

From: [Tuija Catalano](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Dwyer, Debra \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Taylor, Michelle \(CPC\)](#); [George, Sherie \(CPC\)](#); [Zushi, Kei \(CPC\)](#); christopher@marchcapitalfund.com; Eduardo@marchcapitalfund.com
Subject: CEQA Appeal on 2395 Sacramento - Project Sponsor Brief (BOS #231285)
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[2395 Sacramento - Project Sponsor Brief Final w. Exh \(1-12-2024\).pdf](#)

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Ms. Calvillo,

Attached please find a brief on behalf of the project sponsor of 2395 Sacramento in opposition to the CEQA appeal pending under BOS file no. 231285, scheduled for a hearing on January 23, 2024.

Please include the attached brief in the file and materials that are made available to the Supervisors.

If you have any questions, please let me know.

Thank you,

**REUBEN
JUNIUS &
ROSE LLP**

Tuija Catalano

Partner

Office: (415) 567-9000

Cell: (925) 404-4255

Email: tcatalano@reubenlaw.com

[San Francisco](#)

One Bush St., Ste. 600
San Francisco, CA 94104

[Oakland](#)

492 9th St., Ste. 200
Oakland, CA 94607

[San Jose](#)

300 S. 1st St., Ste 238
San Jose, CA 95113

www.reubenlaw.com



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REUBEN, JUNIUS & ROSE, LLP

Tuija Catalano
tcatalano@reubenlaw.com

January 12, 2024

Delivered Via Messenger and E-Mail (bos.legislation@sfgov.org)

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

**Re: 2395 Sacramento Street
Opposition to CEQA Appeal of General Plan Evaluation
BOS File No.: 231285
BOS Hearing Date: January 23, 2024
Planning Department Case No.: 2022-004172ENV
Our File No.: 10265.05**

Dear President Peskin and Supervisors:

Our office represents Gokovacandir, LLC, the owner of the property located at 2395 Sacramento Street (“Property”), at the southeast corner of Webster and Sacramento Streets, Assessor’s Lots 015 and 016 on Block 0637. The Property is currently occupied by a 67’10” tall building that is a former medical library constructed in 1912 (“Building or Landmark Building”). The Building was designated in 1980 as San Francisco Landmark No. 115 under Planning Code Article 10. The project sponsor proposes an adaptive reuse of the existing Building, with two horizontal additions adjacent to the Building on vacant portions of the Property to create a residential development that ensures the continued preservation and use of the Landmark Building and adds 24 new residential units to the City’s housing supply (“Project”). In order to maintain the existing structure and to accommodate conversion to and addition of more housing, the Project is proposed under the State Density Bonus Law. The Project was unanimously approved by both the Historic Preservation Commission (on November 1, 2023) and the Planning Commission (on November 9, 2023).

As is also detailed in the Planning Department’s response to the appeal of the General Plan Evaluation (“GPE”), substantial evidence demonstrates that the City’s use of a GPE based on the San Francisco Housing Element 2022 Update Environmental Impact Report (“Housing Element EIR”) is proper for the Project, and that the GPE and the underlying technical studies are legally sufficient under CEQA.

The appellant has failed to demonstrate that (1) the Housing Element EIR is improperly used for purposes of a GPE, (2) the Project is inconsistent with the Housing Element EIR, and (3) there are peculiar Project-specific significant impacts that were not analyzed in the Housing Element EIR. Past precedent makes clear that the GPE is proper. Therefore, this appeal is without merit and should be dismissed.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, 2nd Floor, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

A. PROJECT BENEFITS, REVISIONS, OUTREACH AND SUPPORT

Benefits. The Project offers significant benefits to the neighborhood as well as the City as a whole. The design carefully balances the need for housing on this partially vacant Property and the desire to retain the historic character of the existing building on the site. The Project benefits include the following:

- Adaptive re-use of the Landmark Building, with minimal exterior alterations that are compatible with the Building and the context, but necessary for the conversion into residential uses;
- Construction of two horizontal additions on the existing vacant portions of the Property, instead of a vertical addition to the existing Landmark Building, to preserve the existing Building’s form and massing, yet allowing creation of additional residential units;
- Conversion of an existing commercial building and new construction on underutilized portions of the site with residential uses, activating the Building and to create new housing; and
- Creation of 24 new homes, including 3 on-site below-market affordable units.

Revisions based on feedback. The Project Sponsor worked cooperatively with Planning Department staff and engaged community groups, local businesses, and neighbors to solicit feedback to the Project. The Project was revised several times to incorporate this feedback. Prior revisions include the following:

- Reduction of overall massing of the horizontal additions;
- Reduction in height of the connector between the Landmark Building and the new eastern addition, from six to four stories;
- Removal of previously proposed 2-story horizontal addition on the Landmark Building;
- Reduction in the quantity of exterior material to be altered at exterior walls and at the roof of the Landmark Building;
- Re-use with modest enlargement of the existing elevator run on the Landmark Building instead of a new elevator run; and
- Modification to the building form with the elimination of previously proposed angled front building walls at the new additions.

PHOTO OF EXISTING BUILDING:



RENDERING OF APPROVED PROJECT:



Outreach. The Project Sponsor has proactively reached out to neighbors, including the Appellant, on multiple occasions during the last few years to discuss the Project and to hear feedback from interested parties, above and beyond the Planning Department's pre-application neighborhood meeting requirement. Project Sponsor's outreach efforts included, without limitation, meetings with the Appellant Jonathan Clark (including the first meeting in May 2022) and neighbors Laurence Bardoff and Lilli Alberga, a presentation to the Pacific homeowners association, communications with CPMC, and meeting with Temple Sherith Israel. There have also been multiple notifications to neighbors and neighborhood organizations re the Project.

Support. The Project has obtained significant support from the community including:

- Housing Action Coalition's positive report card based on their Project Review Committee's review of the project on October 2, 2023, including 3 star rating (the maximum) on preservation.
- YIMBY organization's letter of support, dated October 17, 2023.
- Northern Neighbors organization's letter of support, dated October 18, 2023 (representing neighbors in Cow Hollow, Marina, Pacific Heights, Laurel Heights and the Presidio).
- 181 individuals, who have signed a petition in support of the Project (as of October 26).

Additionally, the Project received unanimous approval from the Historic Preservation Commission on November 1, 2023 (on 4-0 vote, with 1 recusal and 1 absence), and also unanimous approval from the Planning Commission on November 9, 2023 (on 7-0 vote).

B. STANDARD OF REVIEW

Under San Francisco Administrative Code Section 31.16, the Board of Supervisors is required to affirm the exemption determination if it finds that the project conforms to the requirements for exemptions set forth in CEQA.

Under CEQA, projects that are consistent with development density established by the General Plan, do not require additional environmental review except as necessary to determine whether project-specific effects not identified in the EIR exist.¹ In fact, CEQA "*mandates*" that projects consistent with development density established through a General Plan, for which an EIR was certified, "*shall not*" require additional environmental review except in limited circumstances.² Such limited circumstances include when it is necessary to examine whether the project will result in:

- (1) significant effects that are peculiar to the project or its site,
- (2) new significant impacts that were not analyzed under the prior EIR,
- (3) potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR, or
- (4) increased severity of significant impacts discussed in the prior EIR due to substantial new information which was not known at the time the EIR was certified.³

¹ CEQA Guidelines, Section 15183(b).

² *Id.*

³ *Id.*

In other words, if an impact is not peculiar to the project site or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated, then a GPE is appropriate.⁴

When it comes to the adequacy of the environmental analysis itself, the question is whether the determination is supported by substantial evidence in light of the whole record.⁵ Substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”⁶ CEQA does not require technical perfection, scientific certainty, or an exhaustive analysis of all potential issues or all information that is available on an issue.⁷ Nor is a lead agency required to conduct every recommended test and perform all recommended research in evaluating a project's environmental impacts.⁸ The standard is whether the environmental document, when looked at as a whole, provides a reasonable, good faith disclosure and analysis of the project's environmental impacts.⁹

C. THE GPE’S RELIANCE ON THE HOUSING ELEMENT EIR IS APPROPRIATE

The appellant is attacking the use of General Plan Evaluations (“GPE”) that tier off the Housing Element EIR. GPEs are very similar to Community Plan Evaluations (“CPE”) that tier off Area Plan EIRs. CPEs and GPEs both apply the same streamlining mechanism permitted under Public Resources Code Section 21083.3, which is further implemented by CEQA Guidelines Section 15183. This mechanism has been properly employed in San Francisco for approximately 15 years through CPEs. The Housing Element is part of the General Plan, and thus a GPE can be appropriately tiered off the Housing Element EIR when certain limited criteria are met.

Like a CPE, a GPE is proper when the proposed Project is consistent with the General Plan for which an EIR was certified.¹⁰ “Consistent” is narrowly defined to mean consistency with only the development density in the Plan.¹¹ When this standard is met, only those impacts that are peculiar to the project, that have not been addressed as significant effects in the prior EIR, or cannot be substantially mitigated need to be further evaluated.¹²

Appellant consistently relies on CEQA Guidelines Section 15168 (Program EIR) in its argument that the Housing Element EIR could not be relied upon. Although Section 15168 provides one avenue for subsequent CEQA review when a programmatic EIR is prepared, Section 15183 (Projects consistent with a community plan, general plan, or zoning) provides another path, which is the one the Planning Department utilized here. Contrary to appellant’s claims, the Housing Element EIR specifically discussed the use of CEQA Guidelines Section 15183 to streamline subsequent project-level review. It stated:

⁴ CEQA Guidelines, Section 15183(c).

⁵ Public Resources Code, Section 21168.

⁶ CEQA Guidelines, Section 15384(a).

⁷ *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.

⁸ CEQA Guidelines, Section 15204(a).

⁹ CEQA Guidelines, Section 15151.

¹⁰ CEQA Guidelines, Section 15183 (a) and (d).

¹¹ CEQA Guidelines, Section 15183 (i)(2).

¹² CEQA Guidelines, Section 15183 (b) and (c).

Other provisions of the CEQA Guidelines, including **sections 15183** and 15183.3 **provide for streamlined review** of certain projects that are consistent with the development density established by general plan policies for which an EIR was certified. **Accordingly, this EIR will streamline the CEQA environmental review process for future activities** that are consistent with and that would implement the policies of the updated housing element following its adoption. Such activities could include both legislation to enact changes in zoning and other land use regulations (e.g., the designation of housing sustainability districts) and **approval actions for individual development projects**.¹³

Appellant alleges that *no* project-specific analysis was provided for the Project. This is entirely inaccurate. The Project GPE provides over 20 pages of project-level analysis and refers to multiple technical studies, including a Historic Resource Evaluation, Transportation Study Determination, Air Quality Screening, Preliminary Shadow Fan Study, Qualitative Wind Assessment, and Preliminary Archeological Review Memo, all of which are part of the administrative record and are hereby incorporated by reference. The GPE, along with these studies, provide the project-level analysis the appellant requests and provides substantial evidence that a GPE is appropriate.

Appellant's indirect goal appears to be to stop the use of CPEs and GPEs altogether in San Francisco. Accepting the Appellant's argument that a GPE based on the Housing Element EIR is inappropriate would require the City to reevaluate the use of CPEs as well, which have been used for approximately 15 years in San Francisco. This could significantly change the City's ability to process entitlements and CEQA review for other housing projects in an expedient manner. The consequence of such a decision, at the Appellant's request, would inevitably result in longer entitlement processing times and would negatively impact the City's housing crisis.

D. THE PROJECT IS WITHIN THE SCOPE OF THE HOUSING ELEMENT EIR

As noted above, CEQA allows a project to utilize a GPE when it is consistent with the General Plan for which an EIR was certified.¹⁴ "Consistent" is narrowly defined to mean consistency with only the development density in the Plan.¹⁵ Therefore, consistency with every aspect of the Housing Element or General Plan is not required.

Here, the Housing Element inventory does not set strict height or density limits,¹⁶ but it does specifically discuss the use of the State Density Bonus Law and notes that "the capacity assumptions for residentially zoned parcels also reflect recent increased use of State Density Bonus law, which has been used by a majority of recent multifamily housing developments in San

¹³ Housing Element EIR, p. 2-10.

¹⁴ CEQA Guidelines, Section 15183 (a) and (d).

¹⁵ CEQA Guidelines, Section 15183 (i)(2). Full definition of "consistent" provides that: "the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan."

¹⁶ See Housing Element, Appendix B.4 Sites Inventory.

Francisco.”¹⁷ The Planning Code itself also incorporates the State Density Bonus Law.¹⁸ Likewise, the Housing Element EIR contemplated the use of the Density Bonus Law in multiple locations:

The **state density bonus law** offers development incentives to projects that provide onsite affordable housing. The amount of the density bonus and the number of incentives or concessions depends on the amount and level of affordability of the onsite affordable units. San Francisco has two density bonus programs that implement the state law in planning code sections 206.5 and 206.6. The **bonus programs may be used in the future, as applicable, to implement the proposed action.**¹⁹

Specific policies that...are anticipated to result in future housing construction include the following...Policy 20: **Increase mid-rise and small multi-family housing types** in well-resourced neighborhoods near transit, including along SFMTA Rapid Network and other transit, and **throughout lower-density areas**, by adopting zoning changes or **density bonus programs**.

Therefore, the increased height was considered and is consistent with the Housing Element or the Housing Element EIR. Furthermore, under state law, it is well established that utilizing the Density Bonus does not in and of itself make a project inconsistent with the General Plan.²⁰

Appellant argues that the Project is not “within the scope” of the Housing Element EIR because of the proposed height. Once again, appellant conflates CEQA Guidelines Sections 15168 and 15183, and discusses case law that only addresses the subsequent review standards under Section 15168 which sets forth the test to determine whether a project is “within the scope” of a programmatic EIR.²¹ As noted above, the Project here is relying on a separate streamlining provision that has its own distinct test. The case appellant cites is further distinguishable because it involved a proposed ordinance that would eliminate height limits in a portion of the city without any environmental analysis.²² It did not involve a development project with a height waiver under the State Density Bonus Law, nor did it rely on a GPE with analysis and reports related to the impacts of the specific action.

While this is the second GPE in San Francisco (and first GPE appeal), there have been many CPE determinations that the Board has upheld on appeal that included Density Bonus height waivers, including e.g. the appeal of the CPE for a project at 344 14th Street.²³ This sets a precedent that density bonus projects are “consistent” with relevant plans for purposes of CEQA Guidelines Section 15183, despite the fact that the projects e.g. in the CPE context are usually taller and/or later than the base zoning in the Area Plan EIR. To decide otherwise would overturn years of standard practice in San Francisco and would be contrary to the Board’s prior decisions.

¹⁷ Housing Element, p. 92, 130, and 142; Housing Element, Appendix B Sites Inventory and Rezoning Program, p. 18 and 42.

¹⁸ Planning Code Section 206.6.

¹⁹ Housing Element EIR, p. 3-9, 4.2-78 - 4.2-79.

²⁰ Gov. Code Section 65915(f)(5); *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 75; *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329.

²¹ *Save Our Access v. City of San Diego* (2023) 92 Cal.App.5th 819.

²² *Id.*

²³ See BOS File No. 190891, including Board of Supervisors’ Motion No. 19-144 affirming the Planning Department’s CPE on State Density Bonus Project that included a height waiver.

E. EXCEPTION TO CATEGORICAL EXEMPTION FOR HISTORIC IMPACTS DOES NOT APPLY

Appellant claims that the exception to categorical exemptions for projects that may cause a substantial adverse change in the significance of a historic resource would apply here. However, once again, appellant mixes the use of a GPE with other CEQA provisions.

The exceptions appellant cites to only apply to *categorical* exemptions, which are listed under CEQA Guidelines Section 15300 through 15333. Because the Project utilized a GPE under CEQA Guidelines Section 15183, which is considered a “special situation” exemption, it is not subject to the same exceptions. Recently, a court explicitly confirmed that a GPE is distinct from a categorical exemption.²⁴

F. MITIGATION MEASURES WERE PROPERLY APPLIED TO THE PROJECT

Contrary to appellant’s claims that the use of mitigation measures disqualifies the Project from using a GPE, CEQA *requires* applicable mitigation measures under the Housing Element EIR to be imposed on the Project.²⁵

Once again, it appears appellant has mixed up GPEs with other exemptions. While it is true that a city may not rely on mitigation measures when determining whether a *categorical exemption* applies, the same is not true for GPEs (or CPEs). As noted above, a court recently confirmed GPEs are distinct from categorical exemptions.²⁶ Of related note, it has also been standard practice to apply applicable mitigation measures from the Area Plan EIRs in the context of CPEs, which as noted earlier rely on the same CEQA statute (i.e. CEQA Guidelines Section 15183).

In addition, for GPEs, CEQA specifically mandates that cities “undertake or require the undertaking of any feasible mitigation measures specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment.”²⁷

Appellant’s claims that the Project’s mitigation measures related to historic impacts are vague, unenforceable, of uncertain efficacy, or amount of deferred mitigation are unfounded. The mitigation measures in the Housing Element EIR provided flexibility so that project-specific measures can be enacted based on the details of each project.²⁸ This Project’s GPE used the framework in the Housing Element EIR to craft mitigation measures that are four pages long and provide thorough and specific standards that were analyzed by the Planning Department staff in the Historic Resource Evaluation to confirm they would reduce the impact to a less than significant level.²⁹

Lastly, contrary to appellant’s claims, analysis of alternatives is not required for GPEs or other types of exemptions and is generally only required for EIRs.³⁰

²⁴ *Lucas v. City of Pomona* (2023) 92 Cal.App.5th 508, 536.

²⁵ Public Resources Code Section 21083.3(c); CEQA Guidelines, Section 15183(e).

²⁶ *Lucas v. City of Pomona* (2023) 92 Cal.App.5th 508, 536.

²⁷ Public Resources Code Section 21083.3(c).

²⁸ Housing Element EIR, M-CR-1a through M-CR-11.

²⁹ GPE, Project Mitigation Measures 1-4.

³⁰ CEQA Guidelines, Section 15126.6.

G. PECULIAR IMPACTS

The appellant incorrectly argues that there are seven impacts that are peculiar to the Project. CEQA only requires additional review of *significant* impacts that are *peculiar* to the Project or the parcel. None of the “impacts” the Appellant cites rise to this level.

It is important to note that height in and of itself is not an environmental impact.³¹ The Project conforms to the Planning Code, which allows waivers for development standards such as height under the Density Bonus Law.³² In addition, both the Housing Element and Housing Element EIR contemplate the use of the Density Bonus Law.³³ The discussion below addresses appellant’s seven specific arguments regarding the alleged environmental impacts and provides substantial evidence that the proposed Project would not result in any peculiar impacts.

1. Historic Resource Impacts

Appellant’s Concern: The Landmark Building is not discussed in the Housing Element EIR. The Project will have a peculiar and significant impact on the historic resource due to the size of the additions, it will impact the spatial relationship of the Landmark Building with the two other historic resources on the block, and it will destroy the historic interior of the Building. The nomination for listing on the National Register of Historic Places is new information showing Project impacts on the historic resource would be more severe than previously discussed.

Project Sponsor’s Response: The Housing Element EIR did not list every historic resource by name, but included a map of all the historic resources in the City that included the subject Property.³⁴ The EIR found that “future development consistent with housing element update would have the potential to result in demolition or alteration in an adverse manner of historic resources” and also addresses the potential for inadvertent damage during construction.³⁵ This shows that impacts to historic resources were disclosed and are not “peculiar” to the Project.

That said, there is substantial evidence that the Project will not result in a *significant* peculiar impact. The project sponsor worked closely with Page & Turnbull and the Planning Department to carefully design horizontal additions that would not result in a significant impact on the historic resource. Planning staff and preservation consultants concluded in the Historic Resource Evaluation that the Project would not materially impact the setting with the nearby resources, and that the Project is compatible in massing and height to the existing Landmark Building and the Temple Sherith Israel, and is compatible overall with the block and nearby area. Contrary to appellant’s claim, the additions will not dwarf the Building. The existing Landmark Building at 2395 Sacramento is 67’10” tall, as measured from Sacramento per the Planning Code,

³¹ Under CEQA Guidelines, Section 15382 significant effect on the environment “means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

³² Planning Code Section 206.6.

³³ Housing Element, p. 92, 130, and 142; Housing Element, Appendix B Sites Inventory and Rezoning Program, p. 18 and 42.

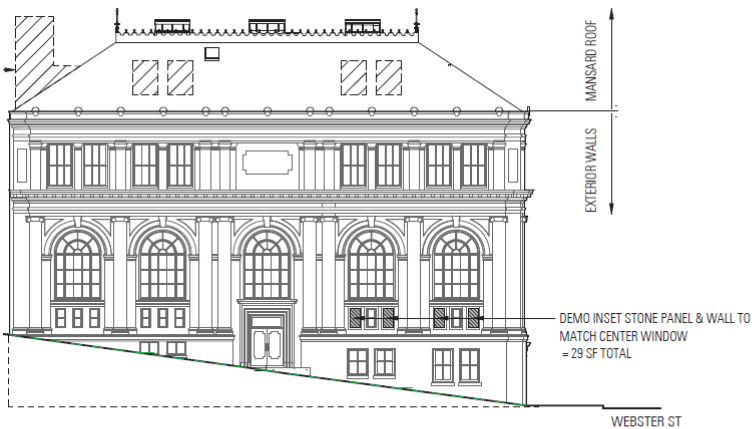
³⁴ Housing Element EIR, Figure 4.2-7b.

³⁵ Housing Element EIR, p. 4.2-90 - 4.2-92.

and the two adjacent additions will be 77'6" tall and 68' tall. This is a desirable strategy as it allows the existing Landmark Building to remain as it currently is, i.e. and importantly no vertical addition is proposed to the Landmark Building itself and its height remains unchanged.

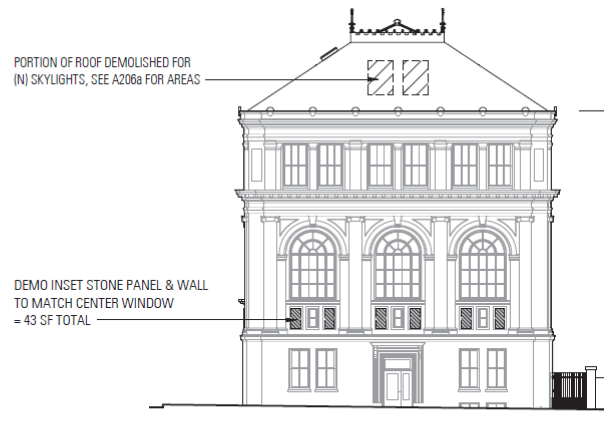
More specifically, the exterior changes proposed by the approved Project consist of the following with respect to the Landmark Building and its primary street-facing façades:

- At the northern and western elevation of the Building - new selective openings at the first floor, as shown in the elevation plan below; and



SACRAMENTO ST (NORTH) ELEVATION SUMMARY

(E) EXTERIOR WALL AREA:	5,003 SF
AREA OF EXTERNAL WALL SURFACE TO BE REMOVED (FACING PUBLIC STREET)	29 SF
AREA OF EXTERNAL WALL TO BE REMOVED FROM EXTERNAL FUNCTION	29 SF
AREA OF EXTERNAL WALL TO BE REMOVED FROM EXTERNAL OR INTERNAL FUNCTION	29 SF



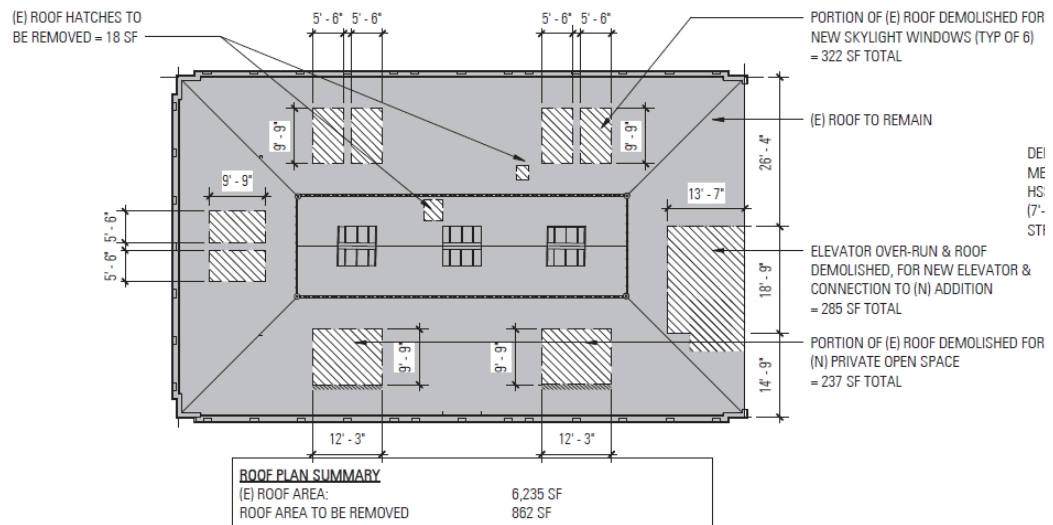
WEBSTER ST (WEST) ELEVATION SUMMARY

(E) EXTERIOR WALL AREA:	3,416 SF
AREA OF EXTERNAL WALL SURFACE TO BE REMOVED (FACING PUBLIC STREET)	0 SF
AREA OF EXTERNAL WALL TO BE REMOVED FROM EXTERNAL FUNCTION	0 SF
AREA OF EXTERNAL WALL TO BE REMOVED FROM EXTERNAL OR INTERNAL FUNCTION	43 SF

(E) NORTH ELEVATION

(E) WEST ELEVATION

- At the roof level of the Building - new openings to accommodate three pairs of skylight windows and two balconies with private open space, and replacement of the existing elevator penthouse (a non-contributing feature) with a taller elevator run with a larger footprint, as shown in the roof plan below:



Additionally exterior alterations/construction on other parts of the Property include:

- On vacant land - construction of a 7-story-over-basement addition at the east elevation and a 6-story addition to the south, accessible through a 4-story glass connector; and
- At the southern/secondary elevation of the Building – enlargement of some of the window openings to accommodate the glass connector and partial burying of the ground elevation.

While we disagree³⁶ that the Landmark Building’s more recent use for occasional private events would cause the Building’s interior areas to be deemed “publicly accessible” and therefore a historic resource, the interior was treated as a historic resources for purposes of this GPE by the Planning Department. The project sponsor worked with Planning staff and preservation consultants to ensure that the proposed interior changes would not result in a significant impact. The conversion of the Building into residential units does necessitate changes and removal of certain features in the Building interior, including removal of features that relate to the Building’s prior library uses. However, other interior historically significant features will be retained by the Project, including e.g. the ornate staircase and entry lobby, both of which will be incorporated into the residential building. Planning staff concluded that the removal and alteration of certain interior character-defining features is necessary in order to convert the Building to residential uses, however, such impacts are mitigated with the incorporation of several mitigation measures, including those related to construction practices, documentation, a salvage plan, and interpretation actions.

While it is unclear at this time if the murals will be removed, the mitigation measure regarding the salvage plan requires the project sponsor to prepare a plan for review and approval by the Planning Department’s preservation staff prior to issuance of any site permit that includes:

Specifications for the removal and salvage of the Reading Room murals by a qualified art conservator and shall also include coordination and consultation with interested tribal groups and gather input on future treatment of the murals, including, but not limited to, public interpretation, donation to a non-profit or cultural association, or sale to a private entity.³⁷

This mitigation measure ensures that the Project will not have a significant impact on the murals.

The nomination for listing on the National Register of Historic Places does not in and of itself create a more severe impact. The Property, including the interior of the Landmark Building, has already been treated as historic resources for purposes of CEQA. CEQA does not have a heightened threshold of significance for properties listed on the National Register of Historic

³⁶ The project sponsor submitted a letter to the Planning Department, dated February 9, 2023, wherein we expressed our disagreement with Planning Department’s position deeming the Building interiors as historic resource under CEQA. This letter is part of the administrative record for this Project’s entitlement file and cites to support from case law, including *Martin v. City and County of San Francisco* (135 Cal.App.4th 392). Notwithstanding that we continue to disagree that the Building interiors should be considered as historic resources due to the more recent and intermittent event space usage, the Planning Department did deem the interior as historic resources under CEQA and evaluated the interior features accordingly consistent with CEQA Guidelines (concluding that the Project would not result in a significant adverse impact to the Building interior).

³⁷ GPE, Project Mitigation Measure 3.

Places as opposed to locally designated Landmarks. Please note that Ms. Maley did not submit the nomination at the Project Sponsor's direction, consent or knowledge. Project Sponsor has submitted its objection to the nomination as of January 11, 2024, and the Property cannot be listed on the National Register over the objection of a private property owner.

The analysis in the GPE and Historic Resource Evaluation, together with the detailed mitigation measures, provide substantial evidence that the Project will not have a significant peculiar impact on a historic resource.

Please also see the attached memo from preservation consultants at Page & Turnbull responding to the Appellant's preservation arguments in greater detail, also concluding that the Planning Department properly evaluated the Project's impacts on the historic resource, and correctly concluded that the Project is consistent with the Secretary of Interior's Standards and thus will not result in a significant impact to the resource (see the attached Exhibit A).

2. Vibration Impacts

Appellant's Concern: The Project's construction vibration level could exceed the damage thresholds and mitigation measures must be analyzed in a CEQA document to ensure their adequacy and enforceability. A revised negative declaration must be circulated for public review if it adds new mitigation measures or identifies new impacts.

Project Sponsor's Response: The Housing Element EIR analyzes potential vibration impacts in detail, particularly as they relate to historic buildings, and explains how selected mitigation measures would reduce such impacts to less than significant level. Specifically, it anticipates that vibration has the potential to cause damage to buildings, including historic buildings, and requires project sponsors that meet certain screening thresholds to implement Mitigation Measure M-NO-3a.³⁸ Mitigation Measure M-NO-3a provides three pages of standards that a project must abide by, including "conduct[ing] a pre-construction assessment of potentially affected buildings and/or structures, establish[ing] vibration limits not to be exceeded based on the condition of the building(s) and/or structure(s), monitor[ing] vibration levels during construction, and repair[ing] any vibration-related damage to the building's/structure's pre-construction condition."³⁹ The Housing Element EIR concludes that compliance with this mitigation measure will result in a less than significant impact.⁴⁰

The GPE imposed this mitigation measure on the Project, meaning that based on the substantial evidence in the Housing Element EIR, the vibration impact will be neither significant nor peculiar. Appellant has not identified any *new* mitigation measures or *new* impacts that would warrant further review.

3. Diesel Particulate Matter Health Impacts

Appellant's Concern: The screening level analysis found that the proposed Project could potentially result in a significant health risk impact due to Diesel Particulate Matter ("DPM") from

³⁸ Housing Element EIR, p. 4.5-58.

³⁹ Housing Element EIR, p. 4.5-58 - 4.5-61.

⁴⁰ Housing Element EIR, p. 4.5-61.

Project construction equipment. While the GPE proposes a mitigation measure to reduce this impact, there is no analysis on whether this mitigation measure would be adequate to reduce the impact to a less than significant level.

Project Sponsor’s Response: Similar to the vibration impacts, Housing Element EIR analyzed potential health impacts associated with DPM from construction equipment in detail and explained how the mitigation measure would reduce the impact. The Housing Element EIR states that “concentrations and cancer risk would be reduced through implementation of Mitigation Measure M-AQ-3, which would require Tier 4, or equivalent, emissions standards for construction equipment.”⁴¹

Mitigation Measure M-AQ-3 sets forth two pages of detailed standards that specify the type of construction equipment that can be utilized.⁴² This mitigation measure has been imposed on the Project.⁴³ The GPE included an Air Quality Screening Report that calculated the cancer risk for the Project and found that it is less than significant with implementation of Mitigation Measure M-AQ-3. Together, the Housing Element EIR and the Air Quality Screening Report provide substantial evidence that the health impacts are neither significant nor peculiar to the Project.

4. Wind Impacts

Appellant’s Concern: An expert wind analysis shows the Project will result in wind velocity increases that exceed the City’s threshold of significance. This impact was not analyzed in the Housing Element EIR because it assumed heights in the area would not exceed 40 feet. “Significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been ‘adequately addressed,’ in a way that ensures the effects will be ‘mitigated or avoided.’” Project-level analysis is required.

Project Sponsor’s Response: The Housing Element EIR provides detailed analysis of wind impacts and concludes that based on “the department’s professional experience, consultation with qualified wind impact technical specialists, and a review of wind analyses...buildings of **less than 85 feet in height have no potential to create wind hazard** impacts in San Francisco.”⁴⁴ Therefore, the Housing Element EIR does not require buildings under 85 feet to prepare quantitative analysis, which means such analysis does not apply to this Project.⁴⁵ “[P]rojects greater than 85 feet in height would require a screening-level assessment conducted by a qualified wind expert, in consultation with the department, to determine their potential to result in a new wind hazard exceedance or aggravate an existing pedestrian-level wind hazard exceedance.”⁴⁶ Despite the fact that the Project is less than 85 feet, CPP Wind Engineering Consultants prepared two reports for a total of 18 pages of qualitative analysis that provides substantial evidence that the Project will not exceed the wind hazard threshold of significance. The GPE provides the project-level analysis the appellant requests. When the CEQA document is subject to the

⁴¹ Housing Element EIR, p. 4.6-68.

⁴² Housing Element EIR, p. 4.6-51 - 4.6-53.

⁴³ GPE, Project Mitigation Measure 6.

⁴⁴ Housing Element EIR, p. 4.7-8.

⁴⁵ *Id.*

⁴⁶ Housing Element EIR, p. 4.7-11.

substantial evidence standard, as it is here, it is proper for the City to rely on its own experts even when there are differing opinions from other experts.⁴⁷

The “expert” analysis provided by the Appellant was not conducted by a consultant who regularly evaluates wind conditions in San Francisco. The Appellant’s modeling appears to be based on computational fluid dynamics (“CFD”) modeling, which is a computer-generated program that does not in itself measure wind speeds. The Appellant’s earlier submissions to the Planning Department indicated that the Appellant themselves attempted to measure wind speeds (apparently) at a single location near the Project site for less than a 24-hour period, which appears to be the input data for the CFD modeling. This analysis fails to take into consideration historical, statistical data re wind speeds, and cannot be considered reliable data, let alone substantial evidence, given that the accuracy of the base input data is questionable.

Wind analysis in San Francisco is based on data gathered over many years in order to provide statistical accuracy. CPP Wind Engineering Consultants and the experts in wind analysis stated in their supplemental memo, dated October 12, 2023 the following:

“Wind data from numerous reputable sources was referenced for CPP’s assessment of winds at the project site. These wind climate data sources include the San Francisco International Airport (SFO), the San Francisco Old Federal Building (located at 50 United Nations Plaza), and the San Francisco Wind Climatology Study derived from a detailed Weather Research Forecasting (WRF) model (see Figure 4 for reference).

...

These sources are widely referenced for all wind studies conducted within the San Francisco area and leveraged by all practitioners conducting wind assessments at both qualitative (expert opinion based) and quantitative (detailed wind tunnel evaluation) levels of the service.

...

While on-site measurements could be taken at any project site using an anemometer to get a sense of wind conditions, the siting of such a measurement device must take into consideration the following variables:

- Positioned at a location which is unable to be interfered with by pedestrians etc.
- Mounted at a location out of the influence of any localized building effects or acceleration. If installed in close proximity to a building corner, wind speeds recorded may be higher and not a good indication of the overall winds in the area.
- In order to appropriately draw conclusions relating to average wind speeds or other trends in wind data, **recordings should be taken for a significant period of time (i.e., 3-5 years)**. Sampling for shorter durations may be biased towards wind events from a discrete set of directions and magnitudes.”

(See CPP Wind Engineering Consultants’ memo, dated October 12, 2023, pp. 5-6; emphasis added.)

⁴⁷ See, e.g., *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 407-408.

5. Biological Resource Impacts

Appellant’s Concern: An expert wildlife biologist surveyed the site and identified at least one bird of conservation concern and five special status species of vertebrate wildlife. He concludes that the Project would create a heightened risk of bird-window collisions and will cause habitat loss of five bird nesting sites. None of these impacts were analyzed in the Housing Element EIR, which did not contain a biological resource impact analysis section.

Project Sponsor’s Response: Contrary to appellant’s claims, the Housing Element EIR included a 20-page biological resource impact analysis section, and included a thorough study of all potential special status species in the entire City. The Housing Element EIR concluded that impacts to special status species, including impacts related to bird strike and nesting sites, would be less than significant without mitigation due to existing development standards.⁴⁸ These standards include Planning Code Section 139, which establishes building design standards to reduce avian mortality rates associated with bird strikes, and state laws that make it unlawful to needlessly destroy nests of migratory birds.⁴⁹ These standard apply to the Project similarly to any other project.

The Housing Element EIR provides substantial evidence that projects in San Francisco, even in areas where much taller buildings are permitted, will not result in significant impacts to biological resources. In addition, CEQA Guidelines Section 15183(f) clarifies that impacts are not considered peculiar if “uniformly applied development policies or standards” would substantially mitigate that environmental impact. Thus, as noted in the Housing Element EIR, uniformly applied development standards apply to appellant’s concerns regarding bird-window collisions and bird nesting sites. Therefore, the impacts are neither significant nor peculiar to the Project.

6. Shadow Impacts

Appellant’s Concern: The Project will cast much greater shadows than analyzed in the Housing Element EIR, including on historic resources. These impacts are peculiar to the Project, and were not analyzed in the Housing Element EIR, which assumed heights of 40-feet.

Project Sponsor’s Response: The Housing Element EIR makes clear that the threshold of significance for shadow impacts is whether the project will “create new shadow that substantially and adversely affects the use and enjoyment of **publicly accessible open spaces**”⁵⁰ (which is also the standard basis for shadow evaluation under the Planning Code). Shadows on historic resources are not an environmental impact under CEQA. The GPE included a Shadow Fan Study that confirms the Project will not have any shadow impacts on publicly accessible open spaces. Therefore, the Project will not result in any significant or peculiar shadow impacts.

7. Pedestrian Safety Impacts

Appellant’s Concern: “The 24-car garage entrance will be established on a high pedestrian walk-way with entrance/exit onto a narrow road with low visibility. This impact is

⁴⁸ Housing Element EIR, p. 4.1-139 - 4.1-140.

⁴⁹ Housing Element EIR, p. 4.1-139 - 4.1-140, and 4.1-145 - 4.1-148.

⁵⁰ Housing Element EIR, p. 4.8-16.

peculiar to the Project and was not analyzed in the Housing Element EIR.”

Project Sponsor’s Response: The Housing Element EIR sets forth the threshold of significance for safety impacts, which is whether the project would “create potentially hazardous conditions for people walking, bicycling, or driving or public transit operations.”⁵¹ The EIR clarifies that “for purposes of CEQA, hazards refer to engineering aspects of a project (e.g., speed, turning movements, complex designs, distance between street crossings, sightlines) that may cause a greater risk of collisions that result in serious or fatal physical injury than a **typical project**.”⁵² The Housing Element EIR found that impacts would be less than significant due to existing City policies.⁵³ Among the standard City policies and regulations, the Project is subject through its conditions of approval to Planning Code Section 138.1 regarding streetscape plan requirements that are consistent with the Better Streets Plan. The Project was also reviewed in January 2022 by the City’s Street Design Advisory Team (“SDAT”)⁵⁴, which is an inter-agency review body that provides street design guidance for projects subject to the Better Streets Plan.

Appellant provides no evidence of any engineering aspects of the Project that would result in greater risks than a typical project. It is quite typical for multifamily projects with parking to be located on narrow streets with high levels of pedestrian foot traffic in San Francisco, which is an urban city environment. Therefore, the Project will not result in any significant or peculiar pedestrian safety impacts.

H. CONCLUSION

Requiring further environmental review to be conducted for the Project is unnecessary and contrary to CEQA law. The appellant has not provided any evidence that the analysis in the GPE is flawed or inadequate. Overturning the GPE on the basis of its reliance on the Housing Element EIR would not only go against established precedent regarding CPEs but would also discourage this beneficial housing project and similar projects in any part of the City that conduct CEQA review using a General Plan Evaluation. And in turn, this would further exacerbate the shortage of housing of all income types in San Francisco. Appellant has not provided substantial evidence to meet its burden to overturn the City’s decision to issue a GPE for the Project. Therefore, we respectfully request that you deny the appeal.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija Catalano

⁵¹ Housing Element EIR, p. 4.4-62.

⁵² Housing Element EIR, p. 4.4-92.

⁵³ Housing Element EIR, p. 4.4-92 - 4.4-96.

⁵⁴ SDAT is composed of representatives from the Planning Department, Department of Public Works, Municipal Transportation Agency (“SFMTA”), San Francisco Fire Department (“SFFD”), and the San Francisco Public Utilities Commission (“SFPU”).

Exhibits:

Exh. A – Page & Turnbull’s response to Appellant’s preservation arguments

cc: Supervisor Connie Chan
Supervisor Catherine Stefani
Supervisor Joel Engardio
Supervisor Dean Preston
Supervisor Matt Dorsey
Supervisor Myrna Melgar
Supervisor Rafael Mandelman
Supervisor Hillary Ronen
Supervisor Shamann Walton
Supervisor Ahsha Safai
Angela Calvillo, Clerk of the Board
Sherie George, Environmental Planner, Planning Department
Kei Zushi, Environmental Planner, Planning Department
Debra Dwyer, Environmental Planner/Manager, Planning Department
Michelle Taylor, Preservation and Current Planner, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department



MEMORANDUM

DATE	January 12, 2024	PROJECT NUMBER	21258
TO	Tuija Catalano Reuben Junius & Rose	PROJECT	2395 Sacramento Street
OF	One Bush Street, Ste. 600 San Francisco, CA 94104	FROM	Elisa Skaggs, AIA
CC	C. Kiernat, C. Nalen	VIA	Email

REGARDING Supplemental Preservation Response to Appeal Letter Dated December 8, 2023

PRESERVATION RESPONSE ON APPEAL LETTER DATED DECEMBER 8, 2023

A letter of appeal was submitted to the Board of Supervisors on December 8, 2023 that raised concerns about the proposed project at 2395 Sacramento Street. This memorandum responds to concerns regarding potentially significant impacts on an historic resource, in Section IV.C. The following responses focus on concerns raised regarding impacts to 2395 Sacramento, 2018 Webster, and Temple Sherith Israel.

Our overall opinion is that the Appellant's arguments regarding significant impact to historic resources are incorrect. The existing building at 2395 Sacramento is a historic resource, but the project complies with the Secretary of Interior's Standards and overall does not result in a significant adverse impact to the historic resource at 2395 Sacramento, or at 2018 Webster and Temple Sherith Israel.

Page & Turnbull is a full-service architecture, design, planning, and preservation firm that was founded in 1973, and has extensive, over 50 years of experience, with evaluation of historic buildings in San Francisco.

APPELLANT'S CONCERN

A CEQA exemption is not allowed because there is a fair argument that the Project may have adverse impacts to an historic resource. (page 12)

CEQA section 21084(e) provides, "A project that may cause a substantial adverse change in the significance of a historic resource, as specified in Section 21084.1 shall not be exempted from this division pursuant to subdivision (a)." (page 12)

Imagining change in historic environments through design, research, and technology

PAGE & TURNBULL RESPONSE

A Secretary of Interior's Standards analysis was conducted by Page & Turnbull (see Exhibit A), as is required and the norm in the evaluation of historic resources. The Analysis determined that the proposed project complies with the Standards and would therefore not have a substantial adverse impact on 2395 Sacramento Street.

APPELLANT'S CONCERN

Under CEQA sections 21084(e) and 21084.1, and CEQA guidelines sections 15064.5, and 15300.2, a categorical exemption from CEQA may not be issued for any project that may cause a substantial adverse change in the significance of an historic resource. (Page 12)

PAGE & TURNBULL RESPONSE

2395 Sacramento was found to be significant under (as is also reflected in Planning Department's Historic Resource Evaluation Response, dated August 18, 2023):

- Criterion 1 for its association with the first medical school in the western United States.
- Criterion 2 for association with Dr. Elias J. Cooper, founder of the University of the Pacific.
- Criterion 3: The building is a notable example of the Beaux Arts Style, designed by Albert Pissis, architect of merit.

The proposed project will not diminish the significance of the building. 2395 Sacramento Street will continue to convey its significance as an excellent example of Beaux Arts architecture and will retain its significance under Criteria 1 and 2. The building will continue to convey significance under all three criteria.

APPELLANT'S CONCERN

...This includes changes to the "immediate surroundings such that the significance of an historic resource would be materially impaired." (Page 12)

PAGE & TURNBULL RESPONSE

The immediate surroundings of the proposed project include the block bordered by Sacramento, Buchanan, California, and Webster streets. The western half of the block is most notable because it includes three historic resources, 2395 Sacramento (Landmark 115), 2018 Webster Street, and Temple Sherith Israel. Our evaluation concluded that neither 2018 Webster Street nor Temple Sherith Israel will be materially impaired by the proposed project.

The proposed project includes two additions. The east addition will be located on a private lot currently used for parking. The lot does not have historic significance nor does it contribute to the significance of 2395 Sacramento Street. The south addition will be located in the garden space between 2395 Sacramento Street and 2018 Webster Street. The garden space has not been identified as a character-defining feature of either 2395 Sacramento or 2018 Webster Street. However, the south addition will be set back about 14'-10" from the back of 2395 Sacramento Street

to allow views of the rear façade and further convey the original massing of the resource. The space between 2395 Sacramento and the south addition will be used for a courtyard, reminiscent of the existing garden. The historic resources in the immediate surroundings will not be materially impaired.

APPELLANT'S CONCERN

The proposed additions to the library at the east and south facades would result in a significant unavoidable impact to an historic resource that cannot be mitigated to a less than significant level. The proposed additions would not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically Standard 9 which states: (page 13)

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

PAGE & TURNBULL RESPONSE

Appellant's concern is incorrect. See below for a response to specific aspects of Standard 9.

APPELLANT'S CONCERN

The project will dwarf the historic library on two sides with an 87- and 72-foot tall building. (page 12)

PAGE & TURNBULL RESPONSE

This concern is about the *size, scale, and massing* aspects of Standard 9. The proposed project has been designed so that it is deferential to the historic resources on the block bordered by Sacramento, Buchanan, California, and Webster streets, including:

- 2395 Sacramento Street (the Project)
- 2018 Webster Street
- Temple Sherith Israel

Several measures were taken to ensure that the two additions will be respectful of the historic resources.

- Sacramento Street Addition (east):

The proposed Sacramento Street addition will be strategically located adjacent to the east side of the historic resource, on an elevation that is utilitarian in nature and does not have features that contribute to the property's historic character. The addition will be slightly set back along Sacramento Street so that it is deferential to the historic resource. The first bay will be limited to 6 levels and will have a height that is less than the historic resource. Behind the first bay, the addition will rise to 96'-2", but along Sacramento, the front portion of the addition will be the most prominent and will be conveyed as compatible in height. Along

Sacramento Street, the width of the addition is limited to 37'-0" while the width of the historic resource is 100'-0". Therefore, the overall massing of the east addition will be compatible with 2395 Sacramento Street.

- Webster Street Addition (South):

Similar to the east addition, the Webster Street addition will be slightly set back from both adjacent resources, 2395 Sacramento Street and 2018 Webster Street. It will be six stories tall and similar in height to 2395 Sacramento Street. The addition will be taller than 2018 Webster Street; however, the front face of the building will be of similar height and will have a substantially narrower width that will promote compatibility with 2018 Webster Street. Further, the overall width of the south addition will be similar to the width of 2018 Webster Street. Thus, the general massing as seen from Webster Street will convey the south addition as substantially less than 2395 Sacramento Street and compatible to 2018 Webster Street.

Please also note that the addition heights stated by the Appellant are inaccurate. As measured under the Planning Code, and stated by the Planning Department, the heights of the additions are 77'6" and 68'.

APPELLANT'S CONCERN

The project would destroy the spatial relationship of the Lane Medial Library to the two other historic resources on the block: the residential building at 2018 Webster Street, and the garden that has long separated the two buildings, and Temple Sherith Israel. (page 13)

The proposed project would be out of scale and proportion and its massing would loom over both the library and Temple Sherith Israel, block the visual and spatial connection between these two Albert Pissis-designed buildings. (page 13)

PAGE & TURNBULL RESPONSE

This concern relates to the "spatial relationships aspect of Standard 9.

The proposed additions will not destroy the existing relationship of 2395 Sacramento and Temple Sherith Israel. The spatial relationship between 2395 Sacramento Street and Temple Sherith Israel is most visible at the corner of Sacramento and Webster streets and at the corner of California and Webster streets. View studies were conducted to ensure that the south addition would not obstruct views of the street façade and dome of Temple Sherith Israel along Webster Street. Views from the north and from the south along Webster Street will continue to include both buildings. Along Sacramento Street, the view of Temple Sherith Israel can be seen through the undeveloped lot where the east addition is proposed. This lot currently serves as parking and has a "back-of-house" character and does not constitute a public right of way. The construction of the east addition and the resulting obstruction of views of the temple from this location will not rise to the level of destroying the spatial relationship between the two buildings.

The spatial relationship between 2395 Sacramento Street and 2018 Webster will alter, though not in an impactful way. Currently, there exists a garden space between 2395 Sacramento and 2018 Webster. However, the garden space has not been identified as a character-defining feature of either 2395 Sacramento or 2018 *Webster*. *Though both buildings are historic resources, the spatial relationship between the two buildings is not significant nor character-defining.* Further, current views of the two buildings in the context of their spatial relationship will continue to exist along Webster Street.

The construction of the two additions will not destroy significant spatial relationships between 2395 Sacramento Street and 2081 Webster and Temple Sherith Israel. The additions will comply with this aspect of Standard 9.

PAGE & TURNBULL'S ADDITIONAL COMMENTARY ON ASPECTS OF STANDARD 9

Though not specifically noted in the appeal letter, two other aspects of Standard 9 are discussed below:

- **REMOVAL OF HISTORIC FABRIC**

Preservation Brief 14 acknowledges that attaching a new exterior addition typically involves some material loss but recommends that the removal of historic material be minimized. The east (Sacramento Street) addition will be located on a side of 2395 Sacramento Street that is utilitarian in nature. Attachment of the addition to this façade will not destroy features that contribute to the architectural character of the building.

The south addition has been designed to minimize the removal of historic fabric. It will connect at a single bay via existing openings. Removal of historic fabric will be limited to the sill and other features that could easily be reconstructed if the addition were to be removed in the future. The only exception to this is a 4'-9" length of a cornice band at level four. More than sufficient cornice band will remain to guide a future project if the south addition were to be removed and the cornice band reconstructed.

The approach to design of the additions is consistent with the guidelines provided in Preservation Brief 14 and does therefore comply with Standard 9.

- **COMPATIBILITY AND DIFFERENTIATION:**

The two proposed additions have been designed to be both compatible and differentiated with both 2395 Sacramento and 2018 Webster streets. Scale and massing are discussed above. The proposed additions have been designed as contemporary but will have features and a design that relate to the historic resource. The new additions' street facing facades have a tripartite configuration similar to 2395 Sacramento with simplified cornice bands that relate to the decorative cornice bands of the historic buildings. The openings of the addition relate to the windows and openings of the historic resource with regard to their size and

proportions. The finish of the additions' street facades will relate well to the Colusa stone of 2395 Sacramento. The design of the proposed hyphen that connects the south addition to the rear façade of 2395 Sacramento follows recommendations in Preservation Brief 14. The hyphen serves to provide a "physical link while visually separating the old and new, and the connecting passageway penetrates and removes only a small portion of the historic wall."¹ The proposed hyphen will be small in scale and will be glass, allowing it to be clearly distinguished from 2395 Sacramento. The additions will be recognized as different but will have a design that relates well to the historic resource.

In summary, the proposed additions to 2395 Sacramento Street have been designed in a way that minimizes the removal of historic fabric and retains those distinctive features that contribute to the historic character of the property. The proposed additions and alterations allow 2395 Sacramento Street to retain integrity with regard to location, association, design, workmanship, setting, feeling, and materials.

APPELLANT'S CONCERN

The Project will destroy historic murals found in public areas inside the building. (page 12)
Removal of the Mathews murals found in publicly accessible areas inside the library would result in a significant unavoidable impact to an historic resource that cannot be mitigated to a less than significant level. (page 13)

Further, removal of the Mathews murals found in publicly accessible areas inside the Library would result in a significant unavoidable impact to an historic resource that cannot be mitigated to a less than significant level. Separating the murals from their historic location in the library was not fully evaluated as an impact in the CEQA documents. The project sponsor has specifically stated the project would remove the Mathews murals from the library's reading room; however, no plan for where the works would be deposited or if they would remain the public realm has been put forward in the project description.

PAGE & TURNBULL RESPONSE

2395 Sacramento has a triptych of murals in the reading room known as the Health and Arts murals. The reading room was historically used by the medical study community and the murals were not a feature in a publicly accessible space during the building's period of significance (medical library use period). The proposed project includes the removal of the murals though their relocation has not yet been determined. Page & Turnbull was retained by the project sponsor to determine if the murals could be removed from their current location without damage. We concluded that they can be successfully removed. The murals are oil on canvas and large in scale.

¹ Anne E. Grimmer. and Kay D. Weeks. "New Exterior Additions to Historic Buildings: Preservation Concerns," Preservation Briefs 14, National Park Service, U.S. Department of the Interior, August 2010.

According to Harvey Jones who authored the book, *The Art of Arthur & Lucia Mathews*, Mathews designed and installed his murals so that they could be safely and easily de-installed.² He painted the canvases in his studio and then affixed them directly to the wall using adhesive, a technique called marouflage. Mathews' murals have been successfully removed from their original sites and moved into institutions over the years.³ The murals painted by Mathews for the California State Capitol rotunda provide an example of successful removal. These murals were removed from the rotunda in 1976 and conserved. In 1981, the murals were reinstalled in the basement rotunda.⁴

Though the murals are proposed to be removed, they are not proposed to be destroyed as the appeal letter states. The area from which they are proposed to be removed has not been historically used as a public space. The intent to remove the murals will ultimately protect the murals and potentially allow them to be displayed in a location where the general public could view them.

² Jones, Harvey L. *The Art of Arthur & Lucia Mathews. Oakland: Oakland Museum of California and Pomegranate Books, 2006.*

³ Ibid.

⁴ Mathews Murals, <https://capitolmuseum.ca.gov/exhibits/murals/>, June 2023.



EXHIBIT A: PROPOSED PROJECT AT 2395 SACRAMENTO STREET

Findings of Compliance with Preservation Standards

Below is a Standards Analysis that reviews the proposed project for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties

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.

Response: The 2395 Sacramento Street was originally a medical library, a use that was abandoned ca. 2017 when the California Pacific Medical Center went digital, disposed of its collection, and vacated the library. Since then, the library has been used as an event venue. The proposed project will adapt the library for use as residences. The proposed project includes two additions, one at the east and another at the south side of the building.

Exterior Alterations: The Medical Library has three ornate facades and one façade with no ornamentation (east façade) that is considered a secondary facade. The east addition will attach to the library on the east side and will be set back to allow the massing of the library to be conveyed. This strategy is consistent with Preservation Brief 14 which recommends that additions be placed on a secondary or rear elevation.

The south addition will not attach directly to the library except at the center bay where a hyphen will be constructed, another strategy recommended by Preservation Brief 14, "Incorporate a simple, recessed, small-scaled hyphen to physically separate the old and new volumes..." The hyphen will be less high than the library and will be connected to limit the extent that historic fabric is removed. Openings from the hyphen to the library will be limited to existing openings except where windowsills need to be lowered to connect the floors. At the connection to the fourth floor, a small portion of the cornice band will be removed; however, enough will remain so that if the hyphen is removed, the cornice band could be reconstructed.

Interior Alterations: A recent Historic Resource Evaluation of the building was conducted that identified the main entry vestibule, the spiral staircase connecting all the floors of the building, and the former meeting room as significant and character-defining. The proposed project will retain these spaces.

The proposed use will require only minimal change to character-defining features and the project will comply with 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.

Response: The project scope includes adapting the Medical Library for residential use. The proposed use includes two additions. One addition will be located on the east side of the building, which is a secondary façade with no character-defining features. This addition will be set back from the front façade of the library and will not result in removing any character defining features. A second addition will be located at the rear of the building and will be connected to the historic resource via a hyphen. The openings that connect the old and new within the hyphen will be largely limited to existing openings so as to avoid the removal of historic materials. Removal of historic fabric will be mostly limited to areas where windowsills are required to be lowered to allow finish floors to connect with no level change.

Windows that have frosted glass will have the glazing replaced with clear-vision glass to increase the natural light for the proposed units. The blind windows located below the large arched windows will be replaced with new windows similar to the existing, also to provide natural light to the units. Neither the opening size nor the fenestration pattern will change so that the historic character of the building will be retained.

At the roof, new skylights will be introduced to provide natural light the residences proposed for the attic space. The skylights will be have a low profile and will be minimally visible from the public right of way. The massing and shape of the roof, both character-defining features, will be retained.

At the interior, character-defining spaces such as the main entry vestibule, the spiral staircase connecting all the floors of the building, and the former meeting room will be retained.

The removal of historic materials will be largely avoided, and the project will comply with Standard 2.

Standard 3: Each property shall 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.

Response: Proposed alterations include two additions at the south side and the east side of the library. The additions will take cues from the historic resource but will be conveyed as new. Likewise, the proposed hyphen that will connect the south addition to the rear of the library will be compatible but differentiated from the historic building. The proposed project will be recognized as of its time and will not create a false sense of historical development.

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

Response: There have been no changes to the property that have acquired historic significance in their own right. The project will comply with Standard 4.

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

Response: At the exterior, the Medical Library has three ornate facades that exhibit distinctive features, two of the three facades are street-facing facades. The street-facing facades will be largely left intact. At the Sacramento Street façade, changes include the replacement of translucent glazing with transparent glazing on the east side of the façade. Alterations will also include the replacement of four blind windows with glazed windows to match existing. Similarly, at the Webster Street façade, six blind windows will be replaced with glazed windows to match the existing windows.

At the rear façade, proposed changes will be limited to the area where the hyphen will be located. Changes include connections between the old and new. These connections will be located at existing openings to limit the removal of historic fabric. The ground level windows on the east side of the rear façade will be obscured to accommodate a parking garage. However, since the windows will remain, this alteration is reversible.

At the roof, six skylights are proposed to be installed on the north and west sides. The skylights will be low in profile and because of the slope of the roof, the skylights will be only minimally visible. On the rear side of the roof, two roof decks are proposed. The roof decks will be only minimally visible from the street. These changes proposed for the roof will not alter the overall form and massing of the roof.

At the interior, the characteristic defining spaces will be retained.

The proposed alterations will not diminish the historic integrity of the property and the project will comply with Standard 5.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall 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.

Response: The Medical Library at 2395 Sacramento Street appears to be in fair condition and there are no features that exhibit severe deterioration. Nevertheless, if deteriorated features are encountered, these features will be repaired rather than replaced. Should replacement be necessary because of the condition of the feature, the new feature will match the historic in design, color, texture, and visual qualities. The project will comply with 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.

Response: No chemical treatments are proposed.

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

Response: The proposed project does not anticipate encountering archaeological resources. However, if any are encountered, the resources shall be protected, preserved, and appropriated mitigation measures taken.

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

Response: The proposed alterations have been designed to limit the removal of historic materials, see response to Standards 2 and 5. Proposed additions will be designed to reference and be compatible with historic features of the building. However, the additions will be conveyed as of their time and will be differentiated from the historic building. The project will comply with 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.

Response: The project includes two additions. The addition on the east side of the building will attach to a utilitarian façade with no ornamentation. If this addition were to be removed in the future, the essential form and integrity of the historic building would be unimpaired. The addition on the south side of the building will connect via a hyphen that limits alterations to the historic building. The hyphen will be installed in a way that limits removal of historic features. Similarly, connections between the historic building and new addition that are within the hyphen will be restricted to existing openings to minimize the removal of historic fabric and promote reversibility of the project. The project will comply with Standard 10.