File No	100765	Committee Item No.	5
		Board Item No	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Land Use and Economic Developm	nent_ Date _November 8, 2010	
Board of Su	pervisors Meeting	Date November 16,201	0
Cmte Boai	rd _		
	Motion Resolution Ordinance Legislative Digest Budget Analyst Report Legislative Analyst Report Youth Commission Report Introduction Form (for hearings) Department/Agency Cover Letter MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	r and/or Report	
OTHER X X X X X X X X X X X X X X X X X X	(Use back side if additional space Department of Parks and Recreation Luce Forward Letter, dtd 8/3/10	on Letter, dtd 4/5/10	
		Pate November 5, 2010	

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

Supervisor Mirkarimi BOARD OF SUPERVISORS

[Support for the Preservation and Restoration of Sacred Heart Church]

Resolution pronouncing the support of the City of San Francisco for the preservation and restoration all historic features recently removed and sold from Sacred Heart Church, urging the Department of Building Inspection to investigate and publically report on violations of the Building and Planning Codes due to the removal of these historic features, and requesting the City Attorney to investigate, publically report on, and take legal action to remedy such violations of the Building and Planning Codes and all violations of other laws, including historic preservation laws.

WHEREAS, San Francisco's unique architectural and historic character significantly improves the quality of life for all its residents, and strongly contributes to San Francisco being a prime tourist destination; and

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

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

WHEREAS, Sacred Heart Church is still loved for its architectural aspects and rich history of service to a broad range of San Franciscans reflecting changing times and the

Page 1 11/08/2010

diversity of The City having served the Western Addition community and San Francisco since 1896; and

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

WHEREAS, The interior artscape of Sacred Heart is as fine as any grand cathedral anywhere, being embellished with rare frescoes, three Attilio Morretti Carrara marble altars, delicate ceiling murals, and the exquisite Fritz-Mayer exterior rose windows; and

WHEREAS, Sacred Heart Church was sold to Megan Furth Academy in 2005 with the understanding that Megan Furth Academy would respect and preserve the character of Sacred Heart Church to benefit the citizens of San Francisco, while reusing the church for the Megan Furth Academy; and

WHEREAS, The National Register of Historic Places Commission of the State Office of Historic Preservation met on January 29th, 2010 to disucuss the historic significance of Sacred Heart Church; and

WHEREAS, In March 2010, the State Office of Historic Preservation found Sacred Heart Church eligible for listing on the National Register of Historical Places (National Register); and

WHEREAS, Sacred Heart Church would be listed on the National Register but for the objection of the owner of the church, the Megan Furth Academy; and

WHEREAS, Listing 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 effects from federally funded or licensed projects; and

WHEREAS, A project that may cause substantial adverse changes in the significance of a property eligible for listing on the National Register requires compliance with local ordinances and the California Environmental Quality Act, under which "substantial adverse changes" include demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired; and

WHEREAS, In late May and June 2010, the Megan Furth Academy, without permits, and without notice to or consultation with any City agency or the community, removed the exterior north and south rose windows, the three Attilio Moretti Carrara marble altars, the Hook & Hastings pipe organ, wall sconces, transoms, the oak entry doors to the church, and pews from the church; and

WHEREAS, It appears that the Megan Furth Academy removed these historic features of the church on or about June 5-6, 2010 in violation of express DBI stop work orders; and

WHEREAS, The Megan Furth Academy apparently then sold and delivered these historic features of Sacred Heart church to private buyers, whose identities and locations are at present unknown to the City; and

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

WHEREAS, The removal of these historic features of the church is in violation of both the spirit of the 2005 understanding as well as these standards for the preservation of historic resources; and

WHEREAS, The removal of these historic features from the church was in apparent violation of relevant building and planning codes, the Department of Building Inspection (DBI)

Supervisor Mirkarimi BOARD OF SUPERVISORS

issued Notice of Violation June 2, 2010, following up with Stop-work order on June 3, 2010, documentary evidence of said DBI actions is on file with the Clerk of the Board of Supervisors in File No.100765 which is hereby declared to be a part of this resolution as if set forth fully herein; and

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

RESOLVED, That the Board of Supervisors of the City and County decries this removal, sale, and transfer of historic features of Sacred Heart Church; and, be it further

RESOLVED, That the Board of Supervisiors of the City and County of San Francisco hereby declares it unqualified support for for the preservation and restoration of Sacred Heart Church and lauds the work of the Save Our Sacred Heart organization for its tenacious preservation efforts; and, be it further

RESOLVED, That the Board of Supervisors of the City and County of San Francisco strongly urges the parties responsible for recent removal, sale, and transfer of historic features from Sacred Heart Church to take all necessary steps to ensure the return and restoration of these features to their rightful, historic place in the church; and, be it further

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby requests that the Department of Building Inspection investigate and publically report on violations of the Building and Planning Codes due to the removal of these historic features from the church; and, be it further

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby requests that the City Attorney investigate and publically report on the status of enforcement of such violations of the Building and Planning Codes and, further, to the extent the City may have standing, pursue litigation against all responsible parties to compel the

restoration of these historic features of the church and to enforce compliance with all city, State, and Federal laws protecting historic structures; and, be it further

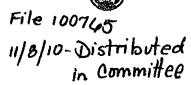
RESOLVED, That the Clerk of the Board of Supervisors send a copy of this Resolution to the Department of Building Inspection, the San Francisco City Attorney, the owner of record of the Sacred Heart Church located at 554 Fillmore St., and to the President of the Save Our Sacred Heart organization.

STATE OF CALIFORNIA - THE MATURAL RESOURCES AGENCY

Arnold Schwarzenegger, Covernor

OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

P.O. 80X 942895 SACRAMENTO, CA 94296-0001 (916) 445-7000 Fax: (916) 445-7053 Calshpo@parks.ca.994



August 12, 2010

Ms. Ivana lacolino Business Manager Megan Furth Academy 2445 Pine Street San Francisco, California 94115

RE: Sacred Heart Church, Determination of Eligibility National Register of Historic Places

Dear Ms. lacolino:

On April 5, 2010, you were erroneously notified that Sacred Heart Church property was placed on the National Register of Historic Places (National Register).

I am writing to inform you that on March 23, 2010, Sacred Heart Church was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the Public Resources Code.

There are no restrictions placed upon a private properly owner with regard to normal use, maintenance, or sale of a properly determined eligible for 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 Jay Correia of the Registration Unit at (916) 445-7008.

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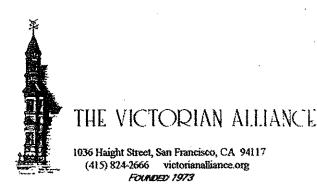
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Milford Wayne Donaldson, FAIA State Historic Preservation Officer

Enclosure

run Warstell



File 100745 11/8/10-Distributed In Committee

June 30, 2010

Mayor Gavin Newsom City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

RE: Sacred Heart Church / Megan Furth Academy

Dear Mayor Newsom,

In my role as President of The Victorian Alliance of San Francisco, I act as the voice of the organization on matters pressing to our members. At our committee meeting of June 23rd, the details of the travesty occurring at Sacred Heart Church become known.

When demolition companies and property owners hold The City and County of San Francisco's rules, regulations, and laws in such contempt for our collective architectural heritage and do not honor a "Stop Work Order," we are all the worse for it. The Victorian Alliance stands among those within the broader preservation community who demand an investigation into the actions of The Megan Furth Academy and Puma Logistics, the demolition contractors. Further, we wish to see The City file suit against the perpetrators of this destruction to seek restitution and a return of the artifacts removed from Sacred Heart Church.

Respectfully,

Jason Allen-Rouman President

cc. Mr. Dennis Herrera, Esq.

Mr. John Rahaim



SAN FRANCISCO PLANNING DEPARTMENT

July 16, 2010

Mr. Jason Allen-Rouman
President, The Victorian Alliance
1036 Haight Street
San Francisco, CA 94117

Re: Sacred Heart Church & Megan Furth Academy

Dear Mr. Allen-Rouman,

Thank you for your letter of June 30 regarding recent construction and demolition work at Sacred Heart Church.

We wholeheartedly share your deep concern with respect to these activities. The gravity of the violation and the associated potential for significant negative impacts to this historic building were compounded by the contractor's disregard for the City's Stop-Work Order. Please know that through the assistance of the San Francisco Police Department that Stop-Work Order has now been enforced.

The Department continues to take affirmative measures to remedy the situation. I have directed my staff to work in lockstep with the Department of Building Inspection (DBI) and the City Attorney's Office in order to ensure the maximum level of compliance without delay. As you may know, the Planning Department has initiated an administrative enforcement process against the property, while DBI continues to maintain their Stop-Work Order. Additionally, the Neighborhood and Resident Safety Division of the City Attorney's Office is providing active counsel and taking measures to ensure that the violation is fully addressed.

Because of the delicate nature of the enforcement process we are unable to provide you with more specific information at the moment. Nonetheless, please be assured that this matter is of great concern to me and to members of the Historic Preservation Commission, the Planning Commission, and Department Staff; we will vigorously prosecute the case.

Thank you again for taking the time to write us on this disturbing and important matter.

John Rahaim

Director of Planning

cc: Mayor Gavin Newsom
City Attorney Dennis Herrera
Supervisor Ross Mirkarimi

G/Documents/Ombudsman/2010_07_Megan Furth/Letter_v1.doc

1638 Mission

Suite 400 San Francisco CA 94103-24

Reception:

Fax: 415.558.64

Planning Information:

415,558,63

415.558.63



COMPLAINT DATA SHEET

City and County of San Francisco Department of Building Inspection 1660 Mission Street San Francisco, CA 94103

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

COMMENT

BLOCK: 0828

LOT: 022

SITE:

94115

OWNER'S PHONE ---

CONTACT NAME

CONTACT PHONE --

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

 \mathbf{m} DISTRICT PRIORITY

BID

DUFFY

1100

REFFERAL INFORMATION

DATE

REFERRED BY

TO

DIVISIONINSPECTOR

COMMENT

COMPLAINT STATUS AND COMMENTS

DATE

TYPE

STATUS CASE RECEIVED

02-JUN-10 CASE OPENED

BID D DUFFY

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 VIOLA ON
of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPEC	CTION NOTICE: 1	NUMB	ER: 201049987
City and County of San Francisco	DA	TE: 02-JUN-10	
1660 Mission St. San Francisco, CA 94103	.	•	•
ADDRESS: 554 FILLMORE ST			
OCCUPANCY/USE: ()	•	BLOCK: 0828 I	LOT: 022
If checked, this information is based upons site-of will be issued.	bservation only. Further research may ind		o, a revised Notice of Violation
OWNER/AGENT: MEGAN FURTH ACADE MAILING MEGAN FURTH ACADE ADDRESS 2445 PINE ST SAN FRANCISCO CA	EMY	PHONE #:	
·	94115		* <i>u</i>
PERSON CONTACTED @ SITE:	TAT LINTANT DEGA	PHONE	
· • • • • • • • • • • • • • • • • • • •	VIOLATION DESC	KIPHON:	CODE/SECTION#
✓ WORK WITHOUT PERMIT			106.1.1
ADDITIONAL WORK-PERMIT REQ	UIRED ·	,	106.4.7
oxedge EXPIRED OR $oxedge$ CANCELLED PERM	IIT PA#:		106.4.4
UNSAFE BUILDING SEE ATTACHMENTS			102.1
Removal of finishes (altar, pews, organ, statue renovate vacant church to other use. SFBC Se		indows) prior to application of	building permit to
	CORRECTIVE A	CTION:	
ZSTOP ALL WORK SFBC 10	14.2.4	415-558	3-6120
FILE BUILDING PERMIT WITHIN D.	AYS (WITH PLANS	S) A copy of This Notice Must Accor	npany the Permit Application
OBTAIN PERMIT WITHIN DAYS AND SIGNOFF.	D COMPLETE ALL WORK WIT	HIN DAYS, INCLUDING I	INAL INSPECTION AND
CORRECT VIOLATIONS WITHIN DA	AYS.	EQUIRED	
YOU FAILED TO COMPLY WITH THE NOTIC		r. Has initiated abatement	PROCEEDINGS.
• FAILURE TO COMPLY WITH THIS SEE ATTACHMENT FOR ADDITION		MENT PROCEEDINGS TO	BEGIN.
Discontinue all work until building permit is INVESTIGATION FEE OR OTHER FEE WIL	obtained for soft demolition.		
9x FEE (WORK W/O PERMIT AFTER 9/1/6		G 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 PE	RFORMED W/O PERMITS \$,
BY ORDER OF THE DIRECT	TOR, DEPARTMENT OF BUILD	ING INSPECTION	
CONTACT INSPECTOR: Donal J Duffy		•	•
PHONE # 415-558-6120 By:(Inspectors's Signature)	DIVISION: CES DI	STRICT:	

CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

ADDRESS: 554 FILMORE SC

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

DO NOT REMOVE THIS SIGN

Date: 6 3 10 Time: 3-201A

By: **Building Inspector**

DNAC DUFFY

Inspector - Print Name

Inspector Phone No. 558- 6/90

LUCE FORWARD
ATTORNEYS AT LAW + FOUNDED 1673
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

JOHN C. CALLAN, Jr., PARTNER DIRECT DIAL NUMBER 415.356.4600 DIRECT FAX NUMBER 415.356.3898 EMAIL ADDRESS ccallan@luce.com

August 3, 2010

VIA E-MAIL AND U.S. MAIL

Supervisor 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 94102-4689

Re: Hearing on Proposed Sacred Heart Church Resolution; File No. 100765

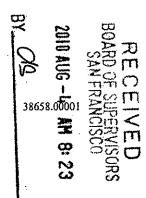
Dear Supervisor Maxwell:

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.

121 Spear Street Suite 200 San Francisco, CA 94105 415.356.4600 415.356.4610 fax www.iuce.com



301182227.1

LUCE FORWARD ATTORNEYS AT LAW . FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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