

File No. 100765

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 8, 2010

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Department of Parks and Recreation Letter, dtd 4/5/10</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Luce Forward Letter, dtd 8/3/10</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Alisa Somera Date November 5, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Urging Support for the Enforcement of the Preservation and Restoration of Sacred Heart
2 Church.]
3

4 **Resolution urging the Department of Building Inspection to diligently monitor the**
5 **status and the condition of the Historic Sacred Heart Church, documenting the**
6 **understanding between the Megan Furth Academy and its neighbors, seeking re-**
7 **installation of the exterior stained glass windows and requesting the City Attorney to**
8 **open an investigation for the purpose of enforcing possible violation of the Building**
9 **and Planning codes.**
10
11

12 WHEREAS, San Francisco's unique architectural and historic character increase the
13 quality of life for all its residents, and help to make it a prime tourist destination; and,

14 WHEREAS, Sacred Heart Church has stood sentinel over the Western Addition
15 neighborhood for 108 years and is a landmark silhouette in the city's landscape having been
16 designed by famed architect Thomas J. Welsh who blended Lombard and Classical Revival
17 Styles and is his last standing ecclesiastical work in San Francisco; and,

18 WHEREAS, Sacred Heart Church was built by the Irish and became the largest Irish
19 parish west of Chicago and subsequently served all immigrant groups including Italians,
20 Latino, African-Americans, and Filipino-Americans during both prosperous and difficult times;
21 and,

22 WHEREAS, Sacred Heart Church is still loved for its architectural aspects and rich
23 history of service to a broad range of San Franciscans reflecting changing times and the
24 diversity of The City having served the Western Addition community and San Francisco since
25 1896;and,

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JUN 10 2010

1 WHEREAS, Sacred Heart Church, where generations of San Franciscans gathered as
2 a community and celebrated the passages of their lives, the historic building is seasoned with
3 the very spirit of San Francisco and serves as a living reminder of the enduring nature of San
4 Franciscans having survived the 1906 earthquake; and,

5 WHEREAS, The interior artscape of Sacred Heart is as fine as any grand cathedral
6 anywhere being embellished with rare frescoes, Carrera marble altars, delicate ceiling murals,
7 and the exquisite Fritz-Mayer rose windows; and,

8 WHEREAS, Sacred Heart Church was sold to Megan Furth Academy in 2005 with the
9 understanding that Megan Furth Academy would preserve, at a minimum, the exterior of the
10 church thereby maintaining the character of the neighborhood, and,

11 WHEREAS, The National Register of Historic Places Commission of the Office of
12 Historic Preservation met on January 29th, 2010 to discuss the local level of significance of
13 Sacred Heart Church, and,

14 WHEREAS, On April 5th, 2010, the Office of Historic Preservation of the California
15 Department of Parks and Recreation notified Kelley &, VerPlanck Historical Resources
16 Consulting, LLC that Sacred Heart Church had been inducted into the National Register of
17 Historical Places (National Register) on March 23, 2010, a copy of said April 5th 2010 letter is
18 on file with the Clerk of the Board of Supervisors in File No. ¹⁰⁰⁷⁶⁵, which is hereby declared to
19 be a part of this resolution as if set forth fully herein; and,

20 WHEREAS, Placement on the National Register affords a property the honor of
21 inclusion in the nation's official list of cultural resources worthy of preservation and provides a
22 degree of protection from adverse effects from federally funded or licensed projects; and,

23 WHEREAS, A project that may cause substantial adverse changes in the significance
24 of a registered property may require compliance with local ordinances or the California
25 Environmental Quality Act, under which "substantial adverse changes" include demolition,

1 destruction, relocation, or alteration such that the significance of an historical resource would
2 be impaired; and

3 WHEREAS, On May 26, 2010, The City was notified that the north Rose window of the
4 church was missing and open to the elements; and,

5 WHEREAS, Further investigation of the site revealed that an apparent architectural
6 salvage operation was underway; and,

7 WHEREAS, According to the Secretary of the Interior's "Standards for the Treatment
8 of Historic Properties", the subject of Preservation Statute 2 notes that "the historic character
9 of a property will be retained and preserved" and Preservation Statute 4 notes that "changes
10 to a property that have acquired historical significance in their own right will be retained and
11 preserved"; and,

12 WHEREAS, Simple visual inspection as well as eyewitness accounts indicate that
13 Sacred Heart Church has seen alterations to both its façade and interior the last two weeks in
14 apparent violation of both the spirit of the 2005 understanding as well as standards for
15 treatment of registered historic resources; and,

16 WHEREAS, The architectural salvage operation was in apparent violation of relevant
17 building and planning codes, the Department of Building Inspection (DBI) issued Notice of
18 Violation June 2, 2010, following up with Stop-work order on June 3, 2010; documentary
19 evidence of said DBI actions is on file with the Clerk of the Board of Supervisors in
20 File No. ¹⁰⁰⁷⁶⁵, which is hereby declared to be a part of this resolution as if set forth fully
21 herein; and

22 WHEREAS, It appears that the architectural salvage operation was completed over the
23 weekend of June 5-6, 2010 in violation of DBI express orders; now, therefore be it
24
25

1 RESOLVED, That the Board of Supervisors of the City and County decries the
2 behavior of those responsible for demolishing parts of an historically significant building; and,
3 be it further

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 hereby declares it unqualified support for preserving the character of the neighborhood
6 anchored by Sacred Heart Church and lauds the work of the Save our Sacred Heart
7 organization for its tenacious preservation efforts; and, be it further

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9 strongly urges the parties responsible for removal of the stained glass windows of Sacred
10 Heart be returned to their original, historic place in the façade of the church; and, be it further

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
12 hereby requests that the City Attorney open an investigation into the matter of the apparent
13 architectural salvage of Sacred Heart Church and pursue all remedies available in equity and
14 at law to, if possible, compel the restoration of the stained glass windows and deter further
15 non-compliance with relevant city and State law pertaining to historical structures; and, be it
16 further

17 RESOLVED, That the Clerk of the Board of Supervisors send a copy of this Resolution
18 to the Department of Building Inspection, the San Francisco City Attorney, the owner of
19 record of the Sacred Heart Church located at 554 Fillmore St., and to the President of the
20 Save our Sacred Heart organization.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov



April 5, 2010

Shannon Ferguson
Kelley & VerPlanck Historical Resources
Consulting, LLC
2912 Diamond Street, #330
San Francisco, California 94131

RE: Sacred Heart Church Listing on the
National Register of Historic Places

Dear Ms. Ferguson:

I am pleased to notify you that on March 23, 2010, the above-named property was placed on the National Register of Historic Places (National Register). As a result of being placed on the National Register, this property has also been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the Public Resources Code.

Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worthy of preservation and provides a degree of protection from adverse affects resulting from federally funded or licensed projects. Registration provides a number of incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property listed in the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact the Registration Unit at (916) 653-6624.

Sincerely,

A handwritten signature in black ink that reads "Milford Wayne Donaldson". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosure: National Register Notification of Listing



COMPLAINT DATA SHEET

COMPLAINT NUMBER : 201049987

OWNER/AGENT: MEGAN FURTH ACADEMY
 MEGAN FURTH ACADEMY
 2445 PINE ST
 SAN FRANCISCO CA

DATE FILED: 02-JUN-10
LOCATION: 554 FILLMORE ST
BLOCK: 0828 **LOT:** 022

94115
OWNER'S PHONE --
CONTACT NAME
CONTACT PHONE --

SITE:
RATING: **OCCUPANCY CODE**
RECEIVED BY: Christina Wang **DIVISION:** BID
COMPLAINT SOURCE: TELEPHONE

COMPLAINANT: anonymous

ASSIGNED TO DIVISION: BID

SAN FRANCISCO

COMPLAINANT'S PHONE --

DESCRIPTION: Work w/out permit.
INSTRUCTIONS:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DUFFY	1100		

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
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COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIVISION	INSPECTOR	STATUS	COMMENT
02-JUN-10	CASE OPENED	BID	D DUFFY	CASE RECEIVED	
02-JUN-10	CONST WORK NO PERMIT	BID	D DUFFY	FIRST NOV SENT	

COMPLAINT ACTION BY DIVISION

DIVISION	DATE	DESCRIPTION	ACTION	COMMENT
NOV (HIS)	NOV (BID)			
	02-JUN-10			



NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

NOTICE: 1

NUMBER: 201049987

DATE: 02-JUN-10

ADDRESS: 554 FILLMORE ST

OCCUPANCY/USE: ()

BLOCK: 0828 LOT: 022

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: MEGAN FURTH ACADEMY
MAILING MEGAN FURTH ACADEMY
ADDRESS 2445 PINE ST
SAN FRANCISCO CA

PHONE #: --

94115

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

VIOLATION DESCRIPTION:	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

Removal of finishes (altar, pews, organ, statues & other finishes, 2 stained glass windows) prior to application of building permit to renovate vacant church to other use. SFBC Section 103A

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-558-6120

- FILE BUILDING PERMIT WITHIN DAYS (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS. NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Discontinue all work until building permit is obtained for soft demolition.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60) 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
- OTHER: REINSPECTION FEE \$ NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy

PHONE # 415-558-6120

DIVISION: CES

DISTRICT :

By:(Inspectors's Signature) _____

WY

**CITY & COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

ADDRESS: 554 FILLMORE ST



All work on this property shall cease immediately by order of the Director, Department of Building Inspection [S.F.B.C. Sec. 104.2.4].

Any person who disobeys this order shall be liable for a civil penalty, not to exceed \$500 for each day such violation is committed, or by imprisonment not exceeding 6 months, or by both such fine and imprisonment [S.F.B.C. Sec. 103].

It is unlawful to interfere with the posting of this notice or to tear down or mutilate this notice [S.F.B.C. Sec. 103].

Violations of this order should be reported to: Department of Building Inspection, 1660 Mission Street, Third Floor, 558-6096.

Frank Y. Chiu, Director

Date: 6/3/10 Time: 3:20 PM

By: Donald Duff
Building Inspector

DONALD DUFFY
Inspector - Print Name

Inspector Phone No. 558-6120

**DO NOT REMOVE
THIS SIGN**

LUCE FORWARDATTORNEYS AT LAW • FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLPJOHN C. CALLAN, JR., PARTNER
DIRECT DIAL NUMBER 415.356.4600
DIRECT FAX NUMBER 415.356.3898
EMAIL ADDRESS ccallan@luce.com121 Spear Street
Suite 200
San Francisco, CA 94105
415.356.4600
415.356.4610 fax
www.luce.com

August 3, 2010

VIA E-MAIL AND U.S. MAILSupervisor Sophie Maxwell, Committee Chair
Land Use and Economic Development Committee
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689Re: Hearing on Proposed Sacred Heart Church Resolution; File No. 100765

Dear Supervisor Maxwell:

Our office represents the Megan Furth Catholic Academy ("Academy"), owner of the property located at 554 Fillmore Street in San Francisco, California. The Academy provides low cost education to minority elementary students in the City, principally for District 5. It was announced in Supervisor Mirkarimi's newsletter that on Monday, August 9, 2010, the Land Use and Economic Development Committee would conduct a hearing on the proposed Sacred Heart Church Resolution entitled "Urging Support of the Enforcement of the Preservation of Sacred Heart Church." We have contacted the clerk of your committee to ascertain if the hearing has been scheduled for August 9th and, after initially being told that no such hearing had been set, learned today that Land Use was in fact trying to put this matter on the August 9, 2010 agenda.

As owner of the property, the Academy will be directly affected by the Proposed Resolution and intends to testify at the hearing and to submit written material to provide your Committee with the facts of this case. We believe it would be most productive to have some lead time for this hearing and be able to produce all of the relevant information to your committee; thus, we propose the hearing date be scheduled in September, with notice to the property owner. We also request that the Academy be allowed sufficient time to make its presentation in order to provide this Committee with all the facts necessary for an informed decision.

Please notify me at the contact information above, as well as Peter Newell of the Megan Furth Catholic Academy, at 2445 Pine Street, San Francisco, California, (and at pete.newell@sbcglobal.net) as soon as the hearing date on the Proposed Resolution is determined and whether the Committee will allocate to the Academy time to address the Proposed Resolution. Twenty (20) minutes should be sufficient.

301182227.1

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BOARD OF SUPERVISORS
SAN FRANCISCO

2010 AUG - 4 AM 8:23

BY *OK*

38658.00001

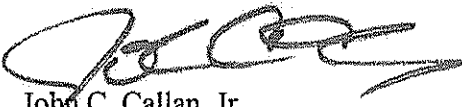
Supervisor Maxwell

August 3, 2010

Page 2

Thank you for your attention to this matter.

Very truly yours,



John C. Callan, Jr.

of

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

cc: Peter Newell (via email)
Bob Lalanne (via email)
Charles Gagan (via email)
Supervisor David Chiu (via email)
Supervisor Eric Mar (via email)
Supervisor Ross Mirkarimi (via email)
Alisa Somera, Clerk of the Land Use and Economic Development Committee (via email)

The Megan Furth Academy

July 20, 2010

To: The Board of Supervisors, City and County of San Francisco

From: Peter C. Newell

Subject: Property known as the Sacred Heart Church, 554 Fillmore Street, San Francisco.

The Megan Furth Academy is a Non-Profit Public Benefit Corporation, formed to operate a Catholic elementary school serving underprivileged children in the Western Addition of San Francisco. Megan Furth Academy is affiliated with the Roman Catholic Archdiocese of San Francisco.

The Megan Furth Academy owns the property known as the Sacred Heart Church, 554 Fillmore St., San Francisco. The property is non-commercial.

On two recent occasions, the City and County of San Francisco has referred to the subject property as "historic" in nature. The City is thus invoking Section 25373, subdivision b) of the Government Code of the State of California, in an effort to impose special conditions on the Sacred Heart Church property.

Megan Furth Academy will suffer substantial hardship, which will deprive the school and the Corporation of any economic return on its property; will disallow our reasonable use of the property and; will prevent us from appropriate use of our property in the furtherance of our religious mission, if this property is designated by the City as anything having to do with a historic nature.

Megan Furth Academy hereby objects to the application by the City of said subdivision b) to this property, and hereby invokes subdivision d) of Section 25373 of the Government Code. The Board of Supervisors and other City agencies and departments have no jurisdiction to make any sort of determination that the Sacred Heart Church is historic. Megan Furth Academy timely objected to efforts to list the property on the National Register of Historic Places.

We hereby request that the City and County respect Section 25373 subsection d) of the Government Code, and cease any further designation of the Sacred Heart Church as having any historic nature whatsoever.

Thank you.

Peter C. Newell
Chief Financial Officer
The Megan Furth Academy 2445 Pine St. San Francisco, Ca 94123

cc: Board of Supervisors (via email)

Michela Alioto-Pier
John Avalos
David Campos
David Chiu, President
Carmen Chu
Chris Daly
Bevan Dufty
Sean Elsbernd
Eric Mar
Sophia Maxwell
Ross Mirkarimi

Angela Calvillo (via email)
Clerk of the Board

Frank Brass, Esq. (via email)
City Attorney's Office

Rachna Rachna (via email)
San Francisco Planning Dept.

Ed Sweeney (via email)
Department of Building Inspection