



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Motion No. 0183

HEARING DATE: DECEMBER 19, 2012

*Filing Date:* April 13, 2006  
*Case No.:* **2006.0494A**  
*Project Address:* **2554 MISSION STREET (NEW MISSION THEATER)**  
*Historic Landmark:* Landmark No. 245  
*Zoning:* Mission St NCT (Neighborhood Commercial Transit) Zoning District  
85-X Height and Bulk District  
*Block/Lot:* 3616/007  
*Applicant:* Andrew J. Junius, Reuben & Junius  
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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 DESIGNATED AS LANDMARK NO. 245 LOCATED ON LOT 007 IN ASSESSOR'S BLOCK 3616, WITHIN THE MISSION ST NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND 85-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

WHEREAS, on April 13, 2006, Andrew Junius of Reuben & Junius on behalf of Gus Murad & Associates, LLC c/o Dean Givas of Oyster Development Corp. (Property Owner) filed an application with the San Francisco Planning Department (Department) for a Certificate of Appropriateness for a change of use and exterior and interior alterations to the subject property located on Lot 007 in Assessor's Block 3616.

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review on November 21, 2012; and

WHEREAS, the IS/MND was available for public comment until December 11, 2012; and

WHEREAS, an appeal of the IS/MND was not filed with the Department; and,

WHEREAS, On December 19, 2012, the Planning Department adopted the Initial Study/Mitigated Negative Declaration (MND) and found that the contents of said report and the procedures through

which the MND 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

WHEREAS, 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.

WHEREAS, the Planning Department, Jonas Ionin, is the custodian of records, located in Case No. 2005.0694E at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and the Planning Commission for the Commission's review, consideration and action; now therefore, be it

RESOLVED, That the Historic Preservation Commission (HPC) has reviewed and considered the IS/MND and the record as a whole, finds that the FMND is adequate for its use as the decision-making body for the Project, 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; and, be it

FURTHER RESOLVED, That the HPC hereby adopts the MMRP attached hereto as Exhibit B and incorporated herein as part of this Resolution by this reference thereto and commits to all required mitigation measures within its jurisdiction identified in the IS/MND and contained in the MMRP; and be it

WHEREAS, on December 19, 2012, the Commission conducted a duly noticed public hearing on the current project, Case No. 2006.0494 (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 a Certificate of Appropriateness with conditions, in conformance with the project information dated December 11, 2012 and labeled Exhibit A on file in the docket for Case No. 2006.0494A based on the following findings:

## **CONDITIONS OF APPROVAL**

To ensure that the proposed work is undertaken in conformance with this Certificate of Appropriateness, staff recommends the following conditions:

- As part of the Site Permit, the Project Sponsor shall provide detailed information on the salvage and documentation plan for the vestibule, promenade lobby, main auditorium and balcony for review and approval by Planning Department Preservation Staff. Specifically, the Project Sponsor shall provide photographs and detailed measurements of the plaster elements to be removed and reconstructed within the vestibule, promenade lobby, main auditorium and balcony. The Project Sponsor shall also provide a detailed conditions assessment to record the existing condition of the plaster elements. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Site Permit, the Project Sponsor shall provide a reveal on the east wall of the main auditorium to denote the location of the former historic doors.
- As part of the Architectural Addendum, the Project Sponsor shall provide a mock-up of the neon lighting restoration and paint scheme for marquee and pylon sign for review and approval by Planning Department Preservation Staff. The restoration of the neon lighting and exterior paint scheme should be based upon historical precedent, and accurately reflect the theater's period of significance. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Architectural Addendum, the Project Sponsor shall provide detailed information on the salvage and documentation plan of the promenade lobby murals for review and approval by Planning Department Preservation Staff. For the salvaged murals, the Project Sponsor shall maintain proximity to the original location of the murals within the promenade lobby. The Department shall review the proposed locations. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Architectural Addendum, the Project Sponsor shall provide a sample mock-up of the various reconstructed plaster elements for review and approval by Planning Department Preservation Staff. The reconstructed plaster elements shall include the reconstructed scalloped balcony edge, and a sampling of deteriorated plaster trim/features from the vestibule/promenade lobby and the main auditorium. The Department shall determine the adequacy and appropriate number of plaster mock-ups. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Architectural Addendum, the Project Sponsor shall provide detailed information on the paint scheme for the vestibule and promenade lobby for review and approval by Planning Department Preservation Staff. Due to the seismic retrofit, these two areas would be larger reconstructed. The paint scheme should be historically accurate and based upon documentary evidence, as determined by Department staff and a qualified architectural paint conservator. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.

- As part of the Architectural Addendum, the Project Sponsor shall provide detailed information on the interior light fixtures/lighting plan for review and approval by Planning Department Preservation Staff. Since many of the historic light fixtures are damaged and/or missing, new light fixtures will need to be recreated and/or reinstalled. The Project Sponsor shall develop a lighting plan, which accommodates for historically-accurate lighting. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Architectural Addendum, the Project Sponsor shall submit detailed specifications for repair, maintenance, restoration and reconstruction of the character-defining features for review and approval by Planning Department Preservation Staff. The detailed specifications shall clearly identify the proposed treatments and methods for repair, restoration and reconstruction. Due to the current state and condition of the interior, many of the project's character-defining features require special treatment. To ensure that the outlined treatment is consistent with national, state and local guidelines, Planning Department Preservation Staff shall review and approval the specifications for the proposed project. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.
- As part of the Architectural Addendum, the Project Sponsor shall provide additional information on the mechanical, electrical and plumbing upgrades, as well as the new fire suppression systems. These new upgrades shall be designed to be minimally invasive and to avoid removal of original plaster ornamentation or other character-defining features, as determined by Planning Department Preservation Staff, in consultation with a qualified historic resource consultant with demonstrated experience in theater rehabilitation. The Department shall only review these documents for landmarks purposes only. Planning Department Preservation Staff shall apply a reasonable standard in reviewing this condition of approval, and shall complete their review in a timely manner and communicate determinations within a reasonable period of time.

## **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 Landmark No. 245 as described in Article 10 of the Planning Code.

- That the exterior alterations would preserve the exterior character-defining elements, and would rehabilitate and restore deteriorated features, including the neon lighting, pylon sign, and marquee.

- That interior alterations to character-defining features would respect the overall historic character of the theater and be appropriately retained, repaired, restored and/or reconstructed according to national, state and local guidelines.
- That reconstructed features, including the scalloped balcony edge and plaster trim/ornamentation in the vestibule, promenade lobby and main auditorium, are based upon documentary evidence or historic photographs.
- That the subdivision of the main auditorium, lower balcony and upper balcony from one theater into five theaters appropriately maintains the historic character of the interior, and provides for minimal impact upon important interior character-defining features.
- That new interior elements are compatible and sensitive to the historic character and architectural design of the historic theater, as identified within the landmark designation ordinance.
- That the essential form and integrity of the landmark and its environment would be unimpaired if the alterations were removed at a future date.
- That the proposal respects the character-defining features of Landmark No. 245.
- The proposed project meets the requirements of Article 10.
- The proposed project meets the *Secretary of the Interior's Standards for Rehabilitation*, including:

***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 5.***

*Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.*

***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 shall 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 Landmark No. 245 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 theater rehabilitation project will not have any impact on any existing neighborhood serving retail uses. Currently, the theater is vacant and does not possess any retail use.*

- 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 theater rehabilitation project will strengthen neighborhood character by respecting the character-defining features of Landmark No. 245 in conformance with the Secretary of the Interior's Standards for Rehabilitation.*

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

*The theater rehabilitation project will have no impact to housing supply.*

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

*The theater rehabilitation project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The theater rehabilitation project does not include any parking, and the surrounding area is well-served by public transportation.*

- 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 theater rehabilitation project will enhance the area's service sector jobs by providing for new employment opportunities with the new theater. The theater will draw new visitors to the neighborhood, who may frequent nearby restaurants, bars and other businesses.*

- 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 unaffected by the proposed work. The theater rehabilitation project includes a seismic upgrade, which will be executed in compliance with all applicable construction and safety measures.*

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

*The theater rehabilitation project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards for Rehabilitation.*

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

*The theater rehabilitation project will not impact the access to sunlight or vistas for 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 WITH CONDITIONS a Certificate of Appropriateness** for the property located at Lot 007 in Assessor's Block 3616 for proposed work in conformance with the project information dated December 11, 2012, labeled Exhibit A on file in the docket for Case No. 2006.0494A.

**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, such 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 December 19, 2012.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Damkroger, Hasz, Johns, Matsuda and Wolfram

NAYS:

ABSENT: Chase (Recused) and Martinez

ADOPTED: December 19, 2012