

Date: June 6, 2025

San Francisco Board of Supervisors  
c/o Clerk of the Board  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Subject: Opposition to Appeal of Condition 1 of Approval of Certificate of Appropriateness for 3400 Laguna Street (Record No. 2022-009819COA)

Dear President and Members of the San Francisco Board of Supervisors,

On behalf of our neighborhood organization, Save the Marina's Heritage, we respectfully submit this letter in strong opposition to the appeal filed by the San Francisco Ladies' Protection and Relief Society, doing business as Heritage on the Marina, regarding Condition of Approval 1 imposed by the Historic Preservation Commission (HPC) on April 17, 2025, when it issued its Certificate of Appropriateness (COA) for the project proposed at 3400 Laguna Street (the Property). Condition of Approval 1 states: "Architectural Review Committee. Prior to submittal of any building permit application, the project shall return to the Architectural Review Committee (ARC) to receive direction on final massing and architectural details." (Condition 1)

Condition 1 is a lawful, essential, and prudent measure to ensure compliance with Article 10 of the Planning Code, the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Notice of Special Restrictions ("NSR") on the Property. It was integral to the HPC's approval of the COA. As clearly demonstrated in the hearing transcript, the HPC only approved the COA because it was assured that Condition 1 was fully enforceable, and that the ARC oversight was both legal and necessary to bring the project into alignment with the law.

We ask that the Board recognize that the COA and Condition 1 are essentially intertwined and must stand or fall together. We believe that the HPC should not have approved the COA. However, since the HPC chose to do so, we ask the Board to support the HPC's decision to also adopt Condition 1 because the record makes clear that the HPC believed the ARC would have the authority to modify the project as necessary to comply with the law.

## **A. REFUTATION OF APPELLANT'S CLAIMS**

### **1. Condition 1 is Not Vague and Does Not Violate Due Process**

The appellant asserts that Condition 1 is impermissibly vague and void for vagueness. This argument fails. The condition is clear in its intent and operation. It requires return to the ARC for final design review of massing and details—specific and defined components of architectural

review. This is not an indeterminate or arbitrary process. The ARC's role is to make recommendations, and the Planning Department staff oversee final compliance. Such a condition is neither unusual nor ambiguous; it is part of routine administrative practice to ensure architectural compatibility with historic resources. HPC reliance on ARC to work with a project sponsor to modify design plans to ensure compliance with Article 10 of the Planning Code and the Secretary of the Interior's Standards for the Treatment of Historic Properties is routine, common and widely accepted.

## 2. Condition 1 is an Example of Lawful Delegation

Condition 1 does not unlawfully delegate authority despite appellant's claim to the contrary. SF Planning Code and regulations allow the HPC to condition the COA. In fact, throughout the hearing, the HPC relied on the advice and counsel of Kristen A. Jensen, Assistant Chief Land Use Deputy of the City Attorney's office on this point as well as Planning Commission staff member, Jonas P. Ionin, Director of Commission Affairs. Ms. Jensen and Mr. Ionin assured the HPC – *repeatedly* - that conditionally approving the COA with the requirement that the Heritage works with the ARC was completely enforceable as evidenced by the transcript of the hearing (excerpts quoted with time stamps provided for ease of reference to the video of the hearing, available <https://www.youtube.com/watch?v=-3TZG8xoGOM>).

Question from the HPC:

[2:13:15] President Matsuda – speaking to Deputy City Attorney Jensen: “I'm asking you as the [2:13:20] commission uh staff and the city attorney's office to help us move um on [2:13:25] a good positive step forward considering what has been expressed today.”

Answer to the HPC:

[2:13:41 Deputy City Attorney Kristen Jensen “again so I think there are two paths that are being discussed, and I just want to make sure [2:13:47] that everybody's very clear on what they are **one of them would be the certificate of appropriateness could be approved [2:13:53] with the condition that staff go back and work with the ARC to finalize some [2:13:59] of the specific details and you could be very specific about which portions of the project details you wanted to be [2:14:06] focused on or you could be a little bit more general** the other path is the one that I think that the commission was [2:14:12] just discussing which would be to sort of press pause here on the project approvals go back for further work [2:14:19] either before the full HPC or just before the architecture committee and then have it come back to the planning [2:14:25] commission so I just want to make sure that everybody understands those are the two different paths that we're talking about.” (emphasis added)

Later in the hearing, Deputy City Attorney Jensen again reassured the HPC that they had the power to make the COA approval conditional on the Heritage working with the ARC. Responding to a question from President Matsuda regarding the scope of the condition that the HPC could require, Deputy City Attorney Jensen says [2:17:34] “it's all in the wording of the conditions on which you

send it back I mean I think **you can set the scope of [2:17:41] the review by the ARC by your conditions of approval so you can determine how much of the project that they are [2:17:48] actually looking at.**” (emphasis added)

And, for a third time in the hearing, the HPC members asked for certainty that the ARC would retain final say over the massing and details of the Project. Commissioner Vergara [2:27:40] asks “how much [2:27:42] authority does the architectural review committee have in terms what do we mean [2:27:48] by details does details mean that that the ARC has the authority to say the [2:27:54] last x number of feet of this proposed building must be shortened to two floors [2:28:00] or the last x number of feet of this building we don't want at all we just want the building to be shorter in terms [2:28:07] of length do they have that authority [2:28:14]?” Director of Commission Affairs Ionin responds “the answer is yes if you condition it in your motion today.” [2:28:22]

Commissioner Nageswaran was particularly concerned that the ARC - and not SF Planning staff - would maintain control of the project and that the scope of the ARC’s review be broad. The Commissioner asked Mr. Ionin to summarize the proposed motion:

Mr. Ionin [2:31:07] “the way I understand it the motion is to approve the certificate of appropriateness um but require that the project go back [2:31:14] before the Architecture Review Committee for final massing and details” [2:31:19].

Commissioner Nageswaran interjected “and it and it should be that generic.”

Mr. Ionin responded, “Well I think it gives it more flexibility.”

Commissioner Nageswaran again interjects “I don't [2:31:26] want specificity it has to be generic.”

Mr. Ionin reassures her again “**I'm suggesting the more general it is the more flexibility you [2:31:32] have.**” (emphasis added)

ARC is a recognized advisory body operating under HPC oversight. The Planning Code allows committees to advise on Certificates of Appropriateness (Sec. 1006.4(f)), and ARC recommendations are reviewed by Department staff. This is not a transfer of final decision-making power but a step in the normal discretionary review process. The HPC proceeded in good faith and with a well-founded belief that it was acting within its legal authority as evidenced by the repeated assurances of the City Attorney and Commission Staff. If HPC can't rely on the advice of the City Attorney's Office and the Planning staff, the entire process for approving construction projects in San Francisco will grind to halt.

### 3. The Permit Streamlining Act is Not Applicable to Condition 1

The Permit Streamlining Act (PSA) applies to the City's timeline for acting on discretionary approvals, not to architectural review conditions post-approval. The HPC approved the Certificate of Appropriateness on April 17, 2025. Condition 1 is a requirement tied to permit review, not a delay in decision-making. Applicants retain control over when to submit permit applications. Thus, the PSA claim is baseless.

### B. CONSIDERATION OF WHETHER COA SHOULD HAVE BEEN ISSUED

If the Board wants to reconsider any decision by the HPC, it should not be the adoption of Condition 1 but rather its approval of the underlying COA. We believe that the HPC should not have issued the COA. The record makes clear the proposed project does not comply with Article 10 of the Planning Code, the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Notice of Special Restrictions ("NSR") on the Property.

Under the law, a project is required to comply with all 10 of the Interior Department Standards. As preeminent architectural historian, Christopher VerPlanck, conclusively demonstrated in his letter to the HPC, dated April 7, 2025, "the project spectacularly fails to comply with Standards 1, 2, 9, and 10, which all deal with additions and new construction within a historical setting." In addition, he found the "project is also potentially problematic under Rehabilitation Standard 8." He concludes "[a]s a project that fails to comply with potentially fifty percent of the Rehabilitation Standards, it does not warrant a Certificate of Appropriateness." **See Exhibit 1.**

There is no one in San Francisco who knows more about this property. Mr. VerPlanck is the reason that the Heritage is a landmark. He prepared the Historic Landmark Designation application and the underlying Landmark Designation Report, dated January 24, 2024 (as well as the updated report dated July 23, 2024). The San Francisco Mayor, the Board of Supervisors, SF Planning and HPC all adopted his report wholesale – with not one change– when the city formally protected the Heritage by designating it a San Francisco Historic Landmark in January 2025.

In Mr. VerPlanck's expert opinion, the HPC should not have issued a COA because of the numerous ways the project violates the Rehabilitation Standards.

Even the analysis prepared by SF Planning staff admitted that the proposed project does not conform fully with the Secretary of the Interior's Standards 2 and 9, which address preservation of historic character and compatibility of new additions. As reflected in HPC Motion No. 494, the HPC acknowledged the project did not comply fully with Standards 2 and 9:

1. "Therefore, there are elements of the proposed project that are in conformance with Standard 2, but certain other elements of the project that aren't entirely in conformance with this standard."
2. "...while there are elements of the project that are in conformance with Standard 9, there are other proposed project elements that aren't entirely in conformance with this standard."

Furthermore, the NSR on the Property, approved by the Board of Supervisors and effective as of January 19, 2025, states the following “buildings and landscape features are character-defining and shall be preserved, repaired in-kind, or replaced in-kind: Exterior facades, forms, massing, structure, architectural ornament, rooflines, and landscape features of the 1925 Morgan Building, 1929 Stone Cottage, and front lawn/landscaping.” The Project as proposed would violate the NSR as it would obscure the exterior facades and rooflines, dwarf the 1925 Morgan Building thus permanently impacting its massing, hide architectural ornaments, and otherwise so disfigure this landmark as to fatally undermine the protection that a landmark designation is meant to protect.

## **CONCLUSION**

The violations of the standards for construction on and around a historic building should have led the HPC to refuse to approve the COA. If the Board desires to repeal the COA, we will support that decision. If the Board determines to keep the COA in place, then it is vital to also retain Condition 1. The HPC intended that Condition 1 would ensure that necessary refinements are made to preserve the character and architectural integrity of this city landmark.

Condition 1 is lawful, justified, and essential to maintaining San Francisco’s historic character. It ensures appropriate oversight over new construction that will affect a designated City Landmark. The appellant’s legal arguments are without merit, and Condition 1 serves a critical public interest. We urge the Board of Supervisors to uphold the HPC’s decision and reject the appeal. If the Board of Supervisors is inclined to remove Condition 1, then it should also overturn the COA. The hearing transcript makes clear that the approval of the COA is completely dependent on the enforceability of the ARC’s oversight pursuant to Condition 1. The COA and Condition 1 must stand or fall together.

Respectfully submitted,

Save the Marina’s Heritage

**Exhibit 1**

Christopher VerPlanck of VerPlanck Historic Preservation Consulting  
Comments on Certificate of Appropriateness for 3400 Laguna Street  
Submitted to the HPC on April 7, 2025

## 3400 Laguna Street Certificate of Appropriateness

To: Ms. Diane Matsuda, President  
San Francisco Historic Preservation Commission  
49 So. Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

From: Christopher VerPlanck, Principal  
VerPlanck Historic Preservation Consulting  
530 Rockdale Drive  
San Francisco, CA 94127

CC: Vice-president Ruchira Nageswaran and Commissioners Hans Baldauf, Dan Baroni, Chris Foley, Robert Vergara, and Jason Wright

Date: 7 April 2025

Re: Comments on Certificate of Appropriateness for 3400 Laguna Street

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Dear President Matsuda,

I am writing to you on behalf of my client, Saving the Marina's Heritage, in response to the proposed major expansion and reconstruction of The Heritage's facilities at 3400 Laguna Street, which will be heard at the joint Historic Preservation Commission/Planning Commission hearing on 17 April 2025. As you know, I prepared the Article 10 nomination for 3400 Laguna Street, which was formally designated San Francisco Landmark No. 320 in December 2024. On the basis of my familiarity with the property, Saving the Marina's Heritage has asked me to evaluate the project plans submitted to you in The Heritage's Certificate of Appropriateness application, dated 19 February 2025.

The standard for analysis of the Certificate of Appropriateness is compliance with the Secretary of the Interior's Standards for Rehabilitation. If the project fails to substantially comply with the majority of the standards, the Historic Preservation Commission cannot issue a Certificate of Appropriateness. It is my expert opinion that while the project appears to be in compliance with the standards in regard to the preservation of the Morgan Building itself, the project spectacularly fails to comply with Standards 1, 2, 9, and 10, which all deal with additions and new construction within a historical setting. The project is also potentially problematic under Rehabilitation Standard 8. **As a project that fails to comply with potentially fifty percent of the Rehabilitation Standards, it does *not* warrant a Certificate of Appropriateness.**

## Qualifications

I am a San Francisco-based architectural historian and historic preservation consultant. I hold an M.Arch.H., as well as a Certificate in Historic Preservation, from University of Virginia's Graduate School of Architecture. I have been working in the fields of historic preservation and architectural history since 1997, including as an independent consultant since 2007.

## Regulatory Background

As mentioned, 3400 Laguna Street is San Francisco Landmark No. 320. The entire property, which comprises a little over one acre, was designated under National Register Criterion A (Events) and Criterion C (Design/Construction), with a period of significance spanning the years 1925 to 1957. As you know, the San Francisco Historic Preservation Commission is required to review any substantial changes to city landmarks as part of its duties under Article 10 of the Planning Code. Section 1006.6 (b) of the Planning Code lays out the Certificate of Appropriateness review standards: "The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties for individual landmarks and contributors within historic districts, as well as any applicable guidelines, local interpretations, bulletins, or other policies."<sup>1</sup>

The project sponsor intends to demolish two buildings, the two-story 1957 Perry Building Connector and the one-story 1963 Health Center, and replace them with two new four-story buildings. These buildings, the Bay Building and the Francisco Building, will be constructed atop a new subterranean parking structure. What remains of the Perry Building will be expanded and remodeled for continued residential use. The project also includes a fairly minor (and uncontroversial) scope of exterior preservation work at the Morgan Building.

In February 2025, Page & Turnbull submitted a Certificate of Appropriateness (C of A) application to the Planning Department on behalf of The Heritage (known hereafter as the project sponsor). In the C of A and its attachments, Page & Turnbull claims that the proposed project complies with eight of the 10 Rehabilitation Standards. However, Page & Turnbull prevaricates in regard to Rehabilitation Standards 2 and 9 by answering "YES/NO" as to whether these two standards are met. This suggests (falsely) that the project may somehow comply and yet not comply. Not only is it not possible under National Park Service guidelines, it is a confusing and potentially misleading approach.<sup>2</sup> In November 2023, I prepared a separate memorandum analyzing the project for compliance with the Rehabilitation Standards.<sup>3</sup> In my analysis at that time, I concluded that the project complied with Rehabilitation Standards 1, 3, and 4 and that it failed to comply with Standards 2, 9, or 10. Due to the lack of information on the treatment of the Morgan Building, I did not reach a conclusion regarding Standards 5, 6, 7, or 8.

## Project Description

The proposed project seeks to add nearly 59,000 square feet of conditioned space to the property – an increase of 71%. Over 15,000 square feet of soil will be excavated to construct a subterranean parking garage, which will increase on-site parking from 17 to 36 vehicles. The project sponsor claims that the residential capacity of the site will grow from only 86 to 109 units. Although this marks an increase of only 23 units, the project will disproportionately expand the property's occupiable square footage, which will increase from 83,197 sf to 141,579 sf.<sup>4</sup> The two new buildings will max out the 40-foot height limit, although the elevator overrides and stair penthouses will rise another ten feet to 50' and occupy much of

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<sup>1</sup> Section 1006.6 of the San Francisco Planning Code: [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_planning/0-0-0-27964#JD\\_1006](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-27964#JD_1006), accessed 25 March 2025.

<sup>2</sup> According to the National Park Service, a project either complies with a particular standard or it does not.

<sup>3</sup> I prepared the Technical Memorandum: 3400 Laguna Street in response to the Notice of Preparation of an Environmental Impact Report for 3400 Street and submitted it to the San Francisco Planning Department on 30 November 2023.

<sup>4</sup> The unit count also ignores the fact that the project sponsor has been systematically reducing its unit for years by combining single units into doubles or triples; since 2010, it has merged 29 separate units for a net loss of 16 units.

the Francisco Building's roof. The Bay Building will be attached to the Morgan Building where it is now joined to the Perry Building Connector. The Francisco Building will not touch the Morgan Building, but it will only be set back by 10'. Meanwhile, the 1929 Stone Cottage, which is also a contributing element to the landmark, will continue to be a standalone residential unit.

The project will result in the destruction of much of the remaining landscaping and open space on the site, including the Central Courtyard and most of the lawns, hedges, fencing, and trees along both the Bay and Francisco Street sides of the property. The existing Front Garden along Laguna Street will remain, as well as the midcentury modern Rear Courtyard, which is not part of the project scope.

### **Analysis of the Project for Compliance with the Secretary of the Interior's Standards**

In the following sections, I set forth why the proposed project does not comply with the Secretary of the Interior's Standards for Rehabilitation. The *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (the Rehabilitation Standards and the Guidelines, respectively) provide guidance for reviewing work to historic properties.<sup>5</sup> Developed by the National Park Service for reviewing certified rehabilitation tax credit projects, local governmental bodies across the country have adopted the Standards to review work to historic properties. The Rehabilitation Standards provide a useful analytical tool for understanding and describing potential changes to historical resources, including new construction inside or adjoining historic districts.

The first step in analyzing a project's compliance with the Rehabilitation Standards is to identify the resource's character-defining features, including such characteristics as design, materials, detailing, and spatial relationships. Once the property's character-defining features have been identified, it is essential to devise an approach that protects and maintains these important materials and features – meaning that the work involves the “least degree of intervention” and that important features and materials are safeguarded throughout construction.<sup>6</sup> It is critical to ensure that the new work does not result in the permanent removal, destruction, or radical alteration of any significant character-defining features.

In addition to the Morgan Building, the Front Garden, the Stone Cottage, and the wrought-iron perimeter fence are character-defining features of the campus. Due to the fact that they were built after the period of significance, the Perry Building, the Health Center, the Central Courtyard, and the Rear Courtyard are not character-defining features. **Nevertheless, it is important to point out that the local landmark ordinance covers the entire 68,005 square-foot property – not just the Morgan Building and its immediate surroundings.** The entire property provides the setting for the Morgan Building, the Stone Cottage, and the other character-defining features of the local landmark.

The following section explains why the proposed project does not comply with the Secretary of the Interior's Standards for Rehabilitation – in particular Rehabilitation Standards 1, 2, 9, and 10. Most of the remaining Rehabilitation Standards: 3, 4, 5, 6, and 7 pertain to the treatment of the Morgan Building itself. The project sponsor plans to complete a limited amount of preservation work to the historic

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<sup>5</sup> U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, 1992. The Standards, revised in 1992, were codified as 36 CFR Part 68.3 in the July 12, 1995 Federal Register (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The 36 CFR 68.3 Standards are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of Standards, 36 CFR 67.7, focuses on “certified historic structures” as defined by the IRS Code of 1986. The Standards in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two sets of Standards vary slightly, but the differences are primarily technical and non-substantive in nature. The Guidelines, however, are *not* codified in the Federal Register.

<sup>6</sup> Ibid.

building. It appears that the project would comply with these standards, but because they do not have any implications for the site as a whole, they have been omitted from the discussion below.

**Rehabilitation Standard 1:** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

The proposed project *does not comply* with Rehabilitation Standard 1. On its surface, it would seem that the project would comply because the facility will continue to function as a retirement facility. However, it is important to understand that in recent decades The Heritage has gradually converted its residential facilities into much larger and luxurious units by merging several smaller units together. This accounts for the reduction in the total number of units from 102 to 86 over the last two decades. As mentioned, under the proposed project, the unit count would increase from 86 to 109, but the square footage would balloon from 83,000 to just north of 141,000 square feet – an increase of 71 percent. Part of the reason for this is that the majority of the new units will be much larger. Although the number of new residents will not grow all that much, the amount of square footage devoted to each resident will increase dramatically. Given the apparent “arms race” among high-end retirement communities in San Francisco, it would not be surprising if The Heritage would seek to expand the campus again in the future.

**Rehabilitation Standard 2:** *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.*

The proposed project *does not comply* with Rehabilitation Standard 2. The project calls for the construction of two new four-story buildings – including one that is attached to, and the other that is within 10 feet of, the Morgan Building. The proposed Bay and Francisco Buildings would dwarf what exists on the site today, and they will detrimentally impact the spatial relationships that characterize the property. Comprising over an acre, most of the site was originally dedicated to lawns, gardens, and other open space. Over time, much of the landscaping was lost to new construction, including the Perry Building in 1957, the Health Center in 1963, and two smaller additions built in 1988. On the other hand, the siting and design of these buildings was carried out in such a way that they do not detract from the Morgan Building. The largest of these additions – the four-story Perry Building – is set back 75 feet behind the Morgan Building, near the rear of the property. Although the Perry Building Connector abuts the Morgan Building, its roof rises no higher than the historic building’s cornice line. The low-slung Health Center, which is today concealed behind hedges and trees, barely registers at all. Finally, both of the midcentury buildings’ terra cotta-colored walls and regularly punched windows gives these otherwise non-descript buildings some contextuality, framing the Morgan Building like a carefully burnished jewel mounted in a simple ring.

The proposed four-story Bay and Francisco Buildings would completely overwhelm the Morgan Building, looming above and impinging upon it from three sides. In contrast to the existing additions, they will be starkly visible from all of the surrounding streets, as well as the California Register-eligible Moscone Recreation Center and the National Register-listed Fort Mason Historic District. The two new buildings, plus the retained part of the Perry Building, will effectively “bookend” the Morgan Building – drastically diminishing its prominence on the site and putting it into a shaded canyon between the much larger buildings. The Francisco Building would block views of the Morgan Building from the south, and the Bay Building would block views of it from the north. Indeed, the Morgan Building will only really be visible from the west, and it will look more like an addition to the new buildings rather than the other way around. Indeed, the Morgan Building will essentially become an appendage to the new buildings after the main entrance is relocated to the Bay Building.

The proposed project also violates Standard 2 because it calls for the complete removal of the cast iron fence – a character-defining feature of the landmark – along the south and north sides of the property. In regard to the landscaping, while the proposed project will retain the Front Garden, the proposed Bay Building will all but destroy the Central Courtyard. Although not a character-defining feature of the campus, the Central Courtyard provides a generous amount of open space just east of the Morgan Building, serving as a buffer between it and the Perry Building and the Health Center. However, the project would

convert it into a cramped light well. The rest of the landscaping, including the lawn panels and many of the trees along Bay Street, and the hedge along Francisco Street, will be pulled out to make way for the new buildings and other new construction

**Rehabilitation Standard 8:** *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

It is unclear if the proposed project would comply with Rehabilitation Standard 8. A preliminary (and confidential) archaeological review of the site was completed by the San Francisco Planning Department in July 2023. Staff concluded that “the project site is underlain by fill and dune sand, which is considered to have high sensitivity for Native American archeological resources.” In addition, the site was the location of an informal earthquake shack settlement between 1906 and 1912, as well as part of the midway of the 1915 Panama Pacific International Exposition. One does not have to be an archaeologist to understand that the potential for encountering archaeological resources on the property is, of course, very high.<sup>7</sup>

The proposed project would remove 15,000 cubic feet of soil to construct the parking garage. It seems very likely that historic, and possibly pre-historic, artifacts will be encountered. Due to these concerns, the Planning Department instituted Mitigation Measure M-CR-2, which requires archaeological monitoring to be conducted during excavation. If the project sponsor rigorously adheres to these conditions, the project may comply with Rehabilitation Standard 8, but it will be absolutely necessary to ensure that the monitoring is done very carefully and consistently.

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

The proposed project *does not comply* with Rehabilitation Standard 9. As described previously, the project would demolish the two-story Perry Building Connector and the one-story Health Center and build in their place the four-story Bay and Francisco Buildings. These new buildings would have much larger footprints than the existing buildings, and they will both be much higher -rising to 40’ – the maximum height limit. Furthermore, the elevator overrides and stair penthouses will rise to 50’. Currently, the only building on the entire site that rises to 40’ is the Perry Building and it is strategically situated at the rear of the property, as far as possible from the Morgan Building. **In terms of usable square footage, the proposed project would increase the site’s capacity from 83,197 sf to 141,579 sf, an increase of 71 percent.**

In addition to covering a much larger portion of the site and being substantially higher than the buildings that they will replace, the new buildings will be sited closer to, and loom above, the Morgan Building. Under current conditions, the Perry Building Connector is only two stories high. Its replacement, the Bay Building, will also abut the Morgan Building with a two-story “hyphen reveal.” However, the four-story section of the Bay Building will only be separated from the Morgan Building by 15’. Although the Francisco Building will not physically touch the Morgan Building, it will only be separated from it by 10’.

It is important to point out that in April 1962, when the San Francisco Planning Commission adopted a resolution authorizing the construction of the Health Center, it stated very clearly that the building must be limited to “one story only.”<sup>8</sup> Although the reason for this requirement is not known today, it was likely to reduce the visual and environmental impacts of the new construction on a narrow residential street, as well as to preserve views of the Morgan Building.

The design of the proposed Bay and Francisco Buildings is also problematic. As mentioned, the existing mid-century additions are modest background buildings that do not visually compete with the Morgan

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<sup>7</sup> Without citing any basis, and seemingly in contradiction to the Planning Staff’s conclusions, Page & Turnbull state in the C of A application: “A preliminary archaeological review was completed by the Planning Department for the proposed project in July 2023. Archaeological resources are not anticipated in the fill or dune sand underlayment of the site, based on the parcel’s late date of development.”

<sup>8</sup> San Francisco Planning Commission, Resolution No. 5512,” April 5, 1962.

Building. In contrast, the new buildings would have dozens of projecting and recessed volumes, varied cladding types (including metal panels, cream-colored Roman brick, aluminum, glass, and stucco), and a spectrum of fenestration types (including fixed window wall systems, aluminum windows, aluminum storefronts, etc.). Although the proposed buildings are clearly differentiated from the Morgan Building, their overly complicated designs are incompatible. Stylistically speaking, they are designed in a jumbled and generic “contemporary institutional” style that will clash with the tastefully ornamented brick and terra cotta vocabulary of the Jacobethan Revival Morgan Building.

**Rehabilitation Standard 10:** *New additions and adjacent or related new construction will 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.*

The proposed project *does not comply* with Rehabilitation Standard 10. Although the Bay and Francisco Buildings could technically be demolished in the future, the site would have been so radically changed that it would be exceedingly difficult, and unrealistic, to restore the essential form and integrity of the property as it exists today.

### **Conclusion**

The proposed project fails to comply with Rehabilitation Standards 1, 2, 9, and 10 and it may not comply with Standard 8. Failure to comply with Rehabilitation Standards 2, 9, and 10 is disproportionately impactful because these standards are all concerned with assessing the impacts of additions and related new construction. As a project that fails to comply with nearly half of the Rehabilitation Standards, the project does *not* warrant a Certificate of Appropriateness without substantial revisions that reduce the height and bulk of the two proposed buildings.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Christopher VerPlanck