



CERTIFICATE OF APPROPRIATENESS APPEAL

3400 Laguna Street

Date: June 10, 2025
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Rich Sucre, Current Planning Deputy Director – (628) 652-7571
Charles Enchill, Preservation Planner – charles.enchill@sfgov.org – (628) 652-7551
RE: Planning Record No. 2022-009819APL-03
Appeal of Certificate of Appropriateness for 3400 Laguna Street
Hearing Date: June 17, 2025
Project Sponsor: Mary Linde, CEO, San Francisco Ladies' Protection and Relief Society - (415) 202-0343
Appellant(s): Mary Linde, CEO, San Francisco Ladies' Protection and Relief Society - (415) 202-0343

Introduction

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (Board) regarding the Historic Preservation Commission's (HPC) conditional of approval of a granted Certificate of Appropriateness (COA) for the proposed 3400 Laguna Street Project (Project).

On April 17, 2025, the HPC conducted a duly noticed public hearing at a regularly scheduled meeting on Certificate of Appropriateness Application No. 2022-009819COA and granted approval subject to conditions.

The decision before the Board is whether to uphold, modify, or reject the HPC's decision to approve a COA for the proposed project.

Site Description and Existing Use

The approximately 68,090-square-foot (approximately 1.6-acre) project site at 3400 Laguna Street is located on a corner lot southeast of the Laguna Street and Bay Street intersection in the Marina neighborhood. The project site is bounded by Bay Street to the north, single- and multi-family residences near to and along Octavia Street to the east, Francisco Street to the south, and Laguna Street to the west. The project site slopes upward from west to east approximately 30 to 40 feet above mean sea level. The project site is currently occupied by the Heritage on the Marina residential care retirement community. Heritage on the Marina consists of four existing interconnected structures and a separate Caretaker's Cottage, totaling five structures on site and approximately 83,200 gross square feet. The interconnected structures include: the Julia Morgan Building, the Perry Building, the Perry Building Connector, and the Health Center. These buildings are further described below.

- The Julia Morgan Building, built in 1925, is U-shaped, three stories and approximately 40 feet in height, with up to 6.5 feet of rooftop appurtenances. The primary façade of the building faces west and is viewed from Laguna Street. The building has a partially above-ground basement level and an attic story penthouse over the east portion of the front façade. The building serves as the primary pedestrian entrance to the site, but is not accessible pursuant to the Americans with Disabilities Act (ADA).
- The Perry Building, built in 1957, is rectangular, four stories and approximately 41 feet in height over a partially above-ground basement. The building has an enclosed fire access stair on the Bay Street side that projects about 8 feet above the roofline, and the existing elevator penthouse extends about 16 feet above the 41-foot roofline.
- The Perry Building Connector, built in 1957, is rectangular, two stories and approximately 22 feet in height over a partially raised basement. The Perry Building Connector runs east to west to connect the Julia Morgan Building to the Perry Building.
- The Health Center, built in 1963, is rectangular, one story and approximately 15 feet in height, with an additional 5 feet of rooftop appurtenances up to 20 feet. The Health Center runs east to west and intersects the Perry Building on its southeast corner. This building is currently the only ADA-accessible building on the project site from the public right-of-way.
- The Caretaker's Cottage, built between 1928 and 1929, is an L-shaped structure that is one story and 22 feet in height. It is located on the northeast corner of the property and is enclosed by an iron and wooden fence and gate.

Overall, the existing site has 26,410 square feet of usable open space. The Julia Morgan Building, the Perry Building Connector, the Perry Building, and the Health Center surround a central courtyard. There is a second courtyard east of the Perry Building on the eastern boundary of the project site. The site also contains a front lawn that is located between the existing entrance to the Julia Morgan Building and Laguna Street.

Project Description

The project requested a COA to demolish two non-contributing additions/buildings; including the two-story addition (Perry Building connector) constructed in 1957 (at north) and connected to the landmarked Morgan Building and detached one-story building (Dailey Building) constructed in 1963 (at south), located on Article 10 City Designated Landmark #320, Ladies' Protection and Relief Society. The project scope also includes new construction of a four-story building (Bay Building) approximately 31,300 square feet in size (at north) connected to historic portions of the landmark and four-story building (Francisco Building) approximately 47,100 square feet in size (at south); and site alterations, which require a Certificate of Appropriateness.

Background

On February 21, 2025, Elisa Skaggs of Page & Turnbull on behalf of the Project Sponsor ("Project Sponsor") filed Application No. 2022-009819COA (hereinafter "Application") with the San Francisco Planning Department (hereinafter "Department") for a COA for major building and site alterations to the Ladies Protection and Relief Society, City Landmark No. 320, pursuant to Article 10 of the Planning Code. Planning Department staff prepared an Environmental Impact Report for the Project, pursuant to the California Environmental Quality Act (Pub. Resources Code §§ 21,000 et seq., "CEQA"), the guidelines implementing CEQA (14 Cal. Code Regs. §§ 15,000 et seq., "CEQA Guidelines"), and the Chapter 31 of the City's Administrative Code.

On April 17, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting and certified the Final Environmental Impact Report ("FEIR") prepared for the Project pursuant to Motion No. 21725. At that hearing, the Planning Commission adopted findings pursuant to CEQA and a Mitigation Monitoring and Reporting Program ("MMRP") setting forth mitigation measures that were identified in the Final EIR that are applicable to the Project.

Also, on April 17, 2025, the HPC conducted a duly noticed public hearing at a joint meeting with the Planning Commission on COA Application No. 2022-009819COA. The HPC approved the COA pursuant to Motion No. 494 subject to final massing, fenestration, and architectural details delegated to the Architectural Review Committee (Condition 1), transformer vault location placement priority (Condition 2), and windows condition assessment prior to replacement (Condition 3). The COA Motion also included the entirety of the mitigation measures identified in the FEIR and set forth in the MMRP, as "Exhibit C" to the Motion

On May 19, 2025, Mary Linde, Chief Executive Officer of the San Francisco Ladies Protection and Relief Society d.b.a. Heritage on the Marina ("Project Sponsor" and "Appellant") filed an appeal of the COA to remove Condition of Approval 1.

On May 21, 2025, the Planning Department determined that the appeal of the COA filed by the Project Sponsor and Appellant, was timely.

Regulatory Framework and Procedures

These are the relevant City laws and regulations that pertain to this appeal.

San Francisco Charter

Pursuant to San Francisco Charter Article IV, Section 4.135., the only COA delegation outlined is from HPC to staff for minor alterations to designated landmarks or within a landmark district (e.g. an Administrative COA). However, the Charter does not expressly allow COA delegation after HPC's approval to the ARC.

Planning Code Article 10

Pursuant to Planning Code Article 10 Section 1006.4(f):

Delegation of Hearing. The HPC may delegate to a committee of one or more of its members, or to the Director of Planning or his or her designee, or to any combination of the foregoing, the holding of the hearing required by this Article 10 for a Certificate of Appropriateness. The delegate or delegates shall submit to the HPC a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the HPC in reaching its decision in the case.

Historic Preservation Bulletins No. 4 and 20

Pursuant to Historic Preservation Bulletin No. 4 Certificate of Appropriateness Procedures and Bulletin No. 20 ARC of the HPC, a project may either: 1) be reviewed by the full HPC or 2) reviewed by the ARC first, then reviewed by the full HPC upon the ARC providing its findings to the HPC at a subsequent hearing. Neither preservation bulletins expressly allow the ARC to review last.

Planning Department Response

The concerns raised in the appeal letter are addressed in the response below.

Issue 1: There is sufficient evidence in the record to support that Condition of Approval 1 is unnecessary

Response 1: Modify Condition of Approval 1 consistent with the appeal letter.

The Planning Department agrees that Condition of Approval 1 is unnecessary. The project, as designed, complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties for individual landmarks as required for COA approvals. Additionally, the HPC's approval found the Project to comply with this finding.

Issue 1a-1c: Condition of Approval 1 is vague, is an unlawful delegation of authority by the Historic Preservation Commission to its Architectural Review Committee and risks the City violating the Permit Streamlining Act.

Response 1a-1c: Modify Condition of Approval 1 consistent with the appeal letter or remove it altogether.

On April 17, 2025, the HPC conducted a joint hearing in conjunction with the Planning Commission. Due to time and facilitation constraints of that joint hearing, the regulatory framework and procedures (outlined above) were

not readily apparent at the time of HPC's approval motion. Given that under those procedures the ARC cannot conduct its review after HPC, the Department recommends modifying Condition of Approval 1 consistent with the appeal letter request and language, but modifying that language, but modifying that language to more specifically refer to the issues discussed by the HPC during the public hearing:

"Final Architectural Details. Prior to submittal of any building permit application, Department preservation staff shall review and approve final project architectural details of fenestration size and orientation, and exterior finishes, provided that no reduction in project square footage shall result from such review."

The Department further recommends the modified condition above as the Permit Streamlining Act¹ applies to the Project and requires a 90-day review timeline following certification of an Environmental Impact Report (EIR). Provided the Board denies the environmental review appeal, the City and County of San Francisco must approve or disapprove the Project by July 16, 2025.

Alternatively, the Department recommends removing Condition of Approval 1 from the COA.

Conclusion

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board of Supervisors uphold the appeal, and in so doing modify the HPC's decision in approving the COA for the Project, either by removing Condition of Approval 1 or by modifying it as stated in this appeal response.

¹ California Government Code Sec. 65920-64