole thing about putting this Commission hearing on television – we would like to do that too. Unfortunately, when this Commission was established, there was no money put aside for it. We are hoping that next year we can find money to make that happen. I can't promise that.

Deputy City Attorney Marlena Byrne:

I think there are some kinds of concerns from the public that this is being videoed and the video is not being made available to members of the public. That actually is incorrect. These hearings are not being videoed. This is just an internal live feed to these cameras directly. There is no video recording being made of this; there are only audio tape recordings which are, if requested, made for a fee and made available for the public.

Commissioner Buckley:

To what extent is the process for public information the same or different from the Planning Commission and for this Commission? Is the agenda available?

Commission Secretary Avery:

There is no difference. The agendas are posted electronically on the website where anybody can access. Hard copies are at our Department at the 4th floor reception, at the Planning Information Counter next door at 1660 Mission on the first floor and at the Library. It is posted here in City Hall and also the entire agenda is read into a recorder for anyone who wants to call up and listen to the entire agenda. The HPC process is absolutely identical to the Planning Commission.

D. CONSIDERATION OF ITEM PROPOSED FOR CONTINUANCE

3. 2009.0910A (Tim Frye: 415/575-6822)
431 Jackson Street - Assessor's Block 0196; Lots 027. Between Sansome Street and Hotaling Place, the subject property is a contributing structure to City Landmark #13, the Jackson Square Historic District. It is located within a C-2 (Community Business) District with a 65-A Height and Bulk limit. The proposal is a request for a **Certificate of Appropriateness** to remove the existing projecting sign and armature and install a new armature and tenant signage.
Recommendation: Approval.
(Proposed for Continuance Until Determined)

SPEAKERS: None

ACTION: Continue to October 21, 2009

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

There was new information for this category that pertained to Item 4, 1833 Page Street. Public hearing was held for this item.

NOTE: *Because new information was made available for item 4, this category was omitted*

F. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

4. 2009.0852L (S. Caltagirone: 415/558-6625)
1833 PAGE STREET, Park Branch Library, south side of Page Street between Shrader and Cole Streets, on Assessor's Block 1229, Lot 031 – The subject property is a Classical Revival-style branch library building designed by the McDougall Brothers and constructed circa 1909. Before the Commission is **consideration to approve, disapprove, or approve with modifications initiation of landmark designation as a San Francisco Landmark** under Article 10 of the Planning Code. The property is zoned P (Public) and is in a 40-X Height and Bulk District.
Preliminary Recommendation: Disapprove Initiation of Landmark Designation.
 (Continued from the September 16, 2009 hearing)
NOTE: *On September 16, 2009, following public testimony, the public hearing was closed and the Commission entered into deliberation. The Commission continued this item to October 7, 2009, to allow the Project Sponsor a chance to see if the recommendations of their consultant are cost effective and whether or not the cost to use a different material for a door than what is currently proposed, as recommended by Commissioner Martinez is within their ability to do. The vote was (+5 -0) with commissioners Buckley and Wolfram absent*

SPEAKERS: Elisa Skaggs – Page and Turnbull, Jill Bourne – Deputy City Librarian, Mark Shotts – Lead Architect, Peter Warfield – Library Users Association, Howard Wong, Bradley Wiedmaier - Historian

ACTION: Disapproved initiation of designation; required that staff calendar a status report in six months; and another initiation for landmark designation in 13 months.

AYES: Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

NO: Buckley

RESOLUTION: 637

G. REGULAR CALENDAR

5. 2008.0968L (T. Frye: 415/575-6822)
THE APPLETON & WOLFARD LIBRARIES – Parkside Branch Library, 1200 Taraval Street: Assessor's Block 2351, Lot 001; Marina Branch Library, 1890 Chestnut Street: Assessor's Block 0469, Lot 001; Merced Branch Library, 155 Winston Drive: Assessor's Block 7236, Lot 001; Ortega Branch Library, 3223 Ortega Street: Assessor's Block 2094, Lot 005; North Beach Branch Library, 2000 Mason Street: Assessor's Block 0074, Lot 001; Eureka Valley Branch Library, 3555 16th Street: Assessor's Block 3564, Lot 095; Western Addition Branch Library, 1550 Scott Street: Assessor's Block 0703, Lot 002; Excelsior Branch Library, 4400 Mission Street: Assessor's Block 6797, Lot 046. The subject buildings are eight postwar branch libraries designed by the firm Appleton & Wolfard and constructed from 1951-1966. Before the Commission is **consideration to approve, disapprove, or approve with modifications the initiation of landmark designation** as a San Francisco Landmark under Article 10 of the Planning Code. The properties are zoned P (Public) and/or Open Space (OS).
Preliminary Recommendation: Approve Initiation of Landmark Designation with Modifications for some Branch Libraries and Disapproval for others. Staff will identify each at the hearing.
 (Continued from the September 16, 2009 hearing)

SPEAKERS - Project Sponsors and affiliates:

Jill Bourne – Deputy City Librarian, Paul Defratus – Bureau of Architecture, Marcia Maytum – Ledding, Maytum & Stacey Architect, John Paul Scott – Deputy Director for Mayor's Office on Disability, Karen Mauney-Brodek – Planner from Recreation and Park

SPEAKERS against Initiation of Landmark Designation:

Peggy Coster - Library user, Karin Payson – Interior Designer, Marcia Schneider – S.F. Public Library, Tan Chow – China Town Community Development Center, Tricia Defries – North Beach Resident, Elizabeth Beaus – Friends of Joe DeMaggio, Anita Walker – Telegraph Hill Cooperative Nursery School, Bob Planthold, Lizzy Hirsch – North Beach Resident, Julie Christensen, Pat Tura, Lee Goodin – North Beach Resident, Alison Wetherall, Mindy Linetzky – Branch Library Improvement Program, Rene Bihan – North Beach Resident & Landscape Architect, Marc Bruno – North Beach Resident, Paul Scott – former President of Telegraph Hill Dwellers, Anne Wintroub – Friends of the Libraries

SPEAKERS in favor of Initiation of Landmark Designation:

June Osterberg – Resident of North Beach, Howard Wong – Architect, Zach Stewart – CANESSA, Aaron Goodman – District 7 Resident, Nan Roth – Telegraph Hill Resident, Peter Warfield – Library Users Association, Judy Irving – Documentary Film Maker, Gretchen Hilyard – Northern California Chapter of DOCOMOMO, Joan Wood – North Beach Resident, Nancy Shanahan – Telegraph Hill Resident, Bradley Wiedmaier – Historian, Sue Cauthen.

ACTION: Initiated designation of landmarking or a district nomination for Marina, Eureka Valley, North Beach (the building itself and not the lot), Western Addition and the Excelsior Branch Libraries; strike out "ranch style" in No. 5a; strike out Nos. 7 and 8; change landmark designation to landmark designation and/or multiple property listing designation; calendar Parkside and Merced Branch Libraries for a status report in two months

AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger

NAYES: Hasz and Chase

RESOLUTION: 638

6. 2009.0846U (A. Threadgill: 415/558-6602)
1050 Battery Street, southeast corner of Union and Battery Streets, in Assessor's Block 0111, Lot 003. **Request for Review and Comment** on the nomination of the Armour & Co. Building to the National Register of Historic Places. The subject property is located within a C-2 (Community Business) Zoning District, 65-X Height and Bulk District, and the Northeastern Waterfront Historic District.
Preliminary Recommendation: Send comments of support to the State Historic Preservation Officer

SPEAKER: None

ACTION: Recommended forwarding the nomination of the building to the National Register of Historic Places

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Chase

ABSENT: Damkroger

7. 2009.0848U (A. Threadgill: 415/558-6602)
1 Lombard Street, southwest corner of Battery and Lombard Streets, in Assessor's Block 0081, Lot 001. **Request for Review and Comment** on the nomination of the Merchants Ice & Cold Storage Building to the National Register of Historic Places. The subject property is located within a C-2 (Community Business) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Send comments of support to the State Historic Preservation Officer

SPEAKER: None

ACTION: Recommended forwarding the nomination of the building to the National Register of Historic Places

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Chase

ABSENT: Damkroger

8. 2009.0849U (A. Threadgill: 415/558-6602)
450 Sutter Street, north side, between of Stockton and Powell Streets, in Assessor's Block 0285, Lot 006. **Request for Review and Comment** on the nomination of the Medical Arts Building to the National Register of Historic Places. The subject property is located within a C-3-R (Downtown Retail) Zoning District, 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District.
Preliminary Recommendation: Send comments of support to the State Historic Preservation Officer

SPEAKER: None

ACTION: Recommended forwarding the nomination of the building to the National Register of Historic Places with an amendment to change the text

description in Section 8, on page 12 to reflect that there is no need to compare this building to other works and to say it's far superior.

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Chase
ABSENT: Damkroger

- 9. 2009.0913U (A. Starr: 415/558-6362)
557 Ashbury Street, northwest corner of Haight and Ashbury Streets, in Assessor's Block 1231, Lot 009. **Request for Review and Comment** on the nomination of the Doolan Building to the National Register of Historic Places. The subject property is located within a Haight Street Neighborhood Commercial District, 40-X Height and Bulk District, and the Haight Street Alcohol Restricted Use District.
Preliminary Recommendation: Send comments of support to the State Historic Preservation Officer

SPEAKER: Norman Larson – Owner of the Doolan Building supports the nomination
ACTION: Recommended forwarding the nomination of the building to the National Register of Historic Places
AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Chase
ABSENT: Damkroger

H. STAFF REPORT AND ANNOUNCEMENTS

- 10. (T. Tam: 415/558-6325)
Landmark Designation Work Program – Review properties for status and possible funding sources
 (Continued from the September 16, 2009 hearing)

Item was not heard and was continued to the next hearing on October 21, 2009.

I. PRESIDENT'S REPORT AND ANNOUNCEMENTS

None

J. PUBLIC COMMENT

SPEAKERS: None

Adjournment: **5:10 p.m.**

The minutes were proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, November 4, 2009.

ACTION: Approved
AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger,
ABSENT: Chase and Matsuda

San Francisco Historic Preservation Commission Meeting Minutes

**Commission Chambers – Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place**

Wednesday, October 21, 2009

12:30 P.M.

Regular Meeting

COMMISSIONERS PRESENT: Damkroger, Hasz, Martinez, and Wolfram

COMMISSIONERS ABSENT: Chase, Buckley, and Matsuda

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT DAMKROGER AT 12:34 P.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Pilar LaValley, Matt Weintraub, Tim Frye, Mary Brown, and Linda Avery – Commission Secretary

Time: 12:30 P.M.

A. PUBLIC COMMENT

SPEAKERS:

- Aaron Goodman – District 7 Resident, Re: Symposium at UC Berkeley on Landscape Design; Minutes
- Peter Warfield – Library Users Association, Re: Golden Gate Valley Branch Library; Minutes; Preservation Architect for Park Branch renovation
- William Hough – Representing Philip and Zella Burton Center for Human Rights, Re: Proposal to nominate SF Civic Center National Historic Site as a UNESCO World Heritage Site
- Zach Stewart – Re: Thanking Historic Preservation Commission (HPC) for serving Pat Buschavich – Re: Facade ordinance
- Bradley Wiedmaier – District 6 Resident, Re: Golden Gate Valley Branch Library; Historic report on Park Branch on naming issues; Minutes

B. STAFF REPORT AND ANNOUNCEMENTS

1. (T. Tam: 415/558-6325)
Landmark Designation Work Program
(Continued from September 16 and October 7, 2009 hearings)

Preservation Coordinator Tina Tam:

This is an informational presentation about the historic resource surveys currently in progress. Later this afternoon, we'll going over the details of these projects and we'll bring these findings to you for adoption. Included in the survey program are four survey areas in the Eastern Neighborhood plan area, South of Market (SOM), Show Place Square, Mission North and Mission South. These survey activities have been on going for quite some time and based upon the current progress, we can bring the survey findings to you sometime early next year. While we wait unit that happens, we have the Eastern Neighborhood interim review procedures. These procedures were adopted some time last fall. They are set up so that they act as some sort of precautionary measures to secure against the loss of historical resources and to provide an extra layer of scrutiny in the period between when the Eastern Neighborhood was adopted and when the survey will be completed and adopted by the HPC. Today's calendar, you have two items on the Consent Calendar for your review and comment, and one item on informational presentation for your review. In the interim procedure, there are two levels of review. There are two types in your packet today. The first type, are projects that require California Environmental Quality Act (CEQA) review for properties constructed before 1963 that involves demolition or major alteration. Those projects get forwarded to you for review. We will provide you with a memo outlining why it's in you packet, a copy of the environment evaluation application, and information that is part of the project. The second type, are new construction within the plan area that is 55 feet or taller, or, 10 feet taller that the adjacent building that were built before 1963. Those projects get forwarded to you for review and comments. They are part of the regular scheduled hearing in whatever comment you'll make to us, we forward it to the project sponsor and the Planning Director. Today's calendar we have two items – 141-147 Albion Street and 411-415 Valencia Street. Both are for demolition and new construction. Should you want to pull those items off from the Consent Calendar, we have

planner staff prepared to make their presentation to receive your comments. 2750 Vallejo Street is a 3-story single family building constructed in 1905. The Planning Department began its review on the property three years ago on March 3, 2006, when they proposed a project to demolish the existing building to construct a new single family in its place. At that time in 2006, the Planning Department issued an Historical Resource Evaluation Response (HRER) stating that the subject building was a potential contributory building in the identified historic district. Therefore, demolition of the building would cause an adverse impact to the environment. In 2007 and 2008, the project came back revised to retain the existing building and to construct a horizontal addition at the side and at the rear of the building instead. A new permit was filed and the old permit was cancelled. In response to this revised project, on July 2, 2008, the Planning Department issued another HRER, finding the proposed project would not be a significant impact to the identified historic district, or to the subject property. On May 6, 2009, the Department issued a Categorical Exemption (Cat Ex) for the project. A digressional review (DR) was filed for the permit, a DR hearing before the Planning Commission was heard on July 16, 2009. At the hearing, the Zoning Administrator considered a front set back variance for the project. Based upon the DR action, the Planning Commission did not take DR and approved the project as proposed. The variance decision for the front set back was taken under advisement. Based on the notes that I have, there were three points that the DR requestor brought up at the DR hearing. The first one, the DR requestor believed that the building qualified as an individual building eligible for the California Register. The Planning Department disagreed. We believed that the building is a contributory building to historic district, but did not merit and qualify under criteria 3. Another point that the DR requester raised was the Planning Department assessment of the facade's historic integrity. The requestor believed that the building retained a high level of historic integrity. We have evidence based upon investigation of both archival records and a preservation consultant's report that demonstrated that the building's foundation and facade were different from what originally constructed on the property. The third dealt with some of the minor texture and massing of the building facade. It was the bay window which since has been eliminated. After the DR hearing, the building permit was approved and it's currently under review by the Department of Building Inspection. That's the status of this project.

The Landmark Designation Work Program – I had reported back to you in September on the genesis and original of the Landmark Designation report, the buildings that were designated through the program, the challenges we faced, some ideas about the Department's budget, and staff time devoted to this program. Since the conception of this program, the Department has allocated approximately 0.5 FTE, which is around \$50,000 for this program. That typically allowed the Department to work on one or sometimes two designations per year. Depending upon the complexity of a particular landmark – the size, review procedures, write up of the project – sometimes a designation can take up to two or three years to process. For example, the James Lick Bath Building at 6165, 10th Street, City Landmark No. 246, took three years; the Music Concourse at Golden Gate Park, City Landmark No. 249 – the Department had a completed designation report from a preservation consultant, it still took seven hearings of the Landmark Preservation Advisory Board and a number of rewrites by planning staff. That designation resulted in taking up the budget for designation work programmed for the entire year. As much as we support having a work program on designation, it is difficult to have it with the reduction in staff, (two major rounds of lay-offs, and an increased workload). Unfortunately, we are not able to

keep the Landmark Program in this current fiscal year's budget. Elaine Forbes, our Chief of Finance in the Department, presented that information to you in February of this year. Now with the initiation of the five Appleton & Wolfard Libraries from this Commission, I have asked Elaine and the Planning Director, John Rahaim, to come to the November 18 meeting to talk straightly about budgets and numbers. Hopefully we will get some more information then. With no other known designation work program, you non-the-less asked a status report of the program from last year. We had ten buildings or sites in the program: 1) The Van Ness Avenue Light Standards – 260 or so that run the entire length of US 101 – at 10% completion; 2) The Tellan Flat at 2870 Washington Street – at 10%; 3) Mona Cafe/Club at 440 Broadway – at 10 %; 4) Sunshine School at 2728-2762 Bryant Street – at 40 %; 5) Park Merced – at the time it was placed on the work program, we did not have a designation report and a DPR form, we just had newspaper clippings. However, we have a draft resource evaluation from a consultant at this point. It includes an analysis of the building as an eligible historic district – at 10 %; 6) 49 Mile Scenic Drive – at 10%; 7) Mission National Bank at 3868 16th Street – it is a building that's part of the Mission North Survey; we have more information – at 25%; 8) Muni Transit Shelters at multiple locations – at 25%; 9) Del Monte Canning at Montgomery – at 25 %; 10) Mother's Building in San Francisco Zoo – at 25%. Those are the 10 buildings/sites on last year's Historic Landmark Designation Program; our gage of how much we have done and how much more we need to do.

Vice President Damkroger:

When Planning Staff come on the 18th, they will be able to in addition to talk to us about the budget, talk to us about the prospect for the initiation of our library designation.

Preservation Coordinator Tina Tam:

Yes, I have asked them to provide all their input as to how that could be accomplished, either this fiscal year, or, the next fiscal year. (I do want to clarify something I said to you at the last HPC hearing. I mis-spoke when I said that once initiation from HPC happens, the Planning Department staff has a 90-day turn around time to come back to you with some information, a designation report, for you to consider in making your decision of whether to approve, disapprove, or approve with modifications. That is not true. The only initiation for the 90 days is triggered is when the Board of Supervisors makes that initiation. There is no time limit on the planning staff for when that has to come back to the HPC, once HPC initiates.

Commissioner Martinez:

There's a building on Sutter Street that Johannan was working on that had been connected to a synagogue. It might have been from the year before. It's a classical building.

Preservation Coordinator Tina Tam:

I don't see it on last year's work program. It might have been the previous year's work program. I can look it up.

Commissioner Martinez:

It seems to me that work was done on it. Also, on the Transit Shelters, there was a draft report for the whole group written by a graduate student. Did you take that into account?

Preservation Coordinator Tina Tam:

I do have a draft DPR, but I'm not sure which shelters. There are five identified. That has still put us in the 25% according to planning staff.

Commissioner Martinez:

When you come to the Fund Committee, you should be prepared to describe what this is all about. You should talk about these also. The Fund Committee may want to pursue some of these, either hiring separate consultants, or, funding you guys to do it if you don't have staff time. There may be some of these that the Committee might want to pursue and finish.

Preservation Coordinator Tina Tam:

It's my understanding that the Department is going to pursue funding sources for this program, but we can certainly consider your suggestion.

Commissioner Martinez:

I think you should, even if only 10%, this is already a considerable investment in time. The longer we wait, the harder it is. As staff changes, the harder it is to go back to finish because no one remembers what was done. Now at least, you have people who still remember what's going on here. I think some of these things the committee might be interested in pursuing. I think these should be presented to the Fund Committee one way or another.

SPEAKERS:

Aaron Goodman – Re: Park Merced, Peter Warfield – Library Users Association, Re: Landmark Designation Work Program priority, Robert Wiedmaier – Re: 2750 Vallejo Project, Joe Butler – Architect, Re: Budget for funding the Landmark Designation Work Program and preservation.

C. MATTERS OF THE COMMISSION

Commission Secretary Avery:

Commissioners, there were lots of comments about minutes today. I think this is a good time for us, for you especially, to indicate to me how you want to go forward with minutes. I believe the Chair is going to make a statement. I have had conversation with our Deputy City Attorney, Ms. Tam of Planning, and with President Chase on the minutes. I can actually tie part of this back to the budget, and what has been allocated to HPC is zero dollars. The minutes from my understanding is going from what happened in the past from the Landmarks Preservation Advisory Board. We have tried to continue with that pattern. It seems that the Landmarks Board wanted more comments in their minutes from their Commissioners than the Planning Commission, for instance. Planning Commission minutes do not include comments from their Commissioners at all, except under Commission Matters. Their comments are captured there. For comments from the public, Mr. Warfield is correct, the Sunshine Ordinance does require summary of comments from the public. I can honestly say that in addition to being tardy now, your minutes would be extremely tardy. There is no way I can meet the deadline because we don't have staff. We have a temporary staff person assigned to me to help with all the logistics of putting together a hearing and doing your minutes. We just don't have the money to hire another person who can be dedicated to these functions. I also have taken on another commission without additional modifying my other responsibilities. This is costing the Department nothing because I just took it on. I can't, honestly, give you everything that you had in the past as the Landmarks Board, that the public wants, or that the Sunshine Ordinance even requires without adequate staff. Until there is a balance here, somehow or another, I will always be deficient [to some degree] with what everyone wants.

Vice President Damkroger:

We'll have the adoption of minutes first and then we'll have discussion about the format of the minutes.

- 2 Consideration of Adoption:
 - a. Draft Minutes of Regular Hearing of September 2, 2009
 - b. Draft Minutes of Regular Hearing of September 16, 2009

SPEAKERS:

Peter Warfield – Library Users Association, Re: summary of public comments in minutes, Joan Wood – Friends of Appleton and Wolfard, Re: Video tape of the meeting would include public comments.

ACTION: Approved September 2, 2009 minutes, and approved as amended September 16, 2009 minutes - on page 2, correct news from ~~noise~~; real dirt at grade; the way it is in the plans; and on page 4 - Venetian palazzo

AYES: Hasz, Martinez, Wolfram, Damkroger

Vice President Damkroger:

I like to ask the City Attorney if you see any difficulty or any problem with us discussing format of the minutes at this point .

Deputy City Attorney Byrne:

No, I think it is well within the purview of the Matters of the Commission to discuss the format of its minutes and provide feedback to the Commission Secretary on how they would like to see minutes in the future.

Vice President Damkroger:

There has been some discussion about condensing the minutes. I'll give you my personal experience with having been on the staff and also on the commission side and the public side. It can be very helpful to have lengthy minutes. It's also enormously time consuming on the staff's part. There tends to be a fair amount of discussion around specifically what someone said and some changing of that discussion when in fact they may have said what was there, but they just want to change it now. What is most critical on each agenda item is who the speaker were, how they are identified, what the final resolution is, or the action is, and how it was worded and who voted in what way. The proposal is to summarize our minutes in that way so that we have the core and the most important information. And if someone wants more details they can go to the tape which is one of the functions of the tape. With regard to Architectural Review Committee (ARC), I would suggest we do what we did when I was the Historical Preservation Officer for San Jose – because those comments are critical for action on the part of the applicant - the Chair would summarize some of the key points at the end of each item in order to give direction to the applicant – and those could go into the minutes for referral. But, aside from that, there would not be a great amount of discussion included in the minutes. I'll leave you with those thoughts.

Commissioner Wolfram:

Is the audio tape available to the public?

Commission Secretary Avery:

The audio tape is the official record for Commission meetings and they are always available to the public

Commissioner Wolfram:

What about the compliance with summarizing public comments. Sounds like we are required....

Commission Secretary Avery:

The Sunshine Ordinance does require a summary of public comments and in the past I have actually been able to do that because I had the staff that I needed and we were able to go through it. Basically what we do now is identify the speakers, their affiliation(s) with whichever organization, and whether they are for or against the item that's on the

calendar. We don't actually have summaries. For instance, we had California Pacific Medical Center (CPMC) at last Thursday's Planning Commission hearing. We had 140 speakers. We are not able to go through and include a summary of all the comment for those speakers. But we can say this person is in favor of whichever site as part of the IMP process for that project. But we are not going through and just summarizing everything that's being said. I honestly say that my preference would be to not to do it. But I would always want to do what the law requires. But I need to have staff to do that. I have two commissions to run. I can't do that any longer unless I can get full-time staff to do this. I can honestly say you probably won't get that.

Vice President Damkroger:

I would add that the current proposal which would be to include the speakers information, the action, or the resolution, and the vote would be more in line with the Planning Commission, and probably be more consistent with the way Planning Commission keeps minutes as well.

Commissioner Wolfram:

I was wondering if we can say something like 20 people spoke in favor of this and 10 against - something to summarize it. At least we would be trying to acknowledge what they are saying. People not reading the minutes would have no idea what the flavor or the tenor is. And I would agree with Vice President Damkroger in trying to condense the comments, especially the ARC - maybe just having a summary at the end that these are the directions and approach and concept - not necessarily listing every single comment, but just trying to get a summary at the end. Often there is so much back and forth and the commissioner said one thing but then they think about it and they have a different point of view....doesn't need to all be there.

Commission Secretary Avery:

I agree.

Commissioner Martinez:

Is the Director aware that we are out of compliance?

Commission Secretary Avery:

He is aware of the amount that I can produce. Yes, he knows that we are not meeting the time line and I'm not sure he is aware of the summary issues.

Commissioner Martinez:

That is important. He is the one responsible.

Commission Secretary Avery:

Commissioners, I would suggest that there's not much we can do in this current fiscal year. The budget has been set and was done so before you were formed.

Commissioner Martinez:

There's not much you can do, but there are things that John can do. He needs to know from us that this is an issue. We are out of compliance. I don't think it is up to us necessarily to come up with a solution or to figure out an easier way of doing it.

Deputy City Attorney Byrne:

I would recommend the Commission provide feedback right now to Ms. Avery on format of the minutes and continue to work with Department staff on specific issues related to the Sunshine Ordinance.

Commissioner Martinez:

I think we need to comply with the ordinance. We need to do it in a substantive way, not a symbolic way. Are the tapes digital? I'd like you to look into the possibility of doing digital recordings and posting it on-line.

Commission Secretary Avery:

I'll look into that.

Vice President Damkroger:

Why don't we try for the next meeting the format that we've discussed here and we'll have the Planning Director at our November 18th meeting. We'll be talking about the budget, and that would be an opportunity to talk about this. Hopefully we'll have an example prior to that meeting.

Commission Secretary Avery:

At the next meeting, I will let you know what I find out about the digital recording.

SPEAKERS:

Peter Warfield – Library Users Association, Re: Minutes in relation to Sunshine Ordinance and maximum disclosure

Unidentified Speaker – Re: Funding the video taping of HPC hearings

- 3. President's Report and Announcements
None

- 4. Commission Comments/Questions

Vice President Damkroger:

I want to make a suggestion that staff reports we received not include the appendixes that are part of the ordinance. I feel because we have those in the binder already, the great binder that was done for the new preservation commission, I don't think they need to be included. That is one way to save paper and time.

Commissioner Martinez:

When are we going to schedule the discussion about California Environmental Quality Act (CEQA) in response to the questions from Mr. Wolfram and Mr. Buckley about the discrepancy between following the Secretary of Interior Standards and Findings, and whether or not the project affects the historic resource. The topic needs to be calendared.

The Golden Gate Branch Library was reviewed by the Landmarks Board and did have comments about it. It would be nice to have an informational presentation about what they did with our comments.

D. CONSENT CALENDAR

Note: All items (5 through 10) were removed from the Consent Calendar and considered at this hearing. Items 5-7, 9 & 10 were removed from the Consent Calendar by Commissioner Martinez and item 8 was removed from the Consent Calendar by Vice President Damkroger. It should also be noted that a member of the public indicated an interest in removing item 10 from the Consent Calendar.

Note: Prior to the staff presentation for item 5, Commission Secretary Avery suggested that the Commission should capture their actions in a motion or in a resolution, as follows:

Commission Secretary Avery:

Before we get to Public Comment, this is a perfect example I believe of how this Commission is proceeding as you did as the Landmark Advisory Board. Your comments, your direction to staff should be captured in a motion. You should have a document that actually shows the public what this Commission wants to have happen, but that is not going to happen. Going forward, items like this (item 5), your action should be captured in a motion or resolution

document that the public has easy access to as opposed to making comments in a somewhat notation, advisory format. I guess they could be captured in your notes because they wouldn't be captured in your minutes.

Vice President Damkroger:

My expectation was we would make a motion which include Alan's comments.....This is also a comment, not a C of A.

Commission Secretary Avery:

I agree, but still even this should be captured in a document and I'd like you to have that. You don't have anything before you. You don't have a draft motion or a draft resolution.

Vice President Damkroger:

I see what you mean. Typically a staff report would have a draft motion and you would have carried that in the minutes and maybe added to or subtract from it in a discussion. I see your point.

Commissioner Martinez:

Ms. Tam, I am confused about what we can do or what we can't do on the calendar. On the calendar it says "concur with the Department....", how can we concur without making a motion.

Preservation Coordinator Tam;

You can agree with our recommendation and make that part of your comment to Planning Director.

Commissioner Martinez:

Isn't that a motion?

Preservation Coordinator Tam;

It's your comment. That's how I see it looking at the interim permit procedure. The comments to the Director who can either accept them, or, not necessarily reject them, but take them into advisement when we are processing the permits.

Commissioner Martinez:

I'd like to make a motion. The City Attorney can figure out whether or not we ought to or not – cause I don't see any other way of moving with this.

Commissioner Hasz:

I am in agreement with Commissioner Martinez. Have we just become an Advisory Board again? We aren't actually a Commission if we are only commenting and passing on to someone else to decide. I would prefer to make a motion.

End of discussion.

- 5. 2008.0726E (P. LaValley: 415/575-9084)
141-147 Albion Street, east side between 16th and 17th Streets, in Assessor's Block 3568, Lot 068. **Presented for review pursuant to the Eastern Neighborhoods Interim Permit Review Procedures for Historic Resources.** The proposed project is to demolish an existing, one-story, storage building, and construct a 4-story residential building. The subject property is located within the RTO-Mission (Residential Transit Oriented - Mission) District with a 45-X Height and Bulk limit. The Department is processing an Environmental Evaluation application and Historic Resource Evaluation Report for the project.
Recommendation: Concur with the Department's preliminary determination regarding identification of historical resources and/or the potential for historical resource impacts, and allow the Department to proceed with reviewing and/or processing the project's application(s).

SPEAKERS: Owen Canelly – Project Architect
ACTION: Passed a motion to concur with the Department's determination with an addendum that the fact that this new building on the same lot does not damage the historic integrity of this historic building and that it remain a historic resource.
AYES: Hasz, Martinez, Wolfram, Damkroger
ABSENT: Buckley, Matsuda, Chase
MOTION NO. 0027

6. 2008.0180EV (P. LaValley: 415/575-9084)
411-415 Valencia Street, east side between 15th and 16th Streets, in Assessor's Block 3554, Lot 027. **Presented for review pursuant to the Eastern Neighborhoods Interim Permit Review Procedures for Historic Resources.** The proposed project is to demolish an existing, one-story, auto repair building and construct a six-story residential building with ground floor retail and parking. The subject property is located within the Valencia Street Neighborhood Commercial Transit (Valencia NCT) District with a 55-X Height and Bulk limit. The Department is processing a Community Plan Exemption and Variance application for the project.
Recommendation: Concur with the Department's preliminary determination regarding identification of historical resources and/or the potential for historical resource impacts, and allow the Department to proceed with reviewing and/or processing the project's application(s).

SPEAKERS: None
ACTION: Following the public hearing, the item was continued indefinitely. Commissioners requested that the Planning Department bring back more information that includes elevations of the two buildings together, historic resource and its significant character defining features, and material samples.
AYES: Hasz, Martinez, Wolfram, Damkroger
ABSENT: Buckley, Matsuda, Chase

7. 2009.0910A (T. Frye: 415/575-6822)
431 Jackson Street - Assessor's Block 0196; Lots 027. Between Sansome Street and Hotaling Place, the subject property is City Landmark #13, the Hotaling Annex-East Building and is a contributing structure to the Jackson Square Historic District. It is located within a C-2 (Community Business) District with a 65-A Height and Bulk limit. The proposal is a request for a **Certificate of Appropriateness** to remove the existing projecting sign and armature and install a new armature and tenant signage.
Recommendation: Approval with Conditions
(Continued from October 7, 2009 hearing)

SPEAKERS: None
ACTION: Approved with conditions as modified that the new sign, with the size and design shown, be mounted in the frieze above the store front at least one foot away from the bracket.
AYES: Hasz, Martinez, Wolfram, Damkroger
ABSENT: Buckley, Matsuda, Chase
MOTION NO. 0028

8. 2009.0686A (T. Frye: 415/575-6822)

584-590 Pacific Avenue Assessor's Block 0163; Lots 011. Between Kearny Street and Montgomery Streets, the subject property is a contributing structure to the Jackson Square Historic District. It is located within a C-2 (Community Business) District with a 65-A Height and Bulk limit. The proposal is a request for a **Certificate of Appropriateness** to remove the existing non-historic storefronts and install a new storefront system; and to construct a vertical addition.

Recommendation: Approval with Conditions.

SPEAKERS: Alex Teriam – Project Architect

ACTION: Approved with condition as drafted by Planning Staff

AYES: Hasz, Martinez, Wolfram, Damkroger

ABSENT: Buckley, Matsuda, Chase

MOTION NO. 0029

9. 2009.0895A (T. Frye: 415/575-6822)
1182 Market Street - City Landmark #94, The Orpheum Theater Building, historically known as the Pantages Theater, Assessor's Block 0351; Lots 022. Located at the intersection of Market and Grove Streets. The subject property is also a contributing structure to the Civic Center Historic District and is a Category I building under Article 11 of the Planning Code. It is located within a C-3-G (Downtown General) District with an 80-X Height and Bulk limit. The proposal is a request for a **Certificate of Appropriateness** to install a new hollow metal core door on the exterior of the building.

Recommendation: Approval with Conditions

SPEAKERS: Pat Buscovich – Project Sponsor

ACTION: Approval with conditions as drafted and modified by Department staff regarding the hardware

AYES: Hasz, Martinez, Wolfram, Damkroger

ABSENT: Buckley, Matsuda, Chase

MOTION NO. 0030

10. 2009.0966A (T. Frye: 415/575-6822)
51-99 Grove Street – The Bill Graham Civic Auditorium, historically known as the Exposition Auditorium, Assessor's Block 0812; Lots 001. Bound by Hayes, Grove, Larkin, and Polk Streets. The subject building is a contributing structure to the Civic Center Historic District. It is located within a P (Public) District with an 80-X Height and Bulk limit. The proposal is a request for a **Certificate of Appropriateness** to remove the existing light box sign on the Hayes Street elevation and to install a sign indicating the theater name and an LED marquee to promote theater events.

Recommendation: Approval with Conditions

SPEAKERS: Michael Levine – Re: Name of Civic Auditorium, Gregg Perloff – Project Sponsor

ACTION: Following public testimony and commissioner's deliberation the item was continue to November 18, 2009 to allow absent commissioners the opportunity to participate. Commissioner Hasz requested additional information on the history (including the original name) of the building. The public hearing remains open.

AYES: Hasz, Wolfram, Damkroger

NAYES: Martinez

ABSENT: Buckley, Matsuda, Chase

NOTE: For votes on strictly procedural matters (such as a continuance), all that is required is a majority vote of those present.

E. REGULAR CALENDAR

11. (M. Weintraub: 415/575-6812)

Historic Resource Surveys In Process (citywide). **Informational Presentation by Department Staff** regarding historic resource surveys that are currently in process and anticipated to be completed in 2009 or 2010. Includes descriptions of individual survey projects, anticipated findings, schedules for completion, and discussion of steps required to finalize survey projects. In-process surveys include Department projects as well as community-sponsored projects for which Department staff provides review and recommendation.

Preliminary Recommendation: Informational only

SPEAKERS: Aaron Goodman requested that Historic Surveys be open to more historic survey consultants

ACTION: Information only – no action was taken

12. 2009.0963U (M. Brown: 415/575-9074)

West Slope of Russian Hill Historical Context Statement. The area under study consists of the block bounded by Greenwich, Lombard, Larkin and Polk Streets, plus four lots at the northwest corner of Lombard and Larkin Streets. **Consideration to adopt, modify, or disapprove** the West Slope of Russian Hill Historical Context Statement.

Preliminary Recommendation: Adopt the West Slope of Russian Hill Historical Context Statement.

SPEAKERS: Catherine Patrin – Architectural Historian, Re: Role of the Northeast San Francisco Conservancy; Joe Butler – Director of Northeast SF Conservancy, Re: Urged adoption which would aid fundraising

ACTION: Approved as corrected page 6, paragraph 3, "area burned" should read "area did not burn"; and page 18, paragraph 4, "Greenwich and Larkin" should be Greenwich and Lombard.

AYES: Hasz, Martinez, Wolfram, Damkroger

ABSENT: Buckley, Matsuda, Chase

MOTION NO. 0031

Adjournment: **5:02 p.m.**

The minutes was proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, November 4, 2009.

ACTION: Approved

AYES: Buckley, Hasz, Martinez , Wolfram, Damkroger,

ABSENT: Chase, Matsuda

SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Meeting Minutes

Hearing Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Wednesday, November 4, 2009

11:30 A.M.

ARCHITECTURAL REVIEW COMMITTEE

COMMITTEE MEMBERS PRESENT: Alan Martinez, Andrew Wolfram, Karl Hasz

THE MEETING WAS CALLED TO ORDER BY ALAN MARTINEZ, CHAIR, AT 11:05 A.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Pilar LaValley, Tim Frye, and Linda Avery – Commission Secretary

(11:30 a.m. – 12:15 p.m.)

1. 2009.0081ACE.

(T. Frye: 415/575-6822)

950 Mason Street, the Fairmont Hotel, bounded by California, Mason, Powell and Sacramento Streets. Assessor's Block 0244, Lot 001 - **Request for Review and Comment** before the Architectural Review Committee regarding the removal of the existing adjacent podium and tower structure and the construction of a new podium and tower. The project is currently undergoing environmental review per the California Environmental Quality Act (CEQA) by the Department (Case No. 2009.0081E) and will require a Certificate of Appropriateness (C of A) for final Historic Preservation Commission approval. The Fairmont Hotel is San Francisco Landmark No. 185. The site is zoned RM-4 (Residential, Mixed) District within the Nob Hill Special Use District and is in a 200-E, 300-E, and 320-E Height and Bulk District.

- PRESENTERS:** **Elisa Skaggs**, Page & Turnbull – Project Team; **Miles Berger**, Architect – Project Team
- SPEAKERS:** **Alice Carey** – Representing Neighbors for Historic Nob Hill and SOS Tonga – she expressed concern that the presentation was focused on California and Mason without addressing Powell and Sacramento; would like to see a project that is compatible with the historic district (this neighborhood); listed a number of resources in the neighborhood including the Tonga Room in the hotel and the terraces by Lawrence Halprin that are also in the hotel
- Keith Whitening** – Representing a number of people for Historic Nob Hill and residents in his building at 850 Powell Street – concerned that the sponsors have not shown views of the “ugly” side of the tower which needs to have appropriate loading docks; expressed concerns about traffic; the project needs a more friendly approach for the proposed residents; and the proposed glass is not compatible with the neighborhood
- Bradley Wiedmaier** – Architectural Historian – he expressed concern about the Tonga Room and the great pavilion room that sits at the corner over California and Powell with a magnificent lighting fixture that Mario Giadano designed (will the fixture be re-used?); expressed that there many wonderful things about this design, but unfortunate that the eastern front of the building gets less play with the low-rise structure.
- ACTION:** None – Review and Comment only
- ARC COMMENTS:** **Commissioner Wolfram:**

- Would like to see a series of analysis diagrams that analyze the composition of the historic Fairmont and do the same, sort of analysis and comparison with the new addition to prove in what way this addition is compatible with the historic Fairmont. That would look at the composition of the building; the base; the middle; the top; the composition of the façade; the punched windows; the repetition of the windows; how much of the repetition is kind of the same window type repeated; the scale of the massing of the façade elements – how long they are; their proportions; the scale of the roof elements; and some analysis of the materials
- There has been no speaking to what makes this compatible
- In looking at the view up Powell Street at the existing tower, that tower has a clear base, middle, top; it has a repetition of windows that are very regular; it has a real simplicity and clarity to it.
- I look at the new design and I don't understand it at all. It is just a whole bunch of forms that are pushed together. There is no expression of the top of the building; there's no real repetition of windows; there's a lot of different windows; different balconies; different door cut outs; the building has pop out in every direction; and I would argue that the original tower for all its flaws is perhaps more compatible than this new proposal
- I'm not saying this needs to look like a historic building, but it needs to have some relationship in terms of the repetition of the elements; in terms of the solids and voids
- In order for this to be compatible it should look like it really belongs in this location adjacent to the Fairmont and not like it could be a tower anywhere in the South of Market or

anywhere. Right now it looks like it could be anywhere in any part of the city. It doesn't really speak to me as being in this extremely important location.

Commissioner Hasz:

- Where the trellis is, I would prefer to have less differentiation in all the elements and maybe a little more consistency which would go to exactly what is already in the neighborhood.
- Something a little more consistent on the number of openings, etc, but also on changing the materials. The trellises are just adding on another thing that is confusing.
- Even the trees down below – above the lower historic setback area – to me it adds an element that simply doesn't go in the neighborhood. I don't see trees on all sorts of pavilions throughout that neighborhood.
- The new addition could be a lot more simple on the upper section so that is more uniform and more in going with the rhythm of other towers in the area.
- I enjoy the setback now. I enjoy the lower historic section and how you bookend to that. It makes sense to me.
- I appreciate the project more than what is sitting there right now.
- I think more historic context, and as Andrew was saying, more explanation and maybe a little bit of re-design would help out a lot

Commissioner Martinez:

- I want to make it clear that I didn't feel that any setback was appropriate because I don't think that any volume greater than what's there now is conceivably appropriate. I will never vote for a CofA for anything that's a bigger volume than what's there now.
- Really I feel that any appropriate project would have to be of considerably less mass than what is there now.
- The critical views of the Fairmont on the east side are, to me, between Powell and Mason. And it's sort of telling to me that you cropped the photos so that you couldn't see that.
- To say that the view is only slightly impacted is to me mind boggling. That seems to me a complete mis-representation of what is there. I've been there. You can see most of the east façade from California Street walking along the south sidewalk. To say that this is going to be a minimal impact to that experience of this building is simply not true.
- That being said, I don't disagree with anything that Andrew has said, but to me, playing with a setback of 20 feet or 40 feet is beside the point. The podium should be lower. The tower if built at all – I would have to be persuaded that the tower is even desirable for it to be rebuilt.
- When you look at what the state of this building was at the end of World War II, there had been an addition on the back. In the '60s you could make an argument that a parking garage and a new tower were necessary for the operations of the hotel. We are not talking about adding hotel rooms in this current project. This will be all privately owned condo units. The hotel is actually going to get smaller. So I don't

see how any of this is necessary for the operation of the hotel as a hotel. The entire rationale for building something like this as a support to the hotel is just not there. So if we look at what the hotel needs – new conference rooms; a bigger parking garage – well possibly, but I think you have to look at, as one member of the public said, I think you have to start from scratch and look at what is compatible with this building in terms of form and massing as if only the original structure was there.

- This to me seems like a completely wrong headed approach.
- As far as the details go about the work being done on the existing hotel, I am fine with that.
- The more I look at the canopy at the back, the more I think that the only canopy I would feel comfortable with would be a traditional cloth canopy as opposed to a modern glass permanent one.
- The seismic joints; the linkages; all these seem to be sensitively done
- But to me we need to look at the larger issue, which to me is whether or not a project of this size could conceivably be compatible with this landmark.

Commissioner Wolfram:

- Looking at the view from the corner of Powell and California, about the setback above the historic wall, it isn't so much to me the setback – the setback seems reasonable, it's the top two stories of that piece that seem like they shouldn't be there. I think if you had the same setback but didn't have those top two stories of townhouses – that to me would be much better. I think it is really the massing of those top two stories seems like its too much massing in that location relative to its proximity. It is the closest piece to the historic building.
- The other thing about that view that is telling to me is that it looks like there are four additions proposed. The composition looks like four separate buildings – the tower that has sort a lump on the south side of it; the podium; the atrium entrance; and then those townhouse pieces. It just seems like there is so much going on
- In the existing building there is just this very straight forward, symmetrical solid volume that in footprint is probably as large as the footprint of the new additions and yet it's just a single building.
- I think simplifying further would be helpful; and coming back with those analysis diagrams and maybe I could be persuaded that some of the things you have done with the horizontal fenestration do relaté with the horizontal rustication of the building. I just would need to see those in more detail.
- What is the status of the Tonga Room relative to the historic resource study of this building?

Tim Frye of Department Staff:

The Department has identified the Tonga Room as a historic resource and we are currently drafting our Historic Resource Evaluation Response to be included in the Draft EIR as part of the project.

Commissioner Martinez:

- I agree with your analysis Andrew in terms of the aesthetics of it. This project has made me appreciate what is there [now] from a modernist point of view – the parts are very clear; they express their function; very straight forward whereas this current proposal lacks any clear order.
- But that being said, I like Andrew's idea about having a compatibility analysis and also to have more studies done to show more clearly what is really happening with the massing and what this project is doing with the eastern side of the building.

Commissioner Wolfram:

- I picture those analysis documents and they could be like hand-drawn 3-D diagrams. They don't need to be photo realistic simulations. They really just need to kind of speak to the architectural elements – massing; fenestration; proportions of the elevations – they can be hand-drawn diagrams that help us understand the concepts behind the project and look at its compatibility and analyzing the existing structure.
- I think the south side is two stories too tall. If you took that off I think I would be okay.

Commissioner Martinez

- I think it is four stories too tall

Commissioner Hasz

- I think that is a use idea. I'm not too against it

Commissioner Wolfram

- I think if those trellises' were gone, it would help. They make it look taller and bigger than it is.

Commissioner Martinez:

- To wrap up – I think we agree on some things and disagree on others.

Commission Secretary Avery:

- Mr. Chair, I think as we continue to try to fine tune our minutes what I will do is include these last set of comments for your review and you can let us know how we have erred and correct us.

(12:15 p.m. – 1:00 p.m.)

2. 2008.1398A

(P. LaValley: 415/575-9084)

150 Otis Street, - the Juvenile Court and Detention Center, west side between McCoppin Street and Duboce Avenue, in Assessor's Block 3513, Lot 007. **Request for Review and Comment before the Architectural Review Committee** regarding the adaptive use and rehabilitation of the existing building for low-income housing. The project is currently undergoing environmental review per the California Environmental Quality Act (CEQA) by the Department (Case No. 2008.1398E) and will require a Certificate of Appropriateness (CofA) for final Historic Preservation Commission approval. The former Juvenile Court and Detention Home, designed by architect Louis Christian Mullgardt and constructed in 1916, is Landmark #248. The site is zoned P (Public) District and is in an 85-X Height and Bulk District.

PRESENTERS:

Kim Piechota, Chinatown Community Development Center – Project Manager for Project Sponsor; **Jim Fagler and Kate**

- Rochelle**, Gelfand Partners, Architects – Project Team; **Chris Meyer**, Carey & Co – Project Consultants; **Joan McNamara** – Mayor's Office of Housing
- SPEAKERS:** **Bradley Wiedmaier** – Architectural Historian – Wants to know what is happening with the bronze lanterns on either side of the door; expressed that it might be more appropriate to keep the recessed main entry rather than have it right on the street reflecting the light; and expressed concerns about the façade.
- ACTION:** None – Review and Comment only
- ARC COMMENTS:** **Commissioner Wolfram:**
- I'm really thrilled to see this project. It is a fantastic use for this building. I congratulate you all for what you've done to date
 - I would be very curious to see the comments from SHIPO. I'm very curious to see their perspective on the windows because I think that is the most challenging on this.
 - Starting at the entrance, I think that the solution that you've done is reasonable. I think it is a fairly compatible solution of lowering that piece. I am a little concerned about the logistics about those floor heights and whether once you get sprinklers and other things in that piece that bridges over, whether there really is enough height because 7 feet at the entrance lobby when you are coming in to a building is kind of mean, so anything you can do that – I think you just might have to do some more analysis there.
 - I'd be curious to see more drawings of the front door because it is going to be visible.
 - You might also consider whether that front piece – whether glass is the appropriate security. Maybe there is a discrete metal grill instead or metal door or grate or something. I'm not convinced that glass is the right solution so maybe there is some alternatives you can look at
 - I don't have any problem with lowering this. It was done at the Conservatory of Music quite successfully – this same accessibility condition
 - I think the elevator tower seemed fine. The new design is quite compatible and appropriate.
 - I think my biggest concerns are the windows. They are two fold; both the ventilator and the lights.
 - I guess I would prefer if there was more of the character of the divided lights that was more similar to the historic views both in the base of the building and above
 - I'm curious to see - maybe if we saw some perspective or something - what those ventilators would look like.
 - One approach would be to do this where it would look like a New York historic apartment building and everybody would have window air conditioners and it like after-the-fact treatment. It's like a quasi temporary solution.
 - That could be one approach – the window design is designed and it is adjusted for this infill units.
 - I'm very sympathetic to trying to get natural ventilation instead of mechanical ventilation. I understand the issues about the cost and you would lose space with ducting and it would start affecting the room plans, but it is a pretty big design feature.

- If we could look at ways to get more of the [divided] lights in, I would prefer that.

Commissioner Hasz:

- On the ventilators, in looking at this on the depth in the setback on the windows, I actually think it might just go away if you put them on the bottom. We probably would never see them. However on the third floor we definitely will especially if they are protruding. I would ask there if we could potentially do the hydraulic system just for that floor so we don't have look at the mechanics. Do a different solution just for one floor. I don't think it will throw your budget that crazy. Everything else I think could fly.
- The entrance – I have a different opinion. I agree with lowering it. I'd just take all remnants of stairs out. I think it would look clean and majestic. I think the columns would be accented very nicely.
- For the use this is going to be, out of respect, I do not want a side entrance for the men and women that have served. They should come through the front door. I believe in taking the stairs out.
- Thank you Mr. Wiedmaier in pointing out the light fixtures. Definitely we need to keep those around

Commissioner Martinez:

- I'm ok with the entrance.
- I do think it is a little awkward to have the remnants of the steps on the outside. I think they can be paired back on the outside, but I'd still like to see the shadow of them so that you know it was there. But it does feel a little awkward to have these lumps of stairs.
- I'm fine with the elevators at the back.
- I did agree with Planning about the vegetation at the top, about it being too much and the flair out being too much. With this sort of thing I think the simpler and straight forward the better.
- I agree with the concern that the clay roof tile be salvaged and replaced whenever possible.
- I agree with staff's recommendation to have a gate instead of a door to address shadow concerns.
- I would like to see a little bit more background on the v-ducts to see if we can around that. I like Karl's idea about maybe getting around the protrusions. When they are not protruding they are not so bad.
- I share staff's desire to have the divided lights but I do understand about the cost. When this comes back to the full commission, to be persuaded I would need to see the cost involved; that this is a hardship; that the project can't bare these divided lights, then I'll live with it. Our preference is to restore it to what it was as much as possible. Another possibility might be just the divided lights at the lower south façade, especially that upper lantern.

Commissioner Hasz:

- I enjoy the glass in front and find it more inviting than putting a gate. I think it would be lighter, brighter. And pay more attention to the height. People would really see it and open it up.

- I do think there is a possibility of bringing a secondary door further up closer more in historic fashion than where it is now.
- Anyway, I'm fine with the glass door and I would actually prefer it.
- For the use this is going to be, out of respect, I do not want a side entrance for the men and women that have served. They should come through the front door. I believe in taking the stairs out.

Commissioner Wolfram:

- I just want to add that I agree with Commissioner Hasz' comments about the stairs. I don't actually like the remnants so much. I think I'd prefer to see a clean new design there. It's a new alteration and I think having these little pieces left over isn't satisfactory

Adjournment: **1:16 p.m.**

The minutes was proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, December 16, 2009.

ACTION: Approved

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Meeting Minutes

Hearing Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Wednesday, November 4, 2009

1:00 P.M.

HISTORIC PRESERVATION COMMISSION

Regular Meeting

COMMISSIONERS PRESENT:
COMMISSIONERS ABSENT:

Buckley, Damkroger, Hasz, Martinez, Wolfram
Chase and Matsuda

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT DAMKROGER AT 1:33 P.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Michael Smith,
Angela Threadgill, S. Caltagirone, Tim Frye, Tara Sullivan, and Linda Avery –
Commission Secretary

A. PUBLIC COMMENT

SPEAKERS: Bradley Wiedmaier – Re: Urged the HPC to take a position on 2750 Vallejo
Street

B. STAFF REPORT AND ANNOUNCEMENTS

1. CLG Annual Report (T. Tam: 415/558-6325)

Preservation Coordinator Tina Tam:

The Planning Department is in the process of preparing the San Francisco Certified Local Government (CLG) 2009 Annual Report. The report covers the period from October 1, 2008 to September 30, 2009. Since the recording period covers the last three months in 2008, it will highlight the change over from the Landmarks Preservation Advisory Board

(LPAD) to the Historic Preservation Commission (HPC). This report goes over the Department's participation and commitment to make sure we maintain a highly qualified Historic Preservation Commission, professional staff and administrative support services. The CLG has a requirement for you, as well as the Planning staff, to provide me or Margaret Yuen a copy of your latest resume. For those of you who have done so, thank you very much. Another aspect of the report will cover the high level of dedication and creativity on the part of the Planning Department to ensure we continue to implement a very ambitious preservation program despite the fact we have very limited financial resources and funding. As I have mentioned at the last hearing, the Planning Director, John Rahaim, and the Chief Finance Officer, Elaine Forbes are coming to the November 18 hearing to talk specifically about the Department's Work Program and our budget. We'll be able to see how much we can accomplish in the area of preservation with very little resources. Some of the responsibilities of the San Francisco Planning Department as a CLG include conducting historic resource surveys, preparing context statements, landmark designations and historic district designations, processing Mills Act tax reduction applications, facilitating the review and comments of National Register nominations, conducting design and environmental review and the review of Section 106 projects. The report we produce will demonstrate that we have accomplished all of this. Another important aspect of the report that I think you'll find of interest is that we will be including in this report the attendance records of commissioners at HPC hearings, the minutes from these hearings, as well as a list of training sessions and conferences attended by commissioners and Planning Department staff. As a CLG requirement, all commissioners and staff are required to attend at least one approved training session or program per year. For those who have attended training this current fiscal or calendar year, please provide the information to me. And for those of you that haven't please contact me off-line and I will go over what is required and what is approved training. I have given your names and e-mail addresses to the Office of Historic Preservation (OHP) and you are all part of the California CLG listserv. You should be getting emails and announcements of upcoming events, training session and conferences. The annual report is due by the end of the year, December 31st. I plan to provide you a copy of the report once we complete it.

Status of the Market and Octavia survey integration project – you have heard this at least two times in the months of August and September. The project was heard before the Planning Commission (PC) on October 22, 2009. The PC did pass the resolution to move this forward. They incorporated all of your comments into their resolution. I'm going to read this verbatim so I don't miss anything, "The Planning Commission approved a resolution to modify and add language to address design principles about blank walls, make amendments to Policy 3.2.10 per HPC suggestions by changing mid-block non contributory sites to 50/55 feet instead of 60/65 feet; reduce height from 80/85 feet to 50/55 feet and 60/65 feet on parcels at the corner of Market and Church per HPC suggestions." They also added three additional parcels to this motion and those are parcels are near or at the corners of Landers and 14th Street. The resolution was passed by a vote of 7 to 0.

Commissioner Damkroger:

It might also be worth noting in the CLG Annual Report the training that Tara has done for this commission, or can that be included?

Preservation Coordinator Tina Tam:

I would have to double check with OHP. This training has to be an approved CLG training program. I don't want to discredit Ms. Sullivan.

Commissioner Damkroger:

You could also mention to them this is in-house training that may not count as a CLG requirement.

C. MATTERS OF THE COMMISSION

2. Consideration of Adoption:

- a. Draft minutes of Regular Hearing of October 7, 2009
- b. Draft minutes of Regular Hearing of October 21, 2009

SPEAKERS: None

MOTION: Adopted the minutes for October 7, 2009 with corrections made to Item 5, page 4 – from “~~SPEAKERS in favor of a New North Beach Branch Library and/or~~ against Initiation of Landmark Designation” to “SPEAKERS against Initiation of Landmark Designation”; for October 21, 2009 Item 4, page 7 – from “.....that staff reports included the appendixes” to “.....that staff reports we receive NOT include the appendixes”

AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger

ABSENT: Chase and Matsuda

3. President's Report and Announcements

None

4. Commission Comments/Questions

Commissioner Wolfram:

I would like to suggest a few things to calendar for future hearings. The first would be a report, maybe from staff. I am very concern about Articles 10 and 11 just not going anywhere and if I was a project sponsor I think I would be very confused about what's in conflict with Proposition J and what Articles 10 and 11 say, what I'm supposed to be following. If there are things that we as a commission could do to try to move that along ... It's just sitting at the Board of Supervisors (BOS). I'm just concerned that there is no action. I suggest we calendar that.

Maybe this will be at the last hearing in December that we calendar a discussion, a year end wrap up of what this commission has accomplished this year; what has taken place; and goals for next year.

The final thing would be to have the City Attorney Office do a presentation on ethics for us and whether the Commission wants to adopt specific codes of ethic that governs this Commission that are beyond the ethics code for the City in general; whether there are specific things that we as a Commission would like to adopt.

Commission Secretary Linda Avery:

On the last point, the City Attorney Office in conjunction with the Ethic Commission does an annual training for all commissions and department

heads. We also have the SIAs – Statement of Incompatible Activities now. It's also a document that is administered by the Ethics Commission. We can arrange to have someone from there come and speak to you about that document in particular. I would suggest that the other meeting we would have someone from the City Attorney Office in conjunction with the Ethic Commission speak to you about both of those. We'll try to arrange that before the end of the year.

Commissioner Wolfram:

I am suggesting that we consider whether we want to have additional things or not, e.g., there's nothing that says that commissioners can't meet with project sponsors now, but we might adopt our own ethic codes that says we don't meet with project sponsors.

Commission Secretary Linda Avery:

When you do that, you wouldn't change any of the ethic codes that exist, but you could change your Rules and Regulation to incorporate that ethic code change [for how you conduct business]. That takes a public hearing and a 10-day notice before the hearing.

Commissioner Buckley

I agree with Commissioner Wolfram on calendaring Articles 10 and 11 and on the ethic code. I haven't seen notices on California Environmental Quality Act (CEQA) issues for a while. I wonder if there has been anything.

Preservation Coordinator Tina Tam:

I'll double check your mailing address with the list that Major Environmental Analysis (MEA) has with their circulation of materials to see if it is current and up-to-date.

Commissioner Martinez:

I want to remind you we did talk about hearing issues of CEQA in general based on what Tara presented during her half-hour education training. We talked about something to honor the Landmarks Preservation Advisory Board (LPAB) members who did not become part of this Commission. They did not get an acknowledgement. I'd like to do that before the year ends.

Commissioner Damkroger:

For the reminder, I didn't forget, I am just waiting for the President to come back.

D. CONSENT CALENDAR

5. 2009.0876A (M. Smith: 415/558-6322)
200 Fair Oaks Street - southwest corner at 23rd Street, in Assessor's Block 3648; Lot 050, the subject property is City Landmark #192, the Oakley Residence & Flats. **Request for a Certificate of Appropriateness** to replace a garage entrance at the side of the building with two windows, and replace windows and construct a minor addition at the rear of the building. The property is located within a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. *Recommendation: Approval*

ACTION: Approved

AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger

ABSENT: Chase and Matsuda

MOTION NO. 0032

6. 2008.1404A (A. Threadgill: 415/558-6602)
10 United Nations Plaza, northeast corner of Market Street and United Nations Plaza, in Assessor's Block 0351, Lot 050. **Request for a Certificate of Appropriateness** to install business signage (dba *The Art Institute of California - San Francisco*). The property is non-contributory to the Civic Center Historic District. It is within the C-3-G (Downtown Commercial, General) Zoning District, in an 80-X Height and Bulk District, and is also within the Civic Center Special Sign District and the Market Street Special Sign District.
Preliminary Recommendation: Approval

ACTION: Approved
AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger
ABSENT: Chase, Matsuda
MOTION NO. 0033

7. 2009.0824A (S. Caltagirone: 415/558-6625)
2 Cottage Row, east side between Bush and Sutter Streets. Assessor's Block 0677, Lot 041. **Request for a Certificate of Appropriateness** to demolish and re-construct two decks located at the first and second floor levels of the subject building in the rear yard. The property is a contributor to the Bush Street-Cottage Row Historic District. It is zoned RM-1 (Residential, Mixed, Low Density) District and is in a 40-X Height and Bulk District.
Preliminary Recommendation: Approval

ACTION: Approved
AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger
ABSENT: Chase and Matsuda
MOTION NO. 0034

E. REGULAR CALENDAR

8. 2009.0948A (A. Threadgill: 415/558-6602)
760 Market Street, The "Phelan Building," corner of O'Farrell and Market Streets, in Assessor's Block 0328, Lot 001. **Request for a Certificate of Appropriateness** to install business signage (dba *Walgreens*). The property is Landmark No. 156 and is rated as Category I (Significant) within the Kearny-Market-Mason-Sutter Conservation District. It is within the C-3-R (Downtown Retail) Zoning District, in an 80-130-F Height and Bulk District, and is also within the Market Street Special Sign District.
Preliminary Recommendation: Approval with Conditions

SPEAKERS: Steve Peterson – Project Sponsor
ACTION: Continuance to December 2, 2009. Public hearing will remain open. Staff will check the record to see what LPAB did on the sign program and the project sponsor is to explore other options for the signage.
AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger
ABSENT: Chase and Matsuda

9. 2009.0037H (T. Frye: 415/575-6822)
403-405 Taylor Street Assessor's Block 0317; Lots 003. is located at the southwest corner of Taylor and O'Farrell Streets. Historically known as the Hotel

Californian, the subject property is a Category I Building within the Kearny-Market-Mason-Sutter Conservation District and is individually listed on the National Register of Historic Places. It is located within a C-3-G (Downtown General) District with an 80-130-F Height and Bulk limit. The proposal is a **request for a Permit to Alter** for window replacement; pressed metal ornament replacement; brick replacement; and painting the exterior of the building.

Recommendation: Approval with conditions.

SPEAKER(S): None

ACTION: Without hearing, continuance to November 18, 2009

AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger

ABSENT: Chase and Matsuda

10. (T. Sullivan: 415/558-6257)
An informational presentation on the Mills Act program and contracts.

The presentation described what the Mills Act Program is, how the Department has been using it and how the Department is planning to revamp the Program.

SPEAKER(S): Matt Thomas – Assessor's Office; Joan Wood – North Beach resident wants to know if Supervisor Alioto-Pier's ordinance is going to simplify or complicate the Mills Act program

ACTION: None - Informational only - no action is required

11. 2009.0982U (T. Sullivan: 415/558-6257)
Amendments to Chapter 71 of the Administrative Code (Mills Act Contracts) [Board File No. 09-1137]. Ordinance introduced by Supervisor Alioto-Pier amending Chapter 71 of the Administrative Code regarding historical property contract procedures (Mills Act) to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.
Recommendation: Approval with modifications.

SPEAKER(S): Bill Barnes – Supervisor Alioto-Pier's Office

ACTION: Approved with staff modifications and a further modification to delete all General Plan Compliance language (Section 7)

AYES: Buckley, Hasz, Martinez, Wolfram, Damkroger

ABSENT: Chase and Matsuda

RESOLUTION No. 639

Adjournment: 3:31 P.M.

The minutes was proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, November 18, 2009

ACTION: Approved

AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger, Chase

ABSENT: Hasz

SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Meeting Minutes

Hearing Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Wednesday, November 18, 2009

12:30 P.M.

HISTORIC PRESERVATION COMMISSION

Regular Meeting

COMMISSIONERS PRESENT:
COMMISSIONERS ABSENT:

Buckley, Damkroger, Martinez, Wolfram, Matsuda, Chase
Hasz

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT DAMKROGER AT 12:38 P.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Planning Director –
John Rahaim, Chief Finance Officer – Elaine Forbes, Neighborhood Planning Chief –
Kelley Amdur, Tim Frye, Tara Sullivan, and Linda Avery – Commission Secretary

A. PUBLIC COMMENT

SPEAKERS: Michael Levine, re: Was a public hearing held for retaining the two balconies at the Mutual Bank Building at 710 Market St?; Dan Weaver, re: Landmarking for historic street lights at Market Street, Golden Triangle, and Van Ness Avenue; Gee Gee Platt, re: Belli Art Building, Van Ness Light Standards, Muni substation at Turk and Fillmore – a City landmark; Bradley Weidmaier, re: Urged the Commission to review and make a statement for 2750 Vallejo Street; Alex Beuk – SF Architectural Heritage, re: Training and workshops by Heritage for Mills Act when amendments are adopted by the Board of Supervisors; Peter Warfield – Library Users Association, re: asked the Commission to agendize in the future Page and Turnbull's report on Park Branch Library, Library and Planning Department's non-attendance of meetings of the Sunshine Ordinance Task Force.

B. STAFF REPORT AND ANNOUNCEMENTS

1. Department Work Program and Budget (J. Rahaim: 415/558-6411)

Planning Director John Rahaim:

Article 10 and 11 – The Planning and Historic Preservation Commissions responded to the proposed legislation with modifications and those modifications were transmitted to the Board of Supervisors (BOS). We have not heard back. The BOS is likely to produce a new version of the legislation but we have not heard the specifics.

The HPC is the Planning Department's second commission. On the discussion about minutes and how they are constructed and done: We try to comply with the law and make sure we have the right documentation. We are in the process of making sure the minutes essentially are the same way they are constructed for the Planning Commission. We are getting some additional technology to help tape them so the tapes are available.

Some have raised the issue of potentially televising the meeting. There is a fairly substantial cost to that. It was a six-figure number we estimated to televise your meeting. We can talk about putting that into the budget request for next year. We need to be aware that it cost \$150,000 to do the Planning Commission every year. We need to have a discussion of how to do that, how best to make sure we document your meeting so that the public can be aware of what happens here.

Our new Annual Report – The first one we've done in almost a decade. The report is Charter mandated for all boards and commissions. Our Department is unique in that we staff two full blown commissions. The document describes the Department. It's a good tool to document not only what we've done in the last year but an overall view of the Department. Everyone realizes that the web page has a lot of information; sometimes we find it useful to have a piece of paper in our hands to describe what we do and how we do it to the public, to visitors, to whomever. I'm pleased we have been able to issue this report this year. I want to thank the staff that are involved – AnMarie Rogers, intern – Jasal Galvin, Gary Chen, Alicia John-Baptiste, David Alumbaugh, Bill Wycko, all who collectively put this together

For whatever reason, last year when the charter amendment came forward we were looking at the impacts. We did not budget additional funds to staff HPC. I can't tell you specifically the reason for that. The primary thought was that since we had already been staffing the Landmarks Preservation Advisory Board (LPAB), the demand would not be that much greater. In retrospect, I think that was probably a mistake. Whether additional funds are forthcoming given the budget year is a big question. It's important to think about what additional funding demand we will have to support your work. What we have tried to do to get you up and going is to make sure that we at least match the funding levels that we have for the Planning Commission in terms of staff. And we are pretty much there. You may recall Linda's role. Linda spent about half of her time prior to the existence of the HPC as an operations manager for this Department. She oversaw the clerical staff and all the administrative function of the Department. In her new role she's no longer doing that work and instead is acting as your secretary. We think we are at the point where we are about equal in terms of staffing two commissions. The questions come, what additional resources does this Commission and the Planning Commission need to do the kind of work that we really want to

do and how best to make the request in the budget cycle.

Chief Finance Officer Elaine Forbes: [She went over the "FY2009/2010 Work Program and Budget Update" through a PowerPoint presentation. The following pertains particularly to the HPC]:

The Preservation Program was impacted by the HPC being formed and Articles 10 and 11. There continues to be quite a strong demand for preservation staff at the Public Information Counter and on applications. The result is we needed to discontinue the preservation work related to landmarks and historic districts so we could make staff available for the preservation related applications. This is part of how we dealt with balancing the FTE we have left and matching it to the work. One note is that 8.47 FTE is on the Preservation Program. The total preservation effort is actually 11 FTE if we count the preservation technician specialist that is related to the general applications that were in Item 1 of our Neighborhood Planning work program. To get into the nuts and bolts of our funding this year, the total preservation budget is about \$1.7 million dollars. You'll see 9.9% is coming from our general fund. It's important in that the 9.9% we have about \$150,000 for subsidies of applications we don't charge for cost. I am pointing out this number because I am going to talk about this. We have our Historic Preservation Fund Committee (HPFC) grant awards, State grants and our application fees. You can see the application fee is about 70% of our total funding for preservation. This is quite a shift from our prior year where the general fund picked up a larger proportion of this work. I understood from the Director and also from Kelly Amdur and Tina Tam that this group has had an interest in us funding landmark designations that you initiate. You can see from the numbers we just presented we didn't assume that in the budget. But there is some room because that subsidy we have for private preservation applications, because our volume is down, we could assume that subsidy for this Commission this year. For next year, we would need to put a budget request together. It's quite small; it would be about \$44,500 and that's 30% of our general fund subsidies for our private applications. It's 250 hours of staff time, it's about 0.16 FTE. It doesn't include the time already spent on the library designations. I've put in here what's required and Tina could provide better information. Designations would include research, designation, designation report, case report, presenting before you, the Land Use Committee and the full Board. I understand from Tina it is a large effort. It takes quite a few staff hours. Looking forward to next year, the budget process is one where we have a long and arduous priority setting process. It will begin with us coming to you and to the Planning Commission to ask what your priorities and funding requests are - it maybe to televise or maybe a certain number of hours for landmark designations, etc. We will work with our commissions, look at our resources, the Mayor's budget instruction and your request and come up with our balanced budget which we present to the Mayor's office in mid February. At that point the Mayor's office would come back to us, there may need to be more cuts, we may need to find more sources, etc, until we get to the BOS in June. The BOS would do their priority setting and eventually by the end of June we will come out with our own final budget numbers which we then allocate through our work program and through the division of our departments. That is the process. We will be back to you in January to get your requests and talk about our financial picture.

Commissioner Damkroger:

Under the subsidies, I noticed the Mills Act is there. Having overseen the Mills Act Program, I think what we have in San Francisco, the fee is very high. It would cost far more than the program that I had run to process individual applications. Is that actually a subsidy for Mills Act?

Chief Financial Officer Elaine Forbes:

It is. How the fee schedule is set is based on a couple of early Mills Act applications from 2005-2006. The fee is \$17,000 for commercial and \$8,000 for residential. At the time, our early applications were costing \$1,700. We decided to subsidize the residential applications of the Mills Act. Over time, as we have more experience with them, the hour effort would go down. We recalibrate our fee every two years based on what it is actually costing - because it is a new program and there's a lot of city attorney's hours, assessor's hours, Planning Department staff. There actually is a subsidy at this point for the residential applications.

Commissioner Wolfram:

Has the Department been exploring the opportunity to involve college students' course work for the designation work? Whether they could partner with a college or a university program to have Planning Department staff supervise the course work of the designation reports?

Director Rahaim:

It's a good idea. That's the first I've ever heard of it. We can certainly have a discussion. It still requires supervisory time....

Commissioner Wolfram:

It would require a different type of time. It would more of a supervisory thing, but research would be done for the course work and students would be on a schedule. The benefit of having students doing it as opposed to a non-profit is the schedule might be better maintained.

Director Rahaim:

It's a good thing worth exploring

Commissioner Martinez:

Actually my question is in terms of this whole question about whether or not this Commission costs more than the Landmarks Preservation Advisory Board (LPAB). To me, we have to go back a couple of years to where the LPAB was actually functioning. I don't think it was funded for the last year of the LPAB. If we are talking about reviving some version of the LPAB program in terms of a dollar amount, we need to go back three years.

Director Rahaim:

In terms of the actual LPAB initiating designations - is that what you are talking about?

Commissioner Martinez:

The LPAB had a program of starting a landmark designation for ten sites every year and we went through public process where the public came to talk about what was in front of them to initiate designation. It kind of floundered the last couple of years. Things were taking too long as the budget for it dwindled. But historically, quite a few things had been landmarked. These were basically individual buildings. I think we have ten partial or incomplete designations left over from the LPAB. I think we have to go back two or three years to see what the budget for that program was for the LPAB.

Director Rahaim:

I think as Elaine has said, we did have enough FTE allocated that we actually decided, because of the budget crunch, to remove and shift to other

resources. I am perfectly happy to have a discussion with the Commission about what your priorities are in terms of budget requests. That would be a healthy discussion to have. If we had a budget from previous years that was set and discussed for landmarks, we should look at that.

Commissioner Martinez:

Because you never know what designations might turn up that need to get done in the middle of the year that no one could have anticipated in the work program. etc. The other question I have is about the subsidies from public applications. I didn't understand that whole....

Director Rahaim:

Elaine can explain that better. The applications that come through are primarily from the BOS and Mayor's Office. They don't have a project sponsor in the typical sense, and therefore nobody we can charge a fee to. This is fairly common. There are a number of things from elected officials that come through our office that we subsidize application costs.

Commissioner Martinez:

There was some talk about transferring. You had an allocation that could be transferred?

Chief Financial Officer Elaine Forbes:

There are two items and the first one that Director Rahaim was talking about is work that is generated that we can't charge to the BOS etc. The second item would be the subsidies that we are not charging full cost. We are talking about the Mills Act. It seems we are charging full cost. We are not charging for the residential. We don't charge full cost for landmark designations. An individual comes in with a landmark application and we don't charge full cost for C of As that are at the lowest constructing value. Our fee schedule says cost would be 80% higher and we say, for pricing reasons, we are going to subsidize that application to encourage it being...and that's where I was saying we don't have as many applications this year because we have a down turn, so your applications could essentially be subsidized and that's where I came up with a number we could conceivably allocate this left over.

Commissioner Martinez:

My other question is about landmark designation for the Library. Shouldn't the Library pay for that?

Chief Financial Officer Elaine Forbes:

We called the Library about paying for it. Because their bond has already been allocated, it isn't that easy just to put in a new application fee. They felt it was our designation and that we should bare the cost.

Commissioner Buckley:

When an applicant comes in there is a fee structure. The Library is an applicant, so they should bare the cost of whatever the planning costs are.

Chief Financial Officer Elaine Forbes:

I think there was a question of who the applicant was in this case. They believe we are the applicant. We believe they are the applicant.

Commissioner Buckley:

Regardless there is a CEQA issue that has to be dealt with

Chief Financial Officer Elaine Forbes:

They pay those fees. They pay the associated fees with the CEQA determination. It was the initiation.

Commissioner Buckley:

This may be a question for the preservation planner. CEQA identifies the historic resource and someone who owns the resource wants to change it. The cost in evaluating that, whether it becomes a landmark or not, should be borne by the entity that is making the proposal.

Director Rahaim:

The CEQA process is entirely different from the initiation process in local landmarking. CEQA is all covered through the environmental fees, but whether something is proposed for designation, that process is completely a separate process that requires its own staff effort that is essentially separate from CEQA the process.

Commissioner Buckley:

But the process in determining whether it should be a landmark or not is part of the proposal. If I, as a private developer, come in and I have a historical building and the department is trying to figure out what the ultimate disposition of that building should be - that's part of the process. It is not necessarily a CEQA process but it is a legally designated process whether it's a landmark building or not.

Director Rahaim:

Right, but that is completely separate from CEQA. CEQA does have its own fee structure. The environmental review process has a whole fee structure associated with..... that's paid for. Whether something that's initiated as a landmark, it's capped under those fee.

Commissioner Buckley:

Why can't it be covered by those fees? We need to figure out whether it's a landmark or not. They are proposing a change to it and we have to make that decision.

Planning Staff Tim Frye:

We are making a similar determination of whether the building is landmark worthy or not. Per Article 10, it's based on the information required by this body that makes it a different format and process than a CEQA determination that requires the additional work.

Commissioner Buckley:

It doesn't really matter because there's a cost to it and the Planning Department has to pay that cost somehow.

Planning Staff Tim Frye:

It comes down to how much information the HPC needs to make that determination of whether they want to move forward with the landmark designation. We do have a consultant that we require the applicant to hire to evaluate the building and we either concur or evaluate that evaluation. After that there is a case report, a motion and several other types of documents that are required, and that's the portion that is costing that additional fee that we are not sure how to allocate - if HPC is completely content with a CEQA determination and our analysis of an EIR to move forward and carry that through the designation process - that's a call by the city attorney, the preservation coordinator and the director. It is just a matter of format and process, and what the Land Use Committee wants, what the BOS wants to see in all of their different processes. Those documents are related

Commissioner Damkroger:

The second question I had was the issue of the excess in the general fund for land mark designations. There are approximately 250 hours of staff time in excess. It doesn't include the time spent on the Library initiation, so you need

to deduct that amount from it. Maybe it would be worth knowing what that final sum is for staff involvement and determining how much we could get with this Library initiation in order to know we have enough left there to do a sufficient job.

Preservation Coordinator Tina Tam:

To answer Commission Buckley's question about what is produced for the initiation or the definition for landmarking – we actually need a designation report, a DPR form that's required for you to go ahead and make your recommendation to the BOS. The CEQA process in which the Library is pursuing has its own consultants do their historic resource evaluation. These are two separate documents. I understand some of the information can overlap and can be shared, but they are two separate documents that have to move forward respectively for what they are trying to do. To respond to Commissioner Damkroger's question about the 250 hours, how much can we do with that – that's approximately six weeks of staff hours? Based upon my experience working on designations, that's not a lot of time. That could perhaps be time for staff to review designation reports proposed by the consultants, review and provide our comments and edits to them, prepare our case report for you to consider for your decision-making process. It would also cover time to go ahead to bring forward the report and the case recommendation to the Land Use Committee and the BOS. I don't see how that time, 250 hours, can be used to do the research or the preparation of the report itself. We are more than happy to collaborate with somebody, either on the Commission or in the preservation community or someone who would be willing to volunteer hours to help produce the report. The 250 hours would not be enough to do one designation let alone the 7 libraries you initiated two months ago.

Commissioner Martinez:

My last question is about televising. Would the cost be different if you didn't do it live? What about doing audio and a VHS file and put it on the web?

Commission Secretary Linda Avery:

We are doing a digital recording and when the device is purchased for us, I can upload it the next day. The cost is a couple of thousands for the equipment

Commissioner Martinez:

We have two plan areas - the Eastern Neighborhood and Market Octavia. They are obliged to bring the historic district nomination for the result of those plans to this Commission. We are talking maybe ten historic districts altogether, at least. Right now there is a pending request for the Historic Fund Committee to pay for those designations. That's a big expense.

Director Rahaim:

The Eastern Neighborhood and Market Octavia surveys are being completed. The question is at what point and to what extent the Department would bring those initiations forward to you, or do we simply identify those places where the surveys have found them eligible?

Commissioner Martinez:

The Market Octavia area plan is mandated to be brought forward. I expect the Fund Committee would agree to pay for those. The Fund Committee has a limited amount of money. There are things we need to do – the 10 incomplete sites left from the LPAB program, the Van Ness light Standards, the Sunshine School, the Appleton-Wolfard Libraries, and some others like Park Merced. What is the cost to do all the things that we ought to be doing if the Fund committee wasn't paying for it? There was some community

participants wanting to move these things forward. We need to see the big overview so we can then see how much we still feel needs to be done that we can do. We don't have a full picture of all the things this Commission ought to be doing just to be doing as the LPAB was doing.

Director Rahaim:

This was exactly what Elaine suggested, that we come up with a laundry list of everything and then talk about setting priorities.

Commissioner Chase:

It is important to recognize that the public who stands before us and speaks to issues want some kind of resolution. When the Commission, like the Library, feels that it is an important issue and initiates landmarking, there are expectations that it's going to be done. The question of not having enough money to do that is a disconnect between process and the ability to perform. It places the Commission in a difficult position knowing that and trying to communicate that to the public that yes, that may be your wish but we may never see that report within the lifetime of the project or lifetime of the members of this Commission if not recognized within the budgeting process.

Commissioner Buckley:

I understand the difference between CEQA and this process. If CEQA identifies something we don't have the funds to follow up on, we just designate it because we think it's one, or do we put it off forever, or does the project sponsor get to do whatever they want with it? I appreciate the Department showing us what the numbers are and we need to go through a priority process to figure out what we can or cannot do. It seems like we have a ton of things that we enumerate that are expected and are part of what the voters put this body together for. We have a lot of thinking to do about that.

The other item/question I have is we seem to be on TV right now. We are on closed circuit and we can't get a copy of that?

Commission Secretary Linda Avery:

This is exactly what it is. I don't believe we can, but I will try. I know there are cameras. The cameras equipment is a live feed into this room. It seems to me that we should be able to get a tape [VHS] recording.

Commissioner Buckley:

It's better than nothing. We have all expressed our concern that we have to be as visible a process as possible. When people want to come back to see what happened, to play the old style tape, whatever it is, we should find a way.

Commission Secretary Linda Avery:

We definitely have the audio tapes. As soon as we get the equipment for digital recording, we'll have it available on-line. Whether or not I can get VHS tapes based on these cameras, I'll find out.

Commissioner Martinez:

Was the Library response about not paying for the nomination for Park Branch Library or for all the Appleton-Wolfard Libraries?

Director Rahaim:

I think it is for all of them.

Commissioner Martinez:

Aren't they paying for the designation for the Carnegie Libraries, or is the Department paying for all of them?

Preservation Coordinator Tina Tam:

The context statement for the Carnegie Libraries was produced by Tim Kelly who was the president of the LPAB. He brought forth a lot of the background

information in the report. We basically responded, provided comments, and forwarded to you, the Planning Commission and the BOS.

Commissioner Wolfram:

About Article 10 and 11 – you said the BOS is doing something. It seems critical that the Department obviously be really involved in that. Do you think there's something we as a Commission can do to be proactive about that?

Director Rahaim:

My expectation is that there might be a new version introduced by the BOS, but I haven't seen that yet. We obviously would have to respond. Supervisor Daly was the primary sponsor of that legislation. Although I haven't contacted his office, that might be helpful.

Chief Financial Officer Elaine Forbes:

If I could just reiterate the proposal to develop your budget request going into next fiscal year - Tina Tam and I will write down many of the things you, the Commission, brought today - size them, cost them out, etc, and come back to you in January to show you your wish list amounts and to show you the Department's overall financial picture and how to prioritize among that wish list. We may well put in a new general fund request as a result and see how it goes through the Mayor's process. I also wanted to say, just like you are experiencing the down turn from a couple of year ago, all aspects of our Department have unfunded wish-lists across the Department. We really needed to strip down where we have revenue sources. It is a very difficult time in terms of what we are able to accomplish. I didn't want you to feel like you are alone, or being given the short end of the stick. It really goes throughout our work program. If that makes sense, we will come back to you in January with your wish list and priority setting.

Commissioner Chase:

In terms of what you'll come back to us with, I am very interested to understand and it will be very enlightening to the public to understand the kind of man-hours to get from a request for designation through the process. You have talked about 250 man-hours – that might somehow be construed as how we create a designation and the process. I think we need to know more specifically where that time is attributed. I don't know. We, the commissioners nor the public understand the internal process of these applications. I think it would be a value not only in determining cost but also looking at how it affects the overall picture of what we need to do. A designation a year, reflecting on Commissioner Martinez' comments about the old LPAB, there was a lot of volunteer time associated with that processes. But if they are doing 10 a year, you know, we are not going to be able to do that. We need to know where the money comes from and those kinds of figures for us to be able to compare that.

Commissioner Martinez:

The process would be good. All these historic nominations, really from my point of view, are precipitated by the area plans. They are really one of the final outcomes of area plans. The BOS and their budget consideration has to understand it's part of the result of the planning process that they funded and initiated. Our Commission, we should really remember that we could actually have some say in what happens with this budget we are advocating for at the BOS. We should think about taking some responsibility and advocating for what we think we ought to be doing before the BOS and help the Department in getting as much of the funding as we can for the things we care about. It is our responsibility to educate the BOS about why these things are happening

and why it is necessary.

Commissioner Buckley:

I would add it's not just us. We should talk to the whole constituency of people in historic preservation in San Francisco and solicit their input into what our priority should be.

SPEAKERS:

Dan Weaver – Resident of Balboa Park Plan Area, Re: There are no rules set up to deal with landmarking concerns for this plan area, in particular the Pentecost Church.

Gee Gee Platt, Re: 1) The HPC should have its own work program and funding for it; 2) There should be staff allocation to HPC; 3) Get designations done and not count on the Historic Preservation Fund Committee; 4) distinguish CEQA and designation levels of research; 5) Articles 10 and 11 should come in time; 6) Televised recording are in the City Hall Building Management Office; 7) the Department not to subsidize Mills Act residential applications; 8) Staff to designate time to do a landmark designation.

Howard Wong – Friends of Appleton-Wolfard Library, Re: DEIR connection between mitigation measures and funding of land mark designation report.

Peter Warfield – Library Users Association, Re: 1) HPC should require minimum sunshine requirements for minutes to be the top of the list for this Commission and the Planning Department; 2) Agendize the HPC work program; 3) Clarify the cost of landmark designations.

Commissioner Chase closed public comments and said the following:

It's very helpful for the Commission and I, I can't speak for the Department. They will take what's been said seriously in providing us with information that we can help partner to develop a budget or work program for the Commission.

I did have a request from the Deputy City Attorney to speak to on an item under Staff Report and Announcements.

Deputy City Attorney Andrea Ruiz-Esquide:

From the last meeting there was discussion whether general sign consistency findings and section 101 findings were necessary in one of the draft motions. You decided that it wasn't and we agreed, because it was an amendment to the Administrative Code. It was an administrative act ordinance that you were discussing. I just want to let you know at this hearing you will be considering two other draft motions for the remaining item and these draft motions will have General Plan consistency findings as well as section 101.1 findings. We have determined that these are required because these are final decisions that you are taking on these items for C of A. From now on you'll be seeing these findings in the draft motions.

C. REGULAR CALENDAR

2. 2009.0966A (T. Frye 415/575-6822)
51-99 GROVE STREET - The Bill Graham Civic Auditorium, historically known as the Exposition Auditorium, Assessor's Block 0812; Lots 001. Bound by Hayes, Grove, Larkin, and Polk Streets. The subject building is a contributing structure to the Civic Center Historic District. It is located within a P (Public) District with an 80-X Height and Bulk limit. The proposal is a **request for a Certificate of Appropriateness** to remove the existing light box sign on the Hayes Street

elevation and to install a sign indicating the theater name and an LED marquee to promote theater events.

Recommendation: Approval with Conditions

(Continued from the Regular meeting of October 21, 2009)

SPEAKERS: Milo Hanke – San Francisco Beautiful, re: Concerned about the signage and that it would not disrupt the character of the Civic Center; also concerned about the sale of naming rights for a civic asset. Michael Levin, re: Opposed new sign as proposed. Gee Gee Platt, re: Encouraged commissioners to look at last election ballot book which covered signage and Proposition E, and information that goes along with the City Historic District Designation and National Historic Landmark Designation.

ACTION: Continued to December 16, 2009.

AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger, Chase

ABSENT: Hasz

- 3 2009.0037H (T. Frye: 415/575-6822)
403-405 Taylor Street - Assessor's Block 0317; Lots 003 is located at the southwest corner of Taylor and O'Farrell Streets. Historically known as the Hotel Californian, the subject property is a Category I Building within the Kearny-Market-Mason-Sutter Conservation District and is individually listed on the National Register of Historic Places. It is located within a C-3-G (Downtown General) District with an 80-130-F Height and Bulk limit. The proposal is a **request for a Permit to Alter** for window replacement; pressed metal ornament replacement; brick replacement; and painting the exterior of the building.
Recommendation: Approval with conditions.
(Continued from the Regular Meeting of November 4, 2009)

PRESENTERS: Jeremy Paul – for Serano Hotel and CREA, Jessica Wallace – Waterproofing Consultant/Architect; Patrick Bouscovich – Structural Engineer, Brad Blemker – Restoration Contractor, Ron Wurgley – Project Manager, Michael Calhoun – Chief Engineer at the Serano Hotel

SPEAKERS: None

ACTION: Approved with amendment to condition 1 that all windows above 4th floor be replaced with Marvin metal clad wood window; paint analysis for both facade and transom be conducted of historical coloring of the building and be subjected to review and approval by preservation staff; transom details be revised to match the historic.

AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger, Chase

ABSENT: Hasz

MOTION NO: 0035

- 4 2009.0947A (T. Frye: 415/575-6822)
850 Montgomery Street - (Assessor's Block 0175; Lots 033) Between Pacific Avenue and Jackson Streets. The subject property was constructed in 1970 and is a non-contributing structure to the Jackson Square Historic District. It is located within a C-2 (Community Business) District with a 65-A Height and Bulk limit. The proposal is a **request for a Certificate of Appropriateness** to install

new storefront and entry systems at the courtyard level and on the courtyard side on each of the suspended walkways.

Recommendation: Approval with Conditions

PRESENTER: Carl Shaoliam – Project Architect/ Agent

SPEAKERS: None

ACTION: Approved Option C as sketched by Commissioner Chase for use with acoustical panels, or, alternatively, Option A with at least one more vertical mullion if it is all glazed, and with all other conditions and recommendations by staff.

AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger, Chase

ABSENT: Hasz

MOTION NO: 0036

D. MATTERS OF THE COMMISSION

5. Consideration of Adoption:

- Draft minutes of Regular Hearing of November 4, 2009

SPEAKERS: None

ACTION: Adopted meeting minutes of November 4, 2009 Regular Meeting as corrected by Commission Damkroger

AYES: Buckley, Martínez, Matsuda, Wolfram, Damkroger, Chase

ABSENT: Hasz

6. President's Report and Announcements

Commission Chase:

Regarding the Sunshine Ordinance issues that have come up, since we are a new commission, I would urge you to be clear about your comments and direction. Clear in terms of making motions, clear about who you are requesting information from – project sponsor, staff, or the public. In terms of our motions, they are certainly being scrutinized for us to be as clear as possible and reflect changes in the recommendations for the draft motion in front of us. It will greatly help the staff. I want to thank Ms. Avery-Herbert for taking the heat on this. Just to publicly state: I don't think that what's been [given] to us is particularly fair, but be that as it may, we have to deal with issues in the public form.

7. Commission Comments/Questions

Commission Secretary Avery:

I have a couple of items before taking up the three items under the Commission's Comments/Questions category. I think you are aware of the training you need to take before the end of the year. I want to remind you that if you have not done them, you should do so. The City and County of San Francisco ID you received a while back has your 5-digit access number on the back of the card. This number should be used to access the online training. Second, when you know you are going to be absent, please send me an email in advance so that if we come across to a quorum problem, I'll be able to let the President know as early as possible.

- a. Discussion of resolutions for LPAB members
Note: Tina is to circulate two resolution samples for recognition of services rendered by former Landmark Preservation Advisory Board members: Bob Cherny, Lily Chan, Johana Street, Bridget Maley, Jean-Paul Samah, and Ina Dearman. Resolutions could be presented to former members at the hearing or at the holiday party.
- b. Discussion of HPC Year-end wrap up and achievements
Note: Commissioner Wolfram suggested a press release to coincide with the CLG Annual Report on HPC accomplishments this year -- what the goals are, and what the mission is in fulfilling Proposition J. Deputy City Attorney Andrea Ruiz-Esquide suggested that instead of a press release, maybe a year-end summary with bullet points that highlights achievements and distribute it to the Mayor's office and to the BOS. Preservation Coordinator Tina Tam stated that the CLG Annual Report will be completed by the end of this year and would be available beginning next year.
- c. Discussion of year-end holidays and schedules
Note: i) Commissioner Karl Hasz had offered to coordinate a dinner or year-end holiday event but was absent this hearing. The Commission agreed the year-end dinner would be set for December 16 and would need a 15-day notice. The location still has to be determined. ii) The Commission decided to meet on the first Wednesday in January of next year (January 6, 2010). President Chase announced that he could not attend this meeting.

Other matters brought up by the Commission at the hearing

- d. Commissioner Wolfram got a note from the Disability Commission expressing concern.

Commissioner Chase:

I had a HPC calendar meeting with Tina, Linda, and John. John indicated that he would contact Susan Miser (Disability Commission). He specifically wants to know if the information the Disability Commission seeks is required to come from staff or whether one or two HPC commissioners can go to the meeting.

Commissioner Buckley:

If there's a concern I don't know what that concern is. We are concerned with accessibility issues, especially in the Architectural Review Committee. If there's a particular concern, we need to be made aware of it and be able to respond to it.

Commissioner Chase:

I don't know what the concerns are either.

Commissioner Martinez:

It could be the.....

Commissioner Buckley:

There was an online article. The person who wrote it did a lot of good work involving accessibility issues, but this article is very inappropriate. I don't want to just be saying we are responding to some concern and don't know what the concern is.

Commissioner Damkroger:

In the past we had a joint meeting with the Disability Commission and the LPAD about accessibility at City Hall. That may be an option.

- e. Memorandum labeled privileged and confidential from City Attorney Byrne

Commissioner Martinez:

We were handed this memorandum. Can we get a discussion of this on the next calendar? It says that it can only be distributed to the public with a vote. But how do we vote if it's not on the calendar

Commissioner Buckley:

Then it wouldn't be confidential. Maybe we do a closed session?

Commissioner Secretary Avery:

You have the ability to do a closed session only if the matter for discussion is a pending litigation, or a contractual issue, or a personnel issue. For this memo, I would suggest that either I or Tina speak with the City Attorney about their intent for giving you this memo and if this is something we can calendar for a public hearing as opposed to a close session.

Preservation Coordinator Tam:

I have spoken with Marlana about this extensively and I spoke with Andrea earlier today before the hearing about this memo. I didn't realize she was going to circulate this today. I recommend that you contact Marlana directly yourself to get your take on why she is doing this and in this fashion.

Commissioner Chase:

I think Tina and Linda need to have a conversation with them about how, when and in what form when it comes to a public hearing. We can't have a joint conversation around this item until it is not privileged information. If we play the rules of Sunshine Ordinance, we just need to make sure we do that appropriately and in a public form.

Commissioner Damkroger:

I am interested in what everyone's reaction is and questions are. I would like to know what the conversation is with the attorneys.

Commissioner Secretary Avery:

To the extent that each of you follows the suggestion of Tina, that you each call the City Attorney, I would caution you against calling or following up with an email to everyone. Your conversation with the City Attorney would be your conversation with the City Attorney. And until or unless we have a public hearing, sharing your views on the conversation is inappropriate.

- f. Calendaring a discussion on ethics

Commissioner Wolfram:

I suggest adopting some kind of an ethics code for this commission. Specifically, whether we can have some language regarding meeting with project sponsors. I talked to Marlana already and she said we could amend the rules and regulations we already have.

Commissioner Secretary Avery:

That's true. When I first came to the commission and went to training, that was one of the first things I learned. I will note that I have informed the Planning Commission that if they are going to meet with any one party, they should make themselves available to parties on both sides of an issue. And if they do that, they must announce publicly that they have met with those parties. They do this all the time. I agree you should amend your rules and regulations to reflect what you as a body want. We can put that before you at any point you want to do so. It is truly your

collective call.

Commissioner Chase:

I asked earlier on about the issues of amending other aspects of those regulations. I would ask everybody to look at that and begin to think about it so we can talk about this collectively about how we can amend those rules. We probably will not touch all of them, but if issues come to mind about our operating procedures, like what we just talked about, then we may want to address those issues comprehensively at a hearing and consider amendment(s).

Commissioner Secretary Avery:

I will put a hard copy in your packet for the next hearing. It won't be on the calendar, but will be in your packet. This is for you to review. When you do amend your rules, that amendment needs to be noticed 10 days in advance of the hearing. I need you to look at those rules and decide where you want to amend. Let me know so we can calendar it and I can put out a notice to the public what you are considering amending.

Commissioner Chase:

Speaking about disclosure, there might be a need to simply have within the framework of our agenda "Announcements and Disclosures" before we hear these items.

SPEAKERS: None

ACTION: Discussions only – no actions

Adjournment: 4:06 p.m.

The minutes was proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, December 16, 2009.

ACTION: Approved

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Meeting Minutes

Hearing Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Wednesday, December 2, 2009

12:30 P.M.

HISTORIC PRESERVATION COMMISSION

Regular Meeting

COMMISSIONERS PRESENT:
COMMISSIONERS ABSENT:

Chase, Matsuda, Hasz, Martinez, Wolfram
Damkroger and Buckley

THE MEETING WAS CALLED TO ORDER BY PRESIDENT CHASE AT 12:40 P.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, Angela Threadgill, B. Bollinger,
and Linda Avery – Commission Secretary

Commission Secretary Linda Avery: Announced that we have received the digital recorder and will be testing it today. We hope to have it operational at our next hearing on December 16 with public access on December 17. We will keep you posted.

A. PUBLIC COMMENT

SPEAKERS:

Anthony Poplawski – President, Secretary, & Treasurer of the Marin Fireman Union Headquarters, re: Opposed listing their building as a landmark under Article 10.

Peter Warfield – Library Users Association (LUA), re: Announced Sunshine Ordinance Task Force took up minutes of the April 8 and August 19 hearing based on complaint filed by the LUA.

Bradley Wiedmaier – District 6 Resident, re: Asked for HPC collective support for 2750 Vallejo Street at the Board of Supervisors (BOS) hearing.

B. STAFF REPORT AND ANNOUNCEMENTS**Preservation Coordinator Tina Tam:**

Two samples of resolutions for recognition of services of Landmarks Board members were sent to the Commission.

Chief Finance Officer Elaine Forbes will return in January to listen to HPC priorities and wish list for your Work Program and Budget for the next fiscal year, which begins in 7/1/10.

The cost estimates, based on a 10 year study (since 1999), the average staff time to process landmark designations from initiation to adoption at the BOS for a simple, basic, small scale property with support from owners and community support was 40 – 60 hours, roughly \$3,000 of staff time. For historic districts with multiple properties like the Music Concourse and Dogpatch, the average cost was roughly 300 hours, roughly \$31,000. An individual landmark as the Metro Theater at 2055 Union Street, staff time was 125 hours, roughly \$11,000. It is not a large or complicated building, but it took multiple hearings at the Landmark Preservation Advisory Board (LPAB), the Historic Preservation Commission (HPC), the Planning Commission (PC), Land Use Committee, and the BOS.

The \$44,000 Elaine Forbes mentioned in her presentation at the last hearing did not take into consideration time already spent on discussion of initiation for Appleton and Wolfard Libraries or other requests the HPC asked of staff. Based on staff efforts already spent, what's left is roughly \$30,000 for the HPC between now and 6/30/10.

1. Training/Information Presentation – Landmark Tree Program (Hui: 415/355-3731)

Urban Forest Coordinator for the Department of Environment by May Ling Hui:

Ms. Hui gave a powerpoint presentation on the Landmark Tree Program.

Commission Wolfram asked what is the process to nominate a tree. The HPC could discuss whether they think a tree is worthy or not; assemble a nomination packet; maybe adopt a resolution, send a picture of the tree; and send all that information to her.

Commission Matsuda asked what would be a cultural tree. A historic tree is having importance to people who used to live here. A cultural tree has importance to people who are living here now. The official City tree across from McLaren Lodge is the City's annual Christmas tree. That is an example of a tree with current cultural significance.

C. MATTERS OF THE COMMISSION

2. Consideration of Adoption:
 - Draft minutes of Architectural Review Committee meeting of November 4, 2009

ACTION: Item continued to December 16, 2009 for corrections and summary of comments from the public

AYES: Hasz, Martinez, Wolfram, Matsuda, Chase

ABSENT: Buckley and Damkroger

3. President's Report and Announcements
None

4 Commission Comments/Questions

Commissioner Martinez suggested to agendize for consideration a letter of support regarding the CEQA Categorical Exemption (Cat. Ex) appeal for 2750 Vallejo Street at the BOS hearing on 12/15/09. Preservation Coordinator Tina Tam will provide a copy of material prepared for the BOS hearing to the HPC Commissioners for review at the next HPC hearing.

NOTE: Holiday party set for the evening of December 16, following the hearing. The location is still to be determined.

D. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 5. 2009.0948A (A. Threadgill: 415/558-6602)
760 Market Street, The "Phelan Building," corner of O'Farrell and Market Streets, in Assessor's Block 0328, Lot 001. **Request for a Certificate of Appropriateness** to install business signage (dba *Walgreens*). The property is Landmark No. 156 and is rated as Category I (Significant) within the Kearny-Market-Mason-Sutter Conservation District. It is within the C-3-R (Downtown Retail) Zoning District, in an 80-130-F Height and Bulk District, and is also within the Market Street Special Sign District.
Preliminary Recommendation: Approval with Conditions (Continued from Regular Meeting of November 4, 2009.)
(Proposed for Continuance to December 16, 2009)

ACTION: Continued to December 16, 2009
AYES: Hasz, Martinez, Wolfram, Matsuda, Chase
ABSENT: Buckley and Damkroger
SPEAKERS: None

E. CONSENT CALENDAR

- 6. 2009.1022A (A. Starr: 415/558-6362)
819 Grove Street - (Assessor's Block 0804; Lots 023) south side between Fillmore Street and Webster Street. The subject property is a contributing structure to the Alamo Square Historic District. It is located within a RH-3 (Residential, House, Three-Family) Zoning District and 50-X Height and Bulk District. The proposal is a **request for a Certificate of Appropriateness** for a rear horizontal addition.
Recommendation: Approval

SPEAKERS: None
ACTION: Approved as recommended.
AYES: Hasz, Martinez, Wolfram, Matsuda, Chase
ABSENT: Buckley and Damkroger
MOTION NO: 0038

F. REGULAR CALENDAR

7. 2007.0519E (B. Bollinger: 415/575-9024)
1645 Pacific Avenue Project, - **Review and Comments on the Draft Environment Impact Report** on the proposed project would demolish the existing two-story, 27,275 sq.ft. commercial building (1645 Pacific Ave), retain the front façade of the adjacent building (1661 Pacific Ave.) and construct a new six-story, 65-foot-tall residential and retail building located on a block bounded by Pacific and Van Ness Avenues and Jackson and Polk Streets (Assessor's Block 0595, Lot 013). The existing 1661 Pacific Ave. building is a contributor to the Van Ness Auto Row District. *Preliminary Recommendation: The Historic Preservation Commission will discuss the Draft Environmental Impact Report (DEIR) to frame their written comments on the adequacy of the DEIR, pursuant to the California Environmental Quality Act (CEQA).*

Commission Martinez: Commented that 3 stories instead or 4 on top of 1661 would be part of the mitigation.

Commission Wolfram: Commented that the historic resource report could be more thorough. There was very little visual documentation to back up some statements that were made in the report. Some interpretation could be made in the lobby of the building that talks about the Riding Academy and its history.

Commissioner Matsuda: Commented on the consideration of another preservation alternative. In addition there should be at least an interpretive sign or documentation included in this new project.

Commissioner Hasz: Maybe there could be more than one preservation alternative.

Commissioner Chase: Commented that the project sponsor should/could make a gesture through mitigation measures to interpret that period of evolution of these buildings. The Page and Turnbull memorandum should be part of this documentation reviewed by the public.

SPEAKERS:

James Joannides – Resident at Polk and Washington Neighborhood - expressed concern about the scale of the project and the cultural resources along this part of the automobile repair row.

Dawn Trenneert – Middle Polk Neighborhood Association – expressed the need to preserve the historic nature and highlights of the area as new projects come into the Auto Row Historic District.

ACTION: None - Action is not required on this item

Adjournment: 1:43 P.M.

The minutes was proposed for adoption at the Regular Meeting of the Historic Preservation Commission on Wednesday, December 16, 2009.

ACTION: Approved

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Draft Meeting Minutes

Hearing Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Wednesday, December 16, 2009

12:30 P.M.

HISTORIC PRESERVATION COMMISSION

Regular Meeting

COMMISSIONERS PRESENT:

Chase, Matsuda, Hasz, Martinez, Wolfram,
Damkroger and Buckley

THE MEETING WAS CALLED TO ORDER BY PRESIDENT CHASE AT 12:40 P.M.

STAFF IN ATTENDANCE: Tina Tam – Preservation Coordinator, A. Threadgill, T. Frye, T. Johnston, J. Navarrete, P. LaValley, S. Caltagirone, J. Battis, Linda Avery – Commission Secretary

A. PUBLIC COMMENT

SPEAKERS:

Katherine Howard – Friends of the Music Concourse, re: Requested agendizing a discussion on the applicability of a Certificate of Appropriateness for the hotdog stands' location and appearance at the Music Concourse.

Chris Duderstadt – re: Concession stands at the Music Concourse and the need to preserve the character of this important historical landmark.

Bradley Wiedmaier – Architectural Historian, re: Shared with the HPC two simple elemental buildings - the Monterey Pavilion built 1894 and the Mary Bradford House at Union Street – which had been left out of architectural history books.

Note: Commissioner Damkroger requested the Chair to agendize the Music Concourse hotdog stands. Commissioner Chase agreed and set the date for 1/20/10 after discussing the timing of it with Preservation Coordinator Tam.

B. CONSENT CALENDAR

1. 2009.0961A (A. Threadgill: 415/558-6602)
620 Jones Street, the "Gaylord Hotel," east side between Geary and Post Streets, in Assessor's Block 0305, Lot 036. Request for Certificate of Appropriateness to construct an accessible ramp on the front facade; install a new metal gate on the side facade; re-grade existing walkway; replace aluminum windows with new doors; and replace trellis. The property is Landmark No. 159. It is within an RC-4 (Residential-Commercial, High Density) Zoning District, in an 80-130-T Height and Bulk District, and is also within the North of Market Residential Special Use District, Subarea 1.
Preliminary Recommendation: Approval

SPEAKERS: None
ACTION: Approved
AYES: Buckley, Martinez, Matsuda, Wolfram, Damkroger, Chase
RECUSED: Hasz
MOTION NO: 0038

C. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

2. 2009.0966A (T. Frye 415/575-6822)
51-99 Grove Street - The Bill Graham Civic Auditorium, historically known as the Exposition Auditorium, Assessor's Block 0812; Lots 001. Bound by Hayes, Grove, Larkin, and Polk Streets. The subject building is a contributing structure to the Civic Center Historic District. It is located within a P (Public) District with an 80-X Height and Bulk limit. The proposal is a **request for a Certificate of Appropriateness** to remove the existing light box sign on the Hayes Street elevation and to install a sign indicating the theater name and an LED marquee to promote theater events.
Recommendation: Approval with Conditions
(Proposed continuance to January 20, 2010)

SPEAKERS: None
ACTION: Continued to January 20, 2010
AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

D. REGULAR CALENDAR

3. 2007.1255E (T. Johnston: 415/575-9035)
Crystal Springs San Andreas Transmission Upgrade Project – **Commission Review and Comment on Draft Environmental Impact Report.** The San Francisco Public Utilities Commission (SFPUC) is proposing the Crystal Springs San Andreas Transmission Upgrade Project. The project seeks to improve seismic and delivery reliability of the CS/SA Transmission System, and to meet the anticipated requirements of the California Division of Dam Safety (DSOD) for dam facilities in an emergency drawdown scenario. The Project would be located on City and County of San Francisco (CCSF)-owned lands in unincorporated portions of San Mateo County near the Town of Hillsborough and the cities of San Bruno, Burlingame, San Mateo, and Millbrae. The total proposed project area (including all construction, staging, and access areas) covers approximately 135 acres and is composed of five distinct project components that are oriented

southeast to northwest, running approximately 7.6 miles across the Peninsula Watershed. The primary components of the proposed project would include:

- Seismic and functional upgrades to the Upper Crystal Springs Dam Culverts, including seismic strengthening of the Lower Culvert, which crosses the San Andreas Fault rupture zone, and providing isolation capabilities to both culverts.
- Seismic improvements to the Crystal Springs Outlet Structures 1 and 2, including removal of the seismically vulnerable aboveground portions of their towers, and construction of a small onshore control shed for remote valve operation.
- Major seismic upgrade of the Crystal Springs Pump Station (CS Pump Station), including construction of a new, seismically strengthened Pump Station, and replacement of all related facilities, pipelines, and pipeline connections. The upgrade would also include increasing the pump station booster capability to 120 million gallons per day to meet delivery reliability goals, and construction of a new dissipation structure for releases into San Mateo Creek to meet anticipated DSOD requirements.
- Seismic upgrades to the existing CS/SA Pipeline that conveys water from CS Pump Station to San Andreas Reservoir (approximately 4.7 miles), including replacement of two segments of the pipeline, general pipeline improvements, and new access roads to ensure access to the pipeline for emergency and maintenance repairs.
- Seismic upgrade to the San Andreas Outlet Structures 2 and 3, including improvements at both the outlet towers and tunnel portals located at the Harry Tracey Water Treatment Plant.

This public hearing is intended to assist the Historic Preservation Commission in its preparation of written comments on the Draft EIR. Comments made by members of the public at this hearing will not be considered comments on the Draft EIR and may not be responded to in the Final EIR. The Planning Commission will hold a public hearing to receive comments from the public on the Draft EIR on December 10, 2009. Written comments will be accepted at the Planning Department's offices until the close of business on Monday, December 21, 2009.

Preliminary Recommendation: The Commission may direct staff to prepare written comments of the Commission

PRESENTERS: Todso Magudas – Project Manager of the San Andreas Transmission System Upgrade Project; Madelyn Bolan – Architectural Historian from ICF Jones and Stokes; Tim Yates – Historian from Jones and Stokes

SPEAKERS: None

ACTION: No action was required for this Item. Staff was directed to draft and prepare written comments of the Commission to the Environmental Review Officer.

4. 2007.0946E (J. Navarrete: 415/575-9040)
Candlestick Point - Hunters Point Shipyard Phase II Development Plan (Project) Draft Environmental Impact Report - The Project site is located on approximately 702 acres in the southeastern portion of San Francisco and includes both Candlestick Point and HPS Phase II. **Commission Review and Comment on the Draft Environmental Impact Report.** The Project proposed includes a mixed-use community with a wide range of residential, retail, office, research and

development, civic and community uses, and parks and recreational open space. A major component would be a new stadium for the San Francisco 49ers National Football League team. Additionally, new transportation and utility infrastructure would serve the Project including a bridge across Yosemite Slough. The Project proposes development of 10,500 residential units; 885,000 gross square feet (gsf) of retail; 150,000 gsf of office; 2.5 million gsf of Research & Development uses; a 220-room, 150,000-gsf hotel; 255,000 gsf of artist studio space and arts center; 100,000 gsf of community services; approximately 240 acres of new parks, sports fields, and waterfront recreation areas, as well as approximately 97 acres of new and improved State parkland; a 69,000-seat 49ers stadium; and a 10,000-seat performance arena. In addition, a 300-slip marina would be provided. Shoreline improvements would also be implemented to stabilize the shoreline. The Project would include structured and on-street parking and various infrastructure improvements to support the development.

NOTE: The Draft Environmental Impact Report was published on November 12, 2009. The project may result in the destruction or degradation of historical resources. The Draft EIR identifies this as a significant and unavoidable environmental effect of the proposed project, and identifies mitigation measures to lessen this effect, though not to a level of insignificance.

This public hearing is intended to assist the Historic Preservation Commission in its preparation of written comments on the Draft EIR. Comments made by members of the public at this hearing will not be considered comments on the Draft EIR and may not be responded to in the Final EIR. The Redevelopment Agency Commission and the Planning Commission will hold a public hearing to receive comments on the Draft EIR on December 15 and December 17, 2009, respectively. Written comments on the Draft EIR will be accepted at the Planning Department until 5:00 p.m. on Monday, December 28, 2009.

Preliminary Recommendation: The Commission may direct staff to draft written comments of the Commission.

PRESENTERS: Tiffany Bohee – Mayor's Office of Economic and Workforce Development: Provided a brief background and overview of the project; Michael Rise – PBS&J Project Director for the Draft EIR, Ruth Todd – Page and Turnbull, Sheila McElroy – CIRCA Historic Properties Development; Mary Smitheran Sheldon – CD Richard Ellis

SPEAKERS:

Bradley Wiedmaier – Architectural Historian – The proposed bridge over the slough is an awkward place to be. Placing the bridge at an angle to the street on the east would preserve the historic shoreline and avoid shoreline obstruction.

ACTION: No action was required for this Item. Staff was directed to prepare some bullet points of the Commission's comments for tomorrow's DEIR public hearing at the Planning Commission (12/17/09). Staff also was to draft and prepare more detailed written comments of the Commission to the Environmental Review Officer.

This item was continued to January 6, 2010

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

Items 5 and 6 were heard concurrently.

5. 2009.0476U (P. LaValley: 415/575-9084)
178 Townsend Street - northeast corner of Townsend Street and Clarence Place, in Assessor's Block 3788, Lot 012. **Request for Review and Consideration** of a Draft Resolution recommending approval of a Mills Act historical property contract for 166-178 Townsend Street, which is a contributing resource to the South End Historic District designated pursuant to Article 10 of the Planning Code. The Mills Act authorizes local governments to enter into contracts with owners of private historical property who, through the historical property contract, assure the rehabilitation, restoration, preservation and maintenance of a qualified historical property. In return, the property owner enjoys a reduction in property taxes for a given period. The subject property is within a SLI (Service/Light Industrial) District and a 65-X Height and Bulk District.

Preliminary Recommendation: Approval of Resolution Recommending Approval of the Mills Act Contract

SPEAKERS: None

ACTION: Approved the Mills Act contract.

AYES: Buckley, Hasz, Martinez, Matsuda, Damkroger, Chase

NAYES: Wolfram

RESOLUTION: 640

6. 2009.0476F (P. LaValley: 415/575-9084)
178 Townsend Street - northeast corner of Townsend Street and Clarence Place, in Assessor's Block 3788, Lot 012. **Request for Review and Comment** on the documentation and draft Memorandum of Agreement prepared by United States Department of Housing and Urban Development (HUD) for Section 106 review of the proposed adaptive-reuse of the existing building and construction of a vertical addition to provide up to 94 dwelling units, ground floor retail and daycare space, and up to 45 off-street parking spaces. Consistent with Section 106 of the National Historic Preservation Act, HUD has requested comments on the effects the proposed undertaking could have upon historic properties. The subject property is a contributing resource to the South End Historic District and is within an SLI (Service, Light Industrial) District with a 65-X Height and Bulk limit.

Preliminary Recommendation: Direct staff to draft written comments of the Commission.

SPEAKERS: None

ACTION: Approved. Staff is requested to keep project sponsor's language on process as it stands. In this singular case, the size of the project is mitigated by good design; care has been taken; and good design should be encourage.

AYES: Buckley, Hasz, Martinez, Matsuda, Damkroger, Chase

NAYES: Wolfram

7. 2009.0948A (A. Threadgill: 415/558-6602)
760 Market Street, The "Phelan Building," corner of O'Farrell and Market Streets, in Assessor's Block 0328, Lot 001. **Request for a Certificate of Appropriateness** to install business signage (dba *Walgreens*). The property is Landmark No. 156 and is rated as Category I (Significant) within the Kearny-Market-Mason-Sutter Conservation District. It is within the C-3-R (Downtown

Retail) Zoning District, in an 80-130-F Height and Bulk District, and is also within the Market Street Special Sign District.

*Preliminary Recommendation: Approval with Conditions
(Continued from the November 4, 2009 hearing.)*

PRESENTERS: Peter McEarney – Martin Building Company

SPEAKERS: None

ACTION: Approved as recommended by staff

AYES: Buckley, Hasz, Matsuda, Wolfram, Damkroger, Chase

NAYES: Martinez

MOTION: 0039

8. 2006.0747A (S. Caltagirone: 415/558-6625)
890 Grove Street - northeast corner of Grove and Fillmore Streets. Assessor's Block 0797, Lot 019. **Request for a Certificate of Appropriateness** to construct a vertical addition at the roof of the existing two-story-over-basement building and to install a garage door opening at the basement level. The property is a contributing within the Alamo Square Historic District. It is zoned RH-3 (Residential, House, Three-Family) District and is in an 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

PRESENTERS: Mark Topacher – Architect for the project.

SPEAKERS: None

ACTION: Approved with amendments to the finding that there is no substantial adverse impact to the district, the siding be flush siding, and the height reduced by six inches.

AYES: Martinez, Matsuda, Wolfram, Damkroger, Chase

NAYES: Buckley and Hasz

MOTION: 0040

D. STAFF REPORT AND ANNOUNCEMENTS

Preservation Coordinator Tina Tam:

Upcoming activities associated with the Market / Octavia (M/O) Plan Area has contributed to a delay in bringing this back to the HPC in February, 2010. The recommendations for nomination for potential districts and individual buildings in the M/O Plan Area are delayed because of recent activities, schedules, status of Mission Dolores neighborhood survey and M/O augmentation survey. Based upon the last HPC's M/O survey integration hearing, the Planning Department and Planning Commission were instructed to fold in both the Mission Dolores survey and the augmentation for recommendations to the HPC. The Mission Dolores survey is coming back to the HPC on February 17; the augmentation survey sometime in March; and the Planning Department's recommendation in April.

E. MATTERS OF THE COMMISSION

- 9. (S. Caltagirone/J. Battis: 415/558-6625)
2750 Vallejo Street - Informational Presentation and Discussion regarding the appeal of a Categorical Exemption under the California Environmental Quality Act. This Categorical Exemption determination is currently under appeal to the Board of Supervisors and is scheduled for hearing before the Board of Supervisors on December 15, 2009. Should the hearing before the Board of Supervisors be continued, the Historic Preservation Commission may direct staff to draft a letter from the Commission to the Board of Supervisors regarding the appeal of the Categorical Exemption determination; if the appeal has been taken and a decision made by the Board, then this item will be for informational purposes only and no action will be taken by the Commission.

SPEAKERS:

- Bradley Wiedmaier**, Architectural Historian – There are inaccuracies in the Categorical Exemption (Cat Ex): the 1939 building permit was not incorporated in the report; the difference between the first two HRERs is not pointed out; and the third reason is in regard to the originality of the facade fenestration. He also referred to the San Borne maps and Water Department documents.
- Tuia Catalana**, Reuben and Junius, Representing the property owners – The owners have received support from neighbors, SF Heritage and SF Consortium. This building is a contributory historic resource to a potential district, not an existing district.
- Joan Wood** – The research that went into this project was inadequate and the Cat Ex was based on a different plan. The project needs further investigation.
- Greg Malan**, Property Owner – This property is not an architecturally significant home and it has been dramatically changed.
- Jay Turnbull**, Page and Turnbull – They need to release the site for continued alteration that requires only general compatibility with the district and the neighbor.

NOTE: Commissioner Damkroger disclosed that she had written to Supervisor Alioto Pier and met with the owner of the site.

ACTION: No action is required for this item.

- 10. Consideration of Adoption:
 - a. Draft minutes of ARC Hearing of November 4, 2009
 - b. Draft minutes of Regular Hearing of November 18, 2009
 - c. Draft minutes of Regular Hearing of December 2, 2009

ACTION: Adopted November 4, 2009 minutes as is, and adopted the draft minutes of November 18 and December 2 as they have been corrected: November 18, 2009 – front page, changed Belk to Bevk, page 4 – changed Buckley to Wolfram, and page 13 changed Wolfram to Buckley ; December 2, 2009 – front page, changed Marin to Marine.

AYES: Buckley, Hasz, Martinez, Matsuda, Wolfram, Damkroger, Chase

11. The Historic Preservation Commission and Staff will be gathering at Absinthe Restaurant, located at 398 Hayes Street, immediately after the hearing on 12/16/09 for their Holiday Party.

Noted from the Commission: This is an informal meeting that is open to all members of the public without a requirement to pay for or buy a drink or refreshment. No business item is to be taken up at this gathering.

12. President's Report and Announcements
 - Commissioners Chase and Damkroger would attend, present and hear comments at the January 15, 2010 Mayor's Office of Disability Hearing.

13. Commission Comments/Questions

Commission Wolfram:

- Would the disclosure category be at the beginning of the agenda? – **Commission Secretary Avery responded** that it is generally under Matters of the Commission which is usually at the beginning of the agenda. Due to the length and volume of this agenda, it was moved to the end. **Commissioner Chase commented** that in the future he would afford time for disclosure at the beginning of the meeting to accommodate any change in agenda format.
- Asked the status of the library designations – **Preservation Coordinator Tam responded** that Johanna Street was interested in preparing the background information, context statements and perhaps DPR forms. The Planning Department's response to her submittal was not pending on any grant. It is anticipated that Ms. Street will bring her work to the Department soon and to the HPC in early 2010. The two months update for Merced and Parkside Branch Libraries will be in February 2010. There was no new information on the Park Branch Library initiation

Commissioner Martinez:

- Commented the minutes were different and asked the status of the Sunshine Ordinance Task Force (SOTF) – **Commission Secretary Avery responded**, as directed by the Commission, the minutes now include a summary of public comments. For the SOTF: there was an official complaint filed and she went to the hearing on 12/10/09 during a recess of the Planning Commission's hearing. At that time it appeared that the complaint was the only item on their calendar. Ms. Avery was able to respond to their questions before she had to go back to the Planning Commission hearing. The item was continued to 1/14/10 (which would also be a Planning Commission hearing date). Commission Secretary Avery will ask the Planning Commission to call a recess at 4:00 pm in order to participate in the SOTF hearing. She would bring the recently approved minutes to the hearing even though SOTF had not indicated they want to see them. Commission Secretary Avery did not receive the formal complaint that SOTF was obligated to send to the Department, and had not seen the SOTF preliminary decision that was issued.

Commissioner Buckley:

- Asked whether the HPC would be commenting on the North Beach Branch Library DEIR only. The other libraries were issued Cat Ex documents – **Preservation Coordinator Tam affirmed** that the other libraries were Cat Ex and that the HPC would have the opportunity to comment on the North Beach Branch Library DEIR when it is issued and published, probably in April 2010.

Commissioner Damkroger:

- She would like further discussions about CEQA. The more frequent use of Cat Ex in evaluating a project is a problematic approach when the historic evaluation report says that while it [a project] doesn't entirely meet the standards, it doesn't create a substantial adverse impact and/or material change to the resource.
- In situations when there is some disagreement about whether or not there are historic resources for a particular development proposal, the HPC ought to look at the historic resource evaluation report prior to certification. A case in point is the DEIR for 935-965 Market Street.

Commissioner Chase:

- We need to have appropriate information to assess the adequacy of the DEIR as it relates to historic resources.

Commissioner Martinez:

- HPC needs to develop guidelines about how properties are reviewed under CEQA.
- The gap between not entirely meeting the Secretary of Interior Standards and not creating a significant impact on historic resources has to be defined.
- The Planning Department and the HPC ought to work together because there is a lot of confusion and conflicts. This subject needs a full discussion at a hearing.

Commissioner Chase:

- HPC should have these discussions in a manner that is not rushed. We need to set aside time as a priority for the Commission to delve into the matter.
- I would like Planning Staff to present their rationale for what they have done around the issues of evaluations using Cat Ex.
- Urged HPC to look at its Rules and Regulations seriously as to how they could create a construct for HPC to do business. The Planning Commission had changed and altered their rules to their particular needs. This Commission needs to do the same.

Commissioner Secretary Avery:

- Will provide commissioners with both the HPC and PC Rules and Regulations for this Commission to compare.

Adjournment: 1:43 P.M.