



Conditional Use Authorization Appeal

3400 Laguna Street

DATE: June 9, 2025

TO: Angela Calvillo, Clerk of the Board of Supervisors

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RE: Board File No. 250558, Planning Case No. 2022-009819CUA
Appeal of Conditional Use Authorization for 3400 Laguna Street

HEARING DATE: June 17, 2025

PROJECT SPONSOR: Mary Linde, San Francisco Ladies' Protection and Relief Society
3400 Laguna Street, San Francisco, CA 94123

APPELLANTS: Tania Albukerk on behalf of Save the Marina's Heritage, 1555 Francisco Street, San Francisco, CA 94123
San Francisco Ladies' Protection and Relief Society, 3400 Laguna Street, San Francisco, CA 94123

INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors ("Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Department Case Number 2022-009819CUA pursuant to Planning Code Sections 209.2, 303 (Conditional Use Authorization) and 304 (Planned Unit Development).

This memorandum addresses the two appeals to the Board, both filed on May 19, 2025, by the neighbor organization, Save the Marina's Heritage, and the project sponsor, the San Francisco Ladies' Protection and Relief Society.

The decision before the Board is whether to uphold, overturn, or amend the Planning Commission's approval of an application for Conditional Use Authorization to allow the proposed Project at the subject property.

PROJECT DESCRIPTION

The project proposes the expansion of an existing residential care facility. This would be accomplished through the demolition of two of the five existing buildings (the Perry Connector and the Health Care

Center) and construction of two new buildings (the Bay Building and the Francisco Building). The new construction would be in the same location as the demolished structures. The proposed project would renovate two of the other three existing buildings on the site and make improvements to the Julia Morgan Building. In total, the proposed project would add approximately 58,380 square feet of institutional use, a new driveway and curb cut, a below grade parking garage, a new loading dock, and accessible off-street passenger loading. The proposal would increase the number of residential care suites by 23 from 86 to 109.

The proposed project would include two new buildings (the Bay Building and the Francisco Building). The new Bay Building would be approximately 31,300 gross square feet. It would include a resident's roof deck, independent living suites, assisted living amenities, memory support accommodations, reception, lounge, administration, and laundry. The new Bay Building would be interconnected to the renovated Julia Morgan and Perry buildings. A 29-foot-tall glass hyphen that would be slightly recessed from the north elevation of the Julia Morgan Building would provide a separation between the new Bay Building and the Julia Morgan Building. This is to ensure that the two buildings could be visually perceived as being separate structures. The new Bay Building would be 40 feet tall (excluding rooftop appurtenances) and four stories over basement. The planned basement and ground-floor levels would provide a vehicle ramp to the proposed garage. There would be a 10-foot horizontal separation between the two upper levels of the Bay Building and the existing Julia Morgan Building.

The new Francisco Building would be approximately 47,100 gross square feet and include independent living suites, support areas (fitness, physical therapy, arts and crafts) and staff facilities. The proposed Francisco Building would be four stories over basement and would not exceed 40 feet in height, excluding code-compliant rooftop appurtenances. It would be connected to the existing Perry Building at the southeast corner of the project site on all levels.

The proposed new Bay and Francisco buildings would have flat roofs; the Bay Building would also include a 3,080-square-foot occupied roof deck positioned away from neighboring residences. The roof deck would be serviced by two elevators (service elevator and passenger elevator) with a small shade trellis (approximately 500 square feet). The elevator penthouse would be 16 feet tall above the roof deck. Two staircases would be constructed to access the Bay Building roof, and one staircase constructed to access the Francisco Building roof.

The proposed project would add two new bulb-outs per planning code section 138.1, Streetscape and Pedestrian Improvements. The first bulb-out would be installed at the intersection of Laguna and Bay streets and would project 6 feet into the Laguna and Bay streets rights-of-way. The bulb-out would extend to the existing curb cut on Bay Street. The second bulb-out would be installed at the intersection of Laguna Street and Francisco Street and would project 6 feet into the Laguna and Francisco street rights-of-way.

A new basement-level garage would be constructed beneath the proposed Bay and Francisco buildings and the existing interior courtyard. The garage would contain 31 vehicle parking spaces, including two ADA spaces, one car share space, and electric vehicle charging stations, as well as 18 class 1 bicycle parking spaces. A new two-directional, 20-foot-wide driveway off Bay Street would provide access to the new

basement garage, east of the existing driveway entrance. Vehicles would be restricted to right-only turns into and out of the driveway.

In total, the project would remove eight on-street parking spaces and would add 19 off-street parking spaces. The proposed project would add 12 Class 2 bicycle parking spaces in the public right-of-way (three located on Bay Street and nine located on Francisco Street); 18 Class 1 bicycle parking spaces in the proposed basement; and three Class 2 bicycle parking spaces on the surface parking lot.

SITE DESCRIPTION & PRESENT 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

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Marina neighborhood. Land uses within the immediate vicinity of the project site include the one-story Moscone Recreation Center (1800 Chestnut Street), three- to four-story residential buildings (3300–3360 Laguna Street, 1507–1575 Francisco Street, and 3315–3360 Octavia Street) approximately 30 to 40 feet in height, Fort Mason (2 Marina Boulevard), and a four-story, 40-foot-tall apartment complex (1550 Bay Street). Fort Mason is part of the Golden Gate National Recreation Area and contains parks, public artwork, restaurants, museums, cultural and artistic centers, and a hostel. Moscone Recreation Center includes a children's playground, picnic areas, sports fields and bleachers, and a gymnasium. The one-story Marina Public Library is also located on the same site as the recreation center. The project site is within the RM-1 (Residential-Mixed, Low Density) Zoning District, and a 40-X Height and Bulk District. Most of the properties in the immediate vicinity are designated as RM-1, RM-2 (Residential-Mixed, Moderate Density), RH-3 (Residential-House, Three Family), and RM-4 (Residential-Mixed, High Density). Within 0.3 mile of the project site, there are properties designated as NC-2 (Neighborhood Commercial District, Small Scale), NC-3 (Neighborhood Commercial District, Moderate Scale), and NC-S (Neighborhood Commercial District, Shopping Center).

BACKGROUND

On February 24, 2023, Mary Linde of the SF Ladies' Protection & Relief Society (hereinafter "Project Sponsor") filed an application with the Planning Department for Conditional Use Authorization. The application would amend an existing Planned Unit Development for a residential care facility (Heritage on the Marina) at allow the project described above.

On April 17, 2025, the San Francisco Planning Commission conducted a duly noticed public hearing, held jointly with the Historic Preservation Commission. The Commission discussed the project and heard and considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties. In their authorization of the Conditional Use request, the Commission found that the overall size and intensity of the project as proposed are critical to the programmatic viability of the project. The Commission directed Planning staff to bring the project back to as an informational item following the ARC's review, and added Finding 6(L) *Future Architectural Review Committee Review*, to the Motion.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

APPELLANT #1 (SAVE THE MARINA'S HERITAGE) ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1: The architectural plans approved by the Commission were materially inadequate.

RESPONSE 1: The “Procedures and Regulations” for the Planning Commission provides submission of plans in compliance with the Planning Department’s “Plan Submittal Guidelines.”

The plans and drawings submitted to the Planning Commission provide all items and information required by the Plan Submittal Guidelines, including: site survey, floor plans, elevations, sections, landscaping plan, material specifications, photographs, and rendering. The plan set was prepared by several professionals, including a licensed landscape architect, engineering firm Kimely-Horn, and architecture firm HKS.

ISSUE 2: The Notice of the April 17, 2025, hearing was not provided to residents of all properties within 300 feet of the Project in violation of the requirements of SF Planning Code Section 306.3.

RESPONSE 2: The Project was duly noticed pursuant to the requirements of Planning Code Sections 306.3 and 333.

As provided in Planning Code Section 333, notice for Conditional Use hearings must be sent to all owners and, to the extent practicable, occupants of properties, within no less than 150 feet of the subject property. This also includes the owner(s) and occupant(s) of the subject property, including any occupants of unauthorized dwelling units. Names and addresses of property owners are taken from the latest Citywide Assessor's Roll. While not required, the Department's practice is to provide notices to owners within 300 feet of the subject property. For this project, requirements of the Planning Code and Department policy were met, as notices were mailed to owners within 300 feet and residents within 150 feet of the subject property. In cases where a previous building owner(s) was provided with the notice of hearing, it would be the responsibility of that new property owner to ensure that the Assessor-Recorder has current contact information.

ISSUE 3: The CUA Findings fail to adequately address detrimental impact on public parking and traffic issues because of the project.

RESPONSE 3: On balance, the Planning Commission found that the proposed project was not detrimental to persons or adjacent properties in the vicinity.

When authorizing Conditional Use, the Planning Commission must often balance competing policies and come to a decision as to whether or not the proposed project is, on balance, consistent with the required findings and policies of the Planning Code and General Plan. In this case, the Commission found that, on balance, the proposed project was consistent with the General Plan and Planning Code. Additionally, the Commission also found that the resulting project would maintain and expand a Residential Care Facility, which is a use in support of seniors in San Francisco. Residential Care Facilities are an identified need per the City's Housing Element of the General Plan.

The project's proposed modifications to sidewalks, public improvements, curb cuts, and on-site and off-site loading completed interagency review. They were found to be compliant with the Better Streets Plan and Planning Code Section 138.1. In addition, as part of the project, the Planning Commission approved a Driveway and Loading Operations Plan. The intent of which is to reduce potential conflicts due to loading activities and increased loading demand on that may result from the project.

ISSUE 4: The "Project Description" and "Present Use" in the findings are inaccurate and fail to include all the owner's buildings and the project sponsor is in violation of its Conditional Use, the Planning Code and the General Plan.

RESPONSE 4: No violations with the project's Conditional Use Authorization exist.

The Project is consistent with the existing Planned Unit Development (case records CU62.014 and 1986.309C). The project is also consistent with the purpose of the RM-1 Zoning District, which is characterized by a mixture of the dwelling types and uses found in Residential Districts. Properties owned by the Project Sponsor in the vicinity of the project site are zoned RH-3 and are permitted as residential uses. All units within these buildings remain as residential uses and physically meet all requirements for a permitted dwelling unit.

ISSUE 5: The Commission's Attempt to Restrict and Control the Historic Preservation Commission's Architectural Review Committee is Invalid. Further, Finding (L) in the CUA Motion related to the Commission's action is inaccurate as it is broader than and does not reflect the precise language of the Motion as voted upon.

RESPONSE 5: The Commission's Finding 6(L) provides no direction or guidance to the Architectural Review Committee.

Finding 6(L) provides direction to Planning Staff to present the project back to the Planning Commission as an informational item after review by the Architectural Review Committee has occurred. The language of the Finding provides no explicit direction or guidance to the Architectural Review Committee regarding their review.

ISSUE 6: The Commission's approval was motivated by satisfying the project sponsor's asserted economic goals/needs for the project.

RESPONSE 6: The Planning Commission found that, on balance, the project is consistent with the Planning Code and findings of Section 303 and 304.

When authorizing Conditional Use, the Planning Commission must often balance competing policies. The Commission must find that the proposed project is, on balance, consistent with the required findings and policies of the Planning Code and General Plan. In this case, the Commission found that, on balance, the proposed project was consistent with the General Plan and Planning Code. The Commission also found that the resulting project would maintain and expand a Residential Care Facility, which is a use in support of seniors in San Francisco. Residential Care Facilities are an identified need per the City's Housing Element of the General Plan.

SUMMARY RESPONSE

The Planning Department finds that the issues raised by Appellant #1 are without merit and that the Planning Commission's approval of the project was proper and in accordance with applicable procedures and regulations. The plans submitted complied with the Department's Plan Submittal Guidelines and were professionally prepared. Public notice was issued in accordance with Planning Code Sections 306.3 and 333. The Commission made required Conditional Use findings, including a determination that the project would not be detrimental to the surrounding area and that it supports an identified policy goal of expanding Residential Care Facilities for seniors. The project underwent appropriate interagency review to address traffic and loading, and no violations of the existing Conditional Use or Planning Code were identified. The Commission's findings accurately reflect the actions taken and do not infringe upon the role of the Historic Preservation Commission. Finally, the Commission's decision was grounded in a balance of applicable policy objectives and findings required under Planning Code Sections 303 and 304. For these reasons, the Planning Department requests the Board reject this appeal of the Conditional Use authorization.

APPELLANT #2 (SAN FRANCISCO LADIES' PROTECTION AND RELIEF SOCIETY) ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1: In their approval, the Planning Commission modified the project's Motion to add Finding 6(L), which could be read to suggest that review of the proposed project by the Architectural Review Committee would be lawful or appropriate.

RESPONSE 1: Modify Finding 6(L) consistent with the appeal letter or consistent within any changes made to the motion of the Certificate of Appropriateness.

Finding 6(L) provides direction to Planning Staff to present the project back to the Planning Commission as an informational item after review by the Architectural Review Committee has occurred. Review by the Architectural Review Committee was a conditional of approval added to the approval by the Historic Preservation Commission. Due to time and facilitation constraints of that joint hearing, the regulatory framework and procedures (outlined in the Certificate of Appropriateness Appeal Response document) were not readily available at the time of Planning Commission's approval motion. Given the inability for ARC to conduct its review after HPC, the Department recommends modifying Finding 6(L) consistent with the appeal letter request and language.

" For these reasons, we respectfully ask the Board of Supervisors to modify the Planning Commission's Finding 6.L to remove all references to further review by the Architectural Review Committee. To do so, the first sentence of Finding 6.L can be deleted in its entirety, and the other references in Finding 6.L to the Architectural Review Committee or 'the ARC' should be replaced with references to 'Planning preservation staff'".

The Department also recommends the modified condition above because the Permit Streamlining Act¹ applies to the proposed Project. As the Permitting Streamlining Act applies, the project requires a 90-day review timeline following certification of an Environmental Impact Report (EIR). Provided the Board rejects the environmental review appeal, the City and County of San Francisco must approve the housing development Project by July 16, 2025.

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 uphold the Planning Commission's decision in approving the Conditional Use authorization for the Project, with a modification to Finding 6(L).

¹ California Government Code Sec. 65920-64