



SAN FRANCISCO PLANNING DEPARTMENT

Revised Certificate of Appropriateness Case Report

HEARING DATE: JULY 18, 2012
CONTINUED FROM: APRIL 4, 2012 & JUNE 6, 2012

Filing Date: March 13, 2012
Case No.: **2011.0420A**
Project Address: **VETERANS BUILDING, 401 VAN NESS AVENUE**
Historic Landmark: Landmark No. 84; Civic Center Historic District
Zoning: P (Public) Zoning District
OS/96-X Height and Bulk District
Block/Lot: 0786A/001
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PROPERTY DESCRIPTION

The **VETERANS BUILDING** at **401 VAN NESS AVENUE** is located on a large rectangular parcel at the southwest corner of McAllister Street and Van Ness Avenue (Assessor's Block 0786A Lot 001). Constructed in 1932, the Veterans Building is a four-story, steel-frame and reinforced concrete civic theater and office building designed in a Beaux-Arts architectural style by architects Brown and Bakewell. The Veterans Building, along with the nearly identical San Francisco Opera House and the adjacent Memorial Court, constitute the War Memorial Complex. The Veterans Building features a granite base and steps, terra cotta cladding, terra cotta ornamentation, steel-sash windows, and a leaded copper mansard roof. The Veterans Building contains 230,000 sq ft, and possesses a variety of uses, including a theater (Herbst Theater), reception space (Green Room), meeting space and offices for various veterans organizations (American Legion Post, War Memorial Trust beneficiaries, and other veterans groups), meeting space and offices for various city agencies, art galleries, and a law library (fourth floor). The Veterans Building is Landmark No. 84, and is designated as "contributory" to the Civic Center Historic District, which is listed in Article 10 of the San Francisco Planning Code.

PROJECT DESCRIPTION

The War Memorial Board of Trustees (Project Sponsor) proposes to rehabilitate, refurbish, and seismically upgrade the Veterans Building. As noted in designating ordinance for the landmark and the surrounding historic district, this Certificate of Appropriateness authorizes the Historic Preservation

Commission to review and approve alterations on the exterior. In detail, the exterior would be rehabilitated as follows:

- Cleaning: Cleaning of exterior façade; removal of staining on granite architectural features caused by ferrous and cuprous metals.
- Window Rehabilitation: Rehabilitation of the existing steel-sash windows, including replacement of broken or missing glazing.
- Terra Cotta Repair/Replacement: Repair of the existing terra cotta cladding and features (balustrades, friezes, and balconies), where spalling, cracking and de-bonding is evident. If necessary, replacement terra cotta units shall be manufactured to match the historic terra cotta finish.
- Roof Replacement: Replacement of the existing membrane roof with a new roof membrane, and replacement of the existing lead-coated copper roof panels with new zinc panels.
- Infill Roof Lightwell: Infill of a roof lightwell adjacent to the main skylight through construction of a new steel-frame, new concrete roof slab and new built-up roof.
- Skylight Replacement: Replacement of the existing steel-sash skylights, which are heavily deteriorated, with new aluminum-sash skylights to match. New skylight profiles will match the size and width of historic profiles.
- New Rooftop Equipment: Installation of new energy-efficient rooftop mechanical equipment, in support of the facility modernization/upgrade.

The seismic upgrade and interior alterations do not require Certificate of Appropriateness approval; however, the Historic Preservation Commission will review and forward comments to the War Memorial Board of Trustees for consideration (See Case No. 2011.0420U). In detail, the interior would be rehabilitated as follows:

- Interior Remodeling/Reorganization:
 - *First Floor*: Construction of a museum/gallery for the San Francisco Arts Commission, as well as a new ticket sales center for the theater and a public café; Refurbishment of the Green Room, including restoration of historic finishes, parquet floor, and chandeliers; Upgrade of Herbst Theater, including refurbishment of the stage-level accessible dressing rooms, stage rigging, and controls; Construction of support space for the Herbst Theater, which will include removal of the non-historic seating in the theater, construction of new stage-level accessible dressing rooms, rehearsal and warm up areas, and equipment storage. The public corridor on the west side will be enclosed to accommodate support space for the theater.
 - *Second Floor*: Reconfigure the office and meeting space allocated to the San Francisco Posts of the American Legion, including removal of some interior historic finishes and installation of modern finishes. The majority of the interior historic finishes within the original meeting rooms will be retained, though the elevated platforms will be removed in some of the rooms.

- *Third Floor:* Relocation of the War Memorial Department to this floor level, and new offices for the Art Commission.
- *Fourth Floor:* Reconfigure the fourth floor to accommodate the San Francisco Opera (rehearsal, production and office space), and construction of a new 300-seat rehearsal/event space and gallery.
- *New Restrooms:* Construction of new restrooms on all four floors and basement level.
- Seismic Upgrade:
 - Addition of concrete shear walls at various locations throughout the building, including the public corridor walls surrounding the Herbst Theatre and at the four main stair wells;
 - Strengthening of the existing concrete stage walls by epoxy injecting cracks and increasing wall thickness by reinforced concrete;
 - Strengthening of existing perimeter walls in northeast and southeast corners of the building by increasing wall thickness with reinforced concrete;
 - Strengthening of diaphragm collectors at all floor levels by adding new steel members;
 - Strengthening of third and fourth floor diaphragm by addition of bracing members;
 - Strengthening of roof diaphragm by addition of bracing members on all four sides of the building and reinforced concrete at local areas;
 - Addition of lateral bracing to the existing plaster ceilings at the Herbst Theatre, the Main Lobby, the main corridors and the Fourth floor;
 - Addition of bracing to hollow clay tile walls;
 - Provision of adequate support of the stone veneer at Herbst Theatre; and
 - Crack repair of walls, floors and the roof through epoxy injection.
- Mechanical, Electrical and Plumbing Upgrades:
 - Upgrades to mechanical (heating, ventilation, air conditioning, fire protection, domestic and drinking water, and computerized building management), electrical (including emergency power supply), and telecommunication cabling systems; and
 - Replacement of two main passenger elevations and renovation of a freight elevator
- Infrastructure: Replacement of attic catwalks and service platform.
- ADA Upgrades: Various improvements to meet Americans with Disabilities Act (ADA) compliance, including clarification of path of travel, new drinking fountains and accessible restrooms.
- Hazardous Materials Abatement: Asbestos and lead abatement, where necessary.

OTHER ACTIONS REQUIRED

Proposed work requires a Building Permit.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project is in compliance with all other provisions of the Planning Code.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 10

Pursuant to Section 1006.2 of the Planning Code, unless exempt from the Certificate of Appropriateness requirements or delegated to Planning Department Preservation staff through the Administrative Certificate Appropriateness process, the Historic Preservation Commission is required to review any applications for the construction, alteration, removal, or demolition of any designated Landmark for which a City permit is required. Section 1006.6 states that in evaluating a request for a Certificate of Appropriateness for an individual landmark or a contributing building within a historic district, the Historic Preservation Commission must find that the proposed work is in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, as well as the designating Ordinance and any applicable guidelines, local interpretations, bulletins, related appendices, or other policies.

THE SECRETARY OF THE INTERIOR'S STANDARDS

Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Rehabilitation Standards provide, in relevant part(s):

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.

The proposed project would retain the subject property's use as a theater and office, and would maintain the area's civic character. The new uses, including the café and event space, will require minimal changes to the character-defining features of the interior, and will not impact any historic fabric.

Therefore, the proposed project complies with Rehabilitation Standard 1.

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.

In general, the proposed project maintains the historic character of the Veterans Building and the surrounding Civic Center Historic District, since many of the alterations are planned for the interior of the Veterans Building and since exterior work is limited to preservation, rehabilitation, and restoration of existing features, such as the steel-sash windows, skylights, and terra cotta.

The exterior work will not remove historic materials that characterize the property and district. The exterior work will replace some historic features, including the historic skylights and lead-coated copper roof panels, but the replacement features will be a compatible substitute material and will match in design, color, shape, and profile. Within the interior, the proposed project would largely avoid removal of historic materials, as evidenced by the extensive plan to repair, rehabilitate, and reinstall many of the existing interior features, such as the electrical switches and faceplates, doors and hardware, and light fixtures. The project would impact the configuration of the west end of the first floor corridor, which would be altered to accommodate a larger dressing room and other support spaces for the Herbst Theater. The corridor would be altered in such a manner to be easily reversible, and to maintain a semblance of the building's original layout and finishes.

Therefore, the proposed project complies with Rehabilitation Standard 2.

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 architectural elements from other buildings, shall not be undertaken.

The proposed project does not involve conjectural alterations to the subject property. In general, all restoration is based upon historic documentation or retained historic features, such as the restoration of the historic light fixtures in the Main Lobby of the Veterans Building.

Therefore, the proposed project complies with Rehabilitation Standard 3.

Standard 4: Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The Veterans Building has undergone some alterations, primarily within the interior, since it was constructed in 1932; however, none of the alterations have acquired significance in their own right. In the Herbst Theater, the removal of the non-historic side mezzanine seating does not constitute an alteration that has acquired significance in its own right. These seats were a later alteration to the property constructed in 1978, which is outside the period of significance. Consequently, the proposed project does not involve alterations to the Veterans Building or Civic Center Historic District, which have acquired significance in their own right.

Therefore, the proposed project complies with Rehabilitation Standard 4.

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

The proposed project would preserve all distinctive materials, features, finishes or construction techniques that characterize the subject property, including the historic interior finishes found within the Herbst Theater, Main Lobby, and first floor corridors. As part of the seismic upgrade, the proposed project would strengthen the existing corridor walls on each of the floors either with

concrete shear walls or with hollow clay tile bracing. To accommodate this seismic scheme, the proposed project would remove, catalog, clean and reinstall all significant interior features finishes found on each of the floors, including historic wainscots, base molding, wood office partitions, drinking fountains, telephone closets, doors, etc. For any historic plaster impacted by the seismic scheme, new plaster would be designed to match. In general, removal or impact to significant ornamental features would be avoided by the proposed project. Similarly, gilded features would be re-gilded in-kind to match the original color and luster. To ensure compliance with Standard 5, the project sponsor is working with a qualified professional with experience in historic architecture, who will monitor the preservation and treatment of distinctive features, finishes, construction techniques and fine craftsmanship.

Therefore, the proposed project complies with Rehabilitation Standard 5.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacements of a distinctive feature, the new feature will match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The proposed project adopts an ethic of repair over replace, and includes repairing exterior features and many of the historic interior features and finishes, including historic trim, doors and hardware, and light fixtures. Since the original architectural drawings and specifications drafted by architect Arthur Brown Jr. in 1932 are available, any restoration work would be guided by appropriate historic documentation. On the exterior, the majority of the deteriorated features, including the steel-sash windows and terra cotta cladding, will be repaired. The proposed project will replace the deteriorated historic steel-frame skylights with new aluminum-sash skylights. These new skylights will match the sash profile, design and configuration of the historic skylights. Similarly, the proposed project will replace the existing historic leaded copper roof panels with new zinc roof panels, which will closely match the design, color and finish of the historic roof panels.

Therefore, the proposed project complies with Rehabilitation Standard 6.

Standard 7: Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The proposed project includes an extensive cleaning program, which would clean the granite, terra cotta, and bronze elements. For the terra cotta and granite elements, the project specifications identify a chemical treatment (primarily ProSoCo products or mild detergent), mock-up program and call for pressure washing. This cleaning program is sensitive to the historic materials and would not cause damage. For the bronze elements, the project specifications call for use of water, non-ionic detergent, mineral spirits or a mild cleaning solution—all of which would not cause damage to historic materials.

Therefore, the proposed project complies with Rehabilitation Standard 7.

Standard 8: Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures will be undertaken.

Based upon provided information, the proposed project would involve minimal ground disturbance limited to the superficial re-grading for the sidewalk and the re-paving of the driveway; therefore, no archaeological resources would be impacted.

Therefore, the proposed project complies with Rehabilitation Standard 8.

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.

The proposed project does not involve any new additions. Rather, the proposed project is focused upon the preservation, rehabilitation, and restoration of the Veterans Building through exterior and interior alterations, and a seismic upgrade. The exterior alterations will not destroy any historic materials, features or spatial relationships, and all work on the exterior is in keeping with the Secretary's Standards. The exterior alterations on the roof, including the infill of the roof lightwell adjacent to the main skylight, would not impact any historic materials, nor is this space considered character-defining to the property. Within the interior, the proposed project would impact the west end of the first floor corridor due to the expansion of the Herbst Theater dressing rooms, and the fourth floor law library, which would be converted into an event/auditorium space. In general, these two alterations would be in keeping with the building's historic character, and would maintain the historic finishes and features.

Therefore, the proposed project complies with Rehabilitation Standard 9.

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.

The proposed project includes a seismic upgrade, which is not typically considered a reversible feature. However, this seismic upgrade would be undertaken in a manner that respects the building's historic character and maintains significant interior features. The seismic upgrade would ensure the longevity of the existing building and would address life safety requirements. Other aspects of the project, including enclosing a portion of the first floor public corridor for the new Herbst Theater support spaces, would maintain and preserve the building's historic fabric, and would maintain the essential form and integrity of the subject property and the surrounding

historic district. Typically, these new interior alterations are reversible and respect the building's character-defining features. No new additions are planned for the subject property.

Therefore, the proposed project complies with Rehabilitation Standard 10.

Summary: The Department finds that the overall project is consistent with the *Secretary of the Interior Standards for Rehabilitation*.

PUBLIC/NEIGHBORHOOD INPUT

[To address Commission comments from the April 4, 2012 Historic Preservation Commission Hearing, the Department has included updated information and additional narrative in *italicized text*]

On April 11, 2012, the Planning Department met with community members, Jerome (Jerry) Sapiro and Paul Cox, to discuss the proposed project. During this meeting, Mr. Sapiro and Mr. Cox expressed three issues: 1) Ownership of the Veterans Building; 2) Public Notice for the Certificate of Appropriateness; and, 3) Requiring a Certificate of Appropriateness for interior alterations and seismic work. The Planning Department addressed these issues in the following manner: 1) the Historic Preservation Commission does not have jurisdiction over the ownership of the Veterans Building; 2) the Department conducted a second public notification of the Certificate of Appropriateness to ensure that all owners and occupants within 300 ft of the subject property were notified of the public hearing on June 6th, 2012; and, 3) In consultation with the City Attorney, the Department has been advised that a Certificate of Appropriateness is not required for interior alterations to the subject property, as outlined within the San Francisco Planning Code and the designating ordinance for the San Francisco War Memorial (Ordinance No. 480-76).

On May 29, 2012, the Planning Department received letters from the 8th District of the American Legion and the American Legion War Memorial Commission. These letters have been included in the Commissioner packets.

ISSUES & OTHER CONSIDERATIONS

Constructed in 1932 by architects Brown & Bakewell, the Veterans Building and the surrounding San Francisco Civic Center Historic District are significant under National Register Criterion A (Events) and Criterion C (Design/Construction) within the areas of architecture, community planning, politic/government and recreation for its association with Panama-Pacific International Exposition of 1915. Specifically, the San Francisco Civic Center is notable for: the founding of the United Nations; the drafting and signing of the post-WWII peace treaties with Japan; municipal reform movements; post-earthquake reconstruction; early public and city planning; high artistic values as associated with architecture; and one of the finest and most complete manifestations of the "City Beautiful" architectural movement. The period of significance for the district and the subject property ranges from 1913 to 1951.

The character-defining features of the Veterans Building include the features documented as "Very Significant," "Significant" and "Contributing" within the diagrams and matrices produced by Carey & Company within the Appendix of the Historic Structure Report for the Veterans Building (dated January 25, 2012). A copy of the Historic Structure Report is included on the CD provided with the Commissioner packets.

The Department has no issues with the proposed project. As detailed below, the Department does recommend additional conditions on certain elements of the design to ensure compatibility with the building's historic character (see below).

[To address Commission comments from the April 4, 2012 Historic Preservation Commission Hearing, the Department has included updated information and additional narrative in *italicized text*]

To address concerns with the original public notice, the Department conducted a second notice for the June 6th public hearing for the Veterans Building on April 27, 2012. This revised notice included all owners and occupants within 300 ft of the subject property, and was issued 40 days prior to the public hearing, more than the 20 day requirement. As part of this notification, new posters were also affixed to the subject property.

At the request of the HPC, the Department has provided a summary of the ownership of the War Memorial Veterans Building at 401 Van Ness Avenue, as provided by the Managing Director of the San Francisco War Memorial and Performing Arts Center:

“On August 19, 1921, the University of California Board of Regents (the “Regents”) and certain individuals named as private trustees entered into a trust agreement (the “Trust”) for the construction and maintenance of a San Francisco War Memorial honoring the memory of the soldiers, sailors, marines, and war workers who had contributed to winning World War I. The War Memorial was to consist of a memorial court enclosed by a building or group of buildings. The buildings were to house three named beneficiaries of the Trust, the San Francisco Musical Association and Symphony Orchestra (the “Symphony”), the San Francisco Posts of the American Legion collectively (the “Posts”) and the San Francisco Art Association, now the San Francisco Museum of Modern Art, (the “Museum”).

The private trustees purchased the site bounded by Hayes, Franklin, and Grove Streets and Van Ness Avenue for the proposed San Francisco War Memorial. In 1922, it was decided that the lot purchased by the private trustees was too small for the proposed project. In early 1923, the private trustees proposed to the City and County of San Francisco that the San Francisco War Memorial be erected on the Civic Center site bounded by Grove, Franklin and McAllister Streets and Van Ness Avenue, and asked the City to join forces with them to purchase the necessary land. The City agreed, and the new site was acquired, certain lots purchased by the City and certain lots purchased by the private trustees.

By 1926, it was concluded that privately subscribed funds for the new San Francisco War Memorial were inadequate, and the City's Board of Supervisors agreed to submit a \$4 million bond issue to the voters for construction of the War Memorial.

On June 14, 1927, San Francisco voters approved a bond issue to complete the War Memorial project, and on November 6, 1928, the voters approved a Charter Amendment creating a City War Memorial Board of Trustees.

On November 10, 1930, the San Francisco Board of Supervisors adopted Resolution No. 33407 (New Series), accepting the offer of the Regents and private trustees to convey to the City all of the privately subscribed funds and other assets and property held under the 1921 Trust Agreement subject to the terms and conditions of the Trust.

Construction of the War Memorial, consisting of the War Memorial Opera House, the War Memorial Veterans Building and the connecting Memorial Court, was completed in 1932.

The City's War Memorial Board of Trustees is entrusted with managing the San Francisco War Memorial. The Board of Trustees is empowered to allocate space among the beneficiaries of the Trust, consistent with the terms of the Trust. In making decisions regarding the Trust property, the Board of Trustees considers the needs of the beneficiaries and beneficial uses of the Trust property. The Trust further provides that parts or portions of the building(s) not necessary to be used for the beneficiaries may be used by the Board of Trustees for any charitable or patriotic purposes the Board may determine.

Each of the three named beneficiaries of the Trust has certain rights to occupy portions of the War Memorial buildings. These rights are subject to certain conditions set forth in the Trust Agreement.

In anticipation of a major seismic retrofit and renovation of the Veterans Building, in 2000, the War Memorial Board of Trustees requested advice and guidance from the City Attorney in its determinations regarding the allocation of space to the beneficiary occupants of the Veterans Building, the Posts and the Museum. In making its post-renovation space allocation determinations for the Veterans Building, the War Memorial has followed the advice and guidance of the City Attorney.

Attachments:

- 1. Board of Supervisors Resolution No. 33407 (New Series), accepting the offer of the Regents and private trustees to convey to the City all of the privately subscribed funds and other assets and property held under the 1921 Trust Agreement subject to the terms and conditions of the Trust.*
- 2. Preliminary Title Report prepared by Chicago Title Company, May 24, 2011, for property address: 301 & 401 Van Ness Avenue, San Francisco, California."*

The Department has included the aforementioned attachments in the Commissioner packets.

STAFF ANALYSIS

Included as an exhibit are architectural drawings (plans, elevations and sections) of the existing building and the proposed project, as well as structural drawings of the proposed seismic upgrade. Based on the requirements of Article 10 and the *Secretary of Interior's Standards*, staff has determined the following:

Exterior Alterations: The proposed project includes a number of exterior alterations including: a cleaning program; steel-sash window rehabilitation; a terra cotta repair/replacement program; skylight replacement; roof replacement; infill of a roof lightwell; and installation of new rooftop. As noted above, these alterations are consistent with the *Secretary of the Interior's Standards for Rehabilitation*, and do not damage or destroy the exterior architectural features of the landmark property, nor do these alterations affect the overall character of the surrounding historic district.

In general, this work will clean, repair or restore the character-defining elements of the exterior, and will preserve and rehabilitate deteriorated features of the landmark. As noted in Carey & Company's Historic Structure Report (HSR; dated January 25, 2012), the Project Specifications (Spec; dated February 3, 2012) and the 50% Schematic Design Architectural Drawings, the Project Sponsor has outlined a program for cleaning, repairing, and restoring exterior architectural features and materials, which is organized and detailed as follows:

- RoofHSR, Page 49-55;
Spec, Section 07 61 00-Zinc Roofing and Coping
- SkylightsHSR, Page 55-58;
Spec, Section 08 63 00-Metal-Framed Skylights
- Terra Cotta.....HSR, Page 60-64;
50% Schematic Arch. Drawings, Sheet B805
Spec, Section 04 21 17-Terra Cotta Restoration;
Spec, Section 04 21 50-Terra Cotta Replacement
- Windows.....HSR, Page 64-67;
Spec, Section 08 51 00-Metal Window Rehabilitation
- Below Grade Spaces and FoundationsHSR, Page 72-75

Additional information on the Project Sponsor's exterior proposal is detailed in the architectural drawings as follows:

- General Info..... Sheet G004; H000
- Damage & Repair Documentation (Plans)..... Sheets H201 thru H244
- Damage & Repair Documentation (Int. Elevations)..... Sheets H300 thru H356
- Site Plan Sheet A101
- Basement Plan thru Roof Plan..... Sheets A200 thru A206
- Roof Plan (Repair) Sheet B106
- Exterior Elevations (East and South) Sheet B201
- Exterior Elevations (North and West) Sheet B202
- Skylight Details..... Sheet B803

As noted in Article 10, Appendix J, Section 9:

(b) For applications pertaining to sites, buildings, structures and objects in the Civic Center Historic District, any alteration, construction, relocation or demolition, shall comply with the standards contained in Section 1017(c), and shall (1) be compatible with respect to height, massing, fenestration, materials, color, texture, detail, style, scale and proportion, signage, landscaping and street furniture which may define the character of the historic district as described in Section 5 of this designating ordinance and in the Civic Center Urban Design Guidelines adopted by the City Planning Commission; and (2) preserve, enhance or restore, and not damage or destroy, the exterior architectural appearance of the subject site, building, structure and object which is compatible with the character of the Historic District.

(d) Treatment of Stone Surfaces. Numerous structures in the Historic District exhibit stone, terra cotta, or brick exterior surfacing. Proposed treatment of said masonry surfaces with any acid wash, sandblasting, high pressure wash or other abrasive methods is discouraged as such abrasive treatments can severely damage historic masonry surfaces.

As noted above, the exterior alterations would preserve, repair and restore character-defining exterior materials, including the terra cotta cladding and the steel-sash windows, and would correct material deficiencies with existing historic fabric by replacing the lead-coated copper roof panels and the steel-frame skylights with compatible substitute materials. These alterations would be consistent with Article 10, Appendix J, Section 9(b) and (d) in the following manner:

- Cleaning: The project specifications for the cleaning of the terra cotta and granite call for a cleaning mock-up to determine the appropriate product, dwell times and pressures. In addition, bronze elements would be cleaned in place and polished. (See Spec 04 01 25-Masonry Cleaning; Spec 05 01 71-Bronze Maintenance)

Staff Analysis: Staff has determined that this scope for work is appropriate. This treatment would not damage historic materials on the exterior. No abrasive treatments, such as acid washing, sandblasting or high pressure washing, would occur as part of the project.

- Window Rehabilitation: The project drawings and specifications call for the rehabilitation of the existing steel-sash windows, which will be repaired and repainted. Work will include: removal of cracked, broken or non-matching glazing, removal of loose paint and corrosion from windows and frames, application of new protective paint coating and sealant, insertion of new glazing (to match original glazing) and glazing compound, and restoration of window operability. (See Spec 08 51 00-Metal Window Rehabilitation; Architectural Drawings, Sheet B804)

Staff Analysis: Staff has determined that this scope for work is appropriate and will assist in repairing the existing deteriorated window frames and sashes. Further, this treatment would not damage the historic materials on the exterior and would assist in preserving a character-defining feature of the building and surrounding historic district. To ensure that work is performed according to the project specifications, staff has provided a

condition of approval for additional information on the windows and a window mock-up (see below).

- Terra Cotta Repair/Replacement: The project drawings and specifications call for the repair of the existing terra cotta cladding and features (balustrades, friezes, and balconies), where spalling, cracking and de-bonding is evident. If necessary, replacement terra cotta units shall be manufactured to match the historic terra cotta finish. For the terra cotta repair/restoration, work will include: removal of biological growth, securing loose, displaced or cracked terra cotta units, routing and pointing cracks, removal of non-used metal inserts, removal of all loose bisque spalls, removal of non-matching patches and coat repairs, and re-coating non-color-matched patches. For the terra cotta replacement, new terra cotta units would be fabricated based upon the existing terra cotta units. The new terra cotta would be designed to match in exposed color, pattern, texture, shape, size and profile. (See Spec 03 93 00-Concrete Rehabilitation; Spec 04 06 00-Masonry Mortar; Spec 04 10 27-Repointing; Spec 04 21 17-Terra Cotta Restoration; Section 04 21 50-Terra Cotta Replacement; See Architectural Drawings, Sheet B201, B202, B805 and B806)

Staff Analysis: Staff has determined that this scope for work is appropriate and will assist in repairing the existing terra cotta units. This treatment would also appropriately replace severely deteriorated terra units with new, compatible terra cotta units that would match in design, profile, colors, and shape. This treatment would assist in preserving a character-defining feature of the building and surrounding historic district. To ensure that work is performed according to the project specifications, staff has provided a condition of approval for a terra cotta mock-up (see below).

- Roof Replacement: The proposed project would the replace the existing membrane roof with a new roof membrane, and would replace the existing lead-coated copper roof panels with new zinc panels. Included within this work is replacement of the steep slope metal roof, the gutter linings, and the copings and flashings at the parapet, water table and cornices. The project specifications identify terne-coated copper as an alternate to zinc. (See Spec 07 52 16-Styrene-Butadiene-Styrene (SBS) Modified Bituminous Membrane Roofing; Spec 07 61 00 Zinc Roofing and Copings; Architectural Drawings, Sheet B106)

Staff Analysis: Staff has determined that this scope for work is appropriate and will assist in repairing the deteriorated elements of the metal roof. The replacement of the copper roof for a zinc roof is considered an acceptable substitute material, as supported by the National Park Service in Preservation Brief No. 4 – Roofing for Historic Buildings and Preservation Brief No. 16 – The Use of Substitute Materials on Historic Building Exteriors. Further, the replacement zinc roof would match the existing historic copper roof in design, form, surface, texture, and color. This aspect of the project would preserve an important visual characteristic of the building and surrounding historic district.

- Infill Roof Lightwell: The proposed project would infill a roof lightwell, adjacent to the main skylight, with a new steel-frame, new concrete roof slab and new built-up roof. This roof infill would be in support of the reconfiguration/reorganization of the Herbst Theater ancillary spaces. (See Architectural Drawings, Sheet A400)

Staff Analysis: Staff has determined that this scope for work appears appropriate, is not visible from any public right of way, and will not impact any character-defining features on the building's exterior.

- Skylight Replacement: The proposed project would replace the existing steel-sash skylights, which are heavily deteriorated, with new aluminum-sash skylights. These new skylights would match the historic skylights in design, profile, size and scale. Specifically, terne-coated copper custom caps and zinc paneling would be applied over the aluminum skylight frames, in order to maintain the visual appearance of the historic skylights. (See Spec 08 63 00-Metal-Framed Skylights; Architectural Drawings, Sheet B106, B803)

Staff Analysis: Staff has determined that this scope for work is appropriate and will replace a deteriorated feature of the landmark property. The existing skylights are currently deteriorated, and the new skylights will assist in correcting material deficiencies caused by age and weather. The replacement of skylights is acceptable, since the new skylights will match the design, form, surface, texture, and color of the historic skylights. This aspect of the project would preserve an important visual characteristic of the building and surrounding historic district.

- New Rooftop Equipment: The proposed project calls for the installation of new energy-efficient rooftop mechanical equipment, in support of the facility modernization/upgrade. (See Architectural Drawings, Sheet A206, B106)

Staff Analysis: Staff has determined that this scope for work appears appropriate, is not visible from any public right of way, and will not impact any character-defining features on the building's exterior.

CONDITIONS OF APPROVAL

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

1. As part of the Building Permit, the Project Sponsor shall provide a mock-up of the window rehabilitation for review and approval by Planning Department Preservation Staff. The Project Sponsor shall provide additional information on the window rehabilitation, including a detailed conditions assessment of each window, a window schedule, and appropriate plan details, as determined by staff.
2. As part of the Building Permit, the Project Sponsor shall provide a mock-up of the terra cotta repair and restoration for review and approval by Planning Department Preservation Staff. During or prior to the mock-up, the Project Sponsor shall provide glaze samples, which shall match the existing glaze of the historic terra cotta in shade and tone. This sample shall include an accurate range of colors to match the landmark building.

Based on the requirements of Article 10 and the *Secretary of Interior's Standards*, staff has determined that the proposed work will not negatively affect the subject building or surrounding eligible historic district.

ENVIRONMENTAL REVIEW STATUS

The Project received an exemption from the California Environmental Quality Act (“CEQA”) as a Class 1 and 31 Categorical Exemption (CEQA Guideline Section 15301(a) and (d), and Section 15331) because the project involves exterior and interior alterations to the existing building and meets the *Secretary of the Interior’s Standards for Rehabilitation*.

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends APPROVAL WITH CONDITIONS of the proposed project as it appears to meet the *Secretary of the Interior Standards for Rehabilitation* and requirements of Article 10.

ATTACHMENTS

- Draft Motion
- Exhibits, including Parcel Map, Sanborn Map, Zoning Map, Aerial Photos, and Site Photos
- Landmark Designation Ordinance
- Half-Size 50% Schematic Design Architectural Drawings by Department of Public Works-Bureau of Architecture (dated February 3, 2012; Includes General Info & Code; Demolition and Protection; Historic Preservation; Structural; and Building Envelope) [Included in the April 4, 2012 Commission Packets]
- San Francisco Opera Tenant Improvement, 4th Floor by Mark Cavagnero Associates (dated February 29, 2012) [Included in the April 4, 2012 Commission Packets]
- CD (with electronic files of: Certificate of Appropriateness Schematic Design Planning Review Presentation (dated April 4, 2012); 50% Schematic Design Architectural Drawings by Department of Public Works-Bureau of Architecture (dated February 3, 2012; includes Plumbing, Fire Protection, Electrical, Acoustic, Security, Telecom, AV, Theatrical and Vertical Transportation); Historic Structure Report by Carey & Co (dated January 25, 2012); Luminaire Documentation by Auerbach Glasgow and French (dated February 3, 2012); and Project Specifications by Department of Public Works, Building Design and Construction (Dated February 3, 2012) [Included in the April 4, 2012 Commission Packets]
- Letter from Mario Benfield, Commander, 8th District of the American Legion, Department of California (May 28, 2012)
- Letter from Nelson C. Lum, Chairman, American Legion War Memorial Commission (May 28, 2012)
- Letter from Nelson C. Lum, Chairman, American Legion War Memorial Commission (May 28, 2012)
- Board of Supervisor’s Resolution No. 33407 (New Series)
- Preliminary Title Report, 301 and 401 Van Ness Avenue (May 24, 2011)
- Letter from Nelson Lum, Chairman, American Legion War Memorial Commission (July 10, 2012)
- Letter from MajGen J. Michael Myatt, USMC (Ret) (July 11, 2012)

- CD (with electronic files of: 50% Schematic Design Architectural Drawings by Department of Public Works-Bureau of Architecture (dated February 3, 2012; includes Plumbing, Fire Protection, Electrical, Acoustic, Security, Telecom, AV, Theatrical and Vertical Transportation); and, Historic Structure Report by Carey & Co [*Included in the July 18, 2012 Commission Packets*]).

RS: G:\Documents\Certificate of Appropriateness\2011.0420A Veterans Building\CofA Case Report_401 Van Ness Ave.doc



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Motion

HEARING DATE: JULY 18, 2012
CONTINUED FROM: APRIL 4, 2012 & JUNE 6, 2012

Filing Date: March 13, 2012
Case No.: **2011.0420A**
Project Address: **VETERANS BUILDING, 401 VAN NESS AVENUE**
Historic Landmark: Landmark No. 84; Civic Center Historic District
Zoning: P (Public) Zoning District
OS/96-X Height and Bulk District
Block/Lot: 0786A/001
Applicant: Tara Lamont, DPW-Bureau of Architecture
30 Van Ness Avenue
San Francisco, CA 94102
Staff Contact Richard Sucre - (415) 575-9108
richard.sucre@sfgov.org
Reviewed By Timothy Frye - (415) 575-6822
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1650 Mission St.
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Information:
415.558.6377

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 001 IN ASSESSOR'S BLOCK 0786A, WITHIN THE P ZONING DISTRICT, CIVIC CENTER HISTORIC DISTRICT, AND OS/96-X HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, on March 13, 2012, Tara Lamont of the City and County of San Francisco Department of Public Works-Bureau of Architecture (Project Sponsor) on behalf of San Francisco War Memorial Board of Trustees (Property Owner) filed an application with the San Francisco Planning Department (Department) for a Certificate of Appropriateness for exterior alterations to the subject property located on Lot 001 in Assessor's Block 0786A.

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission (hereinafter "Commission") has reviewed and concurs with said determination.

WHEREAS, the Project was continued from the April 4, 2012 and June 6, 2012 Historic Preservation Commission Hearing.

WHEREAS, on July 18, 2012, the Commission conducted a duly noticed public hearing on the current project, Case No. 2011.0420A (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 with conditions a Certificate of Appropriateness, in conformance with the project information dated February 3, 2012 and labeled Exhibit A on file in the docket for Case No. 2011.0420A 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:

1. As part of the Building Permit, the Project Sponsor shall provide a mock-up of the window rehabilitation for review and approval by Planning Department Preservation Staff. The Project Sponsor shall provide additional information on the window rehabilitation, including a detailed conditions assessment of each window, a window schedule, and appropriate plan details, as determined by staff.
2. As part of the Building Permit, the Project Sponsor shall provide a mock-up of the terracotta repair and restoration for review and approval by Planning Department Preservation Staff. During or prior to the mock-up, the Project Sponsor shall provide glaze samples, which shall match the existing glaze of the historic terracotta in shade and tone. This sample shall include an accurate range of colors to match the landmark building.

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 Historic Preservation Commission has determined that the proposed work is compatible with the character of Landmark No. 84 and the Civic Center Historic District as described in Article 10 of the Planning Code.

- That the exterior alterations would clean, repair and restore the exterior character-defining elements, and would rehabilitate deteriorated features of the landmark property.

- That the exterior alterations would replace historic materials, including the leaded-copper roof and steel-frame skylights, with compatible substitute materials.
 - That the exterior alterations are compatible with the height, massing, fenestration, materials, color, texture, detail, style, scale and proportion of the surrounding Civic Center Historic District.
 - That the exterior alterations would preserve, enhance and restore the exterior architectural appearance of the landmark property in a manner that is compatible with the surrounding Civic Center Historic District.
 - That the treatment of the stone surfaces of the landmark property is appropriate and does not damage any historic masonry surfaces, which contribute to the surrounding Civic Center Historic District.
 - 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. 84.
 - That the proposal respects the character-defining features of the Civic Center Historic District
 - The proposed project meets the requirements of Article 10.
 - The proposed project meets all ten of the *Secretary of the Interior's Standards for Rehabilitation*.
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. 84 and the Civic Center Historic District 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 project will not have any impact on any existing neighborhood serving retail uses.

- 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 Landmark No. 84 and the Civic Center Historic District 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 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 proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- 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 have any impact on industrial and service sector jobs.

- 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. Any construction or alteration associated with the project will be executed in compliance with all applicable construction and safety measures.

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

The project as proposed 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 proposed 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 001 in Assessor's Block 0786A for proposed work in conformance with the project information dated February 3, 2012, labeled Exhibit A on file in the docket for Case No. 2011.0420A.

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 July 18, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 18, 2012

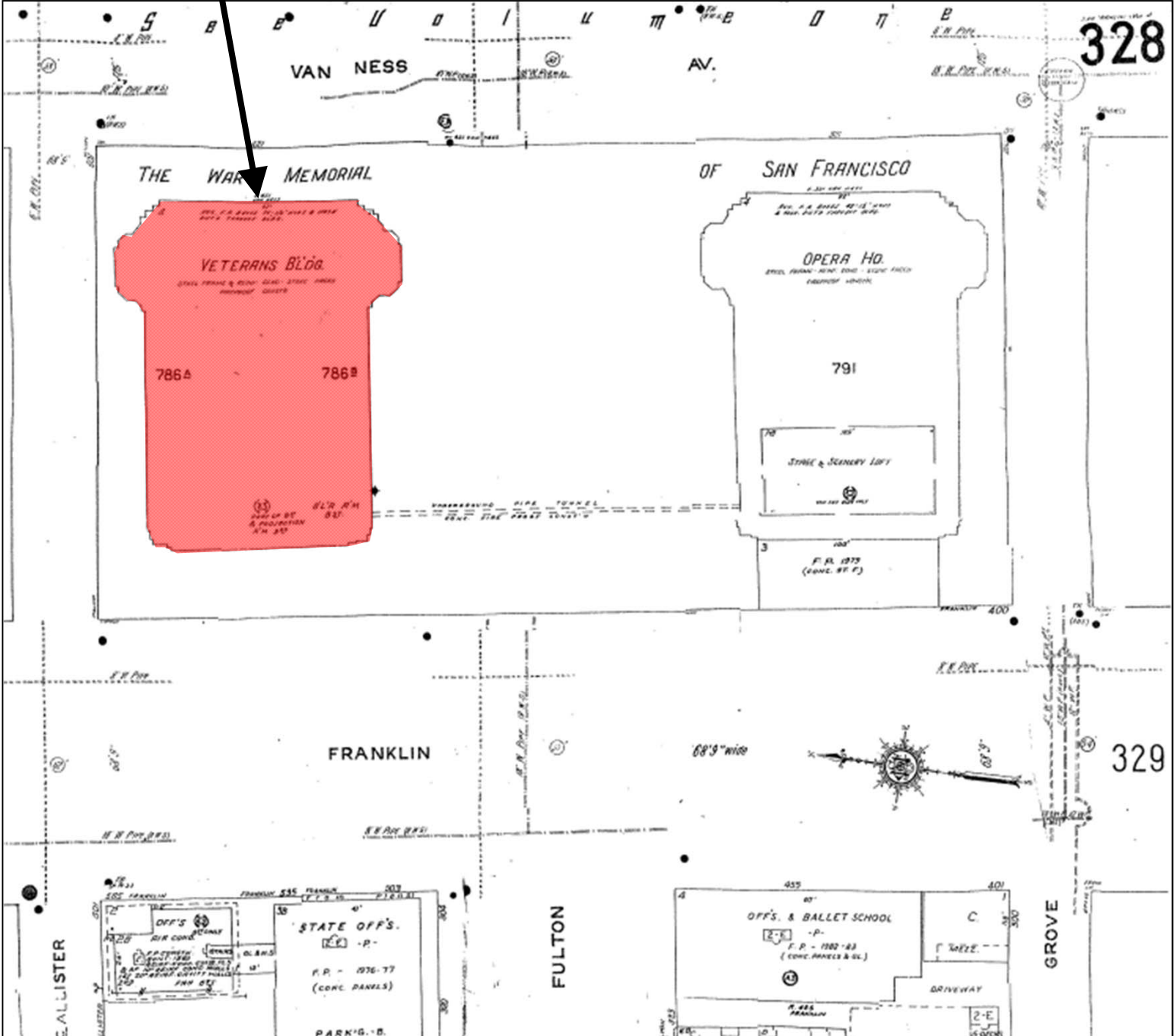
Parcel Map

SUBJECT PROPERTY



Sanborn Map*

SUBJECT PROPERTY

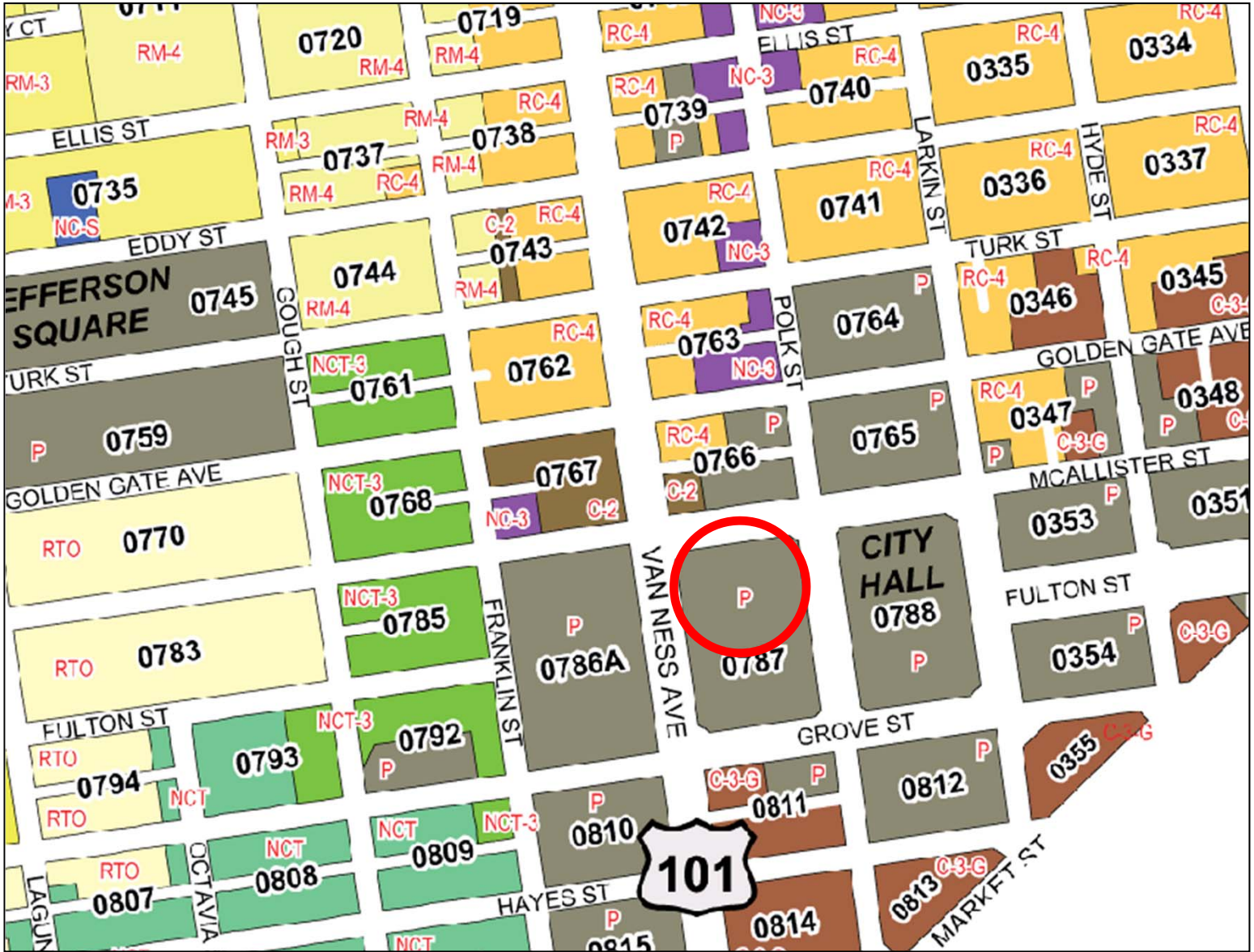


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



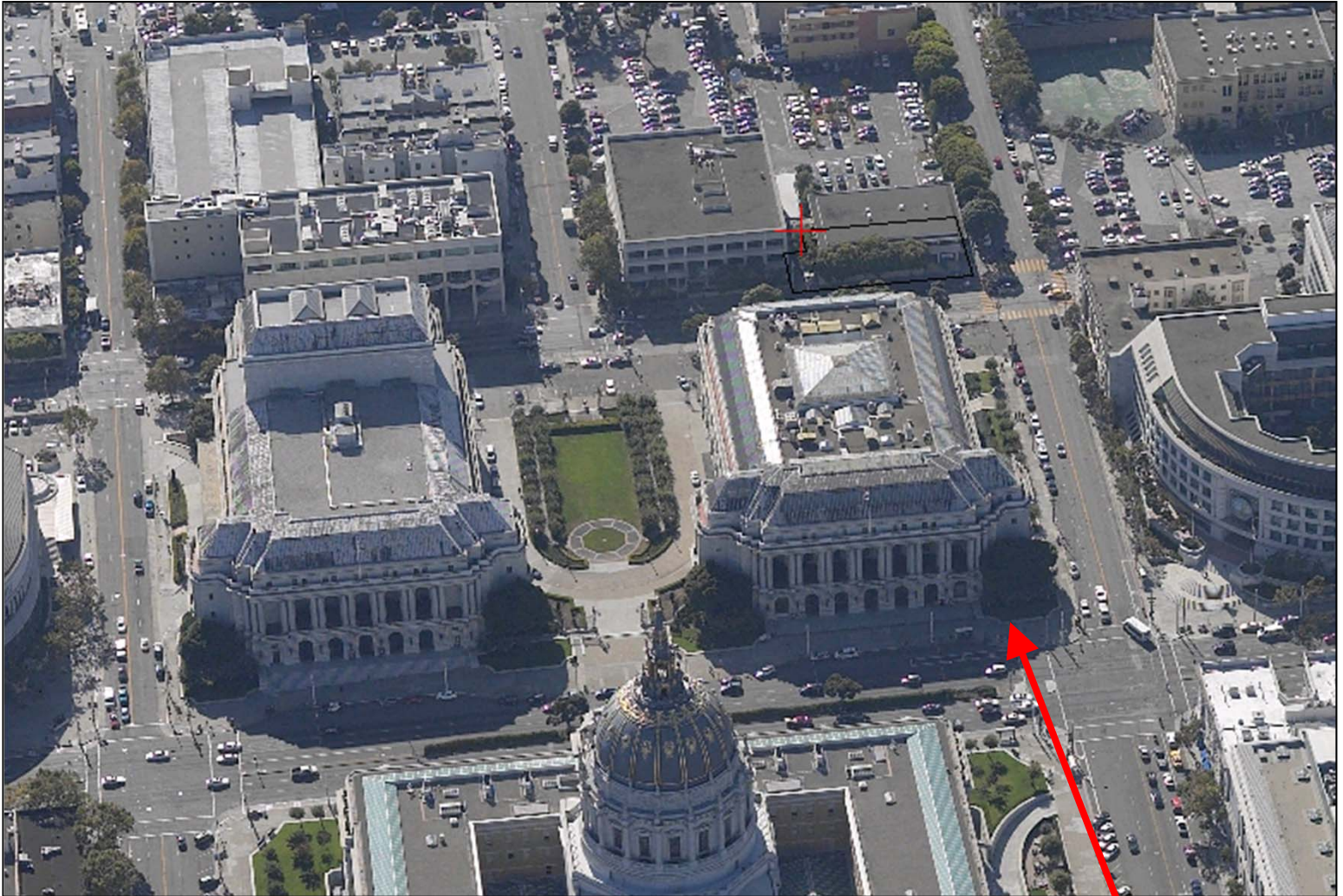
Certificate of Appropriateness Hearing
 Case Number 2011.0420AU
 Veterans Building, 401 Van Ness Avenue

Zoning Map



Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Aerial Photo

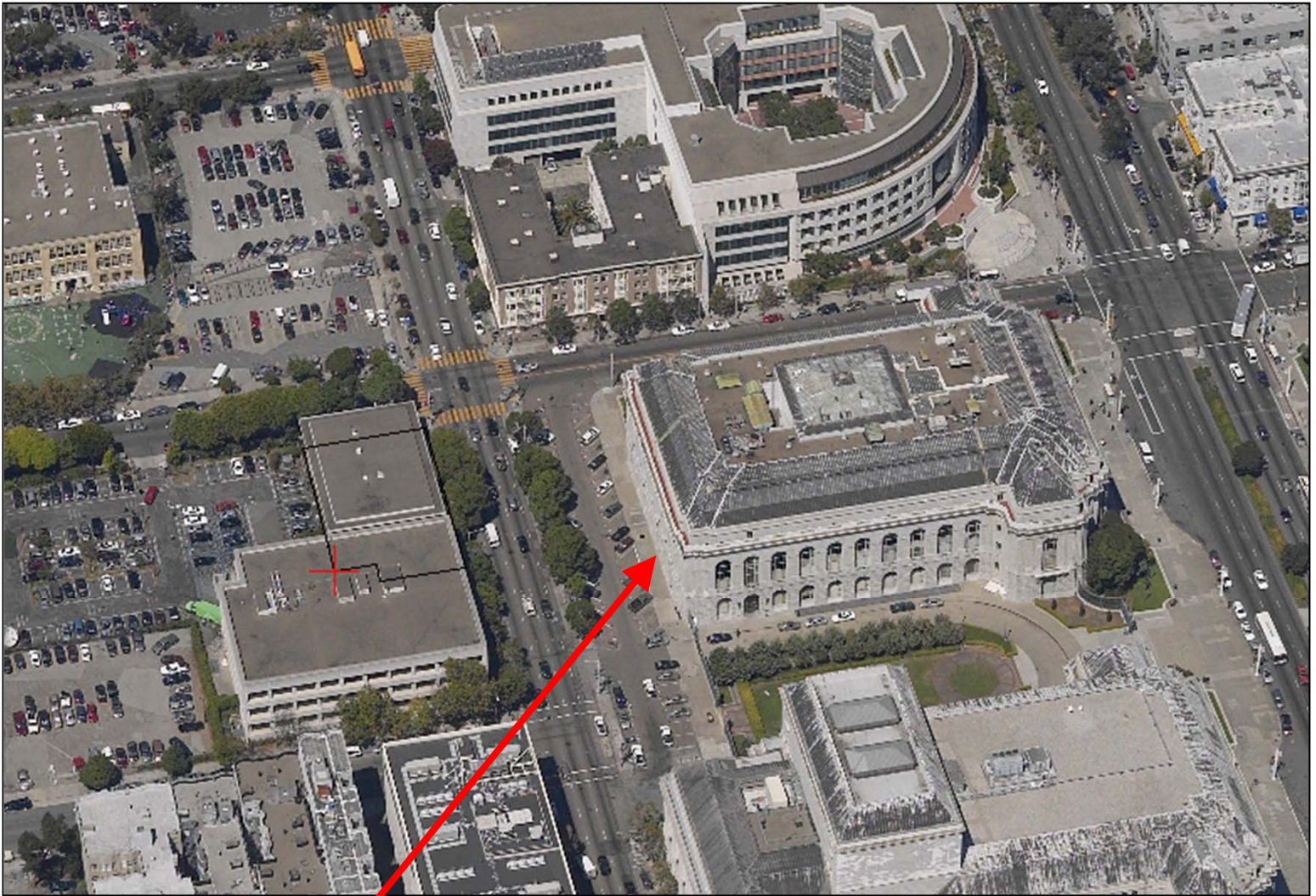


SUBJECT PROPERTY



Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Aerial Photo



SUBJECT PROPERTY



Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



View of Veterans Building along Van Ness Avenue

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



View of Veterans Building , North and West Facades

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



View of Veterans Building Roof

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



View of Veterans Building, Northwest Corner, Rust Staining

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Cracked Balustrade

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Glaze Spalling in Frieze

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Deteriorated Window Frame

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Deteriorated Leaded-Cooper Roof Panels

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Main Entry Lobby

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Historic Office Woodwork, 1st Floor

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, View of Green Room, 2nd Floor

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building , View of Veterans Meeting Room, 2nd Floor

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

Site Photo



Veterans Building, 4th Floor, View of Laylights

Certificate of Appropriateness Hearing
Case Number 2011.0420AU
Veterans Building, 401 Van Ness Avenue

1 DESIGNATING THE SAN FRANCISCO WAR MEMORIAL AS A LANDMARK PURSUANT TO
2 ARTICLE 10 OF THE CITY PLANNING CODE.

3
4 Be it ordained by the People of the City and County of San Francisco:

5 Section 1. The Board of Supervisors hereby finds that the San
6 Francisco War Memorial located on the block surrounded by Van Ness
7 Avenue, Grove, Franklin and McAllister Streets, being lot 1 in Asses-
8 sor's Block 786A, has a special character and special historical,
9 architectural and aesthetic interest and value, and that its designa-
10 tion as a landmark will be in furtherance of and in conformance with
11 the purposes of Article 10 of the City Planning Code.

12 (a) Designation. Pursuant to Section 1004 of the City Planning
13 Code, Chapter 11, Part II of the San Francisco Municipal Code, the San
14 Francisco War Memorial is hereby designated as a landmark, this desig-
15 nation having been duly approved by Resolution No. 7273 of the City
16 Planning Commission, which Resolution is on file with the Clerk of the
17 Board of Supervisors in File No. 90-74-17; provided that this desig-
18 nation shall in no way diminish the powers, rights and duties vested
19 in the Trustees of the San Francisco War Memorial pursuant to Section
20 1.610 of the Charter and Chapter 27 of the Administrative Code of the
21 City and County of San Francisco.

22 (b) Required Data. The location and boundaries of the landmark
23 site and the characteristics of the landmark which justify its designa-
24 tion, described and included in the said Resolution, are hereby
25 incorporated herein and made a part hereof as though fully set forth.

26 APPROVED AS TO FORM:

27 THOMAS H. O'CONNOR, City Attorney

28 By James V. [Signature]
29 Deputy City Attorney
30

RECOMMENDED:

CITY PLANNING COMMISSION

By [Signature]

BOARD OF SUPERVISORS

Passed for Second Reading
Board of Supervisors, San Francisco
NOV 22 1976

Ayes: Supervisors Barbagelata, Feinstein, Fran-
cois, Gonzales, Kopp, Mendicino, Molinari, Nel-
der, Pelosi, Tamara, von Beroldingen.

Noes: Supervisors

Absent: Supervisors KINDELSON, PELOSE

Read Second Time and Finally Passed
Board of Supervisors, San Francisco

NOV 20 1976

Ayes: Supervisors Barbagelata, Feinstein, Fran-
cois, Gonzales, Kopp, Mendicino, Molinari, Nel-
der, Pelosi, Tamara, von Beroldingen.

Noes: Supervisors

Absent: Supervisors KINDELSON, PELOSE, MOLINARI

I hereby certify that the foregoing ordinance was
finally passed by the Board of Supervisors of the
City and County of San Francisco.

[Signature] Clerk

90-74-17 DEC 10 1976
File No. Approved

[Signature] Mayor

SAN FRANCISCO

CITY PLANNING COMMISSION

RESOLUTION NO. 7273

WHEREAS, A proposal to designate the San Francisco War Memorial located on the block surrounded by Van Ness Avenue, Grove, Franklin, and McAllister Streets as a Landmark pursuant to the provisions of Article 10 of the City Planning Code was initiated by the Landmarks Preservation Advisory Board on October 23, 1974, and said Advisory Board, after due consideration, has recommended approval of this proposal; and

WHEREAS, The City Planning Commission, after due notice given, held a public hearing on December 5, 1974, to consider the proposed designation and the report of said Advisory Board; and

WHEREAS, The Commission believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of the said Article 10;

NOW THEREFORE BE IT RESOLVED, First, that the proposal to designate the San Francisco War Memorial located on the block surrounded by Van Ness Avenue, Grove, Franklin, and McAllister Streets as a Landmark pursuant to Article 10 of the City Planning Code is hereby APPROVED, the location and boundaries of the landmark site being as follows:

Beginning at a point on the westerly line of Van Ness Avenue at the intersection of the southerly line of McAllister Street, thence southerly along the westerly line of Van Ness Avenue for a distance of 618.75 feet, thence at a right angle westerly along the northerly line of Grove Street for a distance of 384.75 feet, thence at a right angle northerly along the easterly line of Franklin Street for a distance of 618.75 feet, thence at a right angle easterly along the southerly line of McAllister Street for a distance of 384.75 feet to the point of beginning; being Lot 1 in Assessor's Block 706A.

Second, That the special character and special historical, architectural, and aesthetic interest and value of the said Landmark justifying its designation are set forth in the Landmarks Preservation Advisory Board Resolution No. 117 as adopted on October 23, 1974, which resolution is incorporated herein and made a part hereof as though fully set forth;

Third, That the said Landmark should be preserved generally in all of its particular exterior features as existing on the date hereof and as described and depicted in the photographs, case report and other material on file in the Department of City Planning Docket LM74.12;

AND BE IT FURTHER RESOLVED, That the City Planning Commission recommends that the Board of Supervisors not authorize review of alterations to major interior public spaces;

AND BE IT FURTHER RESOLVED, That the City Planning Commission acknowledges the jurisdiction of the War Memorial Trustees as set forth in the City Charter and the Administrative Code.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of December 5, 1974.

Lynn E. Pio
Secretary

Ayes: Commissioners Elliott, Finn, Fleishhacker, Newman, Porter,
Ritchie, Rueda

Noes: None

Absent: None

Passed: December 5, 1974

OWNER: City and County of San Francisco

LOCATION: West side of Van Ness Avenue, between Grove and McAllister Streets; All of Assessor's Block 786A.

INTRODUCTION: "Certainly this is one of the great opera houses of the world."

So concluded the music critic of a national weekly magazine who visited the City some few years ago to attend several performances of the San Francisco Opera Company. Elsewhere in his review, the thrust of which was given over to acclaim the Company's legendary record of productions and employment of first-rate artists and other personnel, he noted that, "Their Opera House is a handsome one . . . forming part of a spacious civic center that was built at a time when monumental architecture was not demode, and there is an atmosphere of great elegance about the auditorium, as there is about its surroundings, which remind one of the central plaza of some Latin-American or European city and, as far as I am aware, are not matched in the United States."

San Franciscans would be inclined to agree, accepting the foregoing, however, as only one of many reasons for pointing with a touch of justifiable pride to the Opera House and its twin, the Veterans Building. Ranking among the most readily identifiable buildings in the City, they have served it well, not only for intended uses but also as appropriate settings for international proceedings such as the birthplace of the United Nations and the signing of the Japanese Peace Treaty following World War II. And in a certain measure, the War Memorial takes on a special character which is found in the struggle, now faded into history, to see the two buildings erected. Moreover, the Memorial was the product of deeply-rooted "citizen participation" long before that phrase became the watch-word in a civic undertaking. For thirteen unrelenting years, San Franciscans of all socio-economic levels and with persuasions focused on cultural aspirations and/or patriotic pride, were involved. Though initially united, the proponents were later divided; nevertheless, even in disunity they were determined to see the War Memorial through to completion.

HISTORY: In April 1918, twelve years after the City had experienced the loss of its major theaters, halls and opera houses, a group of prominent San Franciscans, members of the Musical Association, met to consider construction of a hall for performing arts. A previous attempt in 1911 and 1912 by the group had been thwarted by a state Supreme Court decision that the City could not contribute the land for what was to be essentially a privately owned building. Although new theaters and the Civic Auditorium had been constructed after 1906, none provided the facilities or setting deemed appropriate by the local citizenry which had given opera and other cultural events widespread and enthusiastic support since the City's first operatic performance in 1851.

The 1918 meeting was the genesis of what was to become the War Memorial.

Leadership from the Musical Association was provided by W.H. Crocker, Templeton Crocker, Milton Esberg, Herbert Fleishhacker, W.S. Heller, Walter Martin, John D. McKee, with John Drum serving as Chairman. Five of these each pledged \$25,000 outright towards a goal of \$2,000,000.

November of 1918 saw the cessation of World War I, and in the succeeding months, the return of servicemen to their homes. Among those returning to San Francisco was Major Charles H. Kendrick, who, on becoming aware of the Association's proposal and its financial concerns, conceived the idea of combining the performing hall with the growing demand throughout the nation for memorials commemorating the war heroes. His idea was enthusiastically accepted by the Association and shortly thereafter, the block bounded by Van Ness, Grove, Franklin and Hayes (which prior to 1906 had been occupied by St. Ignatius Church and College) was purchased as a site for the complex.

A city-wide drive for funds was proposed and from the veterans groups a War Memorial Committee was formed of 46 members, based pro-rata on the membership of the various Legion posts within the City. Major Kendrick was appointed Chairman and Frank F. Kilsby, Secretary of the Conference Committee.

By May 1920, \$1,000,000 was on hand, and a mass meeting that month in the Civic Auditorium with 10,000 in attendance brought in another \$600,000. Ground breaking ceremonies were held shortly thereafter and the campaign for funds continued so intensively that within another 30 days cash and pledges totaled \$2,150,000.

Trustees for the public subscription were the University of California Regents, who, upon completion of the pledge drive, determined that the pledges were not legally binding and refused further involvement until the issue could be corrected. New pledge forms were drawn up to the Regents' approval and those who had pledged previously were again contacted. This action required nearly two years and, as might well have been expected, some of the pledges were not renewed.

In October 1922, a distinguished Architectural Advisory Committee was appointed; chaired by Bernard Maybeck, it also included Willis Polk, John Galen Howard, Ernest Coxhead, G. Albert Lansburgh, John Reid, Jr., Fred Meyer and Arthur Brown, Jr. -- a veritable Pantheon of Bay Area architects. In January 1923, the War Memorial Trustees, who by this time had replaced the Regents, announced that they would erect the following buildings: Opera House, American Legion Building and Art Museum. The architects eventually selected were Arthur Brown, Jr. and G. Albert Lansburgh who had achieved recognition for his theater design.

With the enlarged scope of the proposal, it was evident that it could not be accommodated on the site already purchased. Moreover, about this time a storage company announced that it would build a large warehouse directly across Van Ness Avenue from City Hall. While City authorities were greatly concerned over the probable resultant clash of a warehouse with the classic architecture of the emerging Civic Center, the War Memorial Trustees saw the opportunity of obtaining an appropriate site for the War Memorial. So with financial aid from the Trustees, and the cooperation of the U.C. Regents ~~with financial aid from the Trustees, and the cooperation of the U.C. Regents~~ (who owned part of the site), the City began acquiring the present two-block site.

The construction of a major opera house, then as now, transcends local interest and Gaetano Merola, who lived in the East but had been involved in the production of opera in the City with touring companies as early as 1906, developed an interest in the San Francisco undertaking. From his visits he had observed that the City appreciated and would financially support opera, and thus it was that in the fall of 1921 he transferred his residence here. While the drive for construction funds was being pursued, Merola's efforts were channeled into organizing an opera company. In April 1923, the San Francisco Opera Association was formally organized and the first season of the company opened on September 26, 1923 in the Civic Auditorium which had been temporarily revamped to suggest the "feel" of an opera house. By 1924, the Association had over 2,000 founders pledged to underwrite any future production deficits.

Early in 1926, it was apparent that the funds subscribed for the structures (about \$2,000,000 remained) would be totally inadequate for the vastly enlarged proposal. In February 1927, the Trustees met with the publishers of the five San Francisco newspapers who unanimously agreed that the proposal should not be curtailed and also agreed to support a bond issue for the \$4,000,000 necessary to see the proposal completed as planned.

Fearful that legal complications experienced in the 1912 attempt by the Musical Association might again arise, the resolution of the Board of Supervisors placing the issue on the ballot called for construction of "... permanent buildings in or adjacent to the Civic Center to be used as a Memorial Hall for War Veterans and for education, recreational, entertainment and other municipal purposes." Outright mention of an opera house was avoided although the Supervisors were fully aware of the proposals and the newspaper were clear to point out the breadth of facilities to be included.

A special election was held on June 14, 1927 although the bond issue passed by a substantial majority, there were to be further delays. The Veterans' building was to include office space and other facilities, not only for the Legion posts, but for all veterans groups then existing in the City. Disputes arose over the space allocations for the veterans and also for their representation on the Board of Trustees. Once again the voters were to be called upon: this time to determine the com-

position of the Board of Trustees. The issue appeared as a charter amendment on the November 1928 ballot and, despite vigorous organized opposition, passed. Nevertheless, even with Mayor Rolph's best efforts, continuing related difficulties prevented the sale of the bonds until 1930.

Construction of the foundation work commenced on January 28, 1931; the cornerstones were laid on Armistice Day, 1931 and the dedication of the structures, on Admission Day, September 9, 1932.

HISTORY:
(cont'd)

The Opera House opened on Saturday evening, October 15, 1932, with a performance of Puccini's La Tosca, with Mr. Merola conducting and the great Claudia Muzio in the title role. Notwithstanding the fact that the nation was in the depths of a severe depression (which was to curtail the performance of opera elsewhere), anticipation of the opening season in the new house was so intense that the original schedule of nine performances quickly sold out and three additional ones were added. For weeks ahead of the opening, local papers featured stories and photographs of the arrival of stars and preparations underway.

The anticipation was not only local. On opening day, the New York Times, in its radio guide, noted that among the outstanding programs for that day was the broadcast, (nation-wide) of the first act of La Tosca from the San Francisco War Memorial Opera House. The following day, the paper carried an account of the opening.

Time magazine, in its issue of October 17, 1932, featured a cover story on the "San Francisco Memorial" and noted that "The new Opera House, to be dedicated this week, is easily the most attractive and practical building of its kind in the U.S." and "... this year, when Chicago's and Philadelphia's opera houses are dark, the lights will go on in a house made possible by all the people of San Francisco."

Indeed, it was the first municipally owned opera house in the world.

The Veterans' Building was officially opened on Armistice Day that same year. There was so special fanfare such as that which accompanied the Opera House inaugural and, except for brief ceremonies that evening at the War Memorial, the day's events are best described only as typical of an Armistice Day observance of the times.

Unquestionably, since its construction, the history of the War Memorial complex transcends purely local significance and makes it a truly international landmark as well -- most fitting in this cosmopolitan city. For in April, May and June of 1945, with the world well into its sixth year of global war, the two buildings of the War Memorial served as the birthplace of the United Nations. Most of the meetings and ceremonies of the Conference took place in the Veterans Building, but it was on the great stage of the Opera House that President Truman and other heads of state and dignitaries signed the United Nations Charter at a plenary session on June 26, 1945. Commemorative

meetings of the signing, with official United Nations sessions, took place in the Opera House in 1955 with President Dwight D. Eisenhower and former President Harry S. Truman in attendance, and in 1965 with President Lyndon B. Johnson present. A Twenty-fifth Anniversary celebration with United Nations dignitaries in attendance occurred on the 25th and 26th of June 1970.

The War Memorial is further distinguished in that the Japanese Peace Treaty was drawn up in 1951 in the Veterans Building and signed in the Opera House.

The twin buildings of the War Memorial have been used principally as their names would imply. The Opera House has been the permanent home of the Opera and Symphony since its opening and it also serves the Ballet and other theatrical arts. The Veterans Building was designed for and has been devoted to veterans' organizations, except for the fourth floor (and of recent years, the third floor) which was given over to what is now the San Francisco Museum of Art.

The Opera House and Veterans Building, together with the Court between them, form an integral project, brilliantly conceived to complement and enhance the City Hall opposite which was, in fact, designed by Brown (with Bakewell). Moreover, they further and enlarge the concept of the Civic Center for which plans were initially formulated in 1911. The War Memorial represents a major contribution to the development of this grandes of all American civic complexes which started with the Civic Auditorium and City Hall and also includes the Public Library, State and Federal Buildings and the central Plaza.

ARCHITECTURE:

The War Memorial complex is composed of two substantially identical structures -- Opera House and Veterans Building -- separated, yet linked, by a formal court. The architectural description which follows will serve for both and reflects only the major characteristics of the structures. In this connection, three major exterior differences are noted between the two structures and these are stated in terms of the Opera House: a stage loft at the rear; a large arched opening in the rear facade provided for transporting scenery directly to and from the stage; and, because of a slight difference in ground elevation between the two structures, a short flight of steps leading to the main entrance was required to maintain horizontal continuity of identical architectural elements in the two buildings. A close inspection of the buildings will frequently reveal minor, intentional discrepancies between similar elements. This applies to the structures when viewed individually as well as when the two structures are compared. Nevertheless, the principal elements and their detailing are so boldly stated, and the subordinate, varying, details within these elements so skillfully handled, that, from the exterior, the structures are generally thought of as twins, save for the three major differences noted above.

The buildings are basically rectangular, steel-frame structures with granite foundations and faces of terra cotta simulating rusticated granite blocks. Exterior dimensions of each are 282 feet in length and 180 feet in width (for the main body) which, through lateral projections, increases to 231 feet near the front.

The height is 92 feet with the stage loft rising to 146 feet. Each building has four principal stories with basement, and a mansard-type roof. The architectural style of the War Memorial, like that of the more ornate City Hall opposite on Van Ness Avenue, is French Renaissance.

The principal facade, at main floor level, has seven arches flanked by decorative bronze lamps. The five central arches are glazed and contain double doors opening into the lobby. The end arches serve as windows or as secondary entrances to non-public areas. The major feature of the facade is the high colonnade at second and third stories composed of eight pairs of Doric columns which are positioned in front of a wall with seven arched openings between the paired columns. A low balustrade occurs between the pairs at second story level with the center and end balustrades brought slightly forward to suggest balconies. A two-story loggia is revealed behind all seven arched openings of the Veterans Building; however, in the Opera House the loggia is found only behind the five center openings -- the space behind those at either end being more appropriately described as shallow recesses or niches. The rear walls of the loggias feature two-story arched, windows, each centered on its arched opening opposite in the front wall. The colonnade supports a heavy architrave, itself surmounted by a cornice. The lateral projections referred to previously begin at the ends of the colonnade and achieve architectural significance through a series of staggered setbacks both on their front and rear.

The side facades continue the general appearance of the front: ten arched openings, equal in scale and elevation to those on the front, are present in each of two tiers. In the Veterans Building, these arches serve as windows with only two exceptions on the ground floor. In the Opera House, half of the lower tier on each side serve as carriage entrances to the main floor level. The rear of the Veterans Building is treated similarly to the sides with seven openings in each tier. The same treatment is partially present on the rear of the Opera House, however, the large, centered, arched opening for transporting scenery in and out is the most prominent feature.

OPERA HOUSE
INTERIOR:

Five entrances in the main facade give direct access to the Lobby which is separated from a Foyer by five arched openings with glazed partitions and doorways in their lower portions. The Lobby, with walls of cast stone has a vaulted and coffered ceiling and marble floors. The Foyer is lined with fluted Doric columns supporting an architrave and a dentillated cornice above which is a magnificent coffered ceiling. Lighting is provided by bronze lamps rising from the floor as well as complementary lamps suspended from the ceiling. Access to the orchestra level is provided via five slightly elevated doorways, each of which is reached via steps flanked by ornate metal railings. Above the doorways, dentillated triangular pediments continue the classical motif. At each end of the Foyer are areas, subordinated in their architectural detailing, which provide access to stairways and elevators. At orchestra level, they also serve as connectors between the Foyer and the wide promenades or carriage entrances which flank the orchestra level. At Box level, these areas are treated as balustrated mezzanines overlooking the Foyer. Secondary stairways are located at the westerly ends of the promenades.

OPERA HOUSE
INTERIOR:
(cont'd)

The architectural treatment and arrangement of the auditorium is simple and direct. Except for Box level, the multi-tiered horse-shoe seating traditionally found in opera houses was abandoned and the arrangement employed more typically reflects that of a theater.

The auditorium has a breadth of 113 feet, height of 74 feet, and a depth varying from 116 feet at Orchestra level to 161 feet at the Balcony level. The seating capacity is 3,285 persons with 300 standee positions.

Twenty-five boxes, immediately above the Orchestra level, are each provided with a private vestibule approached from a broad promenade. The Grand Tier, Dress Circle, Balcony Circle and Balcony are also reached from various promenade levels and have their own conveniences. At basement level another promenade is now largely given over to seating for the adjacent bar and buffet. A hospital room is also found at this level.

The stage measurements, still generous, were unusual for their time: 134 feet in width, 84 feet in depth and 140 feet in total height. The orchestra pit, while accommodating 65 musicians comfortably, can seat 75, but only with crowding. The proscenium arch has a coffered frame whose opening measures 52 feet wide and 51 feet high at its center. Figures in relief, above and extending somewhat beyond the arch, further embellish this wall.

In the auditorium, the side walls reveal classical treatment reflective of the exterior in that the lower walls are rusticated and serve as a base for gridded arched openings with balustrades and pilasters. Space behind these openings is intended to house the pipes for an organ but no organ has ever been installed. The principal feature of the ceiling is a large elliptical surface from which is closely suspended a metal lighting fixture composed of shaped, metal troughs of varying lengths, radiating, sunburst fashion, from a central point.

VETERANS
BUILDING
INTERIOR:

On the main floor, the Lobby and Foyer areas lead to an auditorium surrounded by a corridor off of which are located offices of various organizations, principally those of veterans. The auditorium will seat about 1100 persons; it has a small stage and its floor can be either leveled for dancing or raised into tiers for stage performances. The hall is adorned by the Brangwyn murals, brought from the Panama-Pacific International Exposition of 1915, which portray the four elements, Air, Earth, Fire and Water, in their service to the welfare of mankind. The first floor also contains a Memorial Hall with military mementoes of the two World Wars. On the second floor, the front of the building is devoted to a Library and Reading Room, known as the Green Room, opening out onto the loggia. The remainder of the second floor is used for meeting rooms, lounges and other conveniences. As mentioned above, the San Francisco Museum of Art is installed on the third and fourth floors, the latter given over to galleries.

ZONING AND
SURROUND-
ING LAND
USE:

This site and the entire Civic Center is located in a P District (land that is owned by a governmental agency and is some form of public use). The courtyard is designated OS (Open Space) and the applicable height and bulk district is 96-X.

East across Van Ness Avenue is the City Hall; south across Grove Street is a parking lot occupying a full block and owned by the city; to the north and west are mixed uses, largely commercial and residential. The Central Freeway cuts a diagonal path through the blocks to the west of Franklin Street.

E I G H T H  D I S T R I C T

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
WAR MEMORIAL VETERANS BUILDING
ROOM 226-A
SAN FRANCISCO, CA 94102-4587

May 28, 2012

Mr. Richard Sucre
Historic Preservation Technical Specialist
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

re: Veterans' Building, 410 Van Ness Avenue
Cases Nos. 2011.0420A and 2011.0420U

Dear Mr. Sucre:

The Eighth District of The American Legion Department of California is composed of all of the Posts of The American Legion in San Francisco.

We are aware of the letters from The American Legion War Memorial Commission to you dated today regarding the above Cases. To avoid overburdening the record, we will not repeat the statements made in that letter. Instead, by this reference we incorporate all of the objections to the project, for all the reasons, stated in that letter. We join in the opposition to the proposed project.

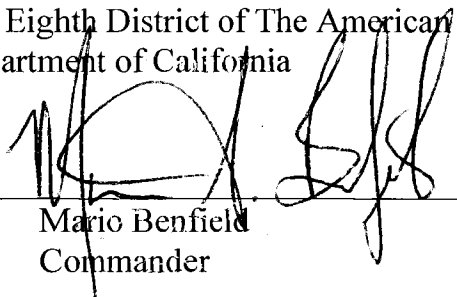
We request that the objections to the proposed project and the reasons for them be called to the attention of the Historic Preservation Commission and that this letter be made part of the record of these proceedings.

If you have any questions regarding our joinder in the opposition of The American Legion War Memorial Commission, please contact the undersigned.

Very truly yours,

The Eighth District of The American Legion
Department of California

By


Mario Benfield
Commander



American Legion War Memorial Commission

May 28, 2012

Mr. Richard Sucre
Historic Preservation Technical Specialist
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

re: Veterans' Building, 410 Van Ness Avenue
Case No. 2011.0420A

Dear Mr. Sucre:

As we indicated in our presentation on April 4, 2012, The American Legion War Memorial Commission does not object to the repairs and refurbishing of the exterior of the Veterans' Building . The Trustees of the War Memorial have neglected to maintain and repair the Veterans' Building far too long.

However, we do object to two aspects of this agenda item and recommend that the Historic Preservation Commission recommend an addition to the project.

The first objection we have is that the case report in this matter includes the interior and seismic work addressed in the case report in Case No.2011.0420U. We object to inclusion of that material in the report for this case because we do not want the Commission by implication to find appropriate the work proposed in Case No. 2011.0420U if it approves the case report in Case No. 2011.0420A and issues a Certificate of Appropriateness. As indicated in our letter addressing Case No. 2011.0420U, we have serious objections to the work proposed in that matter.

The second objection we have is that, as discussed in our letter of objections in Case No. 2011.0420U, from the schematics for the interior remodeling of the first floor of the Veterans' Building that are part of the agenda materials for that case, it appears to us that the proposed interior remodeling of the first floor will actually include alterations of the exterior of the Veterans' Building. The two areas on the north and south sides of the schematic drawing of the first floor that are labeled "public use" and "arts commission gallery" show extensions of the exterior walls. Those extensions will reduce light and ventilation into the basement spaces and

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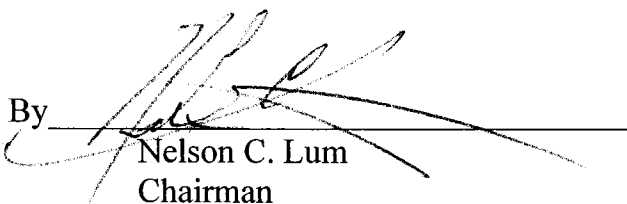
will require removal of window sills on both the north and south sides of the historic façade of the Veterans' Building to create access doors to the exterior public spaces. These extensions will alter the current exterior walls and the adjacent gardens under the guise of "interior remodeling." Thus, the so-called "interior" remodeling actually includes exterior remodeling and will cause the exterior alterations to exceed merely preservation, rehabilitation, or restoration of existing features. Because these material alterations are not addressed in either case report, we infer that they have not been reviewed for appropriateness. We contend that they are not appropriate and should not be included in any Certificate of Appropriateness related to the exterior maintenance and repairs of the Veterans' Building.

The addition to the proposed project that we recommend has to do with solar energy. As discussed with you by Mr. Paul Cox, the proposal for exterior alterations to the Veterans' Building do not include any solar energy additions to the roof. The Trustees have determined that the skylight system at the roof is beyond repair. It will be replaced with a similar-looking system that meets current code requirements. Since these elements must be replaced anyway, solar panels could readily be added to the southern roof line without disturbing the appearance of the Veterans' Building. In addition, there are numerous grants and subsidies available at this time to encourage public transition to solar power. That might make such an effort attractive financially. The Trustees of the War Memorial do not appear to have considered energy conservation in their proposed alterations of the building. We recommend that the Historic Preservation Commission refer this matter back to the proponents of the project so they consider the possible addition of solar panels and whether that addition will be appropriate.

Thank you for considering these remarks. We request that this letter be brought to the attention of the Historic Preservation Commission and be made part of the record of this proceeding.

Very truly yours,

American Legion War Memorial Commission

By 
Nelson C. Lum
Chairman



American Legion War Memorial Commission

May 28, 2012

Mr. Richard Sucre
Historic Preservation Technical Specialist
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

re: Veterans' Building, 410 Van Ness Avenue
Case No. 2011.0420U

Dear Mr. Sucre:

By this letter, The American Legion War Memorial Commission will comment on and oppose the case report dated April 4, 2012. We request that this letter be brought to the attention of the Historic Preservation Commission and be made part of the record of this proceeding.

1. The City's ownership of the Veterans' Building is subject to the 1921 Trust Agreement.

The City and County of San Francisco did not acquire the Veterans' Building in fee simple absolute. It acquired the Veterans' Building subject to a written Trust Agreement that requires the City to hold the Veterans' Building for the benefit of the San Francisco Posts of the American Legion and such patriotic organizations as the San Francisco Posts desire to invite into the building.

With the assistance of The American Legion Posts, between 1918 and 1920 funds were raised to build San Francisco's war memorial. On August 19, 1921, a trust agreement for the construction and maintenance of a war memorial was made between the Regents of the University of California and Walter S. Martin, and others as Trustees. We attach a copy of the Trust Agreement as Exhibit 1. For brevity, we will refer to it as the "Trust Agreement" or as the "Trust."

The purpose of the trust is ". . . to honor the memory of the soldiers, sailors, marines and war workers – men and women – who brought imperishable glory to California by their splendid contributions to the winning of the World War"

War Memorial Veterans Building
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Trust Agreement, p. 1, first “Whereas” clause. The War Memorial was to consist of a Memorial Court, surrounded by buildings, one of which is:

a building to be used by the San Francisco Posts of the American Legion, an organization composed of veterans of the late World War, all for the purpose of commemorating in perpetuity the victory achieved by the United States of America

Pages 15 and 16 of the Trust Agreement set forth the requirements of the trust in favor of the San Francisco Posts of the American Legion. Article C, paragraph (1), of the Trust Agreement says that the Veterans’ Building is to be occupied by the San Francisco Posts of The American Legion and that the Posts may establish rules and conditions for other Veterans’ groups and “such other patriotic organizations as the San Francisco Posts of the American Legion may from time to time desire to install.”

Paragraph (2) of Article C says that the Veterans’ Building is to be occupied by the San Francisco Posts and “used by them as club and meeting-rooms and for executive offices and auditorium purposes.”

In June, 1927, the electorate approved a bond issue for the War Memorial. The ballot argument in support of the bond issue by the Civic League of Improvement Clubs and Associations of San Francisco described the Veterans’ Building:

One of them will be the Veterans’ Building, housing all the veterans’ organizations in San Francisco. It was to give these splendid organizations a permanent headquarters in the name of the public which honors their deeds that the War Memorial fund was originally launched.

On November 12, 1930, the Board of Supervisors accepted the assets of the Trust subject to “the trusts, terms, and conditions set out in” the Trust Agreement. It accepted the offer of the Regents and the private War Memorial Board to assign all of the privately subscribed funds and other assets to the City subject to the Trust Agreement. The Board of Supervisors accepted title to all real property “in trust” and authorized the board of Trustees of the War Memorial to “perform the terms and conditions of the trust” as set forth in the Trust Agreement. It authorized the Trustees to use the assets “only for the purpose of constructing a War Memorial in the City and County of San Francisco as

provided in” the Trust Agreement. We attach as Exhibit 2 a copy of the Resolution of the Board of Supervisors dated November 12, 1930.

By that resolution, the Board of Supervisors obligated the City to operate the War Memorial complex in accordance with the Trust Agreement. That agreement gives Veterans’ and other patriotic organizations priority in the use and occupancy of the Veterans’ Building.

Thus, with one exception, since the Veterans’ Building was built, its historic and intended uses have been dictated by the Trust Agreement. The only exception is that the City only built two of the three buildings contemplated by the Trust Agreement, so the Veterans’ Building was shared with one of the other trust beneficiaries, San Francisco Art Association, which was given use of the fourth floor of the Veterans’ Building. However, the successor of the San Francisco Art Association became the Museum of Modern Art, but MOMA abandoned the Veterans’ Building in 1995.

Consequently, the San Francisco Posts of The American Legion and patriotic organizations it invites are the only beneficiaries of the Trust as to the Veterans’ Building. They are to use the Veterans’ Building, in the words of the Trust Agreement, “as club and meeting-rooms and for executive offices and auditorium purposes.”

For decades, The American Legion War Memorial Commission has exercised the powers, authority, and responsibilities of the San Francisco Posts of The American Legion concerning the Veterans’ Building. It is our mandate, and that of the War Memorial Trustees, to preserve the Veterans’ Building not just for current Veterans, but also for future generations of Veterans, their groups, and future patriotic organizations.

2. The proposed alterations may not proceed unless the Commission grants a Certificate of Appropriateness.

We disagree with the conclusion that the War Memorial Board of Trustees (herein the “Trustees”) must merely consult with the Historic Preservation Commission on any proposed interior alterations to the publicly accessible spaces within the Veterans’ Building. It is our conclusion that the seismic upgrade and interior alterations do require a Certificate of Appropriateness. Limiting a Certificate of Appropriateness only to external work would be equivalent to saying that the building is but a façade. It is more than a façade. The interior of the Veterans’ Building defines its historic uses.

It is our opinion that Article 10 of the San Francisco Planning Code requires a Certificate of Appropriateness in any case in which there is an alteration of a structure on a landmark site or in the Civic Center. The Veterans' Building is part of the Civic Center Historic District. Therefore:

- Section 1004(c) of Article 10 of the Planning Code makes the Veterans' Building subject to the controls and standards in Article 10.
- Section 1004(c)(1) requires review of proposed changes to significant interior architectural features of the Veterans' Building.
- Section 1005(a) prohibits any alteration of the Veterans' Building except in conformity with Article 10.
- Section 1006 requires a Certificate of Appropriateness in the case of any "alteration" of a structure in a historic district. It applies "In the case of: (1) Any . . . alteration . . . of a structure . . . on a landmark site or in a historic district; . . ."
- Section 1006 prohibits the ordinance that designates an historic district from modifying the requirements of a Certificate of Appropriateness under Section 1006.

More specifically, Appendix J to Article 10 of the San Francisco Planning Code expressly requires a Certificate of Appropriateness in this case. Even if Article 10 itself did not require a Certificate of Appropriateness, Section 7 of Appendix J contains additional requirements for Certificates of Appropriateness. Section 7 says that, if there is any inconsistency between its provisions and Article 10, then the requirements affording stricter protection to the Historic District must prevail except for the provisions of Section 8 of Appendix J. Section 7 states, in part:

In addition, the following provisions shall apply to all such applications. In the event of any inconsistency between the following provisions and Article 10, the procedures, requirements, controls and standards affording stricter protection to the Historic District shall prevail, except for the provisions of Section 8

The requirement of a Certificate of Appropriateness gives more strict protection to the Veterans' Building (as part of the Civic Center Historic District) than would mere consultation by the Trustees with Historic Preservation Commission.

Section 8 of Appendix J does not exempt the Trustees from a Certificate of Appropriateness. Specifically:

- Section 8(a) requires all governmental bodies to cooperate with the Landmarks Preservation Advisory Board¹ on proposed interior changes to guarantee compliance with the Secretary of the Interior's Standards for Rehabilitation, but it contains no words exempting any entity from a Certificate of Appropriateness for the Veterans' Building.
- Although Section 8(b) recognizes the powers of the Trustees, it too does not exempt them from the requirement of a Certificate of Appropriateness. To the contrary, the Board of Supervisors expressly retained both its own authority and the authority of the Historic Preservation Commission and the Planning Commission over historic preservation decisions. It states in part:

It is the intent of the Board of Supervisors, however, to retain its authority, and the authority of the Landmarks Preservation Advisory Board and the Planning Commission, over historic preservation decisions in the Civic Center Historic District in order to ensure the appropriate treatment of the historical elements of this historic district.

- Section 8(c) of Appendix J does require the Trustees to consult with the Landmarks Preservation Advisory Board on any proposed interior alterations, regardless of whether a Certificate of Appropriateness is required or not. However, it does not exempt the Trustees from the requirement of a Certificate of Appropriateness. It only says that the Trustees “. . . shall consult with the Landmarks Preservation Advisory Board on any proposed interior alterations to the publicly accessible spaces of the buildings, regardless of whether a Certificate of Appropriateness is required by this Ordinance or by Article 10.” That is not an

¹ We understand that the Landmarks Preservation Advisory Board is now called the Historic Preservation Commission.

exemption from a Certificate of Appropriateness. To the contrary, it says that consultation is also required whenever a Certificate of Appropriateness is required.

In the absence of any contrary provision in Section 8 of Appendix J, the mandates of Article 10 and of Section 7 of Appendix J state the circumstances under which a Certificate of Appropriateness is required for alterations to the Veterans' Building. As noted above, Article 10, Section 1006 requires a Certificate of Appropriateness for any "alteration." Appendix J, Section 7 is even more explicit. It requires a Certificate of Appropriateness for all "major alterations." The second paragraph of Section 7 begins, "A Certificate of Appropriateness shall be required for all major alterations, as set forth below,"

Paragraph (a)(2) of Section 7 defines a "major alteration" to include any alteration that would affect all or any substantial part of the interior or exterior column or load-bearing walls. To quote paragraph (a)(2):

(a) An alteration is considered major if any of the following apply:

* * * *

(2) The alteration would affect all or any substantial part of a structure's interior or exterior column or load-bearing wall, exterior walls or exterior ornamentation;

Page 3 of the Case Report dated April 4, 2012, makes clear that the interior load-bearing walls will be affected by the proposed alteration. The alterations will include additions of concrete shear walls at various locations throughout the building; strengthening of stage walls; strengthening of perimeter walls in northeast and southeast corners of the building; strengthening of diaphragm collectors on all floors; strengthening of third and fourth floor diaphragms; strengthening of the roof diaphragm; addition of lateral bracing many places; and other alterations that will affect virtually all of the interior load-bearing walls.

In addition, we note that the definition of a "major alteration" in Subparagraph (a) (2) of Section 7 does not limit the phrase "load-bearing wall" to a "vertical-load-bearing wall." It just refers to "load-bearing" wall. No other provisions in Article 10 of the Planning Code of which we are aware limit the term "load-bearing" to simply gravity loads. The existing terra-cotta walls throughout the building are lateral load-bearing walls. They are stiff, brittle, and weak -- and therefore inadequate. The project includes removing some

of the current lateral-load-bearing walls and stabilizing others in place, replacing their load-bearing function with new concrete shear walls that are to be erected in both directions throughout the building. These, too, are therefore by definition “major alterations.”

Because the proposed interior alterations of the Veterans’ Building are “major alterations” as defined in Section 7, the alterations may not proceed unless the Trustees first obtain a Certificate of Appropriateness. 10 City Planning Code, Appendix J, Section 7.

Moreover, we call to your attention that the schematics for the interior remodeling of the Veterans’ Building actually contain exterior alterations to the building. In addition to altering the interior floor plan of the first floor, the two areas on the north and south sides that are labeled “public use” and “arts commission gallery” and related offices appear to show extensions of the exterior walls. They will apparently cover the existing light wells for the basement spaces along the north and south sides and use those spaces for a café patio on the south side and a sculpture garden on the north side. Not only will this reduce light and ventilation into the basement spaces, but it also will require removal of historic façade window sills on both the north and south sides to provide direct access to the new exterior public spaces. These extensions will alter the current exterior walls and the adjacent gardens under the guise of “interior remodeling.” Although they are not mentioned in the case report, they show that the so-called interior remodeling actually includes exterior remodeling and will cause the exterior alterations to exceed merely preservation, rehabilitation, or restoration of existing features. Because they are not addressed in either case report, we infer that these material alterations have not been reviewed for appropriateness. We contend that they are not appropriate.

We acknowledge that you disagree with our analysis of the requirement of a Certificate of Appropriateness. However, we request that you reconsider and that a Certificate of Appropriateness be a prerequisite to this project. Conversely, if you are aware of any authority that holds that the plain wording of Article 10 and its Appendix J does not mean what it says, please call that authority to our attention.

As discussed in the following sections of this letter, we also submit that the case report is incorrect because it accepts the representations of the proponents of the alterations of the Veterans’ Building and therefore does not completely evaluate the proposed alterations under the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

3. The proposed alterations do not comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Because the proposed alterations of the Veterans' Building will radically alter an historic building, the Historic Preservation Commission should evaluate the proposal under the Secretary of the Interior's Standards for the Treatment of Historic Properties. When the Commission evaluates the alterations of the Veterans' Building under those standards, it will find that the proposed alterations do not comply with them.

As mentioned above, the Veterans' Building is more than a façade. If its interior can be altered without heed to historic spatial relationships, then that may preserve the outside appearance of the Veterans' Building, but it will destroy the historic significance of the interior. This is what some commentators have called the "Disneyland" effect. The building's outside walls look the same, but a person entering the building will not find much, if anything, of historic significance inside.

To put the violations of those standards and the Disneyland effect of the proposed alterations in context, you should understand that the Trustees have for many years violated Planning Code Article 10, Section 1008. The Trustees have neglected to maintain either the exterior or the interior of the Veterans' Building. These violations have not been because of lack of funds. The Trustees participate in revenue from such sources as the Hotel Tax and rental income. The bond issue after the 1989 earthquake appropriated funds for work on the Veterans' Building. Instead of using such funds to maintain the Veterans' Building, the Trustees spent the money elsewhere and allowed the Veterans' Building to go into a state of disrepair. Walls are grimy; furniture and carpets have been removed or are threadbare; rooms available to Veterans lack adequate light and electric outlets; few people are allowed to have keys to the restrooms, and those accessible to Veterans are unusable by disabled Veterans. Attached as group Exhibit 3 are a few photographs showing the deterioration of the interior of the building. The deterioration of the Veterans' Building, and the restrictions imposed by the Trustees on use of the building by Veterans' organizations and patriotic groups, discourage them from using the building.

The Veterans' Building should be preserved and restored. Instead, it is clear from page 2 of the case report dated April 4, 2012, that the Planning Commission considers the proposed alterations to be rehabilitation, rather than preservation, restoration, or reconstruction. We will therefore focus our remarks on the Secretary of the Interior's

Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (herein Secretary's Standards). If the proposed alterations are not deemed to be rehabilitation, then we request clarification about which objectives under the Secretary's Standards would apply, so we can comment on the proposed alterations in light of those objectives.

The Secretary's Standards do not contemplate radical changes of a floor plan or interior spaces, including individual rooms. To the contrary, they contemplate identifying, retaining, and preserving the floor plan and interior spaces that are important in defining the overall historic character of the Veterans' Building. "This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls" See National Park Service Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, Interior Features, Spaces/Features/Finishes, Identify Retain and Preserve interior spaces, at http://www.nps.gov/hps/tps/standguide/rehab/rehab_spacefeatfinish.htm.

In addition, the Secretary of the Interior's standards for interior structural systems recommend identifying, retaining and preserving structural systems and their individual systems that are important in defining the overall historic character of the Veterans' Building. They do not recommend demolishing a loadbearing masonry wall that could be augmented and retained, and replacing it with a new wall, using the historic masonry only as an exterior veneer. See http://www.nps.gov/hps/tps/standguide/rehab/rehab_strucsystems.htm

For brevity, we will refer to these standards as "Interior Standards."

As you will see *infra*, the plans submitted to you do not retain or preserve the floor plans, spatial relationships, and interior spaces that define the historic character of the Veterans' Building. To the contrary, they radically alter them permanently, and they appear to demolish loadbearing masonry walls throughout the building.

Consistent with the Secretary's Standards, San Francisco Preservation Bulletin No. 21 contains standards that require preservation of the historic use of the Veterans' Building, not new uses that require material changes of floor plans and interior spaces. For brevity, we will sometimes refer to them as the "Standards." In the following quotations from the Standards, we will occasionally bold phrases that prove the point:

Standard 1 requires that the Veterans' Building be used as it was historically or that it only be given a new use that requires only minimal changes. "A property **will be used as it was historically** or be given a new use that **requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**"

Standard 2 also requires that the historic character of the Veterans' Building be retained and preserved, and it prohibits alteration of features, spaces, and spatial relationships. "**The historic character of a property will be retained and preserved.** The removal of distinctive materials or **alteration of features, spaces, and spatial relationships** that characterize a property **will be avoided.**

Standard 3 prohibits the proposed alterations from changing the Veterans' Building in ways that create a false sense of the history of the building. "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 historic properties, **will not be undertaken.**"

Standard 6 requires repair of deteriorated parts of the Veterans' Building, not replacement of them with other structures. "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, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9 prohibits new additions or construction that will destroy historic features and spatial relationships of the Veterans' Building. "**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 requires that new additions to the Veterans' Building be such that, if they are later removed, the essential form and integrity of the building will not be impaired. "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.**"

As we will discuss in the following paragraphs, the proposed alterations of the Veterans' Building violate the Secretary's Standards and every Standard from Preservation Bulletin No. 21 mentioned above. They entirely ignore the historic use of the Veterans' Building and will cause maximum, irreversible changes in its features, spaces, and spatial relationships.

The historic floor plan and spaces in the basement contain two band practice rooms, a hall for small dance gatherings and social affairs, storage space, locker rooms, and fan and boiler rooms. Over the objections of The American Legion War Memorial Commission, since the Museum of Modern Art moved out the Trustees have used the basement rooms as storage space for that museum. It appears that the proposed alterations will not preserve the floor plans and spatial relationships or restore the historic uses of the basement. Instead, they will convert the basement into a gardener shop, machine shop, engineers' offices, a bar and lounge, an usher room, storage for the opera and the arts commission a storage locker for the Arts Commission. The alterations therefore violate the Interior Standards and Standards 1, 2, 3, 6, 9, and 10.

The historic spaces of the first floor include the Veterans' Auditorium [now called the Herbst Theater]. It is to be used for Veteran affairs and musical and theatrical productions. The Veterans' Auditorium has historically been surrounded by thirty two offices, a conference room and a kitchen. Those offices have been the offices of The American Legion Department of California, The American Legion Auxiliary Department of California Headquarters, and of various Veterans' organizations. In recent years, four offices located on the South side have been occupied by the Trustees' staff. Over the objections of Veterans' posts, the Trustees surrendered the northeast corner of the first floor to the Arts Commission. In addition, because the Trustees have forbidden Veterans' and patriotic organizations that the San Francisco Posts of The American Legion desire to bring into the building² to use office space on the third floor, there are too few offices on the first and second floors of the Veterans' Building for the number of organizations that want to – and are entitled to - use them. As a result, there are offices that are occupied by numerous organizations, so that crowding, privacy, and security are real issues. No one organization can trust that its papers, furniture and equipment will be secure or that its personnel can have privacy. This also interferes with the smooth operation of Veterans' organizations and chills their ability to serve Veterans and their

² This right is expressly granted to the San Francisco Posts of the American Legion by the Trust. See Exhibit 1, p. 15, paragraph (1)

families. Moreover, the Trustees have systematically diverted to other purposes money that should have been used for maintenance of the Veterans' Building, so the offices, meeting rooms, and other areas Veterans should be able to use are run down and ill equipped.

In contrast to the historic uses and spatial arrangement of the first floor, the proposed alterations will evict Veterans' organizations from that entire floor except the two rooms that the Trustees' plans label the Veterans' Trophy Room and the Veterans' Main Office. All of the offices on the north, west, and south sides of the building will be gutted, and they will be replaced with a new floor plan that has no relationship to the 75-year history of Veterans' uses of the Veterans' Building. Instead of the historic uses and spaces, more than ninety percent of the first floor will become a café, an Arts Commission Gallery, reception room, dressing rooms, a multipurpose room, storage, and a ticket office. The Disneyland effect will be apparent. The historic spatial relationships will permanently be sent into oblivion, never to be seen again. As discussed above, one drawing even depicts a café and adjacent café patio, which would require alteration of the southern exterior of the Veterans' Building, while the proposed new sculpture gallery on the north side will require alteration of the northern exterior. Thus, the proposed alterations violate the Interior Standards and Standards 1, 2, 3, 6, 9, and 10.

Historically, the second floor of the Veterans' Building contained a beautiful library and lounge. It was a restful place for those who wanted to read, write a letter, or other quiet activities. Nearby were the War Memorial Club rooms, where men and women could lounge, eat, play cards, pool or billiards, and enjoy themselves. The second floor also has six meeting rooms that were specifically designed for meetings and ceremonies of Veterans' and other patriotic organizations. They were heavily carpeted, with desks and altars for meetings of from 50 to 250 people. Each meeting room has adjoining anterooms, candidates' rooms, and kitchenettes. As with the other floors, the Trustees have not maintained or improved the second floor in decades. The rooms that still have carpets are worn. Wiring is inadequate. In most of these rooms, there is only one available electrical outlet. Lighting is inadequate. The library, lounge and club rooms are no more. The Trustees have given away or discarded the furnishings that used to be in them. By not maintaining the rooms, the Trustees have systematically discouraged their use. Similarly, when Veterans tried to install a new patriotic activity in unused space on the third floor, they were rejected by the Trustees without cause or reason. The American Legion War Memorial Commission wanted to install a Veterans' Success

Center in a vacant room on the third floor which has been upgraded with modern electrical wiring. Instead, the Trustees forced the Veterans to use for the Veterans' Success Center only a room on the second floor that the Veterans had planned to convert as a lounge. That, of course, reduced the space available for Veterans' activities, further decreasing the desire of Veterans' organizations to use the building of which they are the beneficial owners. Another example of the creeping encroachment is that one American Legion Post had a band as part of its related organizations. Having deprived the Veterans of the practice rooms in the basement, the Trustees refused to allow the band to practice in a meeting room on the second floor, falsely claiming that some of the band members were not affiliated with that Post and that noise from the rehearsals disturbed activities and performances in the Green Room or the Herbst Theater [formerly called the Veterans' Auditorium]. If the band rehearsal rooms in the basement were available for use by the San Francisco Posts of The American Legion, as those rooms were historically used, then there would be no cause for the Trustees to refuse that use of the building.

Ignoring the historic spaces, relationships, and uses of the second floor, the alterations the Trustees propose would demolish the existing walls on the north, west, and south sides of the floor. The meeting rooms for Veterans' and patriotic organizations will be reduced from six large rooms to five smaller rooms. The American Legion Department of California offices will be moved to smaller quarters occupying less than half of the west side of the floor. Local Veterans' offices that used to occupy most of the north side of the first floor will be confined to one communal office with five small sub-offices or cubicles. No post will ever have its own office, and any post that wants to store its equipment will have to use one small storage area on the south side of the floor. No room will be left for expansion to accommodate additional Veterans' organizations and patriotic organizations that the San Francisco Posts of The American Legion want to invite to use the Veterans' Building.

Given current wars, there will be thousands of Veterans who will need more uses of the Veterans' Building, but the Trustees' refusals to allocate sufficient space as required by the Trust Agreement will discourage them from exercising their rights under the Trust. More space will be allocated on the first and second floors to the Arts Commission and a commercial café and administrative offices for an apparently expanded Trustees' bureaucracy than will be allowed for the beneficiaries of the trust. All of these alterations, of course, will reduce the spaces available for meeting rooms and will further impair the ability of Veterans' and other patriotic organizations to exercise their rights

under the Trust. The proposed alterations of the second floor violate the Interior Standards and Standards 1, 2, 3, 6, 9, and 10.

The historic spaces and special relationships of the third floor are that it contained ten meeting halls similar to those now on the second floor plus the genealogical library of the Sons of the American floor to the City for offices. As a temporary measure after the 1989 earthquake, the Mayor's office was on the third floor. Municipal Railway, the Mayor's Office on Disabilities, and other offices have been housed there. As a result of alterations for those activities, some of the third floor now has somewhat less inadequate electrical and lighting services. However, while the third floor has been partially vacant, the Trustees have refused to allow the San Francisco Posts of The American Legion to establish a Veterans' Success Center on that floor and have refused to allow the San Francisco Posts to admit patriotic organizations the San Francisco Posts want to install on that floor.

The motive of the Trustees in refusing to allow Veterans' and other patriotic organizations to exercise their rights to use the third floor for its historic purposes has been made clear by the proposed alterations you are considering. The Trustees want to permanently alter the entire third floor and destroy its historic spaces. They will install in new configurations more administrative offices for the Trustees' apparently expanded bureaucracy on the south and west sides of the floor and administrative offices for the arts commission on the north side. The Arts Commission is neither a beneficiary of the Trust nor an entity that has historically occupied the Veterans' Building. If the demolition and alterations of space to accommodate the Arts Commission will impair the use of the Veterans' Building by the San Francisco Posts and patriotic organizations, then that is not permissible under the Trust pursuant to which the Trustees are required to manage the Veterans' Building. From the perspective of the Historic Preservation Commission, these changes will also permanently destroy the historic spaces on the third floor and will permanently erode the historic uses of the building by Veteran beneficiaries of the Trust. This scheme will require major, permanent changes in the features, spaces and spatial relationships of the third floor. The proposed alterations of the third floor violate the Interior Standards and Standards 1, 2, 3, 6, 9, and 10.

The historic use of the fourth floor was that it housed the San Francisco Art Association. That was a budgetary accident. Originally, the Trust required a third building, which would have housed the Art Association. Due to lack of funds, the third building was not built. In any event, the Art Association was succeeded by the Museum of Modern Art,

which has now vacated the Veterans' Building and thereby abandoned its rights under the Trust. Since then, the Trustees have allowed other, temporary uses, such as a café, the Museum of Performing Arts, and the San Francisco Law Library.

Again, the proposed alterations to the fourth floor will permanently alter and destroy forever the historic spaces and spatial relationships of the Veterans' Building. The proponents want to demolish all of the existing walls and spaces and create new permanent spaces for the use of a performance center, costume shops, offices, storage and other facilities for the Opera, which is not a beneficiary of the part of the Trust that governs the Veterans' Building. The alterations will be major, permanent changes to the features, spaces, and spatial relationships of the fourth floor. They therefore will violate Standards 1, 2, 3, 6, 9, and 10.

4. The interior alterations are neither necessary nor permitted by the Trust.

In allocating space in the Veterans' Building, the Trustees are constrained by the terms of Section C of the 1921 Trust Agreement. City Attorney Opinion Number 33-651, at page 3, cautioned the Trustees that the San Francisco Posts of The American Legion and other Veterans' organizations ". . . are to be given preference in all matters, since one of the primary purposes of the War Memorial is to provide headquarters and space for these organizations." At page 4, that opinion even stated that the then proposed use of part of the first floor of the Veterans' Building by the San Francisco Art Association for its offices was subject to the restriction that its use must

. . . not conflict with the reasonable use of this floor by the veteran organizations. If there be any conflict it must be resolved in favor of the veterans because the general plan of the building contemplates that the veterans should occupy the first floor separate from the Art Association.

Exhibit 4 to this letter is a copy of Opinion 33-651.

This does not mean that The American Legion Posts have unfettered discretion. However, it does mean that the needs of the San Francisco Posts and patriotic organizations they decide to install in the Veterans' Building must be given deference. See City Attorney Opinion Number 33-651. As stated on page 3 of that opinion, "It would seem under the circumstances that while the Veterans are not entitled to any exclusive portion of the so-called Veterans' Building, they are entitled to all space necessary for their use."

At the hearing on April 4, 2012, Ms. Murray said that the Trustees had public hearings and that American Legion Posts attended and provided input. What she did not disclose is that, during hearings last year, The American Legion War Memorial Commission presented facts showing that the San Francisco Posts and patriotic organizations that they desire to install in the Veterans' Building reasonably need 38,000 square feet for their offices, meeting rooms, and related activities. The Trustees studiously ignored that presentation. Concurrently, the Trustees refused to allow the San Francisco Posts to install patriotic organizations that are Veterans' Service Organizations that would provide needed services for today's Veterans such as vocational counseling, assistance in pursuing employment and disability benefits, and rehabilitative services. We will address the Trustees' violation of their duties under the Trust Agreement in another forum.

However, those Veterans' Service Organizations, the San Francisco Posts of The American Legion, and other Veterans' organizations can conduct their activities in the existing spaces and using the existing spatial relationships of the Veterans' Building. Consistent with the Secretary's Standards and the San Francisco Planning Code, repairs, refinishing, and upgrading the spaces, such as repainting, recarpeting, repairing cracks, modernizing electrical and lighting services, and providing access for disabled persons, can be performed without significantly altering the interior features of the Veterans' Building.

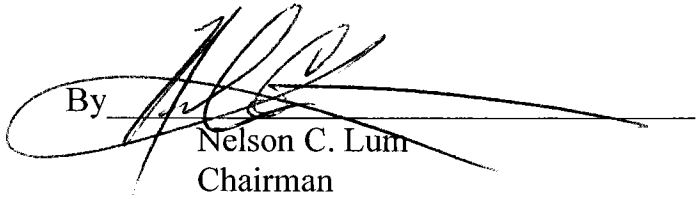
At the same time, the Trustees can allow suitable other organizations to use space in the Veterans' Building that the San Francisco Posts and patriotic organizations they want to install but do not immediately need. Those other organizations should be accommodated in spaces and spatial relationships that also preserve the history of the Veterans' Building. The permanent alterations of the Veterans' Building now before the Historic Preservation Commission would, instead, permanently destroy the historical spaces and special relationships of the building. The Commission should hold that those alterations are not appropriate and deny a Certificate of Appropriateness.

Mr. Richard Sucre
May 28, 2012
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Thank you for taking the time to consider these comments. If you have questions about anything related to this matter, please contact us.

Very truly yours,

American Legion War Memorial Commission

By _____
Nelson C. Lum
Chairman

1182.14:14

War Memorial

Agreement

between

The Regents of the University of California

and

Walter S. Martin, Charles Templeton Crocker, John D. McKee,
E. S. Heller, Charles H. Kendrick, Frank F. Kilsby,
Milton H. Esberg, Herbert Fleishhacker,
William H. Crocker *and* John S. Drum

Trustees

This Agreement made this 19th day of August one thousand nine hundred and twenty-one, by and between THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; a corporation of the State of California, party of the first part, hereinafter for convenience called "Regents", and WALTER S. MARTIN, CHARLES TEMPLETON CROCKER, JOHN D. MCKEE, E. S. HELLER, CHARLES H. KENDRICK, FRANK F. KILSBY, MILTON H. ESBERG, HERBERT FLEISHHACKER, WILLIAM H. CROCKER and JOHN S. DRUM, Trustees, parties of the second part, hereinafter for convenience called "Trustees",

Witnesseth:

WHEREAS it is intended by this agreement to honor the memory of the soldiers, sailors, marines and war workers—men and women—who brought imperishable glory to California by their splendid contribution to the winning of the World War; and,

WHEREAS, a committee of citizens of San Francisco, represented by the said Trustees, has for such purposes conceived the plan of a *War Memorial* in the ownership of the University of California, and to that end has recommended the purchase of a block of land, consisting of six fifty vara lots in the City and County of San Francisco, State of California, described as follows:

Bounded by Van Ness Avenue, Franklin Street, Hayes Street and Grove Street; saving and excepting therefrom approximately sixty-four hundred (6400) square feet conveyed or to be conveyed to the City and County of San Francisco;—and the erection thereon of a *War Memorial* consisting of a Memorial Court enclosed or partially enclosed by a building or group of buildings, viz.: a theatre or auditorium building, a building to be used by the San Francisco Art Association, also called The San Francisco Institute of Art (and

sometimes known as The Mark Hopkins Institute of Art) and a building to be used by the San Francisco Posts of the American Legion, an organization composed of veterans of the late World War, all for the purpose of commemorating in perpetuity the victory achieved by the United States of America, and it is contemplated that said group of buildings, or a part thereof, will be used for educational purposes in connection with the University Work and University Extension Work of the University of California; and,

WHEREAS, to accomplish the aforesaid objects, arrangements have already been made by the Trustees to acquire said block of land with funds to be obtained from the subscriptions hereinafter mentioned; and,

WHEREAS, the said Trustees have procured from numerous and divers persons, associations, partnerships and corporations, subscriptions payable in terms to the University of California to provide the funds towards carrying out the said objects; and,

WHEREAS, the aggregate amount of such subscriptions at the present time, including cash subscriptions, is the sum of two million six hundred and seventy-nine (2,000,679) dollars, or thereabouts; and,

WHEREAS, said Trustees have already incurred various expenses for the purpose of carrying out said objects and purposes, which expenses should be deducted from said subscriptions, including cash subscriptions; and,

WHEREAS, the said Trustees may hereafter obtain other subscriptions in the same form for the same purposes as aforesaid; and,

WHEREAS, it was made conditional in said subscription agreements that the same as to each subscriber would be of no effect unless at least a total of one million five hundred thousand (1,500,000) dollars were subscribed to carry out the said objects; and whereas more than said sum has now been subscribed; and,

WHEREAS, the Regents have heretofore accepted subscriptions to said fund and will hereafter accept subscriptions thereto only upon condition that each subscriber consents to this agreement and to the appointment of the said Trustees as his irrevocable and perpetual agents for the carrying out of said trust and the terms of this agreement and any amendment or amendments hereof;

Now, Therefore, this Agreement Witnesseth:

(1) The Trustees agree that they will take immediate steps to secure the consent in writing of all the subscribers to the execution of this agreement and to the expenditure of the subscriptions in accordance herewith. This agreement shall not become operative as to the Regents until the consent of subscribers whose subscriptions aggregate at least one million eight hundred thousand (1,800,000) dollars have been secured thereto. In addition, immediately after the execution of this agreement, written notice thereof, and either a copy thereof or a reference to a place where such copy may be examined, shall be sent to each subscriber who has not already given his said written consent hereto. Such notice and copies shall be prepared by the Trustees and shall be sent by the secretary of the Regents.

The Trustees hereby jointly and severally warrant their authority to execute this agreement in behalf of all the subscribers to the end that at all times the Regents may deal with the said Trustees, their successors and assigns, in such trust, as the sole agents and representatives of all the subscribers for every purpose connected with this agreement.

The Trustees shall remain in existence as an organized committee as long as the Regents continue to hold the War Memorial and shall constitute a self-perpetuating body. In case of the death, resignation, incapacity or removal from the State of any of said Trustees,

the remaining Trustees or a majority of them shall appoint a successor from the particular organization from which the vacancy occurs, as in this paragraph designated. Said Trustees shall consist in the first instance of the following persons: Walter S. Martin and Charles Templeton Crocker, representing the San Francisco Art Association; John D. McKee and E. S. Heller, representing the Musical Association of San Francisco; Charles H. Kendrick and Frank F. Kilsby, representing the San Francisco Posts of the American Legion; Milton H. Esberg, Herbert Fleishhacker, William H. Crocker and John S. Drum. If requested by the Regents, but not otherwise, the Trustees shall cause a corporation to be organized under the laws of the State of California and shall advise the Regents thereof in writing, and thereafter all the rights and powers of the Trustees hereunder shall be vested in and devolve upon such corporation, including the perpetual and irrevocable right to act for and on behalf of the subscribers in connection with the trusts herein recited or referred to. The term subscribers, as hereafter used herein, shall mean those who have contributed or may hereafter contribute funds for the *War Memorial*. The Trustees shall be reimbursed out of the moneys paid in by the subscribers for the various expenses thus far or hereafter incurred in carrying out the objects and purposes of the trust.

(2) The acts of the Trustees, or a majority of them, shall be binding upon all the Trustees, and shall be evidenced by a writing signed by the Trustees, or a majority of them. The Trustees may delegate any of their powers to an executive committee, in which event the acts of the executive committee (to be composed in part of representatives of the organizations which are given rights in the buildings to be erected) shall be evidenced by a writing signed by them or a majority of them. The Regents shall be bound by a resolution duly passed by them.

(3) The Trustees shall take all steps necessary, convenient or requisite to secure the payment of said subscriptions to the Regents. The moneys and funds obtained through the payment of said subscriptions shall immediately be deposited in a bank or banks selected by the Regents to the credit of the Regents in an account to be designated "War Memorial Building Account", and such funds shall be paid out and expended upon the check or order of the Regents, but only when and if a written demand therefor is made upon the Regents by the Trustees or a majority of them, or by their executive committee, or a majority of it.

(4) The Trustees shall construct said building or buildings upon said lot of land in accordance with plans and specifications to be adopted by them. Before any contracts are let for the construction of such buildings or any of them, or any part thereof, the general plan for the *War Memorial* shall first receive the approval of the Regents in writing. The Trustees shall employ the architect, superintendent of construction, contractor or contractors, and all other agents necessary or convenient for the construction of said building or buildings, and the erection and completion thereof shall be exclusively under their direction and control. The contracts therefor shall be made in the name of the Regents. The Regents shall not be called upon to execute any contract for the construction, equipment or furnishing of any of the buildings or any part thereof, or to incur any liability of any character in connection therewith, unless the necessary funds to meet the financial obligations imposed have been paid into said War Memorial Building Account and are not otherwise appropriated. Neither the Regents nor the State of California shall be under any liability whatever in the construction of said buildings or any of them, or at all, beyond the amount of said moneys actually collected and deposited in banks and available for such purpose or purposes as herein prescribed, nor shall any pay-

ment be made therefrom except upon the written demand of the Trustees, or a majority of them, or their executive committee, or a majority of it, as aforesaid.

(5) Inasmuch as said building or buildings are to be erected to comply with certain representations made by the said Trustees in obtaining said subscriptions, it is understood and agreed that when said building or buildings are completed, the same shall by the said Trustees be turned over to the Regents, subject, however, to the carrying out by the Regents of the trusts herein set forth, and which trusts the Regents agree, as herein provided, to carry out and perform; provided, however, that in no event shall the Regents be responsible or liable hereunder for any moneys beyond the actual receipts from said group of buildings and the amounts of the subscriptions actually paid to them.

(6) After said building or buildings are completed and turned over to the Regents, it is agreed that the Regents (a) will keep the exterior and roof of the buildings devoted to the San Francisco Posts of the American Legion and to the San Francisco Art Association in good order, repair and condition, except as to any part of the buildings or any windows, glass or skylights which become broken through any act of the respective occupants; (b) will keep the theatre or auditorium, its exterior and interior, and every part thereof, and the approaches thereto, in good order, repair and condition; (c) will maintain the Memorial Court and approaches thereto in good order, repair and condition; but this covenant is not intended to exonerate the City and County of San Francisco from the maintenance of any part of the Memorial Court, which it has agreed or may hereafter agree to maintain.

(7) The Trustees shall make written demand upon the Regents for the said funds actually collected and deposited only for the pur-

chase of the real property above described and for the construction of the following:

(a) The theatre or auditorium and its equipment; (b) the building for the use and occupancy of San Francisco Art Association; (c) the building for the use and occupancy of the San Francisco Posts of the American Legion and its equipment.

(8) Out of the funds collected as aforesaid, said Trustees shall completely furnish and equip in a modern manner the buildings to be occupied by the San Francisco Posts of the American Legion as executive offices, club and meeting rooms, and auditorium, expending a reasonable amount of money for these purposes.

(9) The occupation of the respective buildings and parts thereof to be used by the San Francisco Posts of the American Legion and the San Francisco Art Association, respectively, shall be under the following covenants and conditions:

(a) The respective occupants shall be under no obligation to pay rent.

(b) Any wilful and continued violation by the respective occupants of the covenants and conditions herein expressed, or of any of them, shall give the Regents the right to terminate the occupancy. No failure to exercise this right at any time shall be deemed a waiver of a subsequent breach of this subdivision.

(c) Each respective occupant shall comply with all laws, rules, orders, ordinances and regulations, Federal, State, County and Municipal, or any of their departments, which shall impose any duty upon the occupants with respect to the premises, including health, police and fire regulations.

(d) Each respective occupant will keep the interior of the building cleanly and in good order and repair, and promptly make and pay for all necessary repairs, replacements and renovations.

(e) No alterations, additions or improvements of any kind may be made without the written consent of the Regents.

(f) The Regents or their agents may enter upon the premises or any part thereof at all reasonable hours for the purpose of examining the same, or making such repairs, additions or alterations as the Regents deem necessary or proper for the safety or preservation thereof; but the stipulations in this subdivision (f) carry no obligation of any kind upon the Regents.

(g) The Regents shall not be liable to any occupant for any damage occurring to person or property, whether occasioned by or resulting from the flow, leakage, breakage, or obstruction of any pipes, including oil, steam, water, gas, air, vacuum, electricity or soil pipes, or from any roof conduits or drain-ducts, or other leakage or overflow from water, oil, gas, air, electricity, or steam in and about said premises, or from any carelessness, negligence or improper conduct on the part of the respective occupants, or their agents or guests in or about said premises; and the Regents shall not be liable for any damage, loss or injury to any persons or property occurring by reason of any present, future, latent or other defects in the form, character or condition of the buildings, or any part thereof.

(h) Should the buildings or any of them be injured or destroyed by any cause, there shall be no obligation on the part of the Regents to restore or replace the same. But if insurance is carried thereon by the Regents, the insurance moneys received shall be used for the restoration or replacement of the building or buildings so injured or destroyed in so far as they are sufficient for that purpose. The Regents, however, shall not be under any obligation to carry insurance on any of said buildings.

(i) The respective occupants shall not assign, transfer or set over their respective rights without the written consent of the Regents. Neither shall the respective occupants lease, sublet or

underlet any part or portion of said premises without the written consent of the Regents. Should the rights of the occupant be assigned by operation of law in any manner, then the Regents may at their option terminate the occupancy; provided that any auditorium in the American Legion building and rooms necessary to be used in connection therewith may be sublet by the San Francisco Posts of the American Legion, but no leasing or renting or subletting or hiring shall be had to any tenant or tenants or to any one or for any purpose or purposes objectionable to the Regents. The Regents are hereby expressly given the right to forbid or determine or veto any contract or agreement of letting, subletting, or renting or hiring, of any part of said buildings.

(j) The respective occupants shall not use the said premises nor any part thereof for any purpose deemed extra-hazardous by the Regents on account of fire, or use the said premises for any immoral or illegal purposes.

(k) The respective occupants shall pay all taxes, assessments and municipal charges whatsoever upon any property belonging to them within said premises.

(l) The respective occupants shall pay for all heat, light, gas, electricity, water, steam or other public utility used in or about their respective premises, and shall pay for all janitor and elevator service. This enumeration shall not be deemed exclusive, and the said respective occupants shall pay in full for all services and material of every character used in or about their respective premises, and the Regents shall be under no obligation to pay for any part thereof.

(m) The respective occupants will repair and restore all glass in windows, doors and skylights, and all plumbing and wiring which have become broken through the acts, omissions or carelessness of the respective occupants.

(n) The respective occupants will not use, or permit to be used, the said respective premises for the purpose of any business, trade or manufacture, or for lodging or for a hotel or boarding house, but said respective occupants may permit necessary watchmen to lodge upon said premises.

(o) The respective occupants shall not carry on upon said premises, or permit to be carried thereon, any offensive noises or odors, or permit any nuisance of any kind.

(p) The respective occupants shall not permit any signs to be affixed to the exterior of said premises, or upon any windows or doors, unless the size, form and location thereof are approved by the Regents in writing.

(q) The respective occupants shall not cover any window or door with awnings unless the size, color and design of such awnings are first approved in writing by the Regents.

(r) Should the Regents decide upon maintaining a garden in any court in or about said buildings, or in or about the sidewalk adjacent to the same, the said respective occupants shall not interfere with the maintenance of such garden by the Regents.

(s) Should any injury, loss or destruction of the said premises occur through the carelessness or negligence of the respective occupants or of their guests, then the respective occupants will pay the Regents for the damage caused thereby.

(t) The respective occupants agree that all signs upon or adjacent to doors in the interior of said buildings shall be at their own expense, but the form, character and location thereof shall be approved by the Regents in writing before the installation thereof.

(10) The trusts to be carried out by the said Regents are as follows:

A.

REQUIREMENTS OF TRUST IN FAVOR OF SAN FRANCISCO ART ASSOCIATION.

The building to be occupied by San Francisco Art Association shall be used by that corporation (or by a non-profit association organized under the laws of the State of California, under the name of "Trustees of San Francisco Museum of Art" and authorized under the constitution and by-laws of San Francisco Art Association to act in association and conjunction with San Francisco Art Association in the matter of and in connection with the possession, custody, care, display and exhibition of fine paintings, statuary and other objects of art) to maintain therein an Art Gallery and Museum of Fine Arts, and the public shall have access thereto at reasonable times, and under conditions to be fixed by said San Francisco Art Association with the approval of the Regents. Such parts or portions of said building as shall for the time being not be necessary to be used for the Art Gallery and Museum of Fine Arts may be used by the Regents for any purpose the Regents may desire. Such use and occupation on the part of the San Francisco Art Association shall be independent from any of the provisions of the so-called "Edward F. Searles Trust". For the purpose of maintaining exhibits the San Francisco Art Association may receive from donors or trustors works of art or endowments for maintenance or endowments for the purchase of works of art independent of the provisions of said "Edward F. Searles Trust." No works of art shall be maintained or exhibited in said Art Gallery or Museum of Fine Arts which are objectionable to the Regents.

B.

REQUIREMENTS OF TRUST IN FAVOR OF MUSICAL ASSOCIATION OF SAN FRANCISCO AND SAN FRANCISCO SYMPHONY ORCHESTRA.

The theatre or auditorium to be erected upon said property and sufficient space about the same for convenient access thereto may be used and occupied by the Musical Association of San Francisco (a California corporation), which maintains the "San Francisco Symphony Orchestra", upon the following conditions:

(1) The Musical Association of San Francisco shall pay such rent for each performance in said theatre or auditorium as may be fixed by the Regents. In case any rent remains due and unpaid for a period of two months after the same accrues and becomes due, the Regents shall have and they are hereby given the right and option of refusing to permit said theatre or auditorium to be used by the Musical Association of San Francisco or said San Francisco Symphony Orchestra until such rent is paid in full. In case any rent remains due and unpaid for a period of four months after the same has accrued pursuant to the provisions hereof, then and in that event the Regents shall have and they are hereby given the right and option of terminating the occupancy of said theatre or auditorium by said Musical Association of San Francisco or said San Francisco Symphony Orchestra, and thereafter neither said Musical Association nor said San Francisco Symphony Orchestra shall have any preferential rights of any character in or to said theatre or auditorium or any part thereof, and the Regents shall, in their discretion, manage and operate the said theatre or auditorium and permit same to be used by those persons or organizations whom, in their discretion, they deem proper.

(2) The theatre or auditorium shall be maintained and kept in good order and repair by the Regents at their own expense.

(3) The Regents shall at each performance and rehearsal given under the auspices of the Musical Association of San Francisco furnish at their own expense sufficient and proper light, heat, steam, water, electricity, gas and other public utility in all parts of said theatre or auditorium and the street approaches thereto.

(4) The Regents shall at each performance and rehearsal given under the auspices of the Musical Association of San Francisco furnish necessary, proper, full and adequate service on the stage and in front of the stage, including footmen, box office service, ticket takers, ushers and first-class stage service.

(5) The Regents shall at each performance and rehearsal given under the auspices of the Musical Association of San Francisco use their best endeavors to maintain proper order and decorum in all parts of said theatre or auditorium and the approaches thereto.

(6) The Musical Association of San Francisco shall have the following preferential rights and privileges.

(a) The first preferential right to use the theatre or auditorium for its future annual regular series of symphony, popular or choral concerts as well as all rehearsals therefor, such season not to exceed seven (7) consecutive months of each year between September fifteenth and the following April fifteenth, upon as favorable terms and arrangements as to lease, license or occupancy as are or may be made during such time with any other lessee, licensee or occupant giving symphony, popular or choral concerts in said theatre or auditorium, excepting the University of California or any Department thereof or activity directly affiliated therewith.

(b) The first preferential right to use the theatre or auditorium for a season of musical festival, including rehearsals therefor, to be given under the auspices of said Musical Association of San Fran-

cisco after the conclusion of the regular series of concerts above mentioned, such season not to exceed two (2) consecutive months in any year between April fifteenth and June fifteenth, upon as favorable terms and arrangements as to lease, license or occupancy as are or may be made during such time with any other lessee, licensee or occupant giving musical performances of a similar character in said theatre or auditorium.

(c) The concerts or musical performances above mentioned may be given in the day or night or both, as may be determined by said Musical Association.

(d) The preferential rights above mentioned shall mean a first right and option to be exercised by said Musical Association of San Francisco before any arrangements shall be made by the Regents directly or indirectly with any other orchestra or musical organization or those in control thereof or any impresario or concert manager for any concerts or musical performances during the season that the Musical Association of San Francisco may desire to give the above mentioned concerts or musical performances. The preferential rights herein given to said Musical Association of San Francisco shall not extend to or cover the period in any calendar year from June fifteenth to September fifteenth. Such preferential rights shall be exercised by written notice given to the Regents on or before August first in any calendar year for any use desired before the succeeding June fifteenth, and upon such written notice being given, the Musical Association of San Francisco shall become obligated to pay the rental to the Regents for such use of the theatre or auditorium unless otherwise agreed by the Regents in writing.

(7) Said Regents may, if so advised, appoint any member of the Regents and/or any of the Faculty of the University of California and/or any agent as a Board of Administration to manage

said auditorium or theatre and to provide for the entertainments to be given therein, and may, if so advised, appoint a Business Manager who will have such supervision and control over said auditorium or theatre as said Regents may decide to confer; but nothing herein contained shall be deemed to deprive said Musical Association of the right to control and manage such concerts or musical performances as it may give in said theatre or auditorium.

C.

REQUIREMENTS OF AND TRUST IN FAVOR OF SAN FRANCISCO POSTS OF THE
AMERICAN LEGION.

(1) The building to be occupied by the San Francisco Posts of the American Legion shall be occupied and used by the various duly organized and authorized San Francisco Posts of the American Legion without rent charge. The San Francisco Posts of the American Legion, or a majority of them, shall under such rules and conditions as they may prescribe, provide headquarters for Veterans of the Mexican War, Grand Army of the Republic, Spanish-American War Veterans, and such other patriotic organizations as said San Francisco Posts of the American Legion may from time to time desire to install. Should the San Francisco Posts of the American Legion be consolidated with or merged into some other national organization, then the organizations duly authorized by such other national organization shall have the same rights of occupancy as the San Francisco Posts of the American Legion, and the rights and obligations of the successor organization shall be the same as the rights and obligations of the San Francisco Posts of the American Legion, as set forth herein.

(2) The said building to be occupied by the San Francisco Posts of the American Legion shall be used by them as club and meeting-rooms and for executive offices and auditorium purposes.

(3) Should said San Francisco Posts of the American Legion or their successor by consolidation or merger cease to exist, then said building may be used by said Regents for any purpose the Regents may determine.

GENERAL PROVISIONS.

(1) The Regents shall in no event be liable for the erection or completion of the group of buildings herein described or any of them. Their only obligation in this connection shall be to pay out the subscriptions actually collected in the manner herein provided.

(2) The Regents shall in no event be under any financial liability or responsibility for the maintenance, repair, or upkeep of said group of buildings, or any of them, over and above the net financial returns which may be received from the operation of the theatre or auditorium.

(3) In case the San Francisco Posts of the American Legion should cease to exist and there be no similar patriotic organization of like membership in existence at that time, the building to be erected for use by the San Francisco Posts of the American Legion shall thereafter be under the exclusive direction and control of the Regents.

(4) In case the Musical Association of San Francisco should cease to exist as an active musical association, the building to be erected for use by the Musical Association of San Francisco shall thereafter be under the exclusive direction and control of the Regents.

(5) After the erection of the group of buildings herein provided for is completed and possession thereof delivered to the Regents, neither the Trustees nor any of them, nor their executive committee, shall have any further connection with the said real property or group of buildings, except as provided in paragraphs (6) and (8) following.

(6) The Regents may withdraw and retire from the trust hereby created in relation to said *War Memorial* at any time and resign as trustee hereunder. In case the Regents determine so to withdraw and retire, a resolution to that effect shall be passed by the Regents and a copy thereof deposited in the United States Mail at San Francisco, California, postage prepaid, addressed to each of the following at San Francisco, California: Each Post of the American Legion in San Francisco or its successor organization, if any; the Musical Association of San Francisco; the San Francisco Symphony Orchestra; San Francisco Art Association, the trustees herein individually named; and the corporation formed by the Trustees hereunder, if any. Within sixty (60) days after the completion of such mailing, the Trustees or the corporation formed by them pursuant hereto shall designate in writing a person, corporation, city, county or other governmental agency or political subdivision of the State of California, to whom the Regents shall convey the said trust property and moneys then in their hands pursuant hereto. In case no such person, corporation, city, county or other governmental agency or political subdivision of the State of California is designated in writing by the Trustees or said corporation to be formed pursuant hereto, if any, and written notice of such designation given to the Regents by depositing the same in the United States Mail with the postage thereon prepaid, addressed to The Regents of the University of California, Berkeley, California, within said sixty (60) day period, then the Regents may in their discretion convey the trust property and any moneys then in their hands pursuant hereto to any city, county, municipal corporation or political subdivision or agency of the State of California, as trustee, and upon making such conveyance the Regents shall thereafter be under no further obligation of any char-

acter on account of the execution of this agreement, or in connection with the said *War Memorial* or the property or funds thereof.

(7) In order to protect the Regents against any loss or liability in connection with the carrying out of the trusts herein recited and referred to, it is agreed that there shall first be deducted from the total amount of the moneys received by the Regents the sum of one hundred thousand (100,000) dollars; and in addition all of the net profits of the operation of said *War Memorial* buildings or any part thereof shall be accumulated by the Regents and added to said fund of one hundred thousand (100,000) dollars. The said fund shall be invested in such interest-bearing securities as the Regents shall in their discretion deem proper and the Regents may, in their discretion, invest and reinvest the same or any part thereof. Said fund shall be designated as the "War Memorial Contingent Fund" and either the income or the principal thereof may be used by the Regents at any time, in their discretion, to make up any deficit in the operation of said *War Memorial* or for the purpose of making any necessary, convenient or desirable renewals, replacements, repairs or betterments in connection with said buildings, or the furnishing or equipment thereof.

(8) The Trustees hereby jointly and severally agree in their individual capacities that they will indemnify and hold harmless the Regents against any financial loss of any character in the construction of the said *War Memorial*, and they hereby jointly and severally promise and agree that they will pay to the Regents, upon demand, any loss which may have been suffered at any time by the Regents in the construction of the said *War Memorial*. It is the intention hereof that the Regents shall never be called upon to make any payments on account of the construction of the said *War Memorial* except from moneys actually paid to them by the said subscribers.

(9) In case any differences or disagreements arise between the Regents and the Trustees or its successor corporation, if any, concerning the interpretation of this agreement or the purchase of said real property or the construction or operation of said buildings thereon or any other matter or thing concerning said *War Memorial* or this agreement or any amendment thereof, the parties hereto hereby agree to submit the same for decision to a board of arbitration consisting of three persons, to wit, the Chief Justice of the Supreme Court of California, the Presiding Justice of the United States Circuit Court of Appeals for the Ninth Circuit and the Presiding Justice of the District Court of Appeal of the State of California for the First Appellate District, First Division, and the parties hereto shall be bound by the decision of said board, and no suit or action shall be maintained hereunder unless the matter in controversy shall first have been submitted to said board of arbitration. If for any reason any one of said three members of such board of arbitration shall not be able to serve, then the other two members thereof shall select a third arbitrator.

(10) The Trustees shall be deemed to be the representatives of and their acts shall bind the San Francisco Posts of the American Legion, the San Francisco Art Association and the Musical Association of San Francisco, in all transactions with the Regents pertaining to the *War Memorial*.

(11) This Agreement is executed by the Trustees for their own account and as their own act and as the act of each of them and for the account of the said subscribers and as their act and as the act of each of them.

(12) It is expressly agreed and understood that this Agreement may be in any way modified and amended at any time by subsequent agreement in writing between the parties hereto, or their respective successors in interest.

In Witness Whereof, the Regents has, by its officers thereunto duly authorized, caused its corporate name to be hereto subscribed and its corporate seal to be hereto affixed, and the Trustees have hereunto subscribed their names, all on the day and year first above written.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

By *M. D. Stephens*
Governor of the State of California and ex-officio President of The Regents of the University of California.

(Seal)

By *R. L. Arnold*
Secretary of The Regents of the University of California.

Frederick McArthur
Charles Poppleton Crocker
Wm. F. McKel
E. L. ...
Chas. H. Kendrick
Frank J. Kilaly
Milton H. Eby
Henry ...
W. G. ...
Wm. W. ...

RESOLUTION No. 33407
(New Series)

BE IT RESOLVED THAT:

Section 1. The offer of The Regents of the

University of California and of Walter S. Martin, R.I. Bentley, John D. McKee, Frank R. Havenner, Charles H. Kendrick, Frank F. Kilsby, Milton H. Esberg, Herbert Fleishhacker, William H. Crocker, John S. Drum, James B. McSheehy, and Jesse C. Colman, as trustees of the privately subscribed funds of the San Francisco War Memorial, to assign, transfer, and convey all of the property, real, personal, and mixed, now held by them in trust under the terms of that certain agreement between The Regents of The University of California and Walter S. Martin, Charles Templeton Crocker, John D. McKee, E. S. Heller, Charles H. Kendrick, Frank F. Kilsby, Milton H. Esberg, Herbert Fleishhacker, William H. Crocker, and John S. Drum, dated August 19th, 1921, and all amendments thereto heretofore made, to the City and County of San Francisco, in trust, is hereby accepted, subject to the following terms and conditions:

(a) The City and County of San Francisco accepts all cash, choses-in-action, and other property so assigned and transferred, upon the trusts, terms, and conditions set out in that certain agreement, dated August 19, 1921, hereinabove in Section 1 hereof referred to, and all amendments thereto heretofore made, and said City and County agrees to perform or cause to be performed all the duties which by the terms of said agreement devolved upon The Regents of The University of California and/or Walter S. Martin, Charles Templeton Crocker, John D. McKee, E. S. Heller, Charles H. Kendrick, Frank F. Kilsby, Milton H. Esberg, Herbert Fleishhacker, William H. Crocker, and John S. Drum, and/or their successors, as trustee.

CERTIFIED COPY

(b) The title to all real property so conveyed to the City and County of San Francisco, in trust, shall vest in said City and County, but said real property shall be used only as a site for the War Memorial referred to in that certain agreement of August 19, 1921.

(c) All cash, choses-in-action, and all other personal property of every kind and sort so assigned and transferred to the said City and County, together with all income and interest therefrom, shall be set aside for the use and benefit of the "Board of Trustees of the War Memorial", which said Board was created by an amendment to the Charter of the City and County of San Francisco, designated as Article XIV-d of said Charter.

(d) The Supervisors of the City and County of San Francisco hereby authorize the said Board of Trustees of the War Memorial to administer, execute, and perform the terms and conditions of the trust set forth in that certain agreement of August 19, 1921, hereinabove in Section 1 hereof referred to, and all amendments thereto heretofore made.

(e) The cash, choses-in-action, and personal property of every kind and sort, so assigned and transferred, in trust, to the City and County of San Francisco, together with all income and interest therefrom, and such sums of money as may be added thereto, shall be used by the said "Board of Trustees of the War Memorial" only in conjunction with the proceeds from the War Memorial bond issue, and only for the purpose of constructing a War Memorial in the City and County of San Francisco as provided in that certain agreement, dated August 19, 1921, hereinabove in Section 1 hereof referred to and all amendments thereto heretofore made.

Section 2. The Mayor and the Clerk of the Board of Supervisors of the City and County of San Francisco are hereby authorized to execute, in duplicate, full and complete receipt to The Regents of The University of California and to Walter S. Martin, R. I. Bentley, John D. McKee, Frank R. Havenner, Charles H. Kendrick, Frank F. Kilsby, Milton H. Esberg, Herbert Fleishhacker, William H. Crocker, John S. Drum, James B. McSheehy, and Jesse O. Selman, and/or their successors, as trustees, for and on behalf of the City and County of San Francisco for all the property so transferred.

The foregoing document is certified to be a full, true, and correct copy of the original on file.

Gloria L. Young, Clerk
Board of Supervisors
City and County of San Francisco

By: *Gloria L. Young*

Date: SEP - 5 2002

(Seal)

NOV 10 1930

Adopted—Board of Supervisors, San Francisco.

Ayes: Supervisors Andriano, Canepa, ~~Colman~~, Gallagher, Havenner, Hayden, McGovern, McSheehy, Miles, Peyer, Power, ~~Riverieri~~, Rossi, Shannon, Spaulding, Stanton, ~~Smir~~, Toner.

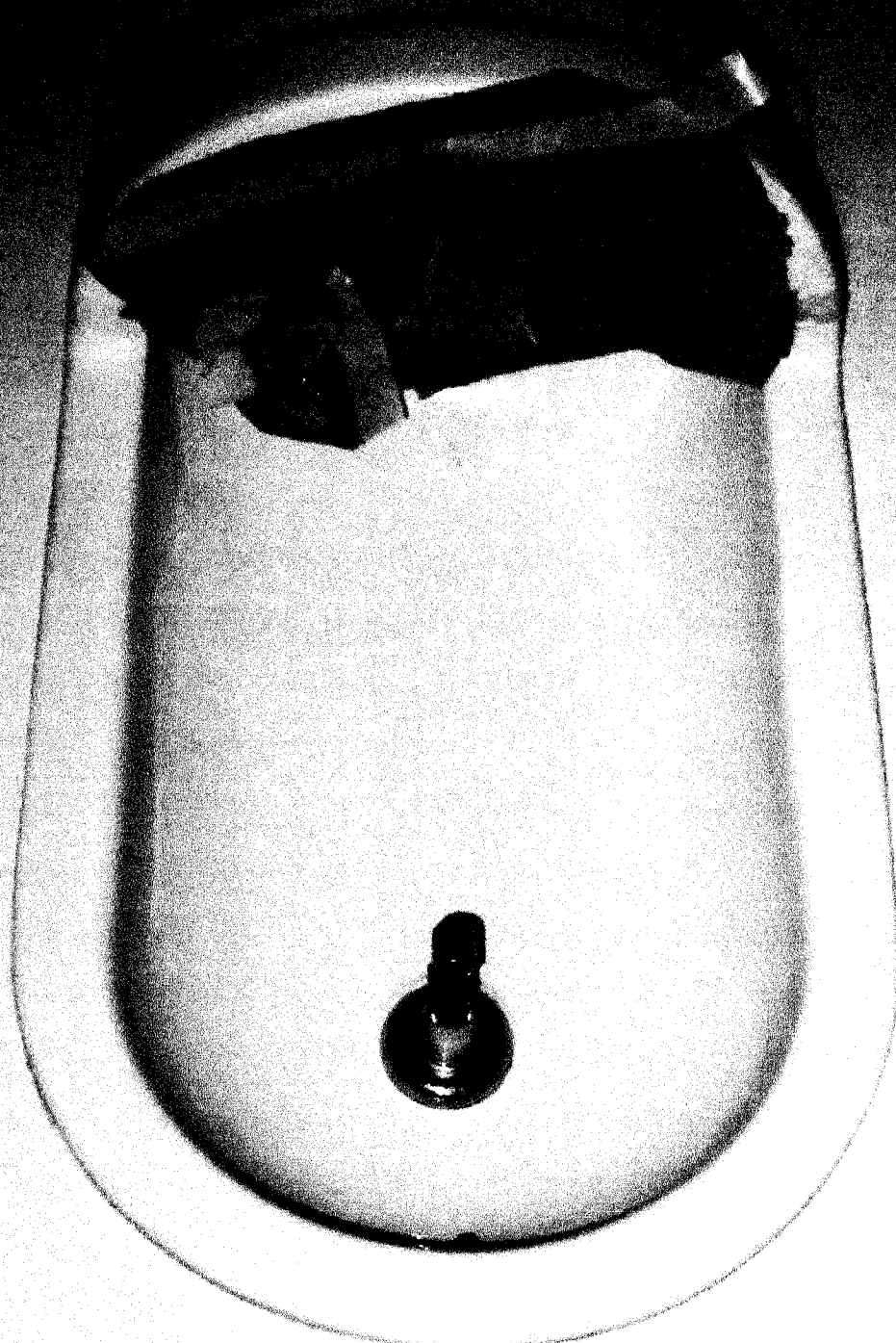
Noes: Supervisors _____

Absent: Supervisors *Colman Peyer Gonzales Peller*

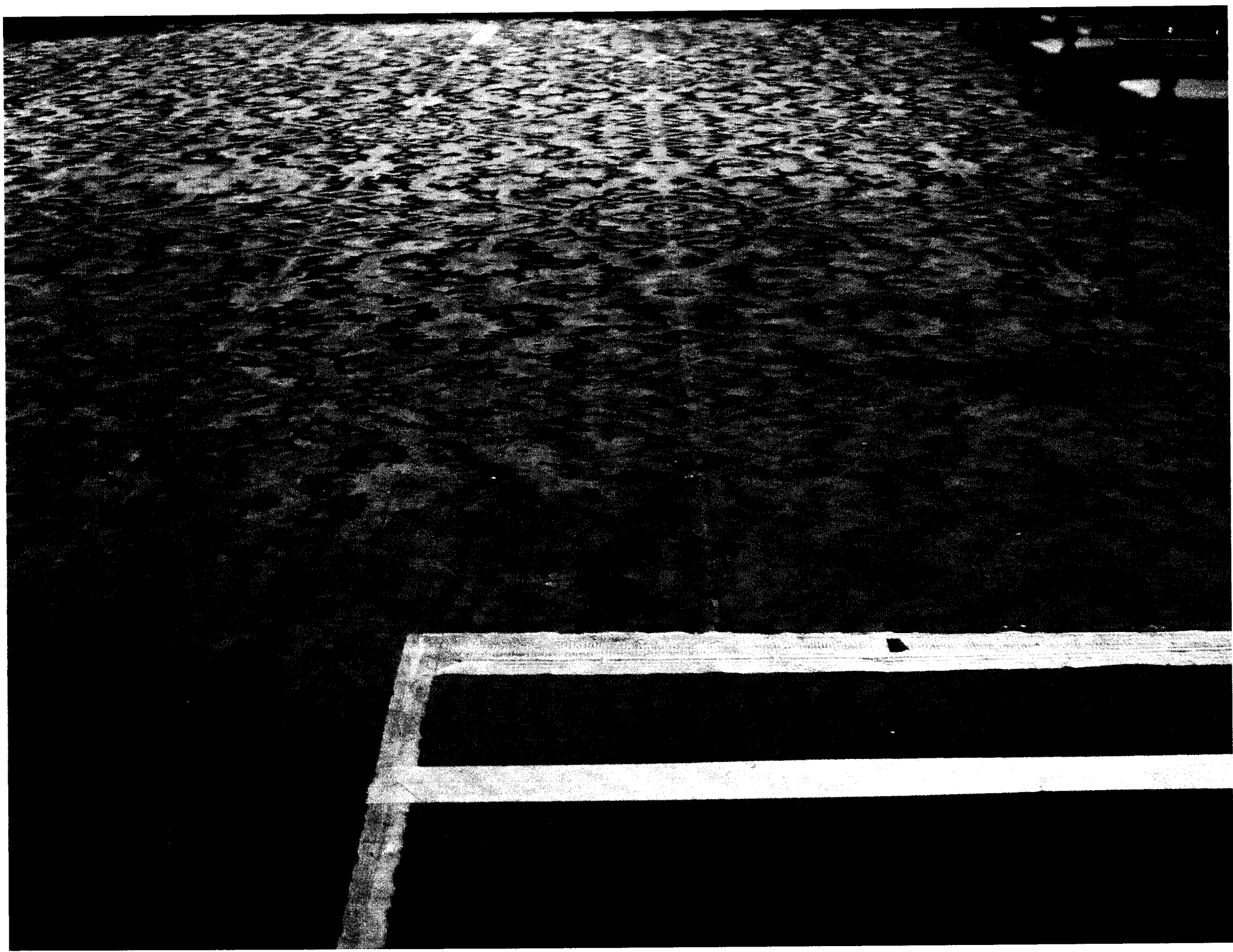
Approved San Francisco *12-1-30*

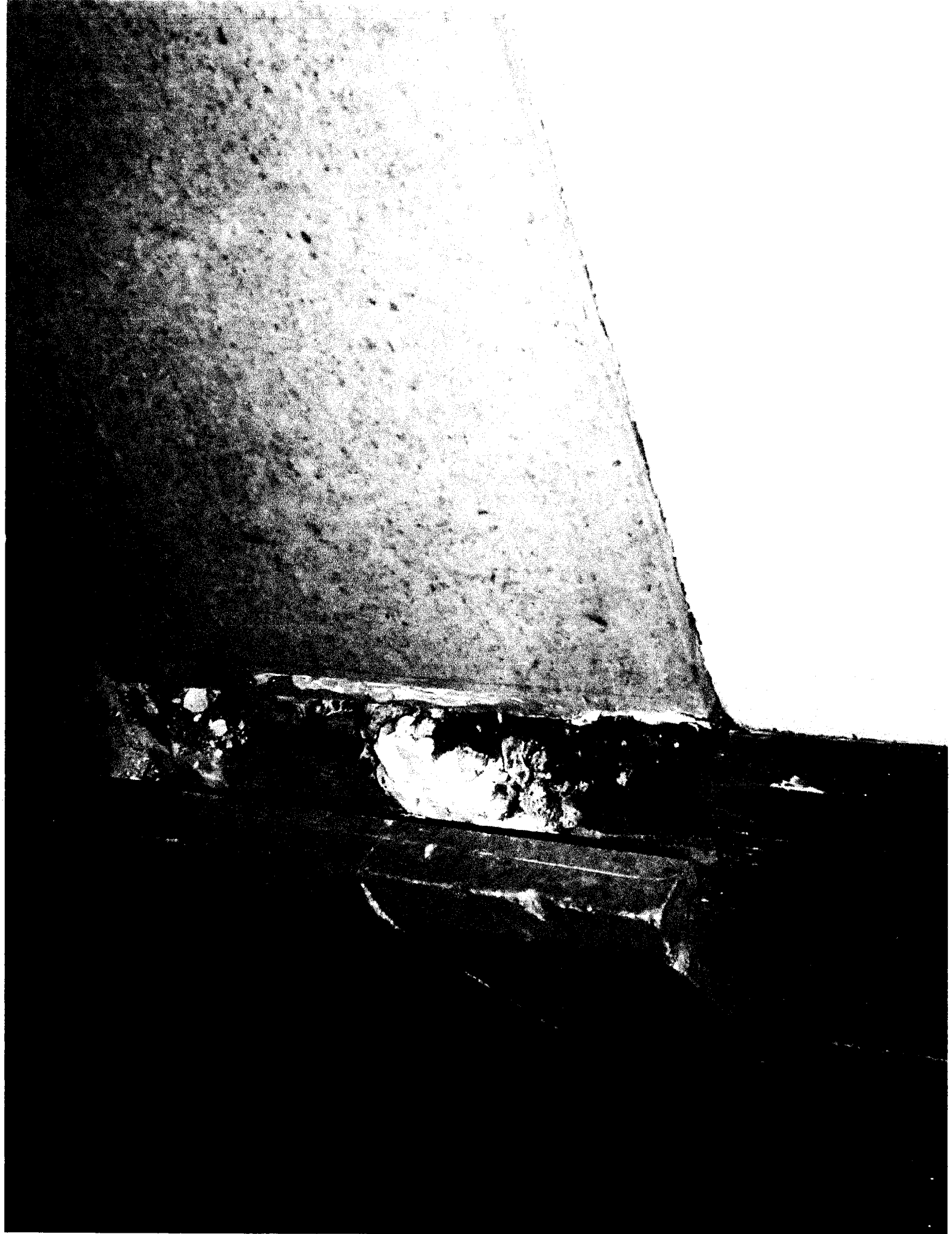
Clerk

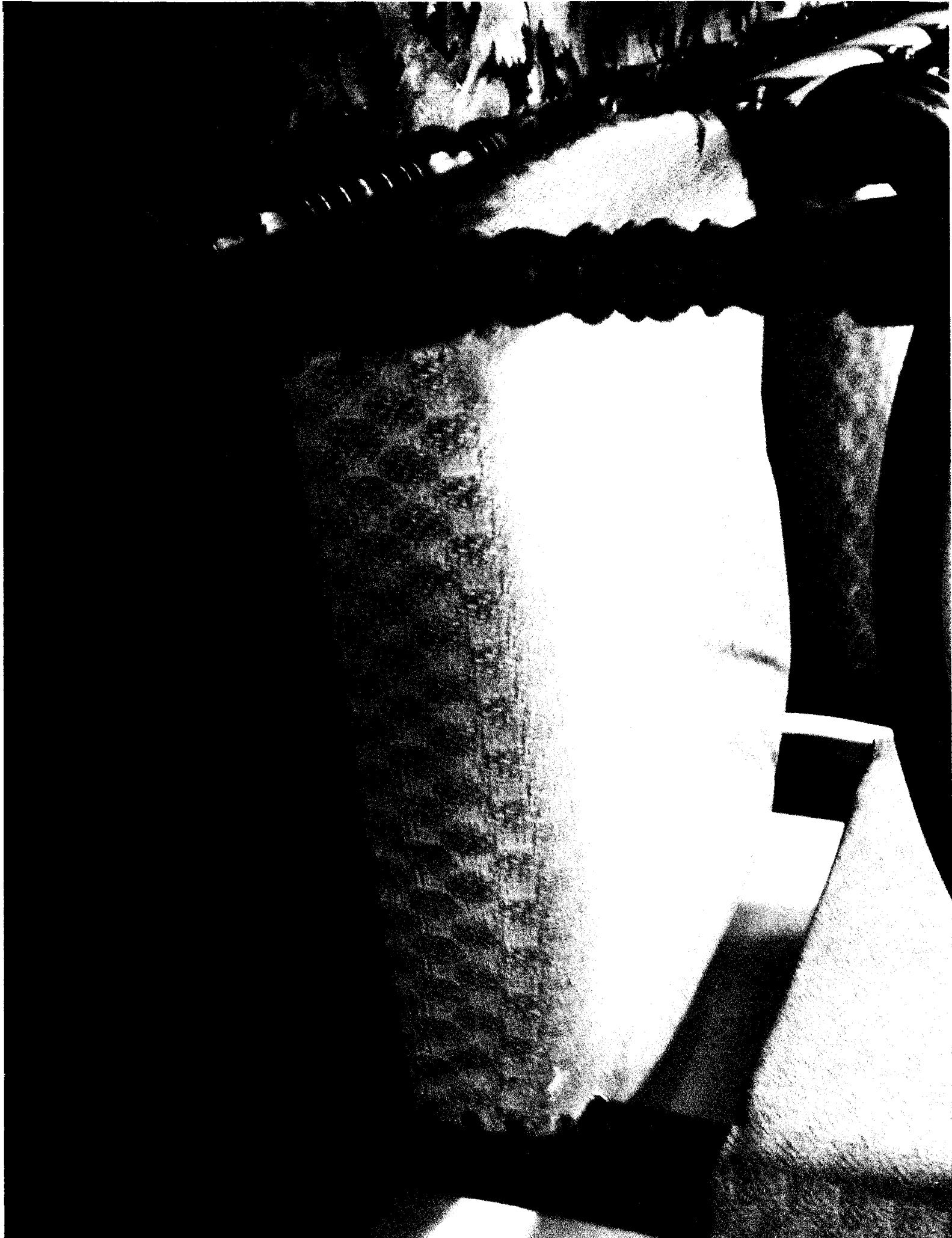
Mayor

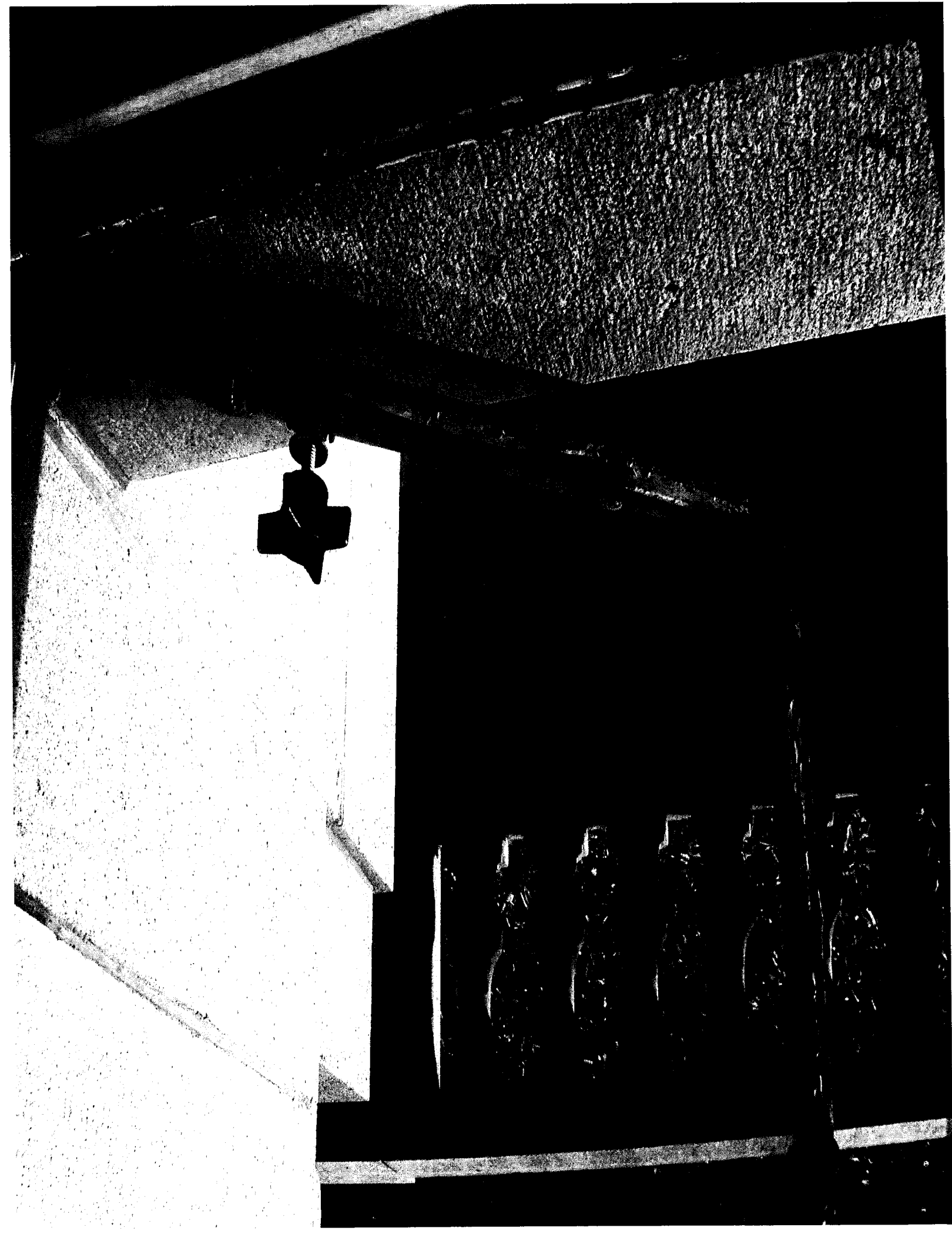














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January 12, 1933.

SUBJECT: Rights of American Legion posts in connection with War Memorial.

Gentlemen:

The following questions have been asked of this office:

- (1) Has the Board of Trustees the right to use Room 101, a large office space on the first floor of the Veterans' Building of the War Memorial, for the use of its secretarial offices or must this room be devoted to the use of the San Francisco posts of the American Legion?
- (2) Has the Board of Trustees the right to allocate Rooms 134 and 135 to the San Francisco Art Association, bearing in mind that these rooms are on the first floor of the Veterans' Building? The American Legion posts of San Francisco claim this space.
- (3) Have the American Legion posts of San Francisco the power to assess a service charge against other veteran or patriotic organizations occupying the War Memorial, other than the Veterans' Auditorium?
- (4) What charges must the Board of Trustees exact for the use of the Veterans' Auditorium?
- (5) Can the American Legion posts pay the Board of Trustees a flat charge for the use of the Veterans' Auditorium based on maintenance?

OPINION

In answering the various questions propounded, it is probably advisable to refer to some of the early events which occurred prior to the actual construction of the War Memorial. You will recall that in 1927 a proposed bond issue was submitted to the people of San Francisco with respect to whether the city and county should incur a bonded indebtedness in the sum of four million dollars for the "acquisition, construction and completion" of the War Memorial. This was voted upon favorably. The ordinance calling and providing for the special election anent this bond issue contained the following language:

"Section 1. A special election is hereby called and ordered to be held in the City and County of San Francisco on Tuesday, the fourteenth day of June, 1927, for the purpose of submitting to the electors of said City and County the following proposition, to-wit: To incur a bonded debt of the City and County of San Francisco to the amount of four million (\$4,000,000) dollars for the purpose of the acquisition, construction and completion of a permanent

improvement, to-wit: The construction, completion and equipment of permanent buildings in or adjacent to the Civic Center in the City and County of San Francisco, to be used as a memorial hall for war veterans and for educational, recreational, entertainment and other municipal purposes and the purchase of all equipment and furnishings necessary for said buildings."

You will note from the foregoing quotation that it was the intention of the people of San Francisco that the bond issue should be used for the "construction, completion and equipment" of a memorial hall for war veterans and was also "for educational, recreational, entertainment and other municipal purposes". Thus, we find that the people of San Francisco, at the time of their voting upon the bond issue, had in mind that the war veterans of San Francisco should be given consideration, but not that they should be given any exclusive rights with respect to the proposition. In fact, the ballots used at the said special election contained precise language to the effect that a bonded indebtedness was to be incurred and that the money obtained therefrom was to be used for the purpose of constructing a permanent improvement "to be used as memorial halls for war veterans and for educational, recreational, entertainment and other municipal purposes and the purchase of all equipment and furnishings necessary for said buildings". There is no language in the ordinance calling the special election to indicate any intent to give the war veterans of San Francisco any exclusive rights in the proposed War Memorial. From a reading of the ordinance and the language used, it appears that the voters had in mind that the war veterans of San Francisco should be given the utmost consideration but not exclusive rights. (See Ordinance No. 7516 (New Series).)

In 1928 the people of San Francisco voted upon a charter amendment providing for a Board of Trustees of the San Francisco War Memorial which was proposed to be erected and maintained in the Civic Center. The Board of Trustees was thereby created under this charter amendment, which provided that the board should "have charge of the construction, administration, management, superintendence and operation of the War Memorial". The Board of Trustees was given power to administer, execute and perform the terms of any trust accepted by the Board of Supervisors and to make rules and regulations not inconsistent with the provisions of the charter and the ordinances of the Board of Supervisors for the administration, government and protection of the War Memorial and its affairs.

It was provided further in said charter provision that the title to all property owned or thereafter acquired for the War Memorial should vest in the City and County of San Francisco when not inconsistent with the terms of its acquisition. (See Article XIV - D of 1899 Charter.)

Subsequently, and on May 9, 1930, an ordinance, No. 8746 (New Series), of the City and County of San Francisco became effective. This ordinance provided in detail for the construction of the War

Memorial and the administration, management, superintendence and operation of the War Memorial by the Board of Trustees theretofore provided for in the previously mentioned charter provision.

On November 12, 1930, the City and County of San Francisco accepted a transfer of the trust set up in 1921 which provided for a War Memorial in San Francisco. Subsequently, and on February 24, 1931, Ordinance No. 8931 (New Series) became effective. This ordinance provided more effectually for the construction, administration, management, superintendence and operation of the War Memorial.

With the advent of the new charter we have Section 44 which provides that the Board of Trustees of the War Memorial should have charge of the construction, administration and operation of the War Memorial and of the grounds set aside for it.

Thus it will be readily seen that in order to reach a proper conclusion concerning any of the questions asked, all of the various matters heretofore mentioned must be considered together as a whole. The various ordinances, charter provisions and agreement must be read in conjunction with each other in order to properly understand the situation. It is my opinion that the people of San Francisco vested complete control of the War Memorial in the Board of Trustees subject only to the provisions of the 1921 Trust Agreement, unless the Supervisors had no power to accept the trust on the terms set forth in the trust agreement. I have heretofore taken, and will continue to take, the position, however, that the acceptance of the trust was on a lawful basis.

(1) I have failed to find anything in the trust agreement which would prevent the Board of Trustees from occupying office space on the first floor of the Veterans' Building of the War Memorial for the use of its secretarial offices. In fact, it would seem that the trustees might be charged with being derelict in their duty if they did not provide for their offices in a place readily accessible to the general public and where most of the persons using the War Memorial would find it convenient. In this connection it must be remembered that the Trustees have charge of the management of the War Memorial. However, if Room 101 should be a large room which the Trustees do not require because of its size, or in the event that this room should conflict with the occupancy of the building by the veteran organizations, the use thereof would be unreasonable and therefore in violation of the trust agreement, which apparently contemplated that the veterans in the building were to be left to themselves. It would seem under the circumstances that while the veterans are not entitled to any exclusive portion of the so-called Veterans' Building, they are entitled to all space necessary for their use. This, of course, cannot prevent the use of office space by the Trustees on the first floor of the building. The Board of Trustees, however, must bear in mind that the American Legion posts of San Francisco and other veteran organizations are to be given preference in all matters, since one of the primary purposes of the War Memorial is to provide headquarters and space for these organizations. However, since the management of the War Memorial is vested in the Trustees they are the final determinators of all questions of policy.

(2) So far as the rights are concerned of the San Francisco Art Association to have offices on the first floor of the Veterans' Building, I see no objection to such an arrangement, provided they do not conflict with the reasonable use of this floor by the veteran organizations. If there be any conflict it must be resolved in favor of the veterans because the general plan of the building contemplates that the veterans should occupy the first floor separate from the Art Association. You will recall that the San Francisco Art Association has also been given certain preferential rights under the Trust Agreement. These rights must be respected. I would suggest that, so far as possible, the veteran organizations be kept separate and apart from the San Francisco Art Association in order to avoid conflict and confusion. It is my opinion that neither the people of San Francisco nor the makers of the Trust Agreement had in mind that these two diverse organizations should be compelled to conflict with each other in any way. There is no set amount of space in the War Memorial to which any particular group is entitled as a matter of right.

(3) There is nothing in the Trust Agreement which would permit the American Legion posts of San Francisco to assess a service charge against any other veteran or patriotic organization occupying the Veterans' Building, except, of course, that portion known as the Veterans' Auditorium. The only language that might give any such impression is that contained in Subdivision (1) of Section (C) of the Trust Agreement which provides that the San Francisco posts, or a majority of them, shall provide headquarters for other veteran and patriotic organizations under rules and conditions prescribed by the San Francisco posts. Such rules and conditions, however, could not be made to include a service charge which would be, in effect, a charge for rent. Whether the service charge be large or small it could not be exacted from these other organizations. However, I see no objection whatever to a voluntary contribution on the part of these organizations towards paying administrative expenses. In fact, it would be logical that such contributions should be made.

(4) The charges to be made by the Board of Trustees to the American Legion posts in connection with the sub-letting of the Veterans' Auditorium by the American Legion posts should cover the full cost of maintenance. This should be readily calculable and could be worked out on a business basis by the use of proper accountancy methods. However, it is my opinion that the American Legion posts of San Francisco should not be made to pay any charges for the use of the Veterans' Auditorium when used for their own functions for which no charge for admission is made. When the Auditorium is used for profit I think that it is within the spirit of the Trust Agreement and the charter that a maintenance charge should be exacted by the Trustees. There is no provision in the Trust Agreement for the exemption from payment of a reasonable rental by other organizations when they use the Veterans' Auditorium whether an admission charge is made or not. The Board of Trustees have the power, however,

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to permit the use of the Auditorium without charge at any time when not used for profit.

(5) I can perceive of no reason why a flat charge, based upon the cost of maintenance, cannot be made in the place of calculating each day's use.

Respectfully submitted,

CITY ATTORNEY

BOARD OF TRUSTEES OF THE WAR MEMORIAL
OF SAN FRANCISCO,
Opera House,
San Francisco, Calif.



American Legion War Memorial Commission

July 10, 2012

Mr. Charles Edwin Chase, President
Ms. Courtney Damkroger, Vice President
Mr. Richard S. E. Johns
Mr. Karl Hasz
Mr. Alan Martinez
Ms. Diane Matsuda
Mr. Andrew Wolfram
San Francisco Historic Preservation Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

re: Veterans' Building, 401 Van Ness Avenue
Cases Nos. 2011.0420A and 2011.0420U
Certificate of Appropriateness Required for Interior Demolition and Remodeling

Ladies and Gentlemen:

We write to you in order to set forth what we consider to be clear authority in Article 10 and Appendix J of the Planning Code that the proposed demolition and remodeling of the interior of the Veterans' Building may not proceed unless the proponents of the project first apply for and obtain a Certificate of Appropriateness. In Article 10 and Appendix J, the Board of Supervisors has expressly given you authority to require a Certificate of Appropriateness in this case.

We will deliver a copy of this letter and its exhibits to each of you, to the Secretary of the Commission, and to Mr. Sucre. We request that a copy be made part of the record of this proceeding.

War Memorial Veterans Building
401 Van Ness Avenue, Suite 101 • San Francisco, California 94102
(415) 861-4920 • alwmcsf@gmail.com

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1. Planning Code Article 10 requires a Certificate of Appropriateness before the demolition and remodeling of the interior of the Veterans' Building may proceed.

Article 10 of the Planning Code requires a Certificate of Appropriateness before the interior of a publicly owned landmark may be demolished and remodeled. The Veterans' Building is both a landmark [San Francisco Landmark No. 84 and State Landmark No. 964] and part of the Civic Center Historic District. Therefore:

- Section 1002(a)(2)¹ says that you shall “review and decide on” applications for “alteration” and “other applications pertaining to landmark sites and historic districts,” as set forth in Article 10.
- Section 1004(c) makes the Veterans' Building subject to the controls and standards in Article 10. It states in part: “The property included in any such designation [as a landmark or historic district] shall upon designation be subject to the controls and standards set forth in this Article 10.”

¹ Unless otherwise noted, references to sections are to sections of Article 10 as amended this year.

- The next sentence of Section 1004(c) adds that the property “shall be subject to the following further controls and standards if imposed by the designating ordinance:
 - (1) For a publicly-owned landmark, review of proposed changes to significant interior architectural features.”

The Veterans’ Building is a publicly-owned landmark. The City owns it in trust, subject to the 1921 Trust Agreement. As shown in the Historic Structure report of Carey & Co. Inc.,² at the Appendix that contains the Significance Diagrams, and comparing those with the plans for the first floor contained in Attachment B to the application for a Certificate of Appropriateness,³ the demolition and remodeling will include at least the Very Significant corridor numbered 177;⁴ the Significant spaces numbered 126 through 158; and Contributing spaces numbered 111, 113, 114, and 120 through 122. On the second floor, the proposal will include demolition and remodeling of at least Significant spaces numbered 214, 224, 239, and 240; and Contributing spaces numbered 213A and B, 221, 222, 223, 225 through 231, 235 through 238, and 241 through 243. It appears to us from the plans you have received that substantially all of the spaces on the north, west, and south sides of the first floor, plus all of the west corridor, and substantially all of the second floor spaces except the Green Room and spaces numbered 209, 220, 232 will be altered, including removal of existing partition walls. Although the Carey study does not pay substantial attention to the historic uses of basement spaces, from the standpoint of veterans many of them used to be significant contributors to the viability of the Veterans’ Building.

- Section 1005(a) prohibits any alteration of the Veterans’ Building except in conformity with Article 10. It states in part: “No person shall carry out or cause to be carried out on a designated landmark site or in a designated historic district any

² The Carey Report is on the disk that was part of your agenda materials for the Commission meeting held on April 4, 2012. To save you the time of looking it up, we attach as Exhibit 1 a copy of the Appendix that contains the Significance Diagrams.

³ The plans are also on the disk that was part of your agenda materials for the April 4th meeting, starting at page 23 of Attachment B on that disk.

⁴ The Carey Report assigns numbers to the rooms and spaces that differ from the Room numbers customarily used in managing the Veterans’ Building. Unless otherwise noted in this letter, we will use the Carey space numbering references.

construction, [or] alteration . . . for which a City permit is required, except in conformity with the provisions of this Article 10.”

- Section 1006(1) requires a Certificate of Appropriateness for "Any construction, [or] alteration...of a structure...for which a City permit is required, on a landmark site or in a historic district."
- Moreover, the wording of revised Section 1006 now expressly permits the ordinance that designates an historic district to modify or add to the requirements of a Certificate of Appropriateness. As discussed in the next section of this letter, the designating ordinance in this case expressly requires a Certificate of Appropriateness, even if Article 10 did not do so.

2. Appendix J expressly requires a Certificate of Appropriateness before the demolition and remodeling of the interior of the Veterans' Building may proceed.

Appendix J to Article 10 of the San Francisco Planning Code is the designating ordinance for the Civic Center Historic District. Even if Article 10 itself did not require a Certificate of Appropriateness, Appendix J **expressly requires** a Certificate of Appropriateness in this case.

Section 7 of Appendix J starts by invoking the requirements of Article 10: "The procedures, requirements, controls and standards in Sections 1005 through 1006.8 of Article 10 of the City Planning Code shall apply to all applications for Certificates of Appropriateness in the San Francisco Civic Center Historic District."

The third sentence of Section 7 of Appendix J protects against any inconsistency between Appendix J and Article 10: "In the event of any conflict or inconsistency between the following provisions and Article 10, the procedures, requirements, controls and standards affording stricter protection to the Historic District shall prevail, except for the provisions of Section 8 of . . . [Appendix J]."

Section 7 of Appendix J continues by stating: "A Certificate of Appropriateness **shall be required** for all major alterations" as set forth in Section 7.

Section 7(a)(2) defines a “major” alteration as including an alteration that would affect all or any substantial part of the building’s interior column or load-bearing wall. To quote it in part:

(a) An alteration is considered major if any of the following apply:

* * * *

(2) The alteration would affect all or any substantial part of a structure’s interior . . . column or load-bearing wall

As will be discussed in Section 3 of this letter, the proposed demolition and remodeling of the interior of the Veterans’ Building will remove many of the transverse interior walls. Most of those walls are currently load bearing, which will also be discussed in Section 3 of this letter.

Section 7(a)(2) applies because no paragraph of Section 8 of Appendix J exempts the proposed demolition and remodeling of the interior of the Veterans’ Building from a Certificate of Appropriateness. Specifically:

- Section 8(a) of Appendix J requires all governmental bodies to cooperate with the Landmarks Preservation Advisory Board⁵ on proposed interior changes to guarantee compliance with the Secretary of the Interior’s Standards for Rehabilitation. However, it contains no words exempting any entity from a Certificate of Appropriateness for the Veterans’ Building. Section 8(a) merely adds to the requirement of a Certificate of Appropriateness the additional requirement of cooperation with your Commission.
- Although Section 8(b) of Appendix J recognizes that the authorities and duties of the Trustees continue to exist, it too does not exempt them from the requirement of a Certificate of Appropriateness. To the contrary, notwithstanding the authority of the Trustees under the 1921 Trust Agreement, in Section 8(b) the Board of Supervisors expressly retained its own authority, the authority of the Historic Preservation Commission, and the authority of the Planning Commission over historic preservation decisions in the Civic Center Historic District. After reciting

⁵ We understand that for Appendix J the Landmarks Preservation Advisory Board has been replaced by the Historic Preservation Commission.

that the powers, rights and duties of the War Memorial Trustees are not diminished, Section 8(b) states:

It is the intent of the Board of Supervisors, however, to retain its authority, and the authority of the Landmarks Preservation Advisory Board and the Planning Commission, over historic preservation decisions in the Civic Center Historic District in order to ensure the appropriate treatment of the historical elements of this historic district.

- Section 8(c) of Appendix J says that the Trustees “. . . shall consult with the Landmarks Preservation Advisory Board on any proposed interior alterations to the publicly accessible spaces of the buildings, **regardless of whether a Certificate of Appropriateness is required by this Ordinance or by Article 10.**” It does not exempt the Trustees from the requirement of a Certificate of Appropriateness. It requires **both consultation and**, where Article 10 of the Planning Code or Appendix J so require, **a Certificate of Appropriateness too.** Because Article 10, Sections 1004 and 1005, and Appendix J, Section 7(a)(2), require a Certificate of Appropriateness in this case, Section 8(c) mandates that the proponents of the demolition and remodeling of the interior of the Veterans’ Building both apply for a Certificate of Appropriateness and consult with the Historic Preservation Commission.

Thus, not one paragraph of Section 8 exempts the proposed demolition and remodeling of the interior of the Veterans’ Building from the requirement of a Certificate of Appropriateness under Section 7(a)(2).

In the absence of any contrary provision in Appendix J, Section 8, the mandates of Article 10 and Appendix J, Section 7, state the circumstances under which a Certificate of Appropriateness is required for alterations to the Veterans’ Building. As noted above, Article 10, Sections 1004 and 1005 require a Certificate of Appropriateness for any “alteration.” Appendix J, Section 7(a)(2) is even more explicit. It requires a Certificate of Appropriateness for all “major alterations,” and it includes among the definitions of major alterations any alteration that would affect all or any substantial part of the interior or exterior column or load-bearing walls.

3. The proposed demolition and remodeling of the interior of the Veterans' Building includes major alterations of load-bearing walls.

The existing structural system of the Veterans' Building includes a concrete-encased steel frame, deep concrete spandrels around the building perimeter, two small shear walls flanking the stage of the Herbst Theatre, many hollow clay tile walls, and horizontal diaphragms that are parts of the floor and roof systems of the building. This structural system encompasses both vertical load-bearing elements and lateral load-bearing elements. The force of gravity causes the mass of the building, people, furniture and other items inside the building, and even rain water, to place vertical loads on the structural system. The building is also subject to lateral loads. Lateral loads include, for example, wind and seismic shocks.

In 1988, William S. Kaplan and other engineers conducted seismic analyses of various structures owned by the City. One of them was the Veterans' Building. We attach as Exhibit 2 pages 7-1 through 7-5 of that report. It said, "The majority of the original interior room and corridor partitions are hollow clay tile covered with plaster." Exh. 2, p. 7-2. The report made clear that the hollow clay tile walls are part of the structural system:

The structure has a certain level of stiffness because of the beam and interior column concrete fire-proofing encasement, the encasement of the exterior wall steel columns in concrete piers which extend up to the concrete encased steel spandrel beams **and the extensive in-fill hollow clay tile walls between the steel columns.** However, the strength of these stiffening elements is not sufficient to resist the forces imposed. Consequently, when the strength of the elements is exceeded extensive damage will result because [*sic*] of the progressive deterioration which will follow.

In a moderately heavy earthquake the existing structure would probably suffer extensive interior clay tile wall damage with probable collapse of many of these walls because of severe cracking from in-plane diagonal compressive forces caused by racking of the steel frame that is joined by simple girder to column connections.

Exh. 2, p. 7-4 [emphasis added].

Similarly, in 1996, Rutherford & Chekene Consulting Engineers and Structural Design Engineers prepared a pre-design study report about the Veterans' Building for the Bureau of Architecture. We attach Exhibit 3 pages 2-8 and 2-9 of that report. Like the Kaplan report, Rutherford & Chekene concluded that the lateral force resisting system

was deficient and that the hollow clay tiles are part of that system:

Our evaluation indicates that the **existing lateral force resisting system** of the building lacks adequate strength, stiffness and ductility to satisfy the established criteria described below. . . . The following major deficiencies were identified:

* * * *

- **Hollow Clay Tile partitions** are inadequately braced for out-of-plane stability. In a major earthquake, extensive cracking and spalling is expected, resulting in significant hazard from falling debris, posing substantial risk to life safety. Areas of special vulnerability are main exit corridors on all levels, major stairwells, and fourth floor partitions.

Exh. 3, pp. iv & v [emphasis added]. Chapter 2 of the Rutherford & Chekene report described their investigation of existing conditions and materials. Section 2.3.2 was the Structural System Description. In addition to describing the steel frame, floors, major walls, and interior steel columns, the report described the structural function of the hollow clay tile masonry:

The majority of the original interior room, stair and corridor partition walls are constructed of 4" or 6" **hollow clay tile** (HCT) masonry. In the building areas which have been remodeled, metal stud and gypsum board or plaster wall surfaces have been used.

* * * *

The existing War Memorial Veterans Building resists lateral wind and seismic forces by a complex combination of reinforced concrete roof and floor diaphragms and the roof steel truss members transferring loads to the interior concrete stage block walls, exterior concrete walls and exterior concrete rigid frames/wall piers **and interior hollow clay tile partition walls.**

Exh. 3, pp 2-8 & 2-9 [emphasis added].

To illustrate the extent of the hollow concrete tiles throughout the Veterans' Building, we attach as Exhibit 4 copies of the structural coordination drawings from the Rutherford & Chekene report for the basement through fourth floors. They show hollow clay tiles throughout the basement; numerous places on the north, west, and south sides of the first floor; the north, west, south and east sides of the second floor; and throughout the third floor. Most of the walls that reach from interior halls to the outside walls are hollow clay tile and therefore lateral-load bearing.

Page 3 of the Historic Preservation Commission Staff's Case Report dated April 4, 2012, makes clear that the interior load-bearing walls will be affected by the proposed demolition and remodeling. The alterations will include removal of many hollow clay walls; additions of concrete shear walls at various locations throughout the building; strengthening of stage walls; strengthening of perimeter walls in northeast and southeast corners of the building; strengthening of diaphragm collectors on all floors; strengthening of third and fourth floor diaphragms; strengthening of the roof diaphragm; addition of lateral bracing many places; removal of many interior walls; and other alterations that will affect virtually all of the interior load-bearing walls.

To illustrate that load bearing walls will be removed and altered throughout the Veteran' Building, we attach as Exhibits 5 through 10 reduced copies of the schematic drawings of the remodeling project that show removals of numerous interior load-bearing walls throughout the Veterans' Building. These drawings were part of Attachment B to the application for a Certificate of Appropriateness that was part of the agenda materials for the April 4, 2012, meeting of the Commission. They show removals of hollow clay tiles on every floor. Exhibit 5 depicts the basement. Exhibit 6 illustrates the removal of almost all of the interior walls along the north, west, and east sides of the first floor. Exhibit 7 illustrates the removal of existing walls on the north and west sides of the second floor. Exhibit 8 illustrates the removal of existing walls along the north, west, and south sides of the third floor. Exhibit 9 illustrates the removal of existing walls on the fourth floor. We also attach as Exhibit 10 a copy of page 19 of the same Attachment B. It dramatically shows new walls and new bracing that will be installed throughout the Veterans' Building.

Thus, it is clear that the demolition of the interior of the Veterans' Building will include alterations that will affect substantial parts of the interior load-bearing walls. These alterations satisfy the definition of "major alteration" in Appendix J, Section 7(a)(2). Therefore, the proposed interior demolition and remodeling is a "major alteration" for which a Certificate of Appropriateness is a prerequisite under Appendix J, Section 7(a)(2).

In addition, we note that the definition of a "major alteration" in Section 7(a)(2) does not limit the phrase "load-bearing wall" to a "vertical-load-bearing wall." It just refers to "load-bearing" wall. If the Board of Supervisors had intended to limit

Certificates of Appropriateness just to alterations of “vertical-load-bearing walls,” then they would have said so. They did not. No provisions of the Planning Code of which we are aware limit the term “load-bearing” to simply vertical loads.

Moreover, to interpret the phrase “load-bearing” to mean only “vertical load-bearing” would be inconsistent with the California Building Code. That code depends on the ASCE 7-10 Minimum Design Loads for Buildings for calculations of loads on buildings, which defines “loads” as not just weight but also environmental effects and other movement and changes:

LOADS. Forces or other actions that result from the weight of all building materials, occupants and their possessions, environmental effects, differential movement, and restrained dimensional changes.

Elsewhere in ASCE 7-10, wind, earthquake and notional loads are defined as three of the possible environmental loads. Several chapters are devoted to analysis of lateral loads. Thus, any elements of the Veterans Building--such as the hollow clay tile walls--that resist lateral loads are, perforce, load-resisting elements.

4. The proposed demolition and alterations of interior load-bearing walls make an application for a Certificate of Appropriateness mandatory.

We have searched in vain for any City Attorney Opinion that exempts the proponents from a Certificate of Appropriateness before they demolish and remodel the Veterans’ Building. On June 6th and on June 15th, Mr. Sucre reported to us that the City Attorney told staff that a certificate of appropriateness is not required. We understand that statement was oral, not written.

The oral advice is contradicted by the plain words in Appendix J, Section 7(a)(2) and in Planning Code Article 10, Sections 1004(c)(1), 1005(a), and 1006. Unless there is decisional law that supports that remark of which we are not aware, the express wording of the Planning Code must be enforced.

If the City Attorney’s advice is based upon an assumption that the proposed demolition and alterations will not replace the steel framing, then that advice does not make sense. The perimeter walls will be altered; interior walls will be removed; shear

walls will be added. All of these changes will materially alter the interior load-bearing walls.

When spaces are altered by removing hollow clay tile walls, those walls are no longer present to bear lateral loads. The retrofit design will strengthen and stiffen the building so that the minimal strength of hollow clay tiles will not be required. Nevertheless, historically, the hollow clay tiles that will be removed have functioned as part of the lateral-load resisting system. Removal of them will by definition be “major alterations” under Appendix J Section 7(a)(2).

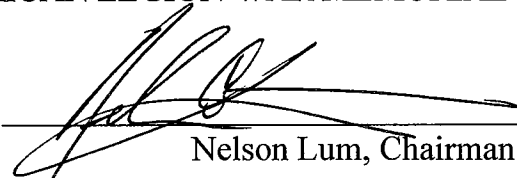
Clearly, the demolition and remodeling will affect load-bearing walls throughout the Veterans’ Building. Therefore, under Article 10 and Appendix J Section 7, the proposed interior work on the Veterans’ Building must not be permitted to proceed unless and until the proponents have first applied for and obtained a Certificate of Appropriateness for the proposed interior demolition and remodeling.

Thank you for your attention to this important issue.

Very truly yours,

AMERICAN LEGION WAR MEMORIAL COMMISSION

By:



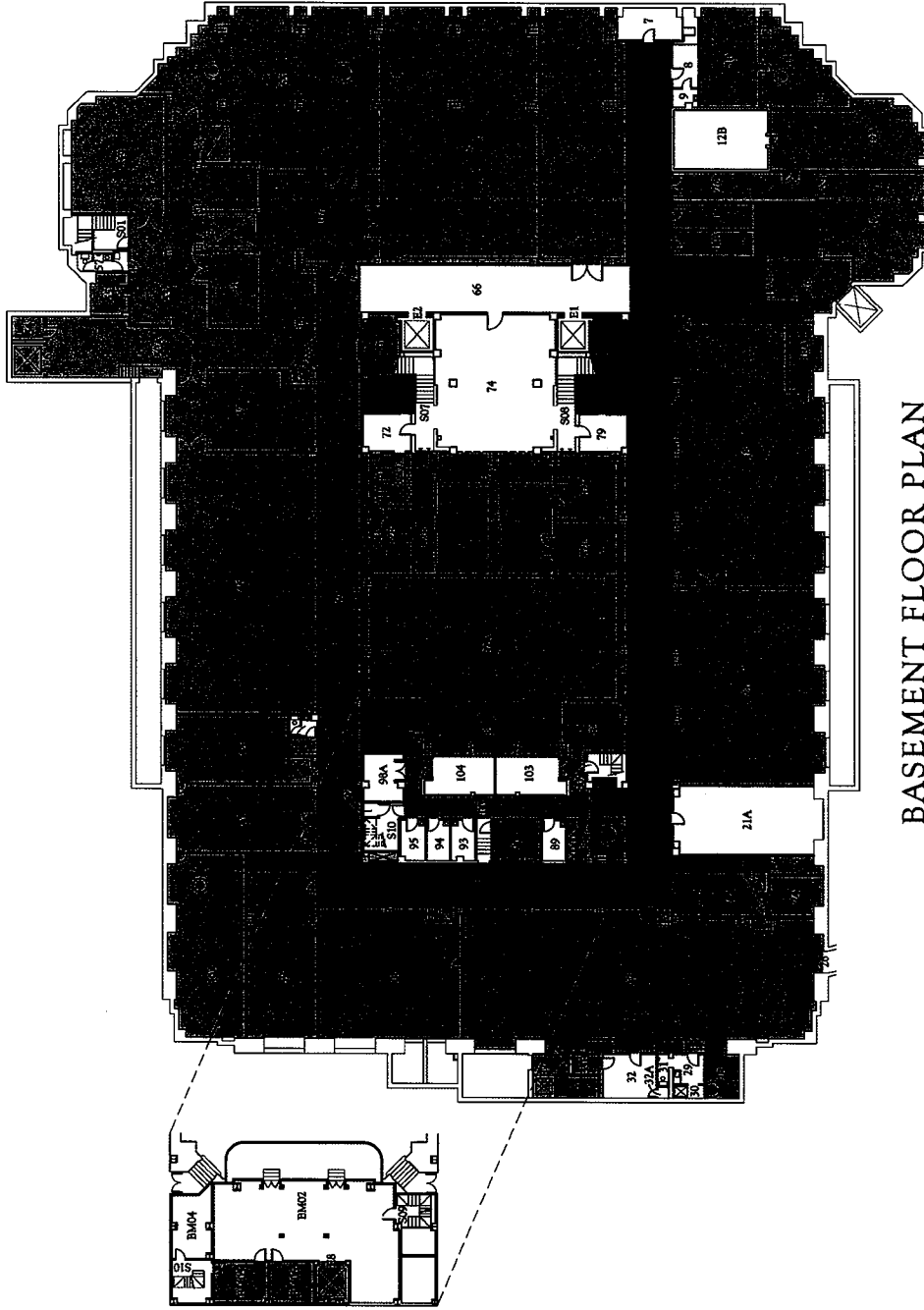
Nelson Lum, Chairman

cc: Ms. Linda Avery, Commission Secretary
Mr. Richard Sucre

EXHIBIT 1



CAREY & CO. INC.
ARCHITECTURE

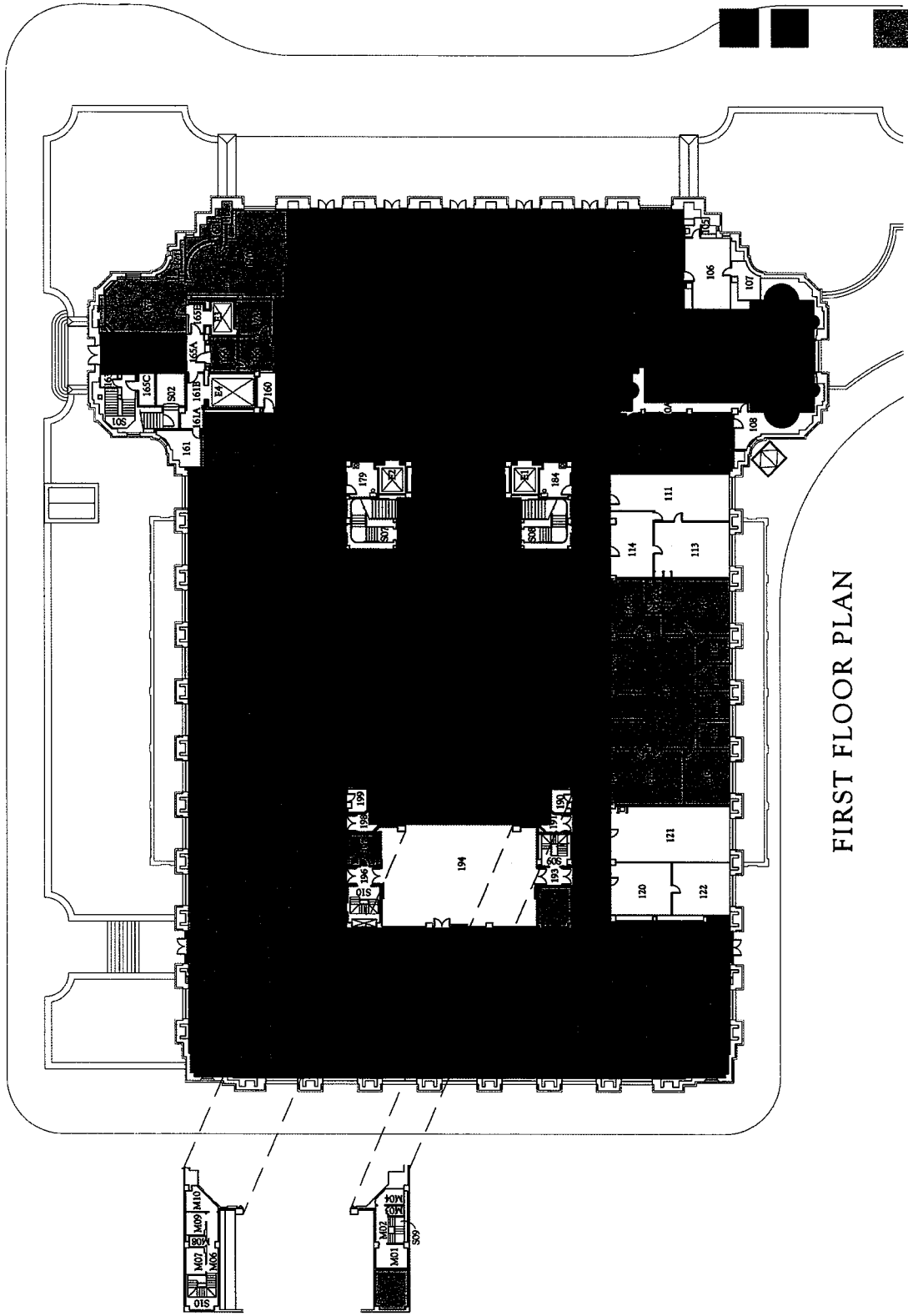


BASEMENT FLOOR PLAN

- Very Significant
- Significant
- Contributing
- Non-Contributing



San Francisco War Memorial Veterans Building



- Very Significant
- Significant
- Contributing
- Non-Contributing

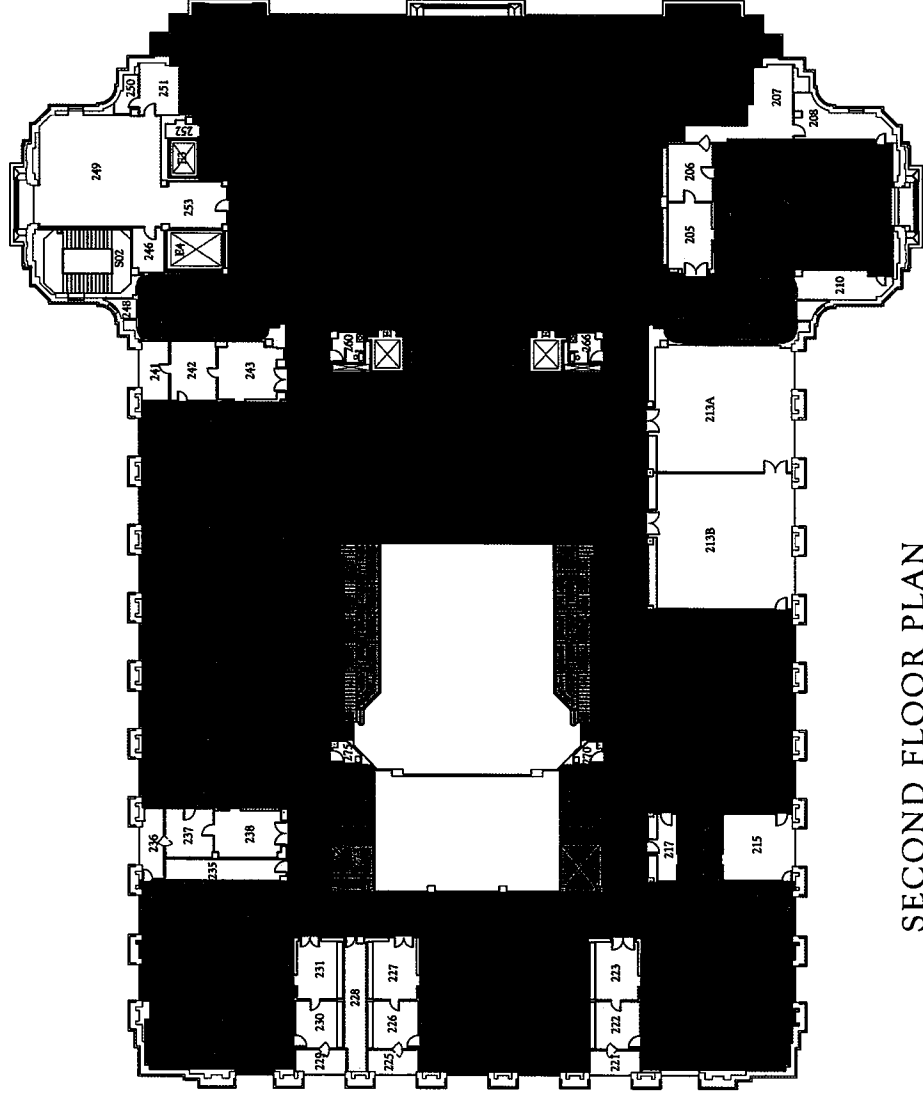


FIRST FLOOR PLAN

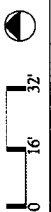
San Francisco War Memorial Veterans Building



CAREY & CO. INC.
ARCHITECTURE



- Very Significant
- Significant
- Contributing
- Non-Contributing

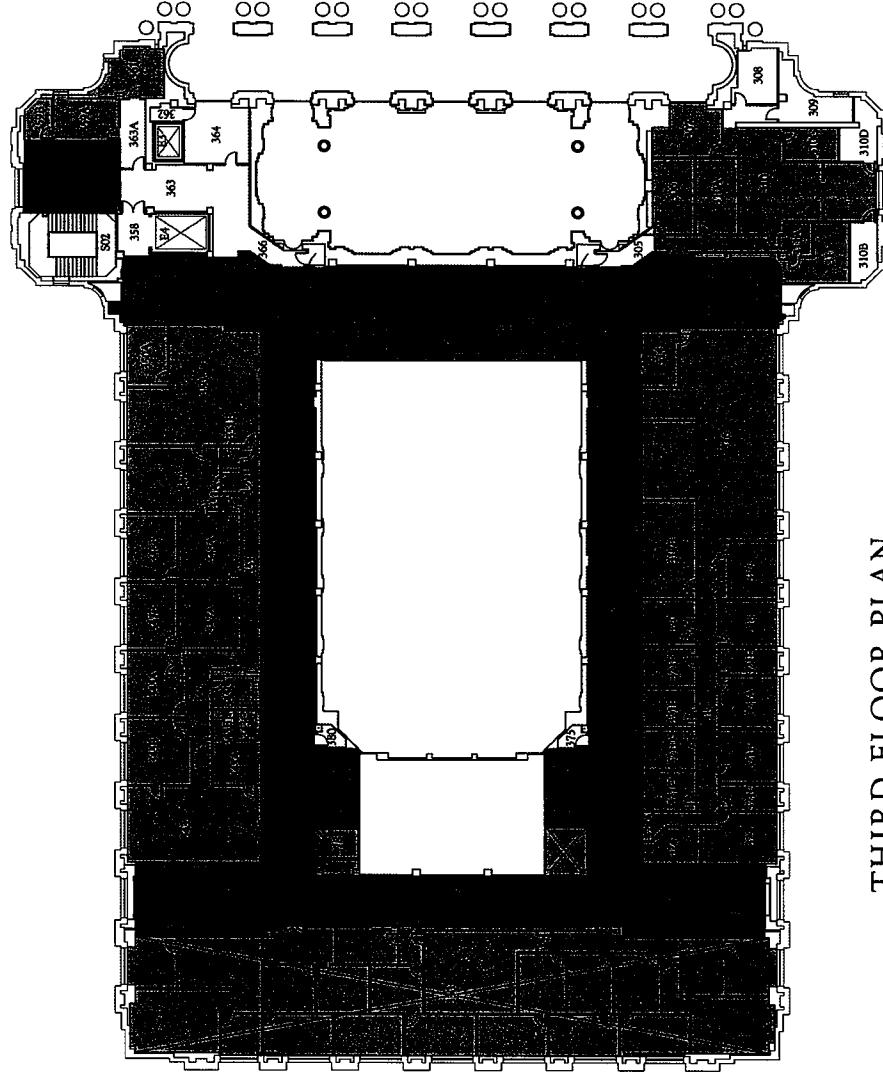


SECOND FLOOR PLAN

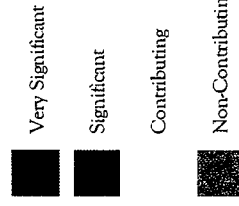
San Francisco War Memorial Veterans Building



CAREY & CO. INC.
ARCHITECTURE



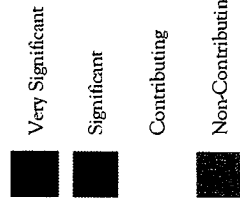
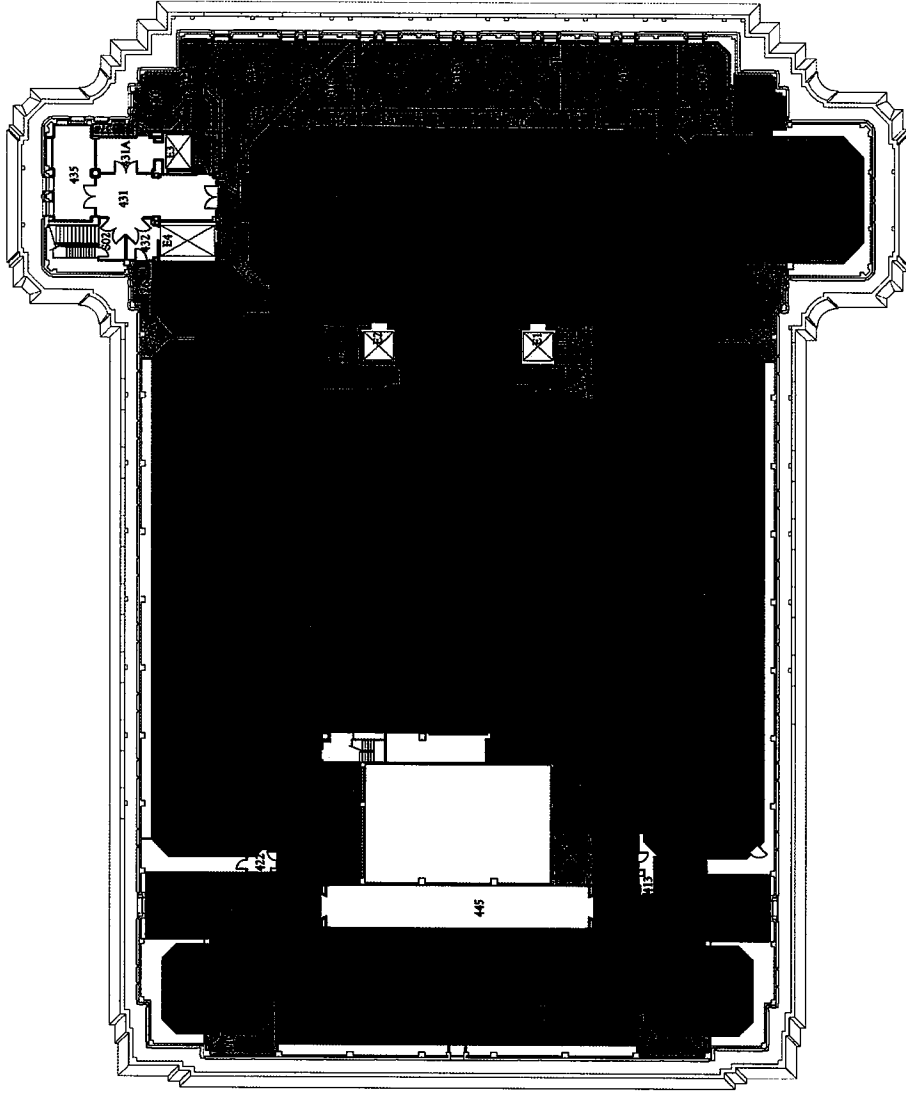
THIRD FLOOR PLAN



San Francisco War Memorial Veterans Building



CAREY & CO. INC.
ARCHITECTURE

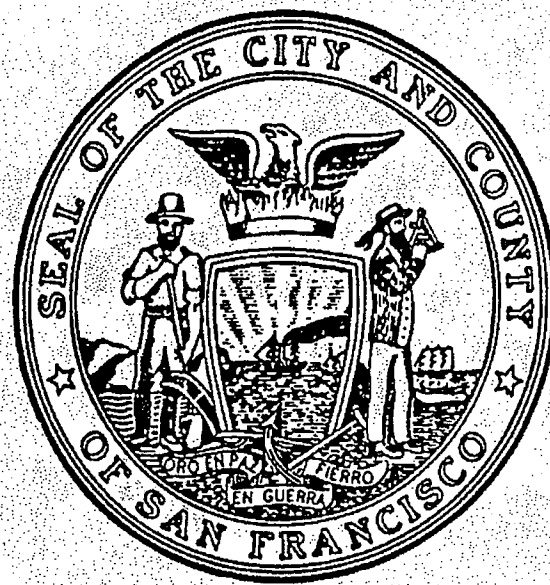


FOURTH FLOOR PLAN

San Francisco War Memorial Veterans Building

EXHIBIT 2

SEISMIC EVALUATION OF CITY BUILDINGS



FOR
DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO

WAR MEMORIAL OPERA HOUSE
VETERANS MEMORIAL BUILDING

SEISMIC EVALUATION OF CITY BUILDINGS
FOR
CITY AND COUNTY OF SAN FRANCISCO

BUILDING: 7 VETERANS MEMORIAL BUILDING

EVALUATION BY: WILLIAM S. KAPLAN, CONSULTING STRUCTURAL ENGINEER, INC.

EXECUTIVE SUMMARY

A seismic resistance evaluation of the Veterans Memorial Building was performed in order to determine potential earthquake hazards and to identify building components that present unacceptable risk to human lives. It was determined that the existing structure has structural deficiencies that result in a seismically hazardous building and that the following structural modifications should be made:

1. Add a series of reinforced concrete shear walls at various locations from the basement foundation to the fourth floor level.
2. Add diagonal structural steel bracing struts at the large roof skylight openings.
3. Strengthen existing connections of the steel floor beams and girders to act as collectors and chords of the floor diaphragms.
4. Remove all hollow clay tile partitions.

The construction cost for the work outlined above is estimated to be \$12,137,000.

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SEISMIC EVALUATION OF CITY BUILDINGS
FOR
CITY AND COUNTY OF SAN FRANCISCO

BUILDING: 7 VETERANS MEMORIAL BUILDING

DESCRIPTION OF THE BUILDING

The Veterans Memorial Building is located at the south west corner of Van Ness Avenue and McAllister Street. It was built in 1932+ in conjunction with the Opera House to the south as part of the San Francisco Civic Center Complex. The building is cruciform shaped in plan and is approximately 280 ft. long east-west by 180 ft. wide north-south. The 50 ft. wide cross arms extend 25 ft. on each side. (See Drawing S1 for plan view of the basement level.)

The building has four stories of occupancy plus a full basement and a tall attic area. The total structural height from basement to the roof is approximately 115 ft. There are about 227,500 net square feet within the building.

The attic floor area, which is only a small portion of the total plan area, supports mechanical equipment. The remainder of the attic floor area consists of ceiling sash light diffusers under the roof and access catwalks suspended from the roof. (See Drawing S6 for the attic plan.) The roof is penetrated by very large areas of continuous skylights. (See Drawing S7 for the roof plan.)

The Herbst Theater occupies the central part of the plan area. This large space, 72 ft. by 108 ft., has a second floor balcony and side boxes. The theater space extends from the 1st to the 4th floor level and is approximately 57 ft. in height.

A unique aspect of the original design of this theater was that the first floor was designed to be movable from its sloping position as a theater floor to a level position to serve as a ballroom floor. At present the floor has been immobilized and is in a permanent sloping configuration.

The original occupancy of the building consisted of meeting rooms for various veterans organizations in the first, second and third floors. The fourth floor was dedicated to the San Francisco Museum of Modern Art. Some years ago the Museum took over the third floor for its offices and for some additional museum display space.

The basement areas are used for storage, workshops, the boiler room, and for miscellaneous offices and meeting rooms. There is a large, 42 ft. by 105 ft., "Green Room" on the second floor which is used for receptions, small chamber concerts and recitals.

The building construction is Type I with a structural steel frame, concrete slab floors, and terra cotta or cast stone faced reinforced concrete exterior walls and piers. All structural steel is fireproofed with cast-in-place concrete at the columns and floor beams, except that beams and girders over 24" deep and the roof trusses are encased with 2" thicknesses of "gunite" concrete.

All floors are concrete one-way slabs with various types of finishes except for the theater floor which is built of solid laminated lumber supported on steel truss framing.

The interior columns are supported on spread footings. Columns at the exterior walls of the basement are founded on piers just below the first floor level. The entire foundation area is covered with a 3 ft. to 8 ft. thick concrete slab which encases the individual interior column footings.

There is a drainage system under the basement slab and above the foundation mat which is intended to intercept ground water. The original foundation plan indicates that the bottom of the footing mat could be anticipated to be as much as 20 ft.± below the high ground water level. There are sumps and active sump pumps which collect and eject the ground water which infiltrates through the foundation mat and sidewalks.

The architectural form of the building is in the Civic Monumental style to harmonize with the City Hall on the east side of Van Ness Avenue. (Arthur Brown, the Veterans Memorial Building architect, also designed the City Hall and the Opera House.) The Van Ness Avenue facade is distinguished by a row of monumental columns above the second floor level. The other three facades are almost identical to each other with a series of large arched window openings that are capped above the fourth floor level with a classical balustrade.

Where not penetrated by skylights, the structure of the sloping exposed roof is concrete slabs on steel trusses. The sloping surfaces are covered with standing metal roofing. The flat portion of the roof has a conventional tar and gravel surface on the concrete slabs.

The majority of the original interior room and corridor partitions are hollow clay tile covered with plaster. The original design drawings indicate that many of the interior terra cotta or cast stone faced piers at the easterly facade and entrance area are also backed up with hollow clay tile. The building areas which have been remodelled used metal stud and gypsum board or plaster wall surfaces.

There have been relatively few structural changes in the building since the original construction. Side boxes have been added to the north and south walls of the theater. These boxes are supported on individual columns which penetrate the first floor and bear directly on the foundation mat.

It is believed that shortly after the building was completed a modification was made to the theater orchestra pit. The original design plans show that the orchestra pit was to be depressed below the stage level and was to be a

fixed concrete slab on steel framing. There was also a concrete wall shown on the east side of the pit.

At present there is an orchestra elevator which allows the orchestra pit to be raised to the stage level to extend the stage area of the elevator can be lowered to allow the orchestra to be hidden during ballet or other types of theatrical performances. This elevator is not shown on the original drawings, and no changed drawings were found. However, remnants of the orchestra pit east concrete wall can be seen at the basement level which indicates that the pit was probably built as shown on the original drawings and then removed at a later time for construction of the elevator.

EVALUATION PROCEDURES AND OBSERVATIONS

Review of Documents

Available documents were reviewed in detail. The documents used in study of this building included the following:

1. Architectural drawings by Arthur Brown: 3, 4R, 5R, 6 through 8, 9R, 10 through 14, 14A, 15 through 21, 32A, and 32 through 35.
2. Structural drawings by C.H. Snyder: F, F-1 through F-6, S-1 through S-11, 11A, VC-1 through C4.
3. Architectural Plans by the Bureau of Architecture: Sheets 1 through 7, dated June 1967.

The drawings listed in Items 1. and 2. above are original design drawings. Those described in Item 3 were prepared by the San Francisco City and County Bureau of Architecture in 1967 and showed the interior partition changes to that time. These drawings were used as a basis for the floor plan layouts, S1 through S6, which are included in Appendix B for this study. Partition changes made after 1967 were not incorporated in this report due to time constraints in the preparation of this study.

Field Investigation

Numerous field inspection visits were made to observe exposed structure conditions and to obtain information for the ATC-14 review check lists which are included in Appendix E, page 7-E1.

At the fourth floor level part of a hollow clay tile partition was removed to confirm the existence of a continuous gap between the edge of the concrete slab and the exterior concrete walls.

Testing Program

Three concrete cores, each from a different building area, were taken by a testing laboratory to determine the compressive strength

of the structural wall concrete. The average ultimate strength was 3,700 #/sq. in.

Geotechnical consultants inspected exposed portions of the foundation, reviewed available subsurface information from previous investigations or soil borings and, from this information, judged the soil type to be S-1 as defined in ATC-14, Table 4.5 Reports of Signet Testing Laboratory and Trans Pacific Geotechnical Consultants, Inc. are included in Appendix D of this report.

ATC-14 Evaluation and Analysis

From ATC-14, Table 4.3, the building was classified as Type S-4, Complete Steel Frame, Non-Moment Resisting, with Cast-In-Place Concrete Shear Walls, and with Cast-In-Place Concrete One-Way Slabs. Evaluation was based on Chapter 6.4 which covers the concerns with regard to such structures, and these concerns are summarized in Check List 5 for the structural elements, while non-structural elements are covered in Chapter 11 and the concerns are summarized in Check List 14.

Preliminary calculations indicated that the existing lateral force resistance is grossly inadequate to resist the lateral forces derived by ATC-14 guide lines.

The structure has a certain level of stiffness because of the beam and interior column concrete fire-proofing encasement, the encasement of the exterior wall steel columns in concrete piers which extend up to the concrete encased steel spandrel beams and the extensive in-fill hollow clay tile walls between the steel columns. However, the strength of these stiffening elements is not sufficient to resist the forces imposed. Consequently, when the strength of the elements is exceeded extensive damage will result because of the progressive deterioration which will follow.

In a moderately heavy earthquake the existing structure would probably suffer extensive interior clay tile wall damage with probable collapse of many of these walls because of severe cracking from in-plane diagonal compressive forces caused by racking of the steel frame that is joined by simple girder to column connections. There also would probably be some loss of terra cotta facing from the piers each side of and over the arched window and door openings. There could be partial collapse at the east end of the structure facing Van Ness Avenue where the lateral resistance is least compared to the tributary lateral force. Some damage to the roof structure is probable because a large central roof slab area of about 20,000 square feet is nearly isolated on four sides by continuous skylight penetrations without any existing in-plane-of-roof bracing elements to transfer lateral diaphragm shears across the peripheral skylight openings.

After this preliminary assessment, lateral loads were calculated

using the ATC-14 Equivalent Lateral Force Procedure. It was then decided that a reinforced concrete shear wall system would be the most efficient strengthening method because it would have the least impact on building function and on external appearance.

Insofar as other loads than seismic, structural strength appears adequate for gravity loads and the structure appears to be in good condition, with elegant decorative architectural features intact. However, telescopic observation of the north (Franklin Street) facade shows some slight weathering of the terra cotta frieze above the fourth floor exterior walkway.

EVALUATION RESULTS

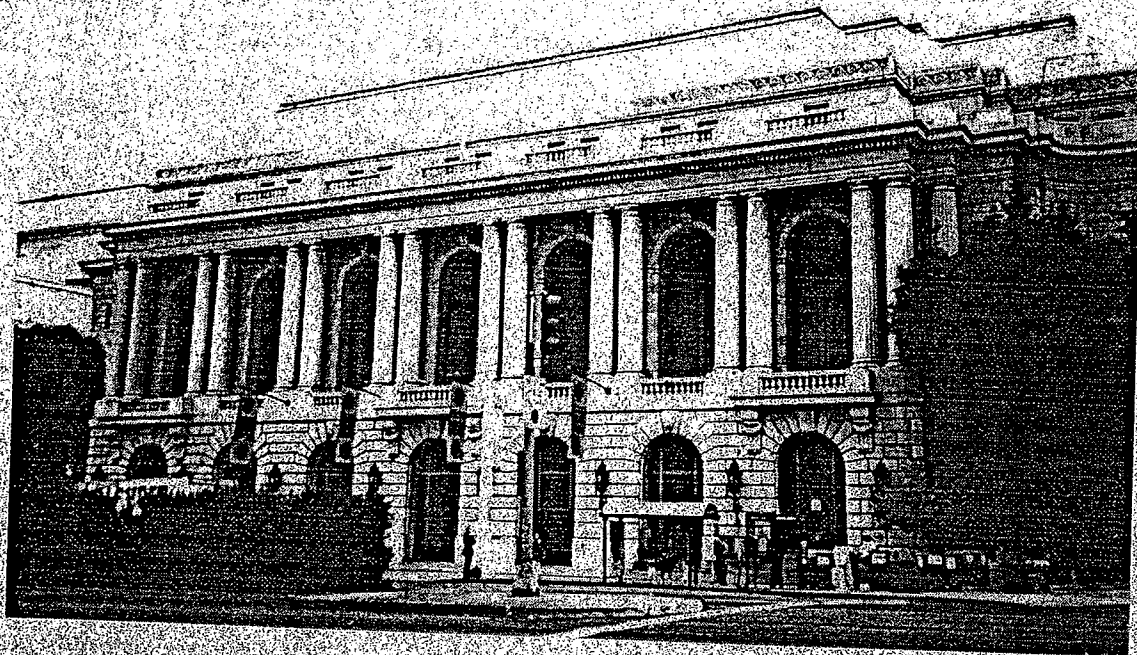
From field observations, review of available design documents, and engineering calculations, the following items summarize the results of the evaluation:

1. The structure appears to be in good condition with elegant decorative architectural features intact.
2. The structural strength appears adequate for gravity loads.
3. The average of three compressive strength tests performed on cores taken from the walls of the building was 3733 psi with the low test value being 3190 psi and the high value being 4400 psi. This indicates fairly good control of concrete strength indicated on the drawings.
4. The hollow clay tile walls pose a life safety hazard to occupants in case of a moderately heavy earthquake.
5. Displacement of the roof with some skylight glass breakage could occur during a moderate quake. This could result in some glass falling through the ceiling sash below, causing further glass breakage at the ceiling level, with the glass falling into the occupancy spaces below.
6. The building structure can be strengthened to resist the design lateral forces. Such strengthening will involve some revisions to the architectural floor plans, but none of the revisions would change the main exterior architectural appearance significantly.
7. Telescopic observation of the north (Franklin Street) facade shows some slight weathering of the terra cotta frieze above the fourth floor exterior walkway.

The building is judged to have an ATC-14 Earthquake Damage Potential of Level 3 (Major Damage/Loss of Function; Repairs Required Prior to Occupancy), and an ATC-14 Seismic Strengthening Level of 4 (Add a new seismic resisting system).

EXHIBIT 3

**WAR MEMORIAL VETERANS BUILDING
SEISMIC UPGRADE PROJECT
PHASE I/PRE-DESIGN STUDY REPORT
VOLUME 1**



prepared for:

**BUREAU OF ARCHITECTURE
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30 Van Ness Avenue, Suite 4100
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October 15, 1996

prepared by:

**RUTHERFORD & CHEKENE CONSULTING ENGINEERS
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Loma Prieta Earthquake Damage

Following the Loma Prieta Earthquake of October 17, 1989, moderate damage to all levels of the building was observed. The Study Team conducted an investigation of the earthquake damage which included: a complete visual examination of the building documenting the extent of damage sustained by the building; review of the damage survey reports and repair cost estimates prepared by the City of San Francisco and the Federal Emergency Management Agency; development of a suitable damage repair program; and a determination of the code implications of such repair program.

The damage observed was: extensive cracking of concrete stage walls at all levels; cracking of hollow clay tile walls in the stairwells and corridors (damage was mainly concentrated at first and second floors); minor cracking of exterior concrete walls at southeast side of the building; scattered damage to plaster finish work and shifting of some of cast stone veneers at the Herbst Theater, and scattered local and minor cracking of plaster finishes, HCT walls, and exterior terra cotta veneers throughout the building. An analysis of the damage repair work based on the San Francisco Building Code (SFBC) determined that the earthquake damage repair work will not trigger the Section 104(f) of SFBC.

Site Conditions

As part of Pre-Design Study, the Team performed a geologic hazard study to determine geotechnical and seismic hazards pertaining to the site. The study revealed that, like other sites in the region, severe ground shaking is expected at the site during a major earthquake. However, since no active faults have been mapped within the site, the potential for surface fault rupture is negligible. The study also revealed that, in the event of a major earthquake, there is a moderate to high potential for liquefaction in the north-east regions of the site. The major impact of liquefaction on the building would be on the induced settlement and reduced bearing capacity underneath some of the footings. Therefore, mitigation of the potential hazard of liquefaction by performing compaction or permeation grouting under the footings in the northeast corner of the building is included as part of our recommended strengthening.

Building Evaluation and the Identified Deficiencies

Seismic evaluation of the War Memorial Veterans Building was based on available document review, site visit observations, existing material testing, performance of a linear elastic response spectrum analysis, and engineering judgment.

Our evaluation indicates that the existing lateral force resisting system of the building lacks adequate strength, stiffness and ductility to satisfy the established criteria described below. In a major earthquake, the structure is expected to sustain significant damage which will pose appreciable life safety hazards to the building's occupants. The following major deficiencies were identified:

- The concrete shear walls lack adequate capacity, substantially less than that required by the code level forces. The most severe deficiency is found in the walls around the stage;
- The concrete piers around the perimeter of the building have inadequate shear capacity;
- The exterior under-reinforced concrete spandrel beams have inadequate shear and flexural capacity;
- Large openings have made the existing roof diaphragm quite flexible and inadequate to distribute in-plane lateral forces to the lateral load resisting shear walls and frames;
- Discontinuity of load path at fourth floor: The fourth floor diaphragm is not adequately connected to the perimeter concrete walls which results in a considerable weakness in distribution of lateral loads to the perimeter shear walls/frames and transfer of lateral loads between interior and perimeter shear walls;
- The suspended plaster ceilings lack adequate bracing. In a major earthquake, extensive cracking and spalling is expected, resulting in significant hazard from falling debris, posing substantial risk to life safety. Areas of special vulnerability are the ceilings of the main lobby, Herbst theater, and fourth floor;
- Hollow Clay Tile partitions are inadequately braced for out-of-plane stability. In a major earthquake, extensive cracking and spalling is expected, resulting in significant hazard from falling debris, posing substantial risk to life safety. Areas of special vulnerability are main exit corridors on all levels, major stairwells, and fourth floor partitions.

Strengthening Criteria

The principal strengthening objectives are: (1) to limit the post-earthquake damage, in a major seismic event, such that there is a low risk of life threatening injuries to the public inside or outside the building; (2) to protect the building's architecturally significant features and its contents in a moderate seismic event; (3) to prevent partial or total collapse of the building in a great seismic event. The three levels of earthquake ground motion (moderate, major, and great) defined for the site are described below:

- Service Level Earthquake (SLE) with a 50 percent chance of being exceeded in 50 years. This earthquake is characterized as a *moderate earthquake* with a 72-year return period.
- Design Basis Earthquake (DBE) with a 10 percent chance of being exceeded in 50 years. This earthquake is characterized as a *major earthquake* with a 475-year return period.

balcony and side boxes. The theater space extends from the first to the fourth floor level; approximately 57 feet in height. The ceiling of the theater is just above the third floor level. The original design of the theater included a moveable first floor which was sloping when used as a theater but could be moved to a level position to serve as a ballroom floor. The floor is currently immobilized in a permanent sloping position. There is also a large two-story "Green Room" on the second floor which is used for receptions, small chamber concerts and recitals.

For examples of existing interior spaces, finishes and ornamentation, see Figures 2-6 to 2-10.

2.3.2 Structural System Description

The War Memorial Veterans Building is of Type I fire-resisting construction with a complete vertical (gravity) load carrying steel frame. See Figures 2-19 to 2-26 for original structural framing plans, schedules and details. The structural steel is assumed to conform to ASTM A7 specifications. The floor framing consists of hot-rolled steel beams at approximately 6 to 8 feet on center ranging in depth from 10 to 21 inches depending on the span, and hot-rolled steel girders ranging in depth from 10 to 36 inches. Bay lengths are typically 18 to 21 feet. The roof framing consists of hot-rolled steel shapes in the flat portions of the roof and built-up steel trusses for the sloping exposed roof areas. The columns consist primarily of hot-rolled steel shapes ranging in size from 8H32 to 28GB175. Historical records of structural steel shapes produced in the United States during this period [3], indicate that the majority of the steel shapes were likely produced by the Carnegie Steel Company, except for the larger column shapes (26-inch to 30-inch) which were likely from Bethlehem Steel catalogs. All steel members would have likely been designed with a basic allowable stress of 18,000 psi. All beam to column web connections consist of riveted seat angles and stabilizing top angles (see Figure 2-25). The typical beam to column flange connections are simple riveted web connections with a bottom seat angle for erection purposes and a top stabilizing angle.

All structural steel is fireproofed with cast-in-place concrete, including beams, girders and columns, except that beams and girders 24" deep and over and the roof trusses are encased in 2" thickness of "gunite" concrete.

All floors are reinforced concrete one way slabs approximately 4 inches in thickness spanning between steel floor beams with varying thickness of floor finishes except for the Herbst Theater floor which is of laminated wood construction supported by steel trusses. Where not penetrated by skylights, the structure of the sloping exposed roof is a 3-1/2" thick reinforced concrete slab supported by steel trusses. The sloping roof surfaces are covered with standing seam metal roofing. The flat portions of the roof are 3-1/2" thick reinforced concrete slabs spanning between steel beams overlain with a conventional tar and gravel roofing surface.

The major walls of the building, including the perimeter walls, proscenium wall and stage block walls are constructed of cast-in-place reinforced concrete. These walls are typically 6 to 7 inches thick and reinforced with a single curtain of reinforcing steel, the exception being the exterior walls at the northwest and southwest building corners and around the northeast and southeast stair transepts which are generally 12 inches thick with two layers of reinforcing steel (see Figure 2-16, for example). The exterior steel spandrel beams and columns are

encased in concrete which is reinforced and effectively provides a reinforced concrete frame structure between the corner exterior walls on all four sides of the building.

The interior steel columns are supported on individual reinforced concrete spread footing foundations (Figure 2-19). Exterior wall steel columns are supported on reinforced concrete piers just below the first floor level which are built integrally with the exterior basement walls. Exterior basement concrete walls and piers and interior concrete stage block walls are supported on continuous reinforced concrete grade beam footings. All foundations bear on the natural sands present beneath the site at varying depths below the basement slab level. As the basement level extends well below the natural ground water table at the site, an unreinforced concrete waterproofing mat varying in thickness from 4 to 8 feet thick extends over the entire foundation area beneath the basement floor slab and encases the interior column footings.

The majority of the original interior room, stair and corridor partition walls are constructed of 4" or 6" hollow clay tile (HCT) masonry. In the building areas which have been remodeled, metal stud and gypsum board or plaster wall surfaces have been used.

There have been relatively few structural changes to the building since the original construction. Some side box seating areas were added to the north and south walls of the Herbst Theater during remodeling work completed in 1978.

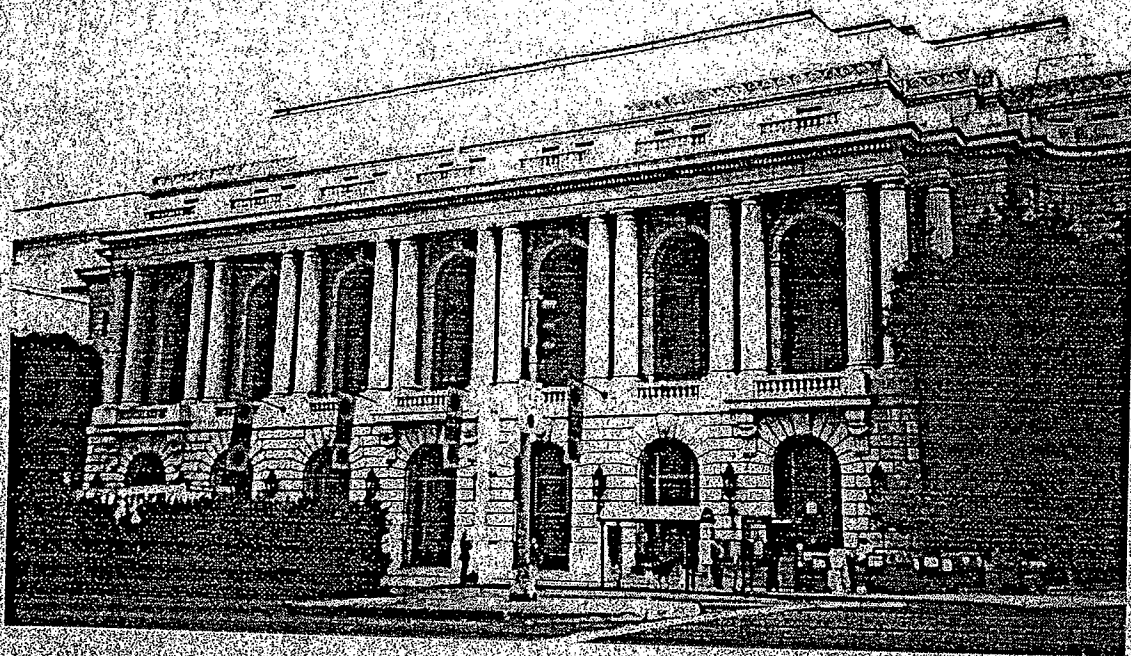
The existing War Memorial Veterans Building resists lateral wind and seismic forces by a complex combination of reinforced concrete roof and floor diaphragms and the roof steel truss members transferring loads to the interior concrete stage block walls, exterior concrete walls and exterior concrete rigid frames/wall piers and interior hollow clay tile partition walls. It is unlikely that the existing steel frame was originally designed to resist lateral forces through frame action. The connections for the steel frame are typically pinned-type connections. It is likely that the original lateral design for the building relied on the shear strength of the exterior infill reinforced concrete walls (originally designed as unreinforced brick masonry and changed to reinforced concrete infill during construction) in combination with the reinforced concrete interior stage block walls. While the building was constructed with a significant number of interior hollow clay tile partitions infilling between the steel columns, it is unlikely that these were intended to contribute significantly to the overall lateral strength of the building. Parametric studies were completed as part of our existing building evaluation (see Chapter 5) to determine the contribution of the hollow clay tile walls to the initial building stiffness and strength. Their contribution was found to be negligible and, therefore, their contribution to the overall shear strength of the existing structural system has been neglected in our evaluations.

2.3.3 Architectural Description

Similar to the Opera House, War Memorial Veterans Building's concrete encased steel frame with concrete floor slabs are thoroughly clad with architectural and ornamental finishes executed in the Beaux Arts style. The exterior of the building strictly conforms to the War Memorial Opera House which was designed first and constructed within the same construction period as the Veterans Building.

EXHIBIT 4

**WAR MEMORIAL VETERANS BUILDING
SEISMIC UPGRADE PROJECT
PHASE I/PRE-DESIGN STUDY REPORT
VOLUME 1**



prepared for:

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CITY AND COUNTY OF SAN FRANCISCO
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prepared by:

**RUTHERFORD & CHEKENE CONSULTING ENGINEERS
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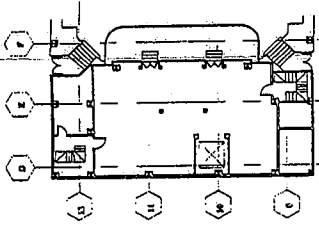


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**STRUCTURAL
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- BASEMENT LEVEL**

PROJECT NO.	2343U
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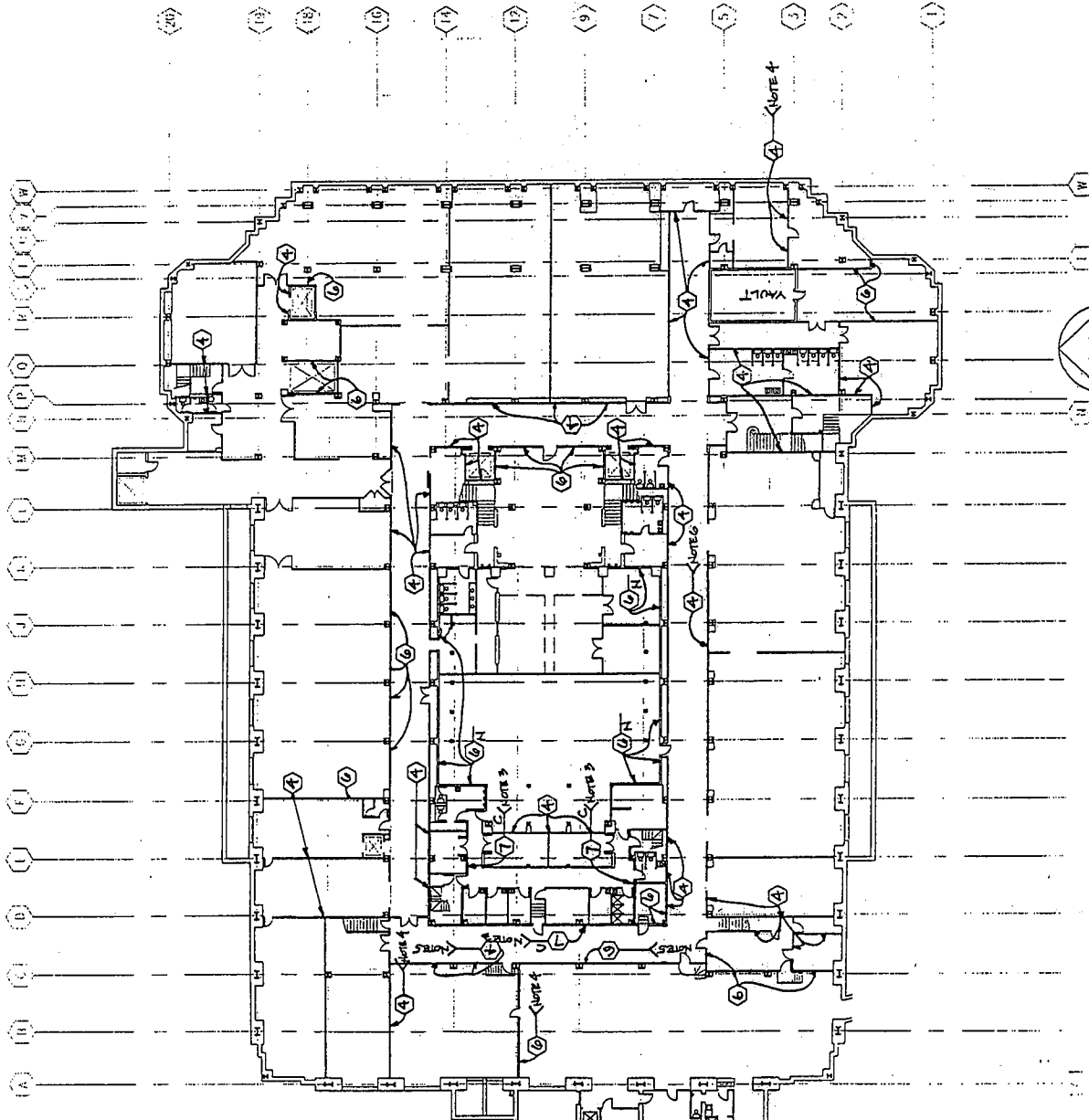


PLAN OF BASEMENT INTERIOR
BASEMENT AND FIRST FLOOR

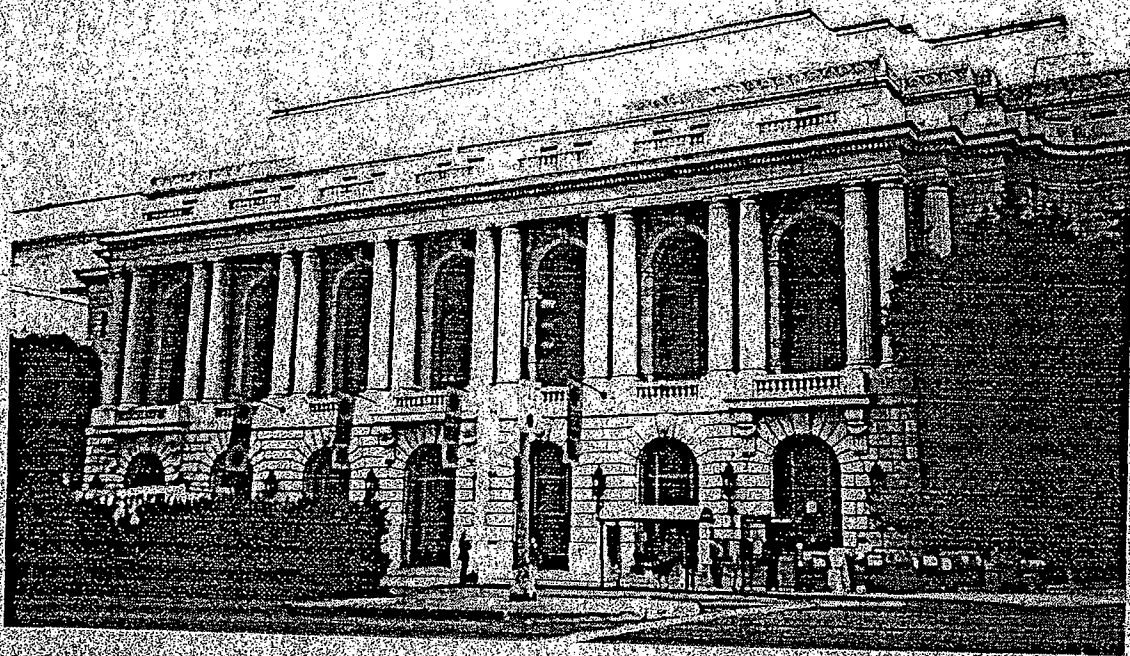
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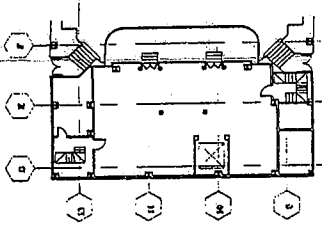


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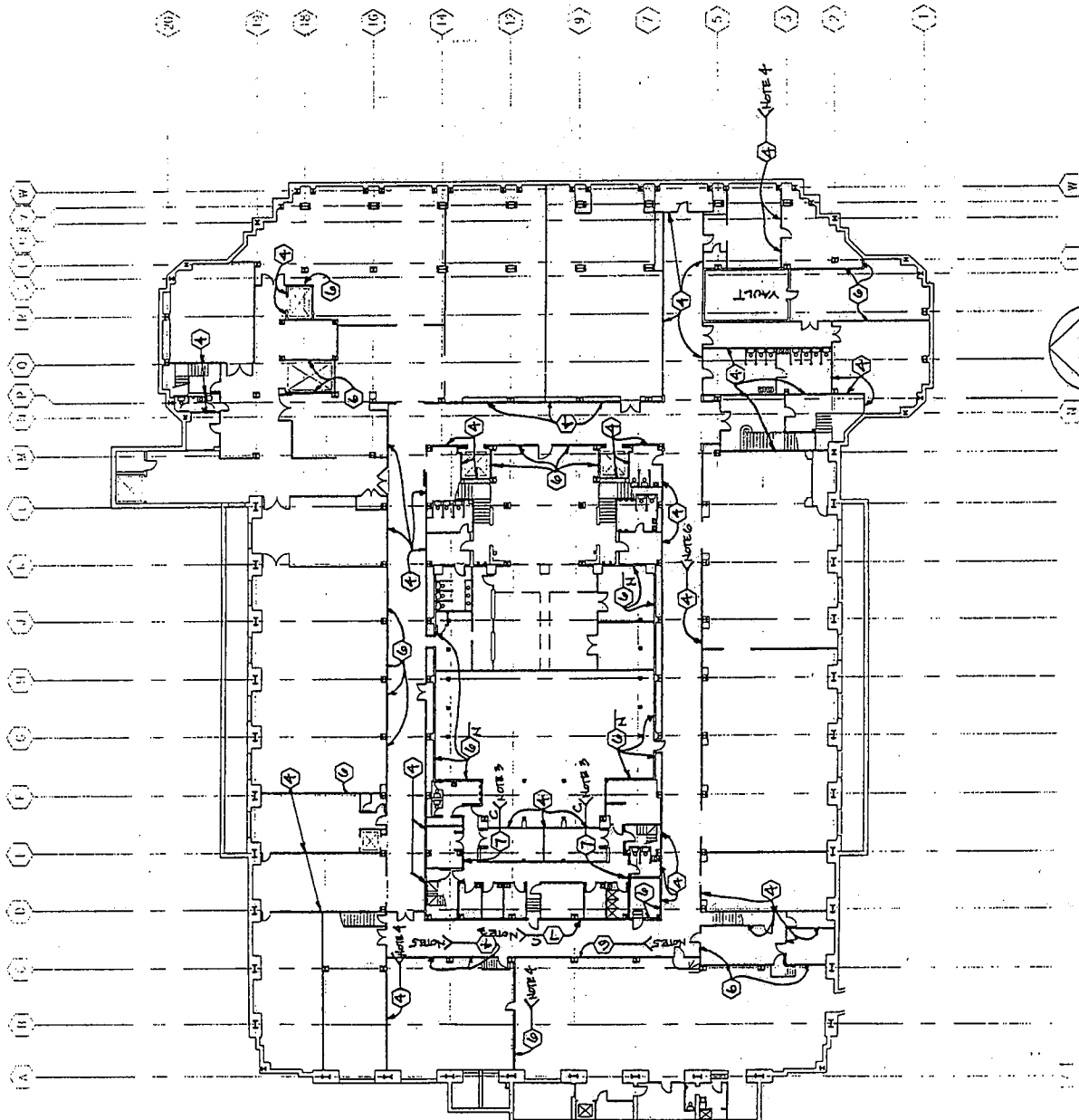
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STRUCTURAL COORDINATION DRAWING - BASEMENT LEVEL

PROJECT NO.	2343U
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PLAN OF BASEMENT LEVEL
 BASEMENT AND FLOOR SLABS



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DATE DESCRIPTION

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STRUCTURAL
COORDINATION DRAWING
-FIRST FLOOR LEVEL

PROJECT NO. 2343U

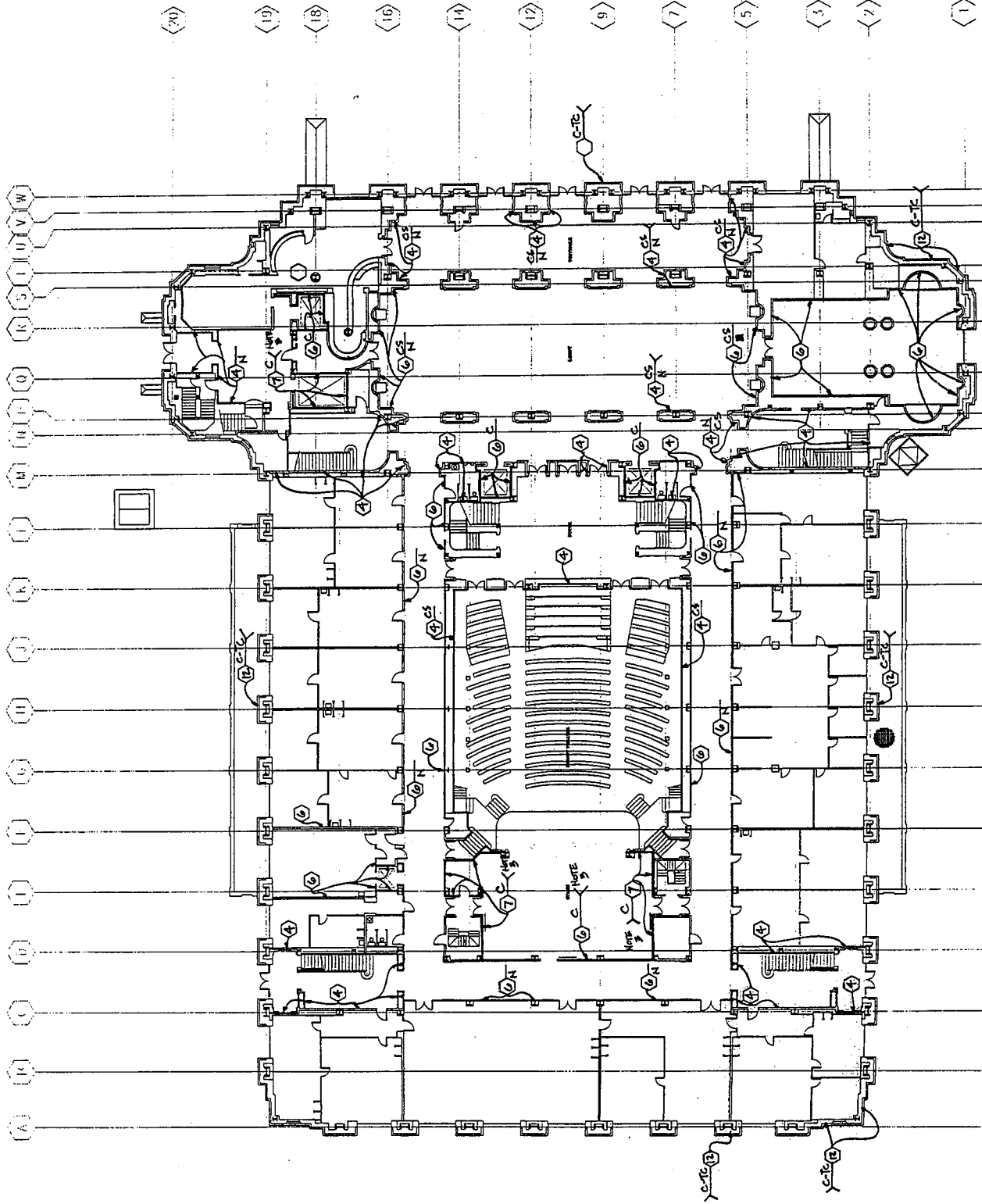
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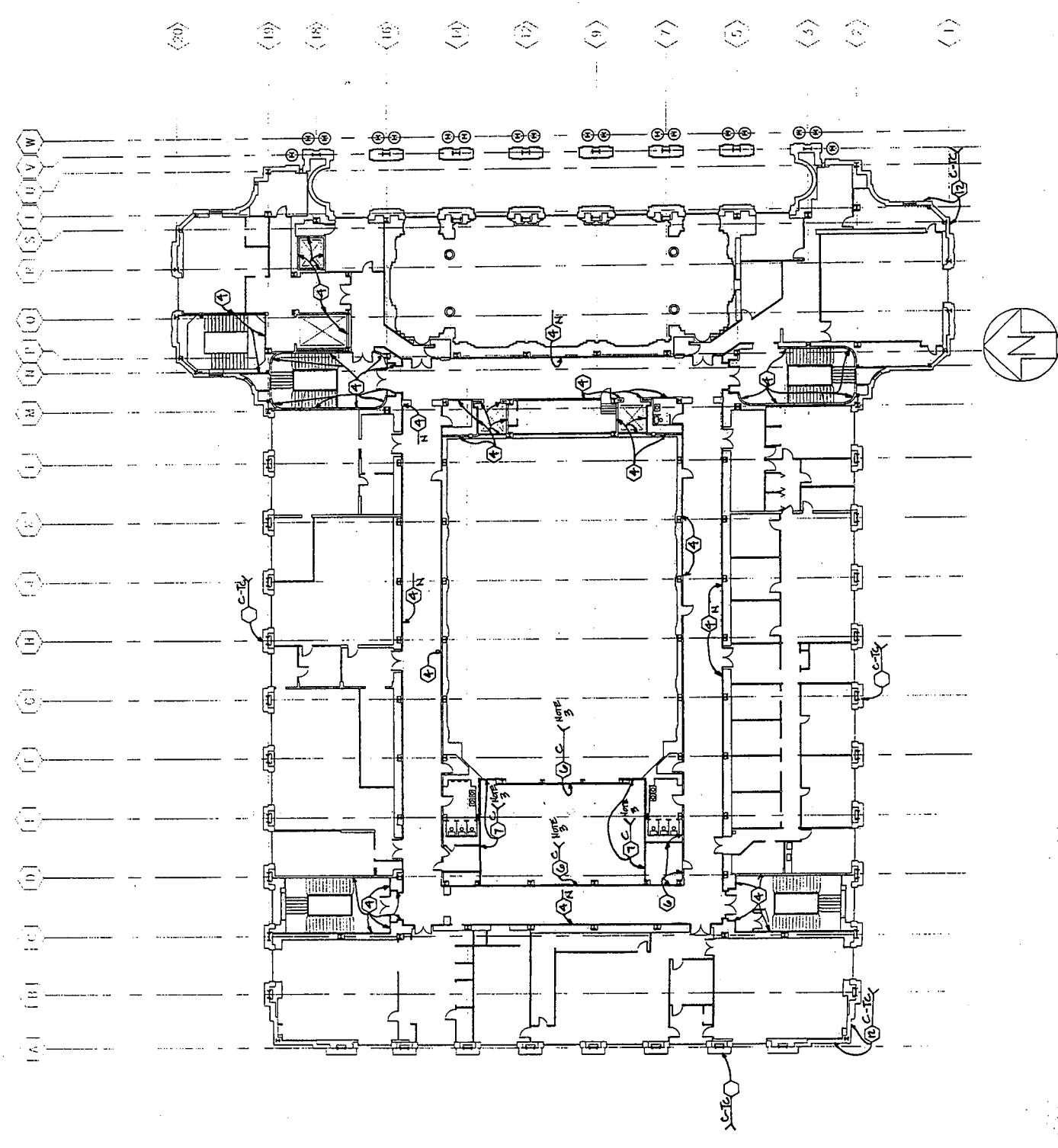
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DATE	DESCRIPTION
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PROJECT NO.	2343U
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- ⑳ INDICATES THICKNESS OF WALL. SEE (1) & (2) FOR THICKNESS OF WALL. SEE (1) & (2) FOR THICKNESS OF WALL.

- 1. WALLS NOT DESIGNATED BY NAME ARE CONCRETE/STRUCTURE WALLS. SEE ORIGINAL ARCHITECTURAL DRAWINGS.
- 2. SEE LEGEND FOR WALL DESIGNATIONS.
- 3. ALL CONCRETE WALLS HAVE BOUND REINFORCEMENT AS SHOWN IN THE TYPICAL SECTION. FOR ASSUMED CONCRETE DIMENSIONS AND REINFORCEMENT DETAILS OF FINISHING.
- 4. ALL CONCRETE WALLS HAVE BOUND REINFORCEMENT AS SHOWN IN THE TYPICAL SECTION. FOR ASSUMED CONCRETE DIMENSIONS AND REINFORCEMENT DETAILS OF FINISHING.
- 5. SEE LEGEND FOR WALL THICKNESS. SEE (1) & (2) FOR THICKNESS OF WALL. SEE (1) & (2) FOR THICKNESS OF WALL.



ESP-2

WAR MEMORIAL VETERANS BUILDING SEISMIC UPGRADE

CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS BUREAU OF ARCHITECTURE 30 Van Ness Avenue, Suite 4100 San Francisco, CA 94102 Tel: (415) 557-4700 Fax: (415) 557-4701

RUTHERFORD & CHEKENE 303 Second Street, Suite 800 North San Francisco, CA 94107 Tel: (415) 495-4222 Fax: (415) 546-7536

STRUCTURAL DESIGN ENGINEERS 120 Montgomery Street, Suite 1410 San Francisco, CA 94104 Tel: (415) 781-1505 Fax: (415) 781-2718

TAKAHASHI CONSULTING ENGINEERS, INC. 303 Second Street, Suite 205 South San Francisco, CA 94107 Tel: (415) 512-0759 Fax: (415) 512-7266

DEPARTMENT OF PUBLIC WORKS

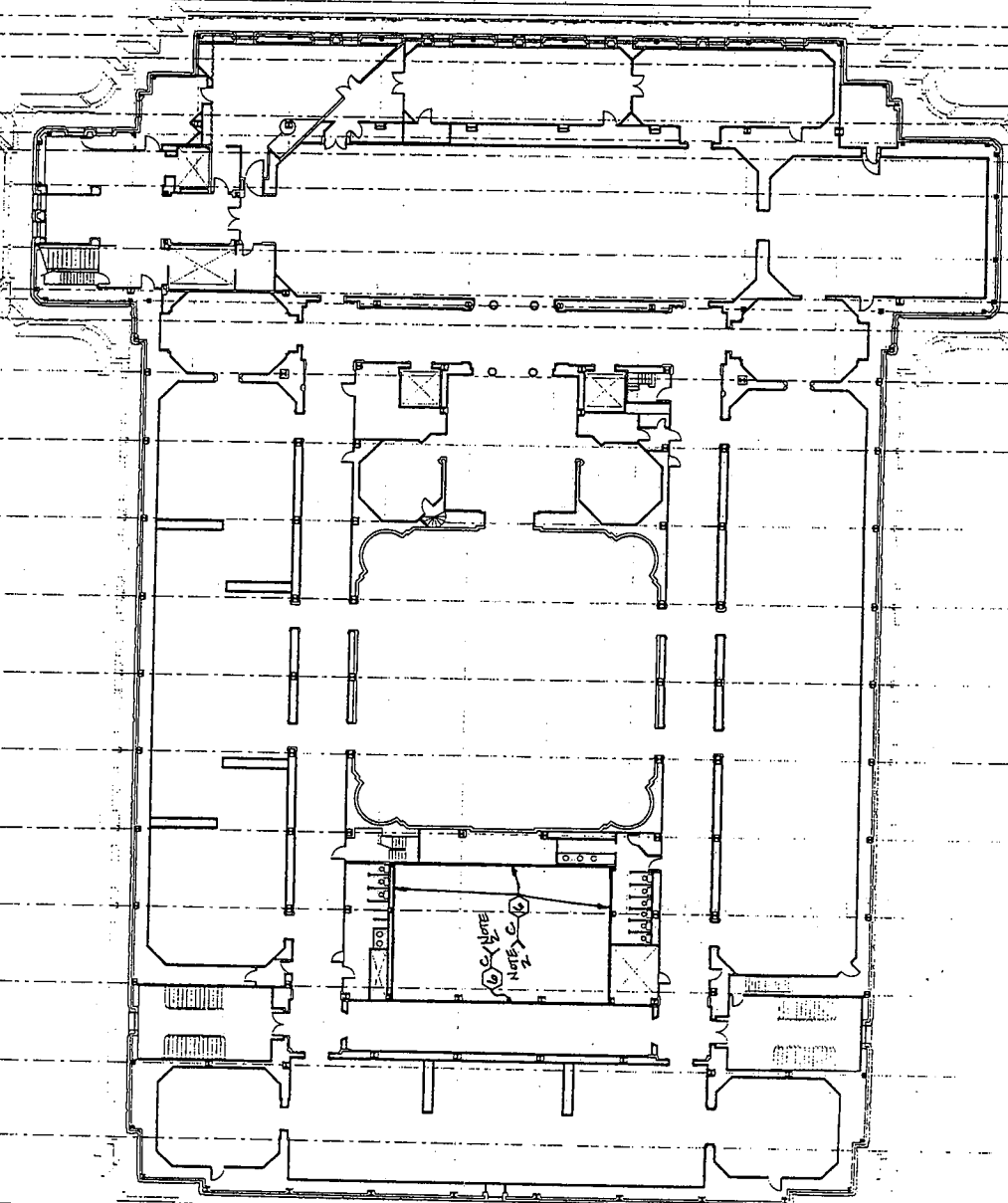


CITY & COUNTY OF SAN FRANCISCO

Table with columns: DATE, DESCRIPTION, DRAWING (FIGURE) TITLE, PROJECT NO. (2343U), DRAWING (FIGURE) NO. (2.18), CHECKED, PAGE NO.

Grid lines A through W

Grid lines 1 through 20



LEGEND

- Legend items: 1. INDICATES FACT WALL THICKNESS... 2. INDICATES WALL TYPE... 3. INDICATES WHETHER WALL EXTENDS TO... 4. INDICATES CONCRETE WALL WHICH EXTENDS... 5. INDICATES THICKNESS OF CONCRETE WALL... 6. INDICATES FACT WALL ALSO HAS CAST STONE... 7. INDICATES CONCRETE WALL HAS TERRA COTTA...

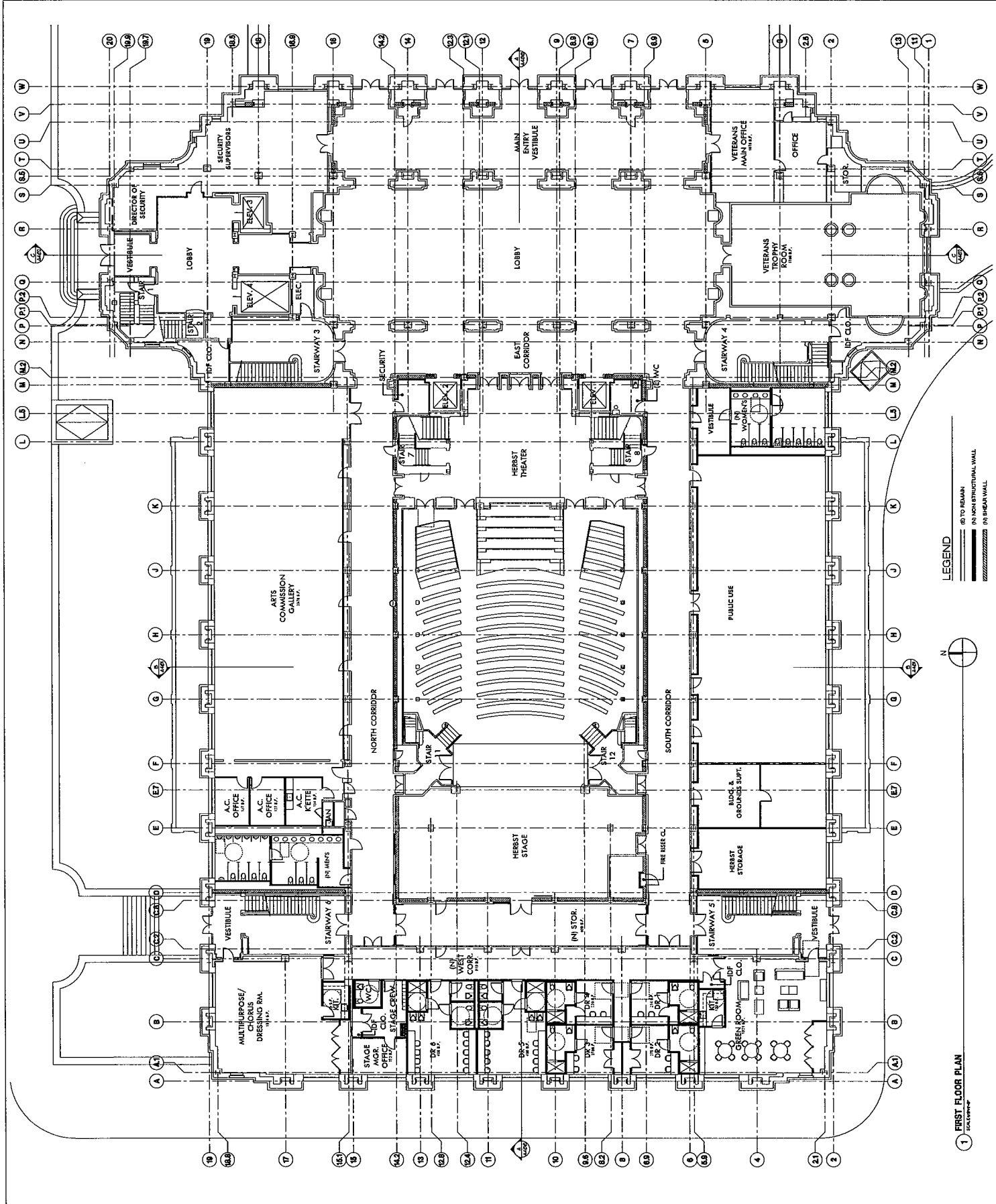
- GENERAL NOTES: 1. SEE WALLS NOT INDICATED ON PLAN... 2. WALLS APPROXIMATELY 2'-0" THICK UNLESS NOTED OTHERWISE... 3. WALLS WITH STONE FINISH SHALL BE CONSIDERED AS UNFINISHED... 4. EXISTING BLOCK WALLS SHALL BE 8" WITH 4" AT 4" ON 8" SPAN... 5. CORNER AND PLATE WALLS SHALL BE CONSIDERED AS UNFINISHED...

EXHIBIT 5

EXHIBIT 6

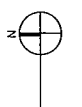


NO.	DATE	DESCRIPTION
1	08/11/17	50% SCHEMATIC DESIGN SET NOT FOR CONSTRUCTION
2	08/11/17	REVISED PER COMMENTS
3	08/11/17	REVISED PER COMMENTS
4	08/11/17	REVISED PER COMMENTS
5	08/11/17	REVISED PER COMMENTS
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39	08/11/17	REVISED PER COMMENTS
40	08/11/17	REVISED PER COMMENTS



LEGEND

- (D) TO REMAIN
- (N) NON-STRUCTURAL WALL
- (S) BEAR WALL



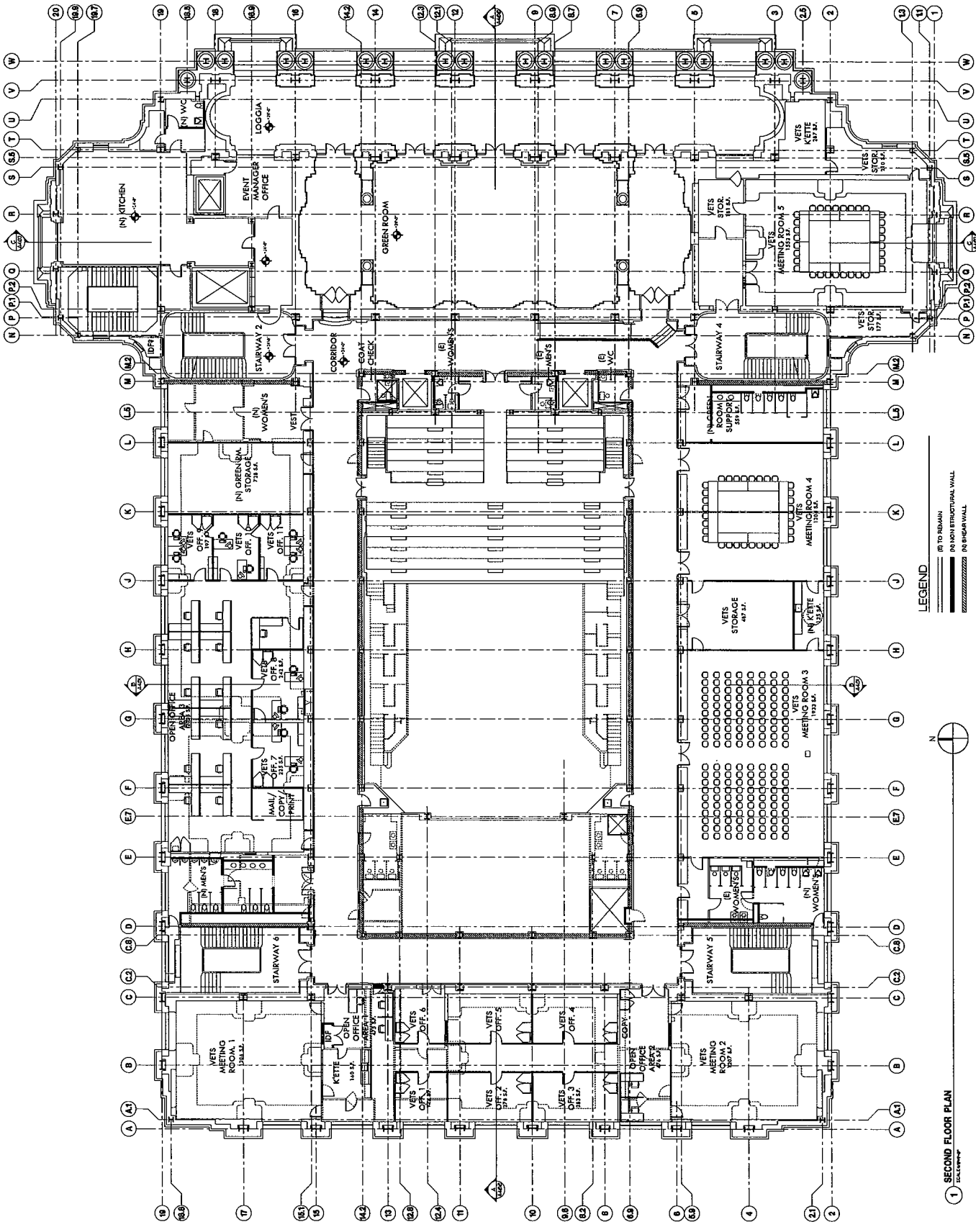
1
FIRST FLOOR PLAN

EXHIBIT 7



SAI FRANCISCO
 VETERANS BUILDING
 SEISMIC UPGRADE &
 IMPROVEMENTS
 401 Van Ness Avenue
 San Francisco, CA 94102-4252

DATE: 08/25/2011
 SHEET: 11
 DRAWING TITLE: SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



LEGEND
 (B) TO REMAIN
 (N) NON STRUCTURAL WALL
 (S) STRUCTURAL WALL

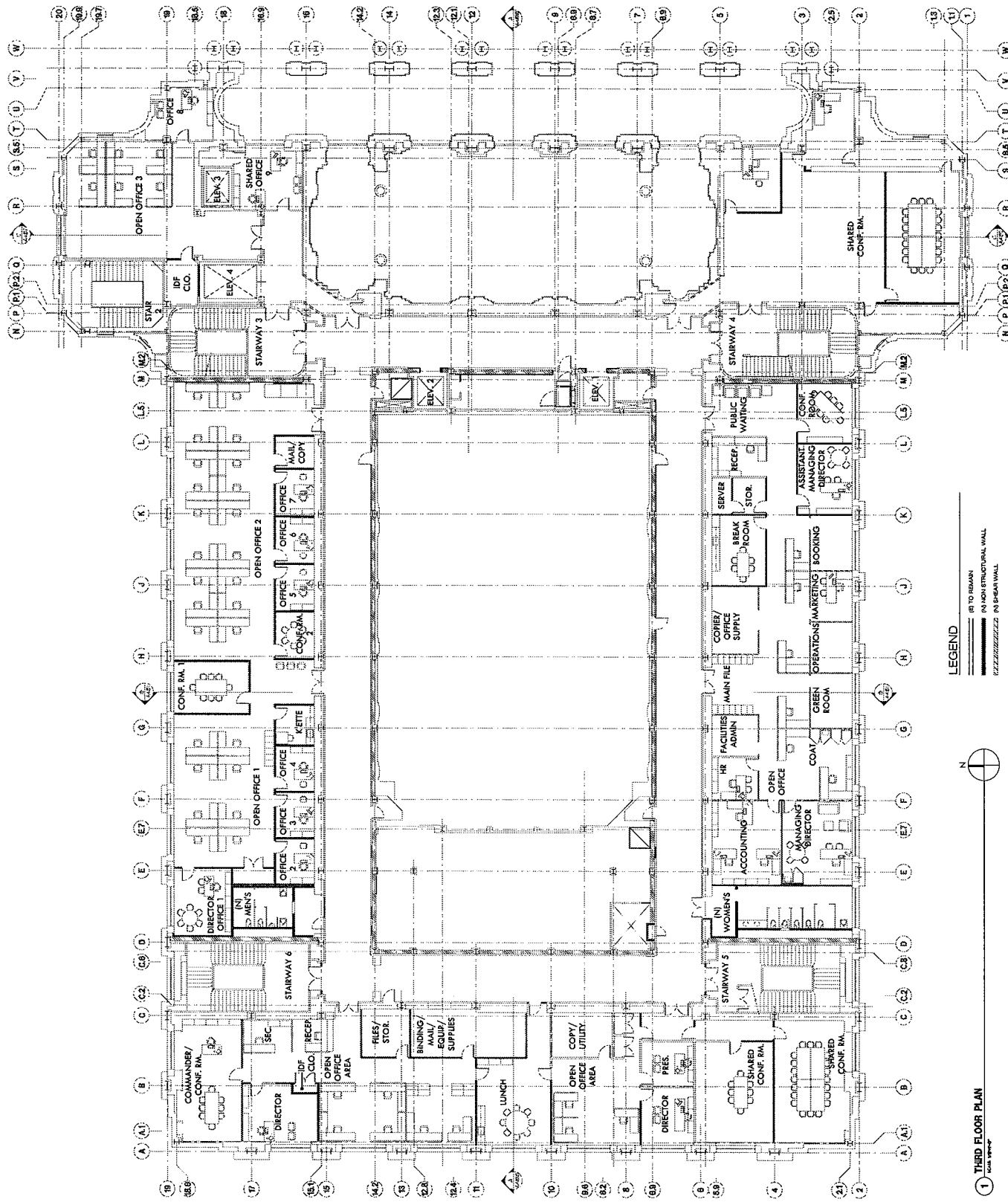


1 SECOND FLOOR PLAN

EXHIBIT 8



REVISIONS	
NO.	DESCRIPTION
1	FOR PERMITS
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19	FOR PERMITS
20	FOR PERMITS



LEGEND

- (B) TO REMAIN
- (N) NON STRUCTURAL WALL
- (S) SHEAR WALL



1 THIRD FLOOR PLAN
 1/8" = 1'-0"

EXHIBIT 9



ARCHITECTURE & INTERIORS
THE ARCHITECTURAL CENTER
301 F STREET, SAN FRANCISCO, CA 94102-4008
TEL: (415) 398-3100
FAX: (415) 398-7171

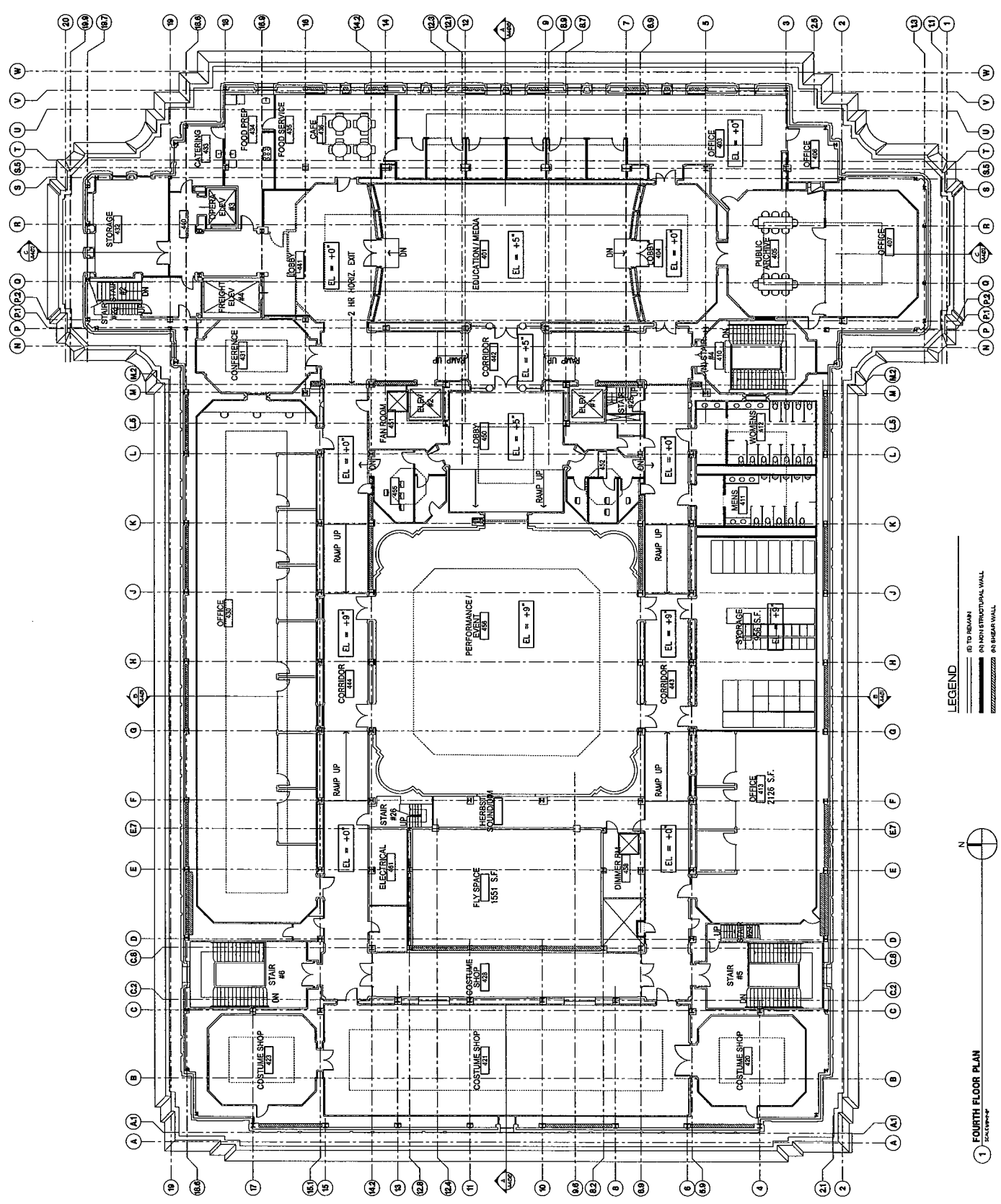
SAN FRANCISCO
WAR MEMORIAL
VETERANS BUILDING
SEISMIC UPGRADE &
IMPROVEMENTS

401 Van Ness Avenue
San Francisco, CA 94102-4622

50% SCHEMATIC DESIGN SET
NOT FOR CONSTRUCTION

DATE: 08/20/14
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

PROJECT: ARCHITECTURAL
TITLE: WAR MEMORIAL VETERANS BUILDING SEISMIC UPGRADE & IMPROVEMENTS
SCALE: 1/8" = 1'-0"
SHEET NO.: 7383A



LEGEND

— (2) TO REBAR — IN NON STRUCTURAL WALL

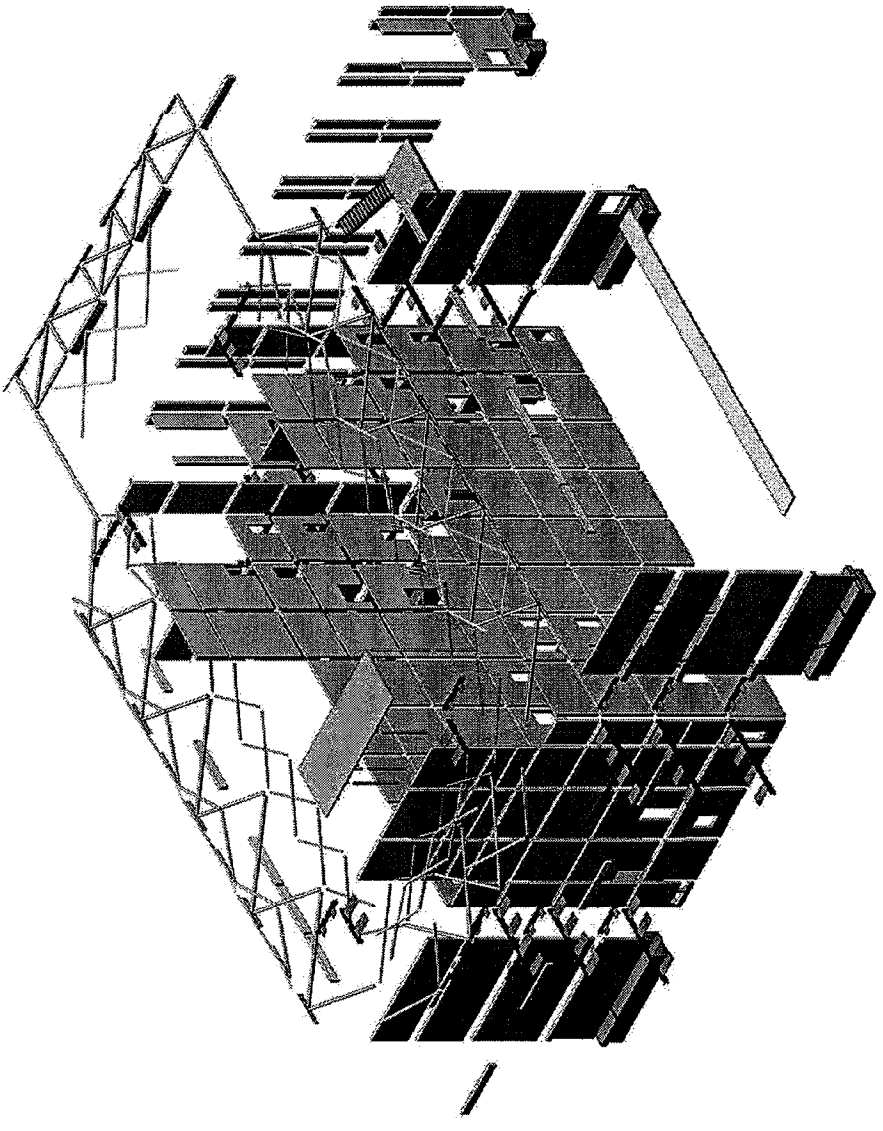
— (2) TO REBAR — IN BEARING WALL



1 FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

EXHIBIT 10

New Walls and Bracing



San Francisco War Memorial and Performing Arts Center

Owned and Operated by the
City and County of San Francisco

War Memorial Veterans Building
Herbst Theatre/Green Room
War Memorial Opera House
Louise M. Davies Symphony Hall
Harold L. Zellerbach Rehearsal Hall

401 Van Ness Avenue, Suite 110
San Francisco, California 94102
Telephone (415) 621-6600
FAX (415) 621-5091

July 11, 2012

Historic Preservation Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94102

RE: War Memorial Veterans Building – Certificate of Appropriateness

Dear Commissioners:

I am writing to support, and to urge your approval of, the request for Certificate of Appropriateness submitted by the War Memorial and the Department of Public Works for the War Memorial Veterans Building. I am communicating to you as Vice President of the War Memorial Board of Trustees and a Veteran with 33 years of active military service, including two combat tours in Vietnam, expeditionary service in Beirut, Lebanon and combat service in the Gulf War, as commander of the 1st Marine Division.

I am aware this item has come before your Commission at two recent meetings during which there has been considerable public comment from representatives of the San Francisco American Legion Posts regarding their concerns about the upcoming Veterans Building Seismic Upgrade and Improvements Project, in particular, how the War Memorial Board of Trustees has planned to allocate Veterans Building space following the retrofit project. To address some of the concerns expressed to you, I would like to comment on the process followed by the War Memorial Board of Trustees in developing plans for the Veterans Building and provide some factual data regarding Veterans Building space utilization.

Veterans Building planning has been before the War Memorial Board of Trustees for the last 10 years. During this time the Board worked with City officials to approve a funding plan for the necessary seismic retrofit and life safety upgrade of the building and considered and reviewed plans for post-retrofit space utilization and programming. The Board of Trustees established a special Veterans Building Planning Committee to oversee Project planning, and during the past 10 years, this special committee held 12 public hearings. As part of our process, the Trustees undertook a Veterans Building Space Utilization Study in 2002 and a Veterans Building Life Safety Study in 2004. The Trustees also requested and received advice from the City Attorney concerning future uses of the Veterans Building. In 2007, when the City's Capital Planning Committee approved a funding plan for the Veterans Building retrofit project, the Trustees engaged an architect to assist in pre-design planning in advance of the official design phase.

In considering Veterans Building planning, the Trustees have first and foremost focused on maintaining the purposes and intent of the War Memorial Trust Agreement, which agreement the City agreed to administer in its acceptance of the War Memorial property in 1930. The Trust Agreement provides that the War Memorial buildings shall be used for the arts and to provide office and meeting room space for the San Francisco American Legion Posts. No specific space requirements are set forth in the Trust Agreement; rather it is the responsibility of the War Memorial Board of Trustees to provide adequate space to meet the needs of the Trust beneficiaries and to satisfy the Trust purposes.

As part of the planning process, the Trustees reviewed current and past usage statistics for various areas of the building, including the Herbst Theatre, Green Room and veterans' meeting rooms to evaluate future projections of space needs. The most consistent point about the American Legion use of spaces currently allocated to the Posts is how little use they make of the spaces. A review of the Posts' use of 8 large Veterans Building meeting rooms for the 12-month period from July 1, 2011 to June 30, 2012, which is consistent with the usage pattern for at least the last decade, shows the following:

- Of a potential 5,856 meeting room uses (8 meeting rooms x 2 uses per day x 366 days), there were a total of 468 meeting room uses, or 8% of potential.
- On 133 of the total 366 days (or 36% of the year), there were no meetings at all in any of the 8 meeting rooms.

This underutilization of the Veterans Building space which is exclusively allocated to the American Legion Posts is not surprising. According to the 2007 VA report, the overall Veteran population for San Francisco declined by 40% since 2000, and is projected to decrease another 36% by 2022. As we look at the size of the U.S. Military over the years, in WWII, we saw 16 million serve. During the Korean and Vietnam Wars, the size of the military averaged 3.4 million; tours of duty were two years long and many more veterans cycled through their active duty period. With the all-volunteer force we see today, tours of duty are four years, and the size of the military is approximately 1.5 million serving in the active force. This decline is reflected in the membership number for the San Francisco American Legion Posts. According to the Department of California office for the American Legion, the San Francisco American Legion Posts' membership has declined by 34% in the past two years.

A total of 32,285 square feet in the Veterans Building is currently and exclusively allocated to the American Legion Posts. Based on evaluation of factual usage data, the Board of Trustees has planned to allocate a total of 22,870 square feet of post-retrofit Veterans Building space exclusively to the Posts. This post-retrofit space allocation exceeds their current meeting room needs by over 300% and actually increases their number of office workstations by 65%. In addition, the Trustees have designed an additional amount of "shared space" in the post-retrofit plans for the Veterans Building that can be used by any of the building occupants.

In summary, it is my view that the War Memorial Board of Trustees has allocated more than enough space for the San Francisco American Legion Posts in the post-retrofit plans for the Veterans Building. The War Memorial Board of Trustees is responsible for insuring the continued use of the Veterans Building to best serve the Trust beneficiaries and Trust purposes. Should it turn out that the American Legion Posts require more exclusive space in the future, it will be the obligation of the Trustees to satisfy that need.

Thank you for your consideration of this important matter.

Sincerely,



MajGen J. Michael Myatt, USMC (Ret.)
Vice President
War Memorial Board of Trustees