



Rafael Mandelman, President
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
City Hall, 1 Dr. Calton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

June 6, 2025

RE: 3400 Laguna Street Project (Heritage on the Marina)
File No. 250558: Appeal of Conditional Use Authorization
File No. 250554: Appeal of CEQA Final EIR
Hearing Date: June 16, 2025
Time: 3:00p.m.
ZONING: RM-1 Residential-Mixed, Low Density Use District
And RH-3 Residential House District Three-Family

Dear President Mandelman and Members of the Board:

I. INTRODUCTION AND BACKGROUND

This office represents Save the Marina's Heritage, a group of neighbors of the proposed project at 3400 Laguna Street, commonly known as the retirement institution "Heritage on the Marina" ("Heritage"). The Board should be aware that multiple issues were not disclosed to or considered by the Planning Department in the applications which are now before the Board. Heritage on the Marina is an assisted living retirement community. As the Board is no doubt aware, Heritage is located in a residential neighborhood, and the proposed plan to expand the facility by some 60,000 square feet including an extraordinary excavation of more than 27,000 square feet is of great concern to the surrounding residents.

Currently, without the proposed project, Heritage is in violation of its existing Conditional Use Authorization ("CUA"), the Planning Code and the General Plan and should not be granted a new CUA until the issues and violations are resolved. Further the building is a Landmark, and the project (as proposed) cannot be built without violating the Notice of Special Restrictions ("NSR" attached as Exhibit 1) approved by the Historic Preservation Commission ("HPC") and approved by this Board December 17, 2024. The NSR was recorded March 18, 2025, and was not considered or enforced by the Planning Commission in its hearing on April 17, 2025.

We respectfully request that the Board overturn the project approvals of a new CUA, and final Environmental Impact Report (FEIR) granted by the Planning Commission at its joint hearing with the HPC on April 17, 2025. We further request that the Board reject the "appeal" by the Heritage to remove Condition 1 from the Certificate of Appropriateness (COA) approved by the HPC. The HPC approval of the COA is completely dependent on and integrated with Condition 1; they must stand or fall together. The COA is meaningless without Condition 1 and the HPC would not have issued the COA without Condition 1.

The proposed project by Heritage is in violation of the rules that govern development and protect historic landmarks in the City. As we explain in this submission, as well as in the Statement of Appeal – Supplemental Letter, submitted to the Board's Clerk on May 19, 2025, and in the

Letter in Opposition to Appeal of Condition 1 of Approval of Certificate of Appropriateness for 3400 Laguna Street (Record No. 2022-009819COA), submitted to the Board's Clerk on June 6, 2025.

Heritage is a non-conforming use in a residential neighborhood and is currently in violation of its CUA approvals to operate in the neighborhood. The violations are such that not only do they violate the existing CUA, but Heritage is also out of compliance and conformity with the Planning Code, General Plan, and the City's highest priority policies to preserve *existing* "naturally affordable" rent controlled housing. The violations must be addressed and corrected before the Project can go forward and a new CUA granted to Heritage.

Having a large institutional/commercial enterprise such as Heritage, in a residential neighborhood is always a challenge for the residents. The existing code violations were discovered when Heritage came forward with this proposal to nearly double the square footage (add an additional 58,000 square feet of new building space) at the Heritage site. What has not been addressed is that Heritage has for many years illegally and unfairly expanded its institutional facility by acquiring nearby properties, which are *not presently included* in the project descriptions before the Board.

Heritage has converted ten (10) residential units into institutional use, and then merged the units into its facility without permits, applications, changes to its conditional use status or complying with any portion of Planning Code Section 317 for "Residential Conversion" and/or "Merger" of residential units. These stark violations were reported to Planning in a formal complaint more than a year and a half ago and Planning did nothing. In addition, these violations were first brought to Planning's attention in June 2023 and have been raised by members of the Save the Marina's Heritage and by me regularly more than half a dozen times in letters to Planning ever since.

Planning ignored the obvious violations and swept them under the rug accepting the false explanation that Heritage is merely "renting" the other properties, even though the Heritage website specifically states that these converted and merged residential units are a fully integrated part of the institution. As stated on the website, the merged residential units, "offer the same great full-service amenities, 1- or 2-bedroom apartments, with full kitchens, washers and dryers, flexible security and 30 meals a month." These units are not merely "being rented" to the public as claimed by Heritage and are instead fully integrated into the institution. These ten naturally affordable rent-controlled units are now removed from the City's housing stock and are no longer available to the general public as housing. This result is exactly what the statutes were enacted to prevent.

A. Historical Analysis of Conditional Use Authorizations at the Subject Site

The San Francisco Ladies Protection and Relief Society dates back to the year 1853 when it was established (at a downtown location), with a pledge to "render protection and relief to strangers, to sick and dependent women and children." The Society later merged with the Scandinavian Benevolent and Relief Society (later known as the Crocker Old People's Home), and the entity created by the merger of the two societies became the Heritage. The Heritage institution has been at its present site since at least 1929 when the historic building designed by Julia Morgan and located on land also donated to the Society by Morgan, opened its doors.

The site was “grandfathered” into the neighborhood when the City was rezoned and all subsequent expansions have had to move through the CUA process because of the sensitive situation of a large commercial enterprise in a residential location. Heritage has been through (or at least initiated) conditional use analysis at least three other times, in 1962, 1986 and 2016. In the past the Department has been careful and respectful of the impacts on the neighborhood and the surrounding neighbors that expansion of the Heritage operation will necessarily have. The neighbors ask for that same consideration for this present project. Past applications for expansion have been extremely modest (one story additions...3,000-4,000 square feet) when compared to the present project to nearly double the square footage at the site (nearly 60,000 square feet of new construction) and to construct large and imposing four story (plus) structures which will dwarf the Landmark at the site and will also loom over the adjacent buildings and entire neighborhood with the mass and bulk proposed.

The CUA granted in 1962 was done so by the Planning Commission on at least five different conditions (as recommended by the Dept) and one of those conditions was that the new proposed addition be limited to one-story in height. Projects constructed using CUA and variances (as Heritage is...including this proposed project), may not be materially detrimental or injurious to other properties in the vicinity and must be necessary, desirable, and compatible with the existing neighborhood. A building that is a monolithic bulk and mass, blocking light and vistas for the neighbors and from the nearby park and casting shadows on the historic building and on Moscone playground does not meet the criteria for approval. The proposed “addition” is outlandishly large and will overwhelm the neighborhood. The project does not provide any affordable housing and in fact, as set forth below, Heritage has improperly removed affordable rent-controlled housing from the City’s housing stock.

B. Heritage Has Focused on Creation of Larger and More Expensive Units

No part of this project is affordable housing, (but it should be). Quite the contrary, Heritage has spent the past 6-8 years increasing the size and cost of its units, not making itself more affordable to the general public. In fact, Heritage is perhaps the very most expensive and luxurious senior housing and senior care available in all of San Francisco. Over the past recent years Heritage has taken out dozens of permits to remodel, reconfigure and merge many of its units, creating larger and more luxurious units.

It has engaged in a city-wide mailing solicitation effort to enlarge and expand its commercial operations. Heritage seems poised to capture the very highest priced and most exclusive of the growing senior services industry. Given that the services provided are for only the richest one percent of the senior population, great care must be taken by the Board in its review of the project. The negative impacts that are certain to result if approval is granted to a project of this size in this residential neighborhood must be weighed against the extremely limited public benefit of serving only the wealthiest individuals who are able to afford Heritage. As set forth below, Heritage has gone out of its way to avoid providing any affordable housing with the Project and should not be rewarded for such actions.

C. The Project is a Residential Senior Citizen Housing Development and Requires Compliance with the Inclusionary Affordable Housing Program

Although not reflected in its applications, Heritage is clearly in the business of creating and offering luxury senior housing. The Heritage's applications for this project mischaracterize it as non-residential, contrary to how Heritage has characterized its expansions in past applications and contrary to the facts and past practices. Heritage wants it both ways, it wants to be seen as politically favorable "senior housing," but wants only the rules applicable to non-residential institutions applied to it. It does not want its application for massive expansion treated like "housing," but as if it was a hospital or school with no full-time residents.

Heritage has spent recent years merging small studio units into larger one- and two-bedroom independent living apartments. These mergers have resulted in a reduction in the dwelling units at the site from 102 to 86. The current proposed project looks to create much larger one- and mostly two-bedroom apartments for independent living. Most recently in April 2022, Heritage received CEQA clearance from the Dept. to, "*Merge 3 studio units of Senior Housing (407, 408, 409) into 1 2-br 2-bth units.*" The project application in contrast to prior applications submitted to the Dept mischaracterizes Heritage as "institutional" as if it were a hospital or a school. Heritage's goal of changing direction with the new application is to avoid providing any affordable senior housing that San Francisco so desperately needs.

The new proposal is to dramatically increase the number of apartment units at the site to 109 (adding twenty-three new units). All of these new units will be larger, with one bedroom and two bedrooms, two bath units. Heritage markets these units to the public as "residential independent living," and that is the majority of the services offered. Most residents buy into the Heritage at what is termed as the Residential Living Level, for maximum independence and self-sufficiency. Heritage touts the Residential Living apartments as ideally suited for singles or couples.

This project is comprised of the addition of at least twenty-three (23) new units of luxury senior housing to the Heritage. Under the Planning Code, all projects that include construction of ten (10) or more dwelling units must participate in the Inclusionary Affordable Housing Program contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. Heritage does not want to pay that fee or supply any affordable senior housing on site and is not doing so.

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new residential units rather than offer them as rental units, but Heritage does not "sell" units in the traditional fee simple sense. Projects may be eligible to provide rental affordable units if it demonstrates the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing and Community Development. Before the Planning Department and/or Planning Commission act on a project, an Affidavit for Compliance with the Inclusionary Affordable Housing Program should be completed. Heritage has not completed that affidavit, is not supplying any affordable housing units and is not paying a fee.

An affidavit is required to be included in Planning Commission Application (it was not). Heritage should have complied with submittal guidelines. The CUA should be overturned by the Board and Heritage should be required to resubmit its application to reflect that the project is the construction of twenty-three (23) new units of senior housing (perhaps more given the 60,000 new square footage) and is required to comply with the mandatory housing programs the City has in place for such projects.

II. ISSUES CRUCIAL FOR DETERMINATION ON APPEAL

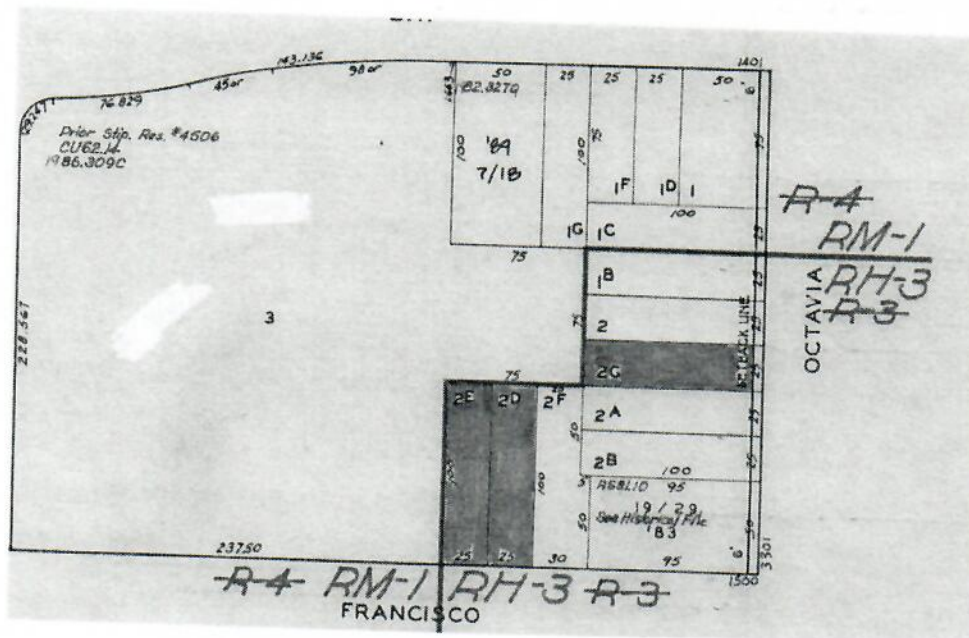
D. Conversion and Merger of Affordable Housing; Heritage Is in Violation of Its Current CUA, the Planning Code, and the General Plan---No New Project and Expansion Should be Considered or Approved Until the Violations are Resolved.

Identical (just a smaller scale) to the methods employed by the Academy of Art University (AAU), Heritage has acquired other buildings that are zoned and permitted for residential use as apartments, only to convert those buildings into part of its institutional facility (the same as AAU's creation of student housing or "dorms"). Heritage is depriving the City and the community of critical housing stock, especially this affordable rent-controlled housing. Like AAU, Heritage has acted in disregard for the Planning Code. The change of use of three buildings from residential to institutional, and the merger of the units into Heritage requires an application under Planning Code Section 317. To date, the result is the loss of ten (10) residential units---"*naturally affordable*" rent-controlled units.

Heritage merged and converted at least ten (10) residential units without seeking or receiving the required authorization for the changes to its conditional use authorization or operating permits from Planning. None of these properties and their use and merger into the institution are included in the project descriptions for the CUA or the environmental analysis.

The Housing Crisis Act of 2019," (HCA) establishes through Government Code Section 66300 (d)1 a statewide "housing emergency" until January 1, 2030. During the housing emergency: the *Housing Crisis Act* suspends certain restrictions on the development of new housing and expedites the permitting of housing and dwelling unit merger and conversion procedures to require the Planning Commission to grant a Conditional Use Authorization. None has been applied for here or granted to allow Heritage to swallow up these units.

As shown in the Block Map below, the three buildings (ten housing units) merged and converted by Heritage and folded into its facility, although adjacent to Heritage, are zoned differently. As shown below in red, the three buildings are zoned RH-3 for residential use and cannot have an institutional use without a CUA. Again, these practices are identical to those used for years by AAU and if left unchecked it will undoubtedly result in the loss of many more affordable units of housing. In fact, in April 2022, at the one meeting that the management of the Heritage agreed to have with Save the Marina's Heritage, the CEO of the Heritage, Mary Linde, said "If I could buy up the whole block, I would."



The housing units unlawfully converted from residential to institutional use and then merged by Heritage and subsumed into its facility are as follows:

1536-1538 Francisco Street (Block/Lot: 0471/002E)	(4 Units)
1530 Francisco Street (Block/Lot: 0471/002D)	(3 Units)
3325-3327 Octavia Street (Block/Lot: 0471/002G)	(3 Units)

The Board must not consider allowing Heritage to exponentially expand its facility with a new proposed project until it is brought into compliance with the Planning Code and General Plan and returns the housing units it has unlawfully displaced from the San Francisco housing stock.

By unilaterally taking over this housing stock without permits or a change to its CUA, Heritage is in violation of the City's Administrative Code, Planning Code, and Building Code as well as in violation of its existing CUA and permitted use in the residential neighborhood in which it is located. The zoning for the Heritage site is not compatible with the zoning for the adjacent buildings. Heritage must divest itself of the buildings or complete an application under Section 317, obtain a new conditional use permit and an amendment to the Planning Code.

This situation is identical to the AAU debacle. Heritage's business practices are in conflict with the City's established land use plan, housing policies, and regulations, the loss of housing and conversion of residential units to commercial, institutional use. Heritage must be required to work cooperatively with the City (and the community) in planning for future growth in a manner that accounts for the urban nature of its facility, without adversely impacting the City's affordable or rent-controlled housing stock, including, as a part of that plan, building a new facility, or converting existing buildings, for its residents on property that is zoned for such use.

Because each of the above properties is being used in violation of the Planning Code, each is therefore unlawful and a public nuisance. Planning Code Sec. 176(a). Each of these properties

are in a RH-3 (Residential, House Three-Family) Zoning District which differs from the zoning district for Heritage which is RM-1 Residential-Mixed, Low Density. The RH-3 Zoning District allows some group housing and residential care facilities; however, a building permit and conditional use authorization are required to permit such uses or to expand the Heritage use beyond its Zoning District. The conversion and loss of housing units merged into institutional use also requires a permit and CUA under Planning Codes Sections 171, 209.1, 303 & 317.

E. Heritage Needs a New or Amended Conditional Use Authorization to Include and Somehow Justify the Merger/Conversion of Ten Units of Housing to Institutional

A conditional use authorization to convert a property's legal use from Residential to Institutional use requires approval from the Planning Commission at a noticed public hearing under (Code §§ 303, 306, 316). Heritage has expanded FAR beyond its existing CUA which limits its operation in the neighborhood. Separate applications and a new or amended CUA is required for the conversion and merger of the ten units of sound affordable rent-controlled housing because ALL of the City's policies are to RETAIN such housing in the general housing stock. The loss of such housing to a merger into Heritage cannot be found to be "*necessary and desirable*" for the community for a CUA. The loss of the housing to Heritage is directly contrary to all controlling public policy—and is a slap in the face of the public in the middle of a declared housing crisis.

Retention of this type of affordable rental housing is the highest priority policy and a keystone to every plan to fight the affordability crisis in San Francisco. The loss of this housing to Heritage is contrary to the Mayor's Executive Directives, contrary to the General Plan and contrary to the controlling policies of the Housing Element, all of which mandate the retention of the existing buildings in the general housing stock.

There is no policy that might allow this type of sound, naturally affordable housing to be converted to luxury senior housing, merged and "exchanged" for new, market rate units subsumed into the Heritage facility. Once this type of housing is merged and taken from the housing stock, it is gone forever. There is a finite supply of this type of housing and the policies of the City demand its retention outside of Heritage.

F. Heritage is in Violation of its CUA; New CUA Cannot Be Granted for the Loss by Conversion/Merger of Ten (10) Sound, Rent-Controlled Units –ALL Policies Mandate Preservation of Naturally Affordable Rent Controlled Housing Stock

San Francisco's highest Priority Policies are enumerated in the General Plan. Further, to the extent some policies may clash with others, (for example—the creation of new housing vs. retention of existing housing---such as here) the two policies that are to be given primacy are:

- **That the City's supply of affordable housing be preserved and enhanced.**
- **That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.**

This directive is also found in the Housing Element of the General Plan and these two policies form the basis upon which inconsistencies in the Housing Element and in other parts of the General Plan are to be resolved. Heritage taking these units violates numerous crucial and

primary policies. Heritage must address the impacts of the loss of such housing and the stark violations of the Planning Code, Housing Element and General Plan before a new expansion. A new CUA cannot be issued in the face of these facts.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 3: PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

POLICY 3.3

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

POLICY 3.4

Preserve “naturally affordable” housing types such as smaller and older ownership units.

The ten units lost here to merger into Heritage are considered “naturally affordable” as described in policy 3.4 of the General Plan’s Housing Element. These are smaller rent controlled dwelling units. These units are all subject to the Rent Stabilization and Arbitration Ordinance, as the buildings were all constructed prior to 1979.

Endorsement of the Heritage practices would eliminate ten (10) naturally affordable units that are subject to rent control and replace them with luxury retirement market rate units that would not be subject to the Rent Stabilization and Arbitration Ordinance contrary to the policies and directives from the Mayor's Office to address the city's housing crisis. Heritage’s operation is inconsistent with the objectives and policies of the General Plan and does nothing to protect affordability of the existing housing stock especially rental units and does nothing to maintain the balance of affordability or for moderate ownership opportunities---quite the opposite.

The elimination of ten functional “naturally affordable” rent controlled dwelling units by merger is contrary to the General Plan as well as to the Department’s and the City's priority to preserve existing sound housing and to protect naturally affordable dwelling units. The proposed loss of the ten dwelling units is counter to the mayor’s executive directives, which call for the protection of existing housing stock. The mayor has directed the Department to adopt policies and practices that encourage the preservation of existing housing stock.

The business practices of Heritage violate these policies and initiatives to protect the existing housing stock. These violations and issues must be resolved before any new project approvals can be granted in the face of this overwhelming policy mandate. The loss of ten units of existing rent-controlled housing and the permanent loss of the opportunity to create more such housing cannot be “necessary and desirable” in the City of San Francisco at this time.

G. Planning Was Aware of the Violations More than a Year Ago, Took No Action and Swept Complaints from Neighbors Under the Rug Without Resolving the Violations

After the neighbors discovered that Heritage has converted and merged the ten housing units, they notified SF Planning in writing as early as June 2023. They continued to raise this issue in subsequent letters to SF Planning, but it was consistently ignored. They filed a formal complaint against the practices with the Planning Department on December 1, 2023. A copy of the Complaint is attached hereto as Exhibit 2. On December 15, 2023, after an investigation showed that Heritage had converted the ten housing units and merged them into its institutional uses, the Dept. issued a "Notice of Complaint" to Heritage. That Notice is attached hereto as Exhibit 3.

Planning did nothing with the Complaint other than to speak to Heritage and receive assurances that Heritage is "just renting" the buildings. Planning then quietly closed the complaints against Heritage without further investigation. The closure of the complaint on the loss of affordable housing is attached hereto as Exhibit 4.

The flimsy excuse that Heritage is "just renting" the ten units it converted to institutional use and merged into its facility is transparently false. These lost units of naturally affordable rent-controlled housing are NOT available to the general public. Heritage advertises those units on its website and specially states that those units come with all the same amenities. The Heritage website makes clear that those units are the same as any other at Heritage. It states as follows:

"Francisco Street & Octavia Street Apartments

Heritage on the Marina has three additional properties for active adults 65+ on Francisco Street and Octavia Street. These apartments offer the same great full-service amenities, 1- or 2-bedroom apartments, with full kitchens, washers and dryers, flexible security and 30 meals a month."

Those units are lost to the general housing stock forever. In the words of Section 317 of the Planning Code, Heritage's actions have resulted in the "removal of existing housing." An application for the conversion of those residential units to institutional and for a merger of those units is required and a public hearing to approve that result is required.

Despite Planning's unwillingness to properly investigate and remedy this situation, Save the Marina's Heritage members have continued to raise it in all written communications related to this project, including in its letter submitted April 7, 2025, prior to the joint hearing by the Planning Commission/Historic Preservation Commission, and in its letter submitted to this Board on May 19, 2025 in support of its appeals of the CUA and FEIR for this project.

H. The "Addition" of 58,000 Square Feet of New Buildings Will Negatively (and Significantly) Impact the Historic Resource, By Obscuring Features in Violation of the Notice of Special Restrictions Imposed to Preserve the Landmark Buildings

The project will place the historic and iconic three-story Heritage building in an artificial "valley" of new four-story buildings on three sides. Heritage will be in a "box" surrounded by taller buildings on all sides. The subject site ALREADY looms over the neighbors' smaller

buildings and gardens, adding the new modern buildings in excess of four-floors will require removal of all side yards and remove all landscaping from the south facing portion of the grounds. As pointed out in the Page & Turnbull Report and echoed in VerPlanck Memorandum and Application, the landscaping and surrounding greenery on the lot is an important part of the “feel” of the historic resource and its value and integrity as a historic resource. That “feel” is not limited to the front garden. As stated in the report:

“FEELING

The property’s continued use as a care facility for the elderly, as well as its current landscaped grounds (although not strictly historic in character), support the property’s integrity of feeling, allowing it to convey the peaceful atmosphere that characterized the property during its period of significance.” (Page & Turnbull Original Historic Resources Evaluation p.71)

Further, the proposal to add additional four-story buildings will obscure and completely block from public view some of the most important and prominent defining features of the historic resource. The Page & Turnbull Report states that the building’s features ON ALL SIDES are part of the value and defining elements that are important to integrity of this historic resource. On page 71-72 the report states:

“CHARACTER-DEFINING FEATURES

For a property to be eligible for national or state designation under criteria related to type, period, or method of construction, the essential physical features (or character- defining features) that enable the property to convey its historic identity must be evident. These distinctive character- defining features are the physical traits that commonly recur in property types and/or architectural styles. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction, and these features must also retain a sufficient degree of integrity. Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials.

The following character-defining features have been identified for the property at 3400 Laguna Street:

Main Building

- *Overall regular massing and intersecting hipped roof*
- *U-shaped plan, consisting of central volume, north and south wings at east façade, and projections at north and south façades*
- *Structural brick exterior walls*
- *Slate roof shingles*
- *Symmetrical arrangement of front façade, with central gabled parapet*
- *Historic fenestration pattern, consisting of evenly spaced window openings with hierarchy among basement, first story and second story windows and upper dormer windows*
- *Projecting canted bays*
- *Hipped dormer windows at roof*
 - *Operable, divided-lite windows retaining historic configurations*

- *Terra cotta details: window surrounds with vegetative motifs in segmental arches; decorative panels and entablatures at canted bays; belt course above second level windows; projecting cornice with buttons at eave; coping and finial at central gabled parapet; double arched door surround at primary entrance vestibule*
- *Arched ground-level door openings at ground level*
- *Stained glass windows at interior chapel*
- *Additional historic design features: narrow blind niche and recessed diamond and square details in brick*
- *Historic glazed doors within entrance vestibule*
- *Three brick chimneys*
- *Front double stairs with iron railing*
- *Towers and penthouse at east façade*
- *Rain- catch baskets*
- *Historic features in publicly accessible interior areas include:*
 - *Tile floor*
 - *Central stairwell with trefoil railing*
 - *Fireplace mantel*
 - *Wood coffered ceiling*

Those exact same “character defining features” are now specially protected by legislation passed by this Board and are incorporated into a “Notice of Special Restrictions” which is recorded against the property. (Copy of that NSR is attached as Exhibit 1). No honest or objective review of the NSR and the proposed project can conclude other than the project VIOLATES the NSR and violates the intent of the Historic Preservation Commission.

The new large 55’ foot tall building (it is 55’ tall with the elevators penthouse, NOT 40’ feet) planned for the south side of the property will completely block from view most of the southern façade of the historic resource and will obscure the character defining intersecting hipped roof, projections at the south façade, structural brick exterior walls, slate roof shingles, historic fenestration pattern, consisting of evenly spaced window openings with hierarchy among basement, first story and second story windows and upper dormer windows (three such windows will be completely blocked from view on the south side of the building) and numerous other features will be permanently and completely obscured.

The Sponsor’s plan’s elevations positively demonstrate that the new buildings are overwhelming and obscuring the historic resource and the protected features of the building.



Above is a rendering from the project plans showing the proposed south elevation (this image is now mysteriously and completely omitted from the plans) that shows the Heritage building as obscured, blocked from public view and smaller and less important than the proposed new building. The historic experts ALL agree that the view of the elements on the south-facing façade of the building is part of the value of the building as a historic resource and those features are specially protected by the Landmark legislation. The new project will completely obscure those elements and therefor VIOLATES the NSR and the Landmarking legislation (Exhibit 1, page 5).

There can be no question that the proposed project will have a devastating negative visual impact on the Heritage building and its value as an important cultural and historic resource. Many of the important and defining features of the historic resource on the roof and the south side window arrangement and fenestration will be lost from view forever by the new proposed building. The new building will be above Heritage, behind it and beside it, drawing the emphasis to the towering new buildings and away from the important historic resource.

The additions built in the late 1950's and early 1960's were respectful and modest in size so as not to overwhelm the existing historic building at the site. The colors and materials chosen were done with an acknowledgment of the importance of existing building and its place on the site in the neighborhood. Not this proposal.

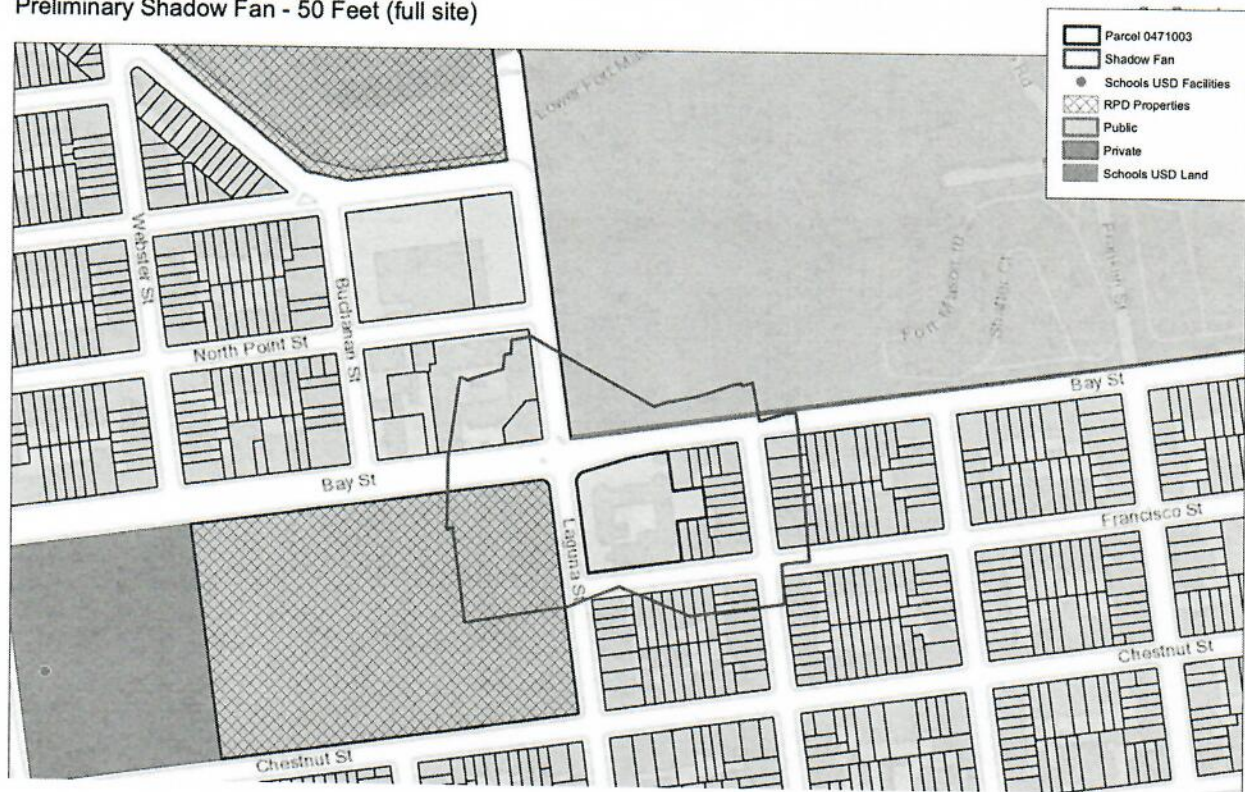
In addition to visually overwhelming the historic resource with its size and height, the new proposed structure will also shadow the Heritage building. The addition on the south side of the existing Heritage building at 55' feet will cast a permanent shadow over much of the existing facility including the front yard landscaping, the interior courtyard of the Heritage building and other interior spaces in the Heritage list as valuable to the integrity of the historic resource by Page and & Turnbull and all others who have reviewed the building. In addition to the shadowing of the existing facility, the new building will shadow nearby parks and recreational facilities. The "shadow study," created by Planning, demonstrates the devastating effect on both Moscone Field and Fort Mason of the shadows that will be cast by the proposed new buildings.

These shadows on public lands and open space should have triggered mitigation and changes to the project. There are two circumstances which could trigger the need for a shadow analysis:

- 1.If the proposed project would be over 40 feet tall, and could potentially cast new shadow on a property under the jurisdiction of the Recreation and Park Department, per San Francisco Planning Code Section 295; and/or
- 2.If the proposed project is subject to review under the California Environmental Quality Act (CEQA) and would potentially cast new shadow on a park or open space such that the use or enjoyment of that park or open space could be adversely affected.

This is exactly the situation here. A complete Shadow Analysis should be ordered: (1) Shadow Diagrams, (2) Shadow Calculations, and (3) a Technical Memorandum.

Preliminary Shadow Fan - 50 Feet (full site)



Presently, the grounds have several trees and nice-looking landscaping presented to the surrounding streets. The proposal to eliminate all landscaping except the front yard area will leave only a stark façade facing the residential block on Francisco Street is a negative impact and eliminates much of the open space on the subject lot. Worse, the Project is seeking to *change the orientation of its lot* by treating Bay Street as the front instead of Laguna Street, which is and has always been the entrance to the subject building.

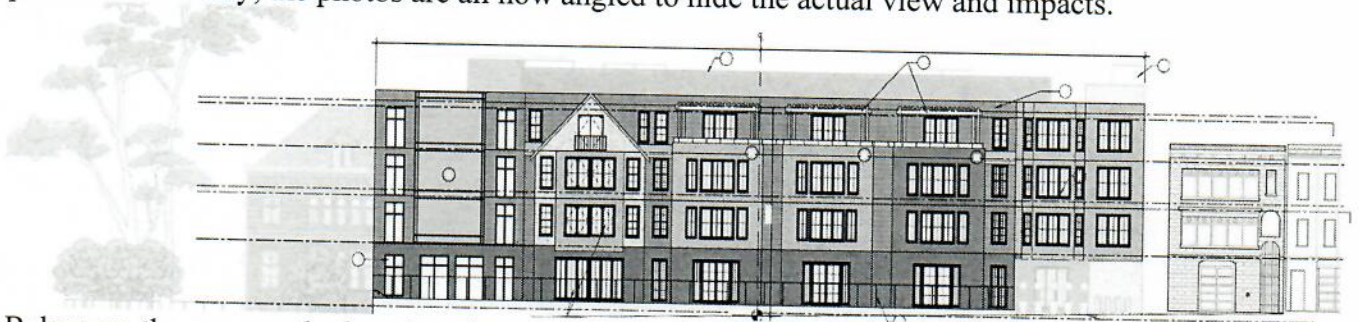
This is an attempt to manipulate the Dept's rules and regulations to allow the Heritage to treat Francisco Street as the rear and build to the property line with no landscaping, setbacks, or other design features that would otherwise be required. Heritage had already built the Perry Building in 1957 at the rear of its lot (near Octavia Street). To allow it to arbitrarily shift its parcel orientation by 90 degrees would be to allow Heritage to manipulate the Dept's rules and regulations to the detriment of the public with certain negative impacts to the historic building.

I. Heritage Has Cynically “Scrubbed” It Previous Plan Drawings in Order to Deceive and Created a False Impression that the New South Side Building Will Not have a Significant and Negative Impact on the Historic Landmark. Obviously, It Will

Since the neighbors objected and started to oppose the project on its merits, Heritage has now employed new drastic strategies. Shockingly, the sponsor has now actually intentionally altered the drawings and photos to try and hide the impacts of the project on the historic landmark building and neighborhood. Below is a drawing of the South Elevation from their first set of drawings, submitted in 2023, showing how the new building will overwhelm and hide the

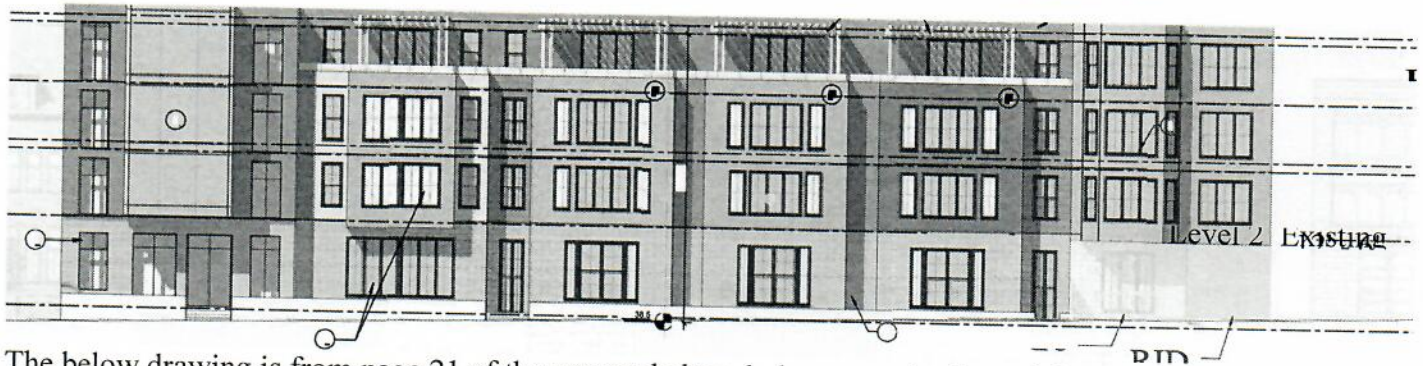
historic building from view on the south façade. The neighbors used this drawing from the Sponsor's own plans to make clear the unacceptable negative impacts.

In response, the Sponsor has now completely "scrubbed" and altered the drawings of this view. The Sponsors are engaged in deception with the drawings and photos. The drawings now crop this view to eliminate the sight of the historic building being overwhelmed and hidden from view on the south facade. That is the Julia Morgan Building below hiding behind the new building. This drawing has been completely removed from the plans and new false drawings inserted in its place. Additionally, the photos are all now angled to hide the actual view and impacts.

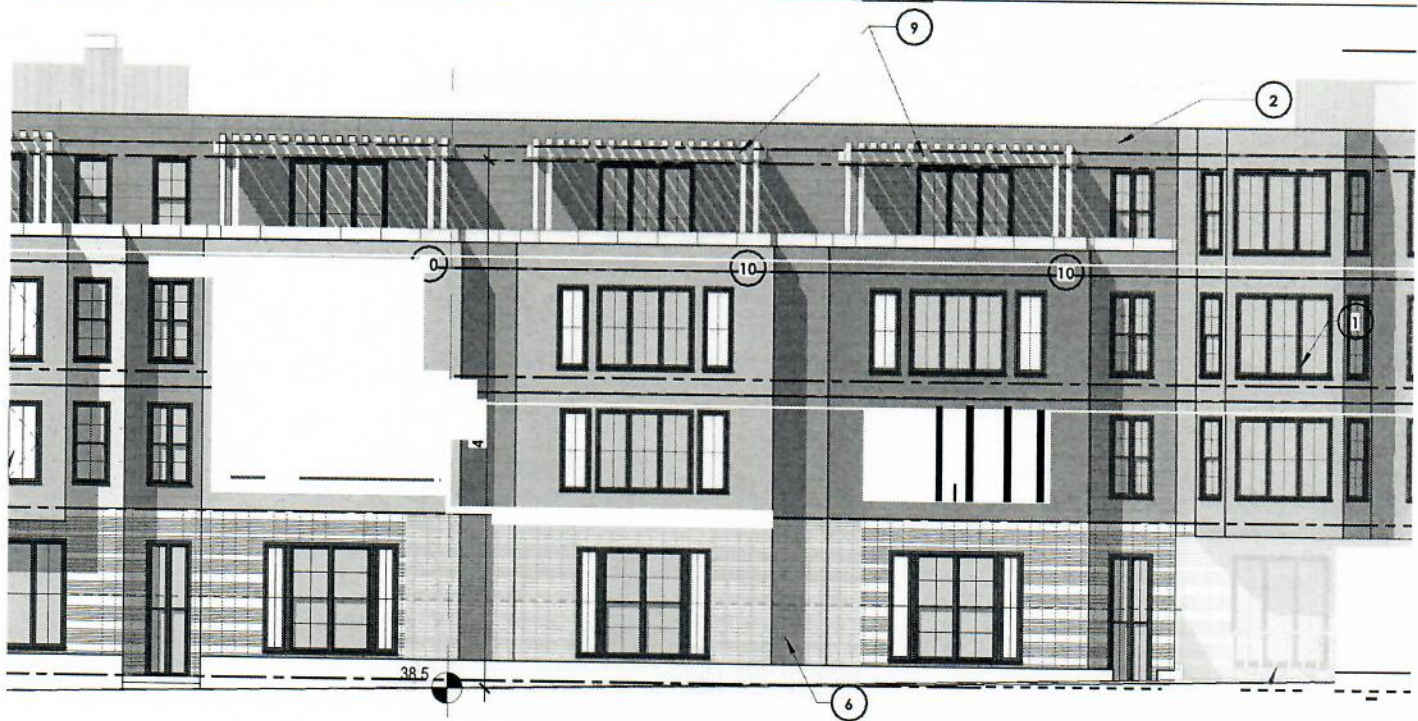


Below are the new south elevation views from the current *altered* plans (page 20 & 21). The new drawings intentionally truncate the proposed project to attempt to hide the impacts of the new south building. The Landmark building is completely omitted from view in the new altered false plans in order to try and hide the significant negative impacts to the historic resource.

Below is a new drawing from Page 20 of Plans attempting to obscure the Impacts of the Project. The subject landmark building is completely omitted from the view. The other elevations were not altered by the Sponsor, only the South view elevation which clearly showed the impacts.



The below drawing is from page 21 of the new and altered plans completely omitting from view the historic landmark building which is the subject of the project and which the City is mandated to protect. No other elevations were altered to hide the impacts. Only the south elevation was "scrubbed" by Heritage to attempt to obscure the obvious and significant negative impacts on the Landmark.



01 SOUTH ELEVATION -

3/16" = 1'-0"

Conclusion

The neighbors who live near the Heritage wish to continue a good relationship with the Heritage despite it being an over-sized and out-of-place neighbor. However, the aggressive and startling proposal to increase the size of the facility by nearly 100% is not compatible with the neighborhood and is exactly why neighbors opposed the facility with its first request for additions beginning back in the 1950's. The neighbors are counting on the Board to do the right thing and to enforce the code and its underlying spirit and purpose to protect our residential neighborhoods from such facilities, starting by requiring the Heritage to submit an accurate and complete plans and an application before it is allowed to continue in the process. In order to do this, we respectfully request that the Board overturn the approvals issued on April 17, 2025, by the Planning Commission of the CUA and the final Environmental Impact Report. Furthermore, we request that the Board deny the appeal by the Heritage of Condition 1 of the Certificate of Appropriateness issued by the Historic Preservation Commission (HPC).

Thank you for your consideration and attention to this matter.

Very Truly Yours,

STEPHEN M. WILLIAMS

EXHIBIT 1

**NOTICE OF SPECIAL RESTRICTION:****City and County of San Francisco**
Joaquín Torres, Assessor-RecorderDoc # **2025019718**

3/18/2025 8:19:22 AM

ES MailRoom

Pages 12 Title 201

Customer 036

Fees	\$0.00
Taxes	\$0.00
Other	\$0.00
SB2 Fees	\$0.00
Paid	\$0.00

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Pilar LaValley)
SF Planning Dept.)Address: 49 S. Van Ness Ave.)
Suite 1400)City: San Francisco)
94103)

State: California)

Space Above this Line For Recorder's Use**NOTICE OF DESIGNATION OF A CITY LANDMARK**

Notice is hereby given to all persons, pursuant to Section 1004.5 of the Planning Code, Chapter II, Part II of the San Francisco Municipal Code, that the property described below is City Landmark No. 320, as identified in Article 10, Appendix A of the Planning Code and designated by Ordinance No. 302-24 of the Board of Supervisors of the City and County of San Francisco, effective January 19, 2025. A copy of this Ordinance is on file with the Clerk of the said Board of Supervisors. The effect of this designation is to impose certain controls and standards on the said property and on the improvements thereon, as set forth in Article 10 of the Planning Code and in the designating Ordinance.

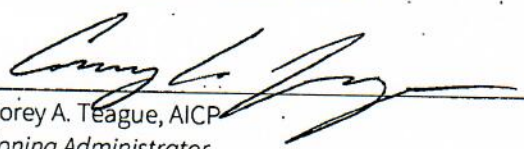
The subject property is legally described and known as follows:

Landmark 320, Ladies' Protection and Relief Society, 3400 Laguna Street, Lot 003 in Assessor's Parcel Block 0471.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 3/4/25

at San Francisco, California
PLANNING DEPARTMENT
HISTORIC PRESERVATION COMMISSION


Corey A. Teague, AICP
Zoning Administrator

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

On March 4th, 2025 before me, Kwei San, Notary Public
(insert name and title of the officer)

personally appeared Corey A. Teague,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

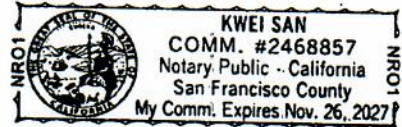
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Kwei San

(Seal)



NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal below.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A

Ordinance No. 302-24 of the Board of Supervisors of the City and County of San Francisco, effective January 19, 2025:

1 [Planning Code - Landmark Designation - Ladies' Protection and Relief Society (3400 Laguna
2 Street)]

3 **Ordinance amending the Planning Code to designate the Ladies' Protection and Relief**
4 **Society, located at 3400 Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003,**
5 **as a Landmark consistent with the standards set forth in Article 10 of the Planning**
6 **Code; affirming the Planning Department's determination under the California**
7 **Environmental Quality Act; and making public necessity, convenience, and welfare**
8 **findings under Planning Code, Section 302, and findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in single-underline italics Times New Roman font.
12 **Deletions to Codes** are in ~~striethrough italics Times New Roman font~~.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~striethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. CEQA and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 *et seq.*). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 241103 and is incorporated herein by reference. The Board of
23 Supervisors affirms this determination.

24 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
25 proposed landmark designation of the Ladies' Protection and Relief Society, located at 3400
Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003, will serve the public necessity,

1 convenience, and welfare for the reasons set forth in Historic Preservation Commission
2 Resolution No. 1425, recommending approval of the proposed designation, which is
3 incorporated herein by reference.

4 (c) On October 16, 2024, the Historic Preservation Commission, in Resolution
5 No. 1425, adopted findings that the actions contemplated in this ordinance are consistent, on
6 balance, with the City's General Plan and with the eight priority policies of Planning Code
7 Section 101.1. The Board adopts these findings as its own.
8

9 Section 2. General Findings.

10 (a) On March 22, 2024, community members submitted a nomination for Article 10
11 Landmark Designation under Planning Code Article 10 for the Ladies' Protection and Relief
12 Society (3400 Laguna Street), Assessor's Parcel No. 0471, Lot No. 003 to the Planning
13 Department.

14 (b) The Landmark Designation Report/Fact Sheet supporting the nomination was
15 prepared by VerPlanck Historic Preservation Consulting and reviewed by Planning
16 Department Preservation staff. All preparers meet the Secretary of the Interior's Professional
17 Qualification Standards for historic preservation program staff, as set forth in Code of Federal
18 Regulations Title 36, Part 61, Appendix A. The report was reviewed for accuracy and
19 conformance with the purposes and standards of Article 10 of the Planning Code.

20 (c) On August 21, 2024, after holding a public hearing on the proposed initiation, the
21 Historic Preservation Commission initiated landmark designation of the Ladies' Protection and
22 Relief Society as a San Francisco Landmark pursuant to Section 1004.1 of the Planning Code
23 by Resolution No. 1416. Said resolution is on file with the Clerk of the Board of Supervisors in
24 Board File No. 241103.
25

1 (d) Pursuant to Charter Section 4.135, the Historic Preservation Commission has
2 authority "to recommend approval, disapproval, or modification of landmark designations and
3 historic district designations under the Planning Code to the Board of Supervisors."

4 (e) The Historic Preservation Commission, at its regular meeting of October 16, 2024,
5 reviewed Planning Department staff's analysis of the architectural and historical significance
6 of the Ladies' Protection and Relief Society set forth in the Landmark Designation Report/Fact
7 Sheet, dated July 23, 2024.

8 (f) On October 16, 2024, after holding a public hearing on the proposed designation,
9 and having considered the specialized analyses prepared by Planning Department staff, and
10 the Landmark Designation Report/Fact Sheet, the Historic Preservation Commission
11 recommended designation of the Ladies' Protection and Relief Society as a landmark under
12 Article 10 of the Planning Code by Resolution No. 1425. Said resolution is on file with the
13 Clerk of the Board in Board File No. 241103.

14 (g) The Board of Supervisors hereby finds that the Ladies' Protection and Relief
15 Society has a special character and special historical, architectural, and aesthetic interest and
16 value, and that its designation as a Landmark will further the purposes of and conform to the
17 standards set forth in Article 10 of the Planning Code. In doing so, the Board hereby
18 incorporates by reference the findings of the Landmark Designation Report/Fact Sheet.

19
20 Section 3. Designation.

21 Pursuant to Section 1004.3 of the Planning Code, the Ladies' Protection and Relief
22 Society, located at 3400 Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003, is
23 hereby designated as a San Francisco Landmark under Article 10 of the Planning Code.
24 Appendix A to Article 10 of the Planning Code is hereby amended to include this property.
25

1 Section 4. Required Data.

2 (a) The description, location, and boundary of the Landmark site consists of the City
3 parcel located at 3400 Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003; in San
4 Francisco's Marina District. Contributing elements of the property that support its architectural
5 and historical significance are the 1925 Morgan Building, the 1929 Stone Cottage, and the
6 landscape features of the Front Garden. The other buildings, courtyards, and landscape
7 features on the site were constructed outside of the period of significance and do not
8 contribute to the architectural or historical significance of the Landmark site.

9 (b) The characteristics of the Landmark that justify its designation are described and
10 shown in the Landmark Designation Report/Fact Sheet and other supporting materials
11 contained in Planning Department Record Docket No. 2024-001869DES. In brief, the Ladies'
12 Protection and Relief Society is eligible for landmark designation because it is associated with
13 events that have made a significant contribution to the broad patterns of San Francisco history
14 (National Register of Historic Places Criterion A) and as an example that embodies the
15 distinctive characteristics of a type, period, region, or method of construction and is
16 representative of the work of an architect of merit (Criterion C). Specifically, the Ladies'
17 Protection and Relief Society, is significant for association with the Ladies' Protection and
18 Relief Society, San Francisco's second oldest charitable organization and the first established
19 by and for women. Furthermore, the main building, constructed in 1925 by renowned architect
20 Julia Morgan, is an excellent, rare, and well-preserved example of a commercial building
21 designed in the Jacobethan Revival style by an architect of merit.

22 (c) The particular features that shall be preserved, or where the City determines it is
23 necessary due to deterioration of the feature, repaired or replaced in-kind, are those shown in
24 photographs and described in the Landmark Designation Report/Fact Sheet, which can be
25 found in Planning Department Record Docket No. 2024-001869DES, and which are

1 incorporated in this designation by reference as though fully set forth. Specifically, the
2 following buildings and landscape features are character-defining and shall be preserved,
3 repaired in-kind, or replaced in-kind:

4 (1) Exterior facades, forms, massing, structure, architectural ornament, rooflines,
5 and landscape features of the 1925 Morgan Building, 1929 Stone Cottage, and front
6 lawn/landscaping:

7 (A) Exterior facades, forms, massing, structure, architectural ornament,
8 roofline, and materials of the 1925 Morgan Building on all elevations, except
9 obscured east and south facades of the north wing, identified as:

10 (i) Overall regular massing with intersecting hipped roof;

11 (ii) U-shaped plan consisting of a central north-south volume, rear
12 wings at the east façade, and projections at the north and south façades;

13 (iii) Structural brick walls laid in five-course American bond with
14 narrow blind niches and recessed diamond and square details;

15 (iv) Slate roof shingles;

16 (v) Symmetrical primary (west) façade design with central gabled
17 parapet;

18 (vi) Symmetrical fenestration pattern consisting of evenly spaced
19 window openings displaying a hierarchy among basement, first-floor,
20 second-story, and attic windows;

21 (vii) Canted bay windows/oriels;

22 (viii) Hipped dormer windows on roof;

23 (ix) Operable divided-lite metal windows retaining their original
24 sash profiles and pattern;
25

1 (x) Terra cotta ornamental detailing, including window surrounds
2 with vegetal motifs in the segmental arches, decorative panels and
3 entablatures at the canted bays, the belt course above the second-floor
4 windows, projecting cornice with buttons at the eaves, coping and finial
5 above the central parapet, and the door surround at the main entrance;

6 (xi) Arched openings at the main entrance;

7 (xii) Stained glass art windows at the chapel;

8 (xiii) Three brick replacement chimneys;

9 (xiv) Front exterior stairs with iron railings;

10 (xv) Sunroom and elevator overrides on roof of east façade;

11 (xvi) Rain catch baskets;

12 (B) Exterior facades, forms, massing, structure, architectural ornament,
13 roofline, and materials of the 1929 Stone Cottage on all elevations, identified as:

14 (i) One-story massing;

15 (ii) L-shaped footprint;

16 (iii) Steeply pitched hipped roof;

17 (iv) Stone exterior cladding;

18 (vi) Punched window openings containing wood-sash casement
19 and double-hung windows;

20 (C) Landscape features and layout of Front Garden in front of Morgan
21 Building, identified as:

22 (i) Cast iron fence on brick plinth along the north, west, and south
23 property lines;

24 (ii) Curvilinear pedestrian footpaths leading from the two gates on
25 Laguna Street to the primary entrance and two paths curving north and

1 south from the primary entrance (paths have been resurfaced since the
2 period of significance so paving materials are not character-defining);

3 (iii) Lawn panels in Front Garden;

4 (iv) Copse of trees at the northwest corner of the site.

5 (2) The character-defining interior features of the 1925 Morgan Building are
6 those associated with portions of the first floor that have historically been accessible to
7 the public, identified as:

8 (A) Tiled flooring in entrance vestibule;

9 (B) Two paired, eight-lite wood paneled doors under paired, four-lite wood
10 casement transoms within now-enclosed entrance vestibule (original exterior
11 doors);

12 (C) Central stairwell with trefoil railing;

13 (D) Fireplace mantel;

14 (E) Wood coffered and decorative plaster ceilings.
15

16 Section 5. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.
20

21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/ Peter R. Miljanich
24 PETER R. MILJANICH
25 Deputy City Attorney

n:\egana\as2024\1800206\01791375.docx

Supervisor Peskin
BOARD OF SUPERVISORS



City and County of San Francisco
Tails
Ordinance

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

File Number: 241103

Date Passed: December 17, 2024

Ordinance amending the Planning Code to designate the Ladies' Protection and Relief Society, located at 3400 Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

December 09, 2024 Land Use and Transportation Committee - RECOMMENDED AS
COMMITTEE REPORT

December 10, 2024 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen,
Safai and Walton

December 17, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai
and Walton
Excused: 1 - Chan

File No. 241103

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
12/17/2024 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

12/19/24

Date Approved

EXHIBIT 2



PLANNING CODE VIOLATION COMPLAINT FORM

PROPERTY INFORMATION WHERE ALLEGED VIOLATION OBSERVED

Address of Property: 3400 Laguna Street

Block/Lot (if known): 0471/003

Property Owner Name: Heritage on the Marina

Phone (if known): 415-202-0300

Tenant's Name:

Phone (if known):

DESCRIPTION OF ALLEGED VIOLATION

Please provide accurate information and state the reason you believe it is a violation of Planning Code. If possible, please include supporting documentation such as photographs, reference to relevant permits and Planning Code Sections. If you are submitting this form by email, you may attach your supporting documentation to the email.

Details of Violation:

See Attached

Impact of Violation:

Loss of Housing Stock and Naturally Affordable Rent Controlled Housing; Violation of Conditional Use Authorizations Making Site No Long Necessary and Desirable for Community

How long have you observed the violation?: Approx. Nine Months

Please list other agencies where complaint has been filed: None.

Signature

Name (Printed): Stephen M. Williams

Date: December 1, 2023

Email Address: smw@stevewilliamsllaw.com

Phone: 415-292-3656

Your Address: 1934 Divisadero Street
San Francisco, CA 94115



Planning Code Enforcement
San Francisco Planning Department
1660 Mission Street, Suite 400
San Francisco, CA 94102

December 1, 2023

RE: **Complaint for Multiple Violations of the Planning Code**
ADDRESS: **3400 Laguna Street (Heritage on the Marina)**
BLOCK/LOT **0471/003**
ZONING: **RM-1 Residential-Mixed, Low Density Use District**

Dear Sir or Madam:

INTRODUCTION

I have been retained to represent more than a dozen of the neighbors of the proposed project at 3400 Laguna Street, commonly known as the "Heritage on the Marina" (hereinafter "Heritage"). I am writing to bring to the Dept's attention multiple on-going violations of the Planning Code and of previously issued approvals at 3400 Laguna Street, at a facility commonly known as Heritage on the Marina.

Heritage is a non-conforming use in a residential neighborhood and is currently in violation of its approvals to operate in the neighborhood. It is currently in violation of its conditional use authorizations (issued long ago) and the very code provisions which allowed it to remain in the neighborhood for all these years. The violations are such that Heritage is out of compliance and conformity with the Planning Code and General Plan.

Having a large institutional/commercial enterprise in a residential neighborhood is always a difficult, situation for residents, the long existing code violations were discovered when Heritage recently came forward with a proposal to nearly double the developed and working square footage at the Heritage site. Heritage has for many years illegally and unfairly expanded its institutional facility by acquiring nearby properties (not included in the project or facility description) and has directly incorporated these residential units into the facility without permits, applications or a change to its conditional use status.

Heritage Is in Stark Violation of Its Conditional Use Status, the Planning Code, and the General Plan---No New Project and Expansion May be Considered or Approved Until the Violations are Resolved

In a manner strikingly similar to that employed illegally and improperly by the infamous Academy of Art University, Heritage has acquired buildings that are zoned and permitted for residential use as apartments and other residential purposes, only to cavalierly convert those buildings unlawfully into part of its residential care facility. These unlawful actions by Heritage have deprived the City and the community of critical housing stock, especially affordable rent-controlled housing. Heritage has overtaken at least three buildings adjacent to its property and has taken at least ten (10) residential units. Heritage has done all of this for many years without seeking or receiving the required

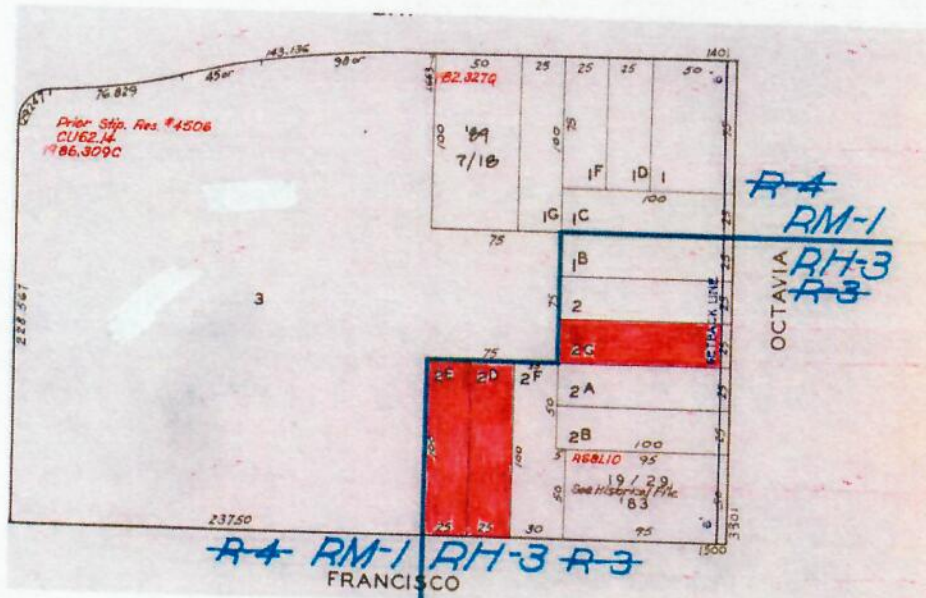
authorization for the changes to its conditional use authorization or operating permits from the Planning Department.

At a time when San Francisco is confronting a severe housing shortage, especially affordable rent-controlled housing, Heritage has illegally converted these units to use in its residential care facility use, exacerbating the already scarce supply of affordable housing. The Department should not even consider allowing Heritage to exponentially expand its facility with a new proposed project until it is brought into compliance with the Planning Code and General Plan, and it returns the many housing units it has unlawfully displaced to the San Francisco housing stock. By unilaterally taking over this housing stock without permits or authorization Heritage is in violation of the City's Administrative Code, Planning Code, and Building Code as well as in violation of its existing conditional use authorization and permitted use in the residential neighborhood in which it is located. The zoning for the Heritage site is not compatible with the zoning for the adjacent buildings it has taken over. Heritage must divest itself of the buildings or obtain a new conditional use permit and an amendment to the Planning Code.

The housing units unlawfully taken over by Heritage and subsumed into its facility are as follows:

1536-1538 Francisco Street (Block/Lot: 0471/002E)	(4 Units)
1530 Francisco Street (Block/Lot: 0471/002D)	(3 Units)
3325-3327 Octavia Street (Block/Lot: 0471/002G)	(3 Units)

As shown in the Block Map below, the three buildings (ten housing units) illegally taken over by Heritage and folded into its facility, although adjacent to Heritage, are zoned differently (shown in red). This is "institutional creep" at its worst.



Heritage brazenly and openly advertises these separate properties as part of its sales pitch to new would-be residents. With regard to offering these properties for occupancy, its website states as follows:

"Francisco Street & Octavia Street Apartments

Heritage on the Marina has three additional properties for active adults 65+ on Francisco Street and Octavia Street. These apartments offer the same great full-service amenities, 1- or 2-bedroom apartments, with full kitchens, washers and dryers, flexible security and 30 meals a month."

Heritage's business practices are in conflict with the City's established land use plan, housing policies, and regulations—loss of housing and conversion of residential units to commercial, institutional uses. Heritage must be required to work cooperatively with the City (and the community) in planning for future growth in a manner that accounts for the urban nature of its facility, without adversely impacting the City's affordable or rent-controlled housing stock, or burdening its transportation system, including, as a part of that plan, building new housing, or converting existing buildings, for its residents on property that is zoned for such use.

Because each of the above properties is being used in violation of the Planning Code, each is therefore unlawful and a public nuisance. SF Planning Code Section 176(a). Each of these properties is in a RH-3 (Residential, House Three-Family) Zoning District which differs from the Zoning District for Heritage which is RM-1 Residential-Mixed, Low Density Use District. The RH-3 Zoning District allows some group housing and residential care facilities; however, a building permit and conditional use authorization are required to permit such uses or to expand the Heritage use beyond its Zoning District. The conversion and loss of housing units to an institutional use also requires a building permit and conditional use authorization under Planning Codes Sections 171, 209.1, 303 & 317.

Heritage Needs a New or Amended Conditional Use Authorization to Include and Somehow Justify the Merger of Ten Units of Housing

Heritage has FAR expanded its existing conditional use authorizations which limit its operation in the neighborhood. A new or amended conditional use authorization is required for the loss and merger of the ten units of sound affordable rent-controlled housing because the policy is to RETAIN such housing in the general housing stock. The loss of such housing to a merger into Heritage cannot possibly be found to be "*necessary and desirable*" for the community as is needed for a conditional use authorization. The loss of the housing to Heritage is directly contrary to all controlling public policy—and is a slap in the face of the public in the middle of an affordability crisis.

Retention of this type of affordable rental housing is the highest priority policy and a keystone to every plan to fight the affordability crisis in San Francisco. The loss of this housing to Heritage is contrary to the Mayor's Executive Directives, contrary to the General Plan and contrary to the controlling policies of the Housing Element all of which mandate the retention of the existing buildings in the general housing stock. There is no policy that might allow this type of sound, affordable housing to be merged and "exchanged" for new, market rate luxury retirement housing and to be subsumed into the Heritage facility. Once this type of housing is merged and taken from the housing stock,

it is gone forever. There is a finite supply of this type of housing and the policies of the City demand its retention outside of Heritage.

Heritage is in Violation of its Conditional Use Authorizations and New Ones Cannot Be Granted for the Merger of Ten (10) Sound, Rent-Controlled Units –ALL Housing Policies Mandate Preservation of the Existing, Naturally Affordable Rent Controlled Housing Stock

San Francisco's highest Priority Policies are enumerated in the General Plan. Further, to the extent some policies may clash with others, (for example—the creation of new housing vs. retention of existing housing---such as here) the two policies that are to be given primacy are:

- That the City's supply of affordable housing be preserved and enhanced.
- That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

This directive is also found in the Housing Element of the General Plan and these two policies form the basis upon which inconsistencies in the Housing Element and in other parts of the General Plan are to be resolved. This practice violates numerous crucial and primary policies. Heritage must address and resolve the impacts of the loss of such housing and the stark violations of the Planning Code, Housing Element and General Plan before a new expansion.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 3: PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

POLICY 3.3

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

POLICY 3.4

Preserve “naturally affordable” housing types such as smaller and older ownership units.

The ten units lost here to merger into Heritage are considered to be “naturally affordable” as described in policy 3.4 of the General Plan's Housing Element as being smaller rent

controlled dwelling units. These units are all subject to the Rent Stabilization and Arbitration Ordinance, as the buildings were all constructed prior to 1979.

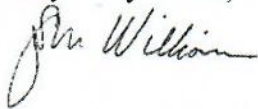
Endorsement of the Heritage practices would eliminate ten (10) naturally affordable units that are subject to rent control and replace them with luxury retirement market rate units that would not be subject to the Rent Stabilization and Arbitration Ordinance contrary to the policies and directives from the Mayor's Office to address the city's housing crisis. Heritage's operation is inconsistent with the objectives and policies of the General Plan and does nothing to protect affordability of the existing housing stock especially rental units and does nothing to maintain the balance of affordability or for moderate ownership opportunities---quite the opposite.

The elimination of ten functional "naturally affordable" rent controlled dwelling units by merger is contrary to the General Plan as well as to the Department's and the City's priority to preserve existing sound housing and to protect naturally affordable dwelling units. The proposed loss of the ten dwelling units is counter to the mayor's executive directives, which call for the protection of existing housing stock. The mayor has directed the Department to adopt policies and practices that encourage the preservation of existing housing stock.

The business practices of Heritage violate these policies and initiatives to protect the existing housing stock. These violations and issues must be resolved before any new project approvals can be granted in the face of this overwhelming policy mandate. The loss of ten units of existing rent-controlled housing and the permanent loss of the opportunity to create more such housing cannot be "necessary and desirable" in the City of San Francisco at this time.

Thank you for your consideration and attention to this matter.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Stephen M. Williams".

STEPHEN M. WILLIAMS

EXHIBIT 3



NOTICE OF COMPLAINT

December 15, 2023

Property Owner

S F Ladies Prot&relief Socy
3400 Laguna St
San Francisco, CA 94123

Site Address: 3400 Laguna St
Assessor's Block/Lot: 0471/003
Zoning District: RH-3, Residential- House, Three Family
Complaint Number: 2023-011349ENF
Administrative Penalty: Up to \$1,000 per Day for Each Violation
Additional Penalty: Up to \$250,000 for Each Dwelling Unit Removed or Added (if four or more units added)
Additional Penalty: Up to \$500,000 for Each Historic Structure Significantly Alteration, Damage, or Demolition
Enforcement T & M Fee: \$1,649 (Minimum Fee for confirmed violations, Additional charges may apply)
Response Due: Within 15 days from the date of this Notice
Staff Contact: Rachna, (628) 652-7404, Rachna.Rachna@sfgov.org

You are receiving this courtesy notice because the Planning Department has received a complaint alleging that one or more violations of the Planning Code exist on the above-referenced property. As the property owner you are a responsible party.

The Planning Department requires compliance with the Planning Code in the development and use of land and structures. Any new building permits or other applications are not issued until a violation is corrected.

Pursuant to Planning Code Section 350(g)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations. In addition, pursuant to Planning Code Section 176, penalties may also be assessed for verified violations. Therefore, your prompt action to resolve the complaint is important.

Please contact the staff planner shown above within 15 days of this notice for information on the alleged violation and assistance on how to resolve the complaint. Delay in response will result in further enforcement action including assessment of administrative penalties as stated in the above.

EXHIBIT 4

**Record 2023-011349ENF:
Enforcement (ENF)**

- Record Info

1. Select the record of interest *

3. Select Attachments

* To list project records, click on Record Info and select Related Records.

Documents available online do not represent the full administrative record. To review the complete file for active records, please contact the assigned planner. To review closed records, please request the record via email at CPC-RecordRequest@sfgov.org.

Attachments

Please add attachments below per application instructions.

<u>Name</u>	<u>Record ID</u>	<u>Record Type</u>	<u>Entity Type</u>	<u>Type</u>	<u>Size</u>	<u>Latest Update</u>
Notice of Complaint (NOC) - 12.15.23 - 3400 Laguna St.pdf	2023-011349ENF	Enforcement (ENF)	Record	Notification	108.66 KB	12/14/2023

Actions

Enforcement (ENF) - 2023-011349ENF

Record 2023-011349ENF:

Enforcement (ENF)

Record Status: Closed - No Violation

Documents available online do not represent the final version of the document. To ensure the integrity of the document, the assigned planner to review closed records.

Attachments

Document Details

File Name: Notice of Complaint (NOC) - 12.15. **File Size:** 108.66 KB
23 - 3400 Laguna St.pdf

Entity: Enforcement (ENF) - 2023-011349ENF **Entity Type:** Record

Document Status: Uploaded

Status Date: 12/14/2023

Record Number: 2023-011349ENF

Record Type: Enforcement (ENF)

Upload Date: 12/15/2023

Last Updated: 12/15/2023

Document Type: Notification

Virtual Folders:

Description:

Notice of Complaint (NOC) - 12.15.23 - 3400 Laguna St