



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Motion No. 0039

HEARING DATE: NOVEMBER 4, 2009  
CONTINUED UNTIL DECEMBER 16, 2009

*Filing Date:* October 7, 2009  
*Case No.:* **2009.0948A**  
*Project Address:* **760 Market Street**  
*Landmark No.:* 156, "The Phelan Building"  
*Zoning:* C-3-R (Downtown Retail)  
80-130-F Height and Bulk District  
*Block/Lot:* 0328/001  
*Applicant:* Mr. Steve Peterson  
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**ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 001 IN ASSESSOR'S BLOCK 0328, WITHIN AN C-3-R (DOWNTOWN COMMERCIAL RETAIL) ZONING DISTRICT, AND AN 80-130-F HEIGHT AND BULK DISTRICT.**

### PREAMBLE

WHEREAS, On October 7, 2009, Mr. Steven Peterson (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness for installation of business signage (dba *Walgreens*) above the business entrances, one facing O'Farrell Street and one at 776 Market Street, at the subject building, Landmark No. 156, the Phelan Building, located on lot 001 in Assessor's Block 0328.

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, On November 4, 2009, the Commission conducted a duly noticed public hearing on the current project, Case No. 2009.0948A ("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, but requested further information related to Case No. 1995.192A and Case No. 1998.427A and continued the public hearing until December 16, 2009.

**MOVED**, that the Commission hereby grants with conditions the Certificate of Appropriateness, in general conformance with the architectural plans dated February 16, 2009 and labeled Exhibit A on file in the docket for Case No. 2009.0948A based on the following findings:

### **CONDITION**

- The tenant logo sign affixed to the ground floor glass must be located to the lower portion of the storefront glazing as indicated on the sign program diagram (Sign Type "D"), and have a maximum size of two (2) square feet, per the Phelan Building Tenant Sign Program conditionally approved by the LPAB on May 17, 1995 (Docket #95.192A).

### **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 proposed signage is consistent with the Phelan Building Tenant Sign Program, *except* for the location and size of the business logo sign.
  - The business signage will be placed between the ground floor and second floor windows, centered above the storefront entrance between the pilasters of the entrance bay.
  - That the proposed signage relates well with the building's form and decorative features without being obscured, adversely damaged or removed.
  - The individual letters will require anchors into the non-historic raceway, therefore the method of attachment would not damage the storefront framework should the signage be removed in the future.
  - 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*.
  - The proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

#### **Standard 2.**

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

**Standard 5.**

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

**Standard 9.**

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

3. 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.

**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 Certificate of Appropriateness No. 2009.0948A** attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: APPEAL: Any aggrieved person may appeal this Motion to the Board of Appeals within fifteen (15) days after the date of this Motion No. 0039. The effective date of this Motion shall be the date of this Motion. For further information, please contact the Board of Appeals in person at 1650 Mission Street, (Room 304) or call 575-6880.**

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on December 16, 2009.

Linda D. Avery  
Commission Secretary

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

NAYS: Martinez

ABSENT: None

ADOPTED: December 16, 2009

EXHIBIT A

## Certificate of Appropriateness

Case No: 2009.0948A

Assessor's Block: Lot: 0328/001

Address of Property: 760 Market Street

Date Application Filed: October 7, 2009

Historic Landmark: No. 156, The Phelan Building

### Description of Work Proposed:

The proposal is to allow installation of business signage (dba *Walgreens*) above the business entrance in two storefront bays, one at the 776 Market Street entrance and one at the O'Farrell Street entrance, which would replace the existing signage. The proposed business sign would be internally-illuminated individual letters fastened to the existing steel raceway; measuring approximately 18.5' wide by 3' tall on Market Street and approximately 15' wide by 2.5' tall on O'Farrell Street. Below the proposed business sign would be an internally-illuminated product sign featuring "pharmacy" and "photo," measuring 19' wide by 1' tall on Market Street and 17' wide by 1' tall on O'Farrell Street. Lastly a non-illuminated vinyl logo sign would replace the existing neon sign within the transom above the Market Street entry, measuring 4' wide by 4'-4" tall.

### Final Action by the Historic Preservation Commission on December 16, 2009:

The Commission has reviewed the proposed work and has determined that the work would not have a significant impact upon and would not be potentially detrimental to the Landmark No. 156, The Phelan Building. A motion to APPROVE WITH CONDITIONS was passed 6-1 by the Historic Preservation Commission in general conformance with the drawings stamped Exhibit A, on file in the docket for **Case No. 2009.0948A**, based upon the following findings:

### Condition:

- The tenant logo sign affixed to the ground floor glass must be located to the lower portion of the storefront glazing as indicated on the sign program diagram (Sign Type "D"), and have a maximum size of two (2) square feet, per the Phelan Building Tenant Sign Program conditionally approved by the LPAB on May 17, 1995 (Docket #95.192A).

### Findings of the Historic Preservation Commission:

- The proposed signage is consistent with the Phelan Building Tenant Sign Program, *except* for the location and of the business logo sign.

- The business signage will be placed between the ground floor and second floor windows, centered above the storefront entrance between the pilasters of the entrance bay.
- That the proposed signage relates well with the building's form and decorative features without being obscured, adversely damaged or removed.
- The individual letters will require anchors into the non-historic raceway, therefore the method of attachment would not damage the storefront framework should the signage be removed in the future.
- The proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

Standard 2.

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

Standard 5.

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

Standard 9.

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

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.

**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. Implementation of this Certificate of Appropriateness is accomplished by completion of construction work (verified through a job card signed by a District Building Inspector) after issuance of an appropriate Building Permit.

**APPEAL:** Any aggrieved person may appeal the action on this Certificate of Appropriateness by appeal of the issuance of the Building Permit required to implement the proposed work. Contact the Board of Appeals (575-6880) for instructions on filing a permit appeal.

**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.**