

1 [Conditionally Reversing the Final Environmental Impact Report Certification - 3400 Laguna
2 Street]

3 **Motion conditionally reversing the Planning Commission's certification of the Final**
4 **Environmental Impact Report prepared for the proposed 3400 Laguna Street project,**
5 **subject to the adoption of written findings of the Board of Supervisors in support of**
6 **this determination.**

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8 WHEREAS, The approximately 68,090-square-foot (approximately 1.6-acre) project
9 site at 3400 Laguna Street is located on a corner lot southeast of the Laguna Street and Bay
10 Street intersection in the Marina neighborhood; it is bounded by Bay Street to the north,
11 single- and multi-family residences near to and along Octavia Street to the east, Francisco
12 Street to the south, and Laguna Street to the west; and

13 WHEREAS, Land uses in the surrounding area include a mixture of single- and multi-
14 family residential, public, and commercial uses; Moscone Recreation Center is located to the
15 west and Upper Fort Mason (the southwest portion of Fort Mason) is north of the project site;
16 and

17 WHEREAS, The project site is within the RM-1 (Residential-Mixed, Low Density)
18 Zoning District, and a 40-X Height and Bulk District; it has been occupied by the Heritage on
19 the Marina residential care retirement community since 1925; and

20 WHEREAS, Heritage on the Marina consists of four existing interconnected structures
21 and a separate Caretaker's Cottage, totaling five structures on site and approximately 83,200
22 gross square feet with a maximum height of 41 feet (Julia Morgan Building, the Perry Building,
23 the Perry Building Connector, and the Health Center); and

24 WHEREAS, The proposed project at 3400 Laguna Street ("Project") would demolish
25 two of the five existing buildings at the site (the Perry Building Connector and the Health

Center) and 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; and

WHEREAS, The existing Julia Morgan and Perry buildings would be renovated and interconnected to the two new buildings, similar to the existing on-site buildings' configuration; and

WHEREAS, The Project would maintain the current operation at the site as a residential care facility and add approximately 58,380 square feet of net new institutional use to result in a total of 141,580 square feet and increase the number of residential care suites by 23, from 86 to 109; and

WHEREAS, The Project would also construct a below-grade parking garage, with a new two-directional driveway off Bay Street; a porte cochère would be part of the construction of the new Bay Building, allowing for off-street accessible loading for residents and guests; the Project would also include streetscape improvements, such as bulbouts at both project site intersections and the addition of street trees along the Laguna Street frontage; and

WHEREAS, The Project would require excavation of 9,600 cubic yards of soil to a maximum depth of 15 feet below ground level, with a total area of soil disturbance of 29,750 square feet; Project construction would take approximately 29 months and is currently anticipated to occur between January 2027 and June 2029; and

WHEREAS, On September 5, 2022, Heritage on the Marina (hereinafter "Project Sponsor") filed an application for the Project with the Planning Department for review under the California Environmental Quality Act (Cal. Pub. Res. Code, Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code, Title 14, Section 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31"); and

1 WHEREAS, The Planning Department determined that an Environmental Impact
2 Report (hereinafter "EIR") was required and on November 1, 2023, issued a Notice of
3 Preparation ("NOP") which was reissued on May 8, 2024, with public notice given in a
4 newspaper of general circulation and electronic submittal to the state Office of Planning and
5 Research; the Planning Department considered comments submitted during both comment
6 periods in its preparation of the EIR; and

7 WHEREAS, On August 28, 2024, the Planning Department published the draft EIR
8 (hereinafter "DEIR") and provided public notice of the availability of the DEIR for public review
9 and comment and of the date and time of the Planning Commission public hearing on the
10 DEIR; and

11 WHEREAS, On September 26, 2024, the Planning Commission held a duly advertised
12 public hearing on the DEIR, at which opportunity for public comment was given and public
13 comment was received on the DEIR; the period for acceptance of written comments ended on
14 October 15, 2024; and

15 WHEREAS, On April 3, 2025, the Department published a Responses to Comments
16 document ("RTC"), responding to environmental issues received at the public hearing and in
17 writing during the 45-day public comment period for the DEIR; prepared revisions to the text of
18 the DEIR in response to comments received or based on additional information that became
19 available during the public comment period; and corrected errors in the DEIR; and

20 WHEREAS, Together, the DEIR and the RTC constitute the final environmental impact
21 report (hereinafter "FEIR"), as required by law; and

22 WHEREAS, On April 17, 2025, the Planning Commission by Motion No. 21725,
23 certified FEIR for the Project, finding that the FEIR was prepared and completed in
24 compliance with CEQA, the CEQA Guidelines, and Chapter 31; that the Project proposed for
25 approval was within the scope of the Project analyzed in the FEIR, and the FEIR fully

1 analyzed the Project, and that no new impacts have been identified that were not analyzed in
2 the FEIR; and that the FEIR reflects the independent judgment and analysis of the City and
3 County of San Francisco, that it is adequate, accurate and objective, and contains no
4 significant revisions to the DEIR; and

5 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on May
6 19, 2025, Tania Albuquerk on behalf of Save the Marina Heritage ("Appellant"), appealed the
7 FEIR certification; and

8 WHEREAS, The Planning Department's Environmental Review Officer, by
9 memorandum to the Clerk of the Board dated May 21, 2025, determined that the appeal had
10 been timely filed; and

11 WHEREAS, On June 17, 2025, this Board held a duly noticed public hearing to
12 consider the appeal of the FEIR certification filed by Appellant and, following the public
13 hearing, the Board of Supervisors affirmed the Planning Commission's certification of the
14 FEIR based on the written record before the Board of Supervisors as well as all of the
15 testimony at the public hearing in support of and opposed to the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the
17 appeal and deliberation of the oral and written testimony at the public hearing before the
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
19 the FEIR certification is in the Clerk of the Board of Supervisors File No. 250554 and is
20 incorporated in this Motion as though set forth in its entirety; now, therefore, be it

21 MOVED, That this Board of Supervisors conditionally reverses the certification of the
22 FEIR by the Planning Commission, subject to the adoption of written findings of the Board in
23 support of this determination.

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