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January 20, 2017

President. London Breed  
Supervisor Kim, District 6  
% The Clerk of the Board  
and Members of the Board of Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Godlett Place  
San Francisco, CA 94202

**RE: Case No. 2013.11049E**  
**950 Market Street Project**  
**San Francisco, CA**  
**CEQA Appeal, Supplemental Brief - Part 1**

Dear President Breed, Supervisor Kim and Honorable Supervisors,

I have been asked to comment on the Appeal of the Mitigated Negative Declaration for the 950 - 974 Market Street project as a Qualified Architectural Historian on behalf of the Appellants.

The proposed Environmental Evaluation in the form of a Mitigated Negative Declaration, (hereafter, "MND"), was adopted by the Planning Commission at its Regular Meeting of November 16th, 2016. Said adoption failed to take into account a number of issues related to the built environment, and, failed to address additional Cultural Resources Mitigation Measures related to the Transgender community history that should have been considered at the Planning Commission level.

The Appellant is now asking the Board of Supervisors to amend the MND based on material flaws and because the MND is flawed and inaccurate on a variety of topics, areas and issues.

Towards this end, the following information is important to consider when considering additional Mitigation Measures:

The updated and final version of the GLBTQ Context Statement entitled the Citywide Historic Context Statement for LGBTQ History in San Francisco prepared by Donna Graves and Shayne Watson, dated March 16, 2016 is not referenced in the MND. Instead, an earlier **draft** dated October, 2015 is referenced. This is a significant oversight and a material defect in the analysis as the "**draft**" document had not yet been adopted as policy by the City and County of San Francisco.

Instead, the controlling March 2016 document is the version adopted by the Historic Preservation Fund Committee, the funding source for this monumental effort. This pertinent document is now 415 pages, and it took multiple years to complete.

With respect to this END, it recommends a potential historic district based upon Transgender history in a five block area bounded by Turk, Taylor, Mason and Market Streets which generally, corresponds to the boundaries of the 950-974 Market Street MND project area.

The MND inaccurately contends that the future “Compton’s Cultural Historic District“ is essentially coterminous with the “Uptown Tenderloin Historic District” which was placed on the National Register and in turn, on the California Register of Historic Resources.

In fact, and rather, the description of the proposed “Compton’s Cultural Historic District” proposed boundaries and unique social cultural history of Transgender community would result in the **first such Historic District** in the country.

As such, the above contention is materially flawed – the Compton’s Cultural District is not the same as the Uptown Tenderloin Historic District as the Compton’s Cultural District will have its unique set of boundaries. To lump the two District’s together takes away from the identity of the Compton’s Cultural District.

Moreover, taking the analysis one step further, the MND does **not** take into account the social and cultural history of the Transgender community in relation to the subject project and the surrounding properties. Compton’s cafeteria is the West Coast equivalent to Stonewall in New York. Stonewall is only one of two GLBTQ sites designated as National Historic Landmarks (NHL’s). The other being Henry Gerber House in Chicago, Illinois.

In 2014, the National Park Service (NPS) created a new program through a Heritage Initiative, which, in turn, resulted in a “LGBTQ Heritage Initiative, a comprehensive, first-of-its-kind project to explore how the legacy of LGBTQ individuals can be recognized, preserved and interpreted for future generations.

A recent publication “LGBTQ America: A Theme study of LGBTQ History [[www.nps.gov/subjects/tellingallamericanstories/LGBTQthemestudy/html](http://www.nps.gov/subjects/tellingallamericanstories/LGBTQthemestudy/html)] is a publication of National Park Foundation and the National Park Service.

There is no mention of the document within the MND of this pertinent and important document. It is appellants’ position that having this document would have influenced how the Architectural Historians hired by the Project Sponsor would evaluate the subject site and surrounding properties given that this area was an early neighbor significant to not only the history of the gay community in San Francisco, but also the Transgender community and its associations with Compton’s Cafeteria, which essentially was “ground zero” for the social and cultural history of the Transgender community.

More information will be provided in Part 11 of this document, which will address the current work of historians to document Transgender history, to formulate boundaries of a Compton’s/Meatrick Historic District, and, how Mitigation Measures can be expanded to target the subject 950 Market Street site.

It is noted that there is an existing National Register of Historic Places, Historic District in place known as the Uptown Tenderloin Historic District. That nomination was placed on the National Register under Criterion A for social history of the neighborhood and for Criterion C, Architecture. Post adoption of the Uptown Tenderloin Historic District, two historians, namely Shayne E. Watson and Donna J. Graves, having received a grant from the Historic Preservation Fund Committee were retained to prepare a Context Statement for the City on citywide LGBTQ History. In November of 2015, the Historic Preservation Commission adopted said document and the project's MND references this earlier document in the preparation of the MND.

However, further research and evaluation resulted in a final document which was completed in March of 2016. The initial study for 950-974 Market Street Project, however, does not recognize the final document which may have added additional social and cultural material about LGBTQ history related to the project site and the immediate surrounding area which could have affected the outcome of existing conditions and related Mitigation Measures for the subject site.

Further, the Findings in the Page and Turnbull, Historic Resources Evaluation Report [HRER] and the Tim Kelly Consultant Report indicate that 966-970 Market Street/ 45 Turk Street, 972 Market Street and 974 Market Street/67 Turk Street were found to be ineligible on a local, state and national level. Gravely though those determinations did *not* take into account related social and cultural history. The survey work only focused on the architecture and its lack of integrity. Failure to recognize and reference the social and cultural history is a material omission.

Along these lines, 950-964 Market Street was the site of the old Crow Bar, a gay bar which operated in ground floor commercial space from c1935 until 1980. The MND indicates that this site is ineligible for listing on the California Register under Criterion 3 due to a lack of integrity. However, no information is provided on significant persons or events associated with the site.

Similarly, the MND does not find 972 Market Street also a site for a gay bar known as the Pirates Cave. This site may have been one of the earliest LGBTQ bars in the City with a Period of Significance from 1932 until 1942. This site was also deemed to have a lack of significance due to integrity issues under California Register Criterion 2, 3 and 4. Again, no information is provided significant persons and events associated with the site.

966-970 Market Street/45 Turk Street was also a gay bar and nightclub located in commercial/retail space at 45 Turk Street. This bar, known as the Landmark or Henry Ho's Tavern for a number of years. Again, a lack of integrity found this site to be ineligible at a local, state or national level. The Page and Turnbull HRER and the Tim Kelley Consulting Report did not identify significant persons or events.

Quite to the contrary, there are significant individuals and events that occurred in the LGBTQ community in this neighborhood that are pertinent to this analysis. Those include periodic anti-gay raids; , brave owners operating in an underground environment and individuals such as Cleve Jones who is a noted hero for creating the Aids Quilt and now known for his book: *When We Rise* and an HBO series which will premiere late February, 2017.

974 Market Street/67 Turk Street were determined to be eligible for a listing under Criterion 2, Persons. The site housed the Silver Rail Bar, a LGBTQ Bar which existed between 1943 and 1953. In this vein, further research on persons or events associated with this site is also

needed. A portion of the site was demolished in the mid-1950's, thereby compromising the integrity of the site.

The MND does not address one Improvement Measure related to an Interpretive Program for Cultural Resources located within the project site. That Improvement Measure calls for an Interpretive Program to commemorate the former LGBTQ bars in the buildings located within the project site and educate the community about LGBTQ history in this Lower Tenderloin neighborhood and the City at large.

The installation of a permanent on site exhibit which is publically accessible lobby either on the Market Street elevation or the Turk Street elevation would be commendable. However, this does not result in a less than significant impact as the project site is demolished for large scale new construction on this site.

A second Mitigation Measure M-CR-1 relates to a Vibration Monitoring and Management Plan. The Measure indicates that a Structural Engineer and a Preservation Architect be retained. These professionals shall meet the Secretary of the Interior's Professional Qualifications Standards. They shall monitor the impacts of construction on the Crest/Egyptian Theater located at 976-980 Market Street and the Warfield Building at 986-988 Market Street. The Measures detailed may be commendable there is no like Mitigation Measures for the project site.

For instance, Historic American Building Survey (HABS) work could occur for the subject site properties prior to demolition. Photo recordation and limited drawings and elevations and other historical records could be prepared for the proposed interpretive exhibit in the lobby areas of this project site. This would serve as a permanent record of the 20th century buildings and the LGBTQ history associated with the project site and neighboring properties.

## **Conclusion**

In summary, this is a partial analysis of the project as the Appellant requested a postponement of the CEQA Appeal Hearing before you until the month of February due to the fact that the Environmental Planner will be out of the country. In addition, our Team requested through Supervisor Kim additional time to prepare our submittal. Unfortunately that request is pending and not yet resolved. Finally, I was recently retained on this project and it is my intent to submit an amended Preservation Analysis and additional Mitigation Measures for the Board to consider at the January 31st Public Hearing under a Part 11 document on Friday, January 27, 2017.

Thank you in advance for your assistance in the review and findings related to this project.

Sincerely,

Vincent Marsh, Principal  
Marsh and Associates  
Historic Preservation Consultants

Attachment 1, Vincent Marsh, Biography and Professional Qualifications Standards

# Attachment 1

## **Vincent Marsh, Biography and Professional Qualifications Statement**

Vincent Marsh, serves as the Principal of Marsh and Associates, a Historic Preservation Planning firm working for private sector clients in the Palm Springs area as well as the Bay Area. In the recent past, he was appointed by the Mayor and the City Council of Palm Springs as a new member of the Historic Preservation Site Board(HPSB) for the City. He is currently on the Architectural, Landscape and Legal Committee at the Garden Villa at the Racquet Club, a Class 1 Historic Site in Palm Springs, CA. In addition, Vincent is a Lead Volunteer with the Palm Springs Modernism Committee. He is also a Volunteer Assistant to the Archivist at the Palm Spring Art Museum, Architecture and Design Center of which he is a member of the Architecture and Design Council. In addition, he is a member of the Palm Springs Preservation Foundation. Previously he served as a consulting Senior Associate with Lerner and Associates, Architects assigned to a number of preservation planning projects, primarily based in San Francisco, CA.

Mr. Marsh was employed with the City of Sacramento from 1999 until 2003 as a Senior Planner position within the Planning and Building Department, where he served as the City's Preservation Director. His accomplishments in Sacramento included a comprehensive update of the City's Preservation program. Under his tenure and leadership the City adopted a new Preservation Element, a Preservation Incentives program, and a new Historic Preservation Ordinance. He also supervised the work of four consultants who are completing a Citywide Cultural Resources Survey, which proposed ten new Historic Districts and fifty new landmarks. In addition, he supervised and managed the workflow and staffing of the City's nine member Design Review and Preservation Board and the nine members Sacramento Heritage appointed by the Sacramento City Council. Vincent Marsh is registered as a Qualified Architectural Historian with both the Northwest Information Center at Sonoma State University in Rohnert Park and with the North Central Information Center at California State University in Sacramento, CA. Mr. Marsh meets the Professional Qualifications Standards for the Architectural History classification as found in 36 CFR Part 60 of the Federal regulations. In addition, the State Office of Historic Preservation (SOHP) has previously determined that Mr. Marsh meets the professional qualifications as an Historian and as a Preservation Planner during his tenure staffing two existing Certified Local Government (CLG) programs in San Francisco and in Sacramento, CA. Finally, Vincent Marsh is listed on the Register of Professional Historians (No. 589) which is maintained by the California Council for the Promotion of History (CCPH).

## **Vincent Marsh, Biography and Professional Qualifications Statement**

Prior to September of 1999, Vincent was employed as a Preservation Planner within the Citywide Policy and Analysis Division of the San Francisco Planning Department where he drafted a new Preservation Element, Implementation Program Document of the General Plan, and a series of Preservation Briefs for the City of San Francisco. Vincent was assigned General Plan Referrals and a comprehensive review, evaluation and update of the City's Neighborhood Commercial Controls, which were first adopted by the City in 1987. Additionally, he also was involved in major planning efforts and cultural resources assessments for the Presidio National Park, Treasure Island, Golden Gate Park, Mid-Market, Civic Center, and properties under the jurisdiction of the Port of San Francisco and the San Francisco Redevelopment Agency. For eight years, he served as the Secretary and the primary staff to the San Francisco Landmarks Preservation Advisory Board. In that position he worked closely with project sponsors, property owners, neighborhood associations and individuals on thousands of preservation related projects in the Downtown and Citywide. He authored and recommended approvals for four historic district nominations, scores of local landmark nominations, and undertook a major thematic survey of 2,000 Unreinforced Masonry Buildings (UMBs) with the assistance of fifteen A.I.A. volunteers, who also developed a set of Design Guidelines to seismically retrofit UMBs.

In years past, Vincent Marsh served as a Field Representative to the Western Regional Office of the National Trust for Historic Preservation, and as an Agency Relations Associate/ Neighborhood Planner with United Way of the Bay Area. In Boston, Massachusetts he was employed as an Urban Design consultant to a private firm and for six years was employed as Executive Director of a Neighborhood Center in the North End/Waterfront area. Vincent Marsh currently serves as a member of the Board of Directors for the Friends of 1800 Market Street, which helped to save the historic Carmel Fallon Building in San Francisco. He completed an eight-year term on the Board of Directors of the National Alliance of Preservation Commissions. In the recent past, he has served as Treasurer for the Northern California Chapter of the Society of Architectural Historians. Mr. Marsh also served for a period of eight years as a member of the Board of Directors of the California Preservation Foundation (CPF), a statewide nonprofit preservation organization and volunteered for a number of committees and programs of CPF. Vincent Marsh has an undergraduate degree from S.U.N.Y. at Buffalo, a Master's Degree in Community Organization and Planning from the University of Connecticut and a Master's Degree in City and Regional Planning with a specialization in Historic Preservation from Cornell University in Ithaca, New York. His thesis, *A Preservation Planning Study for the North End Waterfront of Boston, Massachusetts* won an Urban Design Fellowship from the National Endowment for the Arts. He also attended the Massachusetts Institute of Technology, Urban Studies Master's Program in Cambridge, MA., prior to attending Cornell University, in Ithaca, New York.