

June 6, 2025

Alan Murphy
D. +1.415.344.7126

President Rafael Mandelman and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: File No. 250554 - Appeal of Final Environmental Impact Report
File No. 250558 - Appeal of Conditional Use Authorization
File No. 250562 - Appeal of Certificate of Appropriateness
Proposed 3400 Laguna Street Project: Sponsor's Brief

Dear President Mandelman and Supervisors:

On June 17, 2025, the Board of Supervisors will hear appeals on a proposed project at 3400 Laguna Street (Block/Lot 0471/003) that challenge (1) the Planning Commission's certification of a Final Environmental Impact Report under CEQA, (2) the Historic Preservation Commission's approval of a Certificate of Appropriateness, and (3) the Planning Commission's approval of Conditional Use Authorization for a Planned Unit Development.

Our firm represents the project sponsor, Heritage on the Marina, a non-profit provider of services and housing for older adults who call San Francisco home. The Board of Supervisors recently honored the organization as it celebrated 100 years at its current location, a campus centered on a historic Julia Morgan building. The project sponsor intends to honor Julia Morgan's legacy in the years to come through faithful stewardship of the building she created to allow Heritage on the Marina to fulfill its mission: to be an innovative, charitable model for serving the needs of seniors, and to use its resources and expertise to serve the San Francisco community.

The project subject to the appeals before you will improve the existing campus and align its operations to meet the evolving needs of current and future residents. Specifically, the proposed project includes demolishing two existing non-historic buildings, constructing two new larger buildings, and renovating and interconnecting the buildings. All historic structures and features on the project site will be maintained, and the project will rehabilitate the Julia Morgan Building.

As described below, the proposed project—at its proposed size—is critical to ensuring Heritage on the Marina continues to survive into the next century. On behalf of the project sponsor, therefore, we respectfully ask the Board to deny the appeals filed by Tania Albukerk and Save the Marina's Heritage, and to uphold the appeals filed by the project sponsor (Mary Linde on behalf of San Francisco Ladies' Protection and Relief Society d/b/a Heritage on the Marina).

The project sponsor solely challenges an open-ended requirement for further review by a committee of the Historic Preservation Commission. The sponsor was compelled to file its appeals to ensure that the project is not later subjected to unappealable reductions in size that could jeopardize Heritage on the Marina's ability to continue serving San Francisco.

A. Project Purpose

For a century, Heritage on the Marina has successfully advanced its mission at its campus at 3400 Laguna Street. Yet the organization needs to make changes to its campus and operations to secure a sustainable and successful future. The future of Heritage on the Marina depends on providing high-quality care and services for its residents in a suitably updated community.

To this end, the proposed project aims to increase the number of residential care suites, improve community amenity spaces, modernize the existing facility, and align its operations to meet the evolving needs of current and future residents. Adding indoor space will allow Heritage on the Marina to create residential care suites ranging in size from small efficiencies to larger suites, all of which will include kitchens (unlike many existing suites that lack kitchens). The additional space also will allow for common areas, providing residents with opportunities for connection and social events.

Completion of the project is essential to enabling Heritage on the Marina to continue fulfilling its public-serving mission. The decision for Heritage on the Marina and the City is not between change or no change, but rather what kind of change there will be. Even after the proposed expansion, Heritage on the Marina still will be one of the smallest, if not the smallest, continuing care retirement communities in the country. For this reason, the project sponsor would have preferred a far larger expansion than incorporated into the proposed project. However, to minimize impacts on the Marina neighborhood and on the Julia Morgan Building, the project conforms to the constraints imposed by the existing 40-foot height limit.

Heritage on the Marina is proud of its record of public service and its stewardship of the historic structures on its property and believes that its neighborhood and San Francisco will best be served by the non-profit vision it brings that serves more than the bottom line. The project sponsor has called the Marina neighborhood home for a century and hopes to spend the next 100 years contributing to the City.

B. Project Overview

The project site at 3400 Laguna Street is approximately 68,090 square feet (approximately 1.6 acres) and is located on a corner lot southeast of the Laguna Street and Bay Street intersection in the Marina neighborhood. The site is occupied by the Heritage on the Marina residential care facility, and the project will maintain this existing use. The project site is within the RM-1 (Residential-Mixed, Low Density) Zoning District, and a 40-X Height and Bulk District.

1. Building Demolition, Construction, and Renovation

Heritage on the Marina consists of four existing interconnected structures and a separate Caretaker's Cottage, totaling five existing 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.

The project will:

- Demolish two of the project site's five existing buildings (the Perry Building Connector and the Health Center, both of which are non-historic);
- Construct two new buildings (the Bay Building and the Francisco Building) of heights not to exceed 40 feet, excluding permitted rooftop appurtenances, in the same locations as the demolished structures;
- Renovate the existing Julia Morgan and Perry buildings; and
- Interconnect the renovated Julia Morgan and Perry buildings to the two new buildings.

In total, the project will add approximately 58,380 square feet of net new institutional uses to result in a total of 141,580 square feet and will increase the number of residential care suites by 23, from 86 to 109. The project does not include any changes to the Caretaker's Cottage.

The new Bay Building will be approximately 31,300 gross square feet and will include independent living suites, assisted living amenities, memory support accommodations, reception, lounge, administration, laundry, and a resident's roof deck positioned away from neighboring residences.

The new Francisco Building will be approximately 47,100 gross square feet and will include independent living suites, support areas, and staff facilities.

The project also includes significant renovations to the interior and exterior of the Julia Morgan Building and the Perry Building. These include renovations to the façade of the Julia Morgan Building, such as window repairs, fencing repairs including to the brick base, repointing of bricks where needed, and roof repairs.

2. Circulation, Parking, and Loading

As required by Planning Code section 138.1, the project adds two new bulb-outs located at the intersections of Laguna and Bay streets, and Laguna and Francisco streets, each projecting six feet into the respective rights-of-way.

A new basement-level garage will be constructed, providing 31 vehicle parking spaces and 18 Class 1 bicycle parking spaces. Access to the garage will be via a new 20-foot-wide driveway off Bay Street. An approximately 20-foot-long, off-street covered porte cochère will provide universal, on-site access required by the residential care facility.

The project also includes modifications for loading access, with smaller delivery vehicles backing into the service area via the new driveway and larger trucks backing directly into the loading dock from Bay Street. Trucks will not block the sidewalk or curb cut once parked at the loading dock.

3. Open Space and Landscaping

Finally, the project will increase usable open space at the site from approximately 26,410 to 30,280 gross square feet, preserving the existing open lawn space in front of the Julia Morgan Building and in the courtyard to the rear of the project site.

C. Project Environmental Review and Treatment of Historic Resources

On April 17, 2025, the Planning Commission certified an Environmental Impact Report for the project (Case No. 2022-009819ENV). The EIR complied in all respects with the requirements of CEQA. The EIR also correctly concluded that all environmental impacts of the project can be reduced beneath the level of significance with mitigation; the project will have no significant and unavoidable impacts.

With regard to historic resources, the Planning Department determined that the project site contains two individually-eligible historic resources for the purposes of CEQA: the Julia Morgan Building and the Caretaker's Cottage. The buildings slated for demolition as part of the project are not historic resources, nor do they contribute to the historic or architectural significance of the project site's historic resources.

The project was designed to honor and reflect the historic legacy of the 1925 Julia Morgan Building. The project will rehabilitate its exterior and publicly accessible interior spaces and will retain all identified character-defining features of its interior and exterior. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Despite planned alterations to the project site, the most prominent views of the Julia Morgan Building will only be marginally impacted, and the historic front lawn will remain fully intact.

The EIR correctly concluded that the proposed project will not materially impair the significance of the historic resources on the property. The EIR explained:

While the massing of the new construction would be visible from some perspectives of the site, the property would still maintain the Julia Morgan Building's prominence along Laguna Street. The new construction would be limited to areas away from the front lawn, thus preserving the setting of the Julia Morgan Building's primary façade. Additionally, the proposed project would include rehabilitation of the Julia Morgan Building that would repair some character-defining features and remove some non-historic alterations that have altered the Julia Morgan Building's north elevation. The character-defining features of the Julia Morgan Building and its lawn and Caretaker's Cottage would therefore be retained.

(Draft EIR, p. 3.B-32.) The EIR concluded that two mitigation measures will reduce potential impacts to historic resources to less-than-significant levels. Mitigation Measure M-NO-1 addresses potential vibration impacts to on-site historic resources that otherwise could be caused by vibration-generating construction equipment, while Mitigation Measure M-CR-1 addresses the potential for accidental damage unrelated to vibration from construction equipment. With mitigation, therefore, the project will not cause a substantial adverse change in the significance of a historic resource.

D. Project Approvals

On April 17, 2025, the Historic Preservation Commission approved, with conditions of approval, an application for a Certificate of Appropriateness (Case No. 2022-009819COA). The approval was required under Planning Code section 1006, following the Board of Supervisors' adoption on December 17, 2024, of an ordinance subsequently approved by Mayor Breed that designated the project site as article 10 landmark 320, Ladies' Protection and Relief Society.¹

The same day the Historic Preservation Commission took action, the Planning Commission issued its approval of Conditional Use Authorization under Planning Code sections 209.2 and 303 (Case No. 2022-009819CUA). The approval authorizes a Planned Unit Development, including an exception to the rear yard requirement, under Planning Code section 304.

E. Project Sponsor Appeals

The project sponsor appeals only one aspect of each commission's approval. This section of our brief describes these appeals and the project sponsor's objections. The final section of our brief (Section I) identifies specific actions that the project sponsor respectfully asks the Board to take to modify both the Historic Preservation Commission's and the Planning Commission's approvals.

1. Appeal from Historic Preservation Commission Action

The project sponsor appeals the Historic Preservation Commission's imposition of Condition of Approval 1 on the Certificate of Appropriateness. Condition of Approval 1 reads: "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."

The project sponsor objects to Condition of Approval 1 for multiple reasons. To begin, Condition of Approval 1 is simply unnecessary. Record evidence, including detailed findings adopted by the Historic Preservation Commission, supports finding that the project, as designed, complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties for individual landmarks. A Certificate of Appropriateness, therefore, should have been approved for the project without a condition authorizing further changes to project massing.

At the same time, the project sponsor acknowledges the concerns raised by Historic Preservation Commission members regarding various project architectural details. The sponsor currently is working to refine project architecture, consistent with the input provided by the Historic Preservation Commission, without making changes to massing. Planning Department preservation staff are well positioned to review and approve these final refinements to architectural details, and we would not object to a condition of approval requiring this review.

In addition to being unnecessary, Condition of Approval 1 on the Historic Preservation Commission's approval is deeply problematic for granting an ad hoc committee wholesale

¹ Ordinance No. 302-24, Planning Code - Landmark Designation - Ladies' Protection and Relief Society (3400 Laguna Street) (Dec. 19, 2024).

discretion to reduce the size of the project, without any apparent appeal process. Under Condition of Approval 1, the project sponsor is left with no clarity regarding the extent to which—or when—the project might be changed *after* the Planning Commission and the Historic Preservation Commission issued their approvals.

Relatedly, Condition of Approval 1 suffers from the following defects:

- Condition of Approval 1 is impermissibly vague, uncertain, and ambiguous and, therefore, is void for vagueness. The condition does not satisfy constitutional due process requirements because it fails to state in definite language how, or prescribe standards by which, compliance can be determined. Condition of Approval 1 requires the project “to receive direction on final massing and architectural details” from the Architectural Review Committee, without imposing any limitations on changes the committee might require in the project. By leaving vague how the project’s size and massing must change, the condition is not sufficiently clear to be constitutional and enforceable.
- Condition of Approval 1 also constitutes an unlawful delegation of authority by the Historic Preservation Commission to its Architectural Review Committee. The Planning Code authorizes the Commission to delegate certain items, for instance, the holding of a Certificate of Appropriateness hearing by a committee (sec. 1006.4(f)) or review by the Planning Department of an Administrative Certificate of Appropriateness for minor alterations (sec. 1006.2). In contrast, the Planning Code does *not* authorize the Commission to delegate to a committee the unilateral authority to reduce a project’s massing, particularly where no constraints are imposed on the committee’s discretion and no appeal process is identified.
- Condition of Approval 1 places the City at risk of violating the state Permit Streamlining Act. Under Public Resources Code section 65950.1, the project must be approved or disapproved within 90 days after the project’s EIR was certified on April 17, 2025. Under the condition of approval, project massing, a critical aspect of the project, has not yet been approved by the City. If the Architectural Review Committee did not issue its approval by July 16, 2025, the City would be in violation of the Permit Streamlining Act.

In short, Condition of Approval 1 is fundamentally flawed because it (1) provides no clarity on the extent to which the project’s size might be reduced (2) by an ad hoc committee that does not constitute a body recognized by the Planning Code, (3) without imposing any deadline for taking final action on a project approved by two City commissions, and (4) without identifying any way to appeal an adverse decision to the full Historic Preservation Commission, this Board, or another City body. Put this way, we hope it becomes clear why the project sponsor felt the need to appeal the Historic Preservation Commission’s decision. Even aside from the legal shortcomings of Condition of Approval 1, it simply represents bad policy that presents a significant barrier to construction of a beneficial project.

2. Appeal from Planning Commission Action

The project sponsor appeals only one limited aspect of the Planning Commission's approval of Conditional Use Authorization. In support of its approval, the Planning Commission made Finding 6.L. Based on the Historic Preservation Commission's approval of the Certificate of Appropriateness, Finding 6.L contemplates further review by the Architectural Review Committee.

The project sponsor objects solely to the extent that Finding 6.L could be read to suggest that review of the proposed project by the Architectural Review Committee would be lawful or appropriate. Although we do not interpret Finding 6.L this way, the sponsor seeks to ensure there is no future uncertainty by requesting modifications to Finding 6.L to remove all references to further review by the Architectural Review Committee, as detailed in Section I, below.

F. Ms. Albuquerk's Appeals

1. Appeal of Certification of the Final EIR

In conjunction with Save the Marina's Heritage, Ms. Albuquerk appeals the Planning Commission's certification of the Final EIR. We see no defects in its certification, and we urge the Board of Supervisors to uphold the Planning Commission's action. In this section, we respond to the arguments raised in Part C of the appeal.

Part C.1, Applicability of CEQA § 21099(d): Aesthetic Impacts. The Historic Resources analysis in the EIR (section 3.B) included an inherently aesthetic assessment of the effects of new buildings on the setting of the site's historic resources and concluded that those impacts would be less than significant. The appellant argues that in addition to this analysis, the EIR was also required to include a separate "full environmental analysis" of the aesthetic impacts of the proposed project, particularly in relation to the same historic resources. The appellant claims that the City declined to include such an analysis in the EIR in erroneous reliance on section 21099(d) of the CEQA statute.

Section 21099(d) excludes from CEQA consideration the potential aesthetic impacts of "residential, mixed-use residential, and employment center" projects located on infill sites in transit priority areas.² The City's Initial Study (EIR Appendix B, page 7) explains why the City concluded that the proposed project met the section 21099(d) criteria.

The appellant's first argument is that because the project is not a "residential" use under the Planning Code, the proposed project cannot be considered "residential" for purposes of section 21099(d). The appeal cites no authority for the proposition that the City's interpretation of section 21099(d) was so constrained, and ignores the Legislature's intent to encourage infill development in transit priority areas as a way to reduce vehicle miles traveled. The appellant further accuses the project sponsor of trying to avoid the word "residential" in relation to the project so as to "have it both ways." On the contrary, and as demonstrated by the EIR itself, the existing and proposed use

² The appeal erroneously characterizes this provision as a CEQA "categorical exemption," but section 21099(d) does not exempt any project type from CEQA review. Instead, for certain infill projects, it narrows the scope of the topics that must be addressed in CEQA review.

of the project site has consistently been described as a “residential care facility.” Finally, even if the project were instead treated as “commercial,” it would be considered an “employment project” with an FAR greater than 0.75, thus qualifying for section 21099(d) treatment for a different reason.

Finally, the appeal cites legal authorities that are irrelevant to the proposed project’s EIR and do not mention section 21099(d). CEQA Guidelines section 15064.5(b) lists the requirements for a historic resources analysis, not an aesthetics analysis; as noted above, section 3.B of the EIR provides a full historic resources analysis in compliance with section 15064.5(b). Similarly, the decisions in *Preservation Action Council v. City of San Jose* and *League for Protection of Oakland’s Architectural & Historic Resources v. City of Oakland* both addressed the adequacy of historic resources analysis, not aesthetic analysis, and both cases involved projects that would demolish, rather than alter the settings of, historic resources. And the two cases the appeal cites that pertain to aesthetic rather than historic resources analysis—irrelevant here due to section 21099(d)—concerned only whether the “fair argument” threshold had been met to require an EIR rather than a mitigated negative declaration (*Pocket Protectors v. City of Sacramento* and *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.*).

Part C.2, Project Alternatives. The appeal applies a string of pejorative labels to the EIR’s analysis of project alternatives but does not engage with the EIR’s actual contents. Chapter 5, Alternatives, of the EIR provides 17 pages of careful analysis that clearly inform decisionmakers and the public of the tradeoffs between reducing the project’s environmental impacts and fulfilling the project’s objectives, including its fundamental goals of providing modernized care to a larger population of San Francisco seniors.

The alternatives studied range from No Project, which would cause no environmental impacts because it would not change the status quo; to the Rehabilitation Alternative, which would add no square footage to the facility and cause no significant environmental impacts, but would add only four residential care suites through internal reconfigurations; to the Reduced Construction Alternative, which would add fewer square feet and substantially fewer residential care suites than the proposed project, and would eliminate the underground parking garage, thus reducing the environmental impacts of the proposed project. Contrary to the appeal’s suggestion, the EIR, in fact, did identify the No Project Alternative as the Environmentally Superior alternative and the Rehabilitation Alternative as the Environmentally Superior alternative other than the No Project Alternative. Adding more variations on the project alternatives already studied would reveal no substantial additional environmental information and therefore was not required by CEQA.

2. Appeal from Planning Commission Action

In her appeal, Ms. Albuquerk also raises several objections to the Planning Commission’s issuance of Conditional Use Authorization. Here, we briefly explain why none of these objections warrant overturning the Planning Commission’s approval.

Part A.1, Architectural Plans. The appellant takes issue with a stamp included on certain pages of the project’s architectural plans. The stamp simply states the obvious point that any approval of planning entitlements is an “interim review” step relative to final approval of building permits. The

project architects, HKS, report that their firm routinely places the “interim review” stamp on project plans “prior to signed and sealed drawings required for building permits and construction use.” Once design drawings are ready for regulatory building permit review in connection with actual construction, HKS then removes the “interim review” stamp and replaces it with the architect’s seal and signature. This is nothing invalid about this practice.

In any event, the project plans here included sufficient detail to support the approvals issued, and subsequent approvals are required to be consistent with approved plans and all conditions of approval. Contrary to the appellant’s claim, the City’s approvals leave no opportunity for the architects to “have carte blanche to build whatever they want.”

Part A.2, Notice. The appellant claims that notice was not provided under Planning Code section 306.3. However, this argument overlooks multiple key points:

- Under Planning Code sections 306.3 and 333(e)(2)(C), the notification radius is 150 feet, not 300 feet, as the appeal claims.
- Written notice only needs to be provided to occupants of properties “to the extent practicable.” (Planning Code sec. 333(e)(2)(C).) The appeal assumes that occupants must be notified in all instances, a position that is inconsistent with the Planning Code.
- Even in the event a noticing error occurred, the appellant can show no prejudice, as she and other project opponents received notice of the Planning Commission hearing, raised numerous objections, and have appealed the decision.

Part A.3, Parking and Traffic. The appellant raises concerns about parking and traffic safety. Regarding a few points relevant to the Conditional Use Authorization: The appellant is correct in stating that the project will remove nine net on-street parking spaces but neglects to mention that their removal results from the installation of two new bulb-outs required by Planning Code section 138.1 *as a safety improvement*. On-street parking loss in favor of pedestrian safety cannot be deemed a conflict with required Conditional Use Authorization findings.

Additionally, existing speeding and driving under the influence in the area, as described in the appeal, are not attributable to Heritage on the Marina or to the proposed project. There is no evidence that the project would contribute to these existing neighborhood conditions.³

Part A.4, Extent of the Project. No changes or improvements are proposed to the three building sites referenced by the appellant. These sites, therefore, are not part of the proposed project.

Part B.1, Alleged Violations. The City already investigated the allegation the appellant raises again here. On March 13, 2024, the City closed an enforcement action by concluding there was no

³ The appellant also argues that, under CEQA, the EIR was required to analyze “localized traffic congestion.” As reflected in the CEQA Guidelines section the appellant cites (section 15064.3), traffic congestion is no longer considered a CEQA issue.

violation. (File No. 2023-011349ENF.) This issue has been resolved; the project sponsor is not in violation of any City codes or approvals.

Part B.2, Finding 6.L, Historic Preservation Commission. The appellant’s discussion of Finding 6.L only underscores the problems inherent in the Historic Preservation Commission’s delegation of substantial authority to the Architectural Review Committee. The uncertainty created by this action, as acknowledged by the appellant, calls out for resolution by the Board of Supervisors.⁴ For its part, the Planning Commission reasonably sought to address the improper delegation undertaken by its peer commission. In any event, the project sponsor asks the Board to modify the finding as detailed in Section I, below, rather than to amend Finding 6.L as the appellant requests.

Part B.3, Heritage on the Marina’s Goals. The appellant takes issue with the Planning Commission’s consideration of Heritage on the Marina’s goals and needs for the project. The Planning Commission lawfully may consider a project sponsor’s objectives and assess whether a project proposed to advance these objectives is desirable for the community. The Planning Commission appropriately did so here and approved the project based on the findings identified in the Planning Code.

G. Community Outreach

Heritage on the Marina engaged in regular outreach to the community about the proposed project during the entitlement process. Specifically, the project sponsor held six meetings with neighbors and other stakeholders before the entitlement hearings—one with the neighborhood, two with specific neighbors, one with residents of Heritage on the Marina, and two formal meetings with members of San Francisco Heritage. Among other written communications, the project sponsor sent eight email or letter updates to a neighborhood distribution list.

Outreach to SF Heritage included meetings, phone calls, and conversations with the organization’s current and former executive directors, as well as with its Projects and Policy Committee. The character and design of the Francisco Building was modified in response to SF Heritage’s early feedback.

The project sponsor provided numerous project updates to Heritage on the Marina residents at regularly-scheduled meetings. Many stakeholders, including these residents, also were actively involved in the decision-making process that culminated in the proposed project.

H. Desirable Project Attributes

The proposed project features numerous attributes that will serve the City and the community well over the decades to come:

⁴ The appellant states (p. 12): “Lastly, even if the ‘Finding’ was not invalid and nonsensical, *there is a real possibility that the positions of the [Architectural Review Committee] and the Commission are irreconcilable, and the Planning Department staff do not have the authority to resolve this conflict.*” (Emphasis added.)

- The project will enable Heritage on the Marina to continue serving San Francisco as a residential care facility through changes to its campus and operations.
- The project will allow additional seniors to receive residential care by increasing by 23 the City's supply of residential care facility suites, from 86 existing suites to 109 suites.
- As described in Section C, above, the project maintains the historic Julia Morgan Building, Caretaker's Cottage, and original landscape features of the front lawn on the project site. The project will rehabilitate the Julia Morgan Building and will not materially impair the significance of the property's historic resources.
- The proposed size and intensity of the project is compatible with the neighborhood and is consistent with height and massing provisions applicable to the project site's RM-1 zoning district. Most surrounding buildings are three or four stories tall and are similar in height to the new structures proposed as part of the project.
- Project setbacks are consistent with the surrounding context, including both the Julia Morgan Building and other nearby development.
- The project is highly sustainable. Key features include energy efficient infrastructure, renewable energy, and solar and living roofs. The project will be designed and built to meet the requirements of LEED Silver, though there is currently no intent to seek formal LEED certification.
- The project increases usable open space at the project site, trees on site, and street trees along the project frontage.
- The new covered porte cochère is designed to accommodate mobility limitations and, therefore, enhances universal accessibility for residents and other users.
- The project advances numerous General Plan objectives and policies, as detailed in the record before the Planning Commission and the Historic Preservation Commission.

I. Requested Actions and Conclusion

The project sponsor respectfully asks for the Board of Supervisors to deny the appeals filed by Ms. Albuquerk and to uphold the project sponsor's appeals. We ask for the Board to modify, consistent with the project sponsor's appeal, the Historic Preservation Commission's approval of a Certificate of Appropriateness for the proposed project and the Planning Commission's approval of Conditional Use Authorization for a Planned Unit Development. Specifically, the project sponsor asks the Board to:

- Deny Ms. Albuquerk's appeal of the Planning Commission's certification of the Final Environmental Impact Report;

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- Deny Ms. Albuquerk's appeal of the Planning Commission's approval of Conditional Use Authorization;
- Remove and replace Condition of Approval 1 on the Historic Preservation Commission's Decision on a Certificate of Appropriateness with a new condition of approval that reads: "Final Architectural Details. Prior to submittal of any building permit application, Department preservation staff shall review and approve final project architectural details, provided that no reduction in project square footage shall result from such review.";
- Delete in its entirety the first sentence of Finding 6.L in the Planning Commission's Decision on Conditional Use Authorization; and
- Replace, in Finding 6.L in the Planning Commission's Decision on Conditional Use Authorization, all remaining references to the Architectural Review Committee or "the ARC" with references, instead, to "Planning preservation staff."

We appreciate the Board's consideration of the pending appeals. Taken together, the above actions by the Board will help enable Heritage on the Marina to serve San Francisco and its older residents for the next 100 years at the location it has called home since 1925. The project sponsor team will be available at the upcoming hearing to answer any questions you may have.

Sincerely,



Alan Murphy