

FILE NO. 041090

ORDINANCE NO. 238-04

1 [Ordinance to Conditionally Designate 938-942 Market, the Garfield Building, as a Landmark
2 Under Planning Code Article 10.]

3 **Ordinance Conditionally Designating 938-942 Market, the Garfield Building, As**
4 **Landmark No. 244 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning**
5 **Code.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings

12 The Board of Supervisors hereby finds that 938-942 Market, the Garfield Building, Lot 5
13 in Assessor's Block 341, including its proposed penthouse addition, once constructed,
14 contingent on the complete removal of its non-historic storefronts and the rehabilitation of its
15 historic façade as identified in Planning Commission Resolution No. 16806, the Garfield
16 Landmark Designation Report and the "Rehabilitation Program for the Garfield Building" as
17 attached to the Draft Mills Act Contract for the Garfield Building before the Planning
18 Commission at its meeting of June 3, 2004, (which documents are on file with the Clerk of the
19 Board of Supervisors under File No. 041090 and which are incorporated herein and made
20 part hereof as though fully set forth,) will have a special character and special historical,
21 architectural and aesthetic interest and value, and that the building's designation as a
22 Landmark will further the purposes of, and conform to the standards set forth in Article 10 of
23 the City Planning Code.

24 (a) Designation: The Garfield Building is hereby conditionally designated as Landmark
25 No. 244. This conditional designation has been approved by Resolution No. 577 of the

Supervisor Gonzalez
PLANNING DEPARTMENT
BOARD OF SUPERVISORS

1 Landmarks Preservation Advisory Board and Resolution No. 16806 of the Planning
2 Commission, which Resolutions are on file with the Clerk of the Board of Supervisors under
3 File No. 041090 and which Resolutions are incorporated herein and made part hereof as
4 though fully set forth with the exception that the Board finds that the proposed Project in its
5 entirety, including the penthouse addition, will have special architectural and aesthetic interest
6 and value, as opposed to the penthouse addition itself having historic merit, and that the
7 Board finds the rehabilitation, including the penthouse addition, will be consistent with the
8 Secretary of the Interior Standards for Rehabilitation of Historic Structures. The conditional
9 designation of the Garfield Building shall become a final landmark designation at such time as
10 the Planning Director, in consultation with the Landmarks Preservation Advisory Board, issues
11 a written determination that 938-942 Market has been rehabilitated substantially in
12 accordance with the terms set forth in Planning Commission Resolution No. 16806, the
13 Garfield Landmark Designation Report, and the "Rehabilitation Program for the Garfield
14 Building" as attached to the Draft Mills Act Contract for the Garfield Building before the
15 Planning Commission at its meeting of June 3, 2004. In the event that 938-942 Market Street
16 is not determined to be rehabilitated substantially in accordance with the terms set forth in
17 those documents the final landmark designation shall not take effect.

18 (b) Priority Policy Findings

19 (1) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
21 Planning Commission Resolution No. 16806 recommending approval of this Planning Code
22 Amendment, and incorporates such reasons by this reference thereto. A copy of said
23 resolution is on file with the Clerk of the Board of Supervisors in File No. 041090.

24 (2) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
25 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and

1 with the General Plan and hereby adopts the findings of the Planning Commission, as set
2 forth in Planning Commission Resolution No. 16806, and incorporates said findings by this
3 reference thereto.

4 (c) Required Data:

5 (1) The conditional Landmark site is located on Lot 5 in Assessor's Block 341 and is
6 bounded by Market Street to the south, Mason Street to the west, and Eddy Street to the
7 north. The Garfield Building is L-shaped in plan and has street frontages on both Market and
8 Mason Streets.

9 (2) The characteristics of the conditional Landmark which, when rehabilitated, will
10 justify its final designation as a landmark, are described in the Landmark Designation Report
11 adopted by the Landmarks Preservation Advisory Board on May 5, 2004, Planning
12 Commission Resolution No. 16806, and other supporting materials contained in Planning
13 Department Docket No. 2003.0584L. In brief, the National Register characteristics of the
14 conditional landmark which, once rehabilitated, will justify its final designation as a landmark
15 are as follows:

16 Its association with its original owner Elise Abigail Drexler, one of the first active
17 woman landowners/developers in San Francisco who managed extensive real estate holdings
18 for over fifty years and was an astute businesswoman listed in *Who's Who Among the*
19 *Women of California* in 1922 (National Register Criterion B); its value as an excellent example
20 of retail building constructed in the aftermath of the 1906 earthquake and fire and now part of
21 the Kearny/Market/Mason/Sutter Conservation District, its exhibition of characteristics of retail
22 in this District, including typical height, scale, massing, color, detailing and retail base; its
23 status as a surviving example of the body of post-earthquake work designed by architects
24 James and Merritt Reid, one of San Francisco's most prominent architecture firms of the late
25 nineteenth and early twentieth centuries; its uniquely shaped floor plate and its street

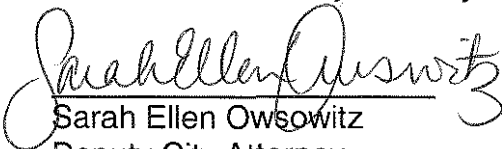
1 presence on both the east and north sides of the historic Mechanic's Savings Bank Building
2 which lend it additional importance as a significant building in the Kearny/Market/Mason/Sutter
3 Conservation District (National Register Criterion C).

4 (3) The particular exterior features that should be preserved, or replaced in-kind as
5 determined necessary, are those described in the Garfield Landmark Designation Report,
6 which can be found in the case docket 2003.0587L, and which is incorporated in this
7 designation ordinance as though fully set forth. In brief, the description of the particular
8 features that should be preserved, once the Garfield Building has been rehabilitated, are as
9 follows:

- 10 (a) Brick masonry and terra cotta exterior façades facing Market and Mason Streets;
11 (b) The building's height, scale, color, windows, cladding, trim materials and detailing;
12 (c) Those features called out in the "Maintenance Program for the Garfield Building"
13 as attached to the Draft Mills Act Contract for the Garfield Building before the Planning
14 Commission at its meeting of June 3, 2004, (which document is on file with the Clerk of the
15 Board of Supervisors under File No. 041090).

16
17 Section 2. The property shall be subject to further controls and procedures, pursuant
18 to this Board of Supervisor's Ordinance and Planning Code Article 10.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 Sarah Ellen Owsowitz
24 Deputy City Attorney

RECOMMENDED:
PLANNING COMMISSION

25 By: See file for original signature
Gerald G. Green
Director of Planning



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 041090

Date Passed:

Ordinance Conditionally Designating 938-942 Market, the Garfield Building, as Landmark No. 244 pursuant to Article 1, Sections 1004 and 1004.4 of the Planning Code.

September 14, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

September 21, 2004 Board of Supervisors — FINALLY PASSED

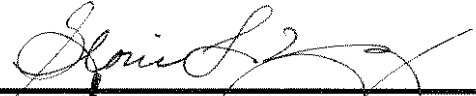
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

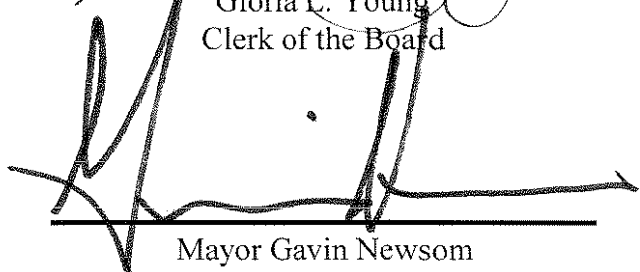
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I hereby certify that the foregoing Ordinance was FINALLY PASSED on September 21, 2004 by the Board of Supervisors of the City and County of San Francisco.

SEP 30 2004

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom