



Laurel Heights Improvement Association of San Francisco, Inc.

November 27, 2018

By E-Mail to: Commissions.secretary@sfgov.org and tim.frye@sfgov.org and allison.vanderslice@sfgov.org

San Francisco Historic Preservation Commission
1650 Mission Street, Suite 400
San Francisco, CA 94102-4689

RECEIVED
NOV 27 2018
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
CPC/HPC

Dear President Wolfram and Commissioners:

Re: 3333 California Street, Draft Environmental Impact Report
SF Planning Department Case No: 2015-014028ENV
Hearing Date: December 5, 2018

INTRODUCTION

There are two new Full Preservation Alternatives which are feasible.

This Commission should support the Neighborhood Full Preservation Alternative because such an alternative is feasible and would avoid substantial adverse changes in character-defining features of the historically significant resource. This Alternative would include the same number of housing units as the proposed project (558 units) and the project variant (744 units). This Commission should request that the Draft EIR (DEIR) be revised to substitute the Neighborhood Full Preservation Alternative for DEIR Alternative C, because Alternative C would have 24 less housing units than the proposed project and substantial new retail uses, which are not permitted under the current site zoning.

Public Resources Code section 21002 confirms that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The DEIR admits that the developer's proposed concept "would cause a substantial adverse change in the significance of a historical resource." DEIR p. B.41.

1. NEIGHBORHOOD FULL PRESERVATION ALTERNATIVE

The Neighborhood Full Preservation Alternative would have the same number of housing units as the project (558 units) or project variant (744 units) and would build new residential buildings where the parking lots are located along California Street. Also, a residential Mayfair building would be built on a small portion of the landscaping. Other than that, the historically significant landscaping including the beautiful Terrace designed by the renowned landscape architects Eckbo, Royston & Williams and the majority of the 185 mature trees would be retained and would continue to absorb greenhouse gases. Under this Alternative, the existing 1,183 asf café and 11,500 gsf childcare center would remain in the main building. Approximately 10,000 gsf of office uses in the existing main building could be retained, at the developer's option.

The site would not be rezoned for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building. By using all the newly constructed buildings for housing, some units large enough to be attractive to middle-income families would be provided along with other affordable housing. Retail uses were banned as a commercial use on the site by Planning Commission Resolution 4109, which still applies, when the site zoning was changed from First Residential to Commercial with limitations, in order to prevent adverse effects on the adjacent retail uses in Laurel Village Shopping Center and along the Sacramento Street neighborhood commercial area. See Attachment G, Resolution 4109.

The Neighborhood Alternative would retain all of the existing office building's character-defining features and the bulk of the character-defining features of the site and landscape. Also, this Alternative would be built in approximately 3 years, as opposed to the 15 years which the developer is requesting in the development agreement so that if "conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability." Attachment A, October 12, 2017 email from Dan Safier. An architect is drawing up a graphic of the Neighborhood Alternative, which we will submit as comment on the Draft EIR.

2. ALTERNATIVE C: FULL PRESERVATION RESIDENTIAL ALTERNATIVE

There is also a new alternative in the Draft EIR (DEIR) which was not presented to the

Architectural Review Committee of this Commission on March 21, 2018.

DEIR Alternative C: Full Preservation Residential Alternative would have 534 residential units plus 44,306 gsf of retail uses. DEIR p. 6.13. Please note that some of the proposed retail uses under this Alternative can be converted to residential uses to add 24 more residential units in order to match the 558 residential units in the proposed project. The DEIR unreasonably configured this alternative to have 24 less residential units than the project, in order to provide a false pretext for its rejection.

Alternative C would not divide the existing office building with a 40-foot-wide pathway, remove the south wing of the building or destroy the Eckbo Terrace and majority of the historically-significant landscaping. (See Attachment B hereto - Alternative C Site Plan from DEIR p. 6.67) This alternative would also have 14,650 gsf of daycare uses. *Ibid.*

According to the DEIR, Alternative C would retain most of the existing office building's character-defining features and many of the character-defining features of the site and landscape. DEIR p. 6.78. It is unclear what the DEIR means by stating that "the glass curtain wall system would be replaced with a system compatible with the historic resource," as the DEIR only states that the replacement would be "a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins." DEIR pp. 6.77-6.78. Illustrations do not appear to have been provided. It is also unclear what the DEIR means by stating that the proposed one-story vertical addition (12-feet tall) "would appear visually subordinate to the historic portion of the building" and that "the new rooftop addition would distinguish it from the original building yet be compatible with Midcentury Modern design principles." DEIR pp. 6.77-6.79. Illustrations do not appear to have been provided.

3. THERE IS AN EXISTING PATHWAY THROUGH THE BUILDING TO MASONIC.

Opening at the front of the main building, there is a pathway through the building that opens into the Eckbo Terrace and continues to Masonic. See Attachment C, photos of pathway.

4. PHOTOGRAPHS OF THE SITE ARE PROVIDED IN ATTACHMENT D.

Photographs of the property that were provided to the State Historic Resources Commission are attached hereto because the DEIR does not appear to contain photographs of the character-defining features, other than the aerial view on the cover. See Attachment D.

5. THE DEVELOPERS AND UCSF CONCEALED THE HISTORIC SIGNIFICANCE OF THE PROPERTY.

During the meetings UCSF held with community members prior to granting the developer a 99-year lease for the property in 2015, UCSF concealed the historic significance of the property from the community members. The developers also concealed the historic significance of the site from community members during the time they met with community members to discuss their development concepts. The City of San Francisco disclosed the historic significance of the site in the Notice of Preparation of Environmental Impact Report and Notice of Public Scoping Meeting dated September 20, 2017. However, UCSF knew at least six years earlier that the site was a historically significant resource eligible for listing in the National Register and California Register, as shown in the *UCSF HISTORIC RESOURCES SURVEY* prepared on February 8, 2011 by Carey & Co, Inc. See Attachment E, excerpts from Carey & Co, Inc., *UCSF HISTORIC RESOURCES SURVEY*.

6. The Public Has Acquired Rights of Recreational Use on Open Space on the Property.

As explained in the letter from attorney Fitzgerald, the public has acquired recreational rights to the open space on the property as a result of the public's use of the used open space on the property as a park. See Attachment F.

CONCLUSION

The Commission should support the Neighborhood Full Preservation Alternative which would construct the new residential uses in approximately three years, rather than 7-15 years, under the developer's proposal. This Commission should also request that the Neighborhood Full Preservation Alternative be substituted for Alternative C in the DEIR. The Commission should also inform the Planning Commission that Alternative C, the DEIR Full Preservation Residential Alternative, would mitigate impacts on the historic resource. In the alternative, this Commission should propose that Alternative C be modified so that no portion of the exterior of the existing office building be removed or expanded and that 24 additional residential units be constructed in the space allocated for 44,306 gsf of retail uses in Alternative C so that the total number of residential uses in Alternative C would match the 558 units in the proposed project and 744 units in the project variant. Under this Alternative, as well as the Neighborhood Full Preservation Alternative, the existing passageway which extends from the north of the building, through the building, into the Eckbo Terrace, and onto an open-air pathway that directly connects to Masonic Avenue can be used as a pathway open to the public. No division of the main building would be needed to produce a pathway. There is also an existing open-air passageway from the north gate through the property that connects with Laurel Street.

The confirmation of listing on the California Register of Historical Resources is attached. See Attachment H.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President

Telephone: (415) 221-4700

E-mail: LaurelHeights2016@gmail.com

EXHIBIT A

Dan Safier <dsafier@pradogroup.com>

Thu, Oct 12, 2017 at 3:45 PM

To: John Rothmann <johnrothmann2@yahoo.com>, Dan Kingsley <dkingsley@sksre.com>

Cc: Kathy Devincenzi <krdevincenzi@gmail.com>, Catherine Carr <catherine.a.carr@gmail.com>, "M.J. Thomas" <mjinsf@comcast.net>, Richard Frisbie <frfbeagle@gmail.com>

Dear John, Kathy, Catherine, M.J., and Dick:

First of all John, thank you for the meeting last week at your home. As we agreed in the meeting, we are responding to your recent questions regarding the project. We have re-arranged your questions slightly to group them according to subject. If we haven't answered any of your questions, please let us know. We very much appreciate your willingness to promptly write back to us with your five outstanding issues on the project that are currently preventing us from obtaining LHIA support for the project. We appreciate your doing this so we can set a follow up meeting to find a mutually workable solution.

LHIA Questions:

Q: You also stated that Prado wants to have a development agreement to lock in entitlements for longer periods of time than would normally be allowed?

A: Yes, we are looking to enter into a development agreement (DA) with the City for a term of approximately 15 years. For large projects with multiple buildings like 3333 California Street, the City generally requires a DA. The DA vests the entitlements, protecting the entitlements from changes in the law in exchange for certain community benefits. This would include the community benefit of certainty of the entitlements during that period. If we did not build the project during the term of the DA, then the DA would expire and we would lose the protections of the DA.

Q: What portion of the project would be built first?

A: At this time, we have assumed that the Masonic and Euclid buildings would be built first. In general, we anticipate construction beginning with a staging and site preparation phase, which will include some demolition, then excavation for underground parking, followed by construction of the buildings. With the exception of work on the sidewalks, addition of landscaping, paving, and connecting to the City's various systems and utilities, our general contractor, Webcor Builders, is anticipating that construction will occur within the site. We will be preparing a detailed construction management plan, and the EIR will include mitigation measures around construction emissions, air quality, etc. with which we will have to comply.

Q: What would you expect to be built in each successive phase of the project?

A: At this time, we anticipate the following in each phase – Phase 1: Masonic and Euclid buildings; Phase 2: Center Buildings A and B; Phase 3: Plaza A, Plaza B and Walnut buildings; and Phase 4: Mayfair Building and Laurel Duplexes.

Q: What do you anticipate the total period of time will be during each phase of construction?

A: Our current planning assumes that each phase would overlap, e.g., Phase 2 begins approximately 20 months after Phase 1. Specifically, we think Phase 1 could take 30 months, Phase 2 could take 24 months, Phase 3 could take 36 months, and Phase 4 could take 20 months. Assuming an overlap of phases, from start to finish it could take approximately six to seven years to complete all phases of the construction. This construction phasing and related

durations are consistent with and defined in the phasing schedule under review in our environmental application. While the phasing could be accelerated, we have assumed a relatively conservative approach to the construction phasing.

Q: What is the period of time that you anticipate that construction will occur?

A: We anticipate that construction will occur in the spring of 2020.

Q: What is the reason for constructing the project in phases?

A: By allowing for potential phased construction, we would have the ability to complete and occupy portions of the project as each phase is completed. If conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.

Q: How many extensions do you anticipate requesting for the entitlements?

A: None. Any extension of the DA's term would be a material amendment that would require Board of Supervisor's approval.

Q: During those extended periods, would it be possible for Prado to request changes in the project as related specifically to increased height, increased bulk, increased numbers of residential units, increased amounts of retail or office space? What about the possibility of design changes or other changes? Could Prado apply to change any part of the construction to provide the opportunity to have high rise construction?

A: Once the EIR is certified and the project is approved, any material changes to the project would be subject to new environmental review, would require Planning Commission and Board of Supervisor approvals and also an amendment to the DA. Any increase in height over what is entitled in our project would require a revision to the Planning Code and Zoning Maps that would entail Planning Commission and Board of Supervisors approval.

Q: There are genuine concerns about reducing open spaces and reduced on-site parking places.

A: Open space will be part of the entitlements and will likely be considered by the City as one of the public benefits supporting the DA -- for that reason alone, reducing the amount of it would be very difficult if not impossible. The open space requirements will be carefully described in the project's approvals and will also be recorded against the property. So, as with any material changes to the approved project, any material change to the open space would be very difficult and would involve a public process and City approval. As to parking spaces, as you know, the City would like to see the number of spaces reduced. We plan to continue advocating for the proposed number of project parking spaces in our application.

Q: During the phased construction could Prado transfer shares in the project to provide for new or additional investors?

A: We have no plan to transfer any shares in the project and construction lenders generally prohibit any changes of ownership by the project developer during construction and stabilization of a project. PSKS, along with our equity partners and lenders, intend to provide all of the capital necessary to construct, own and operate the project. We plan to

retain day-to-day control of the project during development, construction, stabilization and ongoing operations. We design and build our projects to hold for the long-term owner.

We look forward to reconnecting and thank you again for making the time to meet with us.

Sincerely, Dan



Dan Safier | President & CEO

Prado Group, Inc.

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San Francisco, CA 94108

dsafier@pradogroup.com

T: 415.395.0880 | D: 415.857.9306

From: John Rothmann [<mailto:johnrothmann2@yahoo.com>]

Sent: Monday, September 25, 2017 8:20 PM

To: Dan Safier <dsafier@pradogroup.com>; Dan Kingsley <dkingsley@sk sre.com>

Cc: Kathy Devincenzi <krdevincenzi@gmail.com>; Catherine Carr <catherine.a.carr@gmail.com>; M.J. Thomas <mjinsf@comcast.net>; Richard Frisbie <frfbeagle@gmail.com>

Subject: Specific qwuotions about thre proposed project

Dear Dan and Dan,

[Quoted text hidden]

John Rothmann <johnrothmann2@yahoo.com>

To: Kathy Devincenzi <krdevincenzi@gmail.com>

Mon, Oct 30, 2017 at 7:21 PM

----- Forwarded Message -----

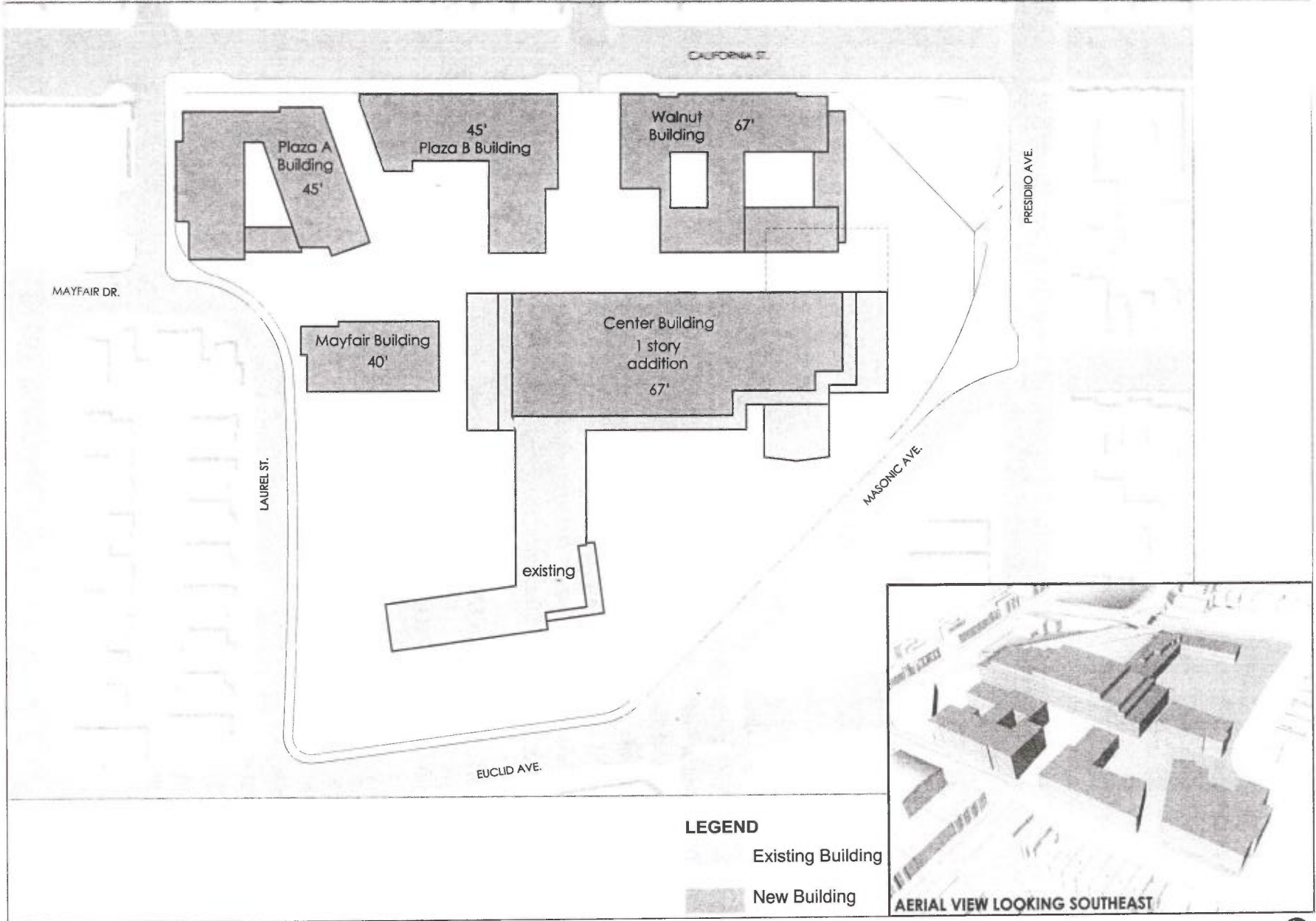
From: Dan Safier <dsafier@pradogroup.com>

To: John Rothmann <johnrothmann2@yahoo.com>; Dan Kingsley <dkingsley@sk sre.com>

Cc: Kathy Devincenzi <krdevincenzi@gmail.com>; Catherine Carr <catherine.a.carr@gmail.com>; M.J. Thomas <mjinsf@comcast.net>; Richard Frisbie <frfbeagle@gmail.com>

[Quoted text hidden]

EXHIBIT B



Source: Laurel Heights Partners, LLC (2018)

3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION - RESIDENTIAL ALTERNATIVE SITE PLAN

EXHIBIT C

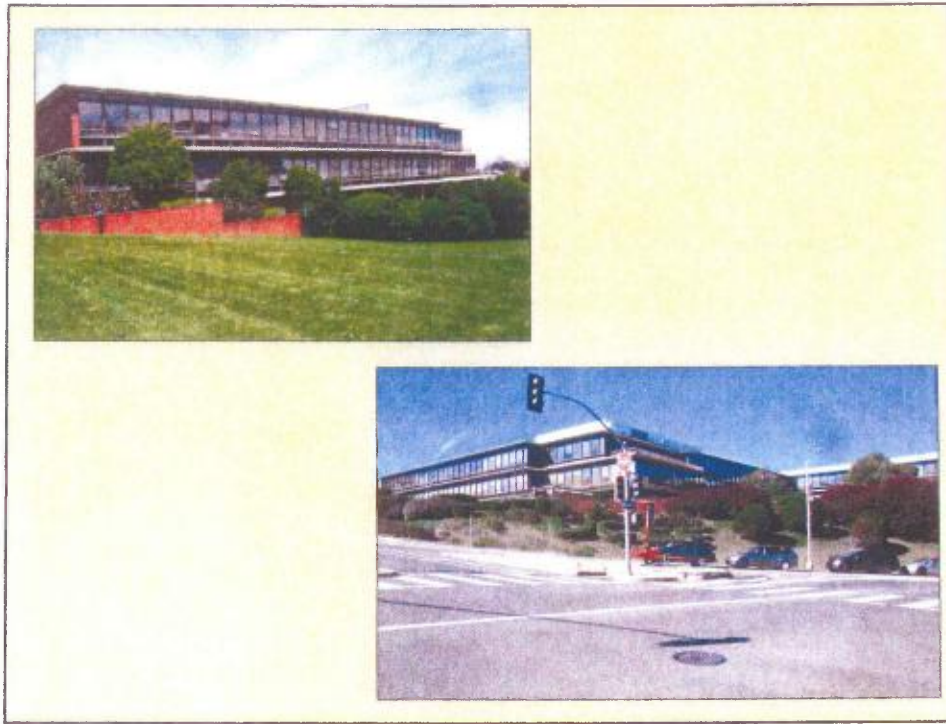




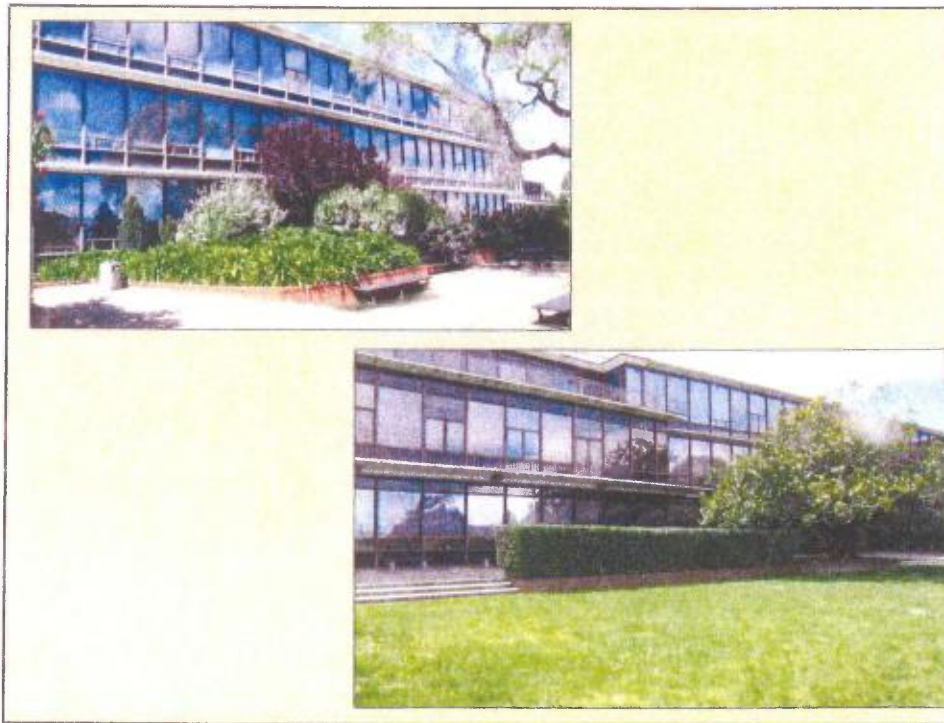




EXHIBIT D



The next slides show the horizontality of the composition as the building steps down the hillside. As the nomination explains, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape.



These photos of the windows show the modern aluminum materials and the long repetitions of similar window units and the modernist design of the vertical and horizontal dividers in the windows evoking modern art forms. Also, the exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces. P. 21. This reflection can be seen on these slides.

In 1984, the glass of the windows was tinted, the aluminum frames of the units of the windows were painted brown and the bottom panels of ceramic coated glass were changed from blue to brown. As the nomination explains, this change did not alter the essential features of the building or its “design as a glass box open to its immediate landscape and to distant views.”



Next, we see the exquisite outdoor Terrace— which was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.” Here a biomorphic-shaped lawn was framed by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building.



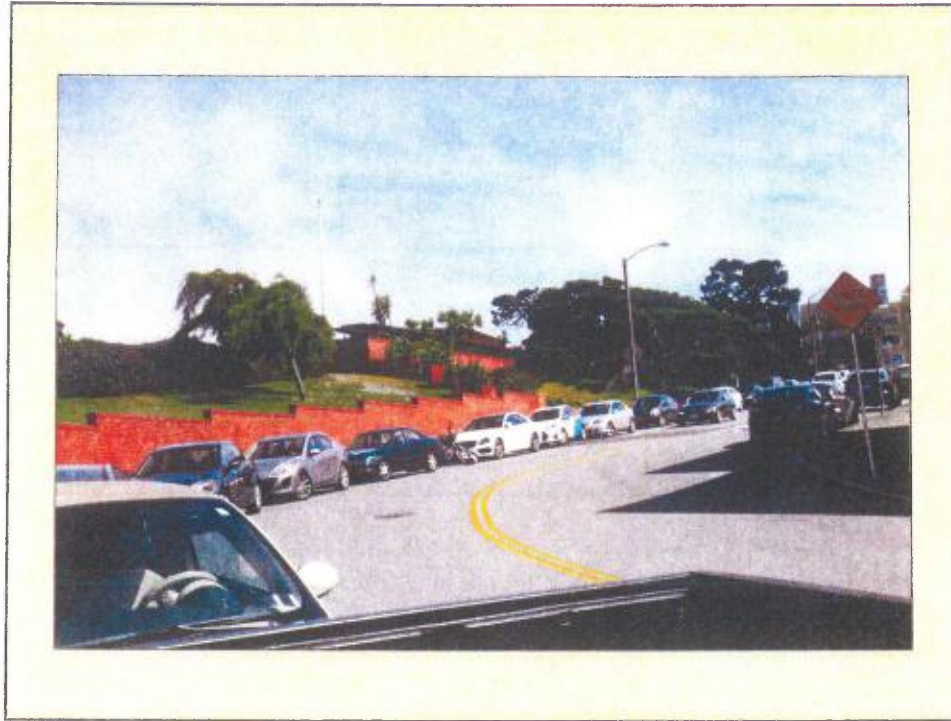
Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees “to relax in the sun during lunch or coffee breaks.” P. 21



Here we see the views of the Transamerica Pyramid and other notable buildings from the Terrace.



In these photos we see the brick aligned with the window frames of the building.



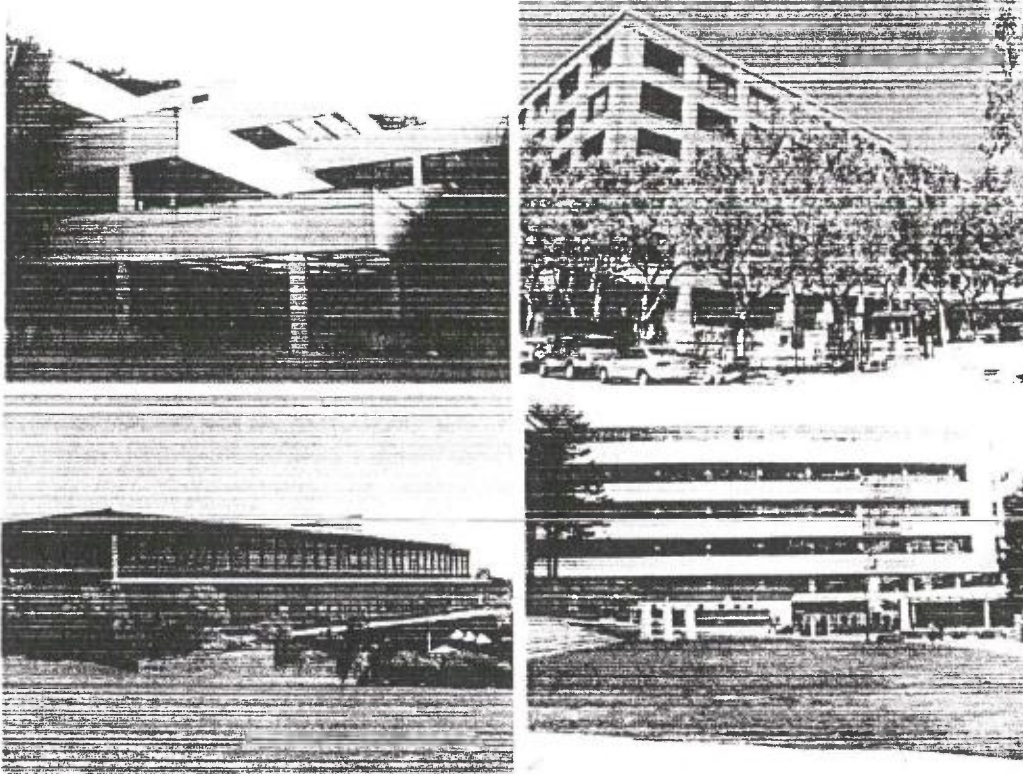
It created a boundary wall along some sides of the property and was transformed into low retaining walls that defined a series of planting beds along the some sides of the property.

EXHIBIT E

UCSF HISTORIC RESOURCES SURVEY

San Francisco, California

February 8, 2011



Prepared for

University of California, San Francisco

Prepared by



HAPEY & CO. INC.
P.O. BOX 111

The materials Rockrise used for the student housing, their scale, their immediate access to the outdoors – particularly the sliding glass door and wide balconies – and their siting and landscaping, which landscape architect Lawrence Halprin designed, all conform to the principles of the Second Bay Region Tradition. In terms of integrity Aldea 10 retains a high degree of integrity of location, design, setting, workmanship, feeling and association. Some materials have been replaced, such as wood railings or siding, but these alterations are visually compatible. Therefore, Aldea 10 appears to be eligible for listing NRHP/CRHR under Criterion C/3 as an intact example of Second Bay Region Tradition.

745 Parnassus Avenue/Faculty Alumni House

Built in 1915, this two-story building occupies a heavily wooded lot at the southeast corner of 5th Avenue and Judah Street. The L-shaped building faces northwest and wraps around a small enclosed courtyard covered with brick pavers. Textured stucco clads the structure. The primary window type is wood sash, casement. The clay tile-clad, cross-gable roof features exposed rafter tails. The main entrance, which faces the courtyard at the northwest corner of the building, consists of a round projection with a conical roof clad with clay tiles; its door is framed by a deep shaped opening. Three wood, glazed double doors are located at the first story on other side of the main entrance. At the second story, each façade contains four sets of paired casement windows with shutters featuring prominent rivets. The second floor of the west-facing façade overhangs the first and is supported by machicolations. Each gable end features a paired double door at the second story that opens to a small balcony supported by decorative brackets.

The Faculty Alumni House is not known to be associated with persons of significance and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2. It does, however, appear to be eligible for the NRHP/CRHR under Criteria A/1 and C/3, for its association with significant developments in the history of UCSF and as an excellent example of Spanish Eclectic architecture with high artistic value. Built for dental students in 1915, the building marks the first attempt to address student needs outside of the classroom. Recreational facilities also coordinated by the dental students followed within a few years. Thus the building expresses early attempts to foster student life at UCSF, rendering it eligible under Criterion A/1. With its stucco cladding, clay tile roof, heavy brackets, rounded entrance and carved archway, the Faculty Alumni House also stands as a fine example of Spanish Eclectic architecture, which was entering its peak of popularity in 1915. The building has not been moved or undergone significant alterations and stands in a residential neighborhood that has changed little since 1915. It thus retains its integrity of location, setting, design, materials, workmanship, feeling, and association.

3333 California Street/Laurel Heights Building

Built in 1957, this four-story building has an irregular plan and occupies the approximate center of an irregular-shaped city block. The intervening spaces are filled with extensive landscaping or parking lots. The concrete slab floors extend beyond the wall surface to form projecting cornices at each floor, and between these projections, an aluminum-sash window wall with dark, slightly mirrored glass forms the exterior walls. Brick veneer covers the walls in certain locations, and the roof is flat. The main entry opens on the north side of the building and features a covered entry with the roof supported on large square brick piers, a small ground-level fountain, and sliding aluminum doors.

The Laurel Heights building appears to be eligible for listing in the NRHP/CRHR under Criteria A/1 and C/3. It stands as the most prominent postwar commercial development in the Laurel Heights neighborhood and dramatically transformed the former cemetery site, rendering it eligible for the NRHP/CRHR under Criterion A/1. No persons of significance are known to be associated with the building; thus it does not appear to be eligible under Criterion B/2. While Edward B. Page was not the most prominent architect in San Francisco during the postwar period, his resume does accord him master

architect status. More importantly, this main building at the Laurel Heights campus is an excellent example of mid-century Modernism and the International Style. Its horizontality makes it a particularly good regional example of the architectural style. For these reasons the building appears to be eligible for the NRHP/CRHR under Criterion C/3.

The Firemen's Fund Insurance Company Building at Laurel Heights retains excellent integrity. It has not been moved and its surroundings have not undergone many alterations. Thus the building retains its integrity in all seven categories – location, setting, design, materials, workmanship, feeling, and association.

513 Parnassus Avenue/Medical Sciences Building

Built in 1954, this L-shaped building rises 17 stories on a steel structural frame and forms the east boundary and part of the north boundary of the Parnassus Heights campus' Saunders Courtyard. The north elevation faces Parnassus Avenue and features ten structural bays. Masonry panels clad the first and tenth bays. In the remaining bays, masonry spandrels with horizontal ribbing separate horizontal bands of aluminum windows. Four exhaust shafts enclosed in masonry panels project from the wall surface and rise from the second story to above the roof line. The ground floor features floor-to-ceiling aluminum windows separated by dark masonry panels at the structural columns. Monumental stairs rise approximately four feet above the sidewalk level to the main entry, where three columns support a flat entry roof. On the south and west elevations facing Saunders Courtyard, masonry panels cover the wall surfaces and separate horizontal bands of aluminum windows. Projecting metal brackets used to support exposed mechanical pipes and ducts attach to the wall surface in line with the structural columns.

The Medical Sciences Building was constructed at a time when UCSF was undergoing its most significant metamorphosis since the Affiliated Colleges were founded in the 1890s. Enrollment skyrocketed during the postwar years and the institution received unprecedented levels of government funding for research and curriculum development. New buildings were added rapidly to meet the demand and reflect the growing prestige. Within this context, MSB appears eligible for listing in the NRHP/CRHR under Criterion A/1, for its association with events or historic themes of significance in UCSF's history. It also stands as a good example of mid-century hospital architecture and the shift from Palladian Style campuses to International Style, highrise buildings. Blanchard and Maher, while not the most prominent architects in the San Francisco Bay Area, also rise to the level of master architects and this building stands as one of the firm's most prominent buildings in San Francisco. Thus, MSB appears to be eligible for the NRHP/CRHR under Criterion C/3. The building is not known to be associated with persons significant to history and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2.

MSB has undergone some alterations but appears to retain a good degree of integrity to convey its historical significance. It has not been moved and continues to stand between Moffitt Hospital and the Clinical Sciences building, down the road from LPPI, and among hospital and medical school facilities. Thus it retains its integrity of location, setting, association, and feeling. The building has undergone some alterations, most notably a new exit to Saunders Court and a glass shaft containing a stairwell and vents on the west elevation. As these alterations occur on secondary elevations and are not notable on the primary, Parnassus Avenue façade, they do not significantly detract from the building's overall design, materials, and workmanship. Thus the building retains a good degree of integrity in these areas.

707 Parnassus Avenue/School of Dentistry

Built in 1979, this L-shaped building rises four stories and steps back to form terraces. The lot contains a parking lot to the south and a partially wooded green space at the north. This reinforced concrete

EXHIBIT F

Margaret Fitzgerald

30 Wood Street, San Francisco, CA 94118



Date: February 28, 2016

Ms. Mary Woods
Planner - North West Quadrant
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

RE: 3333 California St. Development

Dear Ms. Woods:

I am writing regarding the development of the 3333 California Street development, currently the UCSF Laurel Heights Campus (the "Site"). It is my understanding that the San Francisco Planning Department is working with the developer of the Site regarding the initial project plans for the proposed development. The owner of the fee interest and the developer of the Site are limited in their joint ability to develop the Site because the owner of the Site does not have free and clear title; rather the general public holds a permanent recreational interest in all of the open space at the Site. Therefore, any development plans at the Site may not impinge upon this open space.

The general public holds a *permanent* right of recreational use on all of the open space at 3333 California and such rights were obtained by implied dedication. Dedication is a common law principle that enables a private landowner to donate his land for public use. Implied dedication is also a common law principle and is established when the public uses private land for a long period of time, which period of time is five (5) years in California. In 1972, the California legislature enacted Civil Code Section 1009 to modify the common law doctrine of implied dedication and to limit the ability of the public to secure *permanent* adverse rights in private property. Here, however, the existing open space at the Site was well established and well used as a park by the general public long before the completion of the construction of the full footprint of the improvements at the Site in 1966. Therefore, the general public has permanent recreational rights to the open space at the Site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code Sec. 1009 in 1972.

Even if the general public had not secured permanent rights to recreational use through implied dedication prior to 1972, the public and countless individuals have acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission). Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive. For example, the owner of the Site has not posted permission to pass signs in accordance with Cal. Civil Code Sec. 1008. If such signs ever were posted, they have not been reposted at least once per year. Although it is counterintuitive, an owner typically posts such signs to protect against the public securing adverse rights. One might assume the owner of the Site has not posted such signs, as the owner is aware of the pre-existing and permanent recreational rights the general public has secured to the open space. Because the



public's rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

It is important that the Planning Department understand these legal issues as any project plan (or any future project description in an Environmental Impact Report ("EIR") for the Site) cannot include development of the open land over which the public has a secured permanent rights of recreational use. It would not be a concession by the owner/developer to leave the open space undeveloped and allow public recreational use as the general public holds permanent recreational rights to this space. It is important to note that even the open space behind the walls that has been used as park space is also included in this dedication to the public. According to well-established case law, a wall or fence is not effective in preventing the development of adverse property rights if individuals go around the wall, as is the case here.

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site¹ to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public's permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file.

Sincerely,

Meg Fitzgerald

Margaret N. Fitzgerald

With copies to:

Mark Farrell, Supervisor

Dan Safir, Prado Group

Kathy DiVicenzi, Laurel Heights Improvement Association

Robert Charles Friese, Esq.

¹ Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California, 47 Cal. 3rd 376 (1988).

EXHIBIT G

CITY PLANNING COMMISSION

RESOLUTION NO. 4109

RESOLVED, That Proposal No. Z-52.62.2, an application to change the Use District Classification of the hereinafter described parcel of land from a First Residential District to a Commercial District, be, and the same is hereby APPROVED; subject to the stipulations submitted by the applicant and set forth herein:

Commencing at a point on the S/L of California Street distant thereon 187 feet west of the W/L of Presidio Avenue (produced), thence westerly on said line 707.375 feet to a curve to the left having a radius of 15 feet, thence 23.562 feet measured on the arc of the curve to the left to the E/L of Laurel Street, thence southerly on the E/L of Laurel Street 127.227 feet to the curve to the left having a radius of 60 feet, thence 77.113 feet measured on the arc of the curve to the left to a curve to the right having a radius of 120 feet, thence 149.153 feet measured on the arc of the curve to the right to a curve to the right having a radius of 4033 feet, thence 388.710 feet measured on the arc of the curve to the right to a curve to the left having a radius of 20 feet, thence 35.186 feet measured on the arc of the curve to the left to the northwest line of Euclid Avenue, thence N 73° 12' E on the northwest line of Euclid Avenue 312.934 feet to a curve to the left having a radius of 65 feet, thence 42.318 feet, measured on the arc of the curve to the left to the northwesterly line of Masonic Avenue (proposed extension), thence N 35° 54' E; 380.066 feet to the arc of a curve to the left having a radius of 425 feet, thence 254.176 feet measured on the arc of the curve to the left, thence N 52° 36' 29.74" W, 252.860 feet to the point of commencement. Being the major portion of Lot 1A, Block 1032, containing 10.2717 acres, more or less.

RESOLVED, FURTHER, That this change shall be and at all times remain contingent upon observance by the owner or owners and by his or their successors in interest of the conditions contained in the following stipulations as to the use of the land affected.

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.
2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.

3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.

4. No such building, other than a minor accessory building having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

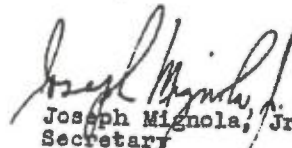
b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed

building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

I hereby certify that the foregoing resolution was adopted by the City Planning Commission at its special meeting on November 13, 1952, and I further certify that the stipulations set forth in the said resolution were submitted in a written statement placed on file.


Joseph Mignola, Jr.
Secretary

Ayes : Commissioners Kilduff, Towle, Devine, Williams
Noes : None
Absent: Commissioners Brooks, Lopez, Prince
Passed: November 13, 1952

RECORDED AT REQUEST OF
CITY AND COUNTY OF SAN FRANCISCO
At 3:30 Min. Past 10 A.M.

1510-126

JAN 8 - 1953

OFFICIAL RECORDS
City and County of San Francisco Calif.

Stipulation as to Character of Improvements on
that portion of Lot 1A, Block 1032 Affected by
Zoning Proposal Z-52.62.2

[Signature]

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Official

The San Francisco Unified School District, being the owner of the above property described, and the applicant in Proposal No. Z-52.62.2 for reclassification thereof from a Second Residential District to a Commercial District, set for hearing before the City Planning Commission of the City and County of San Francisco on October 23, 1952, hereby agrees that the said property shall be developed only as set forth in the following stipulations, which if accepted by the said City Planning Commission shall be observed by the applicant and by its successors in interest for as long as the property remains in the zone classification presently sought. The owner further agrees that no improvements shall be constructed on said property in violation of the conditions hereinafter set forth, and recognizes that the reclassification of the property to a Commercial District is by the Commission's action made contingent, and will remain contingent unless further reclassified, upon adherence to these stipulations.

Stipulations

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building, or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.
2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.
3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.
4. No such building, other than a minor accessory building, having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

10:26 - 1-553

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

copy

SAN FRANCISCO UNIFIED SCHOOL DISTRICT,
a public corporation

Subscribed and sworn to
before me this 13th day
of November, 1952

Walter J. Morgan
County Clerk in and for
the City and County of San
Francisco, State of
California.

By

Ernest J. Jordan
Ernest J. Jordan
Director of Property of the City
and County of San Francisco

494610 1-3-52

EXHIBIT H

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov



August 31, 2018

John Rothman, President
Kathryn Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco
22 Iris Avenue
San Francisco, California 94118

**RE: Fireman's Fund Insurance Company, Determination of Eligibility
National Register of Historic Places**

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Polanco".

Julianne Polanco
State Historic Preservation Officer

Enclosure

August 31, 2018

Previous Weekly Lists are available here: <http://www.nps.gov/history/nr/nrlist.htm>

Please visit our homepage: <http://www.nps.gov/nr/>

Check out what's Pending: <https://www.nps.gov/nr/pending/pending.htm>

Prefix Codes:

- SG - Single nomination
- MC - Multiple cover sheet
- MP – Multiple nomination (a nomination under a multiple cover sheet)
- FP - Federal DOE Project
- FD - Federal DOE property under the Federal DOE project
- NL - NHL
- BC - Boundary change (increase, decrease, or both)
- MV - Move request
- AD - Additional documentation
- OT - All other requests (appeal, removal, delisting, direct submission)
- RS – Resubmission

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH 8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,
Fireman's Fund Insurance Company Home Office,
3333 California St.,
San Francisco, RS100002709,
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018