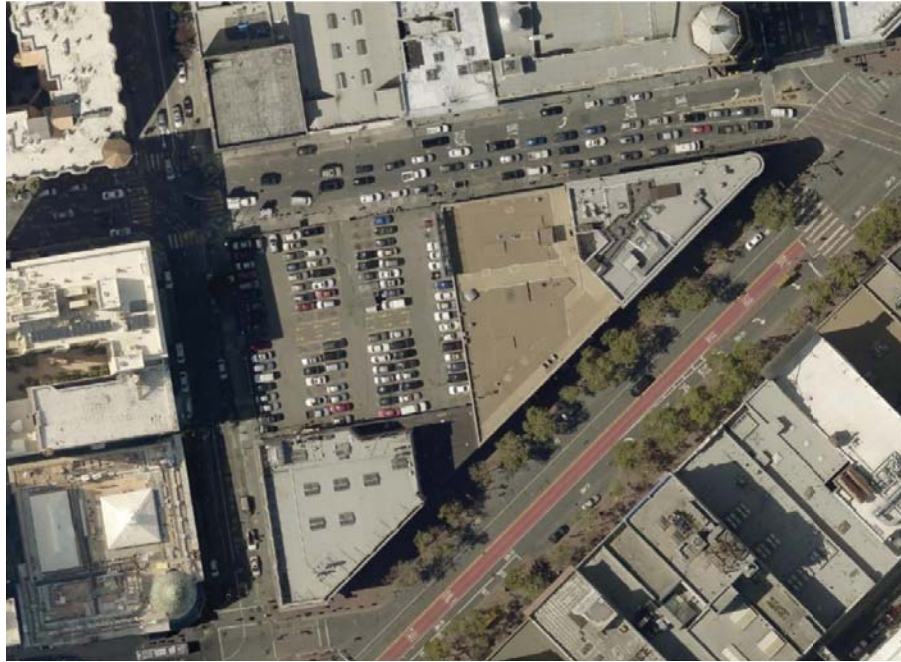


1028 MARKET STREET PROJECT



**CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT:
CASE NO. 2014.0241E**

STATE CLEARINGHOUSE NO. 2016022050

DRAFT EIR PUBLICATION DATE: SEPTEMBER 21, 2016

DRAFT EIR PUBLIC HEARING DATE: OCTOBER 27, 2016

**DRAFT EIR PUBLIC COMMENT PERIOD:
SEPTEMBER 22, 2016 TO NOVEMBER 7, 2016**

FINAL EIR CERTIFICATION HEARING DATE: JANUARY 26, 2017



**SAN FRANCISCO
PLANNING
DEPARTMENT**



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: January 13, 2017
TO: Members of the Planning Commission and Interested Parties
FROM: Lisa Gibson, Acting Environmental Review Officer
Re: **Attached Responses to Comments on Draft Environmental
Impact Report Case No. 2014.0241E: 1028 Market Street Project**

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Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on January 26, 2017.** The Planning Commission will receive public testimony on the Final EIR certification at the January 26, 2017 hearing. Please note that the public review period for the Draft EIR ended on November 7, 2016; any comments received after that date, including any comments provided orally or in writing at the Final EIR certification hearing, may not be responded to in writing.

The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact Rachel Schuett at 415-575-9030.

Thank you for your interest in this project and your consideration of this matter.

1028 MARKET STREET PROJECT

RESPONSES TO COMMENTS

CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT:
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SAN FRANCISCO
PLANNING
DEPARTMENT

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Attachment B: Draft EIR Comment Letters

1. INTRODUCTION

A. PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT

The purpose of this Responses to Comments (RTC) document is to present comments submitted on the Draft Environmental Impact Report (Draft EIR) for the proposed 1028 Market Street Project (proposed project), to respond in writing to comments on physical environmental issues, and to revise the Draft EIR as necessary to provide additional clarity. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21091 (d)(2)(A) and (B), the Planning Department has considered the comments received, evaluated the issues raised, and herein provides written responses that fully address the comments on physical environmental issues raised by the commenters. This RTC document also provides limited responses to general comments on the Draft EIR received during the public review period that were not related to physical environmental issues. In addition, this RTC document includes text changes initiated by Planning Department staff.

The Draft EIR together with this RTC document constitute the Final Environmental Impact Report (Final EIR) for the proposed project, in fulfillment of CEQA requirements and consistent with CEQA Guidelines Section 15132.

B. ENVIRONMENTAL REVIEW PROCESS

The San Francisco Planning Department prepared the Draft EIR for the 1028 Market Street Project in accordance with CEQA, the CEQA Guidelines in Title 14 of the California Code of Regulations, and Chapter 31 of the San Francisco Administrative Code. The Draft EIR was published on September 21, 2016. A public comment period was held from September 22, 2016 through November 7, 2016 to solicit public comment on the adequacy and accuracy of information presented in the Draft EIR. Oral comments were provided by two Planning Commissioners and two individuals at the public hearing held on October 27, 2016. Comment letters were received from four organizations.

The comments received during the public review period are the subject of this RTC document, which addresses all substantive written and oral comments on the Draft EIR. A complete transcript of proceedings from the public hearing on the Draft EIR and all written comments are included in their entirety in this document (see Attachments A and B to this RTC document).

The San Francisco Planning Department distributed this RTC document to the Planning Commission. In accordance with San Francisco Administrative Code Section 31.15, the Planning Commission will hold a hearing on January 26, 2017 to consider the adequacy of the Final EIR. If the Planning Commission finds the EIR to be in compliance with CEQA requirements, it will

1. Introduction

certify the document as a Final EIR. The Final EIR will consist of the Draft EIR and this RTC document, which includes the comments received during the public review period, responses to the comments on environmental issues, and any revisions to the Draft EIR that result from staff-initiated text changes. The City decision-makers will consider the certified Final EIR, along with other information received during the public process, to determine whether to approve, modify, or disapprove the proposed project, and to specify the mitigation measures that will be required as conditions of project approval in a Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program may also include improvement measures that are proposed to be imposed as conditions of approval. The EIR identified improvement measures to address certain less-than-significant impacts of the proposed project.

If the City decision-makers decide to approve the proposed project with any of the significant effects that are identified in the Final EIR and not avoided or reduced to less-than-significant levels, they must indicate that any such unavoidable significant effects are acceptable due to overriding economic, legal, social, technological, or other considerations as described in CEQA Guidelines Section 15093. This is known as a Statement of Overriding Considerations, in which the City balances the benefits of a proposed project against its unavoidable environmental risks. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines Section 15093). If an agency adopts a Statement of Overriding Considerations, the statement must be included in the record of project approval.

C. DOCUMENT ORGANIZATION

This RTC document consists of the following sections:

Section 1, Introduction, discusses the purpose of the RTC document, the environmental review process for the EIR, and the organization of the RTC document.

Section 2, List of Persons Commenting, presents the names of persons who provided comments on the Draft EIR during the public comment period. This section includes two tables: Public Agencies Commenting on the Draft EIR, and Organizations and Individuals Commenting on the Draft EIR. Commenters are listed in alphabetical order within each category. These lists also show the commenter code (described below) and the format (i.e., public hearing transcript, letter, or email) and date of each set of comments.

Section 3, Responses to Comments, presents the comments excerpted verbatim from the public hearing transcript and written comments. The comments are organized by topic and, where appropriate, by subtopic. They appear as single-spaced text and are coded in the following way:

- Comments from agencies are designated by “A-” and an acronym of the agency’s name.
- Comments from non-governmental organizations are designated by “O-” and an acronym of the organization’s name.
- Comments from individuals are designated by “I-” and the commenter’s last name.

A final number at the end of the code keys each comment to the order of the bracketed comments within each written communication or set of transcript comments. Thus, each discrete comment has a unique comment code. The coded comment excerpts in Section 3 tie in with the bracketed comments presented in Attachments A and B of this Responses to Comments document, described below.

Following each comment or group of comments on a topic are the Planning Department’s responses. The responses generally provide clarification of the Draft EIR text. They may also include revisions or additions to the Draft EIR. Such changes are shown as indented text, with new text underlined and deleted material shown as ~~striketrough~~ text.

Section 4, Draft EIR Revisions, presents staff-initiated text changes identified by Planning Department staff to update, correct, or clarify the Draft EIR text. These changes and minor errata do not result in significant new information with respect to the proposed project, including the level of significance of project impacts or any new significant impacts. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

Attachments A and B present, respectively, a complete transcript of the public hearing and a copy of each letter received by the Planning Department in its entirety, with individual comments bracketed and coded as described above.

This RTC document will be consolidated with the Draft EIR as its own chapter, and upon certification of the EIR the two documents will together comprise the project’s Final EIR. The revisions to the EIR’s text called out in Section 4, Draft EIR Revisions, of the RTC document will be incorporated into the Draft EIR text as part of publishing the consolidated Final EIR.

2. LIST OF PERSONS COMMENTING

Four non-governmental organizations submitted written comments (letters) on the 1028 Market Street Project Draft EIR, which the City received during the public comment period from September 22, 2016 to November 7, 2016 (or shortly thereafter). In addition, the Historic Preservation Commission (HPC) submitted a letter summarizing the comments made at the HPC hearing on October 19, 2016. The Planning Commission held a public hearing on the Draft EIR on October 27, 2016, and two Commissioners and two individuals made oral comments at that hearing. The commenters are listed below in Table 2.1: Public Agencies Commenting on the Draft EIR, and Table 2.2: Organizations and Individuals Commenting on the Draft EIR, along with the corresponding commenter codes used in Section 3, Comments and Responses, and the comment format (letter or public hearing transcript) and date. This Responses to Comments document codes the comments in three categories:

- Comments from agencies are designated by “A-” and the acronym of the agency’s name (i.e., “CPC” for “City Planning Commission” and “HPC” for “Historic Preservation Commission”).
- Comments from organizations are designated by “O-” and an acronym of the organization’s name.
- Comments from individuals are designated by “I-” and the commenter’s last name

Within each category, commenters are listed in alphabetical order by commenter code.

Table 2.1: Public Agencies Commenting on the Draft EIR

Commenter Code	Name of Agency Submitting Comments	Comment Format	Comment Date
A-CPC-Moore	Kathrin Moore, Planning Commission	Transcript	10/27/2016
A-CPC-Richards	Dennis Richards, Vice President, Planning Commission	Transcript	10/27/2016
A-HPC	Karl Hasz, Historic Preservation Commission	Letter	10/20/2016

Table 2.2: Organizations and Individuals Commenting on the Draft EIR

Commenter Code	Name of Organizations and Individuals Submitting Comments	Comment Format	Comment Date
O-CHDC	Brian Basinger, Compton’s Historic District Committee	Letter	11/14/2016
O-DMA	Theresa Flynn Houghton, President, De Marillac Academy	Letter	10/24/2016
O-HH	Jackie Jenks, Executive Director, Hospitality House	Letter	10/25/2016
O-TNDC	Alexandra Goldman, Senior Community Organizing and Planning Manager, Tenderloin Neighborhood Development Corporation	Letter	11/2/2016
I-Hestor	Sue Hestor	Transcript	10/27/2016
I-Seymour	Del Seymour	Transcript	10/27/2016

3. COMMENTS AND RESPONSES

INTRODUCTION

This section summarizes the substantive comments received on the Draft EIR and presents the responses to those comments.

Comments have been assigned unique comment codes, as described on pp. RTC-1.2 to RTC-1.3 and p. RTC-2.1, and organized by topic. Comments related to a specific Draft EIR analysis or mitigation or improvement measure are included under the relevant topical section. Within each topical section, similar comments are grouped together under subheadings designated by the topic code and a sequential number. For example, the first group of comments in the Cultural Resources subsection, coded as “CR,” is organized under heading CR-1. The order of the comments and responses in this section is shown below, along with the prefix assigned to each topic code.

<u>Topic</u>	<u>Topic Code</u>
Population and Housing	PH
Cultural Resources	CR
Transportation and Circulation	TR
Wind and Shadow	WS
Alternatives	AL
Construction Impacts	CON
Comments on the Merits of the Proposed Project	ME

Each comment is presented verbatim, except for minor typographical corrections, and concludes with the commenter’s name and, if applicable, title and affiliation; the comment source (i.e., public hearing transcript or letter); the comment date; and the comment code. For the full text of each comment in the context of the public hearing transcript or each comment letter, the reader is referred to RTC Attachments A and B.

Following each comment or group of comments, a comprehensive response is provided to address issues raised in the comments and to clarify or augment information in the Draft EIR, as appropriate. The responses provide clarification of the Draft EIR text and may also include revisions or additions to the Draft EIR. Revisions to the Draft EIR are shown as indented text, with new text double-underlined and deleted material shown with ~~striketrough~~. Corrections and/or clarifications to the Draft EIR presented in the responses are repeated in Section 4, Draft EIR Revisions.

3. Comments and Responses

A. POPULATION AND HOUSING

The comments and corresponding response in this subsection relate to the topic of Population and Housing, which is evaluated in Section E.2 of the Notice of Preparation/Initial Study (NOP/IS) (Appendix A to the EIR).

Comment PH-1: Cumulative Impacts of Residential and Commercial Growth on Housing Affordability

This response addresses the following comments:

- O-DMA-1
- O-HH-1
- O-TNDC-1

“Almost three years ago, as development and change was gaining force in the Central Market and Tenderloin area, De Marillac Academy published a Position Paper on *Children, Safety, and Community in the Tenderloin & SOMA* (attached). In it, the community of De Marillac Academy identified two desires in our work beyond the walls of our building: a safe, supportive neighborhood for the children of the Tenderloin and SOMA, affordable housing and financially accessible goods and services for the working class and economically poor families living in the Tenderloin and SOMA.

De Marillac Academy is concerned that the cumulative impact of the numerous market rate residential development projects in the area combined with a growing number of new, high end commercial space usages will virtually erase any semblance of affordability for low income families and other low income residents of the Tenderloin. While no one developer is solely responsible for displacement and gentrification, De Marillac is working very closely with Market Street for the Masses Coalition (MSMC) to ensure that each project developer does everything within their power to mitigate the negative effects of their project and partner with us to implement exceptional strategies that will protect a place for low income residents in the Tenderloin.

To this end, De Marillac Academy is in dialogue with Tidewater Capital through MSMC about the 1028 Market Street project, and will be looking closely at their final proposal when it comes before the Planning Commission.” (*Theresa Flynn Houghton, President, De Marillac Academy, Letter, October 24, 2016 [O-DMA-1]*)

“During our almost 50 years of work in the Tenderloin, Hospitality House worked collaboratively with other non-profit organizations as well as departments within the City and County of San Francisco to address neighborhood issues and promote positive change in our community. We have recently become increasingly concerned about the relentless economic inequality that is plaguing our city and the housing affordability crisis that has left many of our residents without options for dignified housing and quality of life in San Francisco.

Hospitality House is deeply concerned about the impact of new market rate residential developments in our immediate area that are rapidly gentrifying our neighborhood and creating displacement of individuals and families who have lived and worked here for decades. Without the benefit of social impact planning, we fear that our community will continue to be under siege due to market forces and that our low-income residents will continue to suffer the consequences.

We understand that the 1028 Market Street project developed by Tidewater Capital is now scheduled for consideration by the Planning Commission. We are eager to hear more about their final proposal and how it addresses the need for deep housing affordability and other unique community needs that the Tenderloin has, and we encourage the Planning Commission to carefully consider the social impacts of this development when it comes before you.”

(Jackie Jenks, Executive Director, Hospitality House, Letter, October 25, 2016 [O-HH-1])

“The Tenderloin is facing increasing pressure from the influx of developments in the Mid-Market Area, with surrounding restaurants and retail becoming increasingly unaffordable and rising rents displacing residents. Although recent court rulings on CEQA have excluded a project’s cumulative social impacts from mandatory environmental review, none have stated that including an analysis of a project’s cumulative social impacts is inappropriate, with at least one decision from the California Supreme Court explicitly stating that nothing in current case law prohibited such an analysis. We ask that the scope of environmental review include a thorough analysis of the cumulative effects from surrounding pending housing developments and a discussion of appropriate steps to mitigate the project’s negative impacts on the Tenderloin community.

TNDC is concerned about the cumulative impact of the numerous new market rate housing projects planned for the immediate vicinity of the 1028 Market Street project. According to the DEIR the proposed 1028 Market Street project is a 13 stories 186 residential units consisting of 70 studio units, 26 junior one-bedroom units, 21 one-bedroom units, 57 two-bedroom units, and 12 three bedroom units. There are more than 4,372 market rate units planned for the immediate vicinity, according to the DEIR. New market-rate units in the Tenderloin are affordable to households earning approximately \$100,000 annually. By contrast, the average Tenderloin resident earns around \$25,000 annually. It seems likely or at least worthy of examination, that this influx of wealthy households will change the character of the vicinity.”

(Alexandra Goldman, Senior Community and Planning Manager, Tenderloin Neighborhood Development Corporation, Letter, November 2, 2016 [O-TNDC-1])

Response PH-1

Commenters express concern over housing affordability at the Citywide and neighborhood level as well as the gentrification and displacement effects on the individuals and families in the Tenderloin neighborhood, i.e., tenant displacement, rising commercial rents, and the impact of the proposed market-rate housing units on housing demand and affordability. The commenters assert that the proposed project and other development projects in the Mid-Market corridor would combine to have a deleterious effect on the Tenderloin neighborhood’s residents and businesses and would not demonstrably help the City meet its need for affordable housing.

3. Comments and Responses

The primary purpose of an EIR or other CEQA document is to address whether and how a proposed project's physical change to the environment could result in adverse physical impacts to the environment. As stated in CEQA Guidelines Section 15131(a), "Economic and social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by economic or social changes." Thus, the CEQA Guidelines provide that social or economic impacts may not be treated as significant effects on the environment. Evidence of social or economic impacts (e.g., property value increases, rent level increases, changing neighborhood demographics) that do not contribute to, or are not caused by, physical changes to the environment is not substantial evidence of a significant effect on the environment. However, a social or economic change related to a physical change may be considered in determining whether the physical change is significant. Additionally, an EIR or other CEQA document must consider the reasonably foreseeable indirect environmental consequences or physical changes resulting from a project's economic or social changes. In short, social and economic effects are only relevant under CEQA if they would result in or are caused by an adverse physical impact on the environment.

The affordability of the proposed residential units and the potential gentrification that could result from the development of the proposed project and other projects in the Mid-Market corridor are socioeconomic issues rather than physical environmental issues. CEQA Guidelines Section 15360 defines "environment" for the purposes of CEQA as "the *physical* conditions which exist within the area which will be affected by the proposed project..." (*emphasis added*). As discussed in the NOP/IS (Appendix A to the EIR) on pp. 58-60, the proposed project would comply with the City's requirement to provide affordable housing pursuant to San Francisco Planning Code Section 415. The San Francisco Planning Code provides three options for meeting a project's affordable housing requirement: provision of the affordable units on site, provision of the affordable units off site, or payment of an in-lieu fee to the affordable housing fund. As identified on NOP/IS pp. 59 and in EIR Chapter 2, Project Description, p. 2.10, the project sponsor would provide 186 total residential units including a minimum of 22 on-site affordable units. However, given the passage of Proposition C, the proposed project now has a required 13.5 percent on-site below market rate requirement which equates to 25 affordable units. Beyond the requirements of Planning Code Section 415, the Planning Department cannot require that a developer build a project that is 100 percent affordable to low-income households. According to the project sponsor, the provision of on-site affordable housing, as part of the final proposal for the redevelopment of 1028 Market Street, would include 25 affordable units. Thus, the project sponsor would meet the minimum percentage (13.5 percent) required for on-site development of affordable housing pursuant to Planning Code Section 415.

Displacement under CEQA refers specifically to the direct loss of housing units that would result from proposed demolition of existing housing and the foreseeable construction of replacement

housing elsewhere. This is because demolition of existing housing has the potential to result in displacement of substantial numbers of people and would necessitate the construction of replacement housing elsewhere. This would in turn result in a number of direct and indirect physical changes to the environment associated with demolition and construction activities and new operational impacts.

As discussed under the Population and Housing section of the NOP/IS on pp. 58-60, the project site does not contain any existing residential units and the proposed project would not result in any direct displacement of residents or businesses. Thus, there is no evidence that the proposed project, by itself or in combination with other past, present, or reasonably foreseeable future projects, would result in displacement of residents or businesses (see the discussion under Impacts PH-2 and C-PH-1 in the NOP/IS on pp. 58-61). Furthermore, although San Francisco's neighborhoods have distinct physical characteristics that set them apart from one another, neighborhoods evolve over time. This evolution can be driven by the need to respond to changing economic or social conditions. It is the role of City decision-makers to decide what type of change is appropriate for a particular neighborhood, whether that change is presented in the form of a single building or as a larger comprehensive effort to revise existing land use plans, policies, or regulations.

The comments do not present any evidence that the creation of new market-rate housing on the site, together with the Planning Code-required on-site affordable housing units, would result in any significant environmental impacts or lead to any economic or social changes that would in turn result in a significant adverse physical environmental impact. In fact, the proposed project would provide some relief to the City's housing market pressures because it would increase the housing (and jobs) on the project site, consistent with regional growth projections, and contribute to the City's supply of both market-rate *and* affordable housing. However, what effect development would have on housing affordability is a matter of considerable controversy. While there is general consensus that the high cost of market-rate housing and the limited supply of affordable housing in San Francisco are causing displacement of lower-income residents in the City, opinions differ on the underlying causes. The City Office of the Controller – Office of Economic Analysis determined that new market-rate housing in San Francisco has the effect of lowering, rather than raising, housing values at the local and Citywide level.¹ Research also indicates that at the regional scale, producing more market-rate housing will result in decreased housing prices and reduce displacement pressures (although not as effectively as subsidized housing). However, at the local level, market rate housing would not necessarily have the same

¹ City Office of the Controller – Office of Economic Analysis, Potential Effects of Limiting Market-Rate Housing in the Mission, September 10, 2015, p. 28. Available online at <http://openbook.sfgov.gov/webreports/details3.aspx?id=2199>. Accessed December 5, 2016.

3. Comments and Responses

effects as at the regional scale, due to a mismatch between demand and supply.² The influx of real estate investment and higher income, higher educated residents can increase gentrification of a neighborhood, with indirect displacement of households being a negative outcome.

Today, gentrification is generally defined as “the transformation of a working-class or vacant area of the central city into middle-class residential or commercial use”. Although the emphasis has traditionally been on the influx of the middle and upper classes, in its origin the term inherently implied the displacement of working class households.

One comment suggests that the strategies for reducing the impacts of the development at 1028 Market Street, in combination with the development impacts of other infill projects, be augmented with input from community groups and that their implementation be closely monitored to ensure that community impacts are minimized. For a response to the comment regarding the proposed project’s impacts and the strategies to mitigate negative effects please see Response CON-1 for a discussion of the mitigation and improvement measures identified to minimize the temporary effects of project construction. In addition to the construction-related mitigation and improvement measures the following operations-related mitigation and improvement measures would also be applicable to the proposed project:

- Mitigation Measures M-CR-1a (Documentation) and M-CR-1b (Interpretation) on EIR pp. 4.B.32-4.B.33 as well as Improvement Measure I-CR-5 (Interpretive Program) on EIR p. 4.B.39 were identified to address historic architectural resource impacts resulting from the demolition of the historic structure at 1028 Market Street;
- Mitigation Measure M-CR-2 (Archeological Testing Program) on pp. 64-67 of the NOP/IS (see Appendix A of the EIR) was identified to address subsurface archeological resource impacts resulting from excavation, including impacts on human remains and tribal resources;
- Improvement Measures I-TR-1a (Implement Transportation Demand Management Measures), I-TR-1b (Additional Transportation Demand Management Measures), and I-TR-1c (Queue Abatement) on EIR pp. 4.C.39-4.C.41, Improvement Measure I-TR-3 (Implement Audible Warning Device) on EIR p. 4.C.46, Improvement Measure I-TR-5 (Coordination of Move-in and Move Out Operations and Large Deliveries) on EIR pp. 4.C.50-4.C.51, and Improvement Measure I-TR-7b (Limited Delivery Times) on EIR p. 4.C.56 were identified to address less-than-significant traffic, pedestrian, and loading impacts; and
- Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators) on p. 113 of the NOP/IS was identified to address air quality impacts from diesel generators.

² Zuk, Miriam and Karen Chapple, University of California at Berkeley Institute of Governmental Studies, Housing Production, Filtering and Displacement: Untangling the Relationships, May 20126, pp. 3, 7-11. Available online at <https://escholarship.org/uc/item/7bx938fx>. Accessed December 5, 2016.

The project's mitigation and improvement measures are detailed in the EIR and NOP/IS and are listed in the project's Mitigation Monitoring and Reporting Program along with information on implementation responsibilities, the schedule for implementation, and monitoring/ reporting responsibilities. It is important to note that mitigation measures *are* imposed on the project sponsor as conditions of approval while improvement measures *may* be imposed as conditions of approval at the discretion of the Planning Commission. The commenter acknowledges the ongoing dialogue between the 1028 Market Street development team and their organization in concert with the Market Street for Masses Coalition and their intent to review the detail of the final project proposal but does not provide any additional information regarding coordination or partnering with the other project developers in the Mid-Market area on the execution of strategies to minimize the impacts of new development projects on current residents of the Tenderloin neighborhood. The project sponsor has expressed their desire to continue their current dialogue with the community as well as open up other avenues of communication to ensure that community concerns are addressed.

One comment expressed a general concern for the unique needs of the Tenderloin neighborhood but did not highlight any specific community needs or supportive strategies to address needs. For a response to the comment regarding the unique needs of the Tenderloin neighborhood please see Response CR-2 for a discussion of the preservation of LGBTQ resources in the Tenderloin neighborhood and the City's ongoing efforts to ensure a comprehensive approach to the preservation of the Tenderloin LGBTQ history. Improvement Measure I-CR-5 (Interpretive Program) on EIR p. 4.B.39 was identified to reduce the project's less-than-significant impact on the eligible Tenderloin LGBTQ Historic District through a robust outreach process that would result in a comprehensive and integrated interpretive program that honors the unique characteristics of the project site and its immediate area as it relates to the eligible Tenderloin LGBTQ Historic District and the *Citywide Lesbian, Gay, Bisexual, Transgender, and Queer Historic Context Statement*. The project sponsor has expressed a desire to coordinate their efforts with the efforts of the Planning Department Preservation Staff, preservation professionals, and other developers in the immediate area to ensure the success of the interpretive program detailed in Improvement Measure I-CR-5.

In summary, the purpose of the EIR is to analyze the physical environmental impacts of the project as proposed by the project sponsor. Changes to the physical environment as a result of the proposed project are addressed in the appropriate environmental topics in this EIR. CEQA prohibits the finding of significant impacts that are not based on substantial evidence of adverse physical changes to the environment. Therefore, social and economic effects related to housing affordability and gentrification are beyond the scope of this EIR.

However, outside of the CEQA process, the Planning Department has devoted an unprecedented level of resources to the focus on the affordability and displacement crisis facing our

3. Comments and Responses

communities. The Planning Department is working with the community, the Planning Commission, elected leaders, and City partners to undertake a series of policy and implementation efforts aimed at pursuing this goal.

While economic displacement is a city-wide phenomenon, the Planning Department recognizes that heightened effects are acutely felt in communities of color, for families, and in neighborhoods that have historically been havens for immigrants, and others seeking opportunity or freedom. To that end, the Planning Department is at work on its Racial & Ethnic Equity Action Plan to train staff on these issues. The most robust effort, to date, is the Mission Action Plan 2020. This innovative approach includes building a set of broad strategies to protect existing residents, community services, local businesses, and the Mission District's unique character, and considering lessons learned from the major and unprecedented collaboration between the City family and the Mission District's community organizations and residents. Also, the Planning Department is working collaboratively on a Market Street for the Masses sponsored effort: Tenderloin Without Displacement Initiative. As such, the City is supporting the group and serving as a connector and resource.

City staff acknowledges that such an analysis cannot be conducted under CEQA, but wish to inform decision-makers and the public that the issues of affordability, economic displacement, and gentrification are being addressed within the Planning Department. The San Francisco Planning Department is exploring how to undertake a broader socio-economic analysis of displacement and gentrification issues, city-wide, with a focus on equity.

City decision-makers may consider information contained in the EIR to determine whether the proposed project is appropriate for the neighborhood. They may consider this issue as part of their deliberations on the merits of the project and whether to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process. Since the comments do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts, no further response is required in this RTC document.

B. CULTURAL RESOURCES

The comments and corresponding responses in this subsection relate to the topic of Cultural Resources, which is evaluated in EIR Section 4.B, Historic Architectural Resources. The comments are further grouped according to the following cultural resource-related issues that they raise:

- CR-1: Existing Market Street Theater and Loft (MSTL) District Context and Proposed Project Compatibility
- CR-2: Analysis of LGBTQ Resources and Interpretive Program
- CR-3: Archaeological Mitigation Measure

A comprehensive response follows each group of comments.

Comment CR-1: Existing MSTL District Context and Proposed Project Compatibility

This response addresses the following comments:

- A-CPC-Moore-1
- A-CPC-Moore-2
- A-CPC-Richards-1
- A-CPC-Richards-3
- A-HPC-2
- A-HPC-4

“The overall layout of the DEIR is very good. There are specific areas where I believe that, in order to fulfill the obligation for this being a document to inform decision-makers, I’ll point out five areas where I believe the document needs additional beefing up and additional information.

Starting with building context, Context 4B1, describe the three-dimensional aspects of the building with a discussion about urban form. It requires visual -- visualization, not just an abstract massing, but in the context of the existing building.

The same comment holds for 4B5, contextual significance, historic context, LGBTQ. That is the same three-dimensional aspect which, particularly for that part of the EIR, requires the lower buildings and how they are hung together.

Point No. 2, building description and history, 4B2. Provide better images, old and new, to inform decision-makers about the building and the building in context. The current image, Figure 4B1, makes you hardly realize the building is taken in the spring when all trees are in full green and the building in discussion is hardly noticeable.

Point No. 3, district contributors. That is 4B16. If distinguishing feature is height, two to nine stories, why not illustrate it with a picture of then and now? There are no pictures which show

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the buildings the way they held together at the time when they were built. There is no photo simulation in 3-D of what it will look like. And that's basically just a blocking diagram, I assume. I hope – I hope it is.

4B16. The building – unfortunately, at this moment, it is not a background building. It's not a prominent building. Unfortunately, from the renderings they are placeholders. I hope it is simply in the way. That is a judgment on the building. But I'm sorry. I had to get this in here because the illustrations I'm asking for will enliven the discussion of a building that will be more responsive to where it is. At this moment it's a '60s building. It's backwards looking. It's too glassy. It's too much economy of scale.

Fourth Point, 4B16. Page 16, 17. "District contributor" is the heading.

Hang on. I cannot even read my own handwriting.

Illustrate the major elements which are considered district contributors in the context of the proposed site. The new building on its own does not seem to capture it, if I read your descriptions, but don't really see it reflected in what you are doing.

4B18, 4B19. Without images that illustrate overall form and continuity, scale, and proportion, fenestration, materials, color, and texture, nobody will understand how to judge a new building in the criteria that you are trying to put as benchmarking it in the DEIR process. (*Commissioner Kathrin Moore, Planning Commission, Public Hearing Transcript, October 27, 2016 [A-CPC-Moore-1]*)

My overriding concerns, which are not exactly attributable to any particular section of this DEIR, is that we're looking at this DEIR as if this is the only building starting to change context and how we understand the district. And we have 950 Market Street coming up shortly hereafter. These new buildings are never put into context of how we still experience the strength of this street, which is a main boulevard. It's really Boulevard Haussmann in Paris, why these new buildings which often don't, even in architecture, respond to what the street is as a whole. And I think we need to continue to ask that we're seeing the larger context with these other new buildings also being shown. They are not theoretical anymore. They are not just kind of being planned. But they are already in the approval or review stages. So simulating them in this discussion, at least from my perspective, in the context statement is, I think, really important.

I'm not sure if I can get the department to do that, but I would personally really like for all of us to look at the larger change of the setting." (*Commissioner Kathrin Moore, Planning Commission, Public Hearing Transcript, October 27, 2016 [A-CPC-Moore-2]*)

"One of the things – and I'll piggyback on Commissioner Moore – that I was struggling with as well was the lack of photographs, especially in the historic section, the then-now comparison would be really good." (*Vice President Dennis Richards, Planning Commission, Public Hearing Transcript, October 27, 2016 [A-CPC-Richards-1]*)

"We had something similar on the last project, I think, if I can piggyback yet again on Commissioner Moore, something that looks like this. Here's what's there. Here's what's proposed. Just so we can see the context of the proposed project in relationship to all of its

neighbors.” (*Vice President Dennis Richards, Planning Commission, Public Hearing Transcript, October 27, 2016 [A-CPC-Richards-3]*)

“The HPC agreed that the proposed replacement structure had a weak connection to the character defining features of the existing Market Street Theater and Loft Historic District, specifically in terms of scale, architectural details and height.” (*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-2]*)

“Two HPC members provided input to ensure the outcome of a rich historic interpretive program. This input noted that the program outcome should be accessible and visible by the public and adequately reflect the significance of the neighborhood’s histories.” (*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-4]*)

Response CR-1

Existing MSTL District Context and Proposed Project Compatibility

The overarching comments here are related to the context of the MSTL District both historically, and today; the impact of the proposed project, and what the cumulative impact of the proposed project and reasonably foreseeable future developments would be.

EIR Chapter 2, Project Description, on pp. 2.3 and 2.6 describes the location and physical characteristics of the existing project site and the existing building (its height and bulk, massing, location, land uses, density). Land uses and building height information (i.e., number of stories) within the MSTL District are provided on Figure 2.2: Existing Site Plan, in EIR Chapter 2, Project Description, p. 2.5. The existing built environment and land uses on the project site block and the immediate area are described in detail in EIR Section 4.A, Introduction, on pp. 4.A.9-4.A.12.

EIR Chapter 2, Project Description, pp. 2.22-2.31, presents a description of the proposed building form and design, illustrated by eight figures (Figures 2.14-2.21 on pp. 2.36-2.42) that show four proposed building elevations, three pedestrian-level visualizations of the project site with the proposed building from Market Street (looking east and west) and from Golden Gate Avenue (looking southeast), and one aerial view of the project site.

The existing building and its historic context is described in more detail in EIR Section 4.B, Historic Architectural Resources, on p. 4.B.2, and images of the existing building are provided in Figure 4.B.1 on p. 4.B.3 (view from the east) and Figure 4.B.3 on p. 4.B.35 (view from the west).

EIR Section 4.B, pp. 4.B.17-4.B.20, describes the significance of the MSTL District and describes its character-defining features (i.e., Overall Form and Continuity, Scale and Proportion,

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Fenestration, Materials, Color, Texture, Design Features, and Architectural Details). It also describes and evaluates the integrity of the MSTL District.

The EIR, on pp. 4.B.30-4.B.33 under Impact CR-1, describes the existing setting of contributors within the MSTL District and evaluates the impact of demolition of the existing 1028 Market Street building on the MSTL District. Under Impact CR-2, on pp. 4.B.33-4.B.36, it describes the existing visual setting of nearby development in the vicinity of the proposed 1028 Market Street building and provides an assessment of the design compatibility of the proposed building with the visual character of the immediate urban context.

Mitigation Measure M-CR-1a: Documentation, and Mitigation Measure M-CR-1b: Interpretation (pp. 4.B.32-4.B.33) were identified as measures that could reduce, but not eliminate, the significant and unavoidable impact to the MSTL District from demolition of the existing 1028 Market Street building. No feasible mitigation measures were identified under Impact CR-2 that could reduce or eliminate the impact of the proposed replacement building on the MSTL District. EIR Chapter 6, Alternatives, on pp. 6.1-6.47, presents and evaluates a range of feasible alternatives to the proposed project, including two preservation alternatives and one compatible design alternative that would reduce environmental impacts while meeting most of the project sponsor's objectives. These EIR alternatives illustrate the environmental consequences of alternative development plans that would not require demolition of the historic resources on the project site (the Full and Partial Preservation Alternatives) and the environmental consequences of development that would be compatible with the MSTL District (Compatible Design Alternative).

Projects considered in the EIR's cumulative impact analysis are presented in EIR Section 4.A, Introduction, in Table 4.A.1 and Figure 4.A.1 (see EIR pp. 4.A.5-4.A.8). The cumulative historic architectural resources impact analysis for the MSTL District is presented on EIR pp. 4.B.40-4.B.41 under Impact C-CR-1 and includes consideration of the adjacent development projects at 1066 Market Street, 1075 Market Street, and 1055 Market Street as well as other reasonably foreseeable past, present, and future projects in the area such as 950 Market Street.

The commenters request that additional information, in the form of graphics, be provided so that the EIR can better aid decision-makers in their deliberations. In order to aid the public and decision-makers in their visualization of the significant unavoidable project-related impacts to the MSTL District and to evaluate the design of the proposed project, particularly in light of the context of the MSTL District, additional graphics have been provided. A more complete response to this request is provided, below, under "*Request for Additional Figures to Illustrate the MSTL District and the Proposed Project.*" As noted on EIR Chapter 1, Introduction, pp. 1.2-1.3 and in Chapter 4.A, Environmental Setting and Impacts – Introduction, pp. 4.A.1-4.A.3, the proposed project is subject to Public Resources Code Section 21099(d). That provision applies to certain projects, such as the proposed project, that meet the defined criteria for an infill site within

a transit priority area. It eliminates the environmental topic of Aesthetics (as well as the Transportation subtopic of parking) from impacts that can be considered in determining the significance of physical environmental effects of such projects under CEQA. Accordingly, this EIR does not include a discussion and analysis of the environmental issues under the topic of Aesthetics. Although Aesthetics impacts are not part of the EIR analysis under Public Resources Code Section 21099(d), comments about how the proposed project fits into its surrounding environs, visually, particularly in an area that has heightened aesthetic sensitivity and a relatively small existing historic district, continue to be topics of discussion that may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. However, this consideration is carried out independent of the environmental review process.

In summary, the EIR presents adequate support for its conclusions that:

- Demolition of the existing 1028 Market Street building would have a significant impact on the significance of the MSTL District that is unavoidable with mitigation (Impact CR-1);
- The proposed replacement building would also have a significant and unavoidable impact on the MSTL District (Impact CR-2); and
- Demolition of the existing 1028 Market Street building and the inclusion of a proposed new building within the MSTL District would not contribute to a cumulative significant impact, or combine with other development projects to create a significant cumulative impact on the MSTL District (Impact C-CR-1).

The comments related to the design of the proposed building and the visual changes occurring along the Mid-Market corridor do not raise issues concerning the adequacy or accuracy of the information presented in the EIR or the EIR's coverage of environmental impacts under CEQA. The project sponsor will be required to justify the proposed demolition of historic resources and the City will evaluate the public benefits of the proposed project. Information contained in the EIR may be used by City decision-makers to identify modifications to the proposed building design or an aspect of the proposed project, or determine that one of the alternatives is more suitable than the proposed project. Comments on the proposed project may also be considered and weighed by City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

Request for Additional Figures to Illustrate the MSTL District and the Proposed Project

Commenters requested additional figures and graphics to aid in the understanding of the MSTL District and the relationship of the proposed project to the MSTL District.

It should be noted that the *Historic Resources Evaluation, 1028-1056 Market Street, San Francisco*, prepared by GPA Consulting, and the San Francisco Planning Department's *Historic*

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Resources Evaluation Response, 1028 Market Street are each incorporated in the EIR by reference. These documents are included in the Draft EIR's Administrative Record. The *Historic Resources Evaluation* includes numerous current and historic photographs of the MSTL District and its contributors as well as a copy of the National Register of Historic Places Nomination Form for the MSTL District.

Also, in order to supplement the information presented in the Draft EIR, and to inform the decision to approve, modify, or disapprove the proposed project, this RTC document presents additional graphics for informational and illustrative purposes. The inclusion of these figures does not change any of the analyses or conclusions of the EIR.

More specifically, in response to the request for base images of the existing 1028 Market Street building when street trees are not in full leaf, two revised figures have been provided. The base images for Figure 4.B.1: 1028 Market Street Façade Looking Northwest, on EIR p. 4.B.3, and Figure 4.B.3: View of Golden Gate Theatre Dome from South Side of Market Street, on EIR p. 4.B.35, have been updated with newer higher resolution photographs. In addition, Figure 4.B.1 has been further revised to include an inset image of the existing building prior to its temporary use as a food hall (which started in October 2014). See (Revised) Figure 4.B.1: 1028 Market Street Façade Looking Northwest and (Revised) Figure 4.B.3: View of Golden Gate Theatre Dome from South Side of Market Street.

Comments request images that show the existing buildings that contribute to the MSTL District and that are representative of the character-defining features of the MSTL District. The comments also request additional images of the existing building's facade in its MSTL District visual setting so as to better visualize the effects of the proposed project. To facilitate a better understanding of the proposed project in its visual context, three new figures showing pedestrian-level views are presented: RTC Figure 1: View Looking West along Market Street – Existing and Proposed Views, RTC Figure 2: View Looking East along Market Street – Existing and Proposed Views, and RTC Figure 3: View Looking Southeast along Golden Gate Avenue – Existing and Proposed Views. These new graphics show “before and after” images so that the reader can compare existing conditions at the project site to conditions with the proposed building. The “after” images include a rendering of the adjacent development to the west (1066 Market Street).

To facilitate a better understanding of the overall form and continuity of the MSTL District as it relates to the existing and proposed rhythm of building heights along the north side of Market Street (within the MSTL District), a new figure, RTC Figure 4: Buildings of the MSTL District, North Side of Market Street (Existing and Proposed), is provided. This new graphic shows a “before and after” image to illustrate how the proposed building would alter the rhythm of building heights along the north side of Market Street from *high-low-high* to *high-low-high-low-high*.

Existing 1028 Market Street Building
prior to October 2014 ground floor renovation.



Existing 1028 Market Street Building
with the temporary ground floor use.



SOURCE: SWCA, 2016; San Francisco Planning, 2016

1028 MARKET STREET

2014.0241E

(REVISED) FIGURE 4.B.1: 1028 MARKET STREET FAÇADE LOOKING NORTHWEST

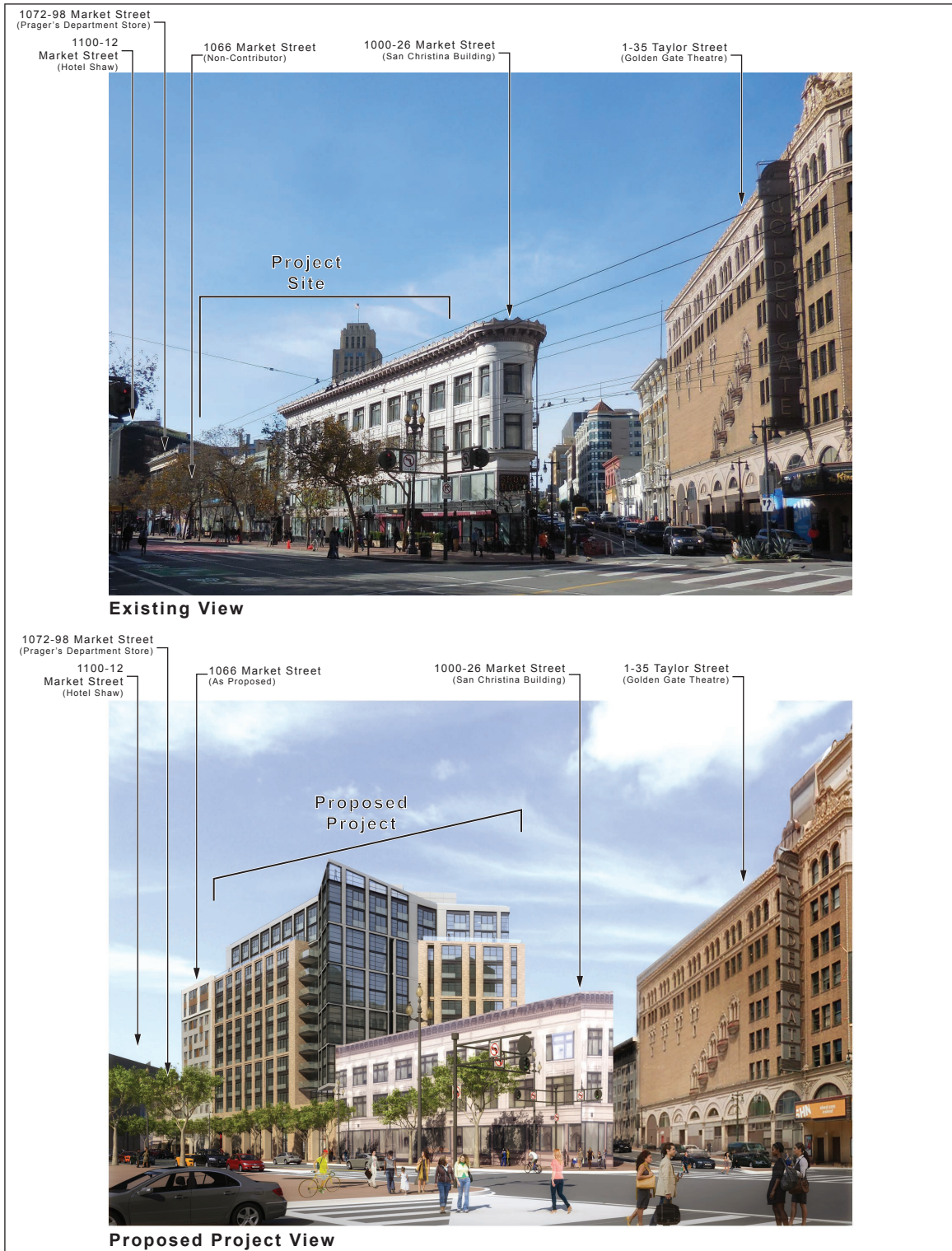


SOURCE: SWCA, 2016

1026 MARKET STREET

2014.0241E

(REVISED) FIGURE 4.B.3: VIEW OF GOLDEN GATE THEATRE DOME
FROM SOUTH SIDE OF MARKET STREET



1028 MARKET STREET

2014.0241E

FIGURE RTC-1: VIEW LOOKING WEST ALONG MARKET STREET - EXISTING AND PROPOSED VIEWS



1028 MARKET STREET

2014.0241E

FIGURE RTC-2: VIEW LOOKING EAST ALONG MARKET STREET - EXISTING AND PROPOSED VIEWS



Existing View



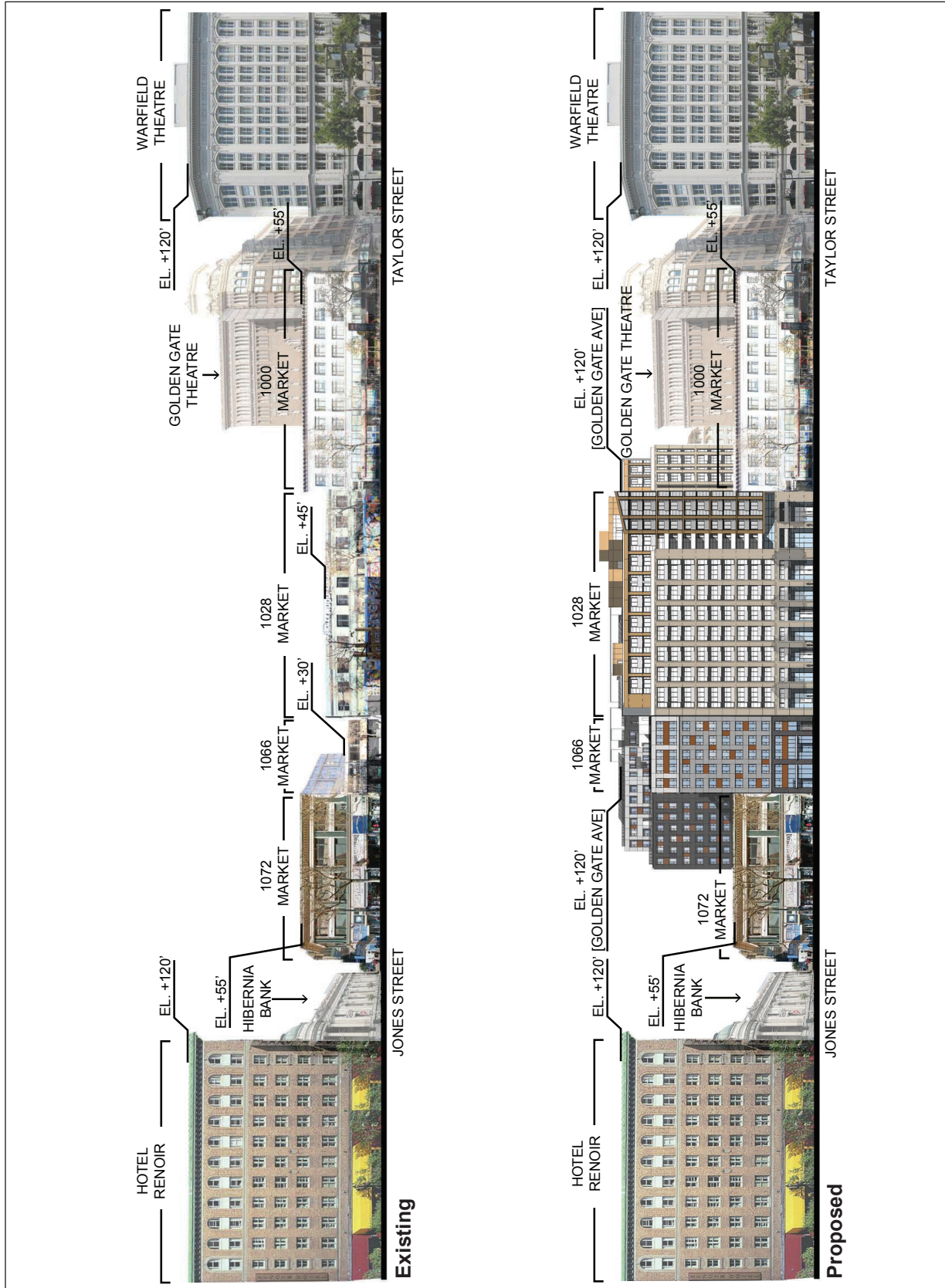
Proposed Project View

SOURCE: SCB Architects

1028 MARKET STREET

2014.0241E

FIGURE RTC-3: VIEW LOOKING SOUTHEAST ALONG GOLDEN GATE AVENUE - EXISTING AND PROPOSED VIEWS



SOURCE: SCB Architects

1026 MARKET STREET

2014.0241E

FIGURE RTC-4: BUILDINGS OF THE MSTL DISTRICT, NORTH SIDE OF MARKET STREET
(EXISTING AND PROPOSED)

Effectiveness of Interpretive Program for the 1028 Market Street Building in Relationship to the MSTL District

Two HPC members provided input to ensure the outcome of a rich historic interpretive program. This input noted that the program outcome should be accessible and visible by the public and adequately reflect the significance of the neighborhood's histories.

As noted above the EIR concluded that the proposed project would have a significant impact on the MSTL District due to the demolition of the subject property. The project sponsor has agreed to implement Mitigation Measure M-CR-1a (Documentation) and Mitigation Measure M-CR-1b (Interpretation) to address the impacts of demolition (see EIR pp. 4.B.32-4.B.33). Subsequent to the publication of the Draft EIR for the proposed project and as part of the project sponsor's ongoing community outreach, the project sponsor has reaffirmed their intent to engage directly with Planning Department Preservation Staff, preservation professionals, community and civic organizations, and project developers in the immediate area to ensure close coordination with the efforts of other development teams to develop an Interpretive Program that is accessible and reflective of the history of the neighborhood. Mitigation Measure M-CR-1b specifies that the interpretive display be located "in a prominent setting on the project site visible to pedestrians, such as the lobby or Market Street frontage." Please see Response CR-2 on p. RTC-3.30 for a response related to the development of a robust and rich interpretative program associated with the property's contributory status to the eligible Tenderloin LGBTQ Historic District.

Comment CR-2: Analysis of LGBTQ Resources and the Interpretive Program

This response addresses the following comments:

- A-CPC-Richards-2
- O-CHDC-1

"The other thing that – and I also am kind of taking a look down the street at 950 Market as well, because we have that coming before us. If you could add a comment in the comments section around the historic – the person who wrote the LGBT context statement and their desire to see the level of preservation standards different for LGBT resources, as she outlined on that, I'd appreciate that being included as well." (*Vice President Dennis Richards, Planning Commission, Public Hearing Transcript, October 27, 2016 [A-CPC-Richards-2]*)

"On behalf of the *Compton's Historic District Committee* ("CHDC"), the undersigned City officials, community based organizations and community leaders submit this comment to the Draft Environmental Impact Report for the proposed project at 1028 Market Street.

Over thirty citywide stakeholders have joined CHDC. The common goal of this diverse group of stakeholders is to ensure that the blocks of dense historic and cultural resources surrounding the site of the Compton's Cafeteria riot at Vicky Mar Lane and Gene Compton Way are treated with

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appropriate sensitivity and recognition. The primary objective is to ensure LGBTQ community preservation.

We are in the process of submitting an application to the National Register of Historic Places for a Historic District that focuses on Compton's Cafeteria and adjacent important LGBTQ sites.

We contest the Draft Environmental Impact Report. It did not have full information on the cumulative impacts that the proposed loss of historic resources would have on our proposed LGBTQ Historic District, much of which was only made available in October 2016 after the release of the Obama Administration's LGBTQ Theme Study. Some planning staff are not aware of the intact underground tunnels that queer patrons were forced to use to enter the establishments or to escape police raids. Insufficient outreach was conducted to ensure the inclusion of LGBTQ leaders and organizations, especially those of us centered in the Tenderloin, to ensure that our voices were front and center in any discussions regarding the loss of our historic resources. And finally, the proposed mitigation measures are insufficient.

As a noteworthy highlight, Compton's Cafeteria (at the NW corner of Turk and Taylor Streets) was the site of one of the earliest civil unrest demonstrations by transgender and queer people against police brutality and harassment, which occurred some three years prior to the historic Stonewall riots in New York City.

The Obama administration just designated the 7.7 acres surrounding the Stonewall Inn as the *Stonewall National Monument*. The CHDC submits for your consideration that the area surrounding the Compton's Cafeteria riots are deserving of similar historical recognition. The important political and cultural history of the transgender, and broader lesbian, gay, and bisexual movement at and around the 900 and 1000 block of Market Street may be permanently erased if the current development plans are allowed to proceed without further review. As such, it is crucially important to our Committee to help preserve and restore the heart and soul of our LGBTQ community, which is an important sector that contributes to the rich social and cultural fabric of our City.

Moreover, the buildings threatened with demolition in the proposed project are part of a nationally recognized LGBTQ historic place, including: Compton's Cafeteria, 101 Taylor – often referred to as the Stonewall of the West; The Old Crow, 962 Market Street, the Silver Rail, 974 Market Street, the Pirates Den, and the College Inn – which were connected by tunnels to help patrons escape police raids; the Club Turkish Baths (later Bull Dog Baths), 132 Turk; The Landmark Room, Turk Street News, 66 Turk, the Pleasure Palace, 120 Turk, Turk Street Follies, 105 Turk, and Chukkers, 88 Turk – an important trans site. The entire intersection of Market, Mason, and Turk (aka the Meat Market), was an important hustling and cruising site where gay men went to socialize in an era when our existence was illegal. These sites are connected by an intact underground tunnel system that patrons used to escape police raids and to avoid the loss of employment, family, and housing that were risked in those days by homosexual association.

LGBTQ people continue to experience disproportionate rates of housing discrimination today. The *Compton's Historic District* contains early important places for our community to live such as the El Rosa Hotel, 166 Turk – one of the only residential hotels to provide housing for trans sex workers, the Dalt Hotel, 34 Turk – one of the first housing opportunities to advertise in gay newspapers, and the Ambassador Hotel, 55 Mason – an important housing resource from the beginning of the AIDS epidemic; and places associated with LGBTQ organizing such as Glide Memorial Church; and current legacy businesses such as Aunt Charlie's.

These bars, businesses and organizations were instrumental in fostering queer safe spaces, as they were often the only places available for queer people to meet one another, and to organize, within

the larger, often threatening society at that time. In sum, these locales were safe havens for our community. The area around the Compton's Riot, the Crystal Bowl and the Meat Rack is of similar size, density of cultural resources, and of similar historic significance to the Castro or to the *Stonewall National Monument* and deserves equally significant cultural sensitivity. The El Rosa Hotel, Old Crow, Silver Rail, and Aunt Charlie's have been identified as potential landmarks in the LGBTQ Historical Context Statement.

Regrettably, the pending project application fails to adequately preserve these cultural resources.

As further evidence of the need for further review, the Obama administration has prominently featured these historic assets in the just released National Park Service first-ever theme study of LGBTQ America, *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender and Queer History*. Theme studies are often the first step in the process of land-marking historic sites, and the LGBTQ community is currently beginning that process. The history of the above highlighted formative years of LGBTQ community building and liberation could be lost without proper mitigation to preserve the queer historical resources represented on the site of the proposed development project.

Furthermore, The National Park Service theme study was released *just last month*. Our community and historic preservationists respectfully request time to study the nearly 1,000-page document, digest and process the impact and magnitude of the potential losses. Our hope is that the Planning Commissioners and staff are also afforded ample time to read this groundbreaking work on LGBTQ place-making. It offers important insight into how 'place' is critically important to the creation of LGBTQ relevant communities; our collective history, psychology, vision, values and community engagement.

We also draw special attention to the *Citywide Historic Context Statement for LGBTQ History in San Francisco*. The documents discuss the important historic events that occurred in and around the 1000 Market Block. Before the historic riots occurred at Stonewall, two nights of civic unrest took place in the blocks around Compton's Cafeteria and the Old Crow. As such the proposed site is the location among the first LGBTQ civil rights uprising in American history. These facts highlight the need to be treat these sites with respect and sensitivity.

We draw attention to *Chapter 5: The Preservation of LGBTQ Heritage* that expressly outlines the unique and sensitive approach that must be taken when considering the concept of *integrity* for LGBTQ spaces and place making. This section will substantially inform the approach and sensitivities to this proposed project, and other similar proposed projects in the vicinity.

In closing, we strongly support the work of the *Compton's Historic District Committee*. This committee is putting forward an exciting community-driven vision for the future of the area around Gene Compton Way and Vicky Mar Lane that both preserves our history and creates a vibrant neighborhood that serves both the people who already live here, newcomers, and visitors alike.

Based on the foregoing, we respectfully oppose the Draft Environmental Impact Report for this project.” (Brian Basinger, *Compton's Historic District Committee*, November 14, 2016 [O-CHDC-1])

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Response CR-2

Two commenters requested that the EIR include information about the approach to applying the criteria used in the evaluation of a property's historic significance under the different evaluation criteria when applied in the context of the preservation and protection of LGBTQ resources as opposed to architectural resources, e.g., integrity through feeling and association of building uses as opposed to design of the building and its contextual relationship with other architectural expressions in the immediate vicinity.

More specifically, the *Compton's Historic District Committee* (CHDC) draws attention to *Chapter 5* of the *Citywide Lesbian, Gay, Bisexual, Transgender, and Queer Historic Context Statement* (*Citywide LGBTQ HCS*) that expressly outlines the unique and sensitive approach that must be taken when considering the concept of *integrity* for LGBTQ spaces and place making.

The evaluation of integrity as it pertains to the assessment of LGBTQ resources is covered in detail as part of the *Citywide LGBTQ HCS* which was adopted by the San Francisco Historic Preservation Commission in November 2015 and finalized in March 2016.³ The *Citywide LGBTQ HCS* is a guiding resource for Planning Department Preservation Staff, the public and preservation professionals working with LGBTQ-associated property types in San Francisco. Further, in Chapter 5 (Evaluation Framework) of the *Citywide LGBTQ HCS*, the authors include a discussion on the sensitive approach a reviewer must take on the concept of integrity for these types of properties.⁴ Because many properties significant to LGBTQ history in San Francisco have undergone extensive (both exterior and interior) changes over time, the authors of the *Citywide LGBTQ HCS* suggested these changes should not disqualify them as being eligible as historic resources. The Planning Department agreed with this evaluative approach and applied a lower threshold for integrity as part of the City's *Historic Resources Evaluation Response* for the subject property at 1028 Market Street (*1028 Market Street HRER*), dated August 26, 2016.

In addition, the National Park Service's resource *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History* (*LGBTQ Theme Study*)⁵ also provides additional information for practitioners and the public to evaluate these property types. Released in

³ San Francisco Planning Department, *Citywide Historic Context Statement for Lesbian, Gay, Bisexual, Transgender, and Queer History in San Francisco* (*Citywide LGBTQ HCS*), October 2015. Prepared by Donna J. and Shayne E. Watson. Available online at http://208.121.200.84/ftp/files/Preservation/lgbt_HCS/LGBTQ_HCS_October2015.pdf. Accessed December 29, 2016.

⁴ *Citywide LGBTQ HCS*, pp. 349-351.

⁵ *LGBTQ Theme Study* is a publication of the National Park Foundation for the National Park Service, and available online at <https://www.nps.gov/subjects/tellingallamericansstories/lgbtqthemestudy.htm>. Accessed November 14, 2016.

October 2016, this collection of essays, rather than a statement of policy or opinion by the NPS⁶, consists of 23 chapters, written and peer-reviewed by 30 experts in LGBTQ studies, categorized into six sections exploring the history, legacy, places, and stories of the LGBTQ experience in the United States. Several chapters include information on interpreting and teaching LGBTQ history, interwoven with discussions on a lowered evaluation of integrity for resources with significance under Criterion 1/A (association with events).

The Planning Department's evaluation of the eligibility and integrity of the subject property at 1028 Market Street is consistent with the approach outlined in the National Park Service's *LGBTQ Theme Study*. In the HRER, Staff determined that the 1028 Market Street building "would qualify as a contributor to the LGBTQ Tenderloin Historic District even with the compromised integrity at the storefront locations of the former LGBTQ-friendly bars".⁷ It is a combination of diverse resource types – residential hotels, bars, restaurants, streets, bookstores, bathhouses, and etc. – which help define the neighborhood and comprehensively potentially contribute to the eligible Tenderloin LGBTQ Historic District. As indicated on EIR p. 4.B.38 - p. 4.B.39:

Planning Department Preservation staff finds that the proposed project would not cause a substantial adverse change to the eligible Tenderloin LGBTQ Historic District. The boundaries of the eligible Tenderloin LGBTQ Historic District and the number of contributors are not currently known. However, initial research indicates this District would contain diverse and numerous resource types and the period of significance would span numerous decades. Demolition of one contributing resource which does not represent the only example of such resource would not result in a significant impact to the eligible District. The eligible District would continue to convey its significance without this building.

Additionally, information in the *LGBTQ Theme Study* has been considered in the HRER and the EIR for the 1028 Market Street project. Chapter 25 of the *LGBTQ Theme Study*, "San Francisco: Placing LGBTQ Histories in the City by the Bay" was written by Donna J. Graves and Shayne E. Watson, the authors of the *Citywide LGBTQ History in San Francisco (or Citywide LGBTQ HCS)*. Chapter 25 summarizes the themes outlined in the *Citywide LGBTQ HCS*; the latter document was a principal source of information for the Planning Department's HRER that identified the eligible Tenderloin LGBTQ Historic District. As noted on EIR p. 4.B.21, the LGBTQ-friendly businesses which were housed in the 1028 Market Street building were popular and relate to themes identified in the *Citywide LGBTQ HCS*, specifically: Early Development of

⁶ As stated on the preface of the *LGBTQ Theme Study*, "The views and conclusions contained in the essays are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government."

⁷ San Francisco Planning Department, *Historic Resource Evaluation Response, 1028 Market Street*, pp. 11-13, August 26, 2016. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0241E.

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LGBTQ Communities in San Francisco (early 20th-century – 1960s), and Policing and Harassment of LGBTQ Communities (1933- 1960s).

Tenderloin LGBTQ Historic District

San Francisco Planning Department Preservation Staff have determined through the CEQA review process for a project in the area that a district focused on LGBTQ resources in the Tenderloin is eligible for listing in the California Register under Criterion 1/A (Events)⁸. Although it has not been formally surveyed, the district boundaries would roughly follow the boundaries of the Uptown Tenderloin National Register Historic District and Market Street Theatre and Loft National Register Historic District, and possibly extend east and west to include properties listed in the *Citywide LGBTQ HCS*. The diversity of resources that would contribute to such a district include: streets, sidewalks, bars, restaurants, bookstores, movie theaters, residential hotels, bath houses, and such.

As stated above, the Planning Department's *1028 Market Street HRER* employed an evaluative approach in accord with the sensitive approach detailed in the *Citywide LGBTQ HCS*. To clarify this approach to evaluation of 1028 Market Street in the EIR, the following text is inserted after the last paragraph on EIR p. 4.B.9 (new text is double underlined):

Evaluation of the 1028 Market Street Building as an Individual Resource – Citywide LGBTQ HCS

The HRE prepared for this property generally focused on its architectural history with the result that the determinations did not evaluate potential associations with social or cultural history. The HRER for the proposed project concurs with the analysis of architectural significance, but has also evaluated the other aspects of social or cultural significance in light of the Citywide LGBTQ HCS. Therefore, the eligibility of this property under Criterion 3/C (Design/Construction) was not re-evaluated, although architectural integrity was analyzed as it related to other potential areas of significance.

As noted in the *Citywide LGBTQ HCS*, evaluation of integrity for properties associated with LGBTQ history calls for flexibility.

Very few sites important to LGBTQ history in San Francisco will express their historic associations solely through their physical fabric, so integrity of design, workmanship, and materials are not generally critical when evaluating a property. Instead, the important aspects of integrity for most LGBTQ resources are location, feeling, and association. Location contributes an important aspect of a resource's physical record of events and patterns; where sites associated with LGBTQ history took place can reveal important information. Feeling is a relatively subjective criterion based on the property's ability to express a sense of

⁸ Criterion 1/A: Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. [There are four evaluative criteria used for determining eligibility for listing in the California Register. These California Register criteria are closely based on those criteria used for the National Register.]

its period of significance. Association is the connection between a property and the historic patterns, events, and people related to it. In evaluating LGBTQ sites, it is important to recognize that associational qualities are not usually conveyed by the resource itself, but by scholarly and popular historical narratives, oral histories, photographs, continued use, interpretive projects (including plaques), and other means that connect the property to its significance.⁷

[New Footnote]

⁷ Citywide LGBTQ HCS, p. 349.

As noted, the evaluation did not consider Criterion 3/C (Design/Construction) as part of its assessment of the subject property because that evaluation is based on architectural significance. Rather, the evaluation was focused on Criterion 1/A (Events) and Criterion 2/B (Persons) as these aspects of the subject property and its history are more relevant to the cultural associations that are defining aspects of the City's LGBTQ history. The EIR provides a history of the uses on the project site, identifies property associations with two themes in the *Citywide LGBTQ HCS* (Early Development of LGBTQ Communities in San Francisco [Early 20th Century -1960s] and Policing and Harassment of LGBTQ Communities [1933-1960]), and concluded that the subject property is a LGBTQ-associated property and a contributor to the eligible Tenderloin LGBTQ Historic District but is not an individually significant building (see EIR pp. 4.B.14-4.B.15).

Compton's Cafeteria Site

Another comment expressed the intent of *Compton's Historic District Committee* ("CHDC") to pursue designation of the Compton's Cafeteria building (101 Taylor Street) and adjacent LGBTQ resources as a historic district, citing that the "common goal of this diverse group of stakeholders is to ensure that the blocks of dense historic and cultural resources surrounding the site of the Compton's Cafeteria riot at Vicky Mar Lane and Gene Compton Way are treated with appropriate sensitivity and recognition."

The commenter notes that "Compton's Cafeteria (at the NW corner of Turk and Taylor Streets) was the site of one of the earliest civil unrest demonstrations by transgender and queer people against police brutality and harassment, which occurred some three years prior to the historic Stonewall riots in New York City." The commenter further notes that the Obama administration "designated the 7.7 acres surrounding the Stonewall Inn as the *Stonewall National Monument*" and suggests "that the area surrounding the Compton's Cafeteria riots are deserving of similar historical recognition."

The Compton's Cafeteria site is located within the recently-identified eligible Tenderloin LGBTQ Historic District, whose boundaries approximate the size of two existing National Register districts. The proposed district would include the Compton's Cafeteria site (101 Taylor Street), and other sites, as noted in the CHDC Comment Letter. According to transgender community historian Susan Stryker, Ph.D., the Tenderloin may be the most historically-intact urban

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neighborhood in the United States that reflects the history of the transgender community. Ms. Striker also notes that the boundaries of a transgender historic district may extend westerly to Polk Street and northerly to Union Square. She further emphasizes the need to include the entire fabric of the neighborhood in such a historic district to reflect particularly important streets and sidewalks, residential hotels, transgender-oriented bars and establishments, cheap places to eat, etc.

The CHDC is in the process of submitting an application to the *National Register of Historic Places* for a Historic District that focuses on Compton's Cafeteria and adjacent important LGBTQ sites. The CHDC notes that the El Rosa Hotel, Old Crow, Silver Rail, and Aunt Charlie's have been identified as potential landmarks in the *Citywide LGBTQ HCS*. It is important to note that the CHDC application process is in its preliminary stages, and, as indicated in the CHDC Comment Letter, the CHDC requires more time to review documents related to their efforts in preparing an application for the Compton's Historic District and submitting it to the *National Register of Historic Places*. As of the publication of the 1028 Market Street Draft EIR (September 21, 2016) the City has not received new substantial information, reviewed a nomination request, or received a referral from the State Historic Preservation Officer soliciting input from the Planning Department Preservation Staff on a potential Compton's Historic District.

In addition, and separate from the process that the CHDC is currently engaged in, the 'Site of the Compton's Cafeteria Uprising' is currently listed on the Historic Preservation Commission's Landmarks Designation Work Program, which is managed by Planning Department Preservation Staff.⁹ The current Work Program includes properties that address underrepresented Landmark property types including landscapes, buildings of Modern design, buildings located in geographically underrepresented areas, and properties with strong cultural or ethnic associations. The Planning Department is conducting additional research, documentation, and public outreach related to these proposed designations.

1028 Market Street Project

The history of the site, the building, and the neighborhood as it relates to the *Citywide LGBTQ HCS* are discussed in EIR Section 4.B, Historic Architectural Resources, on EIR pp. 4.B.6 and 4.B.9-4.B.15. The project site and its historic uses, which included theaters and bars, were associated with the Early Development of LGBTQ Communities in San Francisco (early 20th century-1960s) and the Policing and Harassment of LGBTQ Communities (1933-1960s).

The description of the California Register of Historical Resources (CRHR)-eligible Tenderloin LGBTQ Historic District, provided on EIR pp. 4.B.21-4.B.22, identifies Compton's Cafeteria as

⁹ San Francisco Planning Department, Historic Preservation, Landmark Designation Program. Available online at <http://sf-planning.org/landmark-designation-work-program>. Accessed December 29, 2016.

“a 24-hour cafeteria site that became the first documented transgender women’s riot against police harassment in the United States in 1966.”

In addition, the Planning Department’s *1028 Market Street HRER*, which is incorporated by reference in the EIR (and provided as part of the Draft EIR’s Administrative Record) includes a detailed accounting of the 1028 Market Street project site, the existing building, and the relationship with the historic themes identified in *Citywide LGBTQ HCS* as well as its contributory status within the CRHR-eligible Tenderloin LGBTQ Historic District. As indicated on EIR p. 4.B.15:

The 1028 Market Street building does not meet any of the criteria for inclusion in the CRHR as an individual resource in the context of the Citywide LGBTQ HCS and, as such, is not considered an individual historical resource for the purposes of CEQA. However, the alterations to the building have not limited the 1028 Market Street building’s ability to convey its association with the CRHR-eligible Tenderloin LGBTQ Historic District and to potentially contribute to that District.

The project-level and cumulative analyses of the impacts of the demolition of the 1028 Market Street building on the Tenderloin LGBTQ Historic District are presented under Impact CR-5 and Impact C-CR-1 on EIR pp. 4.B.38-4.B.42. As indicated, the impact of demolition of the existing 1028 Market Street building on the Tenderloin LGBTQ Historic District was determined to be less than significant because the LGBTQ-friendly uses (or businesses that occupied the site) did not represent the only example of that resource type within the boundaries of the district.

The cumulative analysis, on EIR pp. 4.B.41-4.B.42, indicates that demolition of the 1028 Market Street building would not combine with other projects in the area (57 Taylor Street, 950 Market Street, 1095 Market Street, and 229 Ellis Street) to create a cumulative loss of district resources that would materially impair the eligibility of the Tenderloin LGBTQ Historic District.

A conclusion that a project would have a less-than-significant impact does not indicate that the proposed project would have no impact, nor does it constitute a determination that the proposed project would be physically compatible with its surroundings; rather, the EIR concludes that the impact is considered less than significant under the relevant EIR significance criteria and for the purposes of CEQA when considered in the context of its diverse and varied physical setting.

The Planning Department recognizes that there are multiple histories within the Tenderloin and each history is unique to the context of each specific group within the broader LGBTQ community. Within the transgender community context, there is no substantial evidence in the record to suggest that the uses at 1028 Market Street have any association with transgender history or the Compton’s Cafeteria riots. The commenter does not provide any new evidence to suggest the subject site has any associations with the transgender community or the riot at

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Compton's Cafeteria. In the *Citywide LGBTQ HCS*¹⁰ and additional information from a credible source¹¹, Market Street is noted as a gay hustling scene, one that is off-limits to transgender women in the mid-20th century. Within the subsets of the broader LGBTQ community, the *Citywide LGBTQ HCS* notes that transgender women "were turned away from many gay bars where bar owners were trying to cultivate a more "respectable" clientele – or a clientele deemed more acceptable to society", during the decades when being homosexual in public was illegal.¹² In conclusion, evidence in the record indicates that the bar uses at the 1028 Market Street project site were either oriented to Market Street or oriented to gay men, which would have excluded the transgender subset of the LGBTQ community. Thus there is no evidence to support the commenter's assertion that the project site would be part of a potentially eligible Compton's Historic District, focused on the context of the transgender community. In the absence of substantial evidence in the record that supports a potential association between the project site and the Compton's Cafeteria Uprising, the demolition of the existing 1028 Market Street building and new construction on the project site would not materially impair the significance of a potentially eligible Compton's Cafeteria historical resource.

Adequacy of the Environmental Document as It Pertains to LGBTQ Historic Resources

The analysis determined that the loss of the subject building with its association with LGBTQ uses would not render the district ineligible for listing in the California Register. In the cumulative context, while there are projects that may result in project-level and cumulative significant impacts to historic resources, the proposed project would not be likely to combine with these, or other, projects in such a way that there would be a significant cumulative impact to historic architectural resources. In the context of a potentially large geographic district with a long period of significance, the loss of one contributing resource would not combine with any other project to result in a material impairment of the eligible Tenderloin LGBTQ Historic District.

However, the CHDC contests the Draft EIR, asserting that the analysis did not include all of the information on the cumulative impacts that the proposed loss of historic resources would have on the recently-identified eligible Tenderloin LGBTQ Historic District, given that much of this information was only made available in October 2016 after the release of the Obama Administration's LGBTQ Theme Study. As explained above, the *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History* does not contain new or

¹⁰ Citywide LGBTQ HCS, pp. 94-96.

¹¹ Stryker, Phone call with Planning Department Staff, January 11, 2017. Additional reference to the separation of types of hustling on Market Street to gay hustling in *Screaming Queens: The Riots at Compton's Cafeteria* (Frameline, 2015. Film).

¹² Citywide LGBTQ HCS, p. 204.

different information that would invalidate the information or evaluation conclusions presented as part of the review and evaluation of the subject property at 1028 Market Street.

Concerns raised over the adequacy of the evaluation of the project site and existing building as potential LGBTQ resources do not present substantial evidence that would indicate that the proposed project would have a significant impact on an historical resource that was not identified in the EIR. Comments related to the analysis of the proposed project as it relates to a potential historic resource – the Compton’s Historic District – do not introduce new information requiring further analysis in this EIR and do not have a bearing on the accuracy or adequacy of the EIR.

Underground Tunnel System. The commenter indicated that “planning staff are not aware of the intact underground tunnels that queer patrons were forced to use to enter the establishments or to escape police raids”. . . “and to avoid the loss of employment, family, and housing that were risked in those days by homosexual association.” Beyond the assertion of the existence of intact underground tunnels the commenter did not provide substantial evidence of these tunnels for inclusion in the record. Based upon a site investigation at the 950-974 Market Street project site attended by Planning Department Preservation Staff (November 30, 2016) there was no evidence of an underground system of tunnels that connected the buildings along the 900 block of Market Street, i.e., Market, Mason and Turk Streets.¹³ A site visit (June 30, 2014) of the 1028 Market Street building, which included a tour of the partial basement, did not reveal any unique below-grade features such as underground tunnels.¹⁴ In addition, for the 1028 Market Street project, Mitigation Measure M-CR-2, Archaeological Testing Program, will include direction to look for any indication of tunnels as part of the testing program.

Outreach. The commenter expressed that “insufficient outreach was conducted to ensure the inclusion of LGBTQ leaders and organizations, especially those of us centered in the Tenderloin, to ensure that our voices were front and center in any discussions regarding the loss of our historic resources.” The project sponsor for the 1028 Market Street Project engaged in an extensive community outreach process, with approximately 100 hosted community events in the Hall.¹⁵ The project sponsor has also hosted meetings and engaged in telephone conversations with various LGBTQ organizations as well as one of the authors of the Citywide LGBTQ HCS.¹⁶

¹³ Page & Turnbull, Draft Memorandum Re: 950-964, 966-970, 972, and 974 Market Street Basement Tunnel Examination, December 9, 2016. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0241E.

¹⁴ Tidewater Capital, E-mail communication re: site visit, June 30, 2014. A copy of this e-mail is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0241E.

¹⁵ Tidewater Capital, e-mail communication, January 11, 2017 and “1028 Market Street & The Hall: Interim Use Activation: A New Model for Urban Redevelopment”, p. 8. Copies of the e-mail and the document are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0241E.

¹⁶ Tidewater Capital, e-mail communication, January 11, 2017.

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This outreach was in addition to the required notifications that are part of the City's environmental review process. Notification to governmental agencies, community and civic organizations, and interested individuals occurred at important junctures of the environmental review process: on February 17, 2016 with the publication and distribution of the Notice of Preparation/Initial Study and Availability of Notice of Preparation of Environmental Impact Report and the initiation of a 30-day public review period; and on September 21, 2016 with publication of the Draft EIR and Notice of a Public Hearing and Availability of a Draft EIR, which initiated a 45-day public review period. The hearings in front of the Historic Preservation Commission and the Planning Commission were duly noticed and occurred on October 19, 2016 and October 27, 2016, respectively. It is the intent of the project sponsor to augment and expand their outreach efforts as part of their effort to ensure that all community concerns are addressed. In addition, the Planning Department also uses a variety of methods to ensure that important stakeholders are part of the planning process including a Block Book Notation system that is used by interested parties to remain apprised of future proposals and developments in specific geographic areas.

Ongoing efforts. Over the past 10 to 15 years, the Planning Department has engaged with multiple stakeholders on a coordinated effort to consolidate existing research on the city's LGBTQ history, to perform new research on the City's LGBTQ history, and to consolidate this information into a coherent and comprehensive document – an effort that has culminated in the Citywide Historic Context Statement for LGBTQ History in San Francisco.

The Planning Department has supported the effort to nominate a LGBTQ historic district for inclusion on the CRHR and potentially the National Register of Historic Places (the Tenderloin LGBTQ Historic District, which includes Compton's Cafeteria [101 Taylor Street]). The Planning Department has also identified the 'Site of the Compton's Cafeteria Uprising' as a property in its current Landmarks Designation Work Program, and will study the property's potential for designation as a City Landmark under Article 10 of the Planning Code.

In early 2017, the Planning Department, with the support of the Office of Economic and Workforce Development and the Entertainment Commission, plans to convene a working group to develop a citywide LGBTQ Cultural Heritage Strategy. This Strategy will identify LGBTQ nightlife and cultural heritage needs and concerns; review and survey best practices in cultural heritage strategies; identify existing City programs and services to assist LGBTQ nightlife and cultural heritage, and identify opportunities for cross-department or agency collaboration; and collect other potential strategies/ approaches identified by participants. A peer review committee including members of the public will be formed as part of this effort. Appointments to this committee are currently being considered.

This effort would not change the Planning Department's conclusions made in the CEQA analysis and documents, based on the substantial evidence currently in the record. As noted, an eligible

Tenderloin LGBTQ Historic District has been identified by the Planning Department, the boundaries of which follow those of the 2009 Uptown Tenderloin National Register Historic District and the 2004 Market Street Theatre and Loft National Register Historic District and would possibly expand east and west to capture sites identified in the *Citywide LGBTQ HCS*. A transgender community historian has indicated that a transgender-focused historic district may follow similar boundaries as this larger eligible Tenderloin LGBTQ Historic District.¹⁷ As previously discussed, the landmark designation of Compton's Cafeteria and associated properties/surroundings as part of the 1966 riot by the transgender community against police harassment is a City-sponsored effort that is consistent with the CHDC's primary objective, which is to recognize significant events that represent a dramatic turning point in the formation of the transgender community and political mobilization in San Francisco and to ensure LGBTQ community preservation. To this end, Improvement Measure I-CR-5, identified to reduce a less-than-significant impact on the CRHR-eligible Tenderloin LGBTQ Historic District, which includes the Compton's Cafeteria site, would commemorate and reinforce the project site's association with other LGBTQ sites in the Tenderloin and events that have made a significant contribution to broad patterns of California history and cultural heritage.

Insufficient Mitigation Measures. The commenter stated "and finally, the proposed mitigation measures are insufficient." However, the commenter did not provide any evidence or information contrary to the mitigation measures' applicability contained within the Draft EIR. Furthermore, the project sponsor has committed themselves to work with the author(s) of the *Citywide LGBTQ HCS* to develop an Interpretive Program (identified as Improvement Measure I-CR-5 on EIR p. 4.B.39). The author of the *Citywide LGBTQ HCS* (through comment on other development projects in the immediate vicinity of 1028 Market Street) indicated support of the Planning Department's analysis and conclusions and has also indicated that a comprehensive and inclusive LGBTQ history for the Tenderloin is planned.

Improvement Measure I-CR-5: Interpretive Program. Although the EIR concludes that the proposed project would not have a significant impact on the significance of an eligible Tenderloin LGBTQ Historic District, the project sponsor has agreed to implement Improvement Measure ICR-5: Interpretive Program (see EIR p. 4.B.39). Subsequent to the publication of the Draft EIR for the proposed project and as part of the project sponsor's ongoing community outreach, the project sponsor has reaffirmed their intent to engage directly with Planning Department Preservation Staff, the CHDC and other civic organizations, and project developers in the immediate area to ensure close coordination with the efforts of other development teams to develop an Interpretive Program that honors individual sites and highlights the relationships that exist within the boundaries of the Tenderloin LGBTQ Historic District. The Improvement

¹⁷ Stryker, Phone call with Planning Department Staff, January 11, 2017.

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Measure specifies that the interpretive display be located on site “in a publicly-accessible location, such as a lobby or Market Street/Golden Gate Avenue frontage.”

Comment CR-3: Archaeological Mitigation Measure

This response addresses the following comments:

- A-HPC-5

“One HPC member commented on the adequacy of the archaeological mitigation measures.”
(*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-5]*)

Response CR-3

An HPC member commented on the adequacy Mitigation Measure M-CP-2: Archaeological Testing Program (see EIR Appendix A, Notice of Preparation /Initial Study, pp. 64-67). This mitigation measure is a standard measure developed by the City’s archeologist and applied to projects where there is a reasonable presumption that archaeological resources may be present within a project site. It calls for a program of consultation, testing, monitoring, data recovery, analysis, interpretation, and reporting. The Planning Department applies this measure to reduce the potential impact of project construction to a less-than-significant level.

C. TRANSPORTATION AND CIRCULATION

The comments and the corresponding responses in this subsection relate to the topic of Transportation and Circulation, which is evaluated in EIR Section 4.C, Transportation and Circulation. The comments are further grouped according to the following transportation-related issues that they raise:

- TR-1: Cumulative Transportation Impacts
- TR-2: Site Circulation/Traffic Hazards

A corresponding response follows each group of comments.

Comment TR-1: Cumulative Transportation Impacts

This response addresses the following comments:

- I-Hestor-1
-

“I’m going to submit really written comments, but I want to talk to the commission about some issues because there are so many EIRs and environmental reviews coming through in this area. There are five of them that I know of – Central SOMA, 1 Oak Street, 1500 Mission – which is the one you heard earlier today, the Hub –and Golden Gate and Van Ness. All are EIRs that are coming to you in the next year or year and a half.

And there are some big problems that need to be – they’re worthy of attention. One is that there is enormous traffic from trucks and buses. That is really important to the city in the operation – U.S. routes, transit, Market Street, Mission Street, Van Ness, South Van Ness. If they don’t function the city doesn’t function. And they are central to the operations, every one of these projects.” (*Sue Hestor, Public Hearing Transcript, October 27, 2016 [I-Hestor-1]*)

Response TR-1

The comment expresses concern about the cumulative transportation impacts of projects along Market Street near the intersection of Market Street and Van Ness Avenue in the Market-Octavia Hub planning area, in the Central SoMa Area Plan area, and other cumulative projects on Van Ness Avenue and Golden Gate Avenue especially as they relate to the efficient operation of trucks and buses along the adjacent transportation corridors, e.g., Market Street, and U.S. 101 on Mission Street, Van Ness Avenue, and South Van Ness Avenue.

CEQA Guidelines Section 15355 defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” In accordance with CEQA Guidelines Section 15130(b)(1), cumulative impacts in the EIR are analyzed by applying a list-based approach (a list of past, present, and reasonably foreseeable future projects), a plan-based approach (a summary of projections in an adopted general plan or related planning document), or a reasonable combination of the two. CEQA Guidelines Section 15130(b) further states that “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.”

The EIR, including the NOP/IS (see Appendix A of the EIR), analyzes the proposed project’s contribution to cumulative impacts, if any, under each applicable environmental topic. A list and a map of reasonably foreseeable future projects within about a quarter-mile radius of the project site for which the Planning Department has an Environmental Evaluation Application on file are presented on EIR pp. 4.A.5-4.A.8. The analysis of cumulative transportation impacts uses the plan-based approach, i.e., the San Francisco County Authority’s San Francisco Chained Activity Model Process (SF-CHAMP) travel demand model, to estimate future 2040 cumulative conditions for a quantitative assessment of traffic (vehicle miles traveled [VMT]) and transit, and

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qualitatively considers the pedestrian, bicycle, and loading effects of a list of projects in the immediate vicinity.

The SF-CHAMP 2040 model output includes the highlighted projects, e.g., Central SoMa, 1 Oak Street, and 1500 Mission Street, as well as changes to the local transportation network under the Planning Department's Central SoMa and Better Market Street Plans and the San Francisco Municipal Transportation Agency's (SFMTA's) Muni Forward and Vision Zero projects (see EIR pp. 4.C.58-4.C.65). The City's updated approach to traffic impact analysis, which no longer uses intersection level of service for determining impacts, has established 2040 average daily VMT per capita by land use and by location (a transportation analysis zone or TAZ) and determines impacts by comparison against a regional average daily VMT number. The City's methodology generally captures commercial-truck-related VMT based on demand for deliveries. Cumulative traffic impacts are considered under the 2040 cumulative VMT analysis under Impact CR-1 on EIR pp. 4.C.65-4.C.66. As discussed there, the proposed project's 2040 average daily VMT per capita for its residential and retail components would not contribute substantially to cumulative traffic increases. Cumulative transit impacts are discussed under Impact C-TR-2 on EIR pp. 4.C.67-4.C.68. As discussed there, the proposed project's contribution to cumulative local or regional transit impacts (52 local [Muni] transit trips and 47 regional transit trips) would not be considerable, i.e., more than 5 percent. Therefore, any project-related contributions to Muni screenlines and/or corridors operating above the standard transit capacity utilization threshold of 85 percent under 2040 conditions (the Northwest Screenline and the California, Sutter-Clement, and Fulton-Hayes corridors and the Mission and San Bruno-Bayshore corridors of the Southeast Screenline) were determined to be less than significant. Project-related contributions to cumulative impacts on regional transit were determined to be less than significant because all regional transit screenlines and operators, e.g., BART, Caltrain, and SamTrans, would be under their respective transit capacity utilization thresholds.

Although project-related impacts on traffic and transit operations were determined to be less than significant, the project sponsor has agreed to implement standard City measures in support of the City's Transit First Policy and to ensure that site circulation issues are properly addressed (i.e., Improvement Measure I-TR-1a: Implement Transportation Demand Management Measures, Improvement Measure I-TR-1c: Queue Abatement, and Improvement Measure I-TR-5: Coordination of Move-in/Move-out, on EIR pp. 4.C.39-4.C.40, 4.C.41, and 4.C.50-4.C.51, respectively). Implementation of these improvement measures would reduce the proposed project's less-than-significant transportation and circulation impacts, further reducing any contributions to cumulative impacts on traffic and transit. Since the comment does not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of cumulative transportation and circulation impacts, no further response is required.

Comment TR-2: Site Circulation/Traffic Hazards

This response addresses the following comment:

- I-Hestor-3

“Third thing is we’ve had uncontrolled disruptors of traffic. We now have Uber, Lyft, massive amounts of delivery that don’t respect traffic lanes. They go where they want to go and they make U-turns where they feel like it. In the middle of Market Street I’ve seen people make U-turns in the stretch right in front of this building. Mission and Market – Uber – they’re going to do what they are going to do because they’re not under anyone’s control.” (*Sue Hestor, Public Hearing Transcript, October 27, 2016 [I-Hestor-3]*)

Response TR-2

The comment expresses concern with traffic disruptions associated with illegal traffic movements of delivery vehicles and transportation network company vehicles (i.e., Uber, Lyft) and their oversight (or lack thereof).

EIR Section 4.C, Transportation and Circulation, on pp. 4.C.20 and 4.C.23, under “Pedestrian Conditions” and “Bicycle Conditions,” includes a description of one of the weekday PM peak period field visits conducted as part of the proposed project’s Transportation Impact Study (TIS). The *1028 Market Transportation Impact Study, Case No. 2014.0241E*, prepared by Stantec Consulting, is summarized in EIR Section 4.C, Transportation and Circulation, and included in the proposed project’s Draft EIR Administrative Record. As noted on EIR p. 4.C.20 and 4.C.23, existing traffic hazards between cars and pedestrians at intersection crossings were not observed during the field visit, but conflicts between eastbound, right-hand turning cars and eastbound bicyclists at the Market Street and Sixth Street intersection and between westbound buses and westbound bicyclists at transit stops were noted. Existing commercial and passenger loading conditions were also assessed during the field visit (see EIR p. 4.C.24), and observations did not note any conflicts related to commercial and passenger loading activities. Thus, the assessment of existing transportation and circulation conditions did not characterize this area as one with hazardous conditions.

Project-related impacts on transportation and circulation were determined to be less than significant (see VMT, transit, pedestrian, bicycle, loading, and emergency vehicle access discussions under Impacts TR-1 to TR-6 on EIR pp. 4.C.38-4.C.51). Nonetheless, the project sponsor has agreed to implement standard City measures in support of the City’s Transit First Policy and to ensure that site circulation issues are properly addressed (i.e., Improvement Measure I-TR-1a: Implement Transportation Demand Management Measures, Improvement Measure I-TR-1c: Queue Abatement, and Improvement Measure I-TR-5: Coordination of Move-

3. Comments and Responses

in/Move-out, on EIR pp. 4.C.39-4.C.40, 4.C.41, and 4.C.50-4.C.51, respectively).

Implementation of these improvement measures would reduce the proposed project's less-than-significant transportation and circulation impacts.

Although illegal traffic operations of the type identified in this comment (e.g., illegal U-turn) are known to occur and do pose traffic hazards to other users of the street right-of-way, the issue of regulating the commercial delivery operations and the independent operators of transportation network companies (and driver behavior in general) is an ongoing citywide policy concern and a general enforcement issue. The comment is acknowledged; however, it does not provide evidence that calls into question the accuracy or adequacy of the information provided in the transportation analysis for the proposed project. Thus, no further response is required.

D. WIND AND SHADOW

The comment and the corresponding response in this subsection relates to the topic of Wind, which is evaluated in Section E.8 of the Notice of Preparation/Initial Study (see Appendix A to the EIR).

Comment WS-1: Wind

This response addresses the following comment:

- I-Hestor-2

“The second thing is that there is enormous winds that come down the Hayes Street hill. Four environmental review officers ago – Hillary Gitelman was the head of – she was the ERO when the Planning Department did a study on winds that was specific as to the corner of Tenth and Market. And it was for the Redevelopment Agency because the Redevelopment Agency was going to give it to the federal government for free for a federal building. The winds were so harsh the federal government could not accept a free site.

And as the city keeps approving projects, the city should be developing a wind model that the city owns, that is not a consultant out there you have to pay all the time to update it. But everything should be put into that and factored into the wind study for Mission and Market and Van Ness because it's literally a life and death matter.” (*Sue Hestor, Public Hearing Transcript, October 27, 2016 [I-Hestor-2]*)

Response WS-1

The comment expresses concern over hazardous wind conditions in the Downtown/Civic Center neighborhood near the corner of Tenth and Market streets, and states that the City should take

ownership of a wind tunnel model so that the model can be updated more efficiently in the wake of a rapid infill growth along Market Street, Mission Street, and Van Ness Avenue.

Initial Study Section E.8, Wind and Shadow, pp. 119-134, presents the project-level and cumulative wind analysis for the proposed project (see Appendix A of the EIR). Existing conditions, existing conditions with the proposed project, and cumulative conditions with the proposed project and cumulative projects are analyzed at 38 discrete locations on the surrounding sidewalk network. Cumulative projects included in the wind tunnel study are listed on NOP/IS p. 123. As shown in Table 9 on p. 124, the pedestrian-level winds in the immediate area of the project site do not show any exceedances of the City's hazardous wind speed criterion. This table also shows that there are existing exceedances of the City's wind comfort criteria and that the number of such exceedances would increase under the proposed project from 11 to 15. As determined by the wind tunnel study modeling, and as summarized in the NOP/IS under Impact WS-1 (pp. 124-132), the proposed project would not cause pedestrian-level wind speeds to exceed the hazard criterion or alter wind in a manner that substantially affects public areas at either the project or cumulative level.

The comment regarding the recommendation that the City purchase a wind tunnel model is acknowledged; however, it does not provide evidence that calls into question the accuracy or adequacy of the information provided in the wind analysis for the proposed project. Thus, no further response is required.

E. ALTERNATIVES

The comments and corresponding response in this subsection relate to the topic of project alternatives, which is evaluated in EIR Chapter 6, Alternatives.

Comment AL-1: Project Alternatives

This response addresses the following comments:

- A-HPC-1
- A-HPC-3
- A-HPC-6

“The HPC agreed that the preservation alternatives had been well-developed and incorporated comments from the Architectural Review Committee.” (*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-1]*)

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“The HPC generally agreed that the Compatible Design Alternative, nine stories in height, is a more compatible design for a replacement structure and does not support the height of the proposed project at 13 stories.” (*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-3]*)

“One HPC member commented on the 2-page matrix outlining the preservation alternatives and stated it was informative and helpful for the hearing.” (*Commissioner Karl Hasz, Historic Preservation Commission, Letter, October 20, 2016 [A-HPC-6]*)

Response AL-1

Comments express satisfaction with the project sponsor’s incorporation of the comments provided by the Historic Preservation Commissions’ Architectural Review Committee into the design of the alternatives to the proposed project and the EIR format of the summary presentation of the alternatives (see Table 6.1: Comparison of Characteristics and Significant Impacts of the Proposed Project and EIR Alternatives, on EIR pp. 6.2-6.3).

The purpose of an EIR is to analyze the environmental impacts of a project as proposed and a reasonable range of alternatives to a proposed project that may reduce or avoid some of the significant physical environmental impacts. The EIR analyzes a No Project Alternative, a Full Preservation Alternative, a Partial Preservation Alternative, and a Compatible Design Alternative. The EIR identifies the Full Preservation Alternative as the “Environmentally Superior Alternative” pursuant CEQA Guidelines Section 15126.6(e)(2). The EIR found that the Full Preservation Alternative would result in the greatest overall reduction in the magnitude and severity of project impacts. (For more information regarding how the different alternatives would reduce the physical environmental impacts of the proposed project, see EIR pp. 6.1-6.47.) These comments are noted and do not require any further response as they are not comments on the EIR.

One comment expresses a preference for the Compatible Design Alternative described on EIR pp. 6.33-6.38. The Compatible Design Alternative was suggested by the project sponsor as a means to address the significant and unavoidable historic architectural resource impact related to the height and scale of the proposed building and its compatibility with the MSTL District and views of the Golden Gate Theatre dome (see Impact CR-2 on EIR pp. 4.B.33-4.B.36). Under this alternative, the new building to be developed on the project site would have a reduced overall building mass compared to the proposed project and would be approximately 32 feet shorter (four fewer stories) than the proposed project at the Market Street elevation with a setback at the easternmost portion of the project site. The existing 1028 Market Street building would still be demolished under this alternative; thus, the significant and unavoidable historic architectural resource impact related to the loss of a contributor to the MSTL District would remain.

The comment expressing a preference for the Compatible Design Alternative does not raise any issues concerning the adequacy or accuracy of the EIR's coverage of environmental impacts under CEQA. To the extent that the comment expresses opposition to the proposed project, such a comment may be considered and weighed by City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process. The final determination of feasibility will be made by City decision-makers based on information presented in the EIR, comments received on the Draft EIR, and responses to those comments.

F. CONSTRUCTION IMPACTS OF THE PROPOSED PROJECT

The comment and corresponding response in this subsection relates to a general concern about the construction impacts of the proposed project.

Comment CON-1: Construction Impacts of the Proposed Project

This response addresses the following comment:

- O-TNDC-2

“TNDC is also concerned about the construction impacts of this project on extremely low income residents living walking distance from the proposed project. We are actively working to create a plan that will provide greater protections for our residents than those outlined in the DEIR. We thank you for your work and hope for your full support in the mitigating our community concerns.” *(Alexandra Goldman, Senior Community and Planning Manager, Tenderloin Neighborhood Development Corporation, Letter, November 2, 2016 [O-TNDC-2])*

Response CON-1

The comment expresses concern regarding the project's construction impacts on nearby residents and states that the TNDC is developing a plan that would enhance these protections.

The EIR found that construction effects related to cultural resources, transportation, noise, and air quality would be less than significant or less than significant with mitigation measures that would be required of the proposed project. The construction impacts of the proposed project are disclosed in the relevant environmental analyses. As noted below, the project sponsor has also agreed to implement improvement measures to reduce the less-than-significant impacts of the project.

3. Comments and Responses

Cultural Resources

Construction-related cultural resource impacts are described under Impact CR-4 in EIR Section 4.B, Cultural Resources, on pp. 4.B.37-4.B.38. As stated therein, due to the adjacency of the San Christina Building at 1000 Market Street it was determined that demolition, excavation, and other vibration-related construction activities could materially impair a historic structure. Mitigation Measures M-CR4a: Vibration Monitoring and Management Plan, and M-CR-4b: Construction Best Practices for Historical Architectural Resources, were identified to reduce the potential impacts of new building construction on the adjacent historic resource. The project sponsor has agreed to incorporate the plan and best practices into the overall construction plans and specifications.

Transportation

Construction-related transportation impacts are described under Impact TR-7 in EIR Section 4.C, Transportation and Circulation, on pp. 4.C.51-4.C.56. As stated therein, the construction impact assessment is based on preliminary information provided by the project sponsor on the construction program, including construction duration, truck trips, site staging, and construction plans, and the City's understanding of similar construction projects. Prior to construction, as part of the building permit application phase, the project sponsor and construction contractor(s) would be required to meet with Public Works and SFMTA staff to develop and review truck routing plans for demolition, disposal of excavated materials, and materials delivery and storage, as well as staging for construction vehicles. The construction contractor would be required to meet the *City of San Francisco's Regulations for Working in San Francisco Streets* ("the Blue Book"), including regulations regarding sidewalk and lane closures.¹⁸ Temporary sidewalk or travel lane closures would be subject to review and approval by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), and permanent sidewalk or travel lane closures would be subject to review and approval by the City's Transportation Advisory Staff Committee. Prior to construction, the project contractor would coordinate with Muni's Street Operations and Special Events Office to coordinate construction activities and reduce any impacts to transit operations on Golden Gate Avenue or Market Street. In addition to the regulations in the Blue Book, the contractor would be responsible for complying with all City, state, and federal codes, rules, and regulations including those promulgated by the Bay Area Rapid Transit District (BART) for construction with the BART Zone of Influence.

As noted on EIR p. 4.C.52, it is anticipated that construction of the proposed project would take approximately 20 months. Construction-related activities would typically occur Monday through

¹⁸ The SFMTA Blue Book, 8th Edition, January 2013. Available online at <https://www.sfmta.com/sites/default/files/pdfs/2016/Blue%20Book%208th%20Edition%20%28PDF%29.pdf>. Accessed December 2, 2016.

Friday, between 7 AM and 4 PM. Construction is not anticipated to occur on Saturdays, Sundays, or major legal holidays, but may occur on an as-needed basis. The hours of construction would be stipulated by the Department of Building Inspection. The contractor would need to comply with the San Francisco Noise Ordinance and the Blue Book, including requirements to avoid peak hour construction activities on adjacent streets.

Based on information obtained from the project sponsor, construction staging would occur on site and within the adjacent sidewalks on Golden Gate Avenue and Market Street. The sidewalk on Golden Gate Avenue adjacent to the project site may need to be closed for a portion of the construction period (e.g., during the excavation and foundation stages and when the sidewalk is widened into the parking lane), and pedestrian traffic would need to be shifted to a protected pedestrian walkway within the parking lane or to the sidewalk on the north side of Golden Gate Avenue. The Market Street sidewalk adjacent to the project site would not be closed. It is not anticipated that any travel lane closures would be required under the proposed project; however, with the Golden Gate Avenue sidewalk widening, a temporary travel lane closure may be required. Since Golden Gate Avenue has two travel lanes adjacent to the project site, any temporary travel lane closure would reduce the roadway capacity and all vehicles would have to use the remaining lane on Golden Gate Avenue. A temporary lane closure would result in additional vehicle delay, and some drivers might temporarily shift to other, potentially less convenient, routes to access their destination. Any temporary sidewalk or traffic lane closures, as well as other construction activities that may require temporary travel lane closures, would be coordinated with the City in order to minimize construction impacts on traffic and transit.

During the construction period, there would be a flow of construction-related trucks into and out of the site. There would be an average of between 2 and 56 construction trucks traveling to and from the site on a daily basis (i.e., an average of 4 to 112 one-way daily truck trips). The impact of construction truck traffic would be a temporary lessening of the capacities of streets due to the slower movement and larger turning radii of trucks, which may affect both traffic and Muni operations. It is anticipated that a majority of the construction-related truck traffic would use Seventh Street to access Golden Gate Avenue (via Charles J. Brenham Place and McAllister and Leavenworth streets) and Sixth Street to connect with I-280 for South Bay and East Bay destinations. In addition, there would be an average of between 4 and 40 construction workers per day at the project site. Construction workers who drive to the site would not substantially affect transportation conditions and would cause a temporary increase in parking demand. The time-limited and residential parking restrictions in the vicinity of the project site would limit legal all-day parking by construction personnel, so these workers would park either in nearby parking facilities, such as the California Parking at 199 Turk Street, which currently has parking availability during the day, or on site once the garage element of the proposed project is completed. As a result, the proposed project would not substantially affect area-wide parking conditions during the 20-month construction period.

3. Comments and Responses

Overall, because construction activities would be temporary and limited in duration and are required to be conducted in accordance with City requirements, the proposed project's construction-related transportation impacts were determined to be less than significant. The EIR identifies Improvement Measures I-TR-7a: Construction Management, and I-TR-7b: Limited Delivery Time, on EIR pp. 4.C.55-4.C.56, that would further reduce the less-than-significant impacts related to potential conflicts between construction activities, transit, pedestrians, bicyclists, and autos. Improvement Measure I-TR-7a would include the development of a construction management plan that addresses site circulation, site access, and staging, and materials delivery hours; strategies to reduce vehicle trips by encouraging carpooling, transit use, and other alternate modes of transportation; strategies to minimize the number of construction truck trips; and mechanisms for ensuring that the adjacent residents and businesses are consulted and kept apprised of project construction activities, including travel lane closures. Improvement Measure I-TR-7b would restrict construction truck trips and materials deliveries during the morning and evening peak periods. City decision-makers may choose to include these improvement measures as a condition of approval for the proposed project.

Noise

Construction-related noise impacts are described in Section E.5, Noise, of the NOP/IS under Impact NO-2 on pp. 84-87 (see Appendix A of the EIR). Project-related construction activities would temporarily and intermittently contribute to ambient noise levels over the 20-month construction period and would affect the closest sensitive receptors at 48 Golden Gate Avenue and 1000 Market Street (see NOP/IS pp. 77-78). As described, the City and County of San Francisco adopted the Noise Ordinance to reduce noise where feasible. For construction, Section 2907 of the Noise Ordinance states that the noise level threshold at 100 feet from the noise source should not exceed 8-0dBA and Section 2908 states that construction occurring between 8 PM and 7 AM must not result in less than a 5 dBA incremental change to the ambient noise level at the site's property line. The noise analysis in the Initial Study describes construction noise by modeling worst-case assumptions to predict maximum levels, while acknowledging that noise levels experienced at the nearest sensitive receptors would vary greatly and fluctuate depending on the construction phase and the type, number, and duration of use of the various pieces of construction equipment. Construction noise levels modeled in the Initial Study (Table 5 on p. 86) represent the combined noise of four pieces of heavy-duty construction equipment operating simultaneously at the center of the project site. The combined effect of the existing noise level and estimated construction noise level is shown in the table. The closest off-site sensitive receptor would experience the construction noise as the dominant noise source. As described on NOP/IS p. 85, temporary construction noise impacts would be less than significant because they would not exceed the standards identified in the Noise Ordinance. However, the temporary increase in ambient noise levels due to construction activities would be perceived by the closest sensitive receptors as a doubling of loudness. As a result, Improvement Measures I-NO-2a and I-

NO-2b, on NOP/IS p. 86, were identified to further reduce the less-than-significant construction noise impacts. Improvement Measure I-NO-2a would restrict construction activities to the hours from 7 AM to 8 PM between Monday and Saturday; prohibit Sunday and holiday work; restrict the scope of nighttime work, if needed; and require advance authorization from DBI for any nighttime work. Improvement Measure I-NO-2b lists practices that would reduce noise generated by the construction equipment, such as providing enclosures and mufflers for stationary equipment, siting stationary equipment away from Golden Gate Avenue and the eastern property line, and shrouding or shielding impact tools. City decision-makers may choose to include these improvement measures as a condition of approval for the proposed project.

Air Quality

Construction-related air quality impacts are described in Section E.6, Air Quality, of the NOP/IS under Impact AQ-1 and Impact AQ-2 on pp. 104-111 (see Appendix A of the EIR). Project-related construction activities would temporarily and intermittently contribute to emissions of criteria air pollutants and toxic air contaminants over the 20-month construction period and would affect nearby sensitive receptors (NOP/IS p. 107). As described, the City and County of San Francisco adopted the Construction Dust Control Ordinance to reduce wind-blown dust from demolition, excavation, grading, and other construction activities. Further, the Air Quality Technical Memorandum prepared for the proposed project used the California Emissions Estimator Model (CalEEMod) to quantify the proposed project's construction-related criteria air pollutant emissions based on the construction schedule, list of construction equipment, and other construction information provided by the project sponsor. The construction air quality analysis under Impact AQ-1 resulted in a determination that the proposed project would not exceed the BAAQMD's threshold of significance for any of the criteria air pollutants (see Table 7: Daily Project Construction Emissions, on NOP/IS p. 106) and would result in a less-than-significant criteria air pollutant impact. As described under Impact AQ-2 on NOP/IS p. 107, the project site is located within an Air Pollutant Exposure Zone (APEZ), i.e., an area of the City with poor air quality based on health-protective criteria that consider estimated cancer risk, exposure to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations, and project-related construction activities would result in the emissions of diesel particulate matter and other toxic air contaminants. The City requires implementation of a standard construction air quality mitigation measure for all projects within an APEZ (Mitigation Measure M-AQ-2: Construction Air Quality, described on pp. 109-111 in the NOP/IS). Mitigation Measure M-AQ-2 would reduce emissions from construction equipment by requiring the use of the most up-to-date diesel emission control strategies, thereby reducing the air quality effects of construction activities on nearby sensitive receptors. This mitigation measure would be included as a condition of approval.

3. Comments and Responses

The comment does not provide evidence of deficiencies in the mitigation and improvement measures identified to reduce or eliminate construction-related impacts, nor does it offer information that could augment the measures. Thus, no additional information is necessary to adequately characterize the project's construction impacts or the mitigation and improvement measures identified to reduce the impacts.

G. MERITS OF THE PROPOSED PROJECT

The comment and the corresponding response in this subsection relate to the merits of the proposed project.

Comment ME-1: Merits of the Proposed Project

This response addresses the following comment:

- I-Seymour-1

“Some things that a lot of people aren’t aware of in the Tenderloin, right before the ‘06 quake in that particular block we had some very tall buildings, if you want to be historical about it. But what happened in the Tenderloin, especially – and in other parts of the city, but especially the Tenderloin, some 12-, 13-, 14-, 15-story buildings when they fell there were replaced by 7-story buildings, because everyone in the Tenderloin and Mid-Market used existing brick that was on the ground. So they salvaged enough brick to make the building as tall as they could, but it never got to the same height. So historically that was a very tall block. We had a lot of department stores on that block. Of course, this is the theater district so – and I’ve talked to the developers here and I’ve insisted that they retain some historical significance of the theater district. You know, there really is no Tenderloin; there’s no such thing as the Tenderloin. This is the theater district. Some nut some years ago came up with that term for whatever reason, but this is the theater district. At one time there were 17 theaters right along this two-and-a-half-long block strip in Mid-Market. It looked like Fremont Street in Las Vegas.

So we would like to see people continue in that aspect, because one day we will be the great theater district that we once were before. We have about four new theaters that have moved into the neighborhood and so we’re getting it back slowly but surely. We really invite and entertain the idea of new chrome-and-glass buildings coming into our neighborhood, because we’ve been dubbed Skid Row too long. I’m tired of people saying, “Oh, you live down in Skid Row.” No, I don’t. I live in the theater district.

So these new buildings, we need to integrate our culture, our finance, and just the outlook of people. We need new people coming in the neighborhood. I welcome market rate. I most certainly do. We got a lot of low income; we got a lot of nonprofits. Too many. Give us dignity. Give us a real neighborhood back. Give us a neighborhood that we got people that look all kinds of ways. We need that, because everything in our neighborhood – if you come down, our business is duct tape on everything. I’m tired of going into some businesses with duct tape.

Please bring some new businesses and some residences down, please.” (*Del Seymour, Public Hearing Transcript, October 27, 2016 [I-Seymour-1]*)

Response ME-1

The comment provides a brief history of the project site block and area, its taller building heights prior to the 1906 earthquake and fire, the reuse of building materials salvaged from the rubble in the reconstruction (at lower heights) of buildings in this area, and its development as a theater and shopping district strongly associated with Market Street, and asks that the project sponsor preserve the historic significance of the theater district. The commenter also expresses support for the remerging theater uses in the area and the potential introduction of a mix of new housing and business opportunities from the infill development along the Mid-Market corridor.

This comment is acknowledged; however, it does not raise issues concerning the adequacy or accuracy of the EIR’s coverage of environmental impacts under CEQA. Such a comment may be considered and weighed by City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process. Issues raised in comments related to the gentrification of the area, the urban context of the MSTL District, the proposed project’s design compatibility, and the mitigation measures intended to reduce the impacts of building demolition on the historical significance of the MSTL District (Mitigation Measure M-CR-1a: Documentation, and Mitigation Measure M-CR-1b: Interpretation) are discussed in Response PH-1 (RTC pp. 3.3-3.5) and Response CR-1 (RTC pp. 3.8-3.17).

4. DRAFT EIR REVISIONS

This chapter presents text and graphic changes for the 1028 Market Street Project Draft EIR initiated by Planning Department staff. The revisions shown are changes identified in the response in Chapter 3, Comments and Responses or staff-initiated text changes; all of which clarify, expand or update descriptive information and/or graphics presented in the Draft EIR. In these revisions, new text is underlined and deletions are shown in ~~striketrough~~. The revised text and/or graphics do not provide new information that would necessitate changes to any of the EIR's conclusions; result in any new significant impact not already identified in the EIR; or amount to a substantial increase in the severity of an impact identified in the EIR. In addition to the changes listed below, minor changes may be made to the Final EIR to correct typographical errors and minor inconsistencies.

SUMMARY

The following revision has been made to the second sentence under “No Project Alternative” on EIR p. S.28 (new text is underlined and deletions are shown in ~~striketrough~~):

The existing two-story, ~~33,310~~ 33,710-gsf commercial building on the project site would be retained in its current condition and would not be demolished.

SECTION 4.A, INTRODUCTION

Table 4.A.1: Cumulative Projects in the Project Vicinity, has been revised, as shown on the following page.

SECTION 4.B, HISTORIC ARCHITECTURAL RESOURCES

The last sentence of the third full paragraph on EIR p. 4.B.2 has been revised, as follows (new text is underlined):

Its first story has been extensively altered, consisting of a variety of storefront infill treatments (including metal roll-up doors, aluminum storefronts, and stucco).

The second to last sentence of the last paragraph on EIR p. 4.B.2 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The second story exhibits a pair of original, one-over-~~over~~ one, double-hung windows in each bay.

4. Draft EIR Revisions

Table 4.A.1: Cumulative Projects in the Project Vicinity

Address	Case File No.	Dwelling Units	Hotel Rooms	Retail (gsf)	Commercial (gsf)	Non-Profit Arts (gsf)
1169 Market Street (Trinity Place) ^a	2002.1179E	1,900	--	60,000	--	--
475 Minna Street	2014.1422 ENV	15	--	--	--	--
469 Eddy Street	2014.0562E	29	--	2,600	--	--
430 Eddy Street	2014.0400E	22	--	797	--	--
519 Ellis Street	2014.0506E	28	--	2,541	--	--
1053-1055 Market Street	2014.0408E	--	155	4,000	--	--
1066 Market Street	2013.1753E	330	--	4,590	--	--
1075 Market Street	2013.1690E	90	--	9,000	--	--
1095 Market Street (Grant Building) ^b	2014-000803PRJ	--	202	3,992	--	--
950 Market Street	2013.1049E	316	310	15,000	24,000	75,000
1125 Market Street	2013.0511E	--	160	5,562	19,156	--
351V Turk Street/ 145 Leavenworth Street	2012.1531E	234	--	--	--	--
19-25 Mason Street/ 2-16 Turk Street	2012.0678E	155	--	2,828	--	--
119 Seventh Street	2012.0673E	39	--	1,974	--	--
101 Hyde Street	2012.0086E	85	--	4,780	--	--
925 Mission Street (5M)	2011.0409E	702	--	96,600	812,500	
1100 Market Street (Renoir Hotel) ^b	2012.1123E	--	--	--	--	--
1 Jones Street (Hibernia Bank Building) ^b	2011.0167E	--	--	--	--	--
527 Stevenson Street	2010.0948XV	67	--	210	--	--
229 Ellis Street	2009.0343E	18	--	5,704	--	--
57 Taylor Street ^c	2015.007525ENV	77	--	11,000	--	--
168 Eddy Street/ 210 Taylor Street	2007.1342	103	--	5,297	--	--
935-965 Market Street (Market Street Place) ^a	2005.1074E	--	--	--	264,010	--
570 Jessie Street	2005.1018E	47	--	--	--	--
181 Turk Street/ 180 Jones Street	2005.0267E	32	--	--	--	--
1036-1040 Mission Street	2007.1464E	83	--	1,250	--	--
Totals		4,372	827	<u>501,445</u> <u>237,725</u>	<u>856,016</u> <u>1,119,666</u>	75,000

Notes:

^a Under construction.

^b Under renovation and do not include additional hotel rooms or increased gsf of other uses.

^c Group housing.

Source: San Francisco Planning Department Property Information Database and Active Permits in My Neighborhood Map. Available online at <http://propertymap.sfplanning.org/?dept=planning> and <http://www.sf-planning.org/index.aspx?page=2575>. Accessed June 16, 2015. Updated June 2016.

Figure 4.B.1: 1028 Market Street Façade Looking Northwest, on EIR p. 4.B.3, has been revised to replace the existing photograph with a newer, higher resolution photograph of the 1028 Market Street building, taken when street trees are not in full leaf so that more of the existing building is visible. An inset image of the existing building prior to its temporary use as a food hall (which started in October 2014) has been added as well. The revised figure is shown on the following page.

New text has been added after the last paragraph on EIR p. 4.B.9 to clarify the City's approach to the evaluation of LGBTQ resources. New text is underlined.

As noted in the *Citywide LGBTQ HCS*, evaluation of integrity for properties associated with LGBTQ history calls for flexibility.

Very few sites important to LGBTQ history in San Francisco will express their historic associations solely through their physical fabric, so integrity of design, workmanship, and materials are not generally critical when evaluating a property. Instead, the important aspects of integrity for most LGBTQ resources are location, feeling, and association. Location contributes an important aspect of a resource's physical record of events and patterns; where sites associated with LGBTQ history took place can reveal important information. Feeling is a relatively subjective criterion based on the property's ability to express a sense of its period of significance. Association is the connection between a property and the historic patterns, events, and people related to it. In evaluating LGBTQ sites, it is important to recognize that associational qualities are not usually conveyed by the resource itself, but by scholarly and popular historical narratives, oral histories, photographs, continued use, interpretive projects (including plaques), and other means that connect the property to its significance.⁷

[New Footnote]

⁷ Citywide LGBTQ HCS, p. 349.

The last sentence of the first full paragraph on EIR p. 4.B.34 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

As described above, on the north side of Market Street, the tallest buildings are located at the east and west ends of the MSTL District, creating a high-low-high rhythm with the subject building serving as the central low-rise counterpoint. The construction of a 13-story building on the project site would interrupt this rhythm, part of the District's setting, which, in turn, would affects the integrity of the MSTL District.

Figure 4.B.3: View of Golden Gate Theatre Dome from South Side of Market Street, on EIR p. 4.B.35, has been revised to replace the existing photograph with a newer, higher resolution photograph, taken when street trees are not in full leaf so that more of the existing building is visible. The revised figure is shown on the following page.

Existing 1028 Market Street Building prior to October 2014 ground floor renovation.



Existing 1028 Market Street Building with the temporary ground floor use.



SOURCE: SWCA, 2016; San Francisco Planning, 2016

1028 MARKET STREET

2014.0241E

(REVISED) FIGURE 4.B.1: 1028 MARKET STREET FAÇADE LOOKING NORTHWEST



SOURCE: SWCA, 2016

1026 MARKET STREET

2014.0241E

(REVISED) FIGURE 4.B.3: VIEW OF GOLDEN GATE THEATRE DOME
FROM SOUTH SIDE OF MARKET STREET

4. Draft EIR Revisions

The first paragraph on EIR p. 4.B.37 under Impact CR-4 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The project site is directly adjacent to the San Christina Building at 1000 Market Street, a contributor to the MSTL District. ~~This building could be susceptible to ground borne vibration from d~~Demolition and construction activities on the project site (including building demolition, the use of heavy equipment near adjacent buildings, and the installation of auger cast in place piles that could require the use of pile drilling or other vibratory methods) could cause ground-borne vibration that could materially impair the adjacent San Christina Building. Typically, ground-borne vibration generated by construction activities attenuates rapidly with distance from the source.

SECTION 4.C, TRANSPORTATION AND CIRCULATION

The following correction has been made to the paragraph before Improvement Measure I-TR-1b: Additional TDM Measures, on EIR p. 4.C.40 (new text is underlined and deletions are shown in ~~striketrough~~):

In addition, the SFMTA has requested that the project sponsor consider implementation of Improvement Measure I-TR-~~B~~1b: Additional TDM Measures, to further support the shift in travel mode from single occupant vehicles to more sustainable modes such as transit, walking, and bicycling.²⁶

[Footnote 26: TIS, pp. 87-89.]

The following correction has been made to the first sentence of the first paragraph of Improvement Measure I-TR-5: Coordination of Move-in/Move-out Operations and Large Deliveries, on EIR p. 4.C.50 (new text is underlined and deletions are shown in ~~striketrough~~):

To reduce the potential for parking of delivery vehicles within the travel lane adjacent to the curb lane on Golden Gate Avenue, Jones Street, and Taylor Street (in the event that the off-street service vehicle spaces and the proposed on-street loading space are ~~is~~ occupied), residential move-in and move-out activities and larger deliveries should be scheduled and coordinated through building management.

A table title has been corrected in the second sentence of the first full paragraph on EIR p. 4.C.54, as follows (deletions are shown in ~~striketrough~~):

As shown in Table 4.C.15: ~~Summary of Construction Phases and Duration, and~~ Daily Construction Trucks and Workers by Phase, there would be an average of between 2 and 56 construction trucks traveling to and from the site on a daily basis, with the greatest number of construction truck trips occurring during the excavation and shoring, with about 56 daily truck trips.

The bulleted items under Improvement Measure I-TR-7a: Construction Management, on EIR p. 4.C.55, have been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

Improvement Measure I-TR-7a: Construction Management

The project sponsor and subsequent property owner would develop and implement a Construction Management Plan (CMP), as required, addressing transportation-related circulation, access, staging, and hours for deliveries.

The CMP should include, but not be limited to, the following additional measures:

- Identifying ways to reduce construction worker vehicle-trips through transportation demand management programs and methods to manage construction worker parking demands, including encouraging and rewarding alternate modes of transportation (i.e. transit, walk, bicycle, etc.), carpooling, or providing shuttle service from nearby off-street parking facility.
- Identifying ways to consolidate truck delivery trips, minimizing delivery trips.
- Require consultation with surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.
- Develop a public information plan to provide adjacent residents and businesses with regularly-updated information regarding project construction activities and duration, peak construction vehicle activities; (e.g. concrete pours), and lane closures, and provide a construction management contact to log and address community concerns.

A cross reference in the first sentence under Parking Supply vs. Demand on EIR p. 4.C.57 has been corrected, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

As discussed on p. 4.C.37 under “Parking ~~Proposed Project Travel~~ Demand” and as presented in Table 4.C.12 on p. 4.C.37, the proposed project would be expected to generate a total parking demand of 321 spaces, including 240 long-term spaces (233 for the residential uses and 7 for the retail/restaurant uses) and 81 short-term spaces for retail/restaurant uses.

The following revision has been made to the next-to-last bulleted item on EIR p. 4.C.59 (new text is underlined and deletions are shown in ~~striketrough~~):

- Pedestrian improvements could include simplifying north-side intersections to make them easier and safer to cross (e.g., ~~eliminating~~ two-stage crossings, shortening crossing distance, changing cross streets to right angles, etc.), extending sidewalks to reduce crossing distance (e.g., bulbouts), realigning/reconstructing crosswalks, installing Accessible Pedestrian Signal and countdown signals, and providing additional streetscape amenities (e.g., seating, plantings, activity hubs, kiosks, etc.).

The last complete sentence in the paragraph under “Transit Effectiveness Project (renamed Muni Forward)” on EIR p. 4.C.63 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

4. Draft EIR Revisions

The first group of service improvements was ~~were~~ implemented in Fiscal Year 2015 and additional service improvements will be implemented in subsequent phases.⁴⁰

[Footnote 40: San Francisco Planning Department, Transit Effectiveness Project Final EIR, certified March 27, 2014, Case File No. 2011.0558E. Available online at <http://www.sf-planning.org/index.aspx?page=2970#downloads>. Accessed March 29, 2016.]

The third sentence of the first full paragraph on EIR p. 4.C.70 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The number of vehicle trips on Golden Gate Avenue and Market Street is ~~are~~ not projected to substantially increase over existing conditions, as future projects would displace surface parking lots and other land uses that accommodate and/or generate vehicle trips.

The seventh sentence of the paragraph under Impact C-TR-4 on EIR p. 4.C.71 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

As noted above, the design for the improvements along Sixth Street is ~~are~~ currently in a preliminary stage and the project has not been through the City's environmental review process.

The first sentence of the paragraph under Impact C-TR-7 on EIR p. 4.C.73 has been revised, as follows (new text is underlined):

The construction of the proposed project may overlap with the construction of the reasonably foreseeable projects listed on p. 4.A.7, including ~~the~~ 1066 Market Street, adjacent to the project site.

CHAPTER 6, ALTERNATIVES

The following revision has been made to the second sentence under “No Project Alternative” on EIR p. 6.4 (new text is underlined and deletions are shown in ~~striketrough~~):

The existing two-story, 33,310 ~~33,710~~-gsf commercial building on the project site would be retained in its current condition, and would not be demolished.

The following correction has been made to the last sentence on p. 6.39, which continues on EIR p. 6.40 (deletions are shown in ~~striketrough~~):

As with the proposed project, the impact of new construction under this alternative, although significant under CEQA, ~~although significant under CEQA~~, would not automatically render the MSTL District ineligible for listing in the NRHP or the CRHR.

The following revision has been made to the second paragraph under “Alternatives Considered But Rejected” on EIR p. 6.47 (new text is underlined and deletions are shown in ~~striketrough~~):

Full Preservation Alternative with Commercial Use Only. This alternative was considered and rejected because the land use program does not include residential uses, ~~which is~~ It would therefore not meet the project sponsor's primary project objective.

The following revision has been made to the second paragraph under "Alternatives Considered But Rejected" on EIR p. 6.47 (new text is underlined and deletions are shown in ~~strike through~~):

Off-Site Alternative. An ~~Off-Site A~~ alternative would consist of a ~~similar project with~~ similar design and programming to the proposed project, but in a different, though comparable, infill location within the City and County of San Francisco. An off-site alternative was considered and rejected because the project sponsor does not have any site under its control that does not already have an application pending and has not indicated any plans to acquire such development rights in the near future. Additionally, an off-site alternative would not create high-density housing on ~~this prominent the project~~ site, which is designated for high-density residential use due to its proximity to downtown and local and regional transit. As such, an off-site alternative would not feasibly attain any of the project sponsor's basic objectives.

ATTACHMENT A: PUBLIC HEARING TRANSCRIPT COMMENTS

In The Matter Of:
S.F. PLANNING COMMISSION
IN THE MATTER OF

1028 MARKET STREET
October 27, 2016

CLARK REPORTING & VIDEO CONFERENCING
2140 SHATTUCK AVE. STE. 405
BERKELEY, CA 94704
510.486.0700
WWW.CLARKDEPOS.COM

1 CITY AND COUNTY OF SAN FRANCISCO PLANNING COMMISSION

2 RE: 1028 MARKET STREET PROJECT

3 PUBLIC HEARING

4 ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

5
6 Thursday, October 27, 2016

7
8 Agenda Item No. 17, Case No. 2014.0241ENV

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18 REPORTER'S TRANSCRIPT OF PROCEEDING

19
20 CLARK REPORTING & VIDEO CONFERENCING

21 2140 SHATTUCK AVENUE STE. 407

22 BERKELEY, CALIFORNIA, 94704

23 510.486.0700

24
25 REPORTER: JILL STEPHENSON

1 PROCEEDINGS

2 --oOo--

3 SECRETARY IONIN: Commissioners, Item 16A and
4 B were continued indefinitely, which places us on Item
5 17 for Case No. 2014.0241ENV at 1028 Market Street.
6 Please note that written comments will be accepted at
7 the Planning Department until 5:00 p.m., November 7th,
8 2016. This is a Draft Environmental Impact Report.

9 MS. SCHUETT: Good afternoon, President Fong,
10 Commissioners. Rachel Schuett, Planning Department
11 staff.

12 The item before you is the public hearing to
13 receive comments on the Draft Environmental Impact
14 Report, or Draft EIR, for the 1028 Market Street
15 project, Case No. 2014.0241ENV. I'm joined today by
16 Lisa Gibson, our acting environmental review officer,
17 and members of the project's sponsor team are also
18 present.

19 The project site is located at 1028 Market
20 Street, which is on the north side of Market Street
21 between Jones and Taylor Streets within the downtown
22 area of the city. The site's currently developed with a
23 two-story, 33,310-gross-square-foot commercial building
24 which was constructed in 1907.

25 The proposed project would include demolition

1 of the existing commercial building, construction of a
2 120-foot tall, 13-story multi-family residential
3 building with approximately 9,657 gross square feet of
4 ground floor retail space, up to 186 dwelling units, a
5 one-level subterranean parking garage which would
6 accommodate up to 40 parking spaces, and some proposed
7 streetscape improvements along Golden Gate Avenue.

8 The project site is located within the Market
9 Street Theater and Loft National Register Historic
10 District and the eligible Tenderloin Lesbian, Gay,
11 Bisexual, Transgender, and Queer -- or LGBTQ -- Historic
12 District.

13 The existing commercial building is considered
14 to be a contributing structure to both of these
15 districts, as noted in the Historic Resource Evaluation
16 Response, or HRER, for the proposed project.

17 The Draft EIR concluded that the proposed
18 project would result in two project-level significant
19 unavoidable impacts to historical resources. First, the
20 demolition of an existing commercial building would have a
21 substantial adverse effect on the significance of the
22 Market Street Theater and Loft District, given the loss
23 of the contributing structure in the center of a very
24 small district.

25 Second, the new construction would have a

1 substantial adverse effect on the significance of the
2 Market Street Theater and Loft District because the
3 proposed project would not be compatible with the rest
4 of the district in terms of size, scale, and
5 architectural features. No impact was identified to the
6 eligible Tenderloin LGBTQ Historic District.

7 The following mitigation measures were
8 included in the Draft EIR. First, complete Historic
9 American Building Survey, or HABS, documentation prior
10 to building demolition, including measured drawings,
11 HABS-level photography, and HABS historical report and
12 installation of a permanent on-site interpretive
13 exhibit.

14 However, these mitigation measures would not
15 reduce the impacts to historic architectural resources
16 to a less-than-significant level. Thus, the impacts on
17 historic resources would remain significant and
18 unavoidable. No other significant and unavoidable
19 impacts were identified in the Draft EIR.

20 A hearing to receive comments, receive the
21 Historic Preservation Commission's comments, on the Draft
22 EIR was held on October 19th, 2016. At the hearing, the
23 HPC made the following comments:

24 They agreed that the preservation alternatives
25 had been well developed and had incorporated comments

1 from the architectural review committee.

2 They agreed that the proposed replacement
3 structure had a weak connection to the
4 character-defining features of the existing Market
5 Street Theater and Loft District, specifically in terms
6 of the scale and architectural details as well as the
7 height.

8 They generally agreed that the compatible
9 design alternative, which is nine stories, is a more
10 compatible design for replacement structure; and as a
11 result they do not support the height of the proposed
12 project at 13 stories.

13 They also commented that the interpretive
14 program should be accessible and visible to the public
15 and should adequately reflect the significance of the
16 neighborhood's histories.

17 I would like to remind all speakers that this
18 is not a hearing to consider approval or disapproval of
19 the proposed project. Approval hearings will follow the
20 Final EIR certification. Your comments today should be
21 confined to the adequacy and accuracy of information and
22 analysis contained in the Draft EIR. Comments will be
23 transcribed by the court reporter and responded to in
24 the Responses-to-Comments Document. This document will
25 respond to all verbal and written comments received and

1 make revisions to the Draft EIR as appropriate.

2 I would also like to remind commenters to
3 speak slowly and clearly so that the court reporter can
4 produce an adequate transcript of today's hearing.
5 Also, commenters should state their name and address for
6 the record so that they may be properly identified and
7 so that we may send them a copy of the
8 responses-to-comments document once it is completed.
9 After hearing comments from the general public, we
10 will also take any comments on the Draft EIR from the
11 Planning Commission.

12 I will note that the public review period for
13 this Draft EIR began on September 22nd and will continue
14 until 5:00 p.m. on November 7th. Comments that are not
15 made verbally today should be submitted in writing to
16 the Planning Department.

17 This concludes my presentation on this matter.
18 Unless Commissioners have any questions, I would
19 respectfully suggest that the public hearing on this
20 item be opened.

21 PRESIDENT FONG: Thank you.

22 Okay. Opening it up to public comment.

23 And I do have Del Seymour.

24 DEL SEYMOUR: Good afternoon, Commissioners.

25 I have some documents. Can you pass them out,

1 please?

2 My name is Del Seymour. I'm a 32-year-old
3 occupant of the Tenderloin. I mean -- I'm not 32 years
4 old. I've been in the Tenderloin 32 years. I just want
5 to make that clear, if that wasn't obvious already.

6 So I'm glad to be here today. I just wanted
7 to share some thoughts and I'll try to stay in your
8 guidelines of the young lady before, how she clarified
9 keeping our parameters of this talk today.

10 So I'm a kind of historical buff. I run the
11 Tenderloin Walking Tours, and I just so happen to run
12 the Tenderloin Walking Tours out of the existing
13 building at 1028. We've been running the tours ever
14 since they opened that temporary situation they have
15 now. And we actually plan to also be located in the new
16 building.

17 So history is a big thing to me in the
18 Tenderloin. / Some things that a lot of people aren't
19 aware of in the Tenderloin, right before the '06 quake
20 in that particular block we had some very tall
21 buildings, if you want to be historical about it. But
22 what happened in the Tenderloin, especially -- and in
23 other parts of the city, but especially the Tenderloin,
24 some 12-, 13-, 14-, 15-story buildings when they fell
25 there were replaced by 7-story buildings, because

I-
Seymour

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(ME-1)

7

1 everyone in the Tenderloin and Mid-Market used existing
2 brick that was on the ground. So they salvaged enough
3 brick to make the building as tall as they could, but it
4 never got to the same height. So historically that was
5 a very tall block. We had a lot of department stores on
6 that block. Of course, this is the theater district
7 so -- and I've talked to the developers here and I've
8 insisted that they retain some historical significance
9 of the theater district. You know, there really is no
10 Tenderloin; there's no such thing as the Tenderloin.
11 This is the theater district. Some nut some years ago
12 came up with that term, for whatever reason, but this is
13 the theater district. At one time, there were 17
14 theaters right along this two-and-a-half-long block
15 strip in Mid-Market. It looked like Fremont Street in
16 Las Vegas.

17 So we would like to see people continue in
18 that aspect, because one day we will be the great
19 theater district that we once were before. We have
20 about four new theaters that have moved into the
21 neighborhood and so we're getting it back slowly but
22 surely. We really invite and entertain the idea of new
23 chrome-and-glass buildings coming into our neighborhood,
24 because we've been dubbed Skid Row too long. I'm tired
25 of people saying, "Oh, you live down in Skid Row." No, I

1 don't. I live in the theater district.

2 So these new buildings, we need to integrate
3 our culture, our finance, and just the outlook of
4 people. We need new people coming in the neighborhood.
5 I welcome market rate. I most certainly do. We got a
6 lot of low income; we got a lot of nonprofits. Too
7 many. Give us dignity. Give us a real neighborhood
8 back. Give us a neighborhood that we got people that
9 look all kind of ways. We need that, because everything
10 in our neighborhood -- if you come down, our business is
11 duck tape on everything. I'm tired of going into some
12 businesses with duck tape. Please bring some new
13 businesses and some residences down, please.

14 Thank you so much, folks.

15 VICE-PRESIDENT RICHARDS: Thank you. Next
16 speaker, please.

17 SUE HESTOR: Sue Hestor. My address is 870
18 Market Street, two blocks away. I've been there since
19 1980, The Flood Building.

20 I'm going to submit really written comments,
21 but I want to talk to the commission about some issues
22 because there are so many EIRs and environmental reviews
23 coming through in this area. There are five of them
24 that I know of -- Central SOMA, 1 Oak Street, 1500
25 Mission -- which is the one you heard earlier today, the

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(ME-1)
cont'd

I-
Hestor

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(TR-1)

1 Hub -- and Golden Gate and Van Ness. All are EIRs that
2 are coming to you in the next year or year and a half.

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(TR-1)
cont'd

3 And there are some big problems that need to
4 be -- they're worthy of attention. One is that there is
5 enormous traffic from trucks and buses. That is really
6 important to the city in the operation -- U.S. routes,
7 transit, Market Street, Mission Street, Van Ness, South
8 Van Ness. If they don't function the city doesn't
9 function. And they are central to the operations,
10 every one of these projects.

11 The second thing is that there is enormous
12 winds that come down the Hayes Street hill. Four
13 environmental review officers ago -- Hillary Gitelman
14 was the head of -- she was the ERO when the Planning
15 Department did a study on winds that was specific as to
16 the corner of Tenth and Market. And it was for the
17 Redevelopment Agency because the Redevelopment Agency
18 was going to give it to the federal government for free
19 for a federal building. The winds were so harsh the
20 federal government could not accept a free site.

2
(WS-1)

21 And as the city keeps approving projects, the
22 city should be developing a wind model that the city
23 owns, that is not a consultant out there you have to pay
24 all the time to update it. But everything should be put
25 into that and factored into the wind study for Mission

10

1 and Market and Van Ness because it's literally a
2 life and death matter.

2
(WS-1)
cont'd

3 Third thing is we've had uncontrolled
4 disrupters of traffic. We now have Uber, Lyft, massive
5 amounts of delivery that don't respect traffic lanes.
6 They go where they want to go and they make U-turns
7 where they feel like it. In the middle of Market Street
8 I've seen people make U-turns in the stretch right in
9 front of this building. Mission and Market -- Uber --
10 they're going to do what they are going to do because
11 they're not under anyone's control.

3
(TR-2)

12 Thank you.

13 VICE-PRESIDENT RICHARDS: Are there any more
14 speakers?

15 Seeing none, public comment is closed.

16 Commissioner Moore.

A- CPC-
Moore

17 COMMISSIONER MOORE: The overall layout of the
18 DEIR is very good. There are specific areas where I
19 believe that, in order to fulfill the obligation for
20 this being a document to inform decision-makers, I'll
21 point out five areas where I believe the document needs
22 additional beefing up and additional information.

1
(CR-1)

23 Starting with building context, Context 4B1,
24 describe the three-dimensional aspects of the building
25 with a discussion about urban form. It requires

↓ 11

1 visual -- visualization, not just an abstract massing,
2 but in the context of the existing building.

3 The same comment holds for 4B5, contextual
4 significance, historic context, LGBTQ. That is the same
5 three-dimensional aspect which, particularly for that
6 part of the EIR, requires the lower buildings and how
7 they are hung together.

8 Point No. 2, building description and history,
9 4B2. Provide better images, old and new, to inform
10 decision-makers about the building and the building in
11 context. The current image, Figure 4B1,, makes you
12 hardly realize the building is taken in the spring when
13 all trees are in full green and the building in
14 discussion is hardly noticeable.

15 Point No. 3, district contributors. That is
16 4B16. If distinguishing feature is height, two to
17 nine stories, why not illustrate it with a picture of
18 then and now? There are no pictures which show the
19 buildings the way they held together at the time when
20 they were built. / There is no photo simulation in 3-D of
21 what it will look like. And that's basically just a
22 blocking diagram, I assume. I hope -- I hope it is.

23 4B16. The building -- unfortunately, at this
24 moment, it is not a background building. It's not a
25 prominent building. Unfortunately, from the renderings

1
(CR-1)
cont'd

1 they are placeholders. I hope it is simply in the way.
2 That is a judgment on the building. But I'm sorry. I
3 had to get this in here because the illustrations I'm
4 asking for hopefully will enliven the discussion of a
5 building that will be more responsive to where it is.
6 At this moment it's a '60s building. It's backwards
7 looking. It's too glassy. It's too much economy of
8 scale.

9 Fourth point, 4B16, Page 16, 17. "District
10 contributor" is the heading.

11 Hang on. I can not even read my own
12 handwriting.

13 Illustrate the major elements which are
14 considered district contributors in the context of the
15 proposed site. The new building on its own does not
16 seem to capture it, if I read your descriptions, but
17 don't really see it reflected in what you are doing.

18 4B18, 4B19. Without images that
19 illustrate overall form and continuity, scale, and
20 proportion, fenestration, materials, color, and texture,
21 nobody will understand how to judge a new building in
22 the criteria that you are trying to put as benchmarking
23 it in the DEIR process.

24 Thank you.

25 VICE-PRESIDENT RICHARDS: Thank you.

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(CR-1)
cont'd

1 One of the things -- and I'll piggyback on
2 Commissioner Moore -- that I was struggling with as well
3 was the lack of photographs, especially in the historic
4 section, the then/now comparison would be really
5 good.

1
(CR-1)

6 The other thing that -- and I also am kind of
7 taking a look down the street at 950 Market as well,
8 because we have that coming before us. If you could
9 add a comment in the comments section around the
10 historic -- the person who wrote the LGBT context
11 statement and their desire to see the level of
12 preservation standards different for LGBT resources, as
13 she outlined on that, I'd appreciate that being included
14 as well.

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(CR-2)

15 Commissioner Moore.

A- CPC-
Moore

16 COMMISSIONER MOORE: My overriding concerns,
17 which are not exactly attributable to any particular
18 section of this DEIR, is that we're looking at this DEIR
19 as if this is the only building starting to change
20 context and how we understand the district. And we have
21 950 Market Street coming up shortly hereafter. These
22 new buildings are never put into context of how we still
23 experience the strength of this street, which is a main
24 boulevard. It's really Boulevard Haussmann in Paris,
25 why these new buildings which often don't, even in

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(CR-1)

1 architecture, respond to what the street is as a whole.

2 And I think we need to continue to ask that we're seeing
3 the larger context with these other new buildings also
4 being shown. They are not theoretical anymore. They
5 are not just kind of being planned. But they are
6 already in the approval or review stages. So simulating
7 them in this discussion, at least from my perspective,
8 in the context statement is, I think, really important.

9 I'm not sure if I can get the department to do
10 that, but I would personally really like for all of us
11 to look at the larger change of the setting.

12 VICE-PRESIDENT RICHARDS: We had something
13 similar on the last project, I think, if I can piggyback
14 yet again on Commissioner Moore, something that looks
15 like this. Here's what's there. Here's what's
16 proposed. Just so we can see the context of the
17 proposed project in relationship to all of its
18 neighbors.

19 SECRETARY IONIN: Commissioners, if there's
20 nothing further, we can move on to the discretionary
21 review calendar.

22 [End of discussion on Item 17]
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(CR-1)
cont'd

A- CPC-
Richards
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(CR-1)

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REPORTER'S CERTIFICATE

I, Jill Stephenson, do hereby certify that the
above referenced recording was transcribed by me to the
best of my ability and that this transcript is a true
record of that recording.

IN WITNESS WHEREOF I have hereunto set my hand
on this 1st day of November, 2016.

JILL STEPHENSON

ATTACHMENT B: DRAFT EIR COMMENT LETTERS

November 14, 2016

Lisa Gibson
Acting Environmental Review Officer
San Francisco Planning Commission
1650 Mission Street #400
San Francisco, CA 94103

RE: 1028 Market Street Project Draft EIR

Dear Ms. Gibson:

On behalf of the *Compton's Historic District Committee ("CHDC")*, the undersigned City officials, community based organizations and community leaders submit this comment to the Draft Environmental Impact Report for the proposed project at 1028 Market Street.

Over thirty citywide stakeholders have joined CHDC. The common goal of this diverse group of stakeholders is to ensure that the blocks of dense historic and cultural resources surrounding the site of the Compton's Cafeteria riot at Vicky Mar Lane and Gene Compton Way are treated with appropriate sensitivity and recognition. The primary objective is to ensure LGBTQ community preservation.

We are in the process of submitting an application to the *National Register of Historic Places* for a Historic District that focuses on Compton's Cafeteria and adjacent important LGBTQ sites.

We contest the Draft Environmental Impact Report. It did not have full information on the cumulative impacts that the proposed loss of historic resources would have on our proposed LGBTQ Historic District, much of which was only made available in October 2016 after the release of the Obama Administration's LGBTQ Theme Study. Some planning staff are not aware of the intact underground tunnels that queer patrons were forced to use to enter the establishments or to escape police raids. Insufficient outreach was conducted to ensure the inclusion of LGBTQ leaders and organizations, especially those of us centered in the Tenderloin, to ensure that our voices were front and center in any discussions regarding the loss of our historic resources. And finally, the proposed mitigation measures are insufficient.

As a noteworthy highlight, Compton's Cafeteria (at the NW corner of Turk and Taylor Streets) was the site of one of the earliest civil unrest demonstrations by transgender and queer people against police brutality and harassment, which occurred some three years prior to the historic Stonewall riots in New York City.

The Obama administration just designated the 7.7 acres surrounding the Stonewall Inn as the *Stonewall National Monument*. The CHDC submits for your consideration that the area surrounding the Compton's Cafeteria riots are deserving of similar historical recognition. The important political and cultural history of the transgender, and broader lesbian, gay, and bisexual movement at and around the 900 and 1000 block of Market Street may be permanently erased if the current development plans are allowed to proceed without further review. As such, it is crucially important to our Committee to help preserve and restore the heart and soul of our LGBTQ community, which is an important sector that contributes to the rich social and cultural fabric of our City.

Moreover, the buildings threatened with demolition in the proposed project are part of a nationally recognized LGBTQ historic place, including: Compton's Cafeteria, 101 Taylor – often referred to as the Stonewall of the West; The Old Crow, 962 Market Street, the Silver Rail, 974 Market Street, the Pirates Den, and the College Inn - which were connected by tunnels to help patrons escape police raids; the Club Turkish Baths (later Bull Dog Baths), 132 Turk; The Landmark Room, Turk Street News, 66 Turk, the Pleasure Palace, 120 Turk, Turk Street Follies, 105 Turk,

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and Chukkers, 88 Turk – an important trans site. The entire intersection of Market, Mason, and Turk (aka the Meat Market), was an important hustling and cruising site where gay men went to socialize in an era when our existence was illegal. These sites are connected by an intact underground tunnel system that patrons used to escape police raids and to avoid the loss of employment, family, and housing that were risked in those days by homosexual association.

LGBTQ people continue to experience disproportionate rates of housing discrimination today. The *Compton's Historic District* contains early important places for our community to live such as the El Rosa Hotel, 166 Turk – one of the only residential hotels to provide housing for trans sex workers, the Dalt Hotel, 34 Turk – one of the first housing opportunities to advertise in gay newspapers, and the Ambassador Hotel, 55 Mason – an important housing resource from the beginning of the AIDS epidemic; and places associated with LGBTQ organizing such as Glide Memorial Church; and current legacy businesses such as Aunt Charlie's.

These bars, businesses and organizations were instrumental in fostering queer safe spaces, as they were often the only places available for queer people to meet one another, and to organize, within the larger, often threatening society at that time. In sum, these locales were safe havens for our community.

The area around the Compton's Riot, the Crystal Bowl and the Meat Rack is of similar size, density of cultural resources, and of similar historic significance to the Castro or to the Stonewall National Monument and deserves equally significant cultural sensitivity. The El Rosa Hotel, Old Crow, Silver Rail, and Aunt Charlie's have been identified as potential landmarks in the LGBTQ Historical Context Statement.

Regrettably, the pending project application fails to adequately preserve these cultural resources.

As further evidence of the need for further review, the Obama administration has prominently featured these historic assets in the just released National Park Service first-ever theme study of LGBTQ America, *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender and Queer History*. Theme studies are often the first step in the process of land-marking historic sites, and the LGBTQ community is currently beginning that process. The history of the above highlighted formative years of LGBTQ community building and liberation could be lost without proper mitigation to preserve the queer historical resources represented on the site of the proposed development project.

Furthermore, The National Park Service theme study was released *just last month*. Our community and historic preservationists respectfully request time to study the nearly 1,000-page document, digest and process the impact and magnitude of the potential losses. Our hope is that the Planning Commissioners and staff are also afforded ample time to read this groundbreaking work on LGBTQ place-making. It offers important insight into how 'place' is critically important to the creation of LGBTQ relevant communities; our collective history, psychology, vision, values and community engagement.

We also draw special attention to the *Citywide Historic Context Statement for LGBTQ History in San Francisco*. The documents discuss the important historic events that occurred in and around the 1000 Market Block. Before the historic riots occurred at Stonewall, two nights of civic unrest took place in the blocks around Compton's Cafeteria and the Old Crow. As such the proposed site is the location among the first LGBTQ civil rights uprising in American history. These facts highlight the need to be treat these sites with respect and sensitivity.

We draw attention to *Chapter 5: The Preservation of LGBTQ Heritage* that expressly outlines the unique and sensitive approach that must be taken when considering the concept of integrity for LGBTQ spaces and place making. This section will substantially inform the approach and sensitivities to this proposed project, and other similar proposed projects in the vicinity.



In closing, we strongly support the work of the *Compton's Historic District Committee*. This committee is putting forward an exciting community-driven vision for the future of the area around Gene Compton Way and Vicky Mar Lane that both preserves our history and creates a vibrant neighborhood that serves both the people who already live here, newcomers, and visitors alike.

Based on the foregoing, we respectfully oppose the Draft Environmental Impact Report for the this project.

Respectfully submitted by:

Elected Officials

David Campos – Member, San Francisco Board of Supervisors *

Bevan Dufty – Former Member, San Francisco Board of Supervisors *

Rafael Mandelman – Trustee, City College Board *

Tom Ammiano – Former Member, San Francisco Board of Supervisors, CA State Assembly*

Tom Temprano – Trustee, City College Board *

Community Based Organizations & Projects

Transgender Intersex Justice Project

Causa Justa: Just Cause

St. James Infirmary

San Francisco LGBTQ Legacy Business Coalition

San Francisco LGBTQ Nightlife Coalition

The Stud Collective

Q Foundation/ AIDS Housing AllianceSF

SF Heritage

Local Community Leaders

Alan Martinez - Former Historic Preservation Commissioner *

Aria Sa'id – Transgender Activist

Brian Basinger – Executive Director, Q Foundation/ AIDS Housing AllianceSF

Christina Olague – Community Activist

Donna Graves – Principal, Donna Graves Arts & Heritage Planning

Erick Arguello – Member, Calle 24 Latino Cultural District *

Janetta Johnson – Executive Director, Transgender Intersex Justice Project

Juanita More – Drag Icon

Honey Mahogany – San Francisco LGBTQ Nightlife Coalition

Kate Sorensen – Development Manager, Causa Justa: Just Cause

Kenneth Bunch – Co-founder, Sisters of Perpetual Indulgence, Inc. *

Laura Guzman – Director, Mission Neighborhood Resource Center *

Mark Bieschke – Board Member, Communications Chair The GLBT Historical Society *

Masen Davis – Past Executive Director, Transgender Law Center *

Mia Satya – Transgender Activist, Director at TAYSF *

Nate Allbee - San Francisco LGBTQ Legacy Business Coalition

Pastor Megan Rhorer – Executive Director, Welcome homeless ministry

Peter Gallotta – President, Harvey Milk LGBT Democratic Club *

Paul Dillinger – VP of Creativity, Levi Strauss *

Stephany Joy Ashley – Executive Director, St. James Infirmary

Tommi Avicolti Mecca – Director of Counseling Programs, Housing Rights Committee/SF *

Victor M. Marquez, Esq. – General Counsel, The Mexican Museum * & S.F. Filipino Cultural Center*

* for identification purposes only

DE MARILLAC ACADEMY

Learning for Life • Transforming Lives

October 24, 2016

Rachel Schuett
San Francisco Department of City Planning
1650 Mission St #400
San Francisco, CA 94103

RE: 1028 Market Street, 2014.0241ENV

Dear Ms. Rachel Schuett,

I am writing to express De Marillac Academy's interest and attention to the 1028 Market Street project.


De Marillac Academy is a youth and family serving organization that operates a school for 4th-8th grade, a youth development program for high school and college age youth, and a family support program. We serve more than 350 youth and nearly 250 families, the majority of whom live in the Tenderloin and SOMA neighborhoods.

Almost three years ago, as development and change was gaining force in the Central Market and Tenderloin area, De Marillac Academy published a Position Paper on *Children, Safety, and Community in the Tenderloin & SOMA* (attached). In it, the community of De Marillac Academy identified two desires in our work beyond the walls of our building: a safe, supportive neighborhood for the children of the Tenderloin and SOMA, affordable housing and financially accessible goods and services for the working class and economically poor families living in the Tenderloin and SOMA.

De Marillac Academy is concerned that the cumulative impact of the numerous market rate residential development projects in the area combined with a growing number of new, high end commercial space usages will virtually erase any semblance of affordability for low income families and other low income residents of the Tenderloin. While no one developer is solely responsible for displacement and gentrification, De Marillac is working very closely with Market Street for the Masses Coalition (MSMC) to ensure that each project developer does everything within their power to mitigate the negative effects of their project and partner with us to implement exceptional strategies that will protect a place for low income residents in the Tenderloin.

To this end, De Marillac Academy is in dialogue with Tidewater Capital through MSMC about the 1028 Market Street project, and will be looking closely at their final proposal when it comes before the Planning Commission. /If you have any questions, please don't hesitate to contact me or Mike Anderer, Vice President for Mission Advancement (michael_anderer@demarillac.org).

Sincerely,


Theresa Flynn Houghton
President

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SAN FRANCISCO PLANNING DEPARTMENT

October 20, 2016

Ms. Lisa Gibson
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Gibson,

On October 19, 2016, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed 1028 Market Street Project (2014.0241E). After discussion, the HPC arrived at the comments below:

- | | A- HPC |
|---|---------------|
| • The HPC agreed that the preservation alternatives had been well-developed and incorporated comments from the Architectural Review Committee. | 1
[(AL-1) |
| • The HPC agreed that the proposed replacement structure had a weak connection to the character defining features of the existing Market Street Theater and Loft Historic District, specifically in terms of scale, architectural details and height. | 2
[(CR-1) |
| • The HPC generally agreed that the Compatible Design Alternative, nine stories in height, is a more compatible design for a replacement structure and does not support the height of the proposed project at 13 stories. | 3
[(AL-1) |
| • Two HPC members provided input to ensure the outcome of a rich historic interpretive program. This input noted that the program outcome should be accessible and visible by the public and adequately reflect the significance of the neighborhood's histories. | 4
[(CR-1) |
| • One HPC member commented on the adequacy of the archaeological mitigation measures. | 5
[(CR-3) |
| • One HPC member commented on the 2-page matrix outlining the preservation alternatives and stated it was informative and helpful for the hearing. | 6
[(AL-1) |

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,


Karl Hasz, Acting Chair
Historic Preservation Commission

FOR:



October 25, 2016

San Francisco Planning Commission
c/o Rachel Schuett
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: 1028 Market Street, 2014.0241ENV

Dear Planning Commissioners,

I am writing on behalf of Hospitality House concerning the 1028 Market Street project.

Founded in 1967, Hospitality House is a community-based organization located in San Francisco's Tenderloin Neighborhood, Sixth Street Corridor, and Mid-Market Area that provides opportunities and resources for personal growth and self-determination to neighborhood residents struggling with poverty and homelessness. Our mission is to build community strength by advocating policies and rendering services which foster self-sufficiency and cultural enrichment. We serve nearly 18,000 residents each year through our six programs.

During our almost 50 years of work in the Tenderloin, Hospitality House worked collaboratively with other non-profit organizations as well as departments within the City and County of San Francisco to address neighborhood issues and promote positive change in our community. We have recently become increasingly concerned about the relentless economic inequality that is plaguing our city and the housing affordability crisis that has left many of our residents without options for dignified housing and quality of life in San Francisco.

Hospitality House is deeply concerned about the impact of new market rate residential developments in our immediate area that are rapidly gentrifying our neighborhood and creating displacement of individuals and families who have lived and worked here for decades. Without the benefit of social impact planning, we fear that our community will continue to be under siege due to market forces and that our low-income residents will continue to suffer the consequences.

We understand that the 1028 Market Street project developed by Tidewater Capital is now scheduled for consideration by the Planning Commission. We are eager to hear more about their final proposal and how it addresses the need for deep housing affordability and other unique community needs that the

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Tenderloin has, and we encourage the Planning Commission to carefully consider the social impacts of this development when it comes before you.

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cont'd

Thank you for your time and attention. If you have questions or would like to discuss this further, I can be reached at (415) 749-2113.

Sincerely,



Jackie Jenks
Executive Director



November 2, 2016

Lisa M Gibson
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: 2014.0241E, 1028 Market Street

Dear Ms Gibson,

On behalf of Tenderloin Neighborhood Development Corporation, I am writing to comment on the Draft Environmental Impact Report DEIR for the 1028 Market Street project. For over 30 years TNDC has been preserving and rehabilitating existing buildings in the Tenderloin and surrounding neighborhoods, which have historically served low-income and communities of color. TNDC operates affordable housing in these neighborhoods, and we work with community stakeholders to understand their concerns and raise public awareness on issues that impact their quality of life.

The Tenderloin is facing increasing pressure from the influx of developments in the Mid-Market Area, with surrounding restaurants and retail becoming increasingly unaffordable and rising rents displacing residents. Although recent court rulings on CEQA have excluded a project's cumulative social impacts from mandatory environmental review, none have stated that including an analysis of a project's cumulative social impacts is inappropriate, with at least one decision from the California Supreme Court explicitly stating that nothing in current case law prohibited such an analysis. We ask that the scope of environmental review include a thorough analysis of the cumulative effects from surrounding pending housing developments and a discussion of appropriate steps to mitigate the project's negative impacts on the Tenderloin community.

TNDC is concerned about the cumulative impact of the numerous new market rate housing projects planned for the immediate vicinity of the 1028 Market Street project. According to the DEIR the proposed 1028 Market Street project is a 13 stories 186 residential units consisting of 70 studio units, 26 junior one-bedroom units, 21 one-bedroom units, 57 two-bedroom units, and 12 three-bedroom units. There are more than 4,372 market rate units planned for the immediate vicinity, according to the DEIR. New market-rate units in the Tenderloin are affordable to households earning approximately \$100,000 annually. By contrast, the average Tenderloin resident earns around \$25,000 annually. It seems likely or at least worthy of examination, that this influx of wealthy households will change the character of the vicinity.

TNDC is also concerned about the construction impacts of this project on extremely low income residents living walking distance from the proposed project. We are actively working to create a plan that will provide greater protections for our residents than those outlined in the DEIR. We thank you for your work and hope for your full support in the mitigating our community concerns.

Please feel free to contact me at agoldman@tndc.org or (415) 358-3920 with any questions or concerns. Thank you very much.

Sincerely,

Alexandra Goldman
Senior Community Organizing and Planning Manager

Cc: Don Falk

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