



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Motion No. 0142

HEARING DATE: NOVEMBER 16, 2011

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Filing Date: July 22, 2010
Case No.: **2010.0613AE**
Project Address: **2055 Union Street: Metro Theater (a.k.a. Metropolitan Theater)**
Historic Landmark: No. 261 – The Metro Theater
Zoning: Union Street NCD (Neighborhood Commercial District)
40-X Height and Bulk District
Block/Lot: 0541/ 018
Applicant: Stephane de Bord, Ehrman Properties
2509 Scott Street
San Francisco, CA 94115
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ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 018 IN ASSESSOR'S BLOCK 0541, WITHIN THE UNION STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT NC-3, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

WHEREAS, on July 22, 2010, Stephane de Bord of Ehrman Properties, (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness to seismically retrofit the 670-seat Metro Theater building and convert its use to a private fitness facility, restaurant, and a retail use.

On September 28, 2011 the Preliminary Mitigated Negative Declaration/Initial Study (PMND/IS) for the Project was prepared and published for public review; and,

The PMND/IS was available for public comment until October 18, 2011; and,

An appeal of the PMND/IS was not filed with the Department; and,

On November 2, 2011, the Planning Department adopted the Mitigated Negative Declaration (MND) and found that the contents of said report and the procedures through which the FMND was prepared,

publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department found the MND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning, and approved the MND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2010.0613E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

WHEREAS, on November 16, 2011, the Commission conducted a duly noticed public hearing on the current project, Case No. 2010.0613A ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby grants the Certificate of Appropriateness, in conformance with the architectural plans dated March 31, 2011 and labeled Exhibit A on file in the docket for Case No. 2011.0651A based on the following findings:

CONDITIONS OF APPROVAL

- That the proposed "Equinox" signs at the second floor level will be either (a) two text wall signs limited in height to the mid-height of the windows and located between the outer window and the building edge, or (b) one blade sign attached at the retail tenant sign level near the building edge.
- That the signs at the marquee will be either text or a graphic.
- That the Department will encourage the use of bronze or bronze-colored storefront framing.
- That the pattern and opacity of the fritted glass will be reviewed and approved by Planning Department preservation staff prior to the issuance of a building permits.
- That the Mitigation Measures described in the Mitigation and Monitoring and Reporting Plan (MMRP) attached as Exhibit B are necessary to avoid potential significant effects of the proposed project and have been agreed to by the Project Sponsor.

FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:
 - The Historical Preservation Commission has determined that the proposed work is compatible with the character of the landmark as described in the designation report dated June 2009.
 - The proposed project will convert the theater into a fitness facility center while preserving the building's distinctive exterior materials and features, including the multi-story form and massing, the projecting marquee with neon lighting, the vertical blade sign with neon lighting, and the Spanish Colonial and Art Deco Period façade elements. All new features would be contemporary in design and differentiated from the existing building. Moreover, the work may all be reversed in the future without impacting the property's distinctive materials, features, spaces and form.
 - The proposed windows at the front facade would not detract from the character of the historic theater and the removal of portions of the wall would have a minimal impact to the character of the façade and would not affect any ornamental features.
 - The project sponsor shall engage an architectural finishes conservator to plan and oversee the recreation of the foyer coffered ceiling and ensure that appropriate chemical and physical treatments are used.
 - The proposed work at the roof of the theater would not be visible from the adjacent public rights-of-way and would not affect the character-defining features of the theater.
 - Removal of the existing entrance doors would allow for the recreation of the exterior foyer space and would improve the historic character of the neighborhood theater.
 - The proposed storefronts would replace non-historic storefronts installed in 1998. The new storefronts would be contemporary in character, yet compatible with the historic character the theater.
 - The placement, scale, and design of the proposed retail or restaurant tenant signage are appropriate to the character of the historic neighborhood theater. Also, the use of the historic marquee for the primary tenant signage and message signage is an appropriate reuse of the historic feature. Likewise, the proposed vertical signage in the foyer area is appropriate in terms of its placement, scale, and design.
 - The proposed logo signs at the second floor level would detract from the theater's character-defining features, specifically, the Spanish Colonial Revival and Art Deco period façade

elements. Furthermore, their proposed location is not a traditional location for signage on neighborhood theaters.

- The proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

Standard 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken.

Standard 4. Changes to a property that have acquired significance in their own right will be retained and preserved.

Standard 5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, Historic Resource Evaluation Metro Theater materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Standard 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the Metro Theater for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The existing neighborhood serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced by the project because it will revive an existing retail space at the site and provide food and fitness services that draw additional patrons to the neighborhood commercial district.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed project will strengthen neighborhood character by respecting the character-defining features of the landmark in conformance with the Secretary of the Interior's Standards.

- C) The City's supply of affordable housing will be preserved and enhanced:

The project will not affect the affordable housing supply as there are no residential uses at the site.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. It will provide sufficient off-street parking for the proposed units.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed will not displace any industrial and service sector jobs and will not include commercial office development.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is improved by the proposed work. The work will eliminate unsafe conditions at the site and all construction will be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for the parks and open space.

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **GRANTS a Certificate of Appropriateness** for the property located at Lot 018 in Assessor's Block 0541 for proposed work in conformance with the renderings and architectural sketches dated August 5, 2011 and labeled Exhibit A on file in the docket for Case No. 2010.0613AE.

The Historic Preservation Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Historic Preservation Commission hereby adopts the MMRP attached hereto as Exhibit B and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on November 16, 2011.

Linda D. Avery
Commission Secretary

AYES: Chase, Damkroger, Hasz, Martinez, Matsuda, and Wolfram
NAYS: 0
ABSENT: Johns
ADOPTED: November 16, 2011