



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Motion No. 0047

HEARING DATE: FEBRUARY 3, 2010

*Hearing Date:* February 3, 2010  
*Filing Date:* December 16, 2009  
*Case No.:* **2009.1145A**  
*Project Address:* **35-37 Liberty Street**  
*Zoning:* RH-3 (Residential, House, Three-Family)  
40-X Height and Bulk District  
*Block/Lot:* 3608/037, 090-091  
*Historic Landmark:* Liberty-Hill Historic District  
*Applicant:* Todd Davis  
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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 037, 090-091 IN ASSESSOR'S BLOCK 3608, WITHIN A RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

WHEREAS, on December 12, 2009, Todd Davis, Architect, on behalf of the owners of the subject property ("Project Sponsor") filed a Certificate of Appropriateness Application (hereinafter "Application") with the City and County of San Francisco Planning Department ("Department") for a Certificate of Appropriateness for the addition of a new stair penthouse, roof deck, and two-story horizontal rear addition, at the subject building located on lot 037, 090-091 in Assessor's Block 3608.

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 February 3, 2010, the Commission conducted a duly noticed public hearing on the current project, Case No. 2009.1145A ("Project") for its appropriateness.

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

**MOVED**, that the Commission hereby grants the Certificate of Appropriateness, in conformance with the architectural plans dated December 16, 2009 and labeled Exhibit B on file in the docket for Case No. 2009.1145A.

## **FINDINGS**

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:

The Historical Preservation Commission has determined that the proposed work is compatible with the character of the historic building and historic district.

- That the new stair penthouse, roof deck, and two-story rear horizontal addition are compatible with the contributing building and historic district in terms of material, design, and location.
- That the essential form and integrity of the historic property and its environment would be unimpaired if the proposed new features were removed at a future date.
- That the proposal respects character-defining features of the contributing building and historic district.
- That the Commission considered but did not agree with the recommendation of the Department and Residential Design Team for a setback at east elevation of the rear addition under the Residential Design Guidelines.
- The proposed project meets the following *Secretary of the Interior's Standards for Rehabilitation*:

***Standard 1.***

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

***Standard 2.***

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

**Standard 5.**

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

**Standard 9.**

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

**Standard 10.**

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

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

I. URBAN DESIGN ELEMENT

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

GOALS

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

**OBJECTIVE 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 subject property, which is a contributing resource within the Liberty-Hill Historic District.*

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 proposed project is for the rehabilitation of a building used for residential purposes. The project will not have any impact on 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 the subject property and historic district in conformance with the Secretary of the Interior's Standards.*

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

*The project will 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.*

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 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 Certificate of Appropriateness No. 2009.1145A** attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Motion to the Board of Appeals within fifteen (15) days after the date of this Motion No. 0047. 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 (415) 575-6880.**

I hereby certify that the Historical Preservation Commission **ADOPTED** the foregoing Motion on February 3, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Chase, Damkroger, Hasz, and Martinez

NAYS: None

ABSENT: Commissioners Buckley, Matsuda, and Wolfram

ADOPTED: February 3, 2010

EXHIBIT A

## Certificate of Appropriateness

Case No: 2009.1145A

Assessor's Block: Lot: 3608/037, 090-091

Address of Property: 35-37 Liberty Street

Date Application Filed: December 16, 2009

Historic Landmark: Liberty-Hill Historic District

### Description of Work Proposed:

The proposed scope of work is for expansion at the rear of the existing two-unit residential building. Proposed work includes a two-story horizontal rear addition and addition of a stair penthouse and roof deck at the rear of the building. The proposed work is not anticipated to be visible from the street and no work is proposed at the front of the building.

### Final Action by the Historic Preservation Commission on February 3, 2010:

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 Liberty-Hill Historic District. A motion to **APPROVE** the work was passed **4-0** by the Historic Preservation Commission in conformance with the drawings stamped Exhibit B, on file in the docket for **Case No. 2009.1145A**.

### Findings of the Historic Preservation Commission:

- That the new stair penthouse, roof deck, and two-story rear horizontal addition are compatible with the contributing building and historic district in terms of material, design, and location.
- That the essential form and integrity of the historic property and its environment would be unimpaired if the proposed new features were removed at a future date.
- That the proposal respects character-defining features of the contributing building and historic district.
- That the Commission considered but did not agree with the recommendation of the Department and Residential Design Team for a setback at east elevation of the rear addition under the Residential Design Guidelines.
- The proposed project meets the following *Secretary of the Interior's Standards for Rehabilitation*:

#### **Standard 1.**

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

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***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.*

For these reasons, the proposal 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. 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.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal the Motion on this Certificate of Appropriateness to the Board of Appeals within fifteen (15) days after the date of Motion No. 0047. The effective date of the Motion shall be the date of the Motion. For further information, please contact the Board of Appeals in person at 1650 Mission Street, (Room 304) or call (415) 575-6880.

**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.**