



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Final Mitigated Negative Declaration Appeal 950-974 Market Street

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**DATE:** January 23, 2017  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa M. Gibson, Acting Environmental Review Officer – (415) 575-9032  
Melinda Hue, Environmental Planner – (415) 575-9041  
**RE:** File No. 161365, Planning Case No. 2013.1049E  
Appeal of Final Mitigated Negative Declaration for 950-974 Market Street  
**HEARING DATE:** January 31, 2017  
**ATTACHMENTS:** Attachment A: Appeal Letter from Victor Marquez, of the Marquez Law Group, on behalf of the Q Foundation (December 16, 2016)  
Attachment B: Final Mitigated Negative Declaration for the 950-974 Market Street Project (November 17, 2016)  
Attachment C: Historic Resources Evaluation for 950-974 Market Street (June 7, 2016)  
Attachment D: Historic Resource Evaluation Response for 950-974 Market Street (June 29, 2016)  
Attachment E: Page & Turnbull Memo – RE Case No. 2013.1049E, Appeal of Mitigated Negative Declaration – Additional Research Memorandum (January 20, 2017)

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**PROJECT SPONSOR:** Michelle Lin, Mid Market Center, LLC, (415) 394-9018  
**APPELLANT:** Victor Marquez on behalf of the Q Foundation<sup>1</sup>

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### INTRODUCTION

This memorandum and the attached documents are a response (“Appeal Response”) to the letter of appeal (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Planning Department’s (the “Department”) issuance of a Final Mitigated Negative Declaration (“FMND”) under the California Environmental Quality Act (“CEQA Determination”) for the proposed 950-974 Market Street Project (the “Project”).

The Preliminary Mitigated Negative Declaration (“PMND”) for the project was published on July 6, 2016. Brian Basinger and Rick Galbreath of the Q Foundation filed an appeal of the PMND on July 26, 2016. At

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<sup>1</sup> Per Chapter 31 of the San Francisco Administrative Code Section 31.16(d)(1), the Q Foundation, which filed an appeal of the PMND with the Planning Commission, may appeal the Planning Commission’s approval of the FMND. The Transgender Intersex Justice Project and the Saint James Infirmary, also listed as appellants in the Appeal Letter, did not appeal the PMND with the Planning Commission and therefore cannot appeal the FMND to the Board of Supervisors; however these organizations may speak in support of the Q Foundation at the Board of Supervisors hearing if they so desire.

the appeal hearing, held November 17, 2016, the Planning Commission (the “Commission”) affirmed the Department’s decision to issue a MND for the project. The Final Mitigated Negative Declaration (“FMND”) has now been appealed to the Board by Victor Marquez, on behalf of the Q Foundation (“Appellant”).<sup>2</sup>

The decision before the Board is whether to uphold the Department’s decision to issue a MND and deny the appeal, or to overturn the Department’s decision to issue a MND and return the project to the Department staff for further environmental review.

## **SITE DESCRIPTION & EXISTING USE**

The approximately 34,262-square-foot project site (Assessor’s Block 0342, Lots 001, 002, 004, 014) is triangular-shaped with frontages on Market Street on the south, Turk Street on the north, and Taylor Street on the west, and Mason Street to the east within the Downtown/Civic Center neighborhood. The project site is currently occupied by a surface parking lot over a below-grade parking structure and four 2- to 3-story buildings that are either vacant or partially occupied with retail and office uses. The project site is within the C-3-G (Downtown General Commercial) Use District and the 120-X Height and Bulk District.

## **PROJECT DESCRIPTION**

The proposed project involves the demolition of the existing buildings and parking lot/structure and construction of a new 12-story, 120-foot-tall, approximately 408,342 gross square foot (gsf) building with ground-floor retail space and one level (with mezzanine) of subterranean parking. The mixed-use building would include 242 dwelling units, a 232-room hotel and approximately 16,600 gsf of ground floor commercial retail space. The project would provide 319 bicycle parking spaces and 82 vehicle parking spaces, including two car-share spaces. The proposed project would include approximately 27,199 square feet of common useable open space in the form of roof terraces and would include public open space along the Turk Street and Market Street frontages. A new loading zone is proposed along the Turk Street frontage, to accommodate passenger drop-off/pick-up and valet services for hotel guests. The proposed project would also include the reconstruction and widening of Turk Street sidewalk (except at the loading zone) and the installation of new streetscape features within the sidewalk areas.

## **BACKGROUND**

### **Historical Resources**

Historical Resources are defined under CEQA Section 21084.1 as those listed in, or determined eligible for listing in, the California Register of Historical Resources (“California Register”). In addition, a resource that (i) is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code (“Planning Code”) or (ii) is deemed significant due to its identification in an historical resources survey meeting the requirements of California Public Resources Code Section 5024.1(g) is presumed to be historically significant “unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.”

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<sup>2</sup> Ibid.

### **California Register of Historical Resources**

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (Public Resources Code Section 5024.1(a)). The criteria for eligibility for the California Register are based on National Register of Historic Places (“National Register”) criteria (Public Resources Code Section 5024.1(b)). Certain resources are determined by the statute to be automatically included in the California Register, including those formally determined eligible for or listed in the National Register. To be eligible for the California Register, a historical resource must meet one or more of the following criteria (Public Resources Code Section 5024.1(c)): 1) Criterion 1 (Events): Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; 2) Criterion 2 (Persons): Is associated with the lives of persons important in our past; 3) Criterion 3 (Architecture): Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or 4) Criterion 4 (Information Potential): Has yielded, or may be likely to yield, information important in prehistory or history.

### **Integrity**

The California Register also requires a resource to possess integrity, which is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.” For a resource to be eligible for the California Register, it must retain enough integrity to be recognizable as a historical resource and to convey its significance.

### **Significant Environmental Effects**

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15604(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

## **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

The concerns raised in the December 16, 2016 three page Appeal Letter (Attachment A) are cited below and are followed by the Department’s responses.

**Issue 1: The Appellant asserts that the buildings at 950-964, 966-970, 972, and 974 Market Street that would be demolished qualify as individual historic resources under California Register Criterion 1 (Events). Further, the Appellant maintains that the Department used an outdated and flawed**

methodology to assess historic resources because it failed to follow recently published federal guidelines and a citywide context statement pertaining to lesbian, gay, bisexual, transgender, and queer (LGBTQ)-themed resources.

**Response 1: The FMND finds 950-964 Market Street, 972 Market Street, and 974 Market Street to be individually significant under California Register Criterion 1 (Events), but determines that the buildings lack integrity and therefore are not considered individual historic resources under CEQA. The FMND is based on background historical studies that are consistent with and take into account the federal publication and the citywide LGBTQ context statement cited by the Appellant.**

#### **Historic Evaluation under Criterion 1 (Events)**

The FMND (Attachment B) for the 950-974 Market Street project evaluates the proposed project's impacts on historic architectural resources on pages 41 through 56. The historic impact analysis in the FMND is supported by two background technical documents:

- 1) the Historic Resources Evaluation ("HRE") for 950-974 Market Street prepared by Page & Turnbull (June 7, 2016) (Attachment C) and
- 2) the Historic Resource Evaluation Response ("HRER") for 950-974 Market Street prepared by the San Francisco Planning Department (June 29, 2016) (Attachment D).

The FMND relies upon and summarizes the more detailed analysis in the HRE and HRER, and concludes that the proposed project would not result in a significant adverse impact to historic resources as they relate to LGBTQ social and cultural history. The FMND on pages 44 through 48, and as supported by the HRER and HRE, finds 950-964 Market Street, 972 Market Street, and 974 Market Street to be individually significant under California Register Criterion 1 (Events) for their prior association with post-prohibition LGBTQ bars, including the Old Crow at 962 Market Street (1936 to 1980), the Pirates Cave at 972 Market Street (1933 to 1942), and the Silver Rail at 974 Market Street/65 Turk (1942 to 1953). However, eligibility for listing in the California Register requires both significance and integrity. The buildings were found to lack sufficient integrity to convey their prior associations with post-prohibition LGBTQ bars and context because they have been so heavily altered since their association with those bars that they are not able to convey their past association; therefore, they were ultimately found ineligible for individual listing. Photographs of the current and previous conditions of the three storefronts that were associated with these bars are found in the HRE (Attachment C) Figures 5, 16, 47, and 52 (962 Market), Figures 23, 25, and 58 (972 Market) and Figures 26, 28, and 58 (974 Market/65 Turk).

The FMND, HRE, and HRER reference and incorporate information contained within the *Citywide Historic Context Statement for LGBTQ History in San Francisco* ("Citywide LGBTQ HCS"), which was adopted by the San Francisco Historic Preservation Commission in November 2015.

The HRER finds that 966-970 Market Street is not individually significant under California Register Criterion 1 (Events) for its association with the early development of LGBTQ communities in the Tenderloin. Although 966-970 Market Street was occupied by several LGBTQ businesses that relate to

themes identified in the Citywide LGBTQ HCS, these businesses did not appear individually significant within any particular theme under Criterion 1 (Events).

### **National Park Service LGBTQ Theme Study**

To support the assertion that the buildings at 950-964, 966-970, 972, and 974 Market Street qualify as individual historic resources under California Register Criterion 1 (Events), the Appellant argues that the buildings were not adequately analyzed in accordance with the National Park Service's ("NPS") *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History* ("LGBTQ Theme Study") and the Planning Department's Citywide LGBTQ HCS.

The NPS LGBTQ Theme Study was released in October 2016 and is a collection of essays, rather than a statement of policy or opinion by the NPS. 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."<sup>3</sup>The eligibility criteria outlined on pages 30-12 to 30-16 of the LGBTQ Theme Study are standard NPS guidelines for eligibility to the National Register of Historic Places per *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. The LGBTQ Theme Study's methodology reiterates the existing NPS requirement that resources need to maintain physical integrity in order to be eligible for listing. The "Integrity" sub-section states,

The [National Register of Historic Places] and [National Historic Landmark] programs are both place-based; there needs to be a place, a "there," in order for properties to be considered. [...] Integrity is always related to the period of significance of a property; in other words, to be listed on the NRHP with a period of significance from 1950 to 1970, a building should have design elements, setting, feeling, etc. from that period.<sup>4</sup>

The Planning Department's analysis of historical resources, as presented in the HRER, was conducted in accordance with guidance provided in the LGBTQ Theme Study, the NPS guidelines for evaluating eligibility, and the California Register of Historical Resources criteria for designation.

Additionally, information in the LGBTQ Theme Study has been considered in the HRE and HRER.

### **Citywide LGBTQ Historic Context Statement**

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 HCS, noted above. Chapter 25 summarizes the themes outlined in the Citywide LGBTQ HCS; the latter document was a principal source of information and guidance for Page & Turnbull's HRE (June 7, 2016) and the Planning Department's HRER. The Old Crow Bar at 962 Market Street is mentioned on page 25-16 of the LGBTQ Theme Study, but no new information is provided that was not already known and considered in

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<sup>3</sup> National Park Service, Department of the Interior, *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History*, 2016. Accessed: <https://www.nps.gov/subjects/tellingallamericansstories/lgbtqthemestudy.htm> on January 2017. The preface of the LGBTQ Theme Study can be accessed here: <https://www.nps.gov/subjects/lgbtqheritage/upload/lgbtqtheme-front.pdf>

<sup>4</sup> Id., 30-14.

the HRE and HRER. Chapter 25 also mentions the “Meat Market” at the intersection of Mason, Turk, and Market Streets, where gay hustling and cruising is known to have taken place. The context for this public realm adjacent to the subject properties was already known and discussed in the HRE and HRER.

As stated above, the FMND, HRE, and HRER reference and incorporate information contained within the Citywide LGBTQ HCS. Consistent with the “Step-By-Step Guide to Evaluation” on pages 322-323 of the Citywide LGBTQ HCS, the HRE and HRER use California Register criteria to evaluate the buildings within their historic contexts, and find that three of the four buildings were individually significant under Criterion 1 for associations with LGBTQ businesses that had occupied commercial spaces in the past—namely, the Old Crow at 962 Market Street, the Pirates Cave at 972 Market, and the Silver Rail bar at 974 Market/65 Turk—which were associated with significant themes outlined in the Citywide LGBTQ HCS.

With regard to integrity, the second component in California Register eligibility following a finding of significance, the Citywide LGBTQ HCS states the following on page 324:

There are two important steps to evaluating the integrity of a property: 1.) Determine which physical features must be present for a property to be able to convey its significance; and 2.) determine if those essential physical features are visible or intact enough for the property to represent its significance. For the first step, it is important to understand why the property is significant—in other words, under which historic contexts is it important. Is it significant for its architecture (Criterion C/3)? Or, in the case of most places significant to LGBTQ history in San Francisco, is it important for social or cultural histories (Criteria A/1 and B/2)?

For properties that are significant for social or cultural histories, the important aspects of integrity that need to be present are generally location, design, feeling, and association.

- Location: the place where the historic property was constructed or the place where the historic event took place.
- Design: the composition of elements that constitute the form, plan, space, structure, and style of a property. (Note: for properties significant to LGBTQ history, only the very basic features of a property are important, such as original form, and window and door configuration, with exceptions such as storefront reconfiguration. Integrity of style is not important, as styles can be updated over time.)
- Feeling: the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time.
- Association: the direct link between a property and the event or person for which the property is significant.<sup>5</sup>

In addition, the Citywide LGBTQ HCS states on page 351 the importance of conducting comparative analysis of extant properties to determine the necessary level of integrity:

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<sup>5</sup> Donna J. Graves and Shayne E. Watson, Citywide Historic Context Statement for LGBTQ History in San Francisco (October 2015), 324. Accessed: [http://www.sf-planning.org/ftp/files/Preservation/lgbt\\_HCS/LGBTQ\\_HCS\\_October2015.pdf](http://www.sf-planning.org/ftp/files/Preservation/lgbt_HCS/LGBTQ_HCS_October2015.pdf)

When evaluators face questions of a rare property function and its integrity, comparative analysis of extant properties associated with the relevant contexts should be conducted to determine the level of integrity needed for designation. A building that represents one of the last remaining examples of a post-Prohibition bar, for example, would justify a lower threshold for integrity when evaluating eligibility for National and California Registers.<sup>6</sup>

950-964, 972, and 974 Market were found individually significant under Criterion 1; thus, the guidance described in the LGBTQ HCS, as summarized above, was followed in the HRE and HRER. The HRER explains (pages 14-16, 20, 26-27, 31) that there appears to be no remaining vestiges of the former gay bars that operated in the buildings. Integrity of design is lacking because the former bar spaces have been redesigned so that original form, space, window and door configurations have been significantly changed. The buildings as a whole might be recognizable from the period of significance identified for each, due to the intact nature of their designs at the upper floors, but lack of physical remnants of the former bars sever the buildings' feeling and association from their previous occupants and uses. As a result, the buildings retain integrity of location but have compromised integrity of design and lack integrity of feeling and association. There is no tangible evidence that identifies the buildings as the site of early post-Prohibition LGBTQ bars in the Tenderloin, such that the buildings are not able to communicate their prior association.

In making an evaluation of individual integrity, the HRER follows the guidance of the Citywide LGBTQ HCS by evaluating the rarity of the property type for 950-964, 972, and 974 Market Street and conducting comparative analysis with other post-Prohibition LGBTQ bars in San Francisco, including bars in North Beach and others identified in the Tenderloin from the same period. Based on this evaluation, the HRER (on pages 14-16, 26-27, and 31) determined that while significant as post-Prohibition LGBTQ bars, the buildings at 950-964, 972, and 974 Market Street did not meet even the lower threshold for integrity outlined in the Citywide LGBTQ HCS.

As previously mentioned, the eligibility and integrity guidelines provided in the NPS's LGBTQ Theme Study are standard National Register criteria per National Register Bulletin 15. The HRE and HRER also follow these guidelines.

In conclusion, the FMND correctly concludes that the proposed project would not result in a significant adverse impact to individual historic resources as they relate to LGBTQ social and cultural history. The Appellant's assertion that the Department used an outdated and flawed methodology to assess historic resources because it failed to adhere to the LGBTQ Theme Study and Citywide LGBTQ HCS is unsubstantiated. Because there is no substantial evidence supporting a fair argument that the proposed project would have a significant impact, additional mitigation measures and changes to the MND, as requested by the Appellant, are not required.

**Issue 2: The Appellant asserts that the buildings at 950-964, 966-970, 972, and 974 Market Street that would be demolished qualify as individual historic resources under California Register Criterion 2 (Persons). Further, the Appellant maintains that the HRE and HRER incorrectly conclude that there are**

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<sup>6</sup> Id., 351.

no persons important to local, California, and national history associated with the Market Street Buildings. The Appellant lists the names of individuals that the MND does not consider.

**Response 2:** While 950-964 Market Street appears to be individually significant under California Register Criterion 2 (Persons), the building lacks integrity and therefore is not considered an individual historic resource under CEQA. The Appellant references a superseded version of the HRE that was later substantially modified. The FMND correctly concludes that the proposed project would not cause a significant adverse impact to LGBTQ historic resources.

The Appellant states:

- a. The MND references flawed and inadequate analysis in *950-974 Market Street Historic Resource Evaluation Parts 1 & 2* (Page & Turnbull, July 17, 2015) as well as the *950-974 Market Street Historic Resource Evaluation Response* (San Francisco Planning Department, June 29) that inaccurately conclude that there are no persons important to local, California, and national history associated with the Market Street Buildings.”

The Appellant’s letter cites the July 17, 2015 HRE, which was superseded by the June 7, 2016 HRE. The HRE was significantly revised following publication of the Citywide LGBTQ HCS in October 2015. The updated HRE incorporates the information contained in the Citywide LGBTQ HCS. The June 7, 2016 HRE, which investigates building owners and business proprietors who were identified through historic research to be associated with the LGBTQ businesses in the subject buildings, is reflected in the June 29, 2016 HRER. The July 17, 2015 HRE is not cited in nor is it relied upon in the FMND.

#### **Historic Evaluation under Criterion 2 (Persons)**

According to the evaluation process that is outlined in National Register Bulletin 15, which is the basis of the NPS’s LGBTQ Theme Study, a finding of significance under National Register Criterion B (or California Register Criterion 2) involves several steps. First, the person associated with the property must be identified as individually significant within a historic context. They cannot simply be a member of an identifiable profession, class, or social or ethnic group. The person must have gained importance within his or her profession or group. Second, a property eligible under Criterion B/2 must be associated with the person’s productive life, reflecting the time period when he or she achieved significance. Among all places associated with the person, the subject building must best represent his or her contribution. Also, the individual’s association with the property must be documented by accepted methods of historical research, including written or oral history. Speculative associations are not sufficient.<sup>7</sup> The Citywide LGBTQ HCS does not present alternative methods for evaluation under Criterion B/2.

Lastly, the issue of integrity remains. Even if one or more of the subject buildings was found individually significant under Criterion B/2 in association with important persons, the building(s) must retain sufficient integrity to the periods of significance associated with a significant person or persons.

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<sup>7</sup> National Park Service, *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. Website accessed on December 27, 2016 from: [https://www.nps.gov/NR/PUBLICATIONS/bulletins/nrb15/nrb15\\_6.htm#crit b](https://www.nps.gov/NR/PUBLICATIONS/bulletins/nrb15/nrb15_6.htm#crit b)

The HRER concludes that the subject properties do not appear eligible for listing on the California Register under Criterion 2 (Persons). The HRER determines that no persons associated with the subject properties have been identified that appear to have made notable contributions to local or state history such that the buildings would be individually eligible for listing in the California Register under this criterion.

The Appellant asserts that the MND fails to assess the lives of important individuals associated with the Market Street Buildings or associated with the block collectively known as the Meat Rack, including for example, Cleve Jones; David Hurles; and Fred, Hugo and Magnus Jensen.

Page & Turnbull conducted additional research regarding the persons cited by the Appellant and the information below presents the conclusions of the research, as documented in Page & Turnbull Memo - Case No. 2013.1049E, Appeal of Mitigated Negative Declaration - Additional Research Memorandum, January 20, 2017 (Page & Turnbull Memo). (Attachment E) The HRE and HRER had not considered Cleve Jones and David Hurles, but did include research of Fred, Hugo, and Magnus Jensen.

**Cleve Jones.** No sources were found during historic research for 950-964, 966-970, 972, and 974 Market Street that mentioned Cleve Jones and whether he frequented the LGBTQ bars located in these buildings. His association with the public space known as the "Meat Market" or "Meat Rack" at the intersection of Mason, Turk, and Market streets adjacent to the buildings does not directly associate him with the subject buildings to an extent that the buildings could be found individually significant under Criterion B/2 (Persons) in association. Several of the bars on the project site, specifically Pirates Cave (972 Market Street) and Silver Rail (974 Market Street), were no longer in operation in the 1970s when Jones frequented the nearby "Meat Market" or "Meat Rack". Furthermore, while Cleve Jones is a significant figure in the LGBTQ community, he is best recognized as legislative intern for Harvey Milk and founder of the AIDS Memorial quilt, and co-founder of the San Francisco AIDS Foundation. He did not gain importance for his early years as a hustler, and commented that he had stopped hustling by 1975, just two years after arriving in San Francisco, to become more active in politics. He is most closely associated with Polk Street and the Castro neighborhood, including buildings such as the Castro Camera and the Harvey Milk Residence at 573-575 Castro Street (San Francisco Landmark No. 227) and The Jose Theater/Names Project Building at 2362 Market Street (San Francisco Landmark No. 241). The subject properties at 950-974 Market Street are not significant for association with Cleve Jones.

The Appellant implies that the "Meat Market" or "Meat Rack," a popular area for gay cruising and hustling from World War II to the 1970s, was located at or in the buildings on the project site. The area known as the "Meat Market" or "Meat Rack" was actually the streets and sidewalks at the confluence of Market, Mason, and Turk streets. As noted in the Citywide LGBTQ HCS, a central tenant of gay cruising and hustling was that it occurred within the public realm. While nearby businesses provided peripheral support to popular cruising and hustling locations throughout San Francisco, including at the adjacent "Meat Market" or "Meat Rack", the buildings on the project site were not what was known as the "Meat Market" or "Meat Rack." The LGBTQ HCS also discusses other known hustling/cruising hot spots, including the Embarcadero near the Ferry Building, Market Street through Downtown, Union Square, Huntington Park, Polk Street, Aquatic Park, portions of the South of Market, Dolores Park, Collingwood

Park, Lafayette Park, Marina Green, Buena Vista Park, Baker Beach, Golden Gate Park, and Lands End. Areas known for cruising and hustling changed over time because of policing and crackdowns, redevelopment, and shuffling of LGBTQ neighborhoods. The “Meat Market” or “Meat Rack” at Turk, Mason, and Market was not the only known or notable location of such activities in the City.

**David Hurles.** David Hurles is an important photographer associated with LGBTQ history. Beginning in 1971, David Hurles frequented the Old Crow bar where he encountered many of the subjects for his one-man company, run from a private mailbox, called the Old Reliable Tape and Picture Company. Old Reliable was a pioneering work of gay male erotica, including photographs, publications, and films, which were distributed nationally during a time when such material had only recently become legal to publish. Hurles specialized in photographing “rough trade” men – mostly impoverished and working-class, tattooed delinquents and ex-convicts– with the goal of capturing the traditional tough and macho character of American masculinity. His portrayal of homosexuality stood in stark contrast to the “gay lifestyle” erotica emerging in the early 1970s with its clean-cut, middle-class and openly gay male models. Hurles’ work was also unique in the erotica industry as he sought out heterosexual, and often dangerous, subjects to be photographed and recorded. Hurles and many of his models spent time at the Old Crow, known since its early days during World War II as a hangout for “rough” and ostensibly heterosexual men. The Old Reliable collection is known to have influenced a number of contemporary queer artists and culture-makers and has been featured in several museums and the GLBT Historical Society.

Though Hurles found models at the Old Crow and other locations, he photographed and recorded them at his nearby studio apartment. Nevertheless, his work is directly associated with the intersection of Mason, Turk, and Market streets, and particularly with the former Old Crow (962 Market Street) and sidewalks of the “Meat Market” or “Meat Rack.” Hurles moved his studio to the Tenderloin neighborhood by 1970, and his documented frequent visits to the Old Crow and nearby “Meat Market” or “Meat Rack” indicate that he often found subjects there to photograph. His models from the Old Crow and the public space outside appear to be exemplary of his style and enduring legacy in the gay erotica industry. Thus, the building at 950-964 Market Street rises to a level of individual significance under Criterion B/2 (Persons) based on a minor association with David Hurles.

As mentioned earlier under Response 1 and similar to the building’s significance under Criterion A/1 (Events), however, 950-964 Market Street does not retain sufficient integrity to the period of significance associated with Hurles’ era of photography in the early 1970s, and use of the Old Crow as a place to secure models, to be eligible for listing in the National Register or California Register.

**Fred, Hugo, and Magnus Jensen.** Fred, Hugo, and Magnus Jensen are discussed on pages 38-39 of the HRE and pages 8 and 13 of the HRER. Brothers Hugo and Magnus are described as operating the Old Crow Bar from 1935/36 to 1940, at which point Fred Jensen (relation unknown) assumed ownership as well. The “Jensen Brothers” were listed as owners in the early 1940s through late 1950s. By 1967, the bar was owned by Ed McMahan. Hugo and Magnus Jensen also co-owned the Senate Hotel at 467 Turk Street, beginning in about 1930. The brothers emigrated from Germany in 1902 and worked in the liquor industry as bartenders and bar owners as early as 1908. However, no information was found in

newspapers or local LGBTQ archives that discussed whether the Jensens actively “protected the bar from closure during police raids and government crack downs,” as stated by the Appellant, or otherwise indicated any historic significance for the proprietors other than long-time business ownership of an LGBTQ-friendly establishment. For this reason, 950-964 Market Street is not significant for association with Fred, Hugo, or Magnus Jensen.

In conclusion, the FMND correctly concludes that the proposed project would not result in a significant adverse impact to historic resources as they relate to LGBTQ social and cultural history. Because there is no substantial evidence supporting a fair argument that the proposed project would have a significant impact, additional mitigation measures and changes to the MND, as requested by the Appellant, are not required.

**Issue 3: The Appellant asserts that the FMND inaccurately identifies the boundaries of an eligible LGBTQ Tenderloin historic district and that the buildings should be considered contributors to a smaller Compton’s Historic District. In addition, the Appellant asserts that the FMND misidentifies the nature of the eligible historic district, which the Appellant states should be assessed as a Transgender historic district. Further, the Appellant notes that Supervisor Jane Kim is drafting legislation that would create the “Compton’s Cultural District.”**

**Response 3: The FMND accurately identifies a larger eligible Tenderloin LGBTQ District. The Appellant does not provide evidence that the buildings on the project site were strongly associated with the Compton’s Cafeteria Riot or transgender historic context of the Tenderloin. In addition, the Appellant does not provide evidence that the buildings on the project site constitute what was historically known as the “Meat Market” or “Meat Rack.”**

The HRE and HRER on page 34 note that the Tenderloin neighborhood, including the area where the subject buildings are located, is associated with a number of themes identified in the Citywide LGBTQ HCS, including: Early Development of LGBTQ Communities in San Francisco (Early 20th Century to 1960s), Policing and Harassment of LGBTQ Communities (1933 - 1960s), Evolution of LGBTQ Enclaves and Development of New Neighborhoods (1960s to 1980s), Homophile Movements (1950 to 1960s), and Gay Liberation, Pride, and Politics (1960s to 1990s). The HRER acknowledges that the larger eligible LGBTQ historic district would likely include important sub-themes such as transgender history and associated resources. As the subject properties on the project site do not appear to have direct associations with transgender history or with the Compton’s Cafeteria riot, and the Appellant has provided no new information or other substantial evidence to demonstrate such associations, the FMND appropriately focused on the larger eligible Tenderloin LGBTQ historic district.

As discussed on page 5 of the Page & Turnbull memo, though several past business establishments identified at 950-964, 966-970, 972, and 974 Market Street served LGBTQ clientele, historic information has not indicated that the bars were exclusively or primarily used by transgender persons or were otherwise specifically significant in association with transgender history. Indeed, in an interview with Susan Stryker, preeminent academic researcher on gender and human sexuality, Stryker stated that these Market Street bars may have specifically excluded transgender people. Community historian and activist Tamara Ching repeated this sentiment. Welcoming visibly transgender patrons communicated overtly

that the establishments were LGBTQ-friendly, and the concern was that they would draw the attention of police at a time when homosexuality was illegal. The Old Crow Bar, in particular, is known to have “entertained a mixed straight and LGBTQ clientele but also rigorously denied entry to female patrons.” Tamara Ching explained that the main bars that transgender people frequented included the Frolic Room, the Nickelodeon, the Grubstake diner, and Uncle Billy’s or the Scoreboard, all on Mason Street.

Focus on the larger eligible LGBTQ district in the FMND in no way diminishes the historical significance of the Compton’s Cafeteria Riot or of transgender-related resources within the neighborhood. Gene Compton’s Cafeteria was located at 111 Taylor Street, diagonally across the Turk and Taylor intersection from the project site. The former Compton’s Cafeteria location was added to the Planning Department’s Landmark Designation Work Program on August 17, 2016 as the site of the Compton’s Cafeteria uprising, the first major organized uprising that gained national attention for issues of police harassment against the transgender community. This event is one of the most formative events in the early, pre-Stonewall, movement for LGBTQ rights and the Planning Department acknowledges the historic significance of this event and site.

The Compton’s Cafeteria Riot occurred in August 1966 on the block to the west of the project site, and the only LGBTQ establishments operating at the project site at that time were the Old Crow Bar at 962 Market Street, Leo’s Men’s Shop at 968 Market, and the Landmark at 45 Turk Street<sup>8</sup>. No LGBTQ-associated establishments were located at 972 Market Street or 974 Market Street<sup>9</sup> during that time period.

The Appellant does not provide new information or other substantial evidence to indicate that the buildings on the project site are strongly associated with the Compton’s Cafeteria Riot or the transgender historic context. These properties would be unlikely to contribute to a transgender-focused historic district regardless of the size of such a district.

There is no information provided by the Appellant to justify the smaller, five-block area of the proposed Compton’s Historic District. The Planning Department acknowledges the significance of the former Compton’s Cafeteria location at 111 Taylor, as noted above. Information in the Citywide LGBTQ HCS, and in the HRE and HRER for the proposed project, also supports the Appellant’s statement that the Tenderloin represents a unique and highly significant transgender history; this information does not, however, suggest that this important history is limited to the five-block area noted by the Appellant. To the contrary, it suggests a larger district associated with the transgender historic context. As stated on page 5 of the Page & Turnbull memo, , Susan Stryker in speaking with Page & Turnbull and the Planning Department even suggested that the boundaries for such a transgender historic district would extend several blocks east, north, and west from an epicenter at Turk and Taylor streets, perhaps as far east as Powell Street, as far west as Polk Street, and as far north as Geary Street.

As a point of clarification, discussed on Page 4 of the Page & Turnbull memo, the “Meat Market” or “Meat Rack” is explained in the Citywide LGBTQ HCS as the public realm (i.e., sidewalks) at the intersection of Mason, Turk, and Market streets; it is not synonymous with the nearby buildings at 950-964, 966-970, 972, and 974 Market Street (on the project site) as suggested by the Appellant. Susan Stryker also clarified that the “Meat Market” or “Meat Rack” area at Market, Turk, and Mason was primarily a gay hustling spot for men who were characterized as “butch” or masculine, and transgender women

---

<sup>8</sup> 45 Turk is part of the 966-970 Market Street building.

<sup>9</sup> 65 Turk Street is part of the 974 Market Street building.

were not allowed to hustle there. Transgender women would hustle on other streets away from Market Street and further into the Tenderloin neighborhood. As noted above, the Citywide LGBTQ HCS also discusses other known hustling/cruising hot spots, including the Embarcadero near the Ferry Building, Market Street through Downtown, Union Square, Huntington Park, Polk Street, Aquatic Park, portions of the South of Market, Dolores Park, Collingwood Park, Lafayette Park, Marina Green, Buena Vista Park, Baker Beach, Golden Gate Park, and Lands End. The “Meat Market” or “Meat Rack” at Turk and Market was not the only known or notable location of such activities in the City.

In regards to legislation being drafted by Supervisor Jane Kim to create the “Compton’s Cultural District”, the Appellant does not provide any information that indicates that the cultural district would qualify as a historic district under CEQA, in which the buildings at the project site would be contributors to and in which their demolition would result in a significant adverse impact to a CEQA historic district. While the Planning Department recognizes cultural districts as a planning effort to guide land use development and acknowledge a neighborhood’s history, the designation of a cultural district by Board of Supervisors legislation does not automatically designate the district as a historic resource under CEQA.

Because demolition of the buildings would not have an adverse impact on a historic resource, additional mitigation measures are not required, as requested by the Appellant. Rather, the FMND contains Improvement Measure I-CR-1a: Interpretative Program, as presented below, which the project sponsor has agreed to implement.

**Improvement Measure I-CR-1a: Interpretive Program**

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, within the context of LGBTQ history in the Tenderloin and San Francisco.

Interpretation of the site’s history should be supervised by a qualified consultant meeting the Secretary of the Interior’s Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject

project and in the Citywide LGBTQ Historic Context Statement may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of a the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

In conclusion, the FMND correctly concludes that the proposed project would not result in a significant adverse impact to historic resources as they relate to LGBTQ social and cultural history. Because there is no substantial evidence supporting a fair argument that the proposed project would have a significant impact, additional mitigation measures and changes to the MND, as requested by the Appellant, are not required.

## **CONCLUSION**

The Department conducted an in-depth and thorough analysis of the potential physical environmental effects of the proposed 950-974 Market Street project, consistent with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. For the reasons stated in this Appeal Response and the FMND, the Department finds that the FMND fully complies with the requirements of CEQA and that the FMND was appropriately prepared. Therefore, the Planning Department respectfully recommends that the Board uphold the Planning Commission's adoption of the FMND.

Attachment A: Appeal Letter from Victor Marquez, of the Marquez Law Group, on behalf of the Q Foundation (December 16, 2016)

December 16, 2016

2016 DEC 16 PM 3:15

BY BT

President London Breed  
Supervisor Kim, District 6  
c/o Clerk of the Board  
Members of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: 950-974 Market Street Project CEQA Appeal**

Dear President Breed and Honorable Supervisors,

The Marquez Law Group represents the Transgender Intersex Justice Project, the Saint James Infirmary, and the Q Foundation (“the Appellants”) regarding the proposed project known as 950-974 Market Street Project (the “Project”). The Project approval on the basis of a Mitigated Negative Declaration violated CEQA because of substantial impacts on LGBT historical resources. Attached hereto for your reference relative to this appeal as Exhibit A is a memorandum dated October 27, 2016 from the San Francisco Planning Department’s Joy Navarrete and Melinda Hue regarding the Appeal of the Preliminary Mitigated Negative Declaration for the 950-974 Market Street Project. Also attached as Exhibit B is a proposed motion regarding the decision to adopt the findings of the Planning Department related to the Appeal of the Preliminary Mitigated Negative Declaration for the 950-974 Market Street Project.

The Mitigated Negative Declaration (MND) is inaccurate and inadequate. The MND fails to analyze or adequately mitigate significant environmental impacts. These errors and omissions include:

1. **Individual Historic Resources Based on Criterion 1.** The buildings at 950-964, 966-970, 972, and 974 Market Street (“the Market Street Buildings”) that are proposed for demolition qualify as individual historic resources. They are eligible for listing in the California Register under Criterion 1:

*Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of the state of California or the United States.*

Victor M. Marquez, Esq.  
Principal  
victormarquezsq@aol.com

The City failed to comply with CEQA as to these resources, because, inter alia:

- a. The City failed to adequately assess the cultural and historic importance of the Market Street Buildings with reference to the first federal guidelines for assessment of LGBT historic places provided by the National Park Service publication *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History* (National Park Foundation 2016).
- b. The Planning department failed to follow its own prevailing guidelines, *The Citywide Historic Context Statement for LGBTQ History in San Francisco* (Donna Graves & Shayne Watson, October 2015) to assess the significance of the Market Street Buildings.
- c. The MND analysis of the cultural and historic importance of the Market Street Buildings relies on a flawed and outdated methodology that has been superseded by guidelines in the City's own LGBTQ Historic Context Statement and federal guidelines in *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History*.

2. **Individual Historic Resources Based on Criterion 2.** The Market Street Buildings are also eligible for listing in the California Register under Criterion 2:

*Associated with the lives of persons important to local, California or national history.*

The City failed to comply with CEQA because, inter alia:

- a. The MND references flawed and inadequate analysis in *950-974 Market Street Historic Resource Evaluation Parts 1 & 2* (Page & Turnbull, July 17, 2015) as well as the *950-974 Market Street Historic Resource Evaluation Response* (San Francisco Planning Department, June 29) that inaccurately conclude that there are no persons important to local, California, and national history associated with the Market Street Buildings.
- b. The MND fails to assess the lives of important LGBT, Transgender, and other individuals associated with the Market Street Buildings or associated with the block collectively known as the Meat Rack, including for example:
  - i. Cleve Jones: A confidant, and Legislative Intern of Harvey Milk, and founder of the AIDS quilt, and LGBT leader in his own right, who spent time as a young hustler working in the meat market located at the Market Street Buildings.
  - ii. David Hurles: Photographer, publisher and famous gay pornographer whose subjects were photographed at the Old Crow Bar and the Flagg shoe store and who himself hustled at the Meat Rack.
  - iii. Fred, Hugo and Magnus Jensen, owners of the Old Crow Bar who kept the LGBT meeting space open during three decades when homosexuality and gender-nonconformity were illegal and persecuted, and protected the bar from closure during police raids and government crack downs. These events are regarded by the local community as the *Stonewall* of the West Coast.

**3. Contributors to Compton's Historic District.** The Market Street Buildings are contributors to the Compton's Historic District and eligible for the California Register. The City failed to comply with CEQA because, inter alia,

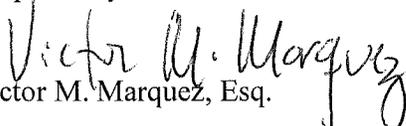
- a. The MND misidentifies the nature of the future historic district by assessing the significance associated with the LGBT Community as a whole, rather than assessing the district as a rare and unique Transgender historic resource.
- b. The MND inaccurately contends that a future "Tenderloin LGBTQ District" would "likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin, consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District," although significant evidence speaks to the contrary, including:
  - ii. The Compton's Historic Committee is preparing a nomination to the National and California Historic Registers of a smaller five-block district that is focused on the unique Transgender history of the Turk, Taylor, Mason and Market area as well as the history of the buildings collectively known as "The Meat Rack."
  - iii. Legislation being drafted by Supervisor Jane Kim would create the "Compton's Cultural District" with boundaries that focus on the unique Transgender history of the Turk, Taylor, Mason and Market area as well as the history of the buildings collectively known as "The Meat Rack" and that is similar in size and boundaries to the nomination of the Compton's Historic Committee.

The proposed Project would cause a substantial adverse change to LGBTQ historic resources in San Francisco. The current mitigations in the approved MND are sorely and highly inadequate to reduce impacts to a level of insignificance.

Based on the foregoing and on the prospective testimony that will be presented at the hearing on this appeal, the Appellants hereby request that the Board of Supervisors require changes to the MND to legally comply with CEQA. And, the Appellants respectfully request that the Board of Supervisors uphold this appeal.

Thank you for your consideration.

Respectfully submitted,

  
Victor M. Marquez, Esq.

cc: Appellants  
Supervisor Jane Kim, District 6 Supervisor  
Susan Brandt-Hawley

Attachment B: Final Mitigated Negative Declaration for the 950-974 Market Street Project (November 17, 2016)



# SAN FRANCISCO PLANNING DEPARTMENT

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## Mitigated Negative Declaration

*Date:* July 6, 2016; amended on November 17, 2016 (amendments to the Initial Study/Preliminary Mitigated Negative Declaration are shown as deletions in ~~strike through~~ and additions in double underline)

*Case No.:* 2013.1049E

*Project:* 950-974 Market Street Project

*Project Addresses:* 950-974 Market Street

*Zoning:* C-3-G (Downtown General Commercial) Use District  
120-X Height and Bulk District

*Block/Lot:* 0342/001, 002, 004, 014

*Lot Size:* 34,262 square feet

*Project Sponsor:* Michelle Lin, Mid Market Center, LLC – (415) 394-9018  
Michelle@groupi.com

*Staff Contact:* Melinda Hue – (415) 575-9041  
Melinda.Hue@sfgov.org

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Information:  
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### PROJECT DESCRIPTION:

The 34,262-square foot project site, at 950-974 Market Street, is located on the northwest corner of Market and Turk Streets, on the block bound by Market, Mason, Turk, and Taylor Streets in San Francisco's Mid-Market district in the Downtown/Civic Center neighborhood. The project site currently contains a surface parking lot over a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses. The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 406,000-gross-square-foot (gsf) building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses, in a 12-story, 120-foot-tall building. The proposed project would include a one-level plus mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces. The proposed project would also include 319 bicycle parking spaces. A new loading zone is proposed along the Turk Street frontage, to accommodate passenger drop-off/pick-up and valet services for hotel guests.

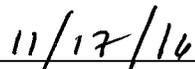
This Mitigated Negative Declaration (MND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has

submitted a revised project description that does not depend on such districts. Given that the project description had changed substantially, this new PMND was prepared.

**Finding:**

The 950-974 Market Street Project would not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), 15070 (Decision to Prepare a Negative Declaration), and the following reasons, as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures and Improvement Measures.

  
\_\_\_\_\_  
LISA M. GIBSON  
Acting Environmental Review Officer

  
\_\_\_\_\_  
Date of Issuance of Final Mitigated  
Negative Declaration

# INITIAL STUDY

## Case No. 2013.1049E

### 950–974 Market Street Project

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## ACRONYMS

2010 Clean Air Plan	Bay Area 2010 Clean Air Plan
ACL	Absolute Cumulative Limits
ADA	Americans with Disabilities Act
ADRP	archeological data recovery plan
ARB	California Air Resources Board
Area Plan	Downtown Area Plan
ARDTP	Archaeological Research Design and Treatment Plan
ATP	archeological testing plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
bgs	Below ground surface
Boeddeker Park	Father Alfred E. Boeddeker Park
BMPs	best-management practices
BMR	below market rate
CAA	Clean Air Act
CalEEMod	California Emissions Estimator Model
CAP	2010 Clean Air Plan
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
City	City of San Francisco
CNDDDB	California Natural Diversity Database
CO	Carbon monoxide
CRHR	California Register of Historical Resources
dB	Decibels
DBI	Department of Building Inspection
DEHP	Phthalate
DPH	Department of Public Health
DPR	California Department of Parks and Recreation
DPM	Diesel particulate matter
ERO	Environmental Review Officer
F-line	Muni F-line streetcar
FAR	floor area ratio
FARR	Final Archeological Resources Report
General Plan	San Francisco General Plan
GHG	greenhouse gas
GHG Reduction Strategy	Strategies to Address Greenhouse Gas Emissions
gsf	gross square feet
HUD	Housing and Urban Development
HRE	Historical Resources Evaluation
HREER	Historic Resources Evaluation Response
lbs	Pounds
NO <sub>x</sub>	Oxides of nitrogen
MBTA	Migratory Bird Treaty Act
MLD	most likely descendent

mph	miles per hour
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NO <sub>2</sub>	Nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OPR	California State Office of Planning and Research
OS	Open Space
P	Public
PCB	polychlorinated biphenyls
Planning Code	San Francisco Planning Code
PM	Particulate matter
proposed project	950–974 Market Street Project
PPV	Peak Particle Velocity
QAACL	Qualified Archeological Consultants List
ROG	Reactive organic gases
ROSE	Recreation and Open Space Element
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sf	square feet
SFBAAB	San Francisco Bay Area Air Basin
SFFD	San Francisco Fire Department
SFPD	San Francisco Police Department
SFPUC	San Francisco Public Utilities Commission
SFUSD	San Francisco Unified School District
SO <sub>2</sub>	Sulfur dioxide
SoMa	South of Market Area
SRO	single room occupancy
STC	Sounds Transmission Class
SWPPP	Stormwater Pollution Prevention Plan
TAAS	Theoretically Available Annual Sunlight
TACs	Toxic air contaminants
TAZ	transportation analysis zone
TBACT	Best Available Control Technology for Toxics
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TNDC	Tenderloin Neighborhood Housing Corporation
USEPA	United States Environmental Protection Agency
VdB	Vibration decibels
VDECS	verified diesel emission control strategy
ZOI	zone of influence

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## A. PROJECT DESCRIPTION

This ~~Preliminary~~ Mitigated Negative Declaration (PMND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has submitted a revised project description that does not depend on such districts. Given that the project description had changed substantially, a new PMND was prepared.

### A.1. PROJECT LOCATION AND SITE CHARACTERISTICS

The triangular-shaped project site is located at 950–974 Market Street and 61–67 Turk Street, in the northeastern portion of the Mid-Market area<sup>1</sup> within the Downtown/Civic Center neighborhood (see Figure 1, Project Location). The Tenderloin neighborhood is immediately north of the project site while the South of Market Area (SoMa) is located south of the project site. The project site consists of four parcels (Block 0342, Lots 001, 002, 004, and 014) on a block bounded by Market, Turk, and Taylor Streets. The project site has frontage on Market, Turk, and Taylor Streets, and on Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield Theater and Crazy Horse Theater.

Land uses in the project area include a mixture of retail, commercial, hotels, residential, and public spaces. The project area surrounding uses include the Civic Center, University of California Hastings College of the Law, the San Francisco Public Library main branch, Asian Art Museum, Federal Office Buildings at 90 7th Street and 50 United Nations Plaza and the Ninth Circuit Federal Courthouse at 95 7th Street, and the Westfield San Francisco Centre shopping center.

Vehicles can access the site vicinity via Turk Street (a one-way street with east-to-west traffic flow), Taylor Street (a one-way street with south-to-north traffic flow), and Market Street, which is two-way. The Market Street frontage has a bus stop and a loading area approximately mid-block, with loading on the western end of the project block and bus loading on the eastern end. Aside from the commercial loading zone near Opal Place on Taylor Street, there is no on-street parking bordering the project site.

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<sup>1</sup> The Mid-Market area generally encompasses the properties located along Market and Mission Streets between 5th Street and 11th Street.



Source: TRC Solutions, City and County of San Francisco

**950-974 MARKET STREET PROJECT**

CASE NO. 2013.1049E



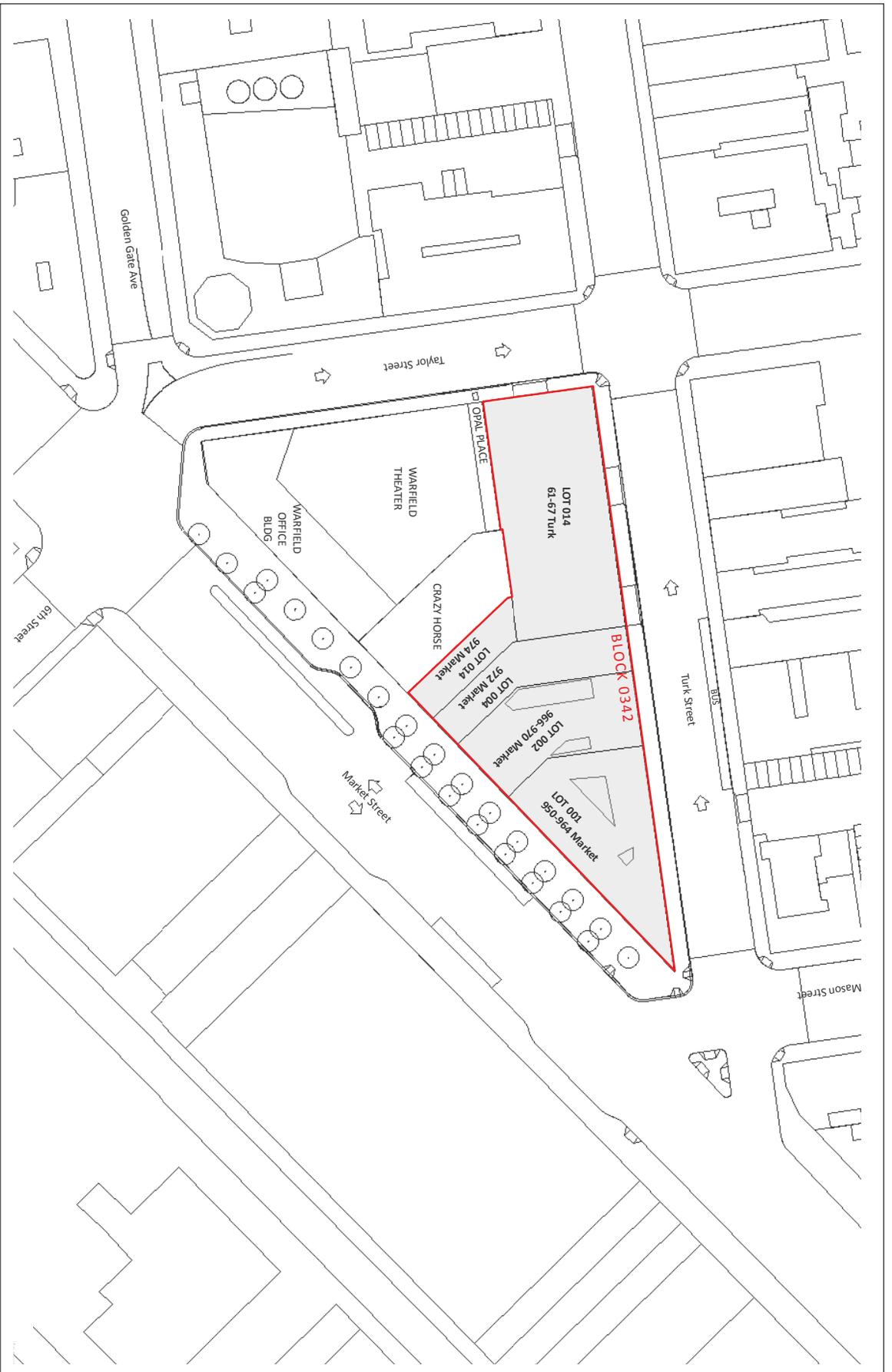
**FIGURE 1: PROJECT LOCATION**

In particular, parking is prohibited along both sides of Market Street, and on both sides of Turk Street between Mason Street and Taylor Street, with the exception of a blue curb zone (approximately 25 feet in length) for Americans with Disabilities Act (ADA) parking along the north side of the street west of the intersection with Mason Street. An additional ADA zone approximately 50 feet in length is on the proposed project frontage on Taylor Street, approximately at the intersection of Taylor Street, Market Street, and Golden Gate Avenue. Market Street is designated as a Class III bicycle route. No bicycle routes are located on Turk or Taylor Streets.

The closest Muni Metro stations to the project site are at Civic Center Station approximately 0.3 mile southwest, and Powell Station approximately 0.1 mile northeast, both shared with regional rail service operated by Bay Area Rapid Transit (BART). The closest station entrances to the project site are the Hallidie Plaza entrance at the Powell Station, and the Market Street / Seventh Street / Charles J. Brenham Place entrance to the Civic Center Station. These two stations are stops for all six Muni Metro underground lines (Lines N, L, M, K, T, and J), and four BART lines (Pittsburg/Bay Point to/from SFO/Millbrae, Dublin/Pleasanton to/from Daly City, Daly City to/from Fremont, and Richmond to/from Daly City/Millbrae). The project is located within 0.25 mile of nine local Muni bus lines (Lines 5, 9, 14, 19, 27, 30, 31, 38, and 45); three rapid Muni bus lines (Lines 9R, 14R, and 38R); three express Muni bus lines (Lines 8X, 14X, and 16X); three Muni cable car/trolley lines (Lines F, PM, and PH); and two regional bus lines (Golden Gate Transit and San Mateo County Transit District). The San Francisco Ferry Terminal and Caltrain Station are each located approximately 1.25 miles from the project area.

### ***Existing Buildings and Uses on the Project Site***

The project site is occupied by four mixed-use commercial buildings (950–964 Market Street, 966–970 Market Street, 972 Market Street, and 974 Market Street), and a surface parking lot over a below-grade parking structure (61–67 Turk Street) (see Figure 2, Existing Site). Table 1, Existing Land Uses on the Project Site, presents, by lot, the current land uses on the project site, the current lot dimensions, and the current dimensions of the four existing buildings and the below-grade parking structure.



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

CASE No. 2013.1049E

**FIGURE 2: EXISTING SITE**

**TABLE 1: EXISTING LAND USES ON THE 950–974 MARKET PROJECT SITE**

Address	Lot	Stories	Lot Area (square feet [sf])	Building Area (sf)	Existing Height (feet)	Ground Floor Existing Use	Upper Floor(s) Existing Use
950–964 Market	001	2+ basement	8,559	31,886	36	Paycheck loan, retail sunglasses, retail clothing, beauty parlor, wig store, cell phone store	Social Services Office
966–970 Market	002	2+ basement	6,290	20,636	38	Vacant	Vacant
972 Market	004	3+ basement	4,205	16,800	44	Vacant	Vacant
974 Market	014	3+ basement	2,267	9,044	39	Vacant/storage	Vacant
61–67 Turk	014	Surface lot + basement	12,941	25,872	0 to 5	Parking lot	N/A
<b>Totals</b>			<b>34,262</b>	<b>104,238</b>			
Source: Mid Market Center, LLC							

The existing buildings and below-grade parking structure measure approximately 104,238 gross square feet (gsf), and current uses include approximately 21,321 gsf of retail, 19,200 gsf of offices, and 25,872 gsf of parking space. The remaining building area is vacant or used for temporary storage. No dwelling units are currently located on the project site. The four buildings range from two to three stories tall with basements, and range from approximately 36 to 44 feet in height. The 950–964 Market Street building (Lot 001) is a 36-foot-tall, two-story building with a basement. The 966–970 Market Street building (Lot 002) is a 38-foot-tall, two-story building. The 972 Market Street building (Lot 004) is a 44-foot-tall, three-story building with a basement. The 974 Market Street building (Lot 014) is a 39-foot-tall, three-story building with a basement. Also on Lot 014, at 61–67 Turk Street, is an at-grade surface parking lot over a below-grade parking structure that is approximately 10 feet below grade. Four existing sidewalk elevators are located along the Turk Street right-of-way.

## **A.2. PROJECT CHARACTERISTICS**

The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 406,000-gsf building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses, in a 12-story, 120-foot-tall building. (proposed project) The proposed project would include a one-level with mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces.

Table 2, Project Summary, presents key project characteristics, including the square footage of the proposed project.

TABLE 2: PROJECT SUMMARY

Project Use/Space	Project Totals
Retail (gsf)	16,600 <sup>1</sup>
Residential (gsf)	204,401
Hotel (gsf)	133,877
Parking and Loading (gsf)	51,230
<b>Total (gsf)</b>	<b>406,101</b>
Open Space (gsf)	27,199
Dwelling units	242
Hotel rooms	232
Parking spaces	82
Loading Spaces	2 trucks and 2 vans
Number of buildings	1
Height of building <sup>2</sup>	120 feet <sup>3</sup>
Number of stories	12 stories
Source: Mid Market Center, LLC	
Notes:	
<sup>1</sup> The retail space for the proposed project includes approximately 3,000 sf located in the basement mezzanine for back-of-house uses.	
<sup>2</sup> Parapet, mechanical penthouses, and other associated rooftop building structures are exempt from overall building height pursuant to Planning Code Section 260(b)(1)(F).	
<sup>3</sup> The mechanical structures/penthouse on the roof would extend the building height to up to approximately 135 feet.	

### ***Proposed Uses***

The basement would contain vehicle and bicycle parking, hotel back-of-house functions, and mechanical and service spaces. The basement mezzanine would contain resident storage space, residential, retail, and hotel back-of-house functions, and mechanical and service spaces for the residential, hotel, and common building uses. The street level would contain retail, residential and hotel lobbies, restaurant space, and public open spaces composed of a publicly accessible outdoor food and beverage garden on Market Street and a public open space on Turk Street that would provide outdoor activity and event space for residents, hotel guests, and the public (see Figure 3, Proposed Street Level Plan). The second through 12th floors would consist of residential and hotel uses. Residential uses would occupy approximately the eastern half of the building, while hotel uses would occupy approximately the western half of the building.



The building would include rooftop terraces above the 12th floor with a solarium containing residential amenities, gardens and recreation areas vegetated with trees and other shrubbery, lounge and deck areas, outdoor event and seating spaces which would provide both separate and shared open spaces for residential and hotel tenants, and an outdoor bar that would be accessible to hotel guests and the public during certain hours of the day, with controlled access (see Figure 4, Roof Terrace Plan).

**Retail Uses.** The Proposed Project would include approximately 16,600 gsf of retail uses at the ground level, with retail shops, community space, and restaurants and bars. Six to eight retail spaces would be along Market and Turk Streets, ranging from approximately 500 square feet to 4,999 square feet each, to potentially house food and beverage establishments or general retail shops serving visitors, and to serve neighborhood residents and workers. In addition, the proposed project would include an outdoor food and beverage garden mid-block on Market Street and a public open space on Turk Street (see Figure 3, Proposed Project Street Level Plan).

**Residential Uses.** The proposed project would include approximately 204,400 gsf of residential uses composed of 242 residential units, residential storage, amenity space, mechanical, electrical, and trash use and lobby areas, covering approximately the eastern half of the building from floor two through floor 12. The residential lobby would be on the ground floor, and back-of-house and mechanical spaces would be placed throughout the residential component of the building for staff, service, and maintenance uses. Of the 242 residential units, 211 residential units would be market rate and 31 residential units would be below market rate (BMR) units (13 percent of total units). The unit mix would be approximately 67 studios, 65 junior one-bedroom, 66 one-bedroom units, and 44 two-bedroom units. Private roof terraces on floor 2 and above floor 12 would provide approximately 14,800 gsf of common open space for residents. An approximately 1,800 gsf solarium would provide amenity space for residents.

**Hotel Uses.** The proposed project would include approximately 133,900 gsf of hotel uses, with 232 guest rooms on floors two through 12 covering approximately the western half of the building. Associated hotel support spaces (including a publicly accessible lobby, and maintenance, laundry, kitchen, and employee areas) would be located on the ground floor, the basement, and basement mezzanine levels. A publicly accessible roof terrace and outdoor bar above the 12th floor would be accessible to hotel guests and the public during certain hours of the day, with controlled access (see Figure 4, Roof Terrace Plan). The exact hours of operation for the roof terrace and outdoor bar have not yet been determined.



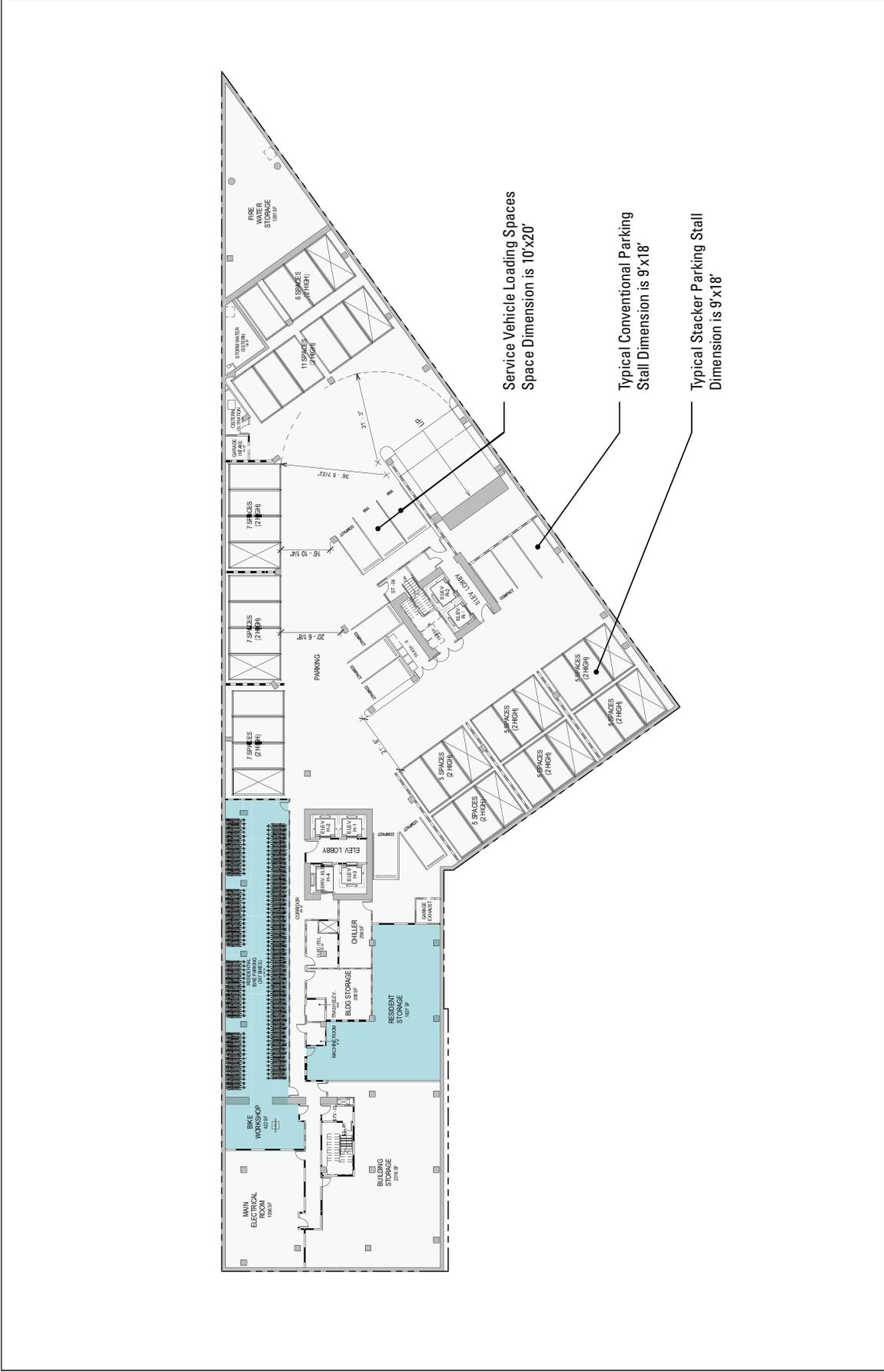
***Proposed Parking, Loading, and Bicycle Parking***

The proposed project would include a single-level with mezzanine below-grade garage with approximately 27,000 gsf for 82 residential parking spaces, plus two car-share spaces, and 319 bicycle parking spaces. No on-site parking would be provided for hotel guests. Garage access would be provided via a driveway ramp along the Taylor Street frontage, adjacent to Opal Place. A new, approximately 20-foot-wide curb cut would be installed along the Taylor Street frontage to serve the new driveway ramp, and the existing curb cut would be removed. A portion of the 82 parking spaces would be accommodated by puzzle stackers, a type of mechanical parking lift; no additional below-ground pits would be required to accommodate the stackers. Space for two service vans would be provided in the garage basement for residential loading and unloading (see Figure 5, Basement Level Plan).

The proposed project would propose a new curb loading zone measuring approximately 145 feet, on the Turk Street frontage, to accommodate passenger drop-off and pick-up and valet services for hotel guests. The Turk Street frontage, including the existing curb and sidewalk, would be entirely rebuilt and reconfigured, as described in the Proposed Street and Streetscape Improvements section. A 20-foot curb cut would provide access from Turk Street to two truck-loading bays within the building. An approximately 1,200-gsf off-street loading area with the two 35-foot-long truck-loading bays would be located on the Turk Street frontage near Taylor Street and would serve residential, hotel, and retail uses in the building (see Figure 3, Proposed Street Level Plan).

***Proposed Street and Streetscape Improvements***

The proposed project would include additional sidewalk changes. Along Turk Street, the sidewalk would be reconstructed and widened (except at the pedestrian loading area) to remove hazards and existing sidewalk elevators, and to accommodate new sidewalk transformer vaults at the western end of the Turk Street frontage. As part of the proposed project, 14 new street trees would be planted along the Turk Street frontage, where no trees currently exist. In addition, a sidewalk bulb-out on the southeast corner of Turk Street and Taylor Street, and a bulb-out on the southwest corner of Turk Street and Mason Street would be installed. Along Taylor Street, where street trees currently do not exist, no new street trees would be planted in order to maintain the existing 10-foot clear sidewalk width. Along the Market Street frontage, all 17 existing street trees, the brick sidewalk improvements, and the historic Path of Gold lamp posts are proposed to be retained.



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

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**FIGURE 5: BASEMENT LEVEL PLAN**

### ***Proposed Building Design***

The proposed project would be a 12-story building with a 25-foot setback from the Crazy Horse/Egyptian Theater on Market Street, and would be v-shaped in plan (see Figure 6, Market Street Cross Section, and Figure 7, Turk Street Cross Section, for a cross-section view and floor details). The height of the proposed building would be 120 feet.

Additional building elements, such as parapets, wind screens, planters, mechanical screens, mechanical penthouses, and solarium, which are exempt from height limits, would extend above the 120-foot-high roofline (see Figures 8 Market Street Elevation, 9, Turk Street Elevation, and 10, Taylor Street Elevation). The building would include rooftop terraces above the 12th floor that would provide both separate and common open spaces for residential and hotel tenants. As noted previously, the publicly accessible open space adjoining Market Street would be an outdoor food and beverage garden. The public open space along Turk Street would have additional outdoor activity and event space for residents, hotel guests, and the public (Figure 3, Proposed Street Level Plan).

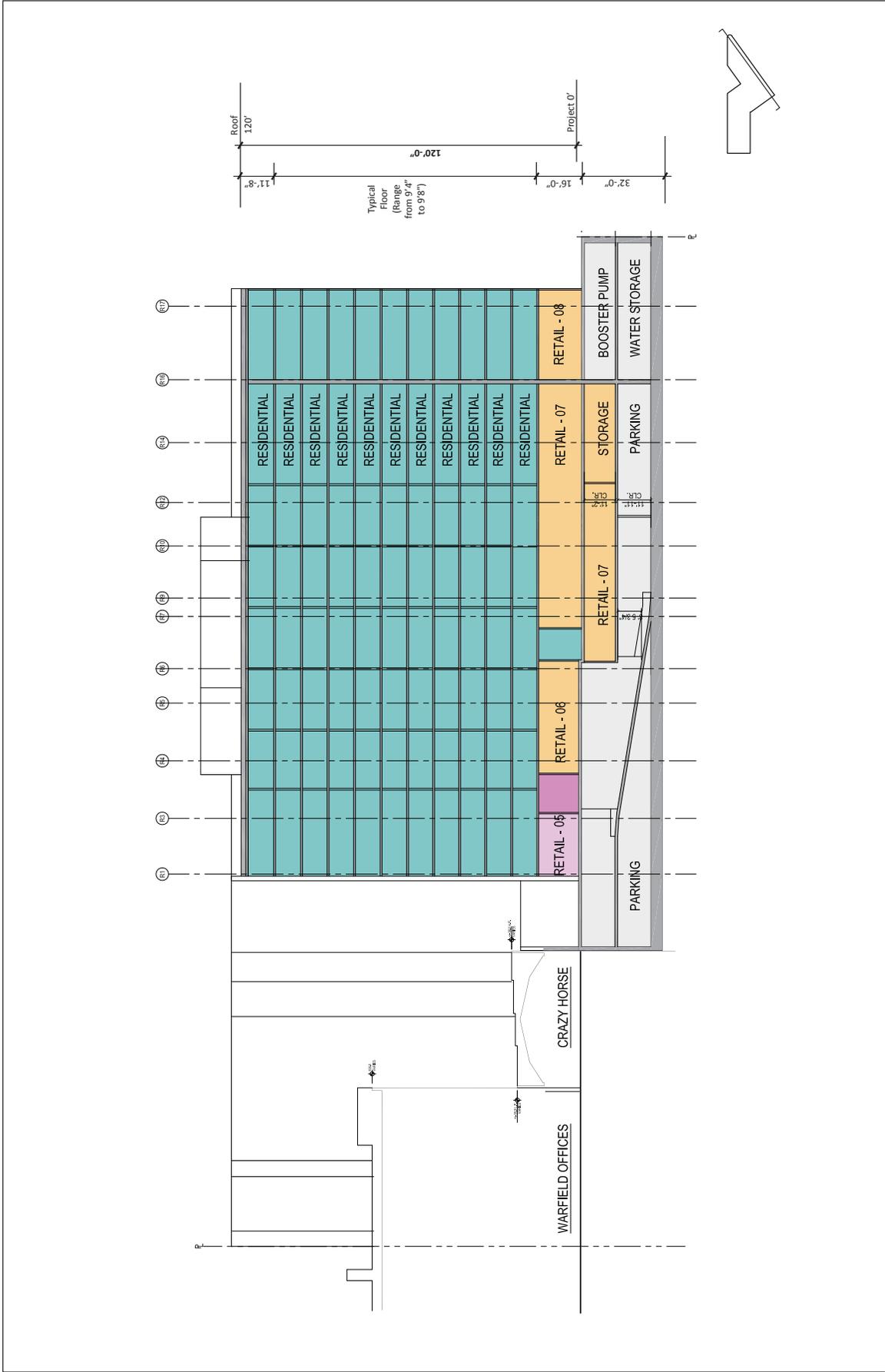
### ***Emergency Generators***

The proposed project would include one diesel-powered emergency electric generator.

### ***Excavation***

The proposed project would require excavation to a depth of approximately 35 feet below ground surface and estimated excavation of approximately 218,519 cubic yards or 59,000 tons of soil.

The anticipated depth of excavation for the base of the foundation (including basement and slabs) would be approximately 35 feet below the low point of the site, measured from the northeast corner at Market and Turk Streets. The proposed project would likely include one or two rows of caissons, parallel and adjacent to the Market Street property line, at 20- to 29-foot intervals. The depth of the caissons has not yet been determined and would be dependent on detailed engineering design acceptable to BART. The proposed project would also include two elevator pits that would extend approximately 35 feet below ground surface (bgs).



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

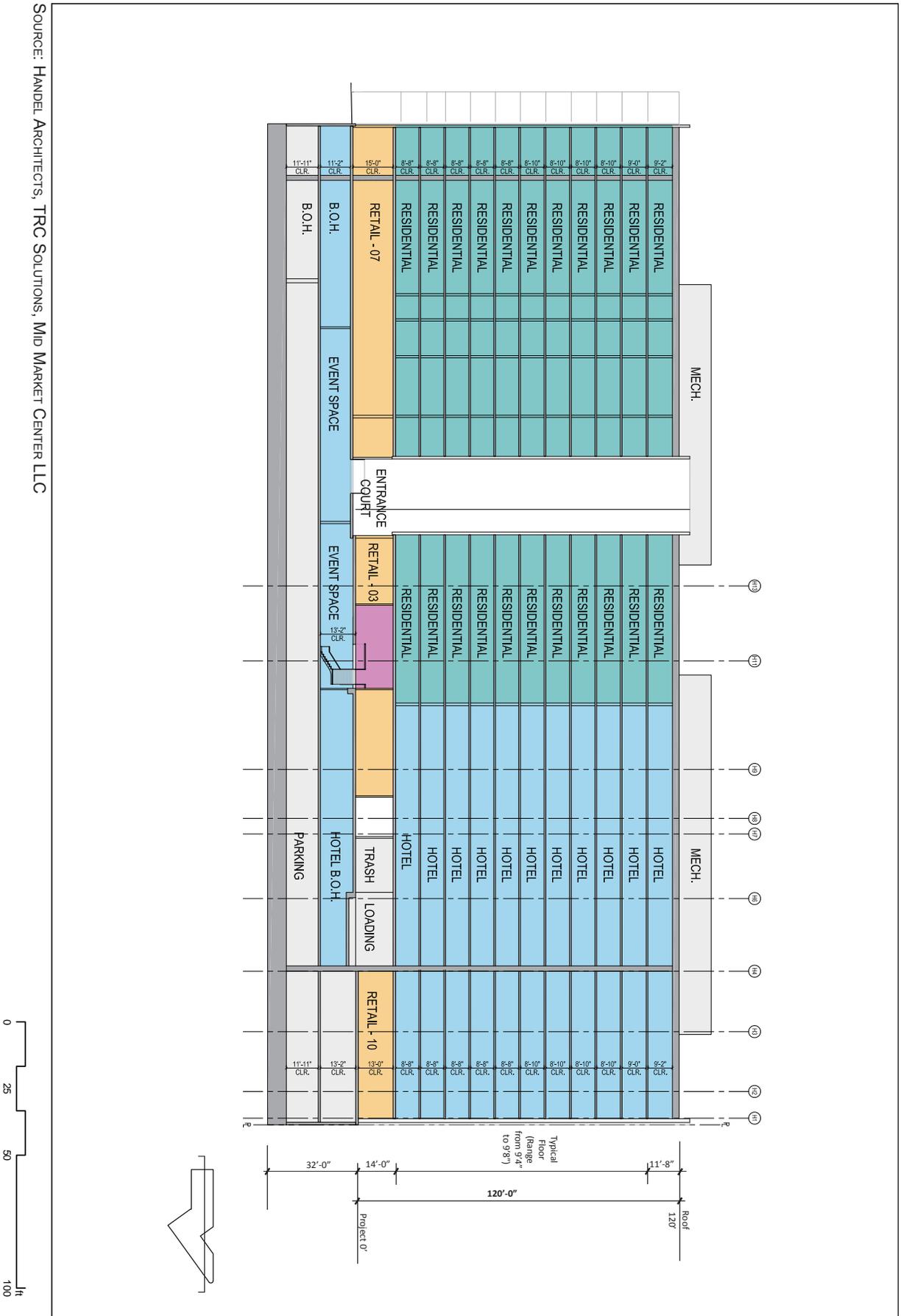
CASE No 2013.1049E

**FIGURE 6: MARKET STREET CROSS SECTION**

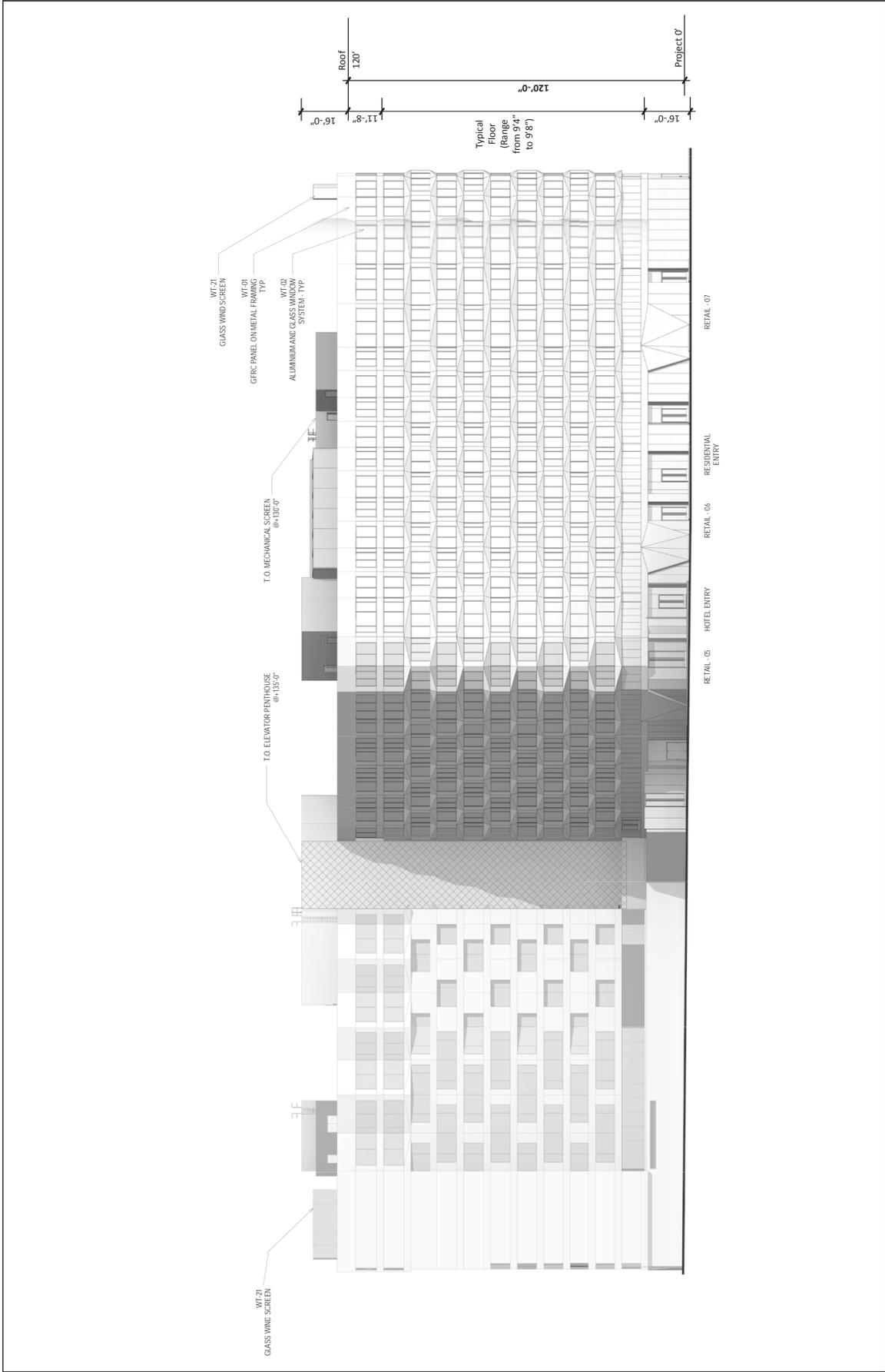
SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

CASE No 2013.1049E



**FIGURE 7: TURK STREET CROSS SECTION**



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

CASE No 2013.1049E

**FIGURE 8: MARKET STREET ELEVATION**

SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

### 950-974 MARKET STREET PROJECT

CASE No. 2013.1049E

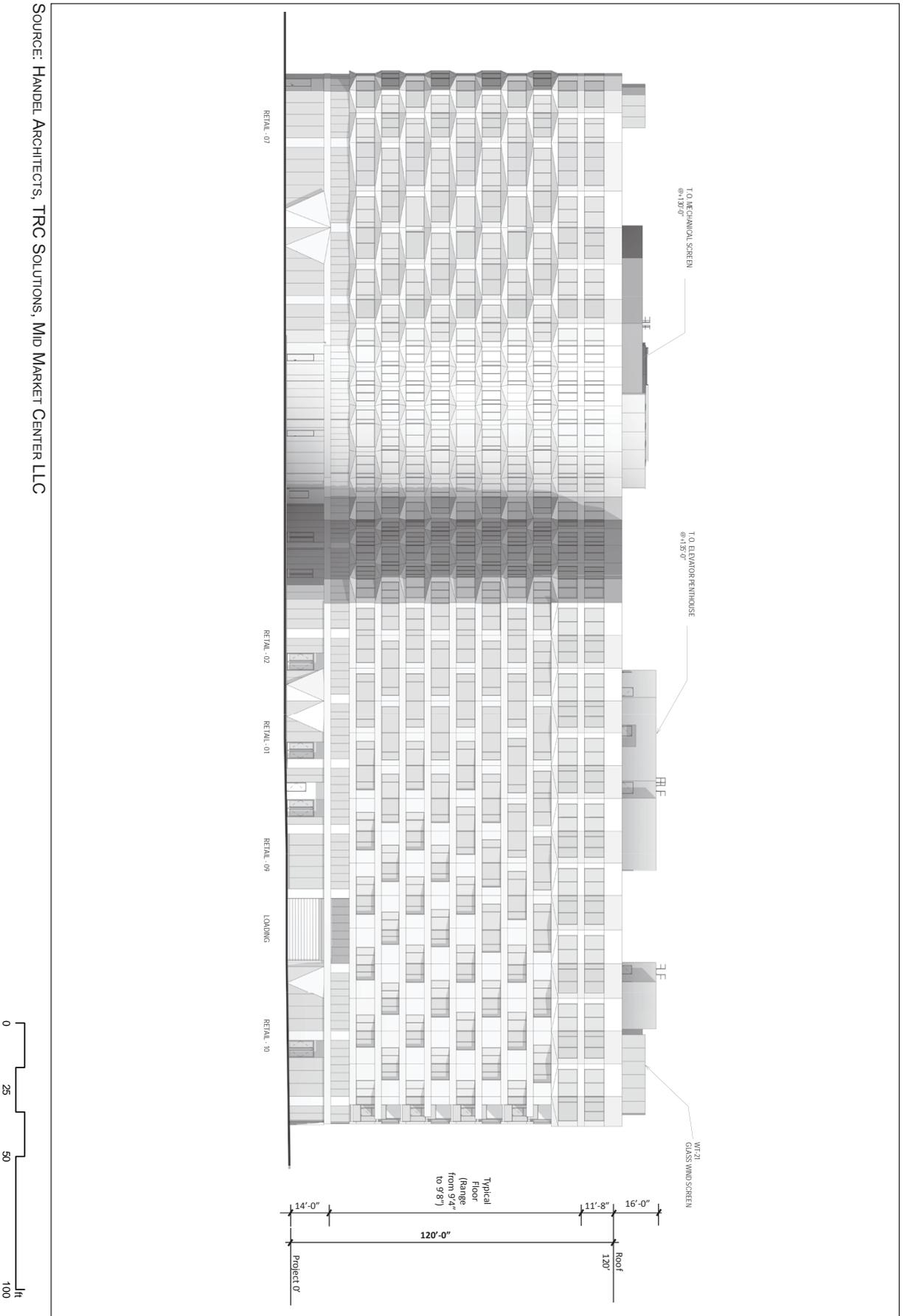
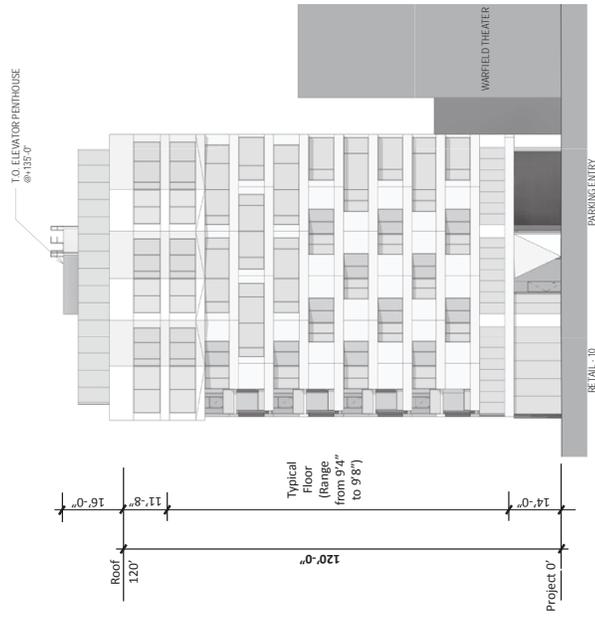


FIGURE 9: TURK STREET ELEVATION



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

**950-974 MARKET STREET PROJECT**

CASE No 2013.1049E

**FIGURE 10: TAYLOR STREET ELEVATION**

### A.3. CONSTRUCTION ACTIVITIES AND SCHEDULE

The Project Sponsor estimates that the demolition, excavation, and construction of the proposed project would take approximately 27 months. As shown in Table 3, Construction Schedule, demolition of the existing buildings and structures at the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months to complete. Construction of the building would occur over a period of approximately 23 months. Partial sidewalk space on Market Street and full sidewalk space on Turk and Taylor Streets would be required throughout the full 27-month demolition and construction period.

**TABLE 3: CONSTRUCTION SCHEDULE**

Construction Activity	Approximate Schedule
Demolition	1 month
Excavation and Shoring	3 months
Construction	23 months

### A.4. REQUIRED APPROVALS AND PERMITS

The proposed project would require the following approvals from the City and County of San Francisco:

- Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309, with exceptions for rear yard configuration, off-street loading, and off-street tour bus loading
- Conditional Use Authorization by the Planning Commission to exempt the on-site BMR dwelling units from FAR calculations (Planning Code Section 124[f]) and to allow a hotel (Planning Code Section 210.2)
- Variance by the Zoning Administrator for the width and configuration of the off-street loading access
- Department of Building Inspection approval for demolition and building permits
- Lot Merger and Subdivision Map approval by the Department of Public Works to merge and re-subdivide the separate lots that compose the project site
- San Francisco Municipal Transportation Agency approval for all proposed changes to on-street loading zones, and the reconfiguration/removal of existing on-street parking spaces
- Public Utilities Commission approval for the Stormwater Prevention Plan

The approval of the Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309 constitutes the Approval Action for the proposed project, pursuant to Section 31.04(h)(3) of the San Francisco Administrative Code.

The Approval Action date establishes the start of the 30-day appeal period for this California Environmental Quality Act determination pursuant to Section 31.6(d) of the San Francisco Administrative Code.

## B. PROJECT SETTING

The proposed project site is on the north side of Market Street, between Turk and Taylor Streets in San Francisco's Downtown/Civic Center neighborhood. The project site is composed of four lots that contain a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses. The topography of the project site and surrounding area is relatively flat. The project site is within the block bounded by two-way Market Street, one-way westbound Turk Street, and one-way northbound Taylor Street.

The project site is within a Downtown Commercial General (C-3-G) Use District and a 120-X Height and Bulk District. Most of the properties along Market Street near the project site are within the C-3-G or Downtown Commercial Retail (C-3-R) Use Districts and similar height and bulk districts. Hallidie Plaza (P [Public] Use District and OS [Open Space] Height and Bulk District), is northeast of the proposed project site.

Land uses in the surrounding area include a mixture of retail, entertainment, hotel, residential, and office uses, where many of these uses have citywide or regional function. The Warfield Building and Theater are located directly west of the site. The Market Street Place retail center is under construction southeast and across Market Street from the project site; other existing retail and office space fronts the south side of Market Street. The site is bordered on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and hotel buildings. Uses north of the project site and in a one-block radius include several single room occupancy (SRO) hotels, many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels and apartment buildings within one block of 950 Market Street include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. Parks, open spaces, and recreational facilities located within 1,000 feet of the project site include Father Alfred E. Boeddeker Park, which is northwest of the site on the block bordered by Eddy Street, Jones Street, and Ellis Street, and Hallidie Plaza, which is approximately one block to the east, at Market and Powell Streets.

## B.1. CUMULATIVE PROJECTS

Cumulative development in the project vicinity (generally within a 0.25-mile radius of the project site) includes the following projects that are either under construction or for which the Planning Department has an Environmental Evaluation Application on file:

- **1125 Market Street:** The project would construct a 12-story-over-basement, 120-foot-tall building providing 160 hotel rooms and approximately 8,000 square feet (sf) of public use areas on the ground floor, including restaurant, bar, and hotel lobby uses (environmental review in progress).
- **1028 Market Street:** The project would demolish the existing commercial building and construct a 13-story, 120-foot-tall building containing approximately 186 dwelling units, 9,675 sf of commercial space, and 42 parking spaces in two basement levels (environmental review in progress).
- **1053–1055 Market Street:** The project would demolish the existing approximately 16,000-sf two-story building, and construct a 10-story approximately 74,000-sf mixed-use hotel/retail building with 155 hotel rooms and approximately 4,000 sf of ground floor retail space (environmental review in progress).
- **1066 Market Street:** The project would demolish the existing commercial building and parking lot and construct an approximately 297,950 sf, 14-story, 120-foot-tall building providing approximately 304 dwelling units, 4,540 sf of commercial space, and 112 parking spaces and would involve the land dedication of 101 Hyde Street to the San Francisco Mayor’s Office of Housing and Community Development for affordable housing (Planning Commission approval in March 2016 and Board of Supervisors approval in June 2016 of Ordinance enabling land dedication).
- **1075 Market Street:** The project includes construction of a 90-foot-tall, eight-story mixed-use retail/residential building, with approximately 7,500 sf of retail space, 99 dwelling units, and 24 parking spaces (Planning Commission approval in September 2015, construction expected 2016).
- **945 Market Street:** The project includes construction of an approximately 90-foot-tall, five-story retail center. (under construction)
- **1095 Market Street:** The project would convert the existing office building to a hotel and restaurant/nightclub (under construction).
- **1127 Market Street:** The project renovated the existing 12,300 -sf movie theater (Strand Theater) to a 299-seat live theater with support spaces, including a ground-floor restaurant/cafe fronting Market Street (construction completed 2015).
- **1100 Market Street:** The project involves renovation of the existing Renoir Hotel at Market and 7th Streets. Construction is ongoing and the hotel is scheduled to reopen as the San Francisco Proper Hotel (under construction).

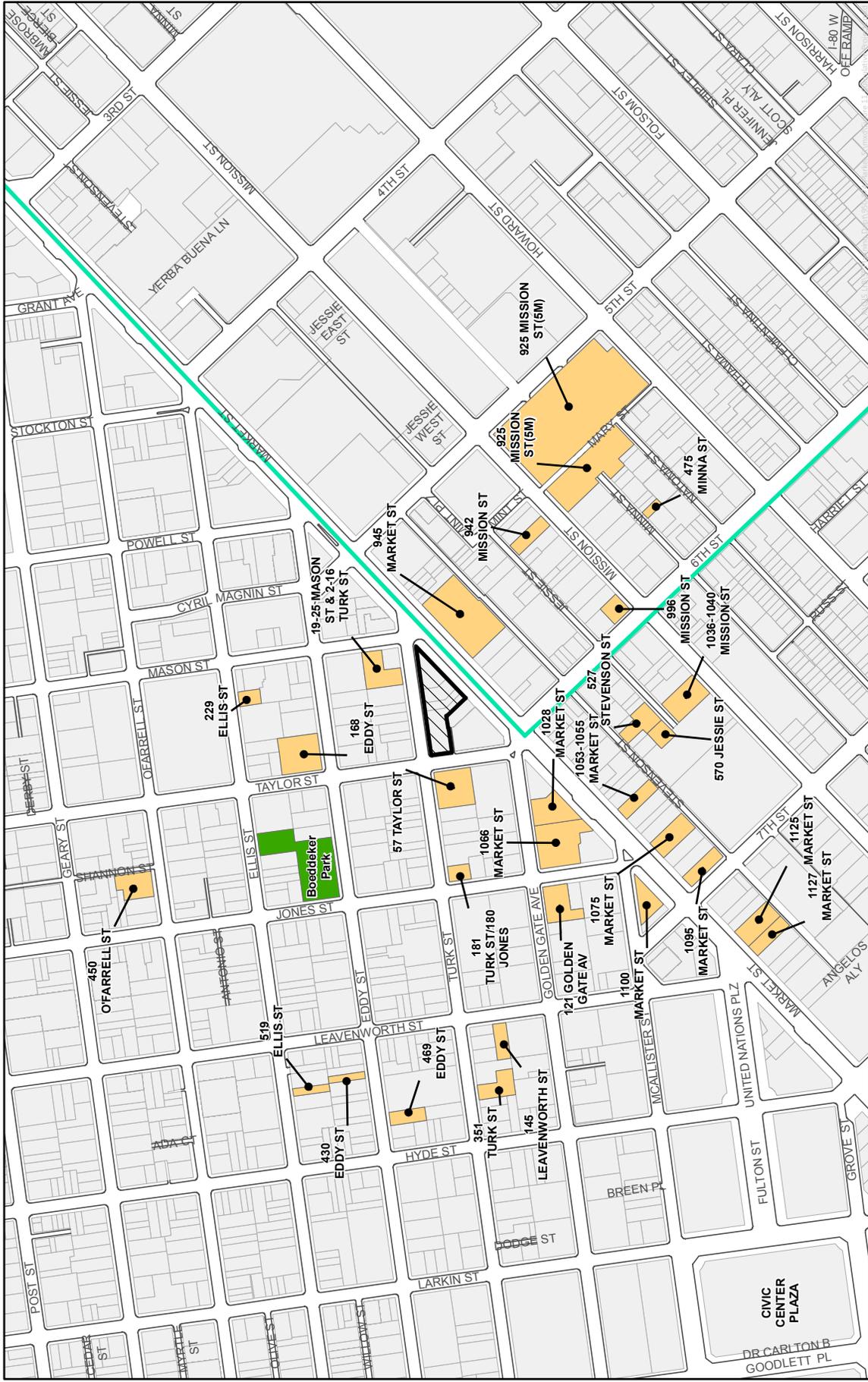
- **1036–1040 Mission Street:** The project includes construction of a 90-foot-tall, nine-story residential building, including 83 affordable housing units. The project would include 963 sf of ground-floor retail space and 144 bicycle parking spaces (Planning Commission approval in May 2014).
- **942 Mission Street:** The project constructed a 152-foot-tall, 15-story hotel with 172 hotel rooms, 3,240 sf of ground-floor retail, and 4,098 sf of first-floor circulation space (completed in 2014).
- **996 Mission Street:** The project includes the demolition of the existing building, and the construction of an eight-story, 85-foot-tall mixed use building. The project would include 30 residential hotel rooms on two floors, a total of 75 tourist hotel rooms on five floors, ground floor commercial space, and mezzanines with below grade basement (environmental review in progress).
- **925–967 Mission Street:** The project includes the rehabilitation of two existing buildings, and the demolition and redevelopment of six other existing buildings at the site. The project would result in the construction of five new buildings ranging in height from approximately 50 feet to 400 feet. The project would include approximately 1.85 million sf of new and existing uses, comprising 1,132,200 sf of office uses, 552,800 sf of residential uses, including approximately 748 dwelling units, up to 146,900 sf of ground floor retail/office uses, and 18,200 sf of arts/cultural/educational uses (Planning Commission approval in September 2015).
- **475 Minna Street:** The project would remove the existing surface parking lot, and construct a nine-story, 88-foot-tall, 15,240 sf residential building. The project would include 15 residential dwelling units, with 20 percent of those units being below market rate. The project involves the approval of a conditional use authorization to allow additional square footage above the base floor area ratio, for dwelling units that will be affordable (environmental review in progress).
- **469 Eddy Street:** The project would remove the existing parking garage and construct an eight-story, 29,419 sf mixed-use residential/retail building, with a basement. The building would contain 34 residential units, 2,149 sf of ground floor retail space, and 15 basement parking spaces (environmental review in progress).
- **168 Eddy Street:** The project includes construction of an 88-foot-tall, 130,500-sf mixed-use building, including 103 affordable housing units and 5,500 sf of ground-floor retail space (Planning Commission approval in March 2015).
- **430 Eddy Street:** The project includes construction of an eight-story, mixed-use building with 23 residential condo units above 970 sf of ground-floor commercial uses (Planning Commission approval in March 2016).
- **450 O'Farrell Street:** The project would demolish an existing church with four parking spaces, and a one-story retail building. In their place the project would construct a 12-story, 130-foot-tall mixed use

building containing a 10,000 sf church, 6,000 sf of retail space, 97 dwelling units, 74 group housing units, and 100 parking spaces (environmental review in progress).

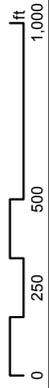
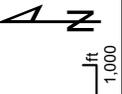
- **229 Ellis Street:** The project involves interior structural improvement and addition of three stories to an existing three-story building, increasing the building height to 77.5 feet tall, adding 18 residential dwelling units and 5,704 sf retail space (environmental review in progress).
- **519 Ellis Street:** The project includes construction of an eight-story, mixed-use building with 28 residential condo units above ground-floor commercial uses (environmental review in progress).
- **57 Taylor Street:** The existing 18,906 sf lot currently contains a 112-unit residential building, covering approximately 11,004-sf of lot area, with the remaining 7,902 sf occupied by a surface parking lot. The project would subdivide the existing property into two lots; the first lot would be 11,004 sf, and would be entirely occupied by the existing building. The second lot would remove the existing parking lot, as well as a vacant portion of the existing building at the rear, and construct an 11-story, 110-foot-tall mixed-use building with 70 group housing units and 3,379 sf of interior common space (environmental review in progress).
- **181 Turk Street/180 Jones Street:** The project includes construction of an 80-foot-tall, eight-story mixed-use building containing up to 37 residential dwelling units, approximately 2,700 sf of ground-floor retail space, and up to eight off-street parking spaces (Planning Commission approval in September 2012).
- **351 Turk Street/145 Leavenworth Street:** The project includes construction of two new group housing buildings over ground floor retail at 351 Turk and 145 Leavenworth, and the one-for-one replacement of residential hotel rooms at five other mixed-tourist/residential hotels throughout the City (Planning Commission approval in July 2015).
- **19–25 Mason Street/2–16 Turk Street:** The project includes construction of a 120-foot-tall, 12-story mixed-use building with 110 residential dwelling units and ground-floor retail (Planning Commission approval in March 2015).
- **121 Golden Gate Avenue:** The project constructed a 10-story mixed-use affordable housing project, with 102 senior housing units and philanthropic dining facilities on the basement and ground-floor levels (completed in 2014).
- **570 Jessie Street:** The project includes construction of a 92-foot-tall residential building, with 47 dwelling units and 24 parking spaces (currently under construction).

- **527 Stevenson Street:** The project involves the adaptive reuse of an industrial building to residential, with 67 dwelling units, 210 sf of ground-floor commercial space, and nine parking spaces (completed in 2015).
- **Better Market Street:** The project (which is underway) will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street from Octavia Boulevard to The Embarcadero (environmental review in progress).
- **Safer Market Street:** The project (which is underway) will extend transit-only lanes and include turn restrictions for private automobiles between 3rd and 8th Streets at Market Street (completion by 2024).
- **Central SoMa Plan:** The Central SoMa Plan (formerly the Central Corridor Plan) establishes a land use and transportation planning framework for the Central SoMa/Yerba Buena areas. The plan area encompasses a 28-block rectangle bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west (environmental review in progress).

Refer to Figure 11, Cumulative Projects, for the locations of the previously described projects. The project list provides information on overall development patterns in the Mid-Market area. For analysis of potential cumulative effects, each environmental topic herein briefly identifies the cumulative context relevant to that topic. For example, the context would be nearby projects that could contribute to cumulative shadow effects on open space. In other cases, such as air quality, the context would be citywide or regional growth projects.



Source: TRC Solutions, City and County of San Francisco



-  950-974 Market Street Project
-  Cumulative Projects
-  Central SOMA Plan Area

**950-974 Market Street Project**

Case No. 2013.1049E

**FIGURE 11: CUMULATIVE PROJECTS**

**C. COMPATIBILITY WITH EXISTING ZONING AND PLANS**

	<u>Applicable</u>	<u>Not Applicable</u>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from regional, state, or federal agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**C.1. SAN FRANCISCO PLANNING CODE**

The Planning Code, which incorporates the City’s Zoning Maps, implements the *San Francisco General Plan* (General Plan), and governs permitted land uses, densities, and configuration of buildings within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project conforms to the Planning Code, (2) allowable exceptions are granted pursuant to provisions of the Planning Code, or (3) amendments to the Planning Code are included as part of the proposed project.

The 950–974 Market Street site is within the C-3-G Use District and is within a 120-X Height and Bulk District. The C-3-G district covers the western portions of downtown and is composed of a variety of uses, including retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a citywide or regional function, although the intensity of development is lower in this district than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial or residential buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

The proposed project would develop approximately 406,000 gsf of hotel, residential, and retail uses on the site, as permitted and consistent with the C-3-G district uses. The 12-story, 120-foot building would meet the existing 120-X Height and Bulk limit. Overall, the proposed project would be consistent with the existing San Francisco Planning Code, and the physical impacts of the proposed project are analyzed in this Initial Study.

### **Section 309 and Conditional Use Review**

The proposed project would seek a Downtown Project Authorization (Section 309 of the Planning Code), including an exception for rear yard (Section 134 of the Planning Code) and a Conditional Use Authorization (Section 303 of the Planning Code) from the Planning Commission. Section 134 requires that any building containing a dwelling unit in a Downtown Commercial General District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels. The proposed project does not provide a rear yard that complies with this requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted provided the building location and configuration ensure adequate light and air to windows within the residential units and to the usable open space provided. The Planning Commission may authorize a Conditional Use to allow additional square footage above the base Floor Area Ratio associated with on-site affordable dwelling units and to authorize construction of a hotel.

San Francisco General Plan

The General Plan provides general policies and objectives to guide land use decisions, and contains some policies that relate to physical environmental issues. The General Plan contains 10 elements (Housing, Commerce and Industry, Recreation and Open Space, Transportation, Urban Design, Environmental Protection, Community Facilities, Community Safety, Arts, and Air Quality) that set forth goals, policies, and objectives for the physical development of the City. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. Decision-makers will consider the compatibility of the proposed project with General Plan policies that do not relate to physical environmental issues as part of their determination whether to approve or disapprove the proposed project. The General Plan also contains a number of area plans, which provide more specific policy direction for certain neighborhoods, primarily on the east side of the City.

### **C.2. PROPOSITION M – THE ACCOUNTABLE PLANNING INITIATIVE**

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code to establish eight Priority Policies. These policies, and the topics of the evaluation of environmental effects addressing the environmental issues associated with the policies, include the following: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Question 2b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles

(Questions 4a, b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Questions 13 a–d, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act; prior to issuing a permit for any demolition, conversion, or change of use; and prior to taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project would be consistent with the Priority Policies.

As noted previously, the compatibility of the proposed project with General Plan objectives and policies that do not relate to physical environmental issues will be considered by decision-makers as part of their determination whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

### **C.3. BETTER MARKET STREET PROJECT**

The Better Market Street Project is underway, and is being led by the Planning Department with the participation of other City agencies. The goal of the project is to revitalize Market Street from Octavia Boulevard to The Embarcadero, and reestablish the street as the premier cultural, civic, and economic center of San Francisco and the Bay Area. The Better Market Street Project will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street. The project goals are to create a comfortable, universally accessible, sustainable, and enjoyable place that attracts more people on foot, bicycle, and public transit to visit shops, adjacent neighborhoods, and area attractions. As of 2014, public visioning, existing conditions studies, and conceptual planning and design have been completed for the project. Environmental review and preliminary engineering will continue through 2016, and final design and initial construction will be conducted from 2016 to 2018.

The 950–974 Market Street Project site is within the Better Market Street Project area, and would not inherently conflict with the Better Market Street Project goals to enhance conditions in the corridor.

#### C.4. DOWNTOWN AREA PLAN

The 950–974 Market Street Project site is within the *Downtown Area Plan* (Area Plan). The Area Plan states that downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.<sup>2</sup> The Area Plan also contains a transportation component, including a call for improved pedestrian circulation in the downtown area (Objective 22) by providing sufficient space for pedestrian movement, minimizing sidewalk obstructions, ensuring safe and convenient street crossings, and improving the downtown pedestrian network. In addition, Objective 13 in the Area Plan is to create an “Urban Form” for downtown that enhances San Francisco’s stature as one of the world’s most visually attractive cities. This is done through a number of policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street.

The proposed project is within a network of public transportation, spaces, and venues. United Nations Plaza and Hallidie Plaza are major portals for public transit, including Muni and BART, and the Powell Street cable car turn-around is located in the proposed project vicinity.

The 950–974 Market Street Project would be a mixed-use building, with hotel, residential, retail, and public open space. The proposed project would be consistent with the Urban Form policies of the Area Plan and the other policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street that are part of the Area Plan. The proposed project would not conflict with the Area Plan objectives.

#### C.5. REGIONAL PLANS AND POLICIES

The five principal regional planning agencies and their overarching policy and plans to guide planning in the nine-county bay area include the Association of Bay Area Governments’ *Projections 2009*, Bay Area Air Quality Management District’s *Bay Area 2010 Clean Air Plan*, Metropolitan Transportation Commission’s *Regional Transportation Plan – Transportation 2035*, San Francisco Regional Water Quality Control Board’s *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission’s *San Francisco Bay Plan*. Due to the size and nature of the proposed project, no anticipated conflicts with regional plans would occur.

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<sup>2</sup> San Francisco Planning Department. *Downtown Area Plan*. Online: [http://www.sf-planning.org/ftp/general\\_plan/downtown.htm](http://www.sf-planning.org/ftp/general_plan/downtown.htm). Accessed on September 3, 2014.

**C.6. REQUIRED APPROVALS BY OTHER AGENCIES**

See page 18 for a list of required approvals.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Use                       | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Hydrology and Water Quality                   |
| <input type="checkbox"/> Aesthetics                     | <input type="checkbox"/> Wind and Shadow               | <input checked="" type="checkbox"/> Hazards/Hazardous Materials        |
| <input type="checkbox"/> Population and Housing         | <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Mineral/Energy Resources                      |
| <input checked="" type="checkbox"/> Cultural Resources  | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Agricultural and Forest Resources             |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services               | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Noise               | <input type="checkbox"/> Biological Resources          |  |
| <input checked="" type="checkbox"/> Air Quality         | <input checked="" type="checkbox"/> Geology and Soils  |  |

### D.1. APPROACH TO ENVIRONMENTAL REVIEW

The Initial Study examines the proposed project to identify potential effects on the environment. For each item on the Initial Study checklist, the evaluation has considered the impacts of the proposed project both individually and cumulatively, with the exception of GHG, which is only considered on a cumulative basis. All items on the Initial Study Checklist that have been checked “Less-than-Significant Impact with Mitigation Incorporated,” “Less-than-Significant Impact,” “No Impact,” or “Not Applicable,” indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked “Less-than-Significant Impact with Mitigation Incorporated” and “Less-than-Significant Impact” and for most items checked “No Impact” or “Not Applicable.” For all of the items checked “No Impact” or “Not Applicable” without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience, and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Transportation Impact Analysis Guidelines for Environmental Review, or the California Natural Diversity Database and maps, published by the California Department of Fish and Wildlife. The items checked in the table above have been determined to be “Less than Significant with Mitigation Incorporated.”

## D.2. PUBLIC RESOURCES CODE SECTION 21099

### AESTHETICS AND PARKING ANALYSIS

Public Resources Code Section 21099(d) provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area
- b) The project is on an infill site
- c) The project is residential, mixed-use residential, or an employment center

The proposed project meets each of the previously listed criteria, and thus, this Initial Study does not consider aesthetics and the adequacy of parking in determining the significance of the proposed project impacts under CEQA.<sup>3</sup>

The Planning Department recognizes that the public and decision makers nonetheless may be interested in information pertaining to the aesthetic effects of a proposed project and may desire that such information be provided as part of the environmental review process.

In addition, CEQA Section 21099(d)(2) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers and that aesthetics impacts do not include impacts on historical or cultural resources (e.g., historic architectural resources). As such, the Planning Department does consider aesthetics for design review and to evaluate effects on historic and cultural resources.

This Initial Study presents parking demand analysis for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces, which affects the public right-of-way), as applicable, in the transportation analysis in Section E.4, Transportation and Circulation.

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<sup>3</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, 2013.1049E, June 16, 2016. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

## **AUTOMOBILE DELAY AND VEHICLE MILES TRAVELED ANALYSIS**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.)

Accordingly, this Initial Study does not contain a discussion of automobile delay impacts. Instead, a VMT and induced automobile travel impact analysis is provided in Section E.4, Transportation and Circulation. The topic of automobile delay, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

### E.1. LAND USE AND LAND USE PLANNING

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>LAND USE AND LAND USE PLANNING –</b>					
<b>Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact LU-1: The proposed project would not physically divide an established community. (Less than Significant)**

The proposed project site is composed of four lots that include four buildings that accommodate retail and office uses with some vacancy, and one below-grade parking structure. The proposed project would include the demolition of the existing structures and the construction of a mixed-use building with residential, hotel, and retail uses on the four lots after their merger. The proposed project would not disrupt or divide the physical arrangement of existing uses adjacent to the project site or impede the passage of persons or vehicles. Those surrounding uses would be expected to continue in operation and relate to each other as they do presently, without disruption from the proposed project. The project site is located at the intersection of the Mid-Market district and Tenderloin neighborhood. The proposed residential, hotel, and retail spaces created would not divide the Tenderloin neighborhood from the Mid-Market Street area. The proposed project would connect these Mid-Market and Tenderloin neighborhoods with plans for a passage through the building at street level. Access to Market Street from Turk and Taylor Streets would also remain unchanged. Therefore, the proposed project would not physically divide an established community and a less-than-significant impact would result.

**Impact LU-2: The proposed project would not conflict with any applicable land use plans, policies, or regulations (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)**

Land use impacts would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like the Bay Area Air Quality Management District (BAAQMD) *Bay Area 2010 Clean Air Plan* (2010 Clean Air Plan), which directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result (see Section C, Compatibility with Existing Zoning and Plans). Furthermore, the proposed project would not conflict with the *San Francisco General Plan* (General Plan) policies that relate to physical environmental issues. The proposed project would not conflict with any such adopted environmental plan or policy, including the BAAQMD 2010 Clean Air Plan, the *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy), and the City's Urban Forestry Ordinance, as discussed in Section E.6, Air Quality, E.7, Greenhouse Gas Emissions, and Section E.12, Biological Resources. Therefore, the proposed project would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations.

**Impact LU-3: The proposed project would not have a substantial impact on the existing character of the project vicinity. (Less than Significant)**

The proposed project would be located in a developed urban area of downtown San Francisco. Land uses in the project area include a mixture of retail, commercial, hotels, residential, and public spaces, and includes four mixed-use commercial buildings currently on the proposed project site. The proposed project would involve a new mixed-use building with residential, hotel, and retail uses. These land uses already exist elsewhere in the neighborhood, so the proposed project would be compatible with the existing land use character of the project vicinity. The proposed project would not introduce any land uses, such as industrial uses, that would disrupt or be incompatible with the character of the vicinity. Therefore, the proposed project would have a less-than-significant impact on the existing land use character of the project vicinity.

**Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not result in significant cumulative impacts related to land use. (Less than Significant)**

Cumulative developments in the project vicinity (within a 0.25-mile radius of the project site) that are either completed, under construction or for which the Planning Department has an Environmental Evaluation Application on file are listed and discussed in Section B.3, Cumulative Projects. The proposed project, combined with other past, present, and reasonably foreseeable future projects, would result in land use changes in the project vicinity. However, these changes would not create adverse land use impacts, as the land uses that would be allowed or introduced would be compatible with the existing land uses in the project vicinity, and would not result in physical division of the established community. Similar to the 950–974 Market Street Project, some future projects may require modifications, variances, or exceptions to Planning Code requirements; however, any changes to land use plans or policies would not result in cumulative land use impacts that relate to physical environmental issues. The proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to land use and planning. The cumulative impact would be less than significant.

**E.2. POPULATION AND HOUSING**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>POPULATION AND HOUSING – Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact PH-1: The proposed project would not induce substantial population growth in the area, either directly or indirectly. (Less than Significant)**

The proposed project would directly increase population and employment at the project site and contribute to anticipated population and employment growth in the neighborhood and citywide context.

According to the 2010 U.S. Census, the proposed project is located within Census Tract 125.01, which had a reported population of 5,335 residents. The 2010 U.S. Census reported a population of 805,235 residents in the City and County of San Francisco, and a population of approximately 33,896 residents within the Downtown/Civic Center neighborhood. The proposed project would add approximately 242 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 242 new residential units would increase the citywide population by approximately 547 residents. This would represent a residential population increase of approximately 0.07 percent citywide, 1.6 percent within the Downtown/Civic Center neighborhood, and 10.3 percent within Census Tract 215.01, and is not considered to be substantial within the neighborhood or citywide context. The addition of retail and hotel space could also indirectly contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. The proposed project would generate an estimated 250 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible

compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant.

**Impact PH-2: The proposed project would not displace existing housing units or substantial numbers of people, or create the demand for additional housing, necessitating the construction of replacement housing elsewhere. (Less than Significant)**

The project site currently contains four buildings that are either vacant or partially occupied by retail and office uses, and a surface parking lot over a below-grade parking structure. Therefore, no residential displacement would occur as a result of proposed project development. A small number of employees would be displaced from retail and office spaces during project construction; however, the addition of new retail and hotel space would provide potential new employment for those displaced.

The creation of approximately 16,600 gsf of retail and a 232-room hotel could result in the need for a small amount of additional housing for employees. However, the proposed project would also include the addition of 211 new market-rate residential units and 31 BMR residential units (13 percent of total units), providing potential housing for any potential new employees. Moreover, the number of such employees new to the region would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. Therefore, the proposed project would result in less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

Environmental analysis under CEQA is required to focus on the direct and indirect physical changes to the environment that could reasonably result from a proposed project. Accordingly, the displacement issue addressed under CEQA refers specifically to the direct loss of housing units that would result from proposed demolition of existing housing. This is because demolition of existing housing has the potential to result in a number of direct and indirect physical changes to the environment, such as the physical impacts of construction demolition activities and the physical impacts of constructing new housing to replace the housing lost. Here, the proposed project would not remove existing housing. Therefore, there would be no direct physical displacement effects as a result of the proposed project. In addition, because the proposed project includes new market-rate housing, it must comply with the requirements of the City's Inclusionary Affordable Housing program, which would address potential indirect effects resulting from a need to construct new affordable housing. Finally, the possibility that the proposed project would

contribute to rising residential or commercial rents is speculative, and is not a physical environmental effect subject to analysis under CEQA.

**Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on population and housing. (Less than Significant)**

The approved and proposed projects identified in Section B.1, Cumulative Projects, within Census Tract 125.01—including the proposed project—would add approximately 2,935 new residents within 1,268 dwelling units in the area.<sup>4</sup> This would represent a residential population increase of 55 percent and an occupied dwelling unit increase of 57.5 percent. These proposed projects would be required to pay an affordable housing in-lieu fee or provide a percentage of the total number of units either on site or off site as affordable units, and the physical impacts of the population increase are analyzed in this Initial Study.

Over the last several years, the supply of housing has not met the demand for housing within San Francisco. In July 2013, the Association of Bay Area Governments (ABAG) projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. The jurisdictional need of San Francisco for 2014–2022 is 28,869 dwelling units consisting of 6,234 dwelling units within the very low income level (0–50 percent); 4,639 units within the low income level (51–80 percent); 5,460 units within the moderate income level (81–120 percent); and 12,536 units within the above moderate income level (120 percent plus).<sup>5</sup> These numbers are consistent with the development pattern for the region’s *Plan Bay Area: Sustainable Communities Strategy* (Plan Bay Area), a state-mandated, integrated long-range transportation, land use, and housing plan.<sup>6</sup> As part of the planning process for Plan Bay Area, San Francisco identified Priority Development Areas, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. Census Tract 125.01 was identified within a Priority Development Area. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth, as this population growth has been anticipated. Furthermore, the proposed project, in combination with other past, present, and reasonably foreseeable

<sup>4</sup> These figures assume 2.42 persons per household for 1066 Market Street (304 units), 1028 Market Street (186 units), 57 Taylor Street (70 units), 181 Turk Street/180 Jones Street (37 units), 19–25 Mason Street, 2–16 Turk Street (110 units), 229 Ellis Street (14 units), 168 Eddy Street (178 units), and 950–974 Market Street (242 units), and assume 1.00 person per household for 121 Golden Gate Avenue (102 senior dwelling units).

<sup>5</sup> ABAG. 2013. *Regional Housing Need Plan for the San Francisco Bay Area: 2014 – 2022*, July 2013. Online: [http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22\\_RHNA\\_Plan.pdf](http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf). Accessed on August 15, 2014.

<sup>6</sup> Metropolitan Transportation Commission and ABAG. *Plan Bay Area*. 2013. Online: <http://onebayarea.org/plan-bay-area/final-plan-bay-area.html>. Accessed on August 15, 2014.

future projects, would not result in the displacement of substantial numbers of housing units or people as the majority of the approved and proposed projects would demolish vacant buildings and/or construct new buildings on surface parking lots. The project at 351 Turk/145 Leavenworth Streets would replace existing residential hotel rooms with two new residential hotel buildings, resulting in an increase in residential units.

For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable population and housing impact.

**E.3. CULTURAL RESOURCES**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>CULTURAL RESOURCES – Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact CR-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code (Less than Significant with Mitigation)**

The following sections summarize historic architectural resources in the area based on reports completed prior to and for the analysis of potential impacts of the proposed project. These reports include the Historic Resources Evaluation (HRE) report prepared by Page & Turnbull, Inc.,<sup>7</sup> the Historic Resource Evaluation Response (HREER) prepared by the San Francisco Planning Department,<sup>8</sup> and the Citywide Historic Context Statement for Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) History in San Francisco (LGBTQ Historic Context Statement, or HCS).<sup>9</sup>

The Market Street Theater and Loft Historic District, the Kearny-Market-Mason-Sutter Conservation District, and the Uptown Tenderloin Historic District are in the vicinity of the proposed project site. The project site is not located within any of these districts. The Market Street Theater and Loft Historic District boundary is adjacent to the west of the proposed project site. The Kearny-Market-Mason-Sutter

<sup>7</sup> Page & Turnbull, Inc. June 7, 2016. 950-974 Market Street Historic Resource Evaluation. Parts 1&2.  
<sup>8</sup> San Francisco Planning Department. June 29, 2016. 950-974 Market Street Historic Resource Evaluation Response.  
<sup>9</sup> Graves, Donna J. and Shayne E. Watson. 2015. Citywide Historic Context Statement for LGBTQ History in San Francisco. October.

Conservation District is located to the east of the project area. The Uptown Tenderloin Historic District is adjacent to and north of the proposed project site.

- **Market Street Theater and Loft Historic District.** The Market Street Theater and Loft Historic District, consisting of properties fronting Market Street between 6th and 7th streets, was listed on the National Register of Historic Places (NRHP) in 1985. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The post-1906 earthquake buildings constructed along this portion of Market Street are characterized by two- to eight-story reinforced concrete or steel-frame construction, with façades primarily clad in terracotta, brick, or stucco, and featuring two- or three-part vertical composition, prominent cornices, and classical ornamentation.
- **Kearny-Market-Mason-Sutter Conservation District.** The Kearny-Market-Mason-Sutter Conservation District—roughly bounded by Kearny, Market, Cyril Magnin, O’Farrell, Taylor, Sutter, Stockton, Bush, and Pine Streets—was designated pursuant to Article 11 of the Planning Code in 1985. The district is significant for its association with the development of San Francisco’s downtown retail district and as a unique collection of early 20th century commercial architecture. The pattern of development is one of light-colored buildings predominantly four- to eight-stories in height, with reinforced concrete or steel-frame construction with Classical, Renaissance, Gothic, and Romanesque ornament.
- **Uptown Tenderloin Historic District.** The Uptown Tenderloin Historic District—roughly bounded by Mason, McAllister, Larkin, and Geary Streets, and Golden Gate Avenue—was listed on the NRHP in 2008. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The district is formed around its predominant building type: a three- to seven-story, multi-unit apartment, hotel, or apartment-hotel constructed of brick or reinforced concrete. Because virtually the entire district was constructed between 1906 and the early 1930s, this is a harmonious group of structures that share a single, classically oriented visual imagery using similar materials and details.

The neighborhood is characterized by mid- to high-rise, mixed-use buildings and the busy pedestrian, public transit, automobile, and bicycle traffic that runs on Market Street. The immediate neighbors on the block are the one-story Crest/Egyptian Theater (976–980 Market Street) and nine-story Warfield Theater and office building (982–988 Market Street), which is a Category I (Significant) building per Article 11 of the Planning Code and contributing resource to the NRHP-listed Market Street Theater and Loft Historic District. On the blocks facing the project site are Renaissance Revival-style buildings that range from four to nine stories and are characterized by tripartite design, vertical expression, punched windows, decorative brickwork, fire escapes, and modillion cornices. The surrounding blocks are characterized by multi-use, masonry buildings with commercial, theater, institutional, and residential uses.

The 950–974 Market Street Project site is on the north side of Market Street, bounded by Market, Turk, and Taylor Streets; Opal Place; and the rear and side property lines of 976–980 Market Street (Crest/Egyptian Theater). The project site is currently occupied by four buildings and a surface parking lot, at 950–964 Market Street, 966–970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street. The following paragraphs contain brief descriptions of each building on the project site.

- **950–964 Market Street.** The 950–964 Market Street (the Dean Building), which was constructed in 1906, is located at the east end of the project site. It is a two-story-over-basement, unreinforced masonry commercial building redesigned in the Art-Moderne style in 1937. The building has a triangular plan, terracotta tile cladding, and flat roof with parapet and stepped cornice. Ground-floor commercial storefronts and the building entrance, which consists of metal and glass storefront system with fluted pilasters clad with terracotta tile, face Market Street. The upper floor, on both façades, is fenestrated by steel-sash windows and is occupied by office space.
- **966–970 Market Street/45 Turk Street.** 966–970 Market Street/45 Turk Street was constructed in 1907 based on the design by J.E. Krafft and Sons. It is a two-story, V-shaped, brick masonry structure, clad with partially removed stucco and exposed structural brick and topped by a flat roof.
- **972 Market Street.** 972 Market Street was constructed in 1912 based on the design by architect Burtell R. Christensen. It is a three-story, V-shaped, reinforced masonry building clad with buff-colored brick and topped by a flat roof.
- **974 Market Street/67 Turk Street.** 974 Market Street/67 Turk Street includes a building fronting on Market Street (974 Market Street) and a surface parking lot that fronts on Turk and Taylor Streets (67 Turk Street). The building was constructed in 1909 based on designs by architect Sylvain Schnaittacher. The façade was remodeled circa 1950 in the Art-Moderne style. It is a two-story, trapezoidal-plan, reinforced concrete building clad with stucco and topped by a flat roof.

Each of the four buildings on the project site were included in the 1977–78 Downtown Survey conducted by San Francisco Architectural Heritage and the 1990 Unreinforced Masonry Structure Survey, and were also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms, with an update in 2011 by Tim Kelley Consulting. Neither the 2007 survey nor the 2011 survey update findings have been adopted.

In November 2015, the Historic Preservation Commission adopted the LGBTQ Historic Context Statement (LGBTQ HCS, or HCS), prepared by Donna J. Graves and Shayne E. Watson for the Planning Department. This HCS provides a broad overview of the many and complex patterns, events, influences, individuals, and groups that shaped LGBTQ history in the City. It also discusses numerous properties citywide for

potential associations with the development of San Francisco as a center of LGBTQ activity which began in the period immediately following the 1906 earthquake and fire, primarily in the Barbary Coast area (now Chinatown/Jackson Square/North Beach). Beginning in 1914, the City began outlawing certain activities that were deemed “undesirable” and had operated in brothels and bars. This “red light abatement” moved the activities and participants from the Barbary Coast to the Tenderloin area. Buildings on the project site had past uses that are documented in the LGBTQ HCS.

The HRER for the proposed project concurs, in part, with the findings by Tim Kelley Consulting in DPR forms prepared for 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street. In this survey, Tim Kelley Consulting found that these three properties did not appear eligible for any level of designation and assigned a California Register Status Code of “6Z,” or “found ineligible for National Register, California Register, or local designation through survey evaluation.” Further, the Planning Department issued a HRER for 974 Market Street in 2009 (Case No. 2009.0874E) finding that the property did not qualify as a historic resource. The previous surveys and evaluations for these properties generally focused on their 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 LGBTQ HCS, as presented below. Therefore, the eligibility of these properties under Criterion 3 (Architecture) was not re-evaluated, although architectural integrity was analyzed as it related to other potential areas of significance.

### **950-964 Market Street**

The HRER indicated that the 950-964 Market Street building appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ<sup>10</sup> communities in San Francisco, specifically the Tenderloin (early 20th century to 1960s), specifically with the Old Crow Bar, a gay bar that occupied the commercial unit at 962 Market Street from 1935 or 1936 to 1980. After the Old Crow closed, the space was vacant for an unknown period of time. The commercial space at 962 Market Street is currently occupied by Moonstone Shirts. At some point after 2011 the former Old Crow storefront was removed and replaced with a metal roll-down door.

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<sup>10</sup> In general, this document utilizes the same terminology as the HRE and HRER. The acronym “LGBTQ” (Lesbian-Gay-Bisexual-Transgender-Queer) is used to describe the broad community. Narrow terms such as “gay men” or “lesbians” are gender specific and are used to describe specific groups of participants in events or organization. The umbrella term “queer” is used to present an inclusive picture and in cases where participation by specific groups is unknown. When the term ‘gay bar’ is used, this is the term that was used in historical sources, though it did not appear more broadly in published records until the early 1940s.

The HRER determined that 950–964 Market Street does not retain integrity to convey its historic association as the location of a post-Prohibition LGBTQ bar and therefore does not qualify as eligible for the California Register of Historic Resources. Although the main building entrance and second story retain original materials and streamlined terracotta ornament, the storefronts and interiors of all ground floor storefronts have been substantially altered on both the Market and Turk street façades. In particular, the commercial space at 962 Market Street no longer retains any storefront or interior features from the identified period of significance for the former Old Crow tenant. There is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Old Crow, a post-Prohibition gay bar that remained in operation for nearly 45 years in the Tenderloin, does not appear to be such a unique property type that location and setting alone would be sufficient integrity to convey significance even by the evaluation standards for integrity outlined in the LGBTQ HCS. The HRER determined that the 950-964 Market Street building is no longer able to convey its significance, and thus, the building does not retain historic integrity. Due to significant alterations to the former tenant space of the Old Crow, there is no tangible evidence that identifies 950–964 Market Street as the location of this former LGBTQ bar.

The 950-964 Market Street building does not appear eligible for listing on the California Register under Criterion 2. No persons associated with the Dean Building, the Old Crow Bar, or any other tenants have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The 950-964 Market Street Building does not appear eligible for listing on the California Register under Criterion 3. The building was originally constructed in 1906, using Classical Revival style ornament. In 1937, the entire building was remodeled into a simple, stripped down version of the Art Moderne style. The building does not display high artistic value nor does it appear to represent the work of a master, as neither the original construction, nor the 1937 remodel, identify an architect or contractor. The building is not a good example of a type, period, or method of construction. 950-964 Market Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

#### ***966-970 Market Street/45 Turk Street***

The HRER determined that 966-970 Market Street/45 Turk Street does not appear eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities, specifically the Tenderloin (early 20th century to 1960s), or with the evolution of LGBTQ enclaves and development of new neighborhoods (1960s to 1980s). The Landmark Room, a.k.a. the Landmark or Henry Ho Tavern—a gay bar and nightclub—occupied the commercial unit at 45 Turk Street

from 1958 to 1985, and Leo's Men's Shop—an LGBTQ store (or bar)—occupied the commercial unit at 968 Market Street from 1960 to 1971. After the Landmark closed in 1985, another LGBTQ bar called Peter Pan occupied the space from 1985-1999. While popular, none of the former LGBTQ businesses that occupied this property appear to be historically significant. These LGBTQ businesses relate to several of the themes identified in the Citywide LGBTQ HCS, but they do not appear significant within any particular theme. Therefore, the subject property does not appear to convey a significant association with any theme identified in the Citywide LGBTQ HCS and is not eligible for listing on the California Register under Criterion 1.

The HRER determined that 966-970 Market Street/45 Turk Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 966-970 Market Street/45 Turk Street, or the Landmark a.k.a. Harry Ho Tavern, Leo's Men's Shop, or Peter Pan have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The HRER determined that, consistent with previous survey findings, the property is not eligible for listing on the California Register under Criterion 3. Although associated with a prolific and masterful San Francisco architect, Julius E. Krafft, the building does not display high artistic value nor does it appear to represent the work of a master architect, due to unsympathetic alterations. The building is not a good example of a type, period, or method of construction, in part due to substantial alterations at the ground floor on both the Market and Turk Street façades and to removal of nearly all ornament on the Market Street façade. 966-970 Market Street/45 Turk Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

### **972 Market Street**

The HRER found that 972 Market Street appears eligible for listing in the California Register individually under Criterion 1/A (Event) for its association with the early development of LGBTQ communities in the Tenderloin (early 20th century to 1960s), specifically with Pirates Cave, a gay bar that occupied the commercial unit at 972 Market Street from 1933 to 1942. Pirates Cave appears significant for its association with the development of LGBTQ bars in the Tenderloin in the post-Prohibition period. Pirates Cave may have been one of the earliest bars to welcome LGBTQ patrons in the Tenderloin neighborhood during its operation from 1933 to 1942. The period of significance appears to be 1933 to 1942.

The HRER determined that the 972 Market Street building, particularly the former Pirates Cave space at 972 Market Street, does not retain integrity, and therefore, does not qualify as eligible for the California

Register of Historic Resources (in Sanborn maps, it appears that the ground floor was originally one large undivided space and was subsequently subdivided). Although the upper floors retain original materials and design, the storefronts and interiors of the former Pirates Cave space have likely been substantially altered on both the Market and Turk Streets façades due to the number of subsequent commercial tenants and changes in use in the approximately 75 years since the closure of Pirates Cave. The interior space was subdivided in the late 1950s to create a retail space fronting Market Street and a retail space fronting Turk Street. While no original image from the period of significance has been located, a photograph appended to the 1990 survey form by Anne Bloomfield shows the Market Street façade including a storefront with a large projecting solid awning sign band, an off-center recessed entry, and what appears to be a contemporary storefront system. The number of subsequent tenants, the amount of time that has passed, and the circa 1990 photograph indicate that the ground floor commercial space of the building no longer retains any storefront or interior features from the identified period of significance (1933–1942) for the former Pirates Cave tenant. Therefore, there is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Pirates Cave, a post-Prohibition gay bar that remained in operation for approximately 10 years in the Tenderloin, does not appear to be such a rare property type that retention of the aspects of location and setting alone would be sufficient to convey significance even by the evaluation standards for integrity outlined in the LGBTQ HCS. As there appear to be no remaining vestiges of the former gay bar that operated in the building, the building lacks integrity of feeling and association. The building as a whole might be recognizable from the period of significance, due to the intact nature of its design at the upper floors, but lack of physical remnants of the former Pirates Cave severs the building's feeling and association with this previous occupant and use. There is no tangible evidence that identifies 972 Market Street as the location of an early post-Prohibition LGBTQ bar in the Tenderloin.

The HRER determined that 972 Market Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 972 Market Street, or the Pirates Cave, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The HRER determined that, consistent with previous survey findings, the subject property does not appear eligible for listing on the California Register under Criterion 3. 972 Market Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

**974 Market Street/67 Turk Street**

The HRER indicated that 974 Market Street/67 Turk Street (formerly also included addresses at 63 and 65 Turk Street) appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities in the Tenderloin (early 20th century to 1960s), specifically with the Silver Rail, a gay bar that occupied the commercial unit at 974 Market Street/67 Turk Street from 1942 to 1953. The period of significance appears to be 1942 to 1953. The Silver Rail appears significant for its association with the development of LGBTQ bars in the Tenderloin in the World War II period. Although the Silver Rail does not appear to have been the first or longest-operating LGBTQ bar in the Tenderloin neighborhood during its operation, it still appears significant for these associations.

The HRER determined that 974 Market Street/67 Turk Street does not retain integrity for the period of significance (1943-1953) for the Silver Rail. Subsequent to closure of this bar, all aspects of the original front façade appear to have been removed and the current stripped down Art Deco-style façade installed. In addition, the north half of the building has been demolished and replaced with a surface and partially below-grade parking lot. As 974 Market Street does not retain sufficient physical integrity to convey significance, the building does not qualify as eligible for the California Register of Historical Resources. As a surface parking lot, 67 Turk Street is not eligible for listing on the California Register.

The HRER determined that 974 Market Street/67 Turk Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 974 Market Street/67 Turk Street, or the Silver Rail, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion.

The HRER determined that 974 Market Street/67 Turk Street, consistent with previous survey findings, does not appear eligible for listing on the California Register under Criterion 3. The current appearance and footprint of the building dates to sometime after 1950, as the original building footprint is shown in the 1950 Sanborn map. City directories indicate that the ground-floor commercial space was vacant from 1953, after the Silver Rail closed, until 1956. With construction of the existing surface and below grade parking lot occurring around 1956, it appears likely that the alteration of the building, including demolition of the Turk Street portion (with additional address at 63 and 65 Turk Street) and remodel of the Market Street façade, occurred after 1953. 974 Market Street/67 Turk Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

### **Historic Districts**

The proposed project is not located within and would not cause a substantial adverse impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, Kearny-Market-Mason-Sutter Conservation District, or any individual buildings in those districts. The proposed project would alter the setting of these nearby individual buildings and historic districts; but would not affect the overall integrity of those districts and individual resources within the districts.

The HRER determined that based on this history, and the number of LGBTQ-associated resources that appear to have been concentrated in and around the neighborhood from the post-Prohibition period through the present, the Tenderloin appears to be eligible under Criterion 1/A for listing on the CRHR as a historic district for its LGBTQ context. Given the size of the neighborhood and the number of potential resources, identification of exact boundaries for the district is beyond the scope of the proposed project evaluation. With further evaluation, this district would likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin (consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District), and would extend slightly east and west to include additional properties associated with this context, as identified in the LGBTQ HCS. It would also likely encompass properties fronting Market Street within the boundaries of the National Register-listed Market Street Theater and Loft Historic District.

Within the context of an eligible district, 950–964 Market Street (Old Crow), 966–970 Market Street/45 Turk Street (the Landmark), and 972 Market Street (Pirates Cave) would qualify as contributing resources even with the compromised integrity of the ground floor storefront locations of the former LGBTQ bars at these properties. If the period(s) of significance for the district were narrowed to more closely represent particularly significant periods within the context of LGBTQ history in the neighborhood and City, 966–970 Market Street/45 Turk Street (the Landmark) may not qualify as a contributor, as it does not appear to represent a particularly significant historical period. 974 Market Street/67 Turk Street (Silver Rail) does not appear to qualify as a contributing resource due to its overall lack of integrity from the period when it was occupied by an LGBTQ bar.<sup>11</sup>

Although the exact boundaries of the eligible Tenderloin LGBTQ historic district, and number of contributing resources within the district is not currently known, initial evaluation suggests that the district would contain numerous resources spanning the long period of significance. In this context, the loss of two

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<sup>11</sup> Graves, Donna J. and Shayne E. Watson. 2015. Citywide Historic Context Statement for LGBTQ History in San Francisco. October.

or three contributing resources, even at what would likely be the southern edge of the district, would not result in a significant impact to the district. The two or three contributing resources on the project site do not appear to represent the only examples of a period or type within the district and the district would continue to convey its significance without these properties.

### ***Proposed Project***

The proposed project would demolish the existing buildings and surface parking lot on the project site, and construct an approximately 406,000-gsf mixed-use building with residential, hotel, and retail uses. The proposed project would have a less-than-significant impact on historic resources with regard to buildings on the site. Although the proposed project would not have a direct impact on historic resources because the buildings on the project site associated with former LGBTQ bars lack historic integrity, Improvement Measure I-CR-1a, Interpretive Program, would commemorate the former LGBTQ bars in the buildings, including Old Crow Bar formerly located at 962 Market Street, the Landmark formerly located at 45 Turk Street, Pirates Cave formerly located at 972 Market Street, and Silver Rail formerly located at 974 Market Street/67 Turk Street, and their relationship to the LGBTQ history of the Tenderloin and City.

#### **Improvement Measure I-CR-1a: Interpretive Program**

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco

Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the *Citywide LGBTQ Historic Context Statement* may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

The proposed project is near several parcels that contain designated or eligible historical buildings. Although the proposed project would alter the setting of the Warfield Building and the Crest/Egyptian Theater, immediately to the west of the project site on the project block, the spatial separation between the two properties, by Opal Place north of the Warfield Building and the Crest Theater Building east of the Warfield Building would allow the Warfield Building to continue to convey its significance. The proposed project would be constructed at the rear of the theater portion of the Warfield Building. That north façade contains no ornamentation and little fenestration. The proposed project would not conceal or obscure any significant design elements, features, or materials of the Warfield Building or Crest/Egyptian Theater.

Due to the adjacency of new and subsurface construction to the historic Warfield Building and Crest/Egyptian Theater, project demolition, excavation, and construction activities have the potential to damage the historic fabric and features of those buildings. In particular, vibration resulting from the use of heavy equipment has the potential to damage adjacent historical resources. To reduce potential vibration-induced damage to a less-than-significant level, the Project Sponsor would be required to implement Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan.

#### **Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980

Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

To further safeguard against damage to adjacent buildings and minimize the potential effects from construction activities, Preservation Planning staff recommends Improvement Measure I-CR-1b, Construction Best Practices for Historic Resources.

**Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

With the implementation of Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan, potential impacts on those historical resources would be reduced to a less-than-significant level. In addition, implementation of Improvement Measures I-CR-1a, Interpretive Program, and I-CR-1b, Construction Best Practices for Historic Resources, would further reduce the project's less-than-significant effects on historic resources.

**Impact C-CR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not have a cumulative impact on historic resources. (Less than Significant)**

The geographic scope, or cumulative study area, for cumulative historic architectural resource impacts includes the proposed project site, and surrounding city blocks, which include properties designated as part of the Market Street Theater and Loft Historic District, Uptown Tenderloin Historic District, and Kearny-Market-Mason-Sutter Conservation District. Twenty-seven previous, proposed, and foreseeable projects were identified in the proposed project area. Of these 27 projects, seven appear to be outside the boundaries of any identified historic district(s) and are far enough from the project site as to be unlikely to combine with the subject project or variants to result in a cumulative impact. The remaining projects are discussed by historic district in the following paragraphs.

### **UPTOWN TENDERLOIN HISTORIC DISTRICT**

Within the Uptown Tenderloin Historic District are 11 recent and foreseeable projects to consider in the context of the current project. Of these identified projects, only the demolition and new construction at 121 Golden Gate Avenue has been evaluated to have significant unavoidable project-specific and cumulative impacts on the surrounding district. The projects at 168 Eddy Street, 430 Eddy Street, 469 Eddy Street, 229 Ellis Street, 19–25 Mason Street/2–16 Turk Street, 181 Turk Street/180 Jones Street, and 351 Turk Street/145 Leavenworth Street have been evaluated and found to result in no project-specific or cumulative impacts. The remaining three projects—at 519 Ellis Street, 57 Taylor Street, and 450 O’Farrell Street—are still undergoing review. The first two of these proposed projects would not demolish existing resources within the district and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation of historical architectural resources, including (1) whether the project itself would have a direct impact on historic resources, and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources. The third of these projects, 450 O’Farrell Street, would demolish three contributing resources within the district and has the potential for project-specific and cumulative impacts on the district.

Although two projects within the cumulative setting—121 Golden Gate Avenue and 450 O’Farrell Street—could result in project-level significant impacts on historic resources, the proposed project would not combine with these projects in such a way that there would be a significant cumulative impact on historic architectural resources. There is a substantial distance between the proposed project site and the sites of these other projects within the district, and the proposed project is located outside of the boundaries of the Uptown Tenderloin Historic District. The proposed project would not combine with any other project to result in a material impairment of the district. For these reasons, along with the findings for the other projects within this historic district, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District.

### **MARKET STREET THEATER AND LOFT HISTORIC DISTRICT**

Nine recent and foreseeable projects are within or adjacent to the Market Street Theater and Loft Historic District. Of these projects, only the proposed project at 1028 Market Street, which proposes demolition of a contributing resource to the historic district, would have the potential to significantly impact the district; the 1028 Market Street Project is undergoing review. Six of the nine identified projects have been evaluated and found to result in no project-specific or cumulative impacts on the historic district. The remaining two projects—at 1053-1055 Market Street and 1125 Market Street—are still undergoing review. These two

projects would not demolish existing resources within the district and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources. Additionally, 1125 Market Street is located outside of district boundaries.

Although one project within the cumulative setting, 1028 Market Street, may result in project-level and cumulative significant impacts on historic resources, the proposed project would not combine with this or other projects in such a way that there would be a significant cumulative impact on historic architectural resources. The proposed project site is outside of the boundaries of the district and would not combine with any other project to result in a material impairment of the district.

#### **KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT**

None of the project sites identified in the cumulative study area are located within this conservation district. Although the HRER found that the proposed project would not be compatible with the character of adjacent contributing buildings within this district, there would be no cumulatively considerable impact on the Kearny-Market-Mason-Sutter Conservation District.

For the reasons described previously, along with the findings for the other projects within the nearby historic districts, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, or the Kearny-Market-Mason-Sutter Conservation District.

#### **TENDERLOIN LGBTQ HISTORIC DISTRICT**

As discussed previously, the HRER determined the Tenderloin appears to be eligible under Criterion 1/A for listing on the CRHR as a historic district for its LGBTQ context. Given the size of the neighborhood and the number of potential resources, identification of exact boundaries for the district is beyond the scope of the proposed project evaluation. Pending further evaluation, this district would likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin (consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District), and would extend slightly east and west to include additional properties associated with this context, as identified in the LGBTQ Historic Context Statement. It would also likely encompass properties fronting on Market Street consistent with the boundaries of the National Register-listed Market Street Theater & Loft Historic District. As the boundaries of the eligible Tenderloin LGBTQ district have not yet been defined, analysis of projects for cumulative impacts to this district is limited to this study area.

Within the potential boundaries of the eligible Tenderloin LGBTQ Historic District are four cumulative projects to consider in the LGTBQ historic context with the current project. The project at 1095 Market Street was evaluated and determined that it would not result in significant project-specific or cumulative impacts to historic resources. The project at 229 Ellis Street would not demolish the existing building and is currently undergoing evaluation for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources, including: (1) whether the project itself would have a direct impact on historic resources and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources.

The under-review projects at 57 Taylor Street (a.k.a. 105 Turk Street) and 1028 Market Street propose demolition of buildings that may qualify as contributing resources for their association with the LGBTQ context and would have the potential for significant project-level and cumulative impacts to the district, although review of these projects has not yet been completed. As previously discussed, initial evaluation suggests that the eligible Tenderloin LGBTQ District would contain numerous resources spanning the long period of significance. The two or three contributing resources on the 950–974 Market Street Project site do not appear to represent the only examples of a period or type within the district. Thus, the loss of the project site’s contributing resources would not combine with the 57 Taylor Street and 1028 Market Street projects to result in a material impairment of the Tenderloin LGBTQ district. For these reasons, the proposed project would not result in a cumulatively considerable impact on the eligible Tenderloin LGBTQ district.

**Impact CR-2: The proposed project would potentially cause a substantial adverse change in the significance of an archeological resource and potentially disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)**

A preliminary review for potential impacts on archeological resources was conducted for the proposed project.<sup>12</sup> The following analysis relies on the information provided in the preliminary review.

Subsurface construction for the proposed project would require excavation to a depth of approximately 35 feet for basements and the one-level with mezzanine below-grade parking garage. While the project site is generally underlain by fill, which extends to approximately 19 to 23 feet below ground surface (bgs),<sup>13</sup> several prehistoric archeological sites are recorded at a depth of approximately 10.5 to 15.7 feet bgs, south

<sup>12</sup> Allison Vanderslice. July 2, 2014. *Environmental Planning Preliminary Archeological Review: Checklist for 950 Market Street*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>13</sup> Treadwell & Rollo. June 6, 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

of Market Street in the vicinity of the proposed project. Based on a review of early 1850s USCS maps, the project area is in a similar terrain as those nearby prehistoric sites. One structure is shown within the project site on the early 1850s USCS maps and a review of USCS maps from the late 1850s showed multiple buildings with the project site by that time. The project site appears to have been filled during the 1860s. Based on the 1887 Sanborn map, the project site appears to be built out primarily with hotels and saloons. Post-1906 earthquake development of the project area resulted in several buildings with basements that have disturbed the project site to an estimated 11 feet bgs. Due to the filling of the site, likely during the 1860s, archeological resources associated with the 1850s development may still exist within the project site below the existing basements.

Therefore, subsurface construction could potentially encounter and result in a change in the significance of an archeological resource, with potential archeological resources anticipated to be prehistoric resources, and the low possibility of disturbing human remains within the native dune sand that occurs at approximately 10 feet bgs. This is considered a potentially significant impact.

Mitigation Measure M-CR-2, Archeological Testing, would apply to any components of the proposed project resulting in below-grade soil disturbance. This measure requires, among other steps, that the Project Sponsor prepare an archeological monitoring plan. With implementation of Mitigation Measure M-CR-2, the proposed project would result in less-than-significant impacts on archeological resources and/or human remains.

#### **Mitigation Measure M-CR-2: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and

reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>14</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>15</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in

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<sup>14</sup> The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>15</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project

archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.

If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Impact CR-3: The proposed project may cause a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)**

Tribal cultural resources (TCRs) are those resources that meet the definitions in Public Resources Code Section 21074. TCRs are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either (a) included or determined to be eligible for inclusion in the CRHR or (b) included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Based on discussions with Native American tribal representatives, in San Francisco, prehistoric archeological resources are presumed to be potential TCRs. A TCR is adversely affected when a project impacts its significance.

Pursuant to Assembly Bill 52, effective July 1, 2015, within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the Lead Agency to discuss potential impacts on TCRs and measures for addressing those impacts.

On August 14, 2015, the Planning Department mailed a “Tribal Notification Regarding Tribal Cultural Resources and CEQA” to the appropriate Native American tribal representatives who have requested notification. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation. As discussed under Impact CR-2, Mitigation Measure M-CR-2, Archeological Testing, would be applicable to the proposed project as it would result in below-grade soil disturbance of 5 feet or greater below ground surface. Unknown archeological resources may be encountered during construction that could be identified as TCRs at the time of discovery or at a later date. Therefore, the potential adverse effects of the proposed project on previously unidentified archeological resources, discussed under Impact CR-2, also represent a potentially significant impact on TCRs. Implementation of Mitigation Measure M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level. Mitigation Measure M-CR-3 would require either preservation-in-place of the TCRs, if determined effective and feasible, or an interpretive program regarding the TCRs developed in consultation with affiliated Native American tribal representatives.

#### **Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program**

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.

If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native

Americans, artifacts displays and interpretation, and educational panels or other informational displays.

Below-grade construction on the proposed project site could potentially encounter and result in a change in the significance of TCRs. However, implementation of Mitigation Measure M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level.

**Impact C-CR-3: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not cause a substantial adverse change in the significance of an archeological or tribal cultural resource nor disturb human remains. (Less than Significant)**

Project-related impacts on archeological resources and human remains are site-specific and generally limited to the project's construction area. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact on archeological resources, TCRs, and human remains.

**E.4. TRANSPORTATION AND CIRCULATION**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>TRANSPORTATION AND CIRCULATION – Would the project:</b>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, or in the vicinity of a private airstrip, and would not interfere with air traffic patterns. Therefore, topic 4c is not applicable.

A transportation impact study (TIS) was prepared that analyzed development of up to 501,000 gsf composed of 312 dwelling units, a 292-room hotel, 19,150 gsf of retail uses, and 102 off-street parking spaces. The proposed project would be smaller in size and would result in development of up to 406,101 gsf composed of 242 dwelling units, a 232-room hotel, 16,600 gsf of retail uses, and 82 off-street parking spaces. The discussion herein relies on the information provided in the TIS, which analyzed a larger project, and therefore, presents a conservative analysis of the proposed project.

## PROJECT SETTING

In the project site vicinity, Turk Street runs one-way westbound, with two travel lanes and no parking on either side; Taylor Street runs one-way northbound with three travel lanes and metered parking on both sides; and Market Street acts as the primary, multi-modal arterial. In the project vicinity (between 5th and 8th Streets), Market Street operates as a two-way arterial with two travel lanes in each direction, described as follows:

- The center lanes operate primarily as transit lanes, and accommodate surface rail service and island transit stops in both directions. The eastbound center lane is officially designated as a transit-only lane (buses and taxis only) from 12th Street to 5th Street at all times, and while often used by non-transit traffic, frequent stopping at these island transit stops deters some non-transit traffic from using this lane on a regular basis.
- The curbside lanes operate as shared (general purpose) lanes, and accommodate general vehicular traffic, transit vehicles accessing curbside stops along Market Street, and bicycles.

Market Street accommodates Class 3 bikeway facilities (shared travel lanes) east of 8th Street, with green retro-reflective thermoplastic paint used to increase the visibility of road space designated for bicycle use. Market Street also accommodates an enhanced pedestrian realm, with widened sidewalks, street landscaping features, entrances to Muni Metro light rail and BART stations, and various public open spaces. On-street parking is generally prohibited along Market Street east of Octavia Boulevard, and there are no curb cuts provided east of 12th Street/Franklin Street/Page Street. However, on-street bays in multiple locations accommodate passenger loading (white curb) and commercial loading (yellow curb) activities. Left turns for private vehicles from Market Street are prohibited in the proposed project vicinity, and private vehicles are prohibited from turning onto Market Street between 3rd and 8th Street. Market Street is the only roadway in the project vicinity with designated bikeways.

Pedestrian curb ramps are provided to cross intersections near the project site, except for pedestrians heading south across Turk Street from the west side of Mason Street. An existing surface parking lot in the northwest corner of the project site has access from three existing curb cuts, two along Turk Street and one along Taylor Street. The curb cuts in the northeast corner and center of the of the parking lot along Turk Street are approximately 20 feet wide and 30 feet wide, respectively. The curb cut along Taylor Street is approximately 35 feet wide. An approximately 45-foot-wide commercial loading bay is on the north side of Market Street on the project site frontage. Adjacent to the project site, the existing sidewalk widths (curb

to property line) are approximately 12 feet along Turk Street, 10 feet along Taylor Street, and 28 feet along Market Street (although sidewalk widths vary along Market Street).

The project site is well-served by public transit, with both local and regional service. Muni, BART, and the F-line streetcar (F-Line) systems currently operate along and/or beneath Market Street. The project site is located approximately 400 feet from the Powell Street Muni/BART station, which serves all Muni Metro lines and BART. An approximately 120-foot-long Muni bus stop fronts the north side of Market Street, approximately at the center of the project site, serving Muni lines 5-Fulton; 5L-Fulton Limited; and 21-Hayes. Muni routes 31-Balboa and 16X Noriega Express stop at the 120-foot-long Muni bus stop on the north side of Turk Street near the project site. Five other Muni bus lines and the F-line stop are located within a block of the project site.

### ***Vehicle Miles Traveled in San Francisco and Bay Area***

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses located in areas with poor access to non-private vehicular modes of travel generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower vehicle miles traveled (VMT) ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010–2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area’s actual population,

who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from a project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to the entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>16,17</sup>

For residential development, the regional average daily VMT per capita is 17.2.<sup>18</sup> For retail development, regional average daily work-related VMT per employee is 14.9. See Table 4, Daily Vehicle Miles Traveled, which includes the transportation analysis zone (TAZ) in which the project site is located (TAZ 296).

**TABLE 4: DAILY VEHICLE MILES TRAVELED**

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 296	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 296
Households (Residential)	17.2	14.6	2.0	16.1	13.7	1.6
Employment (Retail)	14.9	12.6	7.8	14.6	12.4	7.5

## VEHICLE MILES TRAVELED IMPACT ANALYSIS METHODOLOGY

### *Vehicle Miles Traveled Analysis*

Land use projects may cause substantial additional VMT. The following identifies thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under the VMT metric.

<sup>16</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>17</sup> San Francisco Planning Department. 2016., Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A. March 3, 2016.

<sup>18</sup> Includes the VMT generated by the households in the development.

### *Residential and Retail (and Similar) Projects*

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent.<sup>19</sup> As documented in the California OPR *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (proposed transportation impact guidelines), a 15 percent threshold below existing development is “both reasonably ambitious and generally achievable.”<sup>20</sup> For retail projects, the Planning Department uses a VMT efficiency metric approach for retail projects: a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent. This approach is consistent with CEQA Section 21099 and the thresholds of significance for other land uses recommended in OPR’s proposed transportation impact guidelines. For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described previously.

OPR’s proposed transportation impact guidelines provide screening criteria to identify types, characteristics, or locations of land use projects that would not exceed these VMT thresholds of significance. OPR recommends that if a project or land use proposed as part of a project meet any of the following screening criteria, VMT impacts are presumed to be less than significant for that land use and a detailed VMT analysis is not required. The screening criteria applicable to the proposed project and how they are applied in San Francisco are described as follows:

- **Map-Based Screening for Residential and Retail Projects.** OPR recommends mapping areas that exhibit VMT less than the applicable threshold for that land use. Accordingly, the Transportation Authority has developed maps depicting existing VMT levels in San Francisco for residential and retail land uses based on the SF-CHAMP 2012 base-year model run. The Planning Department uses these maps and associated data to determine whether a proposed project is located in an area of the City that is below the VMT threshold.
- **Proximity to Transit Stations.** OPR recommends that residential and retail projects, as well projects that are a mix of these uses, proposed within 0.5 mile of an existing major transit stop (as defined by CEQA Section 21064.3) or an existing stop along a high-quality transit corridor (as defined by CEQA Section 21155) would not result in a substantial increase in VMT. However, this presumption would not apply if the project would (1) have a floor area ratio of less than 0.75; (2) include more parking for use by

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<sup>19</sup> OPR’s proposed transportation impact guidelines state that a project would cause substantial additional VMT if it exceeds both the existing City household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent. In San Francisco, the City’s average VMT per capita is lower (8.4) than the regional average (17.2). Therefore, the City average is irrelevant for the purposes of the analysis.

<sup>20</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php), page III: 20.

residents, customers, or employees of the project than required or allowed, without a conditional use; or (3) is inconsistent with the applicable Sustainable Communities Strategy.<sup>21</sup>

OPR's proposed transportation impact guidelines do not provide screening criteria or thresholds of significance for other types of land uses, other than those projects that meet the definition of a small project (the proposed project does not meet the small project criterion). Therefore, the Planning Department provides additional screening criteria and thresholds of significance to determine if land uses similar in function to residential and retail would generate a substantial increase in VMT. These screening criteria and thresholds of significance are consistent with CEQA Section 21099 and the screening criteria recommended in OPR's proposed transportation impact guidelines.

The Planning Department applies the Map-Based Screening and Proximity to Transit Station screening criteria to the following land use types:

- Tourist Hotels, Student Housing, Single-Room Occupancy Hotels, and Group Housing. Trips associated with these land uses typically function similarly to residential. Therefore, these land uses are treated as residential for screening and analysis.
- Childcare, K-12 Schools, Medical, Post-Secondary Institutional (non-student housing), and Production, Distribution, and Repair. Trips associated with these land uses typically function similarly to office. While some of these uses may have some visitor/customer trips associated with them (e.g., childcare and school drop-off, patient visits, etc.), those trips are often a side trip within a larger tour. For example, the visitor/customer trips are influenced by the origin (e.g., home) and/or ultimate destination (e.g., work) of those tours. Therefore, these land uses are treated as office for screening and analysis.
- Grocery Stores, Local-Serving Entertainment Venues, Religious Institutions, Parks, and Athletic Clubs. Trips associated with these land uses typically function similar to retail. Therefore, these types of land uses are treated as retail for screening and analysis.

#### *2040 Cumulative Conditions*

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined in the Environmental Setting for existing conditions, but including residential and job growth estimates and reasonably foreseeable transportation investments through 2040. For residential development, the projected 2040 regional average daily VMT per capita is 16.1. For retail

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<sup>21</sup> A project is considered to be inconsistent with the Sustainable Communities Strategy if development is located outside of areas contemplated for development in the Sustainable Communities Strategy.

development, regional average daily retail VMT per employee is 14.6. Refer to Table 4, Daily Vehicle Miles Traveled, which includes the TAZ in which the project site is located (TAZ 296).

### ***Induced Automobile Travel Analysis***

Transportation projects may substantially induce additional automobile travel. The following identifies thresholds of significance and screening criteria used to determine if transportation projects would result significant impacts by inducing substantial additional automobile travel.

Pursuant to OPR's proposed transportation impact guidelines, a transportation project would substantially induce automobile travel if it would generate more than 2,075,220 VMT per year. This threshold is based on the fair share VMT allocated to transportation projects required to achieve California's long-term greenhouse gas emissions reduction goal of 40 percent below 1990 levels by 2030.

OPR's proposed transportation impact guidelines include a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types) described in the following list, it is presumed that VMT impacts would be less than significant and a detailed VMT analysis is not required. Accordingly, the proposed project would not result in a substantial increase in VMT because it would include the following components and features:

- Active Transportation, Rightsizing (a.k.a. Road Diet), and Transit Projects:
  - Infrastructure projects, including safety and accessibility improvements, for people walking or bicycling
  - Installation or reconfiguration of traffic calming devices
- Other Minor Transportation Projects:
  - Rehabilitation, maintenance, replacement and repair projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
  - Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority features
  - Timing of signals to optimize vehicle, bicycle, or pedestrian flow on local or collector streets
  - Addition of transportation wayfinding signage
  - Removal of off- or on-street parking spaces
  - Adoption, removal, or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)

## TRAVEL DEMAND

The proposed project would meet the previously described criterion described for map-based screening of residential and retail projects, proximity to transit stations, and tourist/single room occupancy hotels. As such, potential transportation impacts are determined under the VMT analysis, and would not require an induced automobile travel analysis. The proposed project would generate 3,403 daily person-trips. During the PM peak hour, the proposed project would generate an estimated 605 PM peak hour trips, consisting of 165 auto trips, 231 transit trips, 174 walking trips, and 35 other trips. During the PM peak hour, the proposed project would generate 93 vehicle trips.

**Impact TR-1: The proposed project would not cause substantial additional VMT or substantially induce automobile travel. (Less than Significant)**

### ***Vehicle Miles Traveled Analysis – Residential and Tourist Hotel***

As mentioned previously, existing average daily residential VMT per capita is 2.0 for TAZ 296, in which the project site is located. This is 88 percent below the existing regional average daily residential VMT per capita of 17.2. Given that the project site is in an area where existing residential VMT is more than 15 percent below the existing regional average, the proposed project's residential uses would not result in substantial additional VMT and impacts would be less than significant. Also, the project site meets the Proximity to Transit Stations screening criterion, which indicates that the proposed project's residential uses would not cause substantial additional VMT.<sup>22</sup>

### ***Vehicle Miles Traveled Analysis – Retail***

As mentioned previously, existing average daily employment (retail) VMT per capita is 7.8 for TAZ 296, in which the project site is located. This is 48 percent below the existing regional average daily retail VMT per capita of 14.9. Given that the project site is in an area where existing retail VMT is more than 15 percent below the existing regional average, the proposed project's retail uses would meet the Map-Based Screening for Retail and Residential Projects criterion and would not result in substantial additional VMT; impacts would be less than significant. The project site also meets the Proximity to Transit Stations screening criterion, which indicates that the proposed project's residential uses would not cause substantial additional VMT.<sup>23</sup>

<sup>22</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 950-974 Market Street, June 16, 2016. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1049E.

<sup>23</sup> Ibid.

While the project's residential, tourist hotel, and retail uses would not result in substantial VMT and impacts would be less than significant, implementation of Project Improvement Measure I-TR-1a, Residential Transportation Demand Management Program, would help further reduce the proposed project's VMT.

#### **Improvement Measure I-TR-1a: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator will provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.
- Transportation and Trip Planning Information
  - Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.

- New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
- Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.
- Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

### ***Induced Automobile Travel Analysis***

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. These features would be sidewalk widening, on-street loading zones, and curb cuts, as well as on-street safety strategies including conformance with Americans with Disabilities Act requirements, pedestrian safety signage, and pedestrian intersection signalization identified in Improvement Measures I-TR-4a through I-TR-4f. The proposed project would remove a 99-space capacity parking use at the site, and would include 82 new parking spaces, a net reduction of off-street parking. These features fit within the general types of projects identified previously that would not substantially induce automobile travel. Therefore, impacts would be less than significant.

**Impact TR-2: The proposed project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, nor would it conflict with an applicable congestion management program. (Less than Significant)**

### ***Circulation***

#### *Garage Driveway Queuing*

A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.

The proposed project would provide a curb cut and driveway ramp along Taylor Street to serve a one-level with mezzanine below-grade garage. The garage would provide private parking only and would not be open to the public. As discussed under traffic impacts, the proposed project would generate approximately 69 vehicle-trips during the weekday AM peak hour and approximately 93 vehicle-trips during the weekday PM peak hour. As discussed in the following paragraphs, substantial queuing at the driveway is not expected.

It is anticipated, however, that a portion of those vehicle trips would not access the garage driveway, either because they would choose to use on-street parking or another off-street parking facility, or would involve passenger and/or valet pick-up and drop-off activities at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the residential uses of the project. In addition, the traffic signal at Market/6th/Taylor/Golden Gate effectively meters northbound traffic onto Taylor Street, and it is anticipated that at least some of the vehicle movements at the driveway would likely occur while traffic is temporarily stopped at the signal, thus allowing any potential queue to dissipate that might have formed while waiting for a break in the traffic flow.

The proximity of the proposed Taylor Street driveway to the Taylor/Turk intersection could cause some “weaving” effects if vehicles exiting the below-grade garage attempt to access the westernmost (far side) lane on Taylor Street to turn left on Turk Street. However, the analysis found that this traffic pattern would not adversely affect the intersection. The Taylor/Turk intersection would operate normally with the project; motorists would also have the option of continuing north along Taylor Street and making a left turn on

Ellis Street to head west. While there may be minor disruptions to traffic flow along Taylor Street as a result of driveway queuing, those effects would be temporary and would dissipate quickly. Therefore, the driveway queuing effects of the proposed project on traffic circulation would be less than significant. The queuing effects of the proposed project on pedestrian facilities are discussed under Impact TR-4, and Improvement Measure I-TR-4f, Queue Abatement, which is related to vehicle queuing and pedestrian facilities, would further minimize the less-than-significant effects of driveway queuing on traffic circulation.

### ***Passenger Loading***

The proposed project would provide a new 145-foot-long passenger loading zone along the south side of Turk Street. While this change would help to accommodate pick-up and drop-off activities generated by the project, particularly for the proposed hotel and retail spaces, such activities could potentially result in substantial disruptions to traffic circulation.

Turk Street, however, generally operates at free-flow conditions on the segment adjacent to the project site, and has sufficient capacity to handle additional traffic, even if pick-up and drop-off activities at the proposed passenger loading zone intrude into portions of the southernmost travel lane. The provision of a passenger loading zone may also help minimize disruptions to traffic circulation as a result of passenger loading activities generated by the project, which would be more likely to intrude into or occupy portions of the adjacent travel lane if a zone were not present.

Hotel uses in C-3 zoning districts are required by Planning Code Section 162 to provide off-street loading spaces for tour buses based on the number of hotel rooms. The proposed project would include 232 hotel rooms, and would be required to provide one off-street tour bus loading space. While the proposed project does not propose any off-street tour bus loading spaces, Planning Code Section 162(b) allows the provision of any required spaces to be waived if space is provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations, or general traffic circulation. Given the size and nature of the proposed hotel and field observations of tour bus loading activities at other hotels in the area, the demand for tour bus loading spaces for the proposed project would not be expected to exceed more than one space (i.e., one bus) on a regular basis, which would be accommodated in the 145-foot-long passenger loading zone on the south side of Turk Street. The proposed project would not provide a substantial amount of on-site meeting or convention space, and is not expected to host major conferences or other events that would attract unusual amounts of tour bus activity. While conferences and other events

at off-site locations—such as Moscone Center—may provide tour bus or shuttle service to connect hotel guests with event venues, these events would generally be infrequent, and it is unlikely that any more than two tour buses would need to serve the project site at any one time.

Given these considerations, the proposed project would not be expected to result in significant impacts on traffic conditions along Turk Street as a result of the proposed passenger loading zone. Improvement Measure I-TR-1b, Passenger Loading, would further reduce these less-than-significant effects.

### **Improvement Measure I-TR-1b: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.
- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an “extended period of time” shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

### ***Freight/Service Loading***

Pursuant to Planning Code Section 152.1, the proposed project would be required to provide a total of three off-street freight loading spaces in a C-3-G zoning district. Furthermore, as described in Planning Code Section 153(a)(6), substitution of two service vehicle spaces for each required off-street freight loading space is permitted in the C-3 zoning district. The proposed project would provide an off-street freight loading dock along Turk Street with two freight loading spaces, and two service vehicle spaces in the one-level plus mezzanine, below-grade parking garage accessed from Taylor Street. Freight and service loading access would comply with required dimensions in Planning Code Section 155(f). Off-street freight loading spaces would each be 12 feet wide and 35 feet long, with a minimum vertical clearance—including entry and exit—of 14 feet or more. The proposed service vehicle spaces would be 8 feet wide and 20 feet long, with a minimum vertical clearance of 7 feet. The proposed project would generate a peak-hour freight loading/service vehicle demand of approximately two spaces, and therefore, would meet the requirements

established in Planning Code Section 154(b). A portion of the passenger loading zone would overlap with the proposed 20-foot curb cut accommodating loading dock access. This portion of the curb loading zone could not be used during truck loading dock ingress and egress movements. This shared arrangement for curb space would partially reduce the usability of this portion of the passenger loading zone. While trucks attempting to enter the loading dock may need to temporarily wait for any vehicles obstructing the dock's curb cut to vacate this section of the passenger loading zone, there is sufficient clearance to the nearest travel lane on Turk Street to minimize disruptions to traffic, transit, or bicycle circulation along Turk Street. Loading zone operations would have a less-than-significant impact on circulation conditions.

For residential move-in and move-out activities, it is anticipated that residents would consult building management to reserve space in the building's loading dock or parking garage, or use available on-street commercial loading space. No significant traffic, transit, bicycle, or pedestrian impacts are expected to result from proposed project freight loading and service vehicle activities, and therefore, impacts would be less than significant. However, the following proposed improvement measures would minimize any freight and service loading-related effects.

**Improvement Measure I-TR-1c: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

**Improvement Measure I-TR-1d: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could

be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

### **Construction**

Construction of the proposed project would last approximately 27 months, and would consist of three phases (demolition, excavation and shoring, and construction). During this period, temporary and intermittent transportation impacts would result from additional vehicle trips to the project site from workers and equipment deliveries, but these activities would be limited in duration. Construction staging would occur primarily within the confines of the project site and any closures along Taylor Street or Turk Street would likely require the temporary closure of the adjacent parking lane and one traffic lane, but would likely otherwise have little effect on roadway capacity. Some minor disruptions to pedestrian flow could occur, including diversion of pedestrian traffic to the north side of Turk Street, but would not otherwise impede or inhibit pedestrian circulation or degrade pedestrian safety. Construction vehicle trips during peak traffic flow would have a greater potential to create conflicts than during non-peak hours; however, given the temporary and intermittent nature of the construction activities, the proposed project's construction-related activities would not result in significant transportation impacts. Although construction-related impacts would be temporary and less than significant, the following proposed improvement measures would further minimize any effects.

#### **Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

#### **Improvement Measure I-TR-1f: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San

Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.
- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
- Identifying routes for construction-related trucks to utilize during construction.
- Requiring consultation with the 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.
- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

### ***Parking***

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” The proposed project meets each of the three criteria, and therefore, this analysis presents a parking demand, supply, and requirements analysis for informational purposes.

Parking conditions are not static, as parking supply and demand varies. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to

other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking) would be in keeping with San Francisco's "Transit First" policy and numerous General Plan polices, including those in the Transportation Element.

This transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus, choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis—as well as in the associated air quality and noise analyses—would reasonably address potential secondary effects.

The proposed project's supply of off-street vehicle parking was compared to the requirements established in the Planning Code, as well as the anticipated weekday midday and evening vehicle parking demand. The proposed project would generate a vehicle parking demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. The proposed project would provide 82 private residential vehicle parking spaces, plus two car-share spaces, and would result in a shortfall of approximately 247 spaces during the weekday midday period and 329 spaces during the weekday evening period. However, there are at least 20 off-street parking facilities within walking distance of the project site. Those facilities currently operate at approximately 57 percent occupancy during the weekday midday period and 38 percent occupancy during the weekday evening period. Furthermore, even with the removal of the surface parking lot at the corner of Turk and Taylor Streets, the previously described facilities would have the capacity to handle the extra demand, as the existing parking lot is only open during the weekday midday period. Therefore, during the daytime and evening time, off-street vehicular parking could be found by project residents, visitors, and patrons. Although the unmet parking demand would cause a slight increase in competition for on-street and off-street parking spaces in the proposed project vicinity, the area is well served by public transit and bicycle facilities. Moreover, the project site is not required to provide any off-street vehicular parking per Planning Code C-3 requirements.

It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The

Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit-rich area, the Planning Commission may not support the provision of any off-street parking spaces.

If the proposed project were ultimately approved with no off-street parking spaces, the project would have an unmet demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. As mentioned previously, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes, such as public transit and bicycle facilities. Therefore, the proposed project would not create any hazardous conditions due to parking-related factors, and Improvement Measure I-TR-1a, Residential Transportation Demand Management Program, and Improvement Measure I-TR-4f, Queue Abatement, would further reduce any potential parking-related impacts.

**Impact TR-2: The proposed project would not substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)**

No project design features are proposed that would substantially increase traffic-related hazards. In addition, as discussed in Section E.1, Land Use and Land Use Planning, the proposed project would not include incompatible uses. Therefore, traffic hazard impacts due to a design feature or resulting from incompatible uses from the proposed project would be less than significant. The queuing effects of the proposed driveway along Turk Street on pedestrian facilities are discussed under Impact TR-1.

**Impact TR-3: The proposed project would not result in inadequate emergency access. (Less than Significant)**

Emergency vehicle access is currently provided along all three streets that front the project site (Market Street, Taylor Street, and Turk Street). Emergency access would remain unchanged from existing conditions. The proposed parking garage and loading dock and associated curb cuts, and the proposed passenger loading zone along the south side of Turk Street are expected to have a negligible effect on emergency vehicle access. The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would have a less-than-significant impact on emergency access.

**Impact TR-4: The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Less than Significant)**

### ***Transit Facilities***

The project site is well served by local and regional public transit. Overall, the proposed project would increase ridership on the Downtown corridors and screenlines, but would not directly cause any of them to exceed the 85 percent capacity utilization threshold. However, several screenlines and corridors currently exceed the 85 percent capacity utilization threshold under Existing Conditions, and would continue to do so under Existing plus Project Conditions. The following screenlines and corridors currently exceed the 85 percent capacity utilization threshold; the proposed project would not represent a considerable contribution to ridership on any of these Muni screenlines or corridors:

- In the Northwest Screenline, Fulton/Hayes corridor (5 Fulton and 21 Hayes), the project would contribute 0.2 percent to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.
- In the Southeast Screenline, 3rd Street corridor (T Third Street), the proposed project would contribute 0.4 percent to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.
- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight–Noriega/71L Haight–Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the project would contribute 0.2 percent to the total ridership during the weekday AM peak hour under Existing plus Project Conditions.

As a result, the proposed project would not result in significant impacts to capacity utilization on Muni's Downtown screenlines.

The proposed project would result in similar ridership on regional transit screenlines and operators. Overall, the proposed project would increase ridership on regional transit screenlines and operators, but would not directly cause any of them to exceed the 100 percent capacity utilization threshold. All regional transit screenlines and operators would continue to operate below 100 percent capacity utilization under Existing plus Project Conditions. As a result, the proposed project is not expected to result in significant impacts related to capacity utilization on the regional transit screenlines.

The proposed project would provide a new passenger loading zone and service loading dock on the south side of Turk Street. Vehicles using the passenger loading area and service vehicles entering or leaving the

loading dock would use the southernmost lane of one-way westbound Turk Street. The Muni bus stop serving the 16X Noriega Express and 31 Balboa lines is on the north side of Turk Street. Therefore, the effects of proposed project passenger and service loading activities on transit operations is generally expected to be negligible and proposed project impacts on transit would be less than significant.

### ***Bicycle Facilities***

The project vicinity is well served by existing bicycle routes, most notably route 50 along Market Street. The proposed project would not interfere with accessibility to that route. The proposed project would be required to provide a total of 145 Class 1 spaces and 28 Class 2 spaces per Planning Code Section 155.2. As such, the proposed project would provide a minimum total of 145 Class 1 spaces and 28 Class 2 spaces, meeting or exceeding Planning Code requirements. The project passenger and service loading zones along Turk Street could potentially affect bicycle circulation and safety; however, bicycle activity is anticipated to be minimal as this is not a designated bikeway, and bicyclists generally would use Market Street. While the project would increase the amount of bicycle traffic along Market Street and other streets in the vicinity of the project site, the expected magnitude of this increase would not be substantial enough to affect overall bicycle circulation or the operations of bicycle facilities, and therefore, impacts would be less than significant.

### ***Pedestrian Facilities***

Pedestrian trips generated by the proposed project would generally consist of people walking to and from the site. Overall, the proposed project would generate a maximum of approximately 112 walk-only person-trips during the weekday AM peak hour and 174 walk-only person-trips during the weekday PM peak hour. The new pedestrian trips generated by the project could be accommodated on the adjacent facilities and would not substantially affect pedestrian operations on nearby sidewalks or crosswalks, particularly given the existing sidewalk widths along Market Street, which is expected to be the primary pedestrian corridor to and from the project site.

The proposed project would also include several streetscape improvements to pedestrian facilities, including widening the sidewalk along Turk Street adjacent to the project site by approximately 10 feet (except at the pedestrian loading area), installing enhancements such as street trees along the Turk Street frontage, eliminating and consolidating existing curb cuts, and incorporating setbacks at street-level entrances to provide plaza space. Furthermore, sidewalks around the project site are observed to be underutilized. The increased pedestrian activity generated by the project, in combination with the

proposed streetscape improvements, would be expected to enhance the overall pedestrian conditions in the area.

Vehicle movements at the garage driveway along Taylor Street would involve vehicles crossing the sidewalk on the east side of Taylor Street, adjacent to the project site. While not a high-volume pedestrian corridor in and of itself, Taylor Street provides a key pedestrian connection between the neighborhood commercial corridor along 6th Street and high-density mixed-use residential/commercial uses in the Tenderloin. In terms of net new travel demand, the proposed project would generate approximately 27 inbound vehicle trips and 42 outbound vehicle trips during the weekday AM peak hour, and approximately 43 inbound vehicle trips and 50 outbound vehicle trips during the weekday PM peak hour.

However, it is anticipated that some portion of the project-generated vehicle trips would not access the garage driveway, either because vehicles would choose to use on-street parking or another off-street parking facility, or would involve pick-up and drop-off of passengers at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the proposed residential uses; at least some of the employees and visitors of the project's other uses—including the proposed retail, and hotel uses—would be likely to choose these alternative options for vehicle access and parking.

In addition, there is already some level of existing conflict generated by the existing curb cuts that serve the off-street surface parking lot on the project site (located at 67 Turk Street), which currently provides parking for approximately 80 vehicles. The project would provide approximately 82 off-street spaces for vehicle parking within a one-level with mezzanine below-grade garage, which would effectively be a one-to-one replacement of the existing surface lot. As such, the net increase in vehicle-pedestrian conflict at curb cuts serving the project site is expected to be minimal. Given these considerations, project-generated vehicle traffic would not be expected to result in significant impacts on pedestrian conditions.

However, recognizing the existing deficiencies and safety issues related to pedestrian conditions in the immediate vicinity of the project site, improvement measures are proposed to minimize the less-than-significant effects arising from project-generated vehicle traffic. Improvement Measures I-TR-1b, Passenger Loading, I-TR-4a, Garage Exit Warning, I-TR-4b, Pedestrian Safety Signage, I-TR-4c, Garage Curb Cut, I-TR-4d, Pedestrian Signals, I-TR-4e, Americans with Disabilities Act Standards, and I-TR-4f, Queue Abatement, would further reduce the less-than-significant effects.

**Improvement Measure I-TR-4a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

**Improvement Measure I-TR-4b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

**Improvement Measure I-TR-4c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

**Improvement Measure I-TR-4d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

**Improvement Measure I-TR-4e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

#### **Improvement Measure I-TR-4f: Queue Abatement**

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.
- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.
- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.
- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk

behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.
- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.
- If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**Impact C-TR-1: The proposed project, in combination of past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative regional VMT. (Less than Significant)**

VMT, by its very nature, is largely a cumulative impact. The VMT associated with past, present, and future projects contributes to physical secondary environmental impacts. It is likely that no single project by itself would be sufficient in size to prevent the region or state from meeting its VMT reduction goals. Instead, a project's individual VMT contributes to cumulative VMT impacts. The VMT and induced automobile travel project-level thresholds are based on levels at which new projects are not anticipated to conflict with state and regional long-term greenhouse gas emission reduction targets and statewide VMT per capita reduction targets set in 2020. Therefore, because the proposed project would not exceed the project-level thresholds for VMT and induced automobile travel (Impact TR-1), the proposed project would not be considered to result in a cumulatively considerable contribution to VMT impacts.

Furthermore, as shown in Table 4, Daily Vehicle Miles Traveled, for TAZ 296, in which the proposed project is located, projected 2040 average daily residential VMT per capita is 1.6, and projected average daily retail VMT per capita is 7.5. This is approximately 90 percent and 49 percent below the projected 2040 regional average daily VMT per capita of 16.1 and 14.6 for residential and retail uses, respectively. Therefore, the proposed project's residential and retail uses would not contribute considerably to any substantial cumulative increase in VMT.

**Impact C-TR-2: The proposed project, in combination of past, present, and reasonably foreseeable future projects, would not have a cumulative impact on transportation. (Less than Significant)**

***Transit***

Future year 2040 cumulative transit conditions were developed for the 501,000 gsf, with 312 dwelling units and a 292-room hotel in the TIS. Based on adjustments made to the estimates of net new travel demand, the larger project in the TIS would generate a maximum of approximately 273 inbound transit person-trips and 208 outbound transit person-trips during the weekday AM peak hour, and approximately 338 inbound transit person-trips and 263 outbound transit person-trips during the weekday PM peak hour, depending on the programs assumed for the respective sites. As with the traffic volume forecast, these cumulative conditions analyze a development scenario that would generate more transit trips than would be the case with the proposed project. Several Muni screenlines and corridors would operate at or above the 85 percent threshold under cumulative conditions. The proposed project would not represent a cumulatively

considerable contribution to ridership on any of the following Muni corridors, which currently exceed the 85 percent capacity utilization threshold:

- In the California corridor (1 California, 1AX California “A” Express, and 1BX California “B” Express), the proposed project would contribute 0.1 percent to total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- In the Sutter/Clement corridor (2 Clement and 3 Jackson), the proposed project would contribute 0.3 percent to total ridership during the weekday PM peak hour under Cumulative Conditions.
- In the Fulton/Hayes corridor (5 Fulton and 21 Hayes), the proposed project would contribute 0.2 percent and 0.3 percent, respectively, to total ridership during the weekday AM and PM peak hours under Cumulative Conditions.
- In the Northwest Screenline (38 Geary, 38L Geary Limited, 38AX Geary “A” Express, and 38BX Geary “B” Express; 1 California, 1AX California “A” Express, and 1BX California “B” Express; 2 Clement and 3 Jackson; 5 Fulton and 21 Hayes; and 31 Balboa, 31 Balboa “A” Express, and 31BX Balboa “B” Express), the proposed project would contribute 0.3 percent to the total ridership during the weekday PM peak hour under Cumulative Conditions.
- In the Mission corridor (14 Mission, 14L Mission Limited, 14X Mission Express, and 49 Van Ness-Mission), the proposed project would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- In the San Bruno/Bayshore corridor (8X Bayshore Express, 8AX Bayshore “A” Express, 8BX Bayshore “B” Express, 9 San Bruno, and 9L San Bruno Limited), the proposed project would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- On other lines in the Southeast Screenline (J Church, 10 Townsend, 12 Folsom-Pacific, 19 Polk, and 27 Bryant), the proposed project would contribute 0.3 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions
- On the Haight/Noriega corridor (6 Parnassus, 71 Haight-Noriega/71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express), the proposed project would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.
- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight-Noriega / 71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the proposed project would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.

As a result, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on Muni's Downtown screenlines.

None of the regional transit operators and screenlines would operate at or above their capacity utilization thresholds under Cumulative Conditions. The proposed project would not contribute to any regional transit operators and screenlines exceeding their capacity utilization thresholds. As a result, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on the regional transit screenlines.

In addition to the transit-related improvements being implemented by the roadway changes described previously, several transit-specific projects in the area will add improvements to the existing transit network. While some projects would not physically affect service in the immediate vicinity of the proposed project, they would affect routes currently serving the area. Transit improvement projects include the Transit Effectiveness Project; Central Subway Project; F Market and Wharves Extension to Fort Mason Project; M Ocean View Undergrounding and Parkmerced Realignment Project; Light Rail Vehicle Seating Pilot Project; and Treasure Island Express Bus Service Project.

#### ***Other Future Roadway Changes***

Nearly all of the proposed future roadway changes identified in the Mid-Market area would have minor effects on traffic generated by the proposed project. However, two projects—the 6th Street Improvement Project and the Better Market Street Project—could result in cumulative implications for traffic, circulation, and vehicular access to and from the project site. The 6th Street Improvement Project would reduce travel lanes and the overall capacity of 6th Street, which could have corresponding impacts with the project's vehicular access points, including the garage entry/exit and the proposed passenger loading zone along Turk Street. However, with the implementation of traffic-division measures, impacts would be intermittent and minimal, and no new significant impacts would be expected.

Immediately adjacent to the project site, the preliminary concept for private automobile restrictions under the Better Market Street Project would convert the segment of Turk Street between Mason Street and Taylor Street from a one-way configuration to a two-way configuration to facilitate local circulation, resulting in the reduction of one travel lane in the westbound direction along the project frontage. Pick-up and drop-off activities along the proposed on-street passenger loading zone on Turk Street may result in intermittent and short-term disruptions to traffic circulation (including transit vehicles and bicycles) due to activities such as double parking or queuing. Overall, however, these effects would be temporary in duration and

minor in magnitude, and no new significant impacts would be expected. Therefore, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to future roadway changes.

For the previously described reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable transportation and circulation impacts.

**E.5. NOISE**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>NOISE –Would the project:</b>					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 5e and 5f are not applicable to the proposed project.

**Impact NO-1: The proposed project would not result a substantial permanent increase in ambient noise levels, expose persons to or generate levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and would not be substantially affected by existing noise levels. (Less than Significant)**

The project site is located in a highly urbanized area, with ambient noise levels typical of those in San Francisco neighborhoods. As previously stated, ambient noise in San Francisco is largely generated by traffic-related sources. As Figures V.G-2 and V.G-3 of the San Francisco 2004 and 2009 Housing Element

EIR show, many roadways in the proposed project vicinity experience traffic noise levels exceeding 60 L<sub>dn</sub> or 75 L<sub>dn</sub>.<sup>24</sup>

The United States Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. The HUD considers noise levels below 65 decibels as generally “acceptable,” between 65 dB and 75 dB as “normally unacceptable,” and in excess of 75 dB as “considered unacceptable” for residential land uses.<sup>25</sup> The California State Office of Planning and Research has developed similar statewide guidelines,<sup>26</sup> which have largely been incorporated into the Environmental Protection Element of the San Francisco General Plan.<sup>27</sup> In addition, the California Building Code and Title 24 of the California Code of Regulations include regulations that limit building interior noise levels to 45 dBA L<sub>dn</sub>.<sup>28,29</sup>

The proposed project would include residential uses that would place sensitive receptors in the vicinity of a noisy environment, thus potentially exposing people to noise levels in excess of established standards. In accordance with Mitigation Measure M-NO-1 of the Housing Element,<sup>30</sup> a noise analysis was prepared, including ambient noise measurements conducted at nearby noise-sensitive locations and an evaluation of potential noise related to increased vehicular traffic and construction equipment associated with the proposed project.<sup>31</sup> Noise level measurements were taken at short-term intervals (15 minutes at each location) at noise-sensitive locations near the site, and for a continuous 24-hour period at the project site itself. Short-term measurements were taken at a height of approximately 5 feet above ground level, and the continuous measurement was taken at a height of approximately 25 feet, with the instrument mounted on the top of an existing building at the project site.

Land uses in the surrounding area that contribute to ambient noise include a mixture of retail, entertainment, hotel, residential, and office uses. However, the primary noise source in the area is related to transportation. The Warfield Building and Theater and the Crazy Horse Theater are located directly west

<sup>24</sup> San Francisco Planning Department. 2011. 2004 and 2009 Housing Element Final EIR. Certified on March 24, 2011.

<sup>25</sup> Code of Federal Regulations, Title 24, Part 51, Section 51.100 – 51.105.

<sup>26</sup> Office of Planning and Research. 2003. State of California General Plan Guidelines. October.

<sup>27</sup> San Francisco General Plan. Environmental Protection Element, Policy 11.1.

<sup>28</sup> L<sub>dn</sub> refers to the equivalent 24-hour noise level with a 10 dB penalty added to sounds which occur between the hours of 10 PM and 7AM. dBA refers to a logarithmic scale for measuring noise expressed in decibels (dB). The A-weighting scale was developed and has been shown to provide a good correlation with the human response to sound.

<sup>29</sup> dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

<sup>30</sup> San Francisco Planning Department. 2011. 2004 and 2009 Housing Element Final EIR. Certified on March 24, 2011.

<sup>31</sup> TRC Solutions, Inc. 2015. 950-974 Market Street Noise Assessment Report. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E. July.

of the project site. The Market Street Place retail center is under construction southeast and across the street from the proposed site; other existing retail and office space fronts the south side of Market Street. The proposed site is bordered directly on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and office space. Uses north of the project site and in a one-block radius include several single-room occupancy (SRO) hotels (residential hotels), many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels and apartment buildings within one block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

The measured maximum noise level for continuous monitoring at the site was 58.9  $L_{eq}$ , which is a single value of sound that includes all of the varying sound energy in a given duration. However, measured continuous sound levels were substantially lower than the short-term sound level measurements at the ground level, due to the fact that the continuous meter was placed two stories (25 feet) above street level. The greater distance from traffic sounds created lower sound levels at the continuous meter. Calculated  $L_{dn}$  sound levels reached noise levels between 75.6 dBA and 78.0 dBA at the street level.

Typical residential building construction will generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. In this case, exterior noise exposure would need to exceed 70 dBA  $L_{dn}$  to produce interior noise levels in excess of the City's and Title 24's interior noise criterion of 45 dBA  $L_{dn}$ . Due to calculated exterior levels in excess of 75 dBA  $L_{dn}$ , the noise analysis provided recommendations to achieve interior noise attenuation in compliance with noise criteria, including constructing exterior windows and doors with sound transmission class (STC)-rated materials up to STC31 to STC33. With implementation of the required STC-rated materials, interior noise levels would be further attenuated to acceptable levels.

Operation of the proposed project would create noise from HVAC systems, generators, and boilers that would be installed on site, as well as noise from activities at rooftop common areas such as the outdoor bar. Mechanical equipment would be subject to Section 2909 of the Noise Ordinance (Article 29 of the Police Code). Most of the mechanical equipment would be located in enclosed spaces within the building, in areas that would be as far as possible from residential and hotel areas, and would be in enclosed rooms

constructed to dampen sound levels in such a way that any indoor residential areas of the proposed project would experience noise levels less than 45 dBA  $L_{dn}$ , in accordance with the Noise Ordinance.

The proposed project could also potentially contribute to an increase in ambient traffic noise in the project vicinity. However, the noise analysis for the project determined that the greatest calculated noise increase in the project vicinity would be 2.2 dBA during the peak hour, with the remaining time periods having increases of less than 2 dBA. Increases of less than 3 dBA are considered barely perceptible, and thus, would not contribute to a substantial increase in traffic-related noise.

For the previously described reasons, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or be substantially affected by existing noise levels, and the impact would be less than significant.

**Impact NO-2: The proposed project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant with Mitigation)**

The proposed project's construction activities would last approximately 27 months, and would be conducted in three phases—demolition, excavation and shoring, and construction. Construction noise and vibration have the potential to be felt by nearby receptors and uses. However, construction noise and vibration would be intermittent and limited to the period of construction. The closest sensitive receptors to construction activities would be the residential units located approximately 65 feet north of the proposed project, across Turk Street.

The greatest construction-related noise- and vibration-generating activities would generally be limited to the first and second phases during excavation, new foundation construction (including pile driving), and exterior and façade element construction. While the Project Sponsor would be required to comply with measures required for construction equipment in Section 2907 of the Noise Ordinance, there is still the potential to expose sensitive receptors to temporary increases in noise levels substantially in excess of ambient levels, resulting in a potentially significant groundborne noise impact. Implementation of Mitigation Measure M-NO-2, Noise-Control Measures During Pile Driving, would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level.

### **Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving**

Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.
- The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.
- The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.
- The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

The noise analysis completed for the proposed project determined that vibration source levels for construction equipment would create vibration levels at a maximum of 0.031 peak particle velocity (PPV) with use of a drilling rig for caisson drilling activities, which would be below the barely perceptible response of 0.035 PPV level when measured at 50 feet,<sup>32</sup> and would be well below the distinctly perceptible response level of 0.24 PPV. Therefore, the proposed project would have a less-than-significant impact related to the exposure of people to and generation of excessive groundborne vibration.

The main sources contributing intermittent groundborne vibration are those located along and/or beneath Market Street, including Muni Metro light rail, BART, and the Muni F-Line. The proposed project would place residential uses approximately 50 feet north of the F-Line. Muni Metro and BART operate at depths

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<sup>32</sup> TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

of more than 32 feet bgs and 50 feet bgs, respectively.<sup>33</sup> Vibration generated by these rail systems dissipates rapidly with distance from the source rail.

The noise analysis completed for the proposed project determined that the F-Line streetcar would contribute the largest amount of groundborne vibration impacting the proposed building.<sup>34</sup> A survey conducted in 2006 determined that a maximum level of 81 VdB at 25 feet<sup>35</sup> occur along straightaway segments of the rail line, such as those along Market Street adjacent to the proposed project. However, vehicle base design and isolation offered by building design and foundation coupling would reduce vibration levels to 66 VdB, which would be less than the 72-VdB impact criterion suggested by the 2006 *FTA Transit Noise and Vibration Impact Assessment* for residences and buildings where people normally sleep.<sup>36</sup>

Analysis for the Central Subway Project Final SEIS/SEIR anticipates grade-surface vibration within concrete and steel buildings where trains operate at a depth of 20 feet bgs to be 62 VdB at a distance of 25 feet from the track centerline. At a distance of 50 feet from the track centerline, which is representative of the distance of Muni from the project site along Market Street, vibration would be diminished to 57 VdB.<sup>37</sup> BART operates at a depth of more than 40 feet bgs, and vibration impacts would be expected to be similar to or less than those of Muni. However, both rail systems would contribute vibration levels well below the 72-VdB impact criterion, and thus, would not expose people to excessive groundborne vibration.

For the previously described reasons, the proposed project would not expose people to excessive groundborne vibration or noise, and would have a less-than-significant impact with mitigation incorporated.

**Impact NO-3: The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant)**

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact

<sup>33</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>34</sup> TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>35</sup> Wilson Ihrig & Associates. 2009. *Noise and Vibration Setting Report Historic Streetcar Service to Fort Mason*. April.

<sup>36</sup> FTA. 2006. *Transit Noise and Vibration Impact Assessment*. May.

<sup>37</sup> City and County of San Francisco FTA. 2008. *Supplemental Environmental Impact Report/Environmental Impact Statement for Central Subway Project*.

tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of the Department of Public Works or the Director of Building Inspection. The project would be required to comply with regulations set forth in the Noise Ordinance. Demolition, excavation, and building construction would cause a temporary increase in noise levels in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the Project Sponsor, the construction period would last approximately 27 months. Construction noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. Impacts would generally be limited to demolition and the periods during which new foundations and exterior structural and façade elements are constructed. Interior construction noise would be substantially reduced by exterior walls. However, there would be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site.

As noted previously, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The nearest sensitive receptors to the project site are the residential uses approximately 65 feet north of the project site. These uses would experience temporary and intermittent noise associated with site clearance and construction activities. Noise impacts would be temporary in nature and would be limited to the 27-month period of construction. Moreover, the project demolition and construction activities would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. or before 7:00 a.m. Although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment, and would not be considered significant. Pile driving is discussed under Impact NO-2.

The proposed hotel portion of the project would include an outdoor bar above floor 12. The bar and terraces would be outdoor, and may include amplified music. The closest sensitive receptors to the rooftop would be the residential units located approximately 65 feet north of the proposed project, across Turk Street. Due to the height of the building themselves, it is expected that at least a 10-dBA noise reduction would occur from generated rooftop and terrace noises to the street level. The rooftop area would also have parapet walls, further reducing noise levels. Additionally, the proposed project would be subject to Noise

Ordinance limits of 8-dBA increases over ambient levels for commercial uses. Therefore, the noise associated with rooftop terrace uses is not anticipated to result in a substantial temporary and intermittent increase in ambient noise levels in the project vicinity above existing conditions without rooftop terrace uses.

For the previously described reasons, the proposed project would have less-than-significant impacts on ambient noise levels in the project area.

**Impact C-NO-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in cumulative impacts related to noise. (Less than Significant with Mitigation)**

The 950–974 Market Street Project would be required to comply with the San Francisco Noise Ordinance. Construction of the proposed project would involve pile-driving activities, and thus, Mitigation Measure M-NO-2, Noise-Control Measures During Pile Driving, would be applicable to the proposed project. Construction activities in the vicinity of the project site would occur on a temporary and intermittent basis. As a primary traffic corridor in downtown San Francisco, generation of intermittent construction noise would not contribute to excessive noise levels along Market Street. As with the proposed project, construction and operation of the cumulative projects would be subject to the San Francisco Noise Ordinances, and therefore, these activities are not anticipated to create significant cumulative construction-related noise impacts.

Noises in the area are generated by a mixture of retail, entertainment, hotel, residential, and office uses; however, noise sources in the area are primarily a result of vehicular traffic and pedestrian sounds, and are typical of noise levels found in San Francisco urban environments.

The 950–974 Market Street Project would include hotel, retail, and residential uses, and would not include any uses uncommon to the area and would not contribute to a substantial permanent noise increase in the project area. The proposed project would be subject to the requirements of the San Francisco Noise Ordinance. Therefore, it is not anticipated that the proposed project would contribute to any significant cumulative increases in ambient noise.

The proposed project, along with the other cumulative projects in the vicinity, are not anticipated to result in a doubling of traffic volumes along nearby streets. Therefore, the proposed project would not contribute considerably to any cumulative traffic-related increases in ambient noise.

For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable noise impact.

## E.6. AIR QUALITY

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>AIR QUALITY – Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## SETTING

### Overview

The BAAQMD is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties and portions of Sonoma and Solano Counties. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2010 Clean Air Plan (CAP)*, was adopted by the BAAQMD on September 15, 2010. The 2010 CAP updates the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented.

The 2010 CAP contains the following primary goals:

- Attain air quality standards;
- Reduce population exposure and protect public health in the San Francisco Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

The 2010 CAP represents the most current applicable air quality plan for the SFBAAB. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of air quality plans.

### ***Criteria Air Pollutants***

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment<sup>38</sup> or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>39</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 5, Criteria Air Pollutant Significance Thresholds, identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

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<sup>38</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

<sup>39</sup> BAAQMD. 2011. California Environmental Quality Act Air Quality Guidelines, page 2-1. May.

TABLE 5: CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

### Ozone Precursors

As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO<sub>x</sub>, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).<sup>40</sup> These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO<sub>x</sub> emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds, would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO<sub>x</sub> emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

<sup>40</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 17. October.

### *Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)<sup>41</sup>*

The BAAQMD has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels below which a source is not expected to have an impact on air quality.<sup>42</sup> Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

### *Fugitive Dust*

Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust<sup>43</sup> and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.<sup>44</sup> The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.<sup>45</sup> The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust and the BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

### *Other Criteria Pollutants*

Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and SO<sub>2</sub> concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO<sub>2</sub> emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than 5 percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO<sub>2</sub>. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to

<sup>41</sup> PM<sub>10</sub> is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>42</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 16. October.

<sup>43</sup> Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. Online: [http://www.wrapair.org/forums/dej/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dej/fdh/content/FDHandbook_Rev_06.pdf). Accessed on July 16, 2015.

<sup>44</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 27. October.

<sup>45</sup> BAAQMD. 2011. CEQA Air Quality Guidelines. May.

exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and SO<sub>2</sub> emissions that could result from a development projects, development projects would not result in a cumulatively considerable net increase in CO or SO<sub>2</sub>, and quantitative analysis is not required.

### ***Local Health Risks and Hazards***

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.<sup>46</sup>

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 350 days

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<sup>46</sup> In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

per year, for 70 years. Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter (PM<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.<sup>47</sup> In addition to PM<sub>2.5</sub>, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.<sup>48</sup> The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the “Air Pollutant Exposure Zone,” were identified based on health-protective criteria that considers estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. The project site is located within the Air Pollutant Exposure Zone. Each of the Air Pollutant Exposure Zone criteria is discussed below.

#### *Excess Cancer Risk*

The above 100 per one million persons (100 excess cancer risk) criteria is based on United States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>49</sup> As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the “acceptable” range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,<sup>50</sup> the USEPA states that it “...strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant

<sup>47</sup> SFDPH. 2008. *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*. May.

<sup>48</sup> ARB. 1998. Fact Sheet, “The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines.” October.

<sup>49</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.

<sup>50</sup> 54 Federal Register 38044, September 14, 1989.

concentrations for 70 years.” The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.<sup>51</sup>

#### *Fine Particulate Matter*

In April 2011, the United States Environmental Protection Agency (USEPA) published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards* (Particulate Matter Policy Assessment). In this document, USEPA staff concludes that the then current federal annual PM<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> should be revised to a level within the range of 13 to 11 µg/m<sup>3</sup>, with evidence strongly supporting a standard within the range of 12 to 11 µg/m<sup>3</sup>. The Air Pollutant Exposure Zone for San Francisco is based on the health protective PM<sub>2.5</sub> standard of 11 µg/m<sup>3</sup>, as supported by the USEPA’s Particulate Matter Policy Assessment, although lowered to 10 µg/m<sup>3</sup> to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

#### *Proximity to Freeways*

According to the California ARB, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,<sup>52</sup> lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

#### *Health Vulnerable Locations*

Based on the BAAQMD’s evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area Health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying lots in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) PM<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>53</sup>

The above citywide health risk modeling was also used as the basis in approving a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective

<sup>51</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.

<sup>52</sup> ARB. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April. Online: <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>53</sup> San Francisco Planning Department and San Francisco Department of Public Health. 2014. *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14 Amendment to Health Code Article 38.

December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

### **CONSTRUCTION AIR QUALITY IMPACTS**

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following addresses construction-related air quality impacts resulting from the proposed project.

**Impact AQ-1: Proposed project construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)**

Construction activities (short-term) typically result in emissions of ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project would include demolition of the four existing buildings and below-grade parking structure, and construction of a new, approximately 406,000-gsf building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses. The project would also include a single-level with mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces. During the project's approximately 27-month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed in the following paragraphs.

#### ***Fugitive Dust***

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current

health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the ARB, reducing particulate matter PM<sub>2.5</sub> concentrations to state and federal standards of 12 µg/m<sup>3</sup> in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.<sup>54</sup>

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than 0.5 acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the Project Sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater

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<sup>54</sup> ARB. 2008. *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c. October 24.

than 10 cubic yards or 500 square feet of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. CCSF Ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

For projects over 0.5 acre, such as the proposed project, the Dust Control Ordinance requires that the Project Sponsor submit a Dust Control Plan for approval by the San Francisco DPH. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. Interior-only tenant improvement projects that are over 0.5 acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

The site-specific Dust Control Plan would require the Project Sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions. The Project Sponsor would be required to designate an individual to monitor compliance with these dust control requirements.

Compliance with the regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level.

### **Criteria Air Pollutants**

As discussed previously, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield sites<sup>55</sup> without any form of mitigation measures taken into consideration. In addition, the previously described screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project exceeds the criteria air pollutant screening criteria; therefore, a quantitative analysis was conducted. Construction-related criteria air pollutants were quantified for a building development up to 501,000 gsf, with 312 dwelling units and a 292-room hotel using the California Emissions Estimator Model (CalEEMod) and provided in the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco*.<sup>56</sup> However, the currently proposed project would be approximately 406,000 gsf, with 242 dwelling units and a 232-room hotel, and would generate diminished construction air quality impacts than those determined in the Air Quality Analysis. The model was developed, including default data (e.g., emission factors, meteorology, etc.), in collaboration with California air districts' staff. Default assumptions were used where project-specific information was unknown. The model run assumes compliance with the Clean Construction Ordinance. For projects located within the Air Pollutant Exposure Zone, like the proposed project, the Clean Construction Ordinance requires equipment to meet or exceed Tier 2 standards for off-road engines and operate with the most effective ARB verified diesel emission control strategy (VDECS). Construction of the proposed project would occur over approximately 27 months. Demolition of the existing buildings and structures at the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months. Construction of the project would occur concurrently over a period of approximately 23 months. Emissions were converted from tons/year to lbs/day using the estimated construction duration of approximately 1,116 working days. As shown in Table 6, Daily Project Construction Emissions, unmitigated project construction

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<sup>55</sup> A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

<sup>56</sup> TRC Solutions, Inc. 2015. *Technical Memorandum, CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. May 2015. This document is on file and is available for public review at the San Francisco Planning Department as part of Case File No. 2013.1761E.

emissions would be below the threshold of significance for all criteria air pollutants. Therefore, construction-related emissions of those pollutants would not violate air quality standards or contribute significantly to an existing or projected air quality violation.

**TABLE 6: DAILY PROJECT CONSTRUCTION EMISSIONS**

	Pollutant Emissions (Average Pounds per Day) <sup>1</sup>			
	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Unmitigated Project Emissions	10.75	30.92	1.05	0.97
Significance Threshold	54.0	54.0	82.0	54.0
<sup>1</sup> Based on analysis of an approximately 501,000-gsf development. The proposed project would be an approximately 406,000-gsf building and would generate reduced construction emissions compared to the emissions presented in this table. Source: BAAQMD 2011; TRC Solutions, Inc. 2015				

**Impact AQ-2: Proposed project construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)**

With regards to construction emissions, off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.<sup>57</sup> Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.<sup>58</sup> For example, revised PM emission estimates for the year 2010, which DPM is a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the SFBAAB.<sup>59</sup> Approximately half of the reduction in emissions can be attributed to the economic recession and half to updated methodologies used to better assess construction emissions.<sup>60</sup>

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000

<sup>57</sup> ARB. 2010. *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*. October.

<sup>58</sup> Ibid.

<sup>59</sup> ARB. 2015. In-Use Off-Road Equipment, 2011 Inventory Model. Online: [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category). Accessed on July 16, 2015.

<sup>60</sup> ARB. 2010. *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October.

and Tier 4 Interim and Final emission standards for all new engines would be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies.

Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, NO<sub>x</sub> and PM emissions will be reduced by more than 90 percent.<sup>61</sup>

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

“Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.”<sup>62</sup>

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

The proposed project site is located within an area that already experiences poor air quality and construction activities would generate additional air pollution. There are sensitive land uses in proximity to the project site. The nearest residential sensitive receptor is the Dalt Hotel, located across Turk Street, approximately 65 feet north of the project site. Other residential hotels within one block of the project site include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. The

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<sup>61</sup> USEPA. 2004. Clean Air Nonroad Diesel Rule: Fact Sheet. May.

<sup>62</sup> BAAQMD. 2011. CEQA Air Quality Guidelines, pages 8-6. May.

proposed project would require construction activities for the approximate 27-month construction period, resulting in short-term emissions of DPM and other TACs, and resulting in a significant impact. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, would reduce the magnitude of this impact to a less-than-significant level.

While emission reductions from limiting idling, educating workers and the public, and properly maintaining equipment are difficult to quantify, other measures—specifically the requirement for equipment to have Tier 2 engines and operate with Level 3 VDECS—can reduce construction emissions by 89 to 94 percent compared to equipment with engines that do not meet emission standards or operate with VDECS.<sup>63</sup> Emissions reductions from the combination of Tier 2 equipment and Level 3 VDECS are almost equivalent to requiring equipment to have Tier 4 Final engines, which are not yet available for engine sizes subject to the mitigation. Therefore, compliance with Mitigation Measure M-AQ-2 would reduce construction-related emissions impacts on nearby sensitive receptors to a less-than-significant level.

#### **Mitigation Measure M-AQ-2: Construction Air Quality**

The Project Sponsor or the Project Sponsor's contractor shall comply with the following:

##### **A. Engine Requirements**

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.

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<sup>63</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.
4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

#### B. Waivers

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

**Off-Road Equipment Compliance Step-down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.

\* Alternative fuels are not a VDECS.

- C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
  2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.
  3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit

to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

### **OPERATIONAL AIR QUALITY IMPACTS**

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses operation-related air quality impacts.

**Impact AQ-3: The proposed project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)**

As discussed previously in Impact AQ-1, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, the Lead Agency or applicant do not need to perform a detailed air quality assessment.

The proposed project would generate criteria pollutant emissions associated with vehicle traffic (mobile sources), on-site area sources (i.e., natural gas combustion for space and water heating, and combustion of other fuels by building and grounds maintenance equipment), energy usage, and testing of up to two backup diesel generators. Operational-related criteria air pollutants generated by the proposed project were also quantified using CalEEMod and provided within the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. Default assumptions were used where project-specific information was unknown.

This operational emissions modeling was conducted for a building envelop encompassing an approximately 501,000-gsf development, with 312 dwelling units, a 292 room hotel, 19,000-gsf of retail space, and a 104-stall single-level with mezzanine parking garage. The daily and annual emissions associated with operation of the modeled development are shown in Table 7, Summary of Operational Criteria Air Pollutant Emissions. Table 7 also includes the thresholds of significance that the City utilizes. Subsequently, the proposed project would develop a building approximately 406,000 gsf in size, with 242 dwelling units, a 232-room hotel, 16,600 gsf of retail space, and 82 off-street parking spaces. As shown in Table 7, the modeled development would not exceed any of the significance thresholds for criteria air

pollutants, and therefore, the proposed project would also not exceed the significance thresholds, and would result in a less-than-significant impact with respect to criteria air pollutants.

**TABLE 7: SUMMARY OF OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS**

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Average Daily Emissions (lbs/day)*	22.51	25.12	0.58	0.56
Significance Threshold (lbs/day)	54	54	82	54
Project Maximum Annual Emissions (tpy)*	4.11	4.58	0.11	0.10
Significance Threshold (tpy)	10.0	10.0	10.0	10.0
lbs/day = pounds per day tpy = tons per year * Based on analysis of an approximately 501,000-gsf development. The proposed project would be an approximately 406,000-gsf building and would generate reduced operational emissions compared to the emissions presented in this table. Source: BAAQMD 2011; TRC Solutions, Inc. 2015.				

**Impact AQ-4: The proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. (Less than Significant with Mitigation)**

The proposed project site is located within the Air Pollutant Exposure Zone, as described previously. The proposed project includes sensitive uses, and sensitive land uses are located in proximity to the project. The nearest residential sensitive receptor is the Dalt Hotel, which is located across Turk Street, approximately 65 feet north of the project site. Other SRO hotels within one block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

*Sources of Toxic Air Contaminants.* Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day “minor, low-impact” sources that do not pose a significant health impact, even in combination with other nearby sources, and recommends that these sources be excluded from the environmental analysis. The proposed project’s 162 net daily vehicle trips would be well below this level and would be distributed among the local roadway network; therefore, an assessment of project-generated TACs resulting from vehicle trips is not required and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

The proposed project would install one diesel-powered backup emergency generator for use during power outages. Emergency generators are regulated by the BAAQMD through their New Source Review

(Regulation 2, Rule 5) permitting process. The Project Applicant would be required to obtain applicable permits from the BAAQMD to operate an emergency generator. Although emergency generators are intended only to be used during power outages, monthly testing of the generator would be required. The BAAQMD limits testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility to no more than 10 per 1 million population, and require any source that would result in an excess cancer risk greater than one per 1 million population to install Best Available Control Technology for Toxics (TBACT). Because the proposed project is located in an area that already experiences poor air quality, the proposed emergency backup generator has the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Implementation of Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the magnitude of this impact to a less-than-significant level by reducing emissions by 89 to 94 percent compared to equipment with engines that do not meet any emission standards and without a VDECS.

#### **Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

The Project Sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

#### ***Siting Sensitive Land Uses***

The proposed project would include development of residential space, which is considered a sensitive land use for purposes of air quality evaluation. For sensitive use projects within the Air Pollutant Exposure Zone, as defined by Article 38—such as the proposed project—Article 38 requires the Project Sponsor to submit an Enhanced Ventilation Proposal, which achieves protection from PM<sub>2.5</sub> equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration, for approval by the DPH. DBI

will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the Project Sponsor has submitted an initial application to the DPH.<sup>64</sup> The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

**Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of, the 2010 Clean Air Plan. (Less than Significant).**

The most recently adopted air quality plan for the SFBAAB is the 2010 Clean Air Plan (CAP). The 2010 CAP is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the 2010 CAP, this analysis considers whether the project would: (1) support the primary goals of the CAP, (2) include applicable control measures from the CAP, and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

The primary goals of the CAP are to: (1) reduce emissions and decrease concentrations of harmful pollutants, (2) safeguard the public health by reducing exposure to air pollutants that pose the greatest health risk, and (3) reduce greenhouse gas emissions. To meet the primary goals, the CAP recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the 2010 CAP includes 55 control measures aimed at reducing air pollution in the SFBAAB.

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<sup>64</sup> Mid Market Center LLC. 2015. Application for Article 38 Compliance Assessment. August 3. This document is available for review at the San Francisco Planning Department, as part of Case File No 2013.1049E.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to GHGs are discussed in Section E.7, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 162 net new vehicle trips (each weekday) would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the General Plan, as discussed in Section E.4, Transportation and Circulation. Transportation control measures that are identified in the 2010 CAP are implemented by the General Plan and the Planning Code (for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees). Compliance with these requirements would ensure the project includes relevant transportation control measures specified in the 2010 CAP. Therefore, the proposed project would include applicable control measures identified in the CAP to meet the CAP's primary goals.

Examples of a project that could cause the disruption or delay of 2010 CAP control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would consist of an approximately 406,000-gsf mixed-use building containing residential, hotel, and retail space in a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transit improvement, and thus, would not disrupt or hinder implementation of control measures identified in the CAP.

For the reasons described previously, the proposed project would not interfere with implementation of the 2010 CAP, and because the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, this impact would be less than significant.

**Impact AQ-6: The proposed project would not create objectionable odors that would affect a substantial number of people. (Less than Significant)**

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities.

During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.<sup>65</sup> The proposed project would include residential, hotel, and retail uses, which are not anticipated to create significant sources of new odors. Therefore, odor-related impacts would be less than significant.

**Impact C-AQ-1: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative air quality impacts. (Less than Significant with Mitigation)**

As discussed previously, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.<sup>66</sup> The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. The proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants; therefore, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

As discussed previously, the 950–974 Market Street Project site is located in an area that already experiences poor air quality. The proposed project would add new vehicle trips and stationary sources within an area already adversely affected by air quality, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would be a significant cumulative impact. The proposed project would be required to implement Mitigation Measure M-AQ-2, Construction Air Quality, which could

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<sup>65</sup> Observations based on TRC staff site visit, April 18, 2014.

<sup>66</sup> BAAQMD. 2011. *CEQA Air Quality Guidelines*, page 2-1. May.

reduce construction period emissions by as much as 94 percent, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, which requires best available control technology to limit emissions from the project's emergency backup generator. Furthermore, compliance with Article 38 would ensure that new sensitive receptors are not exposed to cumulatively significant levels of air pollution. Implementation of these mitigation measures and adherence to Article 38 would reduce the contribution of the proposed project's cumulative air quality impacts to a less-than-significant level.

**E.7. GREENHOUSE GAS EMISSIONS**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>GREENHOUSE GAS EMISSIONS – Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will continue to contribute to global climate change and its associated environmental impacts.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project’s GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared *Strategies to Address Greenhouse Gas Emissions*,<sup>67</sup> which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s qualified GHG reduction strategy in compliance with the CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>68</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD’s *Bay Area 2010 Clean Air Plan*,

<sup>67</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. This document is available online at: <http://www.sf-planning.org/index.aspx?page=2627>.

<sup>68</sup> ICF International, *Technical Review of the 2012 Community-wide GHG Inventory for the City and County of San Francisco*, January 21, 2015. Available at [http://sfenvironment.org/sites/default/files/fliers/files/icf\\_verificationmemo\\_2012sfcommunityinventory\\_2015-01-21.pdf](http://sfenvironment.org/sites/default/files/fliers/files/icf_verificationmemo_2012sfcommunityinventory_2015-01-21.pdf), accessed March 16, 2015.

Executive Order (EO) S-3- 05, and Assembly Bill (AB) 32 (also known as the Global Warming Solutions Act).<sup>69</sup>

Given that the City has met the state and region’s 2020 GHG reduction targets and San Francisco’s GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under EO S-3-05<sup>70</sup> and EO B-30-15,<sup>71,72</sup> the City’s GHG reduction goals are consistent with EO S-3-05, EO B-30-15, AB 32, and the *Bay Area 2010 Clean Air Plan*. Therefore, proposed projects that are consistent with the City’s GHG reduction strategy would be consistent with the aforementioned GHG reduction goals, would not conflict with these plans or result in significant GHG emissions, and would therefore not exceed San Francisco’s applicable GHG threshold of significance.

The following analysis of the proposed project’s impact on climate change focuses on the project’s contribution to cumulatively significant GHG emissions. Because no individual project could emit GHGs at a level that could result in a significant impact on the global climate, this analysis is in a cumulative context, and this section does not include an individual project-specific impact statement.

**Impact C-GG-1: The proposed project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions. (Less than Significant)**

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions

<sup>69</sup> Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>70</sup> Office of the Governor, Executive Order S-3-05, June 1, 2005. Available at <http://www.pcl.org/projects/2008symposium/proceedings/Coatsworth12.pdf>, accessed March 16, 2016. Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>E)); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E). Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in “carbon dioxide-equivalents,” which present a weighted average based on each gas’s heat absorption (or “global warming”) potential.

<sup>71</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15, issued on April 29, 2015, sets forth a target of reducing GHG emissions to 40 percent below 1990 levels by 2030 (estimated at 2.9 million MTCO<sub>2</sub>E).

<sup>72</sup> San Francisco’s GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

from electricity providers; energy required to pump, treat, and convey water; and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the intensity of use of the site by demolishing four existing buildings and a below-grade parking structure, and developing the site. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed in the following paragraphs, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Commuter Benefits Program, Emergency Ride Home Program, transportation management programs, Transportation Sustainability Fee, Jobs-Housing Linkage Program, bicycle parking requirements, low-emission car parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, and Water Conservation and Irrigation ordinances, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>73</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Compositing Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill,

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<sup>73</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump, and treat water required for the project.

reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>74</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>75</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>76</sup>

The project sponsor is required to comply with these regulations, which have proven effective as San Francisco's GHG emissions have measurably decreased when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the *Bay Area 2010 Clean Air Plan* GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project's contribution to climate change. In addition, San Francisco's local GHG reduction targets are consistent with the long-term GHG reduction goals of EO S-3-05, EO B-30-15, AB 32, and the *Bay Area 2010 Clean Air Plan*. Therefore, because the proposed projects is consistent with the City's GHG reduction strategy, it is also consistent with the GHG reduction goals of EO S-3-05, EO B-30-15, AB 32, and the *Bay Area 2010 Clean Air Plan*, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

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<sup>74</sup> Embodied energy is the total energy required for the extraction, processing, manufacture, and delivery of building materials to the building site.

<sup>75</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>76</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 950-974 Market Street*, July 15, 2015.

**E.8. WIND AND SHADOW**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>WIND AND SHADOW – Would the project:</b>					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact WS-1: The proposed project would not alter wind in a manner that substantially affects public areas. (Less than Significant)**

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. Throughout the year, the highest wind speeds occur in mid-afternoon and the lowest in the early morning. West-northwest, west, northwest, and west-southwest are the most frequent and strongest of primary wind directions during all seasons (referred to as prevailing winds).

Tall buildings and exposed structures can strongly affect the wind environment for pedestrians. A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong, turbulent, and incompatible with the intended uses of nearby ground-level spaces. A building with a height that is similar to the heights of surrounding buildings typically would cause little or no additional ground-level wind acceleration and turbulence. Thus, wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. In general, new buildings less than approximately 80 feet in height are unlikely to result in substantial adverse effects on ground-level winds such that pedestrians would be uncomfortable. Such winds may exist under existing conditions, but shorter buildings typically do not cause substantial changes in ground-level winds.

San Francisco Planning Code Section 148, Reduction of Ground-level Wind Currents in C-3 Districts, outlines wind reduction criteria for projects in C-3 districts. The 950–974 Market Street site is located within a C-3 district and is subject to these criteria. The Planning Code sets criteria for comfort and hazards, and

requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria. However, for the purposes of evaluating impacts under CEQA, the analysis uses the hazard criterion to determine whether the proposed project would alter wind in a manner that substantially affects public areas.

The Planning Code pedestrian comfort criterion of 11 miles per hour (mph) is based on wind speeds measured and averaged over a period of 1 minute. In contrast, the Planning Code wind hazard criterion of 26 mph is defined by a wind speed that is measured and averaged over a period of 1 hour. When stated on the same time basis as the comfort criterion wind speed, the hazard criterion wind speed (26 mph averaged over 1 hour) is equivalent to a 1-minute average of 36 mph, which is a speed where wind gusts can blow people over, and therefore, are hazardous. As stated previously, the analysis uses the hazard criterion to determine significant effects under CEQA. The project's effects related to the comfort criterion are presented for informational purposes.

A wind study was prepared for the proposed project.<sup>77</sup> The following discussion relies on the information provided in that report.

The wind tunnel testing followed San Francisco Planning Department protocols. Wind tunnel testing was conducted at 73 wind speed sensor locations under existing conditions, within a 1,125-foot radius of the project site, at a pedestrian height of approximately 5 feet. The results of the wind tunnel testing indicate that no sensor locations exceed the hazard criterion under existing conditions.

The results of the wind tunnel testing indicate that 27 of the 73 sensor locations exceed the Planning Code's 11 mph pedestrian comfort criterion under existing conditions. Wind speeds of 10 percent exceedance (i.e., the wind speed exceeded 10 percent of time) are 11 mph on average over the 73 sensor locations. The nearest comfort criterion exceedances to the project site are at the southwest corner of Turk and Market; mid-block on the Market Street sidewalk adjacent to the site; and on the east sidewalk of Taylor Street, north of Golden Gate Avenue. In addition, other sensor locations along Market Street exceed the comfort criterion, with the highest wind speeds modeled along the south side of Market Street, between 5th and 6th Streets.

Wind tunnel testing conducted for existing plus project conditions evaluated an approximately 501,000-gsf building consisting of two towers reaching a maximum of 200 feet in height, with a building footprint

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<sup>77</sup> RWDI. 2014. 950 Market Street, San Francisco, CA, Pedestrian Wind Conditions Consultation - Wind Tunnel Tests, RWDI #140087. October 14. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

covering the site (with an additional four wind-speed sensor locations at the proposed new street entrances and 12 sensor locations on rooftop terraces). The testing results indicated a development of that size and design would not cause street-level locations to exceed the hazard criterion. The currently proposed project would be a single-tower, 120-foot building totaling approximately 406,000 gsf, including second floor and rooftop terraces. Considering the similar footprint and reduced height, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area.<sup>78</sup> The proposed project would, therefore, not generate pedestrian-level wind speeds that would exceed the wind hazard criterion in Planning Code Section 148. Therefore, the proposed project would not alter wind in a manner that would substantially affect public areas, and would have less than significant impacts on wind conditions.

The results of the wind tunnel testing indicate that 36 of the 77 street-level sensor locations would exceed the Planning Code's 11 mph pedestrian comfort criterion under existing plus project conditions (for the larger building development analyzed), an increase of nine sensor locations. Wind speeds of 10 percent exceedance would be average 12 mph over the 89 sensor locations, approximately 1 mph higher than existing conditions. Nine sensor locations adjacent to the project site would exceed the comfort criterion, compared to three locations with existing conditions.

Additional wind comfort criterion exceedances compared to existing conditions would occur along the sidewalks on the proposed project block fronting Market Street, Turk Street, and Taylor Street. The greatest increases, from 12 mph to 17 mph, would occur at the Turk and Market Streets corner. As noted previously, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area. Therefore, the proposed project would have less than significant wind impacts.

Outdoor rooftop terraces would not be subject to the Planning Code wind comfort or wind hazard criteria. The wind tunnel analysis reviewed conditions at the rooftop terraces for the larger development; 11 of the 12 sensor locations would exceed the comfort criterion, with wind speeds exceeded 10 percent of time, ranging from 12 to 23 mph. The proposed project would include second-floor terraces on the south side of the building, as well as rooftop terraces. These terraces could be exposed to strong winds similar to study conditions.

For informational purposes, the wind tunnel testing found that, while wind hazard impacts for the larger development would be less than significant, five locations on the terraces would exceed the hazard criterion

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<sup>78</sup> RWDI. 2015. *Pedestrian Wind Conditions - 120-Foot Variant Memorandum 950 -974 Market Street, San Francisco, CA*. April 15, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

with existing plus project conditions. Similar impacts could result with the proposed project terraces. However, implementation of the following improvement measure would improve usability of the new rooftop terraces by reducing wind exposure.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

**Impact WS-2: The proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)**

Section 295 of the Planning Code was adopted to protect certain public open spaces under the jurisdiction of the Recreation and Park Department from shadowing by new and altered structures during the period between 1 hour after sunrise and 1 hour before sunset, year round. Section 295 restricts new shadow upon public open spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height, unless the Planning Commission finds that any adverse impact on use of the open space caused by the shadow would be insignificant. In 1989, to implement Section 295 and Proposition K, the Planning Commission and Recreation and Park Commission jointly adopted a memorandum (1989 Memorandum) establishing qualitative criteria for evaluating shadow impacts as well as Absolute Cumulative Limits (ACL) for certain parks. ACLs are “shadow” budgets that establish absolute cumulative limits for additional shadows, expressed as a percentage of Theoretically Available Annual Sunlight (TAAS) on a park with no adjacent structures present. An ACL standard has not been adopted for parks less than 2 acres having less than 20 percent existing shadow. To date, ACL standards have been established for 14 downtown parks.

The 1989 Memorandum sets forth qualitative criteria to determine when a shadow would be significant as well as information on how to quantitatively measure shadow impact. Qualitatively, shadow impacts are evaluated based on (1) existing shadow profiles, (2) important times of day, (3) important seasons in the year, (4) location of the new shadow, (5) size and duration of new shadows, and (6) public good served by buildings casting a new shadow. Quantitatively, new shadows are to be measured by the additional annual amount of shadow-square foot-hours as a percent of TAAS. Where an ACL has not been adopted for a

park, the Planning Commission's decision on whether a structure has a significant impact on property under the jurisdiction of the Recreation and Park Department is based on a review of qualitative and quantitative factors

Planning Code Section 147 also applies in C-3 districts, and requires that new buildings and additions to existing buildings where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The proposed project would remove the existing buildings and parking, and construct a new building reaching 120 feet in height.

The nearest public open spaces to project site are Boeddeker Park, located approximately 0.2 mile northwest of the project site; Hallidie Plaza, located approximately 200 feet east of the project site; and Mint Plaza, located approximately 0.1 mile southeast of the project site. Of those public open spaces, only Boeddeker Park is protected by Section 295.

Boeddeker Park is in the Tenderloin neighborhood. According to the San Francisco Property Information Map, Boeddeker Park has a parcel area of approximately 0.97 acre or 42,281.25 sf. The park is located on the northeast corner of Eddy and Jones Streets, with a portion of the park extending midblock north to Ellis Street. The portion on the corner of Eddy and Jones Streets is bounded by Eddy Street to the south; Jones Street to the west; residential uses and the extension of the park to the north; and residential to the east. The part of the park extending north midblock to Ellis Street is bounded by residential uses and the extension to the rest of the park to the south; residential to the west; Ellis Street to the north; and residential uses to the east. The properties surrounding Boeddeker Park have an 80-foot height limit.

Opened in 1985, Boeddeker Park was developed to serve nearby residents, including many seniors and low-income households. A major renovation of the park facilities and the clubhouse began in March 2012, and the park reopened in December 2014.

Boeddeker Park, which is less than 1 acre in area, does not have an ACL for shadow increases under the 1989 Memorandum. Shadow effects on the park have been reviewed in the past under the criteria in Section 295 and the 1989 Memorandum.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza.<sup>79</sup> However, the preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted.<sup>80</sup> Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

Planning Code Section 147 requires new buildings in C-3 districts where the building height exceeds 50 feet to be shaped "consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295."

The proposed project would cast net new shadow on nearby sidewalks—including those along Taylor Street, Turk Street, and Market Street—at certain times of day throughout the year. Many of the sidewalks in this part of San Francisco are already shadowed for much of the day by densely developed, multi-story buildings, and additional project-related shadow would be temporary in nature and would not substantially affect the use of sidewalks.

At times the proposed project could also shade portions of nearby private property. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the previously discussed reasons, the proposed project would not create new shadow that would substantially affect outdoor recreation facilities or other public areas, and impacts would be considered less than significant.

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<sup>79</sup> San Francisco Planning Department. 2014. *950-974 Market Street – Variant Shadow Fan*. December 9. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049U.

<sup>80</sup> CADP. 2015. *950-974 Market Street: 120-Foot Variant Shadow Analysis*. July 21. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

**Impact C-WS-1: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not result in significant cumulative impacts related to wind. (Less than Significant)**

The wind study found that under the project plus cumulative conditions, wind speeds would continue averaging 12 mph for all 89 measurement locations.<sup>81</sup> Winds at 33 street-level locations and 11 rooftop terrace locations would exceed the comfort criterion. The project plus cumulative scenario identified one location that would exceed the pedestrian hazard criterion at the northeast corner of Eddy and Taylor Streets; however, the exceedance would not be influenced by the 950–974 Market Street Project.<sup>82 83</sup> As previously discussed, the wind study analyzed a larger building massing and height greater than the currently proposed project. As noted for the larger project, the proposed project would not influence hazard criterion exceedance at the northeast corner of Eddy and Taylor streets under cumulative conditions. Therefore, the proposed project plus cumulative conditions would not alter wind in a manner that substantially affects public areas, and cumulative impacts are considered less than significant. For informational purposes, the wind tunnel testing found that, with project plus cumulative conditions, two locations on the building terraces would exceed the hazard criterion. The wind study stated that this decrease would occur due to the sheltering effect of upwind cumulative development.

**Impact C-WS-2: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not have a cumulative impact related to shadow. (Less than Significant)**

The 950–974 Market Street Project would not result in net new shadow to Boeddeker Park during the period between one hour after sunrise and one hour before sunset, year round, and therefore, would not contribute to significant cumulative effects on shadow conditions.

Other development could affect shading of Boeddeker Park. The 168–186 Eddy Street project—a 153-unit affordable housing development sponsored by the Tenderloin Neighborhood Housing Corporation (TNDC)—was approved in 2009, but is not yet under construction. In approving that project, the Planning Commission found that project’s shadow on Boeddeker Park would not have an adverse impact on the use

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<sup>81</sup> Cumulative conditions added two under-construction projects and 11 under review or approved projects in a 1,125-foot radius of the existing plus project conditions.

<sup>82</sup> RWDI. 2015. *Pedestrian Wind Conditions - 120-Foot Variant Memorandum 950 -974 Market Street, San Francisco, CA*. April 15, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>83</sup> RWDI. 2016. *Pedestrian wind conditions – Impact of Additional Cumulative Buildings 950-947 Market Street, San Francisco, CA*. May 18, 2016. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

of the park.<sup>84</sup> The TNDC project would add approximately 369,409 square foot hours of shadow to the park, or .39 percent of the TAAS. The shade would occur before 9:15 a.m., from about mid-January to late November.

The approved 5M project would be a mixed-use development of office, retail, residential, cultural, educational, and open space uses on an approximately 4-acre site in the southwestern quadrant of 5th and Mission Streets. Per the 5M Final EIR, implementation of the 5M project would result in a very small (about 0.004 percent) increase in shadow cast on Boeddeker Park. Because the net new shadow would cover an area of the park that would be used primarily for entering and existing the park, and because the net new shadow would occur during the early morning hours during a time of year when park use tends to diminish, the shadow would not adversely affect the use of Boeddeker Park.<sup>85</sup>

Therefore, other approved or reasonably foreseeable projects that would add shade to Boeddeker Park would have a less-than-significant effect on the use of the park. The 950–974 Market Street Project would not add shade to Boeddeker Park during the period between 1 hour after sunrise and 1 hour before sunset, year round. Thus, the proposed project, in combination with other past, present, and reasonably foreseeable future projects proposed in the vicinity, would not result in a cumulatively considerable shadow impact.

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<sup>84</sup> Planning Commission Motion No. 17849, Case No. 2007.1342CK (168-186 Eddy Street). p. 10-12. Approved March 26, 2009.

<sup>85</sup> San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

**E.9. RECREATION**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>RECREATION – Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact RE-1: The proposed project would not substantially increase the use of existing neighborhood parks or other recreational facilities, including recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than Significant)**

The San Francisco General Plan Recreation and Open Space Element (ROSE) identifies areas throughout the City that are identified as having a “High Need” for open space. High Need areas are defined as those with high population densities, high concentrations of seniors and youth, and lower income populations that are located outside of existing parking service areas.<sup>86</sup> Although neighboring areas, such as the Tenderloin, are classified as High Need areas, the proposed project is located within parcels classified as having a lesser need for open space. Neighborhood parks near the proposed project include Boeddeker Park, which is an approximately 1-acre community park on the block bordered by Eddy, Jones, and Ellis Streets, and the Turk and Hyde Mini Park, which is a 0.1-acre park primarily for preschoolers. Other public open spaces in the vicinity of the proposed project include United Nations Plaza, on Market Street near Leavenworth Street, and Civic Center Plaza – with two children’s playgrounds at its eastern end – north of Market and bounded by Grove, Polk, McAllister, and Polk Streets. East and south of Market Street, Yerba Buena Gardens is a large public park that contains the Sister Cities Garden, the Martin Luther King, Jr. Memorial, Yerba Buena Center for the Arts Galleries and Forum Building, and the Yerba Buena Center for the Arts Theater. The block south of Howard Street includes the Yerba Buena Bowling and Ice Skating

<sup>86</sup> San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E., Map 7.

Center, the Children’s Creativity Museum, the Child Development Center, the Children’s Garden, and the restored 1905 Carousel.

The proposed project would provide approximately 27,200 gsf of common and private open space for visitors and project residents. The private open space would provide passive recreational opportunities for residents, while the common open space would be accessible to the public for passive recreational use. In addition, residents at the project site would be within walking distance to Boeddeker Park and Turk and Hyde Mini Park. Other recreation and open space would be available at the Civic Center and Yerba Buena Gardens.

Although the proposed project would introduce a new permanent population (approximately 545 residents) to the project site, the number of new residents projected would not be large enough to substantially increase demand for or use of the previously described neighborhood parks and recreational facilities, or citywide facilities, such as Golden Gate Park, such that substantial physical deterioration would be expected. The permanent residential population at the site and the incremental on-site temporary hotel visitor and daytime population growth that would result from hotel and retail uses would not require the construction of new recreational facilities or the expansion of existing facilities.

For the previously described reasons, the proposed project would have a less-than-significant impact on recreational facilities and resources.

**Impact C-RE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on recreation. (Less than Significant)**

The use of recreational facilities in the area is not expected to noticeably increase as a result of the proposed project. The provision of the Planning Code-required open space would partially offset the demand for recreational resources and the potential for the deterioration and/or degradation of existing recreational resources in the project area. As with the proposed project, residential or residential mixed-use cumulative projects would also include Planning Code-required private and common open spaces to partially meet the demand for recreational resources from residents. Furthermore, the San Francisco General Plan ROSE recognizes the need for preserving and renovating existing public recreation space, as well as prioritizing acquisitions of potential new recreation spaces throughout the City, and specifically in “high need areas.”<sup>87</sup>

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<sup>87</sup> San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E.

The ROSE provides a neighborhood specific framework for implementation of the General Plan goals for improvement and acquisition of recreation and open space resources; implementation of the policies included in the ROSE would address long-term needs associated with population increase in the project vicinity. Additionally, some cumulative projects, such as 5M, would increase public open space in the project vicinity and improve access to existing open spaces in the project vicinity. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable recreation impact.

**E.10. UTILITIES AND SERVICE SYSTEMS**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>Utilities and Service Systems – Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact UT-1: Approval of the proposed project would not exceed wastewater treatment requirements, exceed the capacity of the wastewater treatment provider serving the project site, or result in the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. (Less than Significant)**

The proposed project site is served by San Francisco’s combined sewer system. The sewer system is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. Project-related wastewater and stormwater would be treated according to standards contained in the City’s NPDES permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). The proposed project would meet the wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance, to

meet RWQCB requirements. Therefore, the proposed project would not conflict with RWQCB requirements.

The proposed project would add residential, hotel, and retail, uses to the project site, which would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area. As required by the City's Commercial Water Conservation Ordinance, Title 24 of the California Code of Regulations, and the City's Green Building Ordinance, the proposed project would install high-efficiency water fixtures, which could lead to more efficient use of existing wastewater capacity. The potential increase in demand from the proposed project would not require expansion of wastewater treatment facilities.

The proposed project could require dewatering during construction, increasing groundwater discharge. This groundwater discharge would enter the City sewer system, and would require a Batch Wastewater Discharge permit pursuant to San Francisco Public Works Code Article 4.1. The City's requirements usually consist of a Stormwater Pollution Prevention Plan (SWPPP), including an Erosion and Sediment Control Plan, and a review of the plan by SFPUC. The use of BMPs would also be required during construction and operation of the proposed project. This groundwater discharge would be temporary, and would not generate so much wastewater that new or expanded wastewater facilities would be required.

The proposed project would not substantially increase the amount of impervious surfaces at the project site. Low-impact design features are proposed to capture stormwater runoff. The proposed project would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (Ordinance No. 83-10) requiring a project to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from a project site, and would be designed to meet the San Francisco *2010 Stormwater Design Guidelines*, which would reduce the total stormwater runoff volume and peak stormwater runoff rate through the use of low-impact design approaches and BMPs, including landscape solutions designed to capture rainwater, such as vegetated roof areas. The Project Sponsor would be required to submit a Stormwater Control Plan for SFPUC approval; the plan must comply with the stormwater design guidelines, and implementation of the plan would ensure that the project meets SFPUC performance measures related to stormwater runoff rate and volume. Because the proposed project would not substantially increase the amount of impervious surfaces, it would not create a substantial amount of additional runoff water.

Therefore, while the 950–974 Market Street Project may incrementally increase stormwater and wastewater flows, no expansion of existing facilities or construction of new facilities would be warranted, and the impact would be less than significant.

**Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the proposed project, and approval of the proposed project would not require expansion or construction of new water supply or treatment facilities. (Less than Significant)**

Under Senate Bill 610 and Senate Bill 221.45, all large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand. Under Senate Bill 610, a water supply assessment is required if a proposed project is subject to CEQA, requiring an Environmental Impact Report or Negative Declaration, and includes any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 sf or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have water demand at least equal to a 500-dwelling unit project.

The SFPUC can meet the current and future water demand in years of average or above-average precipitation. It can also meet future water demand in single-dry-year and multiple-dry-year events. With the Water Shortage Allocation Plan in place, and the addition of local supplies developed under the SFPUC Water System Improvement Program, the SFPUC concluded that it has sufficient water available to serve existing customers and planned future uses.<sup>88</sup>

CEQA Guidelines Section 15155 and Sections 10910 through 10915 of the California Water Code require the preparation of a water assessment for certain large projects that meet the definition of a water-demand project to determine whether projected water supplies will be sufficient to satisfy the demands of the project in addition to existing and planned future water use. As the water supplier for the City and County of San Francisco, to comply with CEQA and the California Water Code, the SFPUC is required to prepare

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<sup>88</sup> SFPUC. 2013. *2013 Water Availability Study for the City and County of San Francisco*.

and adopt such a water assessment. The SFPUC's Urban Water Management Plan may be used to support a water assessment, but does not substitute for one.

The SFPUC Commission adopted a water supply assessment for a project consisting of approximately 501,000 gsf, with 312 dwelling units, a 292-room hotel, and approximately 19,000 gsf of retail space.<sup>89</sup> The assessment determined that the projected water supply would be sufficient to satisfy the demands of a project of that size. The proposed project would be smaller in size at approximately 406,000 gsf, with 242 dwelling units, a 232-room hotel, and 16,600 gsf of retail space, and therefore, would have a reduced water demand. This is consistent with the SFPUC's conclusion that it has sufficient water available to serve existing customers and planned future uses, as discussed previously. Therefore, the proposed project would not require new water delivery facilities or systems, the SFPUC water supply is sufficient to meet demands, and the impact would be considered less than significant.

**Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would follow all applicable statutes and regulations related to solid waste. (Less than Significant)**

In September 2015, the City approved an Agreement with Recology, Inc. for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. The City began disposing its municipal solid waste at Recology Hay Road Landfill in January 2016, and that practice is anticipated to continue for approximately nine years, with an option to renew the Agreement thereafter for an additional six years. San Francisco had a goal of 75 percent solid waste diversion by 2010, which it exceeded at 80 percent diversion, and has a goal of 100 percent solid waste diversion or "zero waste" to landfill or incineration by 2020. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris be transported by a Registered Transporter and taken to a Registered Facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. The San Francisco Green Building Code also requires certain projects to submit a Recovery Plan to the Department of the Environment demonstrating recovery or diversion of at least 75 percent of all demolition debris. San Francisco's Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and everyone in the City to separate their recyclables, compostables, and landfill trash.

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<sup>89</sup> SFPUC. 2015. *Water Supply Assessment for the 950-974 Market Street Project*. November 10.

The proposed project would incrementally increase total waste generation from the City; however, the proposed project would be required to comply with San Francisco Ordinance No. 27-06 and 100-09, as described previously. Due to the existing and anticipated increase of solid waste recycling in the City and the Agreement with Recology for diversion of solid waste to the Hay Road Landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing landfills. Thus, the proposed project would have less-than-significant impacts related to solid waste.

**Impact C-UT-1: In combination with past, present, and reasonably foreseeable future development in the project site vicinity, the proposed project would not have a cumulative impact on utilities and service systems. (Less than Significant)**

The proposed project would not substantially impact utility supply or service. Nearby development would not contribute to a cumulatively substantial effect on the utility infrastructure of downtown San Francisco. Furthermore, existing service management plans address anticipated growth in the surrounding area and the region. Therefore, the proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable utilities and service systems impact.

**E.11. PUBLIC SERVICES**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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**PUBLIC SERVICES – Would the project:**

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services such as fire protection, police protection, schools, parks, or other services?
 

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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For a discussion of impacts on parks, refer to Section E.9, Recreation.

**Impact PS-1: The proposed project would increase demand for police protection, fire protection, and other government services, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)**

The San Francisco Fire Department (SFFD) and the Southern District (Tenderloin District) of the San Francisco Police Department (SFPD) operate in the proposed project area. The proposed project site currently receives emergency services from SFFD Station 1 at 935 Folsom at 5th Street, which is 0.4 mile southeast of the project site, and SFPD Tenderloin Station at 301 Eddy Street, which is 650 feet northwest of the project site.<sup>90</sup> The project site is located near and is already served by existing police and fire protection services. Proposed new structures would comply with applicable state and City building and fire codes. The proposed project would incrementally increase service population in the project area; this increase would not be substantial in light of the existing demand for police and fire protection in the City. Approval of the proposed project would not necessitate the construction of new fire or police stations or require the alteration or expansion of existing stations to maintain service ratios. The proposed project would also incrementally increase the demand for other governmental services and facilities, such as libraries. However, this incremental increase would not be to the extent that new or physically altered

<sup>90</sup> SFFD. Online: <http://www.sf-fire.org/>. Accessed on September 16, 2014.

facilities would be required. Therefore, impacts on police, fire, and other governmental services would be less than significant.

**Impact PS-2: The proposed project would not substantially increase the population of school-aged children and would not require new or physically altered school facilities. (Less than Significant)**

A decade-long decline in San Francisco Unified School District (SFUSD) enrollment ended in the 2008–2009 school year, and total enrollment in the SFUSD has increased from approximately 55,000 in 2007–2008 to nearly 57,650 in the 2013–2104 school year. According to a 2010 SFUSD enrollment study, new market-rate condominium units in San Francisco generate very few public school students. In projecting enrollment through 2035, the study used a mix of enrollment factors; for the Market and Octavia and Transbay areas combined, the overall weighted student generation rate was 0.19 Kindergarten through 12th grade students per unit.<sup>91</sup>

The Tenderloin Community Elementary School, at 627 Turk Street (approximately 0.5 mile west of the project site), Bessie Carmichael Elementary School, at 375 7th Street (approximately 0.5 mile south of the project site), and Daniel Webster School, at 465 Missouri Street (approximately 2 miles south of the project site), are the nearest public elementary schools to the project site. The closest middle schools are Everett, approximately 1.75 miles southwest, and Francisco, about 1.8 miles north. Mission, O’Connell, Galileo, and Independent Studies Academy High Schools are all within approximately 2 miles of the site. Nearby private schools include De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (just over two blocks northwest of the project site).

The proposed project would include 242 residential units. Applying the student generation rate of 0.19 to the 242 residential units would result in an anticipated enrollment increase of approximately 46 students. As discussed previously, several schools are located near the project site, and this increase would not exceed the student capacities that are projected and accommodated by the SFUSD, as well as private schools in the project area. Therefore, the proposed project would not necessitate the need for new or physically altered schools.

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<sup>91</sup> California Department of Education, Data Reporting Office, San Francisco Unified School District, K-12 Public School Enrollment, Time Series, 1996-2014. Online: <http://dq.cde.ca.gov/dataquest/DQ/EnrTimeRpt.aspx?Level=District&cYear=2013-14&cname=San%20Francisco%20Unified&cCode=3868478>. Accessed on January 7, 2016.

In addition, the proposed project would be subject to a citywide development impact fee, which requires a payment of \$2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.<sup>92</sup>

In summary, the proposed project would not increase the population of school-aged children to the extent that new school facilities would be required, and would have a less-than-significant impact on schools.

**Impact C-PS-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable impact on public services. (Less than Significant)**

The geographic scope for potential cumulative public services impacts encompasses public service providers in the vicinity of the proposed project. Public services include services provided by the SFPD, SFFD, SFUSD, and City and County of San Francisco. As with the proposed project, other past, present, and future projects within the vicinity would use services provided by these agencies.

Cumulative development in the vicinity could incrementally increase demand for public services, which could result in the need for new or altered government facilities. However, increases in employment, visitor, and resident population associated with the proposed project would not be cumulatively considerable because the increase in demand would not be beyond levels already anticipated and planned for in the vicinity.

For these reasons, the proposed project would not result in a considerable contribution to cumulative public service impacts, and this impact would be less than significant. For a discussion of impacts on parks, refer to Section E.9, Recreation.

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<sup>92</sup> Ibid.

**E.12. BIOLOGICAL RESOURCES**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>BIOLOGICAL RESOURCES –</b>					
<b>Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The 950–974 Market Street Project site are not located within an adopted Habitat Conservation Plan; Natural Community Conservation Plan; other approved local, regional, or state habitat conservation plan; or within federally protected wetlands, as defined by Section 404 of the Clean Water Act. The project area does not contain riparian habitat or other sensitive natural communities or a federally protected wetland. Therefore, topics 12b, 12c, and 12f are not applicable to the proposed project, and will not be discussed further in this section.

**Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (Less than Significant)**

The proposed project area is located in an urban environment with high levels of human activity, and only common bird species are likely to nest in the area. The project site is covered by buildings or paved with impervious surfaces, and thus, any special-status species have been extirpated from this area. The project site does not provide habitat for any rare or endangered plant or wildlife species or diminish habitats. With the exception of trees, the project site does not support or provide habitat for any known rare or endangered species. Seventeen street trees currently exist along the Market Street project frontage, which would all be retained and protected during project construction. Additionally, 14 new street trees would be planted along the Turk Street frontage, where no trees currently exist. A California Natural Diversity Database (CNDDB) search of the project area revealed no occurrences of special-status species within the project area.<sup>93</sup> All development would also be required to comply with the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA), which protect special-status bird species. Therefore, the proposed project would have a less-than-significant impact on special-status species.

**Impact BI-2: The proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (Less than Significant)**

Structures in an urban setting may present risks for migratory birds. The City has adopted guidelines to describe the issue and provide regulations for bird-safe design within the City.<sup>94</sup> The regulations establish bird-safe standards for new building construction, additions to existing buildings, and replacement façades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be “bird hazards.” The two circumstances regulated are (1) location-related hazards, where the siting of a structure creates increased risk to birds (defined as inside or within 300 feet of open spaces 2 acres and larger that are dominated by vegetation or open water) and (2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Standards for location-related hazards for new building construction include façade requirements consisting of no more than 10 percent untreated glazing, and the use of minimal lighting. Lighting that is used shall be shielded, without any uplighting. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and

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<sup>93</sup> California Natural Diversity Database. June 23, 2015.

<sup>94</sup> San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. Adopted by the Planning Commission on July 14, 2011. Ordinance No. 199-11, adopted by the Board of Supervisors on October 7, 2011. Online: <http://www.sf-planning.org/index.aspx?page=2506>. Accessed on September 18, 2013.

greenhouses on rooftops that have unbroken glazed segments 24 sf and larger in size. Any structure that contains these elements shall treat 100 percent of the glazing.

The proposed project could contain feature-related hazards, which may create increased risk to birds regardless of where the structure is located. The proposed project would comply with Planning Code Section 139, as well as the California Fish and Game Codes and the MBTA, which protect special-status bird species. Therefore, impacts of the proposed project related to bird strikes would be considered less than significant, and no mitigation measures are necessary. The proposed project would not interfere with the movement of any native resident or wildlife species or with established native resident or migratory wildlife corridors. Therefore, the proposed project would result in a less-than-significant impact on migratory species movement.

**Impact BI-3: The proposed project would not conflict with local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. (Less than Significant)**

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees, collectively referred to as “protected trees,” located on private and public property. The San Francisco Board of Supervisors adopted legislation that amended the City’s Urban Forestry Ordinance, Public Works Code Section 801 et seq., to require a permit from the DPW to remove any protected trees.<sup>95</sup> If any activity is to occur within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arborists-certified arborist is to be submitted to the Planning Department for review and approval. All permit applications for projects that could potentially impact a protected tree must include a Planning Department “Tree Disclosure Statement.” Article 16 of the San Francisco Public Works Code, the Urban Forestry Ordinance, provides for the protection of landmark, significant, and street trees. Landmark trees are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designations by using established criteria (Section 810). Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that meet any of three size criteria. The size criteria for significant trees are a diameter at breast height in excess of 12 inches, or a height in excess of 20

<sup>95</sup> San Francisco Planning Department. Required Checklist for Tree Planting and Protection. Online: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>. Accessed on September 12, 2014.

feet, or a canopy in excess of 15 feet (Section 810[A])[a]). A street tree is any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the DPW (Section 802[w]). If a project would result in tree removal subject to the Urban Forestry Ordinance and the DPW would grant a permit, the DPW shall require that replacement trees be planted (at a one-to-one ratio) by the Project Sponsor or that an in-lieu fee be paid by the Project Sponsor (Section 806[b]).

In accordance with Planning Code Section 138.1, Streetscape and Pedestrian Improvements, and Public Works Code Section 801 et seq., which require that street trees be planted with construction of a new building in any district, the proposed project would include 14 new street trees along Turk Street. The 17 existing street trees along the Market Street frontage would be retained. If any construction activity would occur within the dripline of any protected tree, an International Society of Arboriculture-certified arborist must prepare a tree protection plan, and the plan must be submitted to the Planning Department for review and approval before a building permit is issued. Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that are greater than 20 feet in height or meet the other previously described criteria. Therefore, the proposed project would not conflict with any local policy or ordinance protecting biological resources, and no impact would occur.

**Impact C-BI-1: The proposed project, in combination with other past, present, or reasonably foreseeable projects, would not result in a considerable contribution to cumulative impacts on biological resources. (Less than Significant)**

As stated previously, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, or interfere with the movement of native resident or wildlife species. Similar to the proposed project, cumulative developments in the project area would be required to comply with the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq. and apply for a tree removal permit with the DPW (including requirements for tree replacement or in-lieu fees) if those projects propose tree removal. In the event any cumulative projects would have biological impacts, the proposed project would not contribute in a cumulatively considerable way that would affect a rare or endangered species or habitat, or conflict with any local, regional or state habitat conservation plan or ordinance. For these reasons, the proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant biological resources impacts.

**E.13. GEOLOGY AND SOILS**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>GEOLOGY AND SOILS – Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography of any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to the combined sewer system, which is the wastewater conveyance system for San Francisco, and would not use septic tanks or other on-site land disposal systems for sanitary sewage. Therefore, topic 13e is not applicable to the proposed project.

**Impact GE-1: The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic groundshaking, seismically induced ground failure, or landslides. (Less than Significant)**

Treadwell & Rollo conducted a geotechnical investigation for the project site.<sup>96</sup> The following discussion relies on information provided in the geotechnical investigation.

One geotechnical boring to a depth of approximately 8 feet below the slab of the existing parking structure basement and one cone penetrometer test to a depth of 27 feet below the top of the slab were completed at the project site. The results of the boring, cone penetration test, and investigation indicate that the site is generally underlain by fill, which extends approximately 19 to 23 feet below adjacent sidewalk grade. The fill consists of very loose to medium dense sand. The fill is generally underlain by loose to medium dense sand, typically referred to as dune sand. The dune Sand is underlain by approximately 3 feet of a marsh deposit, generally consisting of soft to medium stiff clay and silty clay. In other locations in the site vicinity, the marsh deposit is up to 7 feet thick, and includes loose to medium dense silty and clayey sand. The marsh deposit and/or dune Sand is underlain by stiff to very stiff clays and silts with varying amounts of medium dense sand, clayey sand, and silty sand. Dense to very dense sand and silty sand is present approximately 25 to 39 feet below adjacent street grade.

Groundwater has been measured at and adjacent to the project site at depths ranging from approximately 25 feet below adjacent sidewalk grade in 1964 (prior to construction of BART) to 34 feet below grade in 2013.<sup>97</sup> It is understood that since construction of the BART tunnel, the site vicinity has been dewatered; therefore, the groundwater is presently lower than was measured in 1964.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone, and no active or potentially active faults exist on or in the immediate vicinity of the site. The nearest mapped active fault is the N. San Andreas Peninsula Fault, which is located approximately 7.5 miles to the west.<sup>98</sup>

During a major earthquake located on a nearby fault, strong to very strong groundshaking is expected to occur at the project site. However, the project would not expose people or structures to substantial adverse

<sup>96</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>97</sup> SFD, or San Francisco City Datum, establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level (MSL) established by 1929 U.S. Geological Survey datum, and approximately 11.3 feet above the current 1988 North American Vertical Datum. Because tides are measured from mean lower low water, which is about 3.1 feet below MSL, an elevation of 0 SFD, is approximately 8.2 feet above MSL.

<sup>98</sup> State of California Department of Conservation. Alquist-Priolo Regulatory Maps. Online: <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>. Accessed on September 12, 2014.

effects due to this groundshaking because the project would be designed and constructed in accordance with the most current San Francisco Building Code. The San Francisco Building Code also incorporates California Building Code requirements. The California Building Code defines various seismic sources, as well as calculations used to determine force exerted on structures during groundshaking events. The Preliminary Geotechnical Investigation for the site concluded that for a design in accordance with the San Francisco Building Code, a site class D-level design should be used. The investigation determined that the primary foundation concern is the presence of the MUNI and BART tunnels, and that a mat foundation would be appropriate for foundation support.<sup>99</sup>

The project site lies within an area that has liquefaction potential, identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990,<sup>100</sup> and could experience the effects of liquefaction. According to the Preliminary Geotechnical Investigation for the site, approximately 1.5 inches of liquefaction-induced total settlement may occur in the isolated areas of the site. Differential settlements equivalent to total settlements may occur over short distances. However, the Preliminary Geotechnical Investigation completed for the site determined that while potentially liquefiable soil was encountered in a previous boring taken from the site, it is anticipated that the soil is only present in isolated areas within the vicinity of the site, and should not adversely affect overall site response during an earthquake event. Foundation considerations previously discussed would therefore be sufficient to alleviate the adverse effects of liquefaction.

According to the geotechnical investigation, the potential for lateral spreading on the project site is classified as low. Furthermore, it is not located in a mapped area of earthquake-induced landslide susceptibility, as identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990.<sup>101</sup>

Therefore, the proposed project would not result in exposure of people and structures to potential substantial adverse effects. Impacts from seismic events or geologic hazards would be considered less than significant.

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<sup>99</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>100</sup> California Department of Conservation, Division of Mines and Geology. 2000. *State of California Seismic Hazard Zones, City and County of San Francisco, Official Map*. November 17,

<sup>101</sup> *Ibid.*

**Impact GE-2: The proposed project would not result in substantial erosion or loss of topsoil, nor would they change substantially the topography of any unique geologic or physical features of the site. (Less than Significant)**

The proposed project site is built out and covered with impervious surfaces, including various buildings, streets, and sidewalks. Therefore, the proposed project would not result in the loss of topsoil. Construction of the proposed project would require excavation to a depth of approximately 35 feet bgs. Site preparation and excavation activities could create the potential for wind- and water-borne soil erosion. However, the project site is flat, and the proposed project would affect only relatively small areas where site soils would be exposed; therefore, substantial erosion and loss of soil would not be expected to occur. Furthermore, the Project Sponsor would be required to implement an Erosion and Sediment Control Plan during construction activities, in accordance with Article 4.1 of the San Francisco Public Works Code (discussed in E.14, Hydrology and Water Quality), to reduce the impact of runoff from the construction site. The SFPUC must review and approve the Erosion and Sediment Control Plan prior to implementation, and would conduct periodic inspections to ensure compliance with the plan. As the site is generally flat, minor grading activities would not change the site topography or remove any unique geological features. Therefore, impacts of the proposed project related to soil erosion and loss of topsoil would be less than significant.

**Impact GE-3: The proposed project site would not be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project. (Less than Significant)**

Ground settlement could result from excavation for construction and from construction dewatering. The preliminary geotechnical evaluation conducted at the site recommends support of the sides of the excavation, adjacent buildings, streets, and utilities during construction of the basement level to address potential impacts of excavation and dewatering. The San Francisco DBI would review the detailed geotechnical report to ensure that the potential settlement and subsidence impacts of excavation and dewatering are appropriately addressed in accordance with Section 1704.15 of the *San Francisco Building Code*. DBI would also require that the report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the Project Sponsor to perform this monitoring. Groundwater observation wells could be required to monitor potential settlement and subsidence during dewatering. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, corrective actions would be used to halt this settlement. Groundwater recharge could be used to halt settlement due

to dewatering. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required. Therefore, impacts related to unstable soils at the project site would be less than significant.

**Impact GE-4: The proposed project would not create substantial risks to life or property as a result of being located on expansive soil. (Less than Significant)**

Soils located beneath urban built-out areas are generally not highly susceptible to the effects of expansive soils. Because the artificial fill and dune sand found beneath the project site do not contain high proportions of clay particles that can shrink or swell with changes in moisture content, expansive soils are not anticipated to be found within the project site. In addition, urban built-out areas are generally not as susceptible to the effects of expansive soils.

BART and Muni rail tunnels underlie Market Street adjacent to the project site. The location of these tunnels in relation to the excavation and foundation installation for the proposed project would be taken into consideration during the foundation construction design. The Preliminary Geotechnical Investigation conducted for the site determined that foundation piles should extend approximately 40 to 65 feet, as measured from the basement slab.<sup>102</sup> BART has developed the following guidelines for construction which would be consulted prior to the design phase.<sup>103</sup>

1. The BART Zone of Influence (ZOI) is defined as the area above a line from the critical point of the substructure at a slope of 1.5 horizontal to 1 vertical.
2. Soil redistribution caused by temporary shoring or permanent foundation systems shall be analyzed.
3. Shoring shall be required to maintain soil's at-rest condition; shoring structure shall be monitored for movement.
4. Minimum predrilled depth for piles shall be approximately 10 feet below the line of influence.
5. Vibration monitoring of piling operations closest to the subway will be required; piles to be driven in a sequence away from the subway structure.
6. Tunnels, where affected, shall be monitored for movement and deformation due to adjacent construction activities as to ensure structural and operation safety.

<sup>102</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>103</sup> BART. 2003. *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*. July 23.

7. Dewatering shall be monitored for changes in groundwater level; recharge program will be required if existing groundwater level is expected to drop more than 2 feet.
8. Where basements are excavated, the amount of loading (on subway) can be increased to the extent it is balanced by the weight of the removed material; however, the effect of soil rebound in such cases shall be fully analyzed.
9. All structures shall be designed so as not to impose any temporary or permanent adverse effects, including unbalanced loading and seismic loading, on the adjacent BART subways.<sup>104</sup>

It is anticipated that the BART ZOI partially extends into the project site, and the previously described BART guidelines must be considered. Also, a plan review is necessary for any construction on, or adjacent to, the BART right-of-way prior to construction, and the geotechnical investigation, as well as the structural plans and calculations for the project, would be reviewed by BART and SFMTA during the final design phase. Additionally, the Project Sponsor would submit engineering calculations to demonstrate that the proposed project would not adversely affect the BART and Muni stations or tunnels.

Therefore, the proposed project would not create substantial risk to life or property related to the presence of the BART and Muni tunnels adjacent to the site, and the impact would be less than significant.

**Impact GE-5: The proposed project could result in damage to, or destruction of, an as-yet unknown unique paleontological resource or site or unique geologic feature. (Less than Significant with Mitigation)**

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geological formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable, and impact-sensitive scientific and educational resource. No unique geologic features exist at the project site.

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<sup>104</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

Previous projects reviewed in the vicinity, including the Mason and Turk Residential Mixed-Use Project<sup>105</sup> and the 5M project,<sup>106</sup> concluded that the Colma Formation is present at various depths ranging from approximately 22 feet bgs to 35 feet bgs, and is known to potentially contain paleontological resources.

Subsurface construction for the proposed project would require excavation to a depth of approximately 35 feet for basements and the single-level with mezzanine below-grade parking garage. The project site is generally underlain by fill, which extends to approximately 19 to 23 feet bgs. The fill is then underlain by Dune Sand, which is subsequently underlain by marsh deposits and clays. There is also potential to encounter the Colma Formation as described previously. While the Preliminary Geotechnical Investigation for the project site did not conclude that the Colma Formation was present underlying the site, it has been identified at other project sites in the vicinity. Therefore, paleontological remains could be encountered during excavation associated with the proposed project. This is considered a potentially significant impact. However, Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would apply to any components of the project resulting in soil disturbance below the ground surface. This measure requires, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. With implementation of Mitigation Measure M-GE-5, the proposed project would result in less-than-significant impacts on paleontological resources.

#### **Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

<sup>105</sup> San Francisco Planning Department. 2015. *Final Mitigated Negative Declaration. Mason and Turk Residential Mixed-Use Project*. March 25, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2012.0678E.

<sup>106</sup> San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.<sup>107</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

**Impact C-GE-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative impacts related to geologic hazards. (Less than Significant)**

Geologic impacts are usually site-specific, and the 950–974 Market Street Project would have no potential of cumulative effects with other projects. Cumulative development would be subject to the same standards, requirements, and design reviews as the proposed project. These measures would reduce the geologic effects of cumulative projects to less-than-significant-levels.

For these reasons, the proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant geology and soils impacts.

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<sup>107</sup> Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft)*. Society of Vertebrate Paleontology News Bulletin 166:31-32.

**E.14. HYDROLOGY AND WATER QUALITY**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>HYDROLOGY AND WATER QUALITY –</b>					
<b>Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project site is not located within a 100-year Flood Hazard Zone,<sup>108</sup> a dam failure area,<sup>109</sup> or a tsunami hazard area.<sup>110</sup> No mudslide hazards exist on the proposed project site because this part of the City is not located near any landslide-prone areas.<sup>111</sup> A seiche is an oscillation of a waterbody, such as a bay, that may cause local flooding. A seiche could occur in the San Francisco Bay due to seismic or atmospheric activity. However, the proposed project site is located approximately 1.2 miles from San Francisco Bay, and thus, would not be subject to a seiche. Therefore, topics 14g, 14h, 14i, and 14j are not applicable to the proposed project.

**Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements, substantially degrade water quality, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant)**

Wastewater resulting from the proposed project would flow to the City's combined stormwater and sewer system, which is designed to collect and treat both sanitary sewage and rainwater runoff. Wastewater would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area RWQCB, and therefore, the proposed project would not conflict with RWQCB requirements.

Proposed project construction could have the potential to result in runoff of surface water containing sediments and other pollutants from the site, which could drain into the combined sewer and stormwater system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. However, to minimize the potential for sediments and other pollutants to enter the combined system, a SWPPP—which includes an Erosion and Sediment Control Plan and BMPs—would be prepared by the Project Sponsor to reduce impacts from construction-related activities to a less-than-significant level. In addition, the proposed project would be required to comply with the Maher Ordinance, which has further site management and reporting requirements for potential hazardous soils.

The existing project site is completely covered with a surface parking lot over a below-grade parking structure, and four buildings that are either vacant or partially occupied with retail and office uses. The proposed project footprint would also completely cover the project site; thus, no substantial increase in

<sup>108</sup> Federal Emergency Management Agency. 2007. *Draft Special Flood Hazard Areas (San Francisco)*. September 21.

<sup>109</sup> City of San Francisco. 2012. *General Plan*. Community Safety Element, October 2012, Map 6.

<sup>110</sup> Ibid, Map 5.

<sup>111</sup> Ibid, Map 4.

impervious surfaces would occur. Furthermore, the proposed project would be designed to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (Ordinance No. 83-10), requiring development to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from the project site. To achieve this the proposed project would implement the use of low-impact design features, including landscape solutions, designed to capture stormwater runoff, such as vegetated roof areas. Therefore, while the proposed project may incrementally increase stormwater runoff, it would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would have a less-than-significant impact.

**Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (Less than Significant)**

The existing project site is completely covered with four buildings and a surface parking lot over a below-grade parking structure, greatly limiting the amount of surface that water could infiltrate to the groundwater. The proposed project would not result in an increase in impervious surface. Groundwater could potentially be encountered, as excavation would occur to depths of approximately 35 feet bgs, and groundwater was previously observed at a depth of 34 feet bgs in 2013.<sup>112</sup> However, the area was dewatered during the previous construction of the BART tunnel, lowering the depth of shallow groundwater. Furthermore, the proposed project would be required to comply with all applicable regulations, including the San Francisco Stormwater Management Ordinance. The proposed project would not result in the use of groundwater; if groundwater were to be encountered, construction dewatering would be implemented. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

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<sup>112</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

**Impact HY-3: The proposed project would not result in alterations to the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. (Less than Significant)**

The project site is located in downtown San Francisco, and thus, no streams or rivers exist at the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area.

Construction activities would create the potential for erosion and transportation of soil particles off site through excavation and grading activities. However, as discussed previously in Impact HY-1, the Project Sponsor would be required to develop and implement a SWPPP to minimize the potential for on- or off-site erosion or siltation, reducing impacts from construction related-activities to a less-than-significant level. Furthermore, the proposed project would not result in a substantial increase in impervious surfaces, and therefore, would not substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding beyond current conditions. The proposed project would also include low-impact design features, such as a landscaped roof, designed to capture and minimize stormwater runoff. Therefore, impacts related to erosion and surface runoff resulting in flooding would be less than significant.

**Impact C-HY-1: The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would not have a cumulative impact on hydrology and water quality. (Less than Significant)**

Cumulative development within the vicinity of the proposed project would result in intensified uses and a cumulative increase in wastewater generation. However, the SFPUC has accounted for such growth in its service projections. Any development in the vicinity would be required to implement an Erosion and Sediment Control Plan—including BMPs—to minimize stormwater runoff, and comply with the City's Stormwater Management Ordinance and all other applicable water quality regulations. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable hydrology and water quality impacts.

**E.15. HAZARDS AND HAZARDOUS MATERIALS**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>HAZARDS AND HAZARDOUS MATERIALS –</b>					
<b>Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The 950–974 Market Street Project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 15e and 15f are not applicable to the proposed project.

**Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, or disposal of hazardous materials. (Less than Significant)**

The proposed project would be in the C-3-G Downtown General Commercial and C-3-R Downtown Retail Use Districts. As described in Section A, Project Description, the C-3 districts are composed of a variety of uses, and would not change with approval of the proposed project. The primary use of hazardous materials

for the proposed project would most likely be for building maintenance, particularly cleaning. These materials would be properly labeled, to inform the user of potential risks as well as handling procedures. The majority of these hazardous materials would be consumed upon use, and would produce very little waste. Any hazardous wastes that are produced would continue to be managed in accordance with Article 22 of the San Francisco Health Code. In addition, transportation of hazardous materials would be regulated by the California Highway Patrol and the California Department of Transportation. These hazardous materials are not expected to cause any substantial health or safety hazards. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials would be less than significant.

**Impact HZ-2: The proposed project would not create a potentially significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, including within 0.25 mile of a school. (Less than Significant with Mitigation)**

The proposed project would result in demolition of existing buildings and subsequent construction. Demolition and construction activities would follow all appropriate standards and regulations for hazardous materials, including the California Health and Safety Code. The nearest schools to the project site are two private schools, including De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (approximately two blocks northwest of the project site), both within 0.25 miles of the project site. Other nearby schools include Tenderloin Community Elementary School, which is located approximately 0.5 mile to the west, and Bessie Carmichael School, which is approximately 0.5 mile to the south.

Harris & Lee Environmental Sciences, LLC conducted two Phase I Environmental Site Assessments (ESAs) at the project site—one for 950–964 Market Street<sup>113</sup> and one for 966–974 Market Street.<sup>114</sup> The Phase I ESAs were conducted to provide a record of conditions at the subject property and to evaluate what, if any, environmental issues exist at the project site. The Phase I ESAs assessed the potential for adverse environmental impacts from the current and historical practices on the site and the surrounding area. The Phase I ESAs recognized no environmental conditions, including any known hazardous materials releases or hazardous conditions in connection with past and present uses for the project site.

<sup>113</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102*. September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

<sup>114</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 966-974 Market Street, San Francisco, CA, APN 0342-002, -004, and -014*. May 30. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

Currently, Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Although the Phase I ESAs recognized no environmental conditions for the project site, the site assessment did not include evaluation of asbestos or lead-based paint in its scope, as signs of these substances were not observed. Should these substances be found during soil sampling, project construction, and/or demolition, all appropriate procedures would be followed. Other hazardous building materials that could be present within the proposed project area, but were not identified in the Phase I ESAs, include electrical transformers containing polychlorinated biphenyls (PCBs), fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. Disruption of these materials could pose health concerns for construction workers if not properly handled or disposed of. However, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would require that the presence of such materials be evaluated prior to demolition or renovation. If such materials are found present, Mitigation Measure M-HZ-2 requires that these materials be properly handled and disposed of. With implementation of Mitigation Measure M-HZ-2, potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

#### **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

**Impact HZ-3: The proposed project would not be constructed on a site identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Less than Significant)**

The proposed project would not be on sites identified as hazardous material sites pursuant to Government Code Section 65962.5. According to the RWQCB's GeoTracker online database, no sites that give any indication of significant environmental impacts are present within the proposed project boundaries. Sites previously identified as Leaking Underground Storage Tank cleanup sites are present in surrounding areas; however, those sites have since been designated as completed-case closed, and have been remediated to the satisfaction of the applicable regulatory authority (SWRQCB or DTSC).<sup>115</sup> As previously mentioned, the Phase I ESAs prepared for the project site identified no evidence of recognized environmental conditions.<sup>116</sup> From the 1880s through early 1900s, the project site was developed with commercial structures, including hotels, salons, beer halls, stores, and offices (see Table 8, Historical Land Uses). The current structures at the project site were built between 1907 and 1929. From 1948 through the present, the project site has been occupied by multiple stores.

**TABLE 8: HISTORICAL LAND USES**

Address	Ground Floor			Upper Floor(s)		
	Original Use	Subsequent Uses	Current Use	Original Use	Subsequent Uses	Current Use
950-964 Market Street	6 Retail Stores	Restaurants Bar (Old Crow) Retail	Paycheck Loan Retail Sunglass Beauty Parlor Wig Store Cell Phones	Offices	Dental Offices	Social Services
966-970 Market	Unknown	Retail/Bar	Vacant	Unknown	Unknown	Vacant
972 Market	Restaurant	Artist Studios General Store Pacific Theatre Jewelry/Pawn	Vacant	Apartments	Avery Hotel Carson Hotel	Vacant
974 Market	Unknown	Unknown	Vacant/Storage	Unknown	Unknown	Vacant
61-67 Turk	Retail	Parking Garage	Parking Garage	The Porter Hotel	N/A	N/A

Source: EEA Supplemental Information, Mid Market Center, LLC

<sup>115</sup> California State Water Resources Control Board. GeoTracker. Online: <http://geotracker.waterboards.ca.gov>. Accessed on September 18, 2014.

<sup>116</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102*. September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

The SFDPH has jurisdiction over areas likely to contain 1906 earthquake rubble (historical landfill) under Article 22A of the San Francisco Health Code (also known as the Maher Ordinance). Historical landfill typically contains a high lead concentration due to lead-based paint, and SFDPH requires soil sampling if a project requires excavation. The project site is located near historical landfill areas; a large area of known fill is directly across the street. Because the proposed project would necessitate excavation, the project would be subject to the Maher Ordinance, and soil sampling and/or soil remediation may be required.<sup>117</sup>

To enable SFDPH to determine if soil sampling is required, the Project Sponsor has submitted a Maher Application to the SFDPH in accordance with Article 22A. SFDPH review of the application and associated documents, including the Phase I ESAs, Limited Environmental Site Characterization, and Preliminary Geotechnical Investigation, determined that some of the fill material contains elevated soluble lead at concentrations exceeding State of California hazardous waste levels, and requires additional investigation. The SFDPH requests that a complete Phase II Site Characterization and Work Plan be submitted once on-site buildings have been demolished. The Project Sponsor would also be required to submit a site mitigation plan (SMP) to SFDPH or other appropriate state or federal agencies, and to remediate any site contamination in accordance with an approved SMP prior to the issuance of the building permit. The proposed project would be required to remediate potential contamination in accordance with Article 22A. Because the aforementioned documents would be prepared, and remediation activities would be conducted at the site, the proposed project would not result in a significant hazard to the public or environment from site contamination, and the impact would be less than significant.

**Impact HZ-4: Approval of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. (Less than Significant)**

San Francisco ensures fire safety through provisions of the Building and Fire Codes. The additional residents, employees, and visitors could contribute to congestion if an emergency evacuation of the greater downtown area were required. However, Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (defined as taller than 75 feet), such as the proposed project, “establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division.” Additionally, construction would conform to the provisions of the Building Code and Fire Code, which require additional life-safety protections for high-rise buildings. Final building plans would be reviewed by the San Francisco Fire Department and DBI to

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<sup>117</sup> Ibid.

ensure conformance with the applicable life-safety provisions, including development of an emergency procedure manual and an exit drill plan. Furthermore, the proposed project is not within a fire hazard severity zone.<sup>118</sup> Therefore, the proposed project would not obstruct implementation of the City's Emergency Response Plan, and potential emergency response and fire hazard impacts would be less than significant.

**Impact C-HZ-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not result in a considerable contribution to cumulative impacts related to hazardous materials. (Less than Significant)**

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. The proposed project would not have a significant impact on hazardous material conditions at the project site or in the vicinity. Although the 950–974 Market Street Project could result in potential impacts related to the use of hazardous materials, conducting construction activities within potentially contaminated soil, and demolition of structures that contain hazardous building materials, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, and conformance to applicable regulatory requirements would reduce those impacts to less-than-significant levels. Furthermore, any potential impacts would be primarily restricted to the project site and the immediate vicinity. No other developments in the proposed project vicinity would contribute considerably to cumulative effects. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hazards and hazardous materials impact.

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<sup>118</sup> California Department of Forestry and Fire Protection. 2007. Draft Fire Hazard Severity Areas in LRA, San Francisco (Map). September 17.

**E.16. MINERAL AND ENERGY RESOURCES**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>MINERAL AND ENERGY RESOURCES –</b>					
<b>Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The 950–974 Market Street Project site are designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>119</sup> This designation indicates that there is insufficient information available to designate as any other MRZ, and therefore, it is assumed that no significant mineral deposits exist. Furthermore, according to the *San Francisco General Plan*, no significant mineral resources exist in all of San Francisco.

Therefore, topics 17a and 17b are not applicable to the proposed project.

**Impact ME-1: The proposed project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these resources in a wasteful manner. (Less than Significant)**

The proposed project would be in downtown San Francisco, where there are existing buildings and infrastructure, and would be served by the existing utilities. As stated in the analysis in Section E.10, Utilities and Service Systems, adequate water supplies exist to serve the proposed project. In addition, the proposed project is located in a developed urban area that is served by multiple transit systems. Use of these transit systems by residents, visitors, and employees would reduce the amount of fuel expended in private automobiles. The proposed project’s energy demand would be typical for a development of this scope and nature, and would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by DBI. The proposed project would also

<sup>119</sup> California Division of Mines and Geology. Open File Report 96-03 and Special Report 146 Parts I and II.

be required to comply with the City's Green Building Ordinance, as outlined in Chapter 7 of the Environment Code. Therefore, the energy demand associated with the proposed project would not result in a significant impact.

**Impact C-ME-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative mineral and energy impacts. (Less than Significant)**

The geographic scope for potential cumulative impacts on energy resources impacts encompasses the SFPUC water and power supply system. SFPUC supplies the City and County of San Francisco, as well as others in the region, with water and power. Similar to the proposed project, projects within the vicinity or the region would require the use of fuel, water, or energy.

Cumulative projects in the area would be required to comply with the City's Green Building Ordinance and Title 24 of the California Code of Regulations, enforced by DBI. Because these building codes encourage sustainable construction practices related to planning and design, energy efficiency, and water efficiency and conservation, energy consumption would be expected to be reduced compared to conditions without such regulations. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact related to mineral and energy resources.

**E.17. AGRICULTURE AND FOREST RESOURCES**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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**AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526),	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project are within an urbanized area in the City and County of San Francisco that does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Therefore, topics 17a, b, c, d, and e are not applicable to the proposed project.

**E.18. MANDATORY FINDINGS OF SIGNIFICANCE**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>MANDATORY FINDINGS OF SIGNIFICANCE –</b>					
<b>Would the project:</b>					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As discussed in the previous sections, the proposed project is anticipated to have only less-than-significant impacts in the areas discussed. The foregoing analysis identifies potentially significant impacts related to cultural resources, noise, air quality, geology and soils, and hazardous materials, which would be mitigated through implementation of mitigation measures, as described in the following paragraphs and in more detail in Section F, Mitigation Measures and Improvement Measures.

As described in Section E.3, Cultural Resources, the proposed project could result in a substantial adverse change on historic and archeological resources. In addition, the proposed project could disturb human remains. Implementation of Mitigation Measures M-CR-1, Vibration Monitoring and Management Plan, M-CR-2, Archeological Testing, and M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce the impacts to less-than-significant levels. Therefore, the proposed project would not result in a significant impact through the elimination of important examples of major periods of California history or prehistory.

As described in Section E.5, Noise, construction noise impacts could have potentially significant impacts on nearby sensitive receptors. Because the proposed project would require pile driving, Mitigation Measure

M-NO-2 would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level.

As described in Section E.8, Air Quality, the proposed project could result in construction emissions impacts on nearby sensitive receptors and introduce a new source of toxic air contaminants within the project vicinity. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the impacts to less-than-significant levels.

As described in Section E.13, Geology and Soils, proposed project development could potentially encounter and damage or destroy unknown unique paleontological resources and/or unique geologic features. Implementation of Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would require, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. Implementation of this measure would ensure that potential impacts related to paleontological resources would be reduced to a less-than-significant level.

As described in Section E.15, Hazards and Hazardous Materials, potential development could create a potentially significant hazard involving the release of hazardous materials into the environment. Implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would ensure that potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

Both long-term and short-term environmental effects—including substantial adverse effects on human beings—associated with the proposed project would be less than significant, as discussed under each environmental topic. Each environmental topic area includes an analysis of cumulative impacts based on land use projects; compliance with adopted plans, statutes, and ordinances; and currently proposed projects.

## F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

### F.1. MITIGATION MEASURES

The following mitigation measures have been adopted by the Project Sponsor and are necessary to avoid potentially significant impacts of the proposed project:

#### **Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

#### **Mitigation Measure M-CR-2: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>120</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>121</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

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<sup>120</sup> The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>121</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.

If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.

- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

### **Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program**

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.

If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

### **Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving**

Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation

measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.
- The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.
- The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.
- The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

#### **Mitigation Measure M-AQ-2: Construction Air Quality**

The Project Sponsor or the Project Sponsor’s contractor shall comply with the following:

##### **A. Engine Requirements**

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs

in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

**B. Waivers**

1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

**Off-Road Equipment Compliance Step-down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.

\* Alternative fuels are not a VDECS.

- C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
  2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.
  3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

**Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

The Project Sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same

particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

#### **Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.<sup>122</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

#### **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light

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<sup>122</sup> Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft)*. Society of Vertebrate Paleontology News Bulletin 166:31-32.

ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

## F.2. IMPROVEMENT MEASURES

Additionally, the Project Sponsor has agreed to implement the following improvement measures:

### **Improvement Measure I-CR-1a: Interpretive Program**

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco

Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the *Citywide LGBTQ Historic*

*Context Statement* may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of a the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

**Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

**Improvement Measure I-TR-1a: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building’s TDM program:

- TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from

building occupants and City of San Francisco staff. The TDM Coordinator will provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

- Transportation and Trip Planning Information
  - Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.
  - Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

**Improvement Measure I-TR-1b: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.
- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an “extended period of time” shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated

passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant’s evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

#### **Improvement Measure I-TR-1c: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

#### **Improvement Measure I-TR-1d: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building’s garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

**Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

**Improvement Measure I-TR-1f: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.
- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
- Identifying routes for construction-related trucks to utilize during construction.
- Requiring consultation with the 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.
- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction

vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

**Improvement Measure I-TR-4a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

**Improvement Measure I-TR-4b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

**Improvement Measure I-TR-4c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

**Improvement Measure I-TR-4d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

**Improvement Measure I-TR-4e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

#### **Improvement Measure I-TR-4f: Queue Abatement**

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.
- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.
- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.
- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the

west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.
- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.
- If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be

determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

## G. PUBLIC NOTICE AND COMMENT

### COMMENTS RECEIVED IN RESPONSE TO NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW

This ~~Preliminary~~ Mitigated Negative Declaration (PMND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. A “Notification of Project Receiving Environmental Review” was mailed on August 26, 2014, for the previous iteration of the project; the comments received regarding physical environmental effects that may still be relevant to the project, as described in the project description, are presented below.

The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has submitted a revised project description that does not depend on such districts. Given that the project description changed substantially, this new PMND was prepared. A new “Notification of Project Receiving Environmental Review” for the updated project description was mailed on March 30, 2016, to community organizations, tenants of the affected property and adjacent properties, and owners of property within 300 feet of the project site. Comments received regarding physical environmental effects related to the proposed project are also presented below.

- Request for the evaluation of the buildings at 950–974 Market Street in light of new information provided in the recently adopted LGBTQ Historic Context Statement.
- Examination of project design and impacts from employee/delivery entrances and passenger loading/unloading on pedestrian traffic flow.
- Impacts on public transit, housing, childcare, etc., regarding Section 303(g) (Hotels and Motels).
- Request for information regarding the relationship between the proposed Central SOMA Area Plan and the proposed project.
- Request for specific information on how shadows will be cast and their effect on residences, parks, and open spaces in the area.
- Request for analysis of what effect the 950–974 Market Street Project would have on strong winds in the project area.

- Request for analysis of conflicts with passenger loading/unloading area and Market Street restrictions.
- Request for a supplemented cumulative projects list from the 1125 Market Street Project.

To the extent that these comments relate to the physical effects of the environment, they are addressed under Sections E.1, Land Use and Land Use Planning, E.3, Population and Housing, E.4 Cultural Resources, E.5, Transportation and Circulation, and E.9, Wind and Shadow.

## **H COMMENTS RECEIVED IN RESPONSE TO THE PMND**

During the Preliminary Mitigated Negative Declaration (PMND) appeal period, the Planning Department received three comment letters regarding the PMND from Tenderloin Neighborhood Development (July 26, 2016); Central City SRO Collaborative (July 16, 2016); and De Marillac Academy (July 26, 2016). Concerns related to physical environmental effects including construction impacts and aesthetics impacts. The PMND found that construction effects related to noise, air quality, cultural resources, paleontological resources, and hazardous materials would be less than significant or would be less than significant with mitigation measures that would be required of the proposed project. Construction impacts would be mitigated by Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan, Mitigation Measure M-CR-2: Archeological Testing, Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program, Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving, Mitigation Measure M-AQ-2: Construction Air Quality, Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery, and Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement.

In regards to potential aesthetic impacts or impacts of the project on the character of the vicinity, pursuant to Public Resources Code 21099(d), aesthetic impacts are not to be considered significant CEQA impacts for mixed-use residential development projects on in-fill sites in a transit priority area. The proposed project meets these criteria, as discussed on page 32 of the MND.

Comments related to topics outside the scope of CEQA were also received. These comments concerned socioeconomic issues such as displacement of existing low-income residents and the rise in housing costs due to increased development of market-rate housing. Environmental analysis under CEQA is required to focus on the direct and indirect physical changes to the environment that could reasonably result from a proposed project. Economic or social effects of a project are not considered significant environmental impacts, unless they lead to physical changes in the environment (CEQA Guidelines 15131). Accordingly, the displacement issue addressed 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 MND, the project site does not contain any

existing residential units and the proposed project would not result in any direct displacement of low-income residents. The possibility that the proposed project would contribute to rising housing costs is speculative with regard to potential physical changes that would result, and therefore is not a physical environmental effect subject to analysis under CEQA.

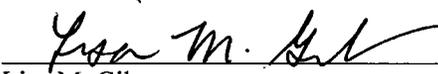
Additional comments received questioned the community benefits package being provided as part of the project and design compatibility with the existing neighborhood. Those comments on the merits of the project that are not related to environmental analyses topics were considered by the Planning Commission in their review of approval actions for the proposed project.

An appeal of the PMND was filed on July 26, 2016. On November 17, 2016 the San Francisco Planning Commission adopted the motion to uphold the PMND.

**H. DETERMINATION**

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Date 11/17/16

  
\_\_\_\_\_  
Lisa M. Gibson  
Acting Environmental Review Officer  
for  
John Rahaim  
Director of Planning

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Attachment C: Historic Resources Evaluation for 950-974 Market  
Street (June 7, 2016)

950-974 MARKET STREET  
HISTORIC RESOURCE EVALUATION PARTS I & 2  
[13142]

PREPARED FOR:  
GROUP I



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imagining change in historic environments through design, research, and technology

JUNE 7, 2016

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## I. INTRODUCTION

This Historic Resource Evaluation (HRE) has been prepared at the request of Group I for 950-964, 966-970 Market Street/45 Turk Street, 972, and 974 Market Street/67 Turk Street, which currently consists of four adjacent buildings and one parking structure:

- 950-964 Market Street (APN 0342/001), a two-story commercial building constructed in 1906;
- 966-970 Market Street/45 Turk Street (APN 0342/002), a two-story commercial building constructed in 1907;
- 972 Market Street (APN 0342/004), a three-story building with ground floor retail and residential hotel on the upper floors, constructed in 1912;
- 974 Market Street (APN 0342/014), a three-story commercial building constructed in 1909;
- 67 Turk Street (APN 0342/014), a one-story over basement parking structure at the corner of Turk and Taylor streets.

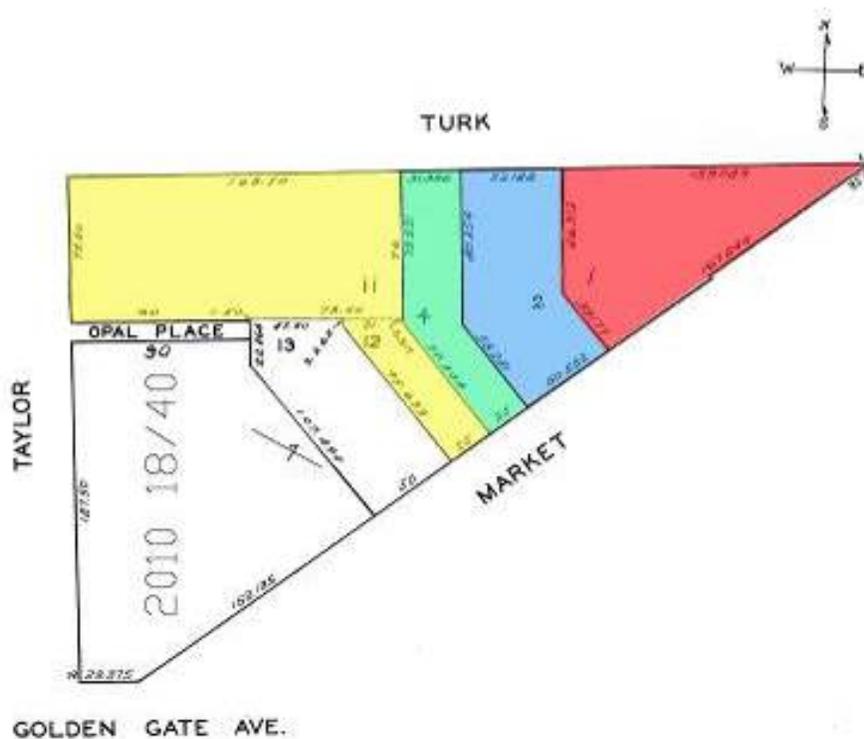


Figure 1. Map for APN 0342. Parcel 1, containing 950-964 Market Street, is highlighted red. Parcel 2, containing 966-970 Market Street/45 Turk Street, is highlighted blue. Parcel 4, containing 972 Market Street, is highlighted green. Parcel 14, containing 974 Market Street and parking lot (67 Turk Street), is highlighted yellow.  
(Source: San Francisco Assessor, edited by Page & Turnbull)

A proposed project plans to demolish all four buildings and the parking structure and construct a new building. Prior historic resource evaluations in the form of California Department of Parks and Recreation (DPR) 523A (Primary Record) & 523B (Building, Structure, and Object) forms concluded that all of the buildings except for 950-964 Market Street were not eligible as historic resources. However, all received

building-specific research to reevaluate their significance, particularly to explore potential LGBTQ historical associations.

## METHODOLOGY

This report follows the outline provided by the San Francisco Planning Department for Historic Resource Evaluation Reports, and provides a summary of the current historic status, building descriptions, and historic context for 950-964 Market Street, 966-970 Market Street/45 Turk Street, 972, and 974 Market Street/67 Turk Street.

### Historic Research

Page & Turnbull prepared this report using research collected at various local repositories, including the San Francisco Department of Building Inspection, the San Francisco Assessor's Office, the San Francisco Planning Department, the San Francisco Gay, Lesbian, Bi-sexual, and Transgender (GLBT) Archives, and the San Francisco Public Library History Center, as well as online sources including Ancestry.com and the California Digital Newspaper Collection. Key primary sources consulted and cited in this report include Sanborn Fire Insurance Company maps, City of San Francisco Building Permit Applications, San Francisco City and Address Directories, Assessor's Office records, historical newspapers and periodicals.

All people listed as owners or associated with LGBTQ businesses and addresses were researched via the above methods, and any findings were included in the report. Additionally, all establishments associated with LGBTQ history on the block were noted in bold font in occupancy tables.

All photographs in this report were taken by Page & Turnbull in July 2013 unless otherwise noted.

### Terminology

The authors of this report have employed a few strategies with regard to terminology. In general, the acronym "LGBTQ" (Lesbian-Gay-Bisexual-Transgender-Queer) is used to describe the broad community. Narrow terms such as "gay men" or "lesbians" are used to describe specific groups of participants in events or organizations; these terms are indicators of gender specificity and are used in instances when bisexual or transgender people were not documented as participants. Per the *Citywide Historic Context Statement for LGBTQ History in San Francisco*, although the terms "bisexual" and "transgender" were not added to the popular lexicon until the late 20th century, they are used in this narrative as a way of providing clarity. The umbrella term "queer" is used to present an inclusive picture and in cases where participation by specific groups is unknown. When the term 'gay bar' is used, this is the term that was used in historical sources, though it did not appear more broadly in published records until the early 1940s. All bar establishments mentioned in this narrative whose early LGBTQ history was not explicitly stated were cross-checked in Carl Seeban's second edition of *Gay, Inc. San Francisco Business Directory* (2001) at the San Francisco Public Library's GLBT Archive and the GLBT Historical Society's Sites Database (2008). The directory is a compilation of LGBTQ bars in San Francisco that were sourced from a variety of public records, articles, and personal narratives ranging from the 1930s-2010s. Furthermore, while it may be assumed that the term 'gay bar' used in source material referred to drinking establishments that catered to a clientele that was exclusively or predominantly gay men, it is possible that this was not always the case.

## II. CURRENT HISTORIC STATUS

The following section examines the national, state, and local historical ratings currently assigned to the buildings at 950-964, 966-970, 972, and 974 Market Street. These ratings are summarized in the table below and are discussed in greater detail individually in the following pages.

**Table 1. Summary of Previous Findings**

	950-964 Market Street	966-970 Market Street/45 Turk Street	972 Market Street	974 Market Street/67 Turk Street <sup>1</sup>
Construction Date	1907	1907	1912	1909
Listed in National Register of Historic Places?	No	No	No	No
Listed in California Register of Historical Resources?	No	No	No	No
Listed in CHRSC	No	No	No	No
Article 10 of SF Planning Code (Landmarks)	No	No	No	No
Article 11 of SF Planning Code (C-3 Districts)	Category V (unrated), not located in Conservation District	Category V (unrated), not located in Conservation District	Category V (unrated), not located in Conservation District	Category V (unrated), not located in Conservation District
SF Heritage Survey	C	C	C	D
<i>Here Today</i> *	N/A	N/A	N/A	N/A
1976 DCP Survey	N/A	N/A	2	N/A
1990 UMB Survey	Surveyed, not rated	Surveyed, not rated	Surveyed, not rated	Surveyed, not rated
2011 Historic Resource Survey**	3S	6Z	6Z	6Z

\*N/A indicates that the building was not included in this survey

\*\*This survey has not been adopted by the City and County of San Francisco

### NATIONAL REGISTER OF HISTORICAL RESOURCES

The National Register of Historic Places (National Register) is the nation's most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

- **950-964 Market Street** is not listed in the National Register of Historic Places.
- **966-970 Market Street/45 Turk Street** is not listed in the National Register of Historic Places.
- **972 Market Street** is not listed in the National Register of Historic Places.
- **974 Market Street/67 Turk Street** is not listed in the National Register of Historic Places.

<sup>1</sup> The San Francisco Property Information Map compounds these two addresses.

## CALIFORNIA REGISTER OF HISTORICAL RESOURCES

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

- **950-964 Market Street** is not listed in the California Register of Historical Resources.
- **966-970 Market Street/45 Turk Street** is not listed in the California Register of Historical Resources.
- **972 Market Street** is not listed in the California Register of Historical Resources.
- **974 Market Street/67 Turk Street** is not listed in the California Register of Historical Resources.

## CALIFORNIA HISTORICAL RESOURCE STATUS CODE

Properties listed or under review by the State of California Office of Historic Preservation (OHP) are assigned California Historical Resource Status Codes (CHRSCs) of “1” to “7” in order to establish a baseline record of their historical significance. Properties with a Status Code of “1” are listed in the National or California Registers. Properties with a Status Code of “2” have been formally determined eligible for listing in the National or California Registers. Properties with a Status Code of “3” or “4” appear to be eligible for listing in either Register through survey evaluation. Properties with a Status Code of “5” are typically locally significant or of contextual importance. A rating of “6” indicates that the property has been found ineligible for listing in any Register and a rating of “7” indicates that the property has not yet been evaluated or needs to be reevaluated.

Properties that do not have status codes have either not been formally evaluated or information has not been submitted to the State of California Office of Historic Preservation.

- **950-964 Market Street** does not have a California Historic Resources Information System (CHRIS) status code listed in the California Historic Resource Inventory System. However, the property was assigned a rating of 3S, meaning that it “appears eligible for NR as an individual property through survey evaluation” in Tim Kelley Consulting’s DPR forms in 2011.<sup>2</sup> This building was previously evaluated on a DPR 523: Building, Structure, Object Record and similarly found to be eligible based on its association with important events.<sup>3</sup>
- **966-970 Market Street/45 Turk Street** does not have a California Historic Resources Information System (CHRIS) status code listed in the California Historic Resource Inventory System. However, the property was assigned a rating of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.” in Tim Kelley Consulting’s DPR forms in 2011.

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<sup>2</sup> See “Previous Survey Evaluations” on page 10 for an explanation of Tim Kelley Consulting’s Mid-Market Historic Context Statement and Survey (2011).

<sup>3</sup> 950-964 Market Street DPR Form. Tim Kelley Consulting. 01 March 2011.

- **972 Market Street** does not have a California Historic Resources Information System (CHRIS) status code listed in the California Historic Resource Inventory System. However, the property was assigned a rating of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.” in Tim Kelley Consulting’s DPR forms in 2011.
- **974 Market Street/67 Turk Street** does not have a California Historic Resources Information System (CHRIS) status code listed in the California Historic Resource Inventory System. However, the property was assigned a rating of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.” in Tim Kelley Consulting’s DPR forms in 2011.

### SAN FRANCISCO CITY LANDMARKS

San Francisco City Landmarks are buildings, properties, structures, sites, districts and objects of “special character or special historical, architectural or aesthetic interest or value and are an important part of the City’s historical and architectural heritage.”<sup>4</sup> Adopted in 1967 as Article 10 of the City Planning Code, the San Francisco City Landmark program protects listed buildings from inappropriate alterations and demolitions through review by the San Francisco Historic Preservation Commission. These properties are important to the city’s history and help to provide significant and unique examples of the past that are irreplaceable. In addition, these landmarks help to protect the surrounding neighborhood development and enhance the educational and cultural dimension of the city. As of May 2008, there are 259 landmark sites, eleven historic districts, and nine Structures of Merit in San Francisco that are subject to Article 10.

- **950-964 Market Street** is not a San Francisco Landmark or Structure of Merit, and is not located within the boundaries of any locally-designated historic districts or conservation districts.
- **966-970 Market Street/45 Turk Street** is not a San Francisco Landmark or Structure of Merit, and is not located within the boundaries of any locally-designated historic districts or conservation districts.
- **972 Market** is not a San Francisco Landmark or Structure of Merit, and is not located within the boundaries of any locally-designated historic districts or conservation districts.
- **974 Market Street/67 Turk Street** is not a San Francisco Landmark or Structure of Merit, and is not located within the boundaries of any locally-designated historic districts or conservation districts.

### SAN FRANCISCO ARCHITECTURAL HERITAGE

San Francisco Architectural Heritage (Heritage) is the city’s oldest not-for-profit organization dedicated to increasing awareness and preservation of San Francisco’s unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, the most important of which is the 1977-78 Downtown Survey. This survey, published in the publication *Splendid Survivors* in 1978, forms the basis of San Francisco’s Downtown Plan. Heritage ratings, which range from “D” (minor or no importance) to “A” (highest importance), are analogous to Categories V through I of Article 11 of the San Francisco Planning Code, although the Planning Department did use their own methodology to reach their own findings. In 1984, the original survey area was expanded from the Downtown to include the South of Market area in a survey called “Splendid Extended.” The full definition of the ratings reads:

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<sup>4</sup> San Francisco Planning Department, *Preservation Bulletin No. 9 – Landmarks*. (San Francisco, CA: January 2003)

- A. Highest Importance—Individually the most important buildings in downtown San Francisco, distinguished by outstanding qualities of architecture, historical values, and relationship to the environment. All A-group buildings are eligible for the National Register, and of highest priority for City Landmark status.<sup>5</sup>
  - B. Major Importance—Buildings which are of individual importance by virtue of architectural, historical, and environmental criteria. These buildings tend to stand out for their overall quality rather than for any particular outstanding characteristics. B-group buildings are eligible for the National Register, and of secondary priority for City Landmark status.
  - C. Contextual Importance—Buildings which are distinguished by their scale, materials, compositional treatment, cornice, and other features. They provide the setting for more important buildings and they add visual richness and character to the downtown area. Many C-group buildings may be eligible for the National Register as part of historic districts.
  - D. Minor or No Importance—Buildings which are insignificant examples of architecture by virtue of original design, or more frequently, insensitive remodeling. This category includes vacant buildings and parking lots. Most D-group buildings are “sites of opportunity.”
- Unrated—Buildings which have been built or suffered insensitive exterior remodeling since 1945.

- **950-964 Market Street** is included in the “primary survey area” published in *Splendid Survivors*, and is listed in the San Francisco Property Information Map with a Heritage rating of “C.” According to the methodology developed by Heritage, a rating of C means that the resource is of “Contextual Importance.”
- **966-970 Market Street/45 Turk Street** is included in the “primary survey area” published in *Splendid Survivors*, and is listed in the San Francisco Property Information Map with a Heritage rating of “C.” According to the methodology developed by Heritage, a rating of C means that the resource is of “Contextual Importance.”
- **972 Market Street** is included in the “primary survey area” published in *Splendid Survivors*, and is listed in the San Francisco Property Information Map with a Heritage rating of “C.” According to the methodology developed by Heritage, a rating of C means that the resource is of “Contextual Importance.”
- **974 Market Street** is included in the “primary survey area” published in *Splendid Survivors*, and is listed in the San Francisco Property Information Map with a Heritage rating of “D.” According to the methodology developed by Heritage, a rating of D means that the resource is of “Minor/No Importance.”
- **67 Turk Street** is not included in the San Francisco Architectural Heritage survey.

## 1976 DEPARTMENT OF CITY PLANNING ARCHITECTURAL QUALITY SURVEY

The 1976 Department of City Planning Architectural Quality Survey (1976 DCP Survey) is what is referred to in preservation parlance as a “reconnaissance” or “windshield” survey. The survey looked at the entire City and County of San Francisco to identify and rate architecturally significant buildings and structures on a scale of “-2” (detrimental) to “+5” (extraordinary). No research was performed and the potential historical

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<sup>5</sup> Charles Hall Page & Associates, *Splendid Survivors* (San Francisco: Foundation for San Francisco’s Architectural Heritage, 1979).

significance of a resource was not considered when a rating was assigned. Buildings rated “3” or higher in the survey represent approximately the top two percent of San Francisco’s building stock in terms of architectural significance. However, it should be noted here that the 1976 DCP Survey has come under increasing scrutiny over the past decade due to the fact that it has not been updated in over twenty-five years. As a result, the 1976 DCP Survey has not been officially recognized by the San Francisco Planning Department as a valid local register of historic resources for the purposes of the California Environmental Quality Act (CEQA).

- **950-964 Market Street** was not addressed by the 1976 DCP survey.
- **966-970 Market Street/45 Turk Street** was not addressed by the 1976 DCP survey.
- **972 Market Street** was addressed by the 1976 DCP survey and is listed in the San Francisco Property Map with a survey rating of “2.” A rating of 2 means that the building is in the top ten percent of the city’s building stock.
- **974 Market Street/67 Turk Street** was not addressed by the 1976 DCP survey.

### 1990 UNREINFORCED MASONRY SURVEY

The 1990 Unreinforced Masonry Building (UMB) Survey was a reconnaissance-level survey undertaken by the San Francisco Planning Department after the 1989 Loma Prieta Earthquake to evaluate the significance of the City’s large stock of unreinforced masonry buildings. Between 1990 and 1992, the Planning Department surveyed more than 2,000 privately owned unreinforced masonry buildings in San Francisco. The Landmarks Board prioritized the UMB Survey into three groups: Priority I, Priority II, and Priority III. Due to the large number of buildings that were surveyed, very little archival research or fieldwork was done. According to the Planning Department’s *San Francisco Preservation Bulletin No. 16: CEQA Review Procedures for Historic Resources* (March 31, 2008), properties evaluated as part of the UMB Survey also fall into “Category B – Properties Requiring Further Consultation and Review.”

- **950-964 Market Street** was included in the 1990 UMB Survey and was not assigned a priority rating.
- **966-970 Market Street/45 Turk Street** was included in the 1990 UMB Survey and was not assigned a priority rating.
- **972 Market Street** was included in the 1990 UMB Survey and was not assigned a priority rating.
- **974 Market Street/67 Turk Street** was included in the 1990 UMB Survey and was not assigned a priority rating.

### PREVIOUS SURVEY EVALUATIONS

The subject properties were included in two historic resource surveys: the first by Anne Bloomfield in 2007 and the second by Tim Kelley Consulting for the Mid-Market Survey and Context Statement in 2011, which focused on architectural significance, as opposed to cultural significance. Both surveys used California Department of Parks and Recreation (DPR) forms; Tim Kelley Consulting updated the 2007 forms by adding new DPR 523B or 523L forms. Neither of the surveys has been officially adopted by the City and County of San Francisco.

#### 950-964 Market Street

950-964 Market Street was previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms. Bloomfield attributed the building’s significance and eligibility for listing in the National Register to its association with the Old Crow bar and the history of

LGBTQ bars in San Francisco. She wrote that the Old Crow space was intact in plan and doorway, though the display windows had been altered.<sup>6</sup> She stated that “except for signage and minor commercial changes, the building appears intact to the period of significance.”<sup>7</sup>

A 2011 DPR 523L Continuation Sheet, written by Tim Kelley Consulting, confirmed Bloomfield’s finding by stating that the building “does not appear to have been altered since the time of previous survey and documentation.”<sup>8</sup> The building was assigned a California Historic Resource Status Code of 3S, meaning that it “appears eligible for NR as an individual property through survey evaluation.”

In 2013, Page & Turnbull wrote DPR 523A and 523B forms which concluded that the Dean Building does not have sufficient integrity to its period of significance to be eligible for listing in the National Register. The assessment from Page & Turnbull’s DPR forms is included and expanded upon in the Historic Context and Evaluation sections of this report.

### 966-970 Market Street/45 Turk Street

966-970 Market Street/45 Turk Street was previously evaluated in 2011 by Tim Kelley Consulting using a California Department of Parks and Recreation (DPR) 523A and 523B forms. Tim Kelley Consulting concluded that:

966-970 Market Street is not associated with significant events or persons important to the survey area. In addition, the building does not appear to be architecturally significant according to California Register criteria. The building does not embody the distinctive characteristics of a type, period, or method of construction, or possess high artistic value, and does not appear to be the work of a master. Additionally, the building lacks integrity. Although it retains its original plan, massing, and facade organization, the primary facade has been stripped of all cladding and ornament. It was originally clad with stucco and featured decorative pilasters, cornices and circle motifs on the parapet. These features would otherwise characterize the building’s architectural style, but are now absent and the structural brick exposed. The storefronts are known to have been altered first in 1920 and again later, but the first story is now boarded up, concealing their physical state. The rear facade, which faces Turk Street, has a heavily altered first story. It is therefore not eligible for the California Register under any criteria.<sup>9</sup>

The property was assigned a California Historical Resource Status Code of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.”

### 972 Market Street

972 Market Street was previously evaluated in 2001 by Anne Bloomfield using DPR 523A form and updated in 2011 by Tim Kelley Consulting using a DPR 523B form. According to the 2011 DPR 523B form:

Previous evaluation (Bloomfield, 2001) stated that "this building retains enough integrity to be eligible for the National Register of Historic Places as a contributor to the Market Street Theatre and Loft District if the boundaries of the district are expanded." However, based on the findings above, 972 Market Street does not appear to fit the theme of the district as

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<sup>6</sup> Anne Bloomfield, California Department of Parks and Recreation Primary Record (523A) and Building, Structure, and Object Record (523B) forms for 950-964 Market Street (29 July 1997) 1.

<sup>7</sup> Ibid, 3.

<sup>8</sup> Tim Kelley Consulting, California Department of Parks and Recreation Continuation Sheet (523L) for 950-964 Market Street (1 March 2011) 1.

<sup>9</sup> Tim Kelley Consulting, California Department of Parks and Recreation Building, Structure, and Object Record (523B) form for 966-970 Market Street. (1 March 2011) 2.

either a theater or a loft building. (The Palace Theater, located in the building in 1975, was not a noteworthy or long-lived theater, was outside the district's period of significance, and was secondary to the primary functions of the building at the time.) Additionally, the building does not rise to the level of significance to be eligible for the National or California registers or local listing individually. It does not appear to have contributed to any important historical events, have associations with important people, or have been designed by a master architect. Although its architecture is decorative and has relatively good integrity, it is not particularly noteworthy among the other commercial buildings on Mid-Market Street.<sup>10</sup>

The property was assigned a California Historical Resource Status Code of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.”

#### 974 Market Street

974 Market Street was previously evaluated in 2011 by Tim Kelley Consulting using DPR 523A & 523B forms. According to the 2011 DPR 523B form:

974 Market Street is not associated with significant events or persons important to the survey area. In addition, although William Curlett was a prominent California architect, best known for designing the Phelan Building, the building does not appear to be architecturally significant according to California Register criteria. The building does not embody the distinctive characteristics of a type, period, or method of construction, or possess high artistic value. Additionally, the building lacks integrity. Its original 1909 appearance has been completely obscured by a circa 1950 Art Moderne style facade remodel. The building appears to retain its original plan and massing, but the facade organization and ornament has been changed to reflect streamlined Art Modern aesthetics. The first story storefronts have likely been altered as well; the window assemblies have been removed and replaced with roll-up metal doors (this is a common and readily conceded alteration throughout the city). A portion of the left side of the facade is now signed and utilized by the business in the neighboring building, but is in reality an integral part of the subject building. It is therefore not eligible for the California Register under any criteria.<sup>11</sup>

The property was assigned a California Historical Resource Status Code of 6Z, meaning that it was “found ineligible for NR, CR or Local designation through survey evaluation.”

This finding was adopted by the San Francisco Planning Department in a Historic Resource Evaluation Response dated December 28, 2009. The property therefore possesses a Planning Department Historic Resource Status (CEQA Category) of “C- Not a Historic Resource.”

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<sup>10</sup> Tim Kelley Consulting, California Department of Parks and Recreation Continuation Sheet (523L) for 972 Market Street (7 June 2001) 4.

<sup>11</sup> Tim Kelley Consulting, California Department of Parks and Recreation Primary Record (523A) and Building, Structure, and Object Record (523B) forms for 974 Market Street (1 March 2011) 2.

### III. ARCHITECTURAL DESCRIPTIONS AND CURRENT PHOTOS

#### 950-964 MARKET STREET

The Dean Building is located at 950-964 Market Street, at the northwest intersection of Market, Mason, and Turk streets in the Tenderloin/Mid-Market area of San Francisco. Built in 1906, the two-story-over-basement, unreinforced masonry commercial building was redesigned in the Art Moderne style in 1937. The building is located on a gore lot and has a triangular plan with two lightwells (one triangular and one trapezoidal in shape) at the interior. The Dean Building has a brick and concrete foundation, terracotta tile cladding, and a flat roof with a parapet. The primary façade faces south toward Market Street, while the north façade faces Turk Street and the west façade abuts the neighboring building. The east end of the triangular building is rounded at the corner.

The primary (south) façade contains six commercial units on the ground floor. Five are angled from Market Street to Turk Street, while one is a shallow storefront at the center of the facade. All have their main entrances located on Market Street. The storefronts of 950, 952, 960, and 964A Market Street consist of full height glass and aluminum storefront systems. All have fully glazed doors, except 950 Market, which has an opening without a pedestrian door. The storefronts also have roll-up metal garage doors that come down over the entrances or full storefronts during non-operating hours. 954 and 962 Market Street have roll-up metal doors over full-width entry openings, without any windows or pedestrian doors. All of the units have display signs and fabric awnings over the sidewalk.

The interiors of the units consist generally of drop ceilings or full-height wood frame ceilings with fluorescent lights; linoleum or wood flooring; and drywall interior dividing walls, many of which appear to be of relatively recent configuration. All of the spaces function as commercial retail.

The second story of the Dean Building consists of offices which currently house the UCSF/CTSI Tenderloin Clinical Research Center. The entrance is located at the far west end of the building and addressed 964 Market Street. It features an aluminum and glazed storefront system flanked by fluted pilasters that are clad in terracotta tile. The second story consists of 19 four-lite steel-sash windows with casement and hopper sash. The window located at the rounded corner is blocked by an advertising billboard. The façade terminates in a stepped cornice.

The north façade on Turk Street once included additional entrances to the businesses on Market Street, with accompanying awnings and advertising signs. Currently, the ground floor is decorated with a large mural painted on a stuccoed wall and over all doors, transom windows, and vents. There are four unassuming entries containing flush wood doors with metal security gates, one of which is addressed 37 Turk Street. The second story of the north facades consists of 18 windows identical to those on the primary façade, as well as a metal fire escape.



Figure 2. View of primary façade, looking north from Market Street  
(Page & Turnbull, July 2013)



Figure 3. Entrance to second level located at 964 Market Street.  
(Page & Turnbull, July 2013)



Figure 4. Detail of storefront of 964A Market Street  
(Page & Turnbull, July 2013)



Figure 5. Detail of storefront of 962 Market Street, former location of the Crow Bar. (Page & Turnbull, July 2013)



Figure 6. Interior of 962 Market Street. (Page & Turnbull, July 2013)



Figure 7. Opening to 962 Market Street, showing ghost of past recessed entry in ceiling. (Page & Turnbull, July 2013)



Figure 8. Interior of 962 Market Street, looking south above entrance. (Page & Turnbull, July 2013)



Figure 9. Detail of storefront of 960 Market Street.  
(Page & Turnbull, July 2013)



Figure 10. Detail of storefront of 958 Market Street.  
(Page & Turnbull, July 2013)



Figure 11. Detail of storefront of 956 Market Street.  
(Page & Turnbull, July 2013)



Figure 12. Detail of storefront of 950 Market Street.  
(Page & Turnbull, July 2013)



Figure 13. Detail of storefront of 950 Market Street.  
(Page & Turnbull, March 2013)



Figure 14. The Dean Building, corner of Market, Mason, and Turk streets, looking southwest across Turk Street.  
(Page & Turnbull, July 2013)



Figure 15. The Dean Building, looking south across Turk Street.  
(Page & Turnbull, July 2013)



Figure 16. The Dean Building, looking southeast on Turk Street.  
(Page & Turnbull, July 2013)



Figure 17. The Dean Building, looking west down Turk Street.  
(Page & Turnbull, July 2013)



Figure 18. Interior of the second floor of the Dean Building.  
(Page & Turnbull, July 2013)



Figure 19. The interior corner of the second story of the Dean Building.  
(Page & Turnbull, July 2013)

### 966-970 MARKET STREET/45 TURK STREET

As described in the California Department of Parks and Recreation Primary Record (DPR 523A) form written by Tim Kelley Consulting (2011):

966-970 Market Street is a two-story, V-shaped, brick masonry commercial building that is clad with partially removed stucco and exposed structural brick and topped by a flat roof. The primary facade faces southeast toward Market Street, between Taylor and Mason streets. The rear facade faces north onto Turk Street. The east and west facades abut adjacent buildings and are not visible. The first story of the Market Street facade is covered with plywood and metal security gates. An intermediate entablature with a dentiled architrave and plain frieze extends across the left three quarters of the facade, but is missing from the rightmost quarter. Above the architrave are four pairs of one-over-one, double-hung, wood-sash windows. Each pair of windows features a wood pilaster mullion at the center and appears to have been flanked by pilasters or vertical ornament that has been removed. Additional ornamentation, including a cornice above the windows and arched recessed wall panels on the parapet has also been removed. The facade terminates in a flat parapet.

The first story of the Turk Street facade features a gated pedestrian entrance at left. The rest of the openings on the first story have been infilled. Fixed wood-sash clerestory windows are located on the left side of the facade, but those on the right have been infilled with concrete block. The second story features four pairs of one-over-one, double-hung, wood-sash windows. The facade terminates in a modillioned cornice with pairs of scrolled brackets at either end. The building appears to be in poor condition.<sup>12</sup>

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<sup>12</sup> Tim Kelley Consulting, California Department of Parks and Recreation Primary Record (523A) and Building, Structure, and Object Record (523B) forms for 966-970 Market Street (1 March 2011) 1.



Figure 20. 966-970 Market Street, primary (southeast) facade.  
(Tim Kelley Consulting, March 2011)



Figure 21. 966-970 Market Street, primary (southeast) facade detail of second story windows.  
(Tim Kelley Consulting, March 2011)



Figure 22. 966-970 Market Street, north facade on Turk Street.  
(Tim Kelley Consulting, March 2011)

## 972 MARKET STREET

As described in the California Department of Parks and Recreation Primary Record (DPR 523A) form written by Tim Kelley Consulting (2011):

This three-story building is rectangular in plan with retail commercial space on the ground level. Two, 2-story projecting bays dominate the upper facade with a heavy cornice completing the design. Windows are emphasized through the use of prominent broken segmental pediments with finials, side brackets, and several types of moldings. The cornice, containing modillions and several types of moldings, terminates before reaching the edges of the front facade; this obvious attempt at appearing to be appliqué is unique. This building was designed by B.R. Christensen in 1912 for I.K. Prior, a San Francisco plumber and well-known businessman.<sup>13</sup>

<sup>13</sup> Tim Kelley Consulting, California Department of Parks and Recreation Primary Record (523A) and Building, Structure, and Object Record (523B) forms for 972 Market Street (7 June 2001) 1.



Figure 23. 972 Market Street, primary (southeast) facade.  
(Tim Kelley Consulting, March 2011)



Figure 24. 972 Market Street, primary (southeast) facade) detail of second story.  
(Tim Kelley Consulting, March 2011)



Figure 25. 972 Market Street, north facade on Turk Street.  
(Tim Kelley Consulting, March 2011)

### 974 MARKET STREET/67 TURK STREET

As described in the California Department of Parks and Recreation Primary Record (DPR 523A) form written by Tim Kelley Consulting (2011):

974 Market Street is a two-story, trapezoidal-plan, reinforced concrete, Art Deco style commercial building that is clad with stucco and topped by a flat roof. The primary facade faces southeast onto Market Street between Taylor and Mason streets, while the rear facade faces north onto Opal Place and Turk Street. The northeast and southwest facades abut adjacent building and are not visible. The Market Street facade is divided into two bays; the wider right bay projects forward and the narrower left bay is set back. The first story of the facade features two storefronts (one in each bay) covered by metal roll-up security doors. The upper facade features blade signs at the southwest corner of the projecting bay and the southwest corner of the building. A large illuminated box sign is located at the center of the facade above the left storefront. Three vertical bands of raised stucco trim run up the center of the right bay to the roofline, bisecting a window opening on the second story. The

facade terminates in a flat unadorned parapet. The rear facade is unfenestrated. The building appears to be in good condition.<sup>14</sup>



Figure 26. 974 Market Street Southeast Façade  
(Tim Kelley Consulting, March 2011)



Figure 27. 974 Market Street Southeast Façade Detail  
of Second Story  
(Tim Kelley Consulting, March 2011)



Figure 28. 974 Market Street, North portion removed.  
(Tim Kelley Consulting, March 2011)

<sup>14</sup> Tim Kelley Consulting, California Department of Parks and Recreation Primary Record (523A) and Building, Structure, and Object Record (523B) forms for 974 Market Street (1 March 2011) 1.

#### IV. NEIGHBORHOOD DESCRIPTION/ NEARBY HISTORIC RESOURCES

950-964, 966-970 Market Street/45 Turk Street, 972, and 974 Market Street/67 Turk Street are located in the northeastern section of the Downtown/Civic Center neighborhood, as defined by the San Francisco Planning Department, which includes the Tenderloin and Civic Center areas. The subject site is across the Market Street from the South of Market neighborhood. The area is characterized by mid- to high-rise buildings and the busy pedestrian, public transit, auto, and bicycle traffic that runs on Market Street. The subject site is at the juncture of several different building types. In addition to three historic districts, described later in this section, there are also a number of individually eligible historic resources in the immediate surrounding area. This section provides a brief physical description of the immediate area and mentions the nearby historic resources which will be referenced in the HRE Part 2.

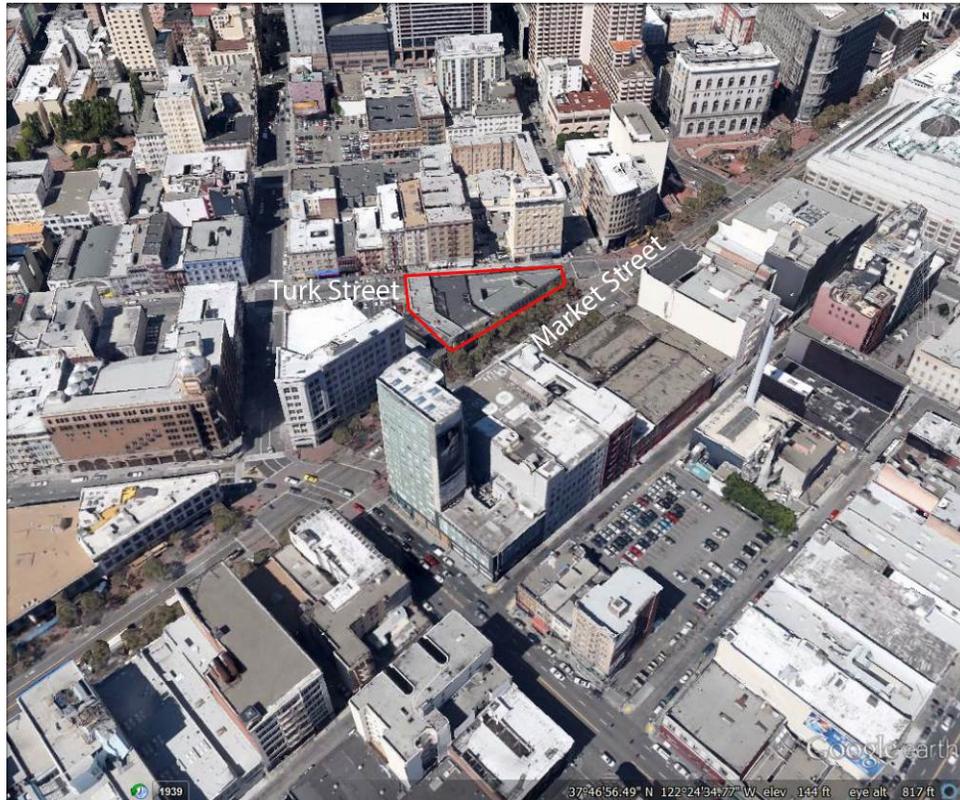
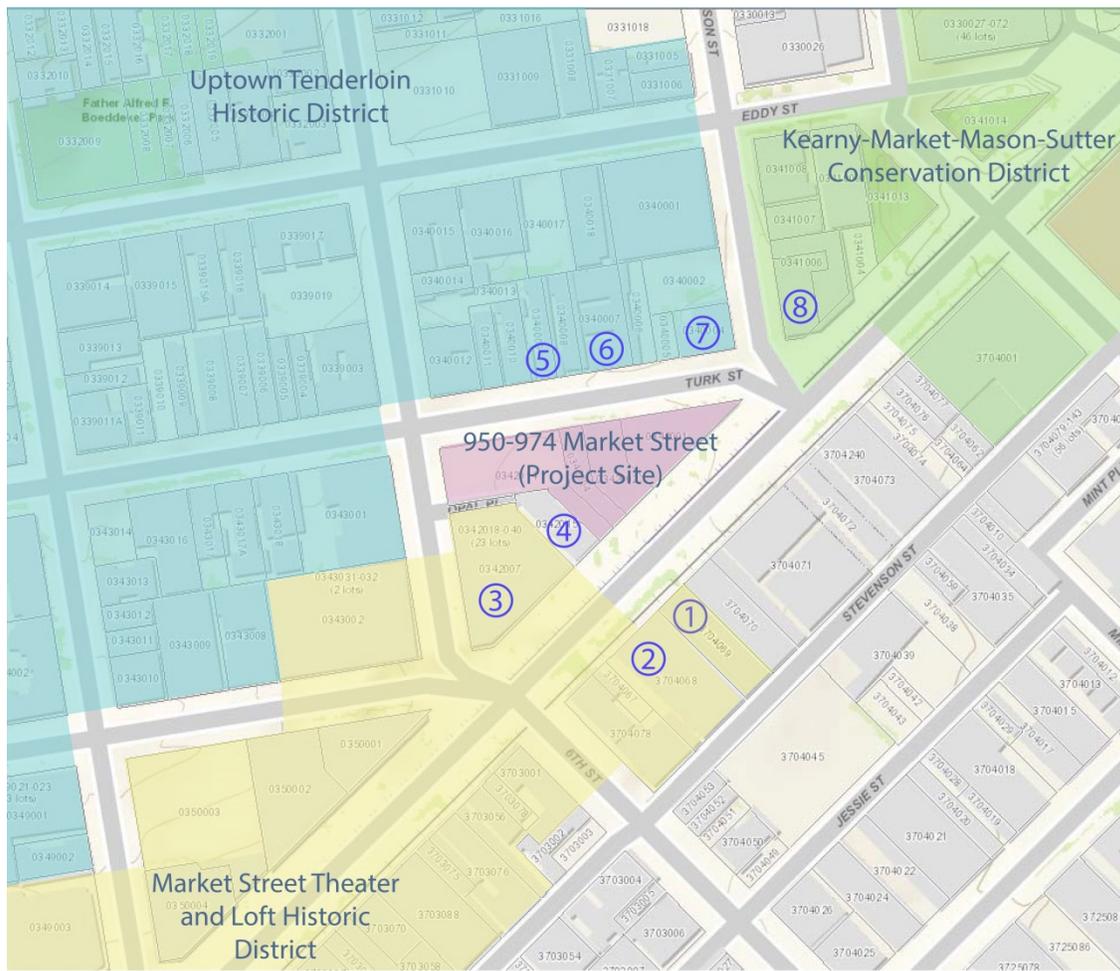


Figure 29. 950-974 Market Street on the corner of Market, Mason, and Turk streets  
(Google Earth, altered by author)



Individually listed on the National Register, California Register, or a local register (including a rating of B or higher on the SF Heritage Survey)

- |   |   |
|---|---|
| ① Wilson Building: 973-977 Market Street                | ⑤ Hotel Schwartz/Amanda Hotel: 62-64 Turk Street      |
| ② Hale Brothers Department Store: 979-989 Market Street | ⑥ Dalt Hotel/Hotel Dale: 34 Turk Street               |
| ③ Warfield Building: 982-988 Market Street              | ⑦ Hotel Glenn/Metropolis Hotel: 2-16 Turk Street      |
| ④ Crest Theatre/Egyptian Theatre: 976-980 Market Street | ⑧ Mechanic's Savings Bank Building: 948 Market Street |

**Figure 30. Map of 950-974 Market Street and neighboring historic resources. (San Francisco Property Information Map, altered by author).**

The immediate neighbors which share Assessor Block 0342 to the west include two theaters, the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Theater at 982-988 Market Street. The former is one story in height and the latter is a high-rise structure eight stories in height. The Crest/Egyptian Theatre appears eligible for listing in the National Register according to the CHRSC rating (3S), and the Warfield Building is listed in the National Register and California Register (1D, 3S).



Figure 31. Northeast side of Market Street, block of the Dean Building.  
(Page & Turnbull, May 2014)



Figure 32. The Crest/Egyptian Theatre, 976-980 Market Street.  
(Page & Turnbull, May 2014)



Figure 33. The Warfield Building, 982-989 Market Street.  
(Page & Turnbull, May 2014)

The South of Market neighborhood begins on Market Street, directly across from the subject site. A currently empty lot and a low rise building (969 Market Street) face the subject site. The remaining buildings on that side of the street are the Wilson Building (973-977 Market Street) and the Hale Brothers Department Store (979-989 Market Street), both of which appear eligible for the National Register according to their CHRSC ratings (1D, 3S); a single story commercial building that is ineligible for the National Register according to the CHRSC rating; and the David Hewes Building, which is also ineligible according to the CHRSC rating.<sup>15</sup>

<sup>15</sup> CHRSC



Figure 34. The Dean Building at 950-964 Market Street, corner of Market, Mason, and Turk streets, looking southwest across Mason Street.  
(Page & Turnbull, April 2014)



Figure 35. Currently empty lot, at meeting of Market, Mason, and Turk streets, looking south across Market Street.  
(Page & Turnbull, April 2014)



Figure 36. The David Hews Building, a single story commercial building, the Hale Brothers Department Store, and the Wilson Building (right to left) across from 950-974 Market Street at the corner of Market Street, Golden Gate Avenue, and Taylor Street, looking northeast across Golden Gate Avenue.  
(Page & Turnbull, April 2014)



Figure 37. From left to right: two-story building, followed by the Wilson Building, the Hale Brothers Department Store, a single-story commercial building, and the David Hews Building, looking south across Market Street.  
(Page & Turnbull, May 2014)

The north side of the subject site fronts on Turk Street. It faces Hotel Glenn/Metropolis Hotel (2-16 Turk Street), Dalt Hotel/Hotel Dale (34 Turk Street), Hotel Brayton (50-52 Turk Street), Hotel Schwartz/Amanda Hotel (62-64 Turk Street), Hotel Taylor (66-74 Turk Street), the Gaiety Theater (76 Turk Street), and Hotel Hyland (108-120 Taylor Street) which are on the National Register as contributors to the Uptown Tenderloin Historic District, according to the CHRSC. In addition to being contributors to the district, the Hotel Glenn/Metropolis Hotel, Dalt Hotel/Hotel Dale, and Hotel Schwartz/Amanda Hotel are individually eligible for the National Register, according to their CHRCS ratings. The hotels are Renaissance Revival style brick buildings that range from four to nine stories. They are characterized by tripartite design (base, shaft, and capital), vertical expression, punched windows, decorative brickwork, fire escapes, and modillion cornices.



Figure 38. The Dean Building (left) and context, corner of Market, Mason, and Turk streets, looking west across Mason Street.  
(Page & Turnbull, April 2014)



Figure 39. Context, corner of Taylor and Turk streets, looking east across Taylor Street.  
(Page & Turnbull, April 2014)



Figure 40. Hotel Glenn/Metropolis Hotel (right) at 2-16 Turk Streets, looking northwest across Market Street.  
(Page & Turnbull, April 2014)



Figure 41. Hotel Schwartz / Amanda Hotel at 34 Turk Street.  
(Google Maps, May 2014)

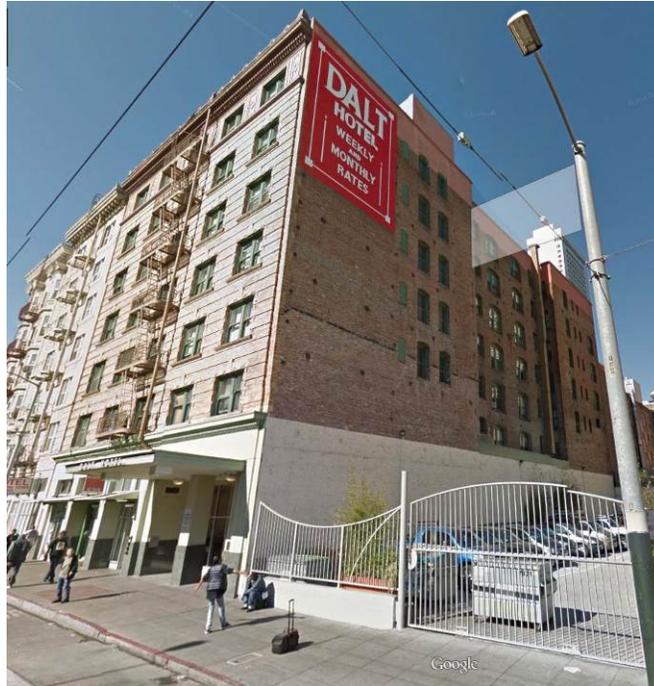


Figure 42. The Dalt Hotel/Hotel Dale at 34 Turk Street.  
(Google Maps, May 2014)

The eastern tip of the gore corner is across from the Mechanic's Savings Bank (944-48 Market Street), which is National Register eligible according to the CHRSC rating.

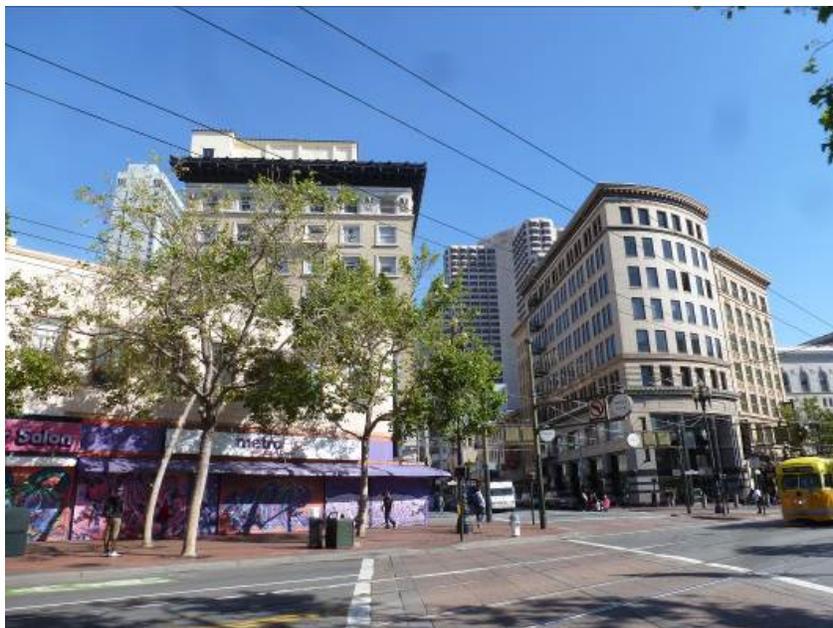


Figure 43. The Dean Building (front-most building) and the Mechanic's Savings Bank (building at the right corner), corner of Market, Mason, and Turk streets, looking north across Market Street.  
(Page & Turnbull, April 2014)

## HISTORIC AND CONSERVATION DISTRICTS

950-964, 966-970 Market Street/45 Turk Street, 972, and 974 Market Street/67 Turk Street are located just outside the boundaries of three historic districts: The Uptown Tenderloin Historic District, the Market Street Theater and Loft District, and the Kearny-Market-Mason-Sutter Conservation District (see figure 30). The following summary descriptions and significance statements are excerpted or paraphrased from the respective documentation.

### The Uptown Tenderloin Historic District (National Register)

According to the National Register Nomination:

The Uptown Tenderloin is a largely intact, visually consistent, inner-city high-density residential area constructed during the years between the earthquake and fire of 1906 and the Great Depression. It comprises 18 whole and 15 partial city blocks in the zone where the city has required fire-resistant construction since 1906. The district is formed around its predominant building type: a 3- to 7- story, multi-unit apartment, hotel, or apartment-hotel constructed of brick or reinforced concrete. On the exteriors, sometimes only signage clearly distinguishes between these related building types. Because virtually the entire district was constructed in the quarter-century between 1906 and the early 1930s, a limited number of architects, builders, and clients produced a harmonious group of structures that share a single, classically oriented visual imagery using similar materials and details.

Mixed in among the predominantly residential buildings are examples of other building types that support residential life, including churches, stores, garages, a YMCA complex, and a bathhouse. In addition there are a few building types that are not directly related to the residential neighborhood - machine shops, office buildings, union halls, and film exchanges. While not necessarily related to residential life, the union halls (for example, those serving waitresses and musicians) and the film exchanges are related to the overlay of entertainment businesses in around the neighborhood.<sup>16</sup>

The district is significant under National Register Criterion A, association with social history, and Criterion C, association with distinctive architecture. There are 410 contributing properties and 67 non-contributing properties. The district was designated in 2008.

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<sup>16</sup> Michael R. Corbett and Anne Bloomfield, "Uptown Tenderloin Historic District," National Register of Historic Places Nomination Form (5 May 2008) 3.



Figure 44. Map of the Uptown Tenderloin Historic District Boundaries and 950-974 Market Street highlighted in blue (Uptown Tenderloin Historic District National Register of Historic Places Registration Form, altered by author).

#### The Market Street Theater and Loft Historic District (National Register):

The post-1906 earthquake buildings constructed along this portion of Market Street are characterized by two- to eight-story reinforced concrete or steel-frame buildings. The façades are mainly clad in terracotta, brick, or stucco and feature two- and three-part vertical composition, prominent cornices, and classical ornamentation. The ground floors of almost all the buildings contain retail storefronts, and the upper floors house loft and office space.<sup>17</sup>

During the period of post-earthquake redevelopment, Market Street between Fifth and Ninth streets developed into San Francisco's theater district. Market Street was a natural location for theaters because it was the city's primary transportation corridor, allowing people from all areas of the city to easily access it, and its wide sidewalks could accommodate the large crowds at show times. Post-earthquake theaters on Market Street consisted of vaudeville theaters, motion picture houses, and combination houses, which sprang up along the wide boulevard. Early twentieth century Market Street theaters, such as the American Theatre (1907) at 1125 Market Street or the Empress Theatre (1910) at 965 Market Street, started as vaudeville and live act theaters. However, these theaters quickly turned their focus to motion pictures by the mid-1910s and were converted into combination houses in order to accommodate both live performances and motion pictures.<sup>18</sup> The success of these theaters led to the construction of new combination houses on Market Street.

The district is significant under National Register Criterion A, association with social history, and Criterion C, association with distinctive architecture. At the time of designation, there were 26 contributing properties and 19 non-contributing properties. The district was designated in 1985.

<sup>17</sup> Anne Bloomfield, "Market Street Theatre and Loft District," National Register of Historic Places Nomination Form (20 November 1985).

<sup>18</sup> Jack Tillmany *Theaters of San Francisco* (San Francisco: Arcadia Publishing, 2005) 9. Edward Guthmann "Oldest S.F. Movie House". San Francisco Chronicle (22 May 1988) 20.

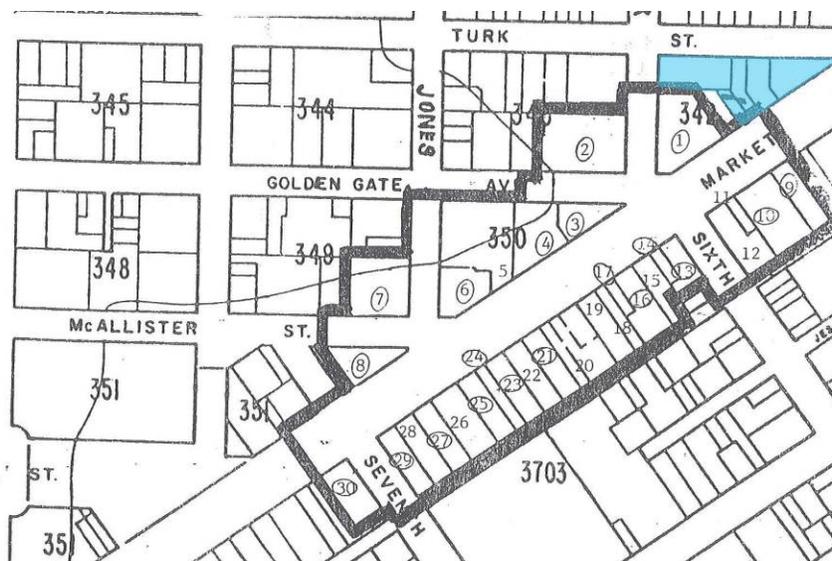


Figure 45. Map of the Market Street Theater and Loft Historic District Boundaries and 950-974 Market Street highlighted in blue (Market Street Theater and Loft District National Register of Historic Places Registration Form, altered by author).

### The Kearny-Market-Mason-Sutter Conservation District (City of San Francisco Article 11)

According to the Article 11 of the San Francisco Planning Code:

Since the Kearny-Market-Mason-Sutter District covers a large area, individual streets within the district have had unique histories which have often changed dramatically over time. [...] These changing land-use patterns were in part determined by the movement of high-quality retail stores. Throughout the years, the closing or movement of larger department stores has often provided new space for smaller stores, and has strongly influenced their locations. The best known stores of the retail district were located on Kearny Street in the 1870s and 1880s. The growth of the City, due in part to the introduction of cable car service, led to the movement of the retail district towards both Market Street and the Grant Avenue/Union Square area. Beginning in the 1880s, department stores such as the Emporium and Hale Brothers opened large stores on Market Street. However, the large width of Market Street and its distance from high income residential neighborhoods on Nob Hill hindered its further development as a high class retail district. By the 1920s, Market Street had become San Francisco's family shopping street. [...] Concurrent with the development of Grant Avenue/Union Square as a retail district were the relocations of the hotel and theater districts. [...]

The pattern of development is one of small-scaled, light-colored buildings predominantly four to eight stories in height. [...] The character of the area is determined by the many fine quality structures, among the best in the City, and supported by a number of contributory buildings. Since the entire area was built in less than 20 years, and the major portion in less than 10 years, buildings were constructed in similar styles and structural technology. Perhaps even more importantly, architects were of like backgrounds, schooled in the classical Beaux Arts tradition. In addition to their individual architectural features, the scale and design of buildings in the district related very well with neighboring buildings, streets and open spaces. This effect was achieved in large part by the alignment of cornice and belt course lines. The buildings used compatible detailing, colors, materials, massing, and scale. Ornament was

derived from Classical, Renaissance, Gothic and Romanesque sources. In a limited number of examples, ornament was developed from early Spanish Colonial models.<sup>19</sup>

The Kearny-Market-Mason-Sutter Conservation District was designated in 1985 for its architectural, historical, and aesthetic value.



Figure 46. Map of the Kearny-Market-Mason-Sutter Conservation District Boundaries and 950-974 Market Street highlighted in blue (San Francisco Planning Code Article 11, altered by author).

<sup>19</sup> Article 11: Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts. San Francisco: San Francisco Department of Planning, n.d.

## V. SAN FRANCISCO AND TENDERLOIN HISTORIC CONTEXT

### EARLY SAN FRANCISCO HISTORY

European settlement of what is now San Francisco took place in 1776 with the simultaneous establishment of the Presidio of San Francisco by representatives of the Spanish Viceroy, and Mission Dolores by the Franciscans. In 1821, Mexico declared independence, taking with it the former Spanish colony of Alta California. During the Mexican period a small village grew up around a plaza (today called Portsmouth Square) above a cove in San Francisco Bay. This village, which was called Yerba Buena, served as a minor trading center inhabited by a few hundred people of diverse nationalities. In 1839, a few streets were laid out around the Plaza and settlement expanded up the slopes of Nob Hill. Not long after the Americans seized California in 1846, a surveyor named Jasper O'Farrell extended the original street grid, while also laying out Market Street from what is now the Ferry Building to Twin Peaks. Blocks north of this then imaginary line were laid out in small 50 vara square blocks whereas blocks south of Market were laid out in larger 100 vara blocks.<sup>20</sup> The following year the village was renamed San Francisco to take advantage of the name's association with the bay.

The discovery of gold at Sutter's Mill in 1848 brought explosive growth to San Francisco, with thousands of would-be gold-seekers making their way to the isolated outpost on the edge of the North American continent. Between 1846 and 1852, the population of San Francisco mushroomed from less than one thousand people to almost 35,000. The lack of level land for development around Portsmouth Square soon pushed development south to Market Street, eastward onto filled tidal lands, and westward toward Nob Hill. At this time, most buildings in San Francisco were concentrated downtown, and the outlying portions of the peninsula remained unsettled throughout much of the late nineteenth century.

With the decline of gold production in 1855, San Francisco's economy diversified to include agriculture, manufacturing, shipping, construction, and banking.<sup>21</sup> Prospering from these industries, anew elite of merchants, bankers, and industrialists arose to shape the development of the city as the foremost financial, industrial and shipping center of the West.

### HISTORY OF THE TENDERLOIN NEIGHBORHOOD

950-964 Market Street, 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/ 67 Turk Street are located on mid-Market Street in the Tenderloin neighborhood, within the Downtown/Civic Center district. This area was originally covered with sand and dunes and chaparral, and was first platted in 1847. At that time, Larkin Street marked the western boundary of the city. Development of the area was touched off by the grading of Geary Street in 1863. By 1869, continuous rows of wood-frame residential flats, single-family homes, and row houses were built along nearly every street in the area.<sup>22</sup> Commercial and light industrial buildings were also common, as well as scattered schools, churches and social halls. Development further intensified during the 1870s and 1880s following the installation of cable car lines running west from Market Street out to McAllister, Ellis, Geary and Sutter streets. By the turn of the century, many early dwellings had been replaced by impressive multi-story hotels, theaters and other facilities. Restaurants, saloons, gambling houses and brothels also proliferated in the area, leading to descriptions of it as a "tenderloin" or vice district.<sup>23</sup>

The Great Earthquake and Fire of 1906 consumed large sections of the city, including nearly all of the buildings east of Van Ness Avenue. The area north of the former City Hall, frequently referred to as the "Uptown Tenderloin," was entirely reconstructed between 1906 and the early 1930s, with the greatest burst

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<sup>20</sup> *Vara* is derived from an antiquated Spanish unit of measurement

<sup>21</sup> Rand Richards, *Historic San Francisco. A Concise History and Guide* (San Francisco: Heritage House Publishers, 2001), 77.

<sup>22</sup> Sally Woodbridge, *San Francisco in Maps & Views*, (New York: Rizzoli International Publication, 2006), 78.

<sup>23</sup> Peter M. Field, "The Tenderloin's First Brothels: 223 and 225 Ellis," *The Argonaut*, Vol. 22, No. 2, Winter 2011 ,84.

of construction occurring between 1919 and 1929.<sup>24</sup> New codes for fire-resistant construction mandated the use of materials such as brick, stucco or concrete, resulting in a visual consistency among the building types: a three- to seven-story apartment building, hotel, or residential hotel constructed of brick or reinforced concrete.<sup>25</sup> The advent of the personal automobile during this period also affected reconstruction efforts. Sanborn maps from 1913 indicate a striking number of auto-related facilities in the Tenderloin, all part of San Francisco's first "auto row," which was primarily concentrated along Golden Gate Avenue from Leavenworth to Van Ness Avenue. By the 1920s, the Uptown Tenderloin had evolved as the densest apartment district in the city and was largely occupied by residents who worked in the Civic Center or the financial and retail districts of downtown.<sup>26</sup> The area maintained its reputation for vice, though the neighborhood was considered more respectable than others such as the Barbary Coast. Its bars, theaters, and restaurants catered to both neighborhood residents and out-of-town visitors.<sup>27</sup>

The Great Depression largely ended new construction in the area, and from the 1930s through the 1960s the Uptown Tenderloin retained a "balance between safe streets and wild nightlife."<sup>28</sup> Beginning as early as the 1930s, the neighborhood grew in popularity and became known for its gay cruising, hustling, and LGBTQ entertainment establishments.<sup>29</sup> The Tenderloin was sought out by gay men during World War II because it provided basic and entertainment services, such as arcades, tattoo parlors, burlesque and movie theaters, tailors, cafeterias, bathhouses, houses of prostitution, cheap hotels and locker clubs where servicemen could check their uniforms and rent civilian clothing. The LGBTQ presence in the area increased as more businesses opened that either did not turn away or catered to LGBTQ clientele (see following section for more information).<sup>30</sup>

The relative balance maintained between "safe streets and wild nightlife" became more precarious during the 1960s however, when residents displaced by urban renewal and Bay Area Rapid Transit (BART) construction—as well as patients emptied from state mental institutions—joined others attracted to the area for its low rents. In time, the area became known for drug use and other criminal activities, an identity that has persisted into the present. However, in part due to the "dog-eared" nature of the Tenderloin and mid-Market Street, these areas remained popular for LGBTQ nightlife during the 1960s-1970s, featuring an array of pool halls, taverns, discount stores, and restaurants such as the Doggie Diner at 1029 Market (extant), as well as theaters, including the Tea Room Theater at 145 Eddy in the Tenderloin. Particularly Turk Street from Jones to Mason was a popular main drag for cruising and hustling in the city from the 1940s through the 1980s.<sup>31</sup> Bob Damron's "1976, 1977, and 1978 Address Book" for the LGBTQ community listed the Tenderloin, specifically the corner of Mason and Market streets, as one of the premier cruising districts for hustlers.<sup>32</sup>

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<sup>24</sup> Anne Bloomfield and Michael Corbett, National Register of Historic Places Nomination Form for the Uptown Tenderloin Historic District (May 5, 2008), Section 8, page 11.

<sup>25</sup> Ibid: Section 7, page 3.

<sup>26</sup> Anne Bloomfield and Michael Corbett, National Register of Historic Places Nomination Form for the Uptown Tenderloin Historic District (May 5, 2008), Section 8, page 15..

<sup>27</sup> Ibid: Section 8, page 18-20.

<sup>28</sup> Ibid: Section 8, page 21.

<sup>29</sup> Donna J. Graves and Shayne E. Watson. "Citywide Historic Context Statement for LGBTQ History in San Francisco" (March 2016), page 94.

<sup>30</sup> Ibid., page 94 & 96.

<sup>31</sup> Ibid., page 96.

<sup>32</sup> Bob Damron's Address Book, 1976, 1977, 1978. GLBT Historical Archives.

## VI. HISTORIC CONTEXT: 950-964 MARKET STREET

The Dean Building, located at 950-964 Market Street, is a two-story unreinforced masonry commercial building. In 1906, the building was constructed at the northwestern corner of Market, Turk, and Mason streets to replace a previous building destroyed in the earthquake and resulting fire that occurred on April 18 of that year. It was re-designed in the Art Moderne style in 1937.



Figure 47. Market Street looking north, December 11, 1937. The Dean building, (San Francisco Public Library Historical Photograph Collection)



Figure 48. Market Street looking northeast, July 3, 1946. The Dean building, showing store awnings, is visible on the lower left. (San Francisco Public Library Historical Photograph Collection)



Figure 49. Turk Street looking toward Market Street, January 29, 1943. The back of the Dean Building is located on the right.  
(San Francisco Public Library Historical Photograph Collection)

## OWNERS

There have been a number of tenants within the commercial spaces, but the Dean family has owned the building since its initial construction. According to available building permits, the owner of the Dean Building in 1906 was Walter E. Dean. In June 1926, the estate of Walter E. Dean was passed to Helen C. Dean. In 1928, the estate of Helen C. Dean passed to Walter L. and Helen Dean, and in 1936, the property passed to Marie E. Dean and Walter E. Dean II. In 1937, the Helen Dean family, M.E. Symmes, and W.E. Dean II formed the Market-Turk Co., which still possesses ownership of the building. No biographical information was found regarding the Dean Family building owners.

Table 2. Owners of 950-964 Market

Date	Owner
1906	Walter E. Dean
1926	Helen C. Dean
1928	Walter L. and Helen Dean
1936	Marie and Walter Dean II
1937	Market-Turk Co. (Helen Dean Family, M.E. Symmes, W.E. Dean II)

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building's construction in 1906, there has been much occupant turnover in the first and second stories, as well as physical changes to the party walls, layout, and tenant improvements of the store spaces. As part of the "Shine for '39" campaign in San Francisco, in 1937 the entire building was remodeled into the Art Moderne style, included pinkish-tan glossy terracotta cladding and a simple streamlined cornice. "Shine For '39" was a San Francisco program to encourage local communities, businesses and individuals to beautify the area in preparation for the opening of the 1939 Golden Gate International Exposition (World's Fair) and to commemorate California's history, achievements, events and personalities.

According to the 1913 and 1950 Sanborn Fire Insurance Maps, the building contained nine ground floor commercial units on Market Street (950, 952, 952 ½, 954, 956, 958, 960, 962, 964, and 964A Market Street), as well as through-unit and separate addresses on Turk Street. Today it contains only six commercial units, all with addresses on Market Street.

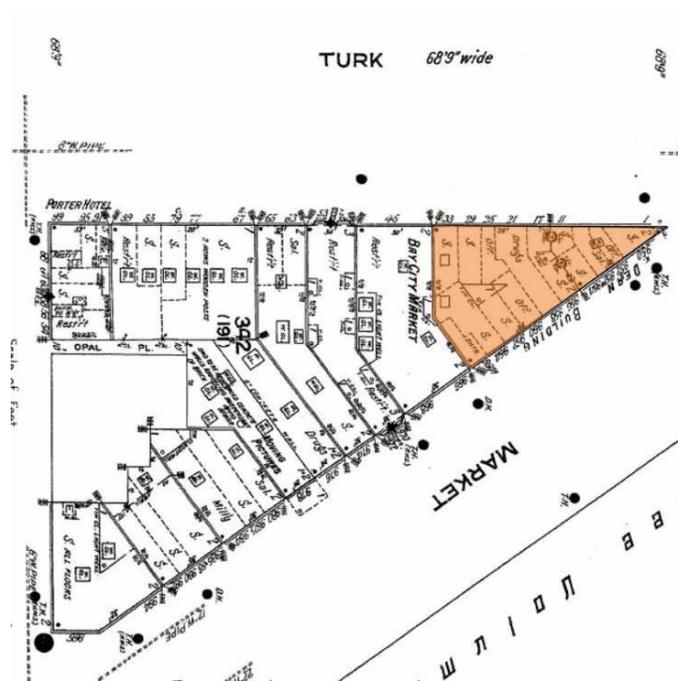


Figure 50. 1913 Sanborn Map, Volume 1 Sheet 63 (altered by author).

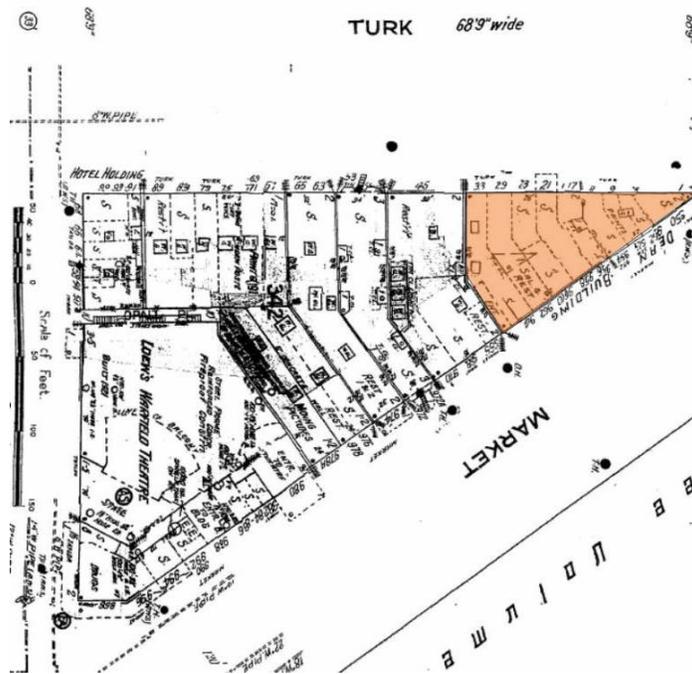


Figure 51. 1950 Sanborn Map, Volume 1 Sheet 63 (altered by author).

### 950 Market Street

The commercial unit at 950 Market Street, located at the corner, was a cigar shop called the United Cigar Store from 1907-1937, the United Pipe & Tobacco Shop until 1966, and became a shoe store called Flagg Brothers in 1966 through at least 1982. The sidewalk in front of Flagg Brothers was known to be a popular hustling spot for the LGBTQ community, likely because it was located adjacent to the popular intersection of

Market, Mason, and Turk streets. Currently, it hosts a cellular phone store called Metro PCS. No further information was found for businesses or people.

**Table 3. 950 Market Street Occupants**

Date	Name	Business Operator
1907-1937	United Cigar Stores	
1937-1966	United Pipe & Tobacco Shop	
1966-Unknown	Flagg Bros. shoe store	
Unknown-2016	Metro PCS	

**952/952.5 Market Street**

The commercial unit at 952 Market Street (no longer an existing address) was part of 950 Market as the United Cigar Co. in 1907. These two spaces were then separated and 952 Market Street was occupied by a dental office in 1911, a clothing store in 1917, a coffee shop in 1933, and a candy store in 1936 through 1938. No biographical information was found regarding business owner Dolly Madison. The address was unlisted from 1953-1958, a shoe store until 1959, then vacant for a year after which it contained a shoe store called the Heel Shop until 1965. The 952 Market Street address was unlisted in city directories starting in 1965.

The 952.5 Market Street address contained a restaurant called Greenwood from 1936-1938, a luggage shop from 1953-1957, vacant for the following year, followed by the Trans-Continental Airlines Agency until 1962, Alan’s TV Service until 1965 and vacant until 1966. The 952.5 Market Street address was unlisted starting in 1966, at which point both addresses were combined with 950 Market Street. No further information was found for businesses or people.

**Table 4a. 952\* Market Street Occupants**

Date	Name	Business Operator
1907-1911	United Cigar Stores – combined with 950 Market	
1911-1917	Dental office	
1917-1933	Clothing store	
1933-1936	Red Poppy Coffee	
1936-1938	Dolly Madison Candy store	Dolly Madison
1953-1958	Unlisted	
1958-1959	Nat Casserd Shoe Store	
1960-1961	Vacant	
1961-1965	The Heel Shop	

\* Address unlisted after 1965 in city directories

**Table 4b. 952.5\* Market Street Occupants**

Date	Name	Business Operator
1936-1938	Greenwood Restaurant	
1953-1957	Park Lane Luggage Shop	
1957-1958	Vacant	
1959-1962	Trans-Continental Airlines Agency	
1963-1965	Alan’s TV Service	
1965-1966	Vacant	

\*Address unlisted after 1966 in city directories

**954 Market Street**

The commercial unit at 954 Market Street (no longer an existing address) was home to a jewelry store from 1908 to 1910 and a hat store called Henry Gross the Hatter from 1936-1938. No biographical information was found for business owner Henry Gross. Later the clothing store at 956 Market Street altered the

storefront by increasing the singular show window to two. 954 Market was listed as Morrow's Nut House in 1953, Regal shoe store in 1968 and Hardy shoe store from 1978 until an unknown date. The address was combined with 956 Market Street in the 1980s. No further information was found for businesses or people.

**Table 5. 954 Market Street Occupants**

Date	Name	Business Operator
1908-1910	Jewelry store	
1910-1936	Unlisted or Vacant	
1936-1938	Henry Gross the Hatter	Henry Gross
1938-1953	Unlisted or Combined with 956 Market	
1953-ca. 1968	Morrow's Nut House	
1968-1978	Regal Shoe Store	
1978-Unknown	Hardy Shoe Store	

### 956 Market Street

956 Market Street was listed as a vintage clothing store in 1936 called Empire Vintage until 1938, Standard Radio Company until 1954, a men's clothing store Al William's until 1955, a men's furnishings store until 1957, Robert's Discount clothing store from 1958-1968, after which point the address is no longer listed in the city directories. No biographical information was found for business owner Al Williams. The storefront currently contains a store called Beauty Supply and Hair Salon. No further information was found for businesses or people.

**Table 6. 956 Market Street Occupants**

Date	Name	Business Operator
1936-1938	Empire Vintage Co.	
ca.1953-1954	Standard Radio Co.	
1954 – 1955	Al William's Men's Clothing	Al Williams
1955-1957	McCormick's men's furnishings	
1957-1958	Vacant	
1958- 1968	Robert's Discount Store – Men's Clothing	
Unknown-2016	Beauty Supply and Hair Salon	

### 958 Market Street

958 Market Street was home to a doctor's office in 1912, a drug store in 1922, and contained Maxferd's Jewelry store from 1933 though 1973. The address was vacant the following year followed by a Jewelry exchange pawnbroker in 1974, a San Francisco souvenir shop in 1978, and a wig store in 1982 through an unknown date. The storefront most recently contained an electronics store and is currently vacant. No further information was found for businesses or people.

**Table 7. 958 Market Street Occupants**

Date	Name	Business Operator
1912-Unknown	Doctor's office	
1922 – Unknown	Drugstore	
1933-1973	Maxferd's Jewelry Store	
1973-1974	Vacant	
1974-1978	Jewelry Exchange pawnbrokers	
1978-1981	San Francisco Souvenir shop	
1982-Unknown	Wig Town	

### 960 Market Street

960 Market Street was a tailor shop owned by Davis John from 1933-1953, Regal shoe store from 1953-1955, vacant until 1958, and occupied by an optometry office until 1970. The building contained a watch repair shop until 1975, Rich Vision Center until 1978, a small retail store until 1982 when it contained a luggage store until an unknown date. Currently, the storefront contains an electronics store called Electronics Entertainment Exchange. No further information was found for businesses or people.

**Table 8. 960 Market Street Occupants**

Date	Name	Business Operator
1933-1953	Davis John Tailor shop	Davis John
1953-1955	Regal shoe store	
1955-1958	Vacant	
1958-1970	Rich Milton, optometrist, Van Gundy, optometrist	
1970-1975	Watch repair shop	Ernst Thunig
1975-1978	Rich Vision Center	
1978-1980	Indiacrafts	
1980-c. 1981	Vacant	
1982-Unknown	Century Luggage Co.	
Unknown-2016	Electronics Entertainment Exchange	

### 962 Market Street

The original tenant of the commercial unit at 962 Market Street is unknown. In 1914, the tenant was M.B. Ansill and the space was occupied by Pacific Barbers' Supply & Cutlery Company.<sup>33</sup> From 1919-27, 962 Market Street was home to Harry Ray's clothing store, a leather goods retail store owned or operated by Henry Gross.<sup>34</sup> In 1928, the space was occupied by a nut store.<sup>35</sup>

In 1933, restauranteurs Herman Steen and J.R. Davis occupied the space and opened a bar called the Rainbow Tavern, as listed in that year's city directory. The bar was also referred to as the Rainbow Inn in 1935, at the time of its closing.<sup>36</sup> From 1934-35, Aaron Thorne of Thorne Brothers Beverages operated the Rainbow Tavern. According to a *Variety* article from February of 1935 and articles in the *San Francisco Examiner* and *San Francisco Chronicle* from May of 1935, the liquor license for the Rainbow Tavern was revoked without a hearing and the bar was forced to close by the State Board of Equalization along with a few other nearby bars, including the Pirate's Cave and the Cairo. The *Variety* article described them as "honkeytonk...popular but second class drinkeries," while *The Examiner* claimed that licenses were "revoked on moral grounds."<sup>37</sup> This declaration by the SEB could be interpreted as an early crackdown on LGBTQ bars, especially since associated terms were not yet widely used in the media, and forced closures during this period due to "morality" concerns was often code language used to describe LGBTQ establishments. No other historical sources were found that allude to the Rainbow Tavern as such.

Another bar called the Old Crow opened in the space by late 1935 or 1936.<sup>38</sup> It was listed in the 1936 SF Address Directory and was featured in a photograph of the block from 1937 (See **Figure 47**). In 1938, the business operator was M. Jensen. In 1939, the bar was listed as "Jansen [sic] & Hassold, operated by Magnus

<sup>33</sup> No. 54646. San Francisco: Department of Building Inspection, 25 March 1914.

<sup>34</sup> No. 87609. San Francisco: Department of Building Inspection, 1 August 1919.

<sup>35</sup> No. 167236. San Francisco: Department of Building Inspection, 7 January 1928.

<sup>36</sup> Permit 4595. San Francisco: Department of Building Inspection, 9 May 1933; "Wholesale S.F. Café Closings," *Variety Magazine*. 11 Feb. 1935; "Ruling Hits 2 Market St. Beer Parlors," *San Francisco Examiner*. 18 May 1935.

<sup>37</sup> *Variety Magazine*. "Wholesale S.F. Café Closings." 11 Feb. 1935; "Market St. Taverns Denied Rehearing," *Examiner Bureau, Sacramento*, 28 May 1935.

<sup>38</sup> *City Address Directory*. San Francisco. 962 Market Street, 1936.

Jensen and John Hassold.” In 1940, the bar was operated by Fred Jensen, while from 1941-43, it was operated by the “Jensen Brothers.” Hugo and Magnus Jensen ran the bar and also co-owned, operated, and resided as long-time bachelors in the Senate Hotel at 467 Turk Street.<sup>39</sup> A building permit was issued for the Old Crow for a new neon sign in 1944.<sup>40</sup> Fred Jensen remained affiliated with the business through the late 1950s, though his relation to Hugo and Magnus remains unclear. According to city directories, the Old Crow was listed from 1936 through 1967, at which point the bar was operated by Ed McMahon and renamed McMahon’s Old Crow Tavern. It was listed as such until 1980.<sup>41</sup> No biographical information was found for Ed McMahon. The address was listed as vacant the following two years that city directories were published until an unknown point. The most recent tenant of 962 Market Street was Moonstone Shirts. More information about the Old Crow bar follows the Occupancy section of this report. No further information was found for businesses or people.

**Table 9. 962 Market Street Occupants**

Date	Name	Business Operator
1914-1919	Pacific Barbers’ Supply & Cutlery Company	M.B. Ansell
1919-1927	Harry Ray’s clothing store	Henry Gross
1927-1933	A nut store	
1933-1934	<b>Rainbow Tavern</b>	Herman Steen, J.R. Davis
1934-1935	<b>Rainbow Tavern</b>	Aaron Thorne/Thorne Bros. Beverages
1936-1939	<b>The Old Crow</b>	M. Jensen
1939-1940	<b>The Old Crow</b>	Jansen [sic] & Hassold, operated by Magnus Jensen and John Hassold
1940-1941	<b>The Old Crow</b>	Fred Jensen
1941-1967	<b>The Old Crow</b>	Jensen Bros. (Magnus and Hugo Jensen)
1967-1980	<b>McMahon’s Old Crow</b>	Ed J McMahon
1980-Unknown	Vacant	
Unknown-2015	Moonstone Shirts	

### 964/964A Market Street

964 Market Street refers to both the westernmost storefront on the ground floor and the building’s second story. The storefront at 964 Market Street was occupied in the early 1930s by SF Suit Case Co. and Warfield Luggage until 1940, at which point Bunny’s Waffle Shop opened and remained in this storefront until 1970. A steakhouse briefly occupied the storefront for a year in 1971, and most recently a loan agency. The address also contained King Dale Dental offices upstairs through at least 1982. A UCSF-run research office most recently existed in the second floor space called the Tenderloin Clinical Research Center (TCRC) which was forced to close in September of 2015 after having conducted community-based research in several city neighborhoods over the last ten years in the Tenderloin District. It existed in this particular space for the last three years.<sup>42</sup> The TCRC ran several projects known under the umbrella term, ‘UFO Study,’ which focused primarily on viral hepatitis, especially hepatitis C (HCV), among young people who inject drugs in San Francisco.<sup>43</sup>

<sup>39</sup> U.S. Census. 1920, 1930, 1940. Ancestry.com

<sup>40</sup> Permit 71762. San Francisco: Department of Building Inspection, 1943.

<sup>41</sup> City Directories. San Francisco. 962 Market Street.

<sup>42</sup> Matier & Ross. *San Francisco Chronicle*. “S.F.’s development boom chases out hep-C vaccine researchers.” August 18, 2015.

<sup>43</sup> “The UFO Study.” [www.ufostudy.ucsf.edu/about-ufo](http://www.ufostudy.ucsf.edu/about-ufo)

The address 964A Market Street refers to the westernmost storefront, as well, but was only listed as such in the city directories for select periods, including 1953-1956 as Modart Beauty Salon, 1974-1977 as a wig store called the Wig Palace and another wig store called King's Trading, Inc. until 1981. It is currently a loan agency called Money Mart. No further information was found for businesses or people.

**Table 10. 964/964A\* Market Street Occupants**

Date	Name	Business Operator
1930 – 1940	SF Suit Case Co. and Warfield Luggage	
1940 - 1970	Bunny's Waffle Shop King Dale Dental Office, Robert Beauchamp	Jos, Louis, Sol Bulasky
c.1953-1956*	Modart Beauty Salon	
1970-1971	Zack's Steakhouse King Dale Dental Office	
1971 – 1981	King Dale Dental Office C J Eastland, dentist Rooms: 10 Vacant 14,16 Lucie's Beauty Salon 19 Vacant 33 Jalico Construction Corp, vacant after 1978	
1974-1977*	Wig Palace (964A)	
1978-1981*	King's Trading Inc., wig store (964A)	
1982-Unknown	Lorie Sbarboro, dentist OK T-Shirts Rooms: 10 Vacant 14 Lucie's Beauty Salon 19 Vacant	
2012-2015	Tenderloin Clinical Research Center (964)	
Unknown-2016	Money Mart (964A)	

\*1952-1956 and 1974-1981 are the only time periods when 964A was listed separately from 964 in city directories. The storefront was also addressed 964A Market Street in recent years.

### THE OLD CROW AT 962 MARKET STREET (1935-1980)

A bar called The Rainbow Tavern operated at 962 Market Street from 1933 until its forced closing in 1935, as indicated in the *San Francisco Examiner*, *Chronicle* and *Variety* articles cited above. Though no historical sources were located that explicitly refer to its existence as and LGBTQ bar, the media describes it similarly to other LGBTQ bars that were forced to close at that time. It is therefore possible that this was one of the earliest LGBTQ bars to have existed post-Prohibition. After the Rainbow Tavern's forced closing, the Old Crow bar operated at this location from late 1935 or 1936 until 1980. The first reference to the Old Crow as a 'gay bar' is unknown, but it is referred to as such in various LGBTQ business directories, articles and narratives from 1942 and onward.<sup>44</sup> While it was open, the Old Crow developed a reputation as a cruising and hustling spot.<sup>45</sup> It was known as a place where older or more established masculine men mixed with soldiers and sailors.<sup>46</sup> It has been noted that the Old Crow entertained a mixed straight and LGBTQ clientele but also rigorously

<sup>44</sup> Boyd, Nan Alamilla. *Wide-Open Town: A History of Queer San Francisco*. (University of California Press: Berkeley, 2003).

<sup>45</sup> Kevin Starr, *Embattled Dreams: California in War & Peace, 1940-1950*, (Oxford Univ Press: Oxford, 2002), 82.

<sup>46</sup> Jack Fritscher, *BARchive: My Funny Valentine*, (www.edgeboston.com, 12 February 2011); Ellen Klages, *Parade Program*, (1984), GLBT Historical Society Archives.

denied entry to female patrons.<sup>47</sup> The 1973 Guild Guide, “the most complete guide to the gay scene ever,” described the Old Crow as having a mixed crowd (“appears straight, but sufficiently active to make it worthwhile”) and popular among hustlers.<sup>48</sup> This “straight appearance” was perhaps part of the reason why the bar evaded the post-war Navy and police shutdowns during the 1940s through 1960s. Bob Damron’s “1976, 1977, and 1978 Address Book” for the LGBTQ community also described the Old Crow as a mixed crowd with some straights, generally made up of older and more mature patrons, and popular among hustlers.<sup>49</sup> In the period following World War II, Lou Rand, author of many works of queer literature, reminisced about the LGBTQ scene in San Francisco. About the Old Crow, Rand stated:

We note that the Old Cow (it’ll never be Crow, to thousands...) is still going strong, though we wouldn’t trust ourselves inside. (Pickpockets, and other groping types, y’know...) [...] Along in the block with the ‘Cow’ was, years ago, a sort of ‘all-night’ dairy lunchroom. It was often filled with unused (that night) hustlers, tricks, and queens. There were sometimes some gems to be found there; it seemed to be the first place that ‘guys’ hit, on arriving in San Francisco.<sup>50</sup>



Figure 52. The Old Crow bar storefront, circa 1942.

Source: William Lipsky, *Images of America Gay and Lesbian San Francisco* (Arcadia Publishing: San Francisco, 2006), 54.

permits filed with the addresses 950-964 Market Street and 1-33 Turk Street show that the building has undergone many tenant improvements. There are over 100 building permits on file for the building at the Department of Building Inspection. Exterior alterations include the major Art Moderne remodel in 1937 with replacement of wall cladding and windows, changes to signage, the installation of antennas, and re-roofing. Interior alterations of 950-964 Market Street included a seismic retrofit in 2006.<sup>51</sup> All of the ground floor units have received numerous tenant improvements to the interiors and exteriors over the years, including adjusting interior partitions that divide adjacent commercial units.

<sup>47</sup> Susan Stryker and Jim Van Buskirk, *Gay by the Bay: A History of Queer Culture in the San Francisco Bay Area* (San Francisco: Chronicle, 1996), 23-24.

<sup>48</sup> Guild Guide USA & International, (1973), GLBT Historical Archives, 28.

<sup>49</sup> Bob Damron’s Address Book, 1976, 1977, 1978. GLBT Historical Archives

<sup>50</sup> Lou Rand, *The Golden Age of Queens*, Len Evans Papers 93-8, San Francisco Public Library, part 3 page 1-3.

<sup>51</sup> *Permit Application 200102061474*. San Francisco: Department of Building Inspection, 19 December 2006.

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Because the Dean Building at 950-964 Market Street was previously found eligible for listing in the National Register in association with the long-standing Old Crow bar, the following table focuses on the building permits for major alterations to 962 Market Street, the location of the Old Crow bar and earlier Rainbow Tavern.

**Table 11. Permitted Alterations for 962 Market Street**

Date	Document Number	Names of Tenant, Architect/Engineer, Contractor, etc.	Notes
Sept. 4, 1906	Permit #3286	n/a	A two-story over basement building at Turk and Market streets was approved and would house stores and offices. The floors would be of timber and the flat roof constructed of timber covered in tar and gravel. The walls would be covered in cement with studded and plastered partitions, and there would be wood interior columns at the basement level with a brick vaulted ceiling under the entire sidewalk. The retaining walls remaining from the previous building destroyed in the 1906 earthquake would remain and a new retaining wall would be constructed on Turk Street on the corner. The project was estimated to cost \$50,000.
Mar. 25, 1914	No. 54646	Tenant M.B. Ansill; Builder Bouyer (or Bouyer) & Sons	The storefront was changed to show 2'6" of glass on either side of the entrance doors and these show windows were extended 9' into the store. The project was estimated to cost \$295.
Mar. 9, 1917	No. 15393	Owner Walter Dean; Contractor/Architect unknown	Partitions between the stores at 962 and 964 Market Street were removed and replaced with girders supporting the second floor. No project cost was provided.
Sept. 17, 1917	No. 78396	Owner Walter Dean; Contractor J. Mroumoon	The storefront of 962-964 was altered and new show windows were added. These new show windows extended 4'6" into the store with glass sides and backed by panel doors. The project was estimated to cost \$300.
Jul. 5, 1922	No. 108388	Tenant Leighton's Market; Contractor Mullen Manufacturing	The stairs to the second floor were rebuilt. The project was estimated to cost \$240.
Jan. 7, 1928	No. 167236	Tenant J. Roeber; Contractor Osilund Johnson	A new front was installed, including marble tile in the vestibule. The project was estimated to cost \$500.

Date	Document Number	Names of Tenant, Architect/Engineer, Contractor, etc.	Notes
May 9, 1933	Permit #4595	Tenant Herman Stein and J.R. Davis; Architect/Engineer Leo Roselyn	A new storefront was installed. The project was estimated to cost \$1450.
Apr. - May, 1933	Permit #4338; #4790	Tenant J.R. Davis and H. Stein; Contractor J.R. Davis and Electrical Products Corp.	Alterations included new storefronts at the Market and Turk entrances, removal of the existing partitions and offices, installation of two new toilets and restaurant fixtures, and installation of two new signs - a horizontal single-faced neon sign ("Luncheon-Dinner") and a business sign ("The Rainbow. Beer on Tap."). The project was estimated to cost \$875.
Nov. 30, 1938	Permit #39261	Tenant M. Jensen; Contractor Mullen Manufacturing	The entrance doors were changed to a new position and the front materials were replaced with enamel and glass. The project was estimated to cost \$900.
Apr. 5, 1944	Permit #71762	Tenant The Old Crow; Contractor Neon Maintenance Corp.	A new neon sign was erected at 962 Market Street. The projected was estimated to cost \$425.
May 16, 1966	Permit #294359	Tenant Market-Turk Co.; Contractor J. Coburn	Repairs to fire damage were completed. The projected was estimated to cost \$3,000.

Sometime between Anne Bloomfield's historic survey in 1997 and 2011, the storefront with windows and door were removed from 962 Market Street and replaced with a roll-up metal door that spans the full width of the unit. Despite these alterations and others to the storefronts at 950-964 Market Street, Tim Kelley Consulting's 2011 DPR form suggests that the building had not been altered since Bloomfield's evaluation. The interior of the store contains no remnants of the previous bar, but rather has hanging fluorescent lighting, carpeting over the floor, and pegboard on all available wall surfaces to hang merchandise

## VII. HISTORIC CONTEXT: 966-970 MARKET STREET/45 TURK STREET

The building at 966-970 Market Street/45 Turk Street was constructed in 1907 by an unknown architect and contractor. According to the 1913 Sanborn map, the building initially contained three ground floor commercial units with entries on Market Street (966, 968, and 970 Market Street) in the current parcel and in the parcel directly adjacent on the west side. By 1950, the street address changed and the storefront addressed as 970 Market Street shifted to be within the parcel as it is defined today, as well as having a through-unit address on Turk Street (45).



Figure 53. 968 Market Street, n.d.  
(San Francisco Public Library Historical Photograph Collection)

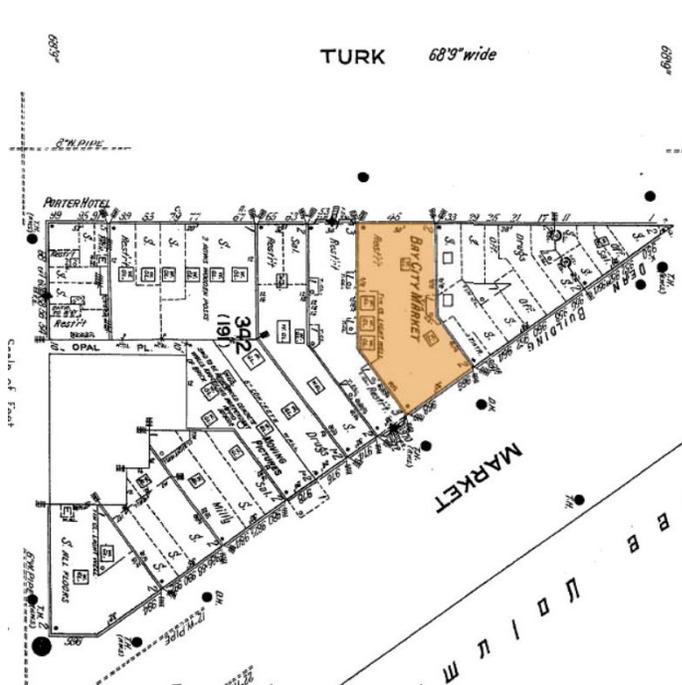


Figure 54. 1913 Sanborn Map, Volume 1 Sheet 63  
970 Market storefront in current 972 Market lot (altered by author).

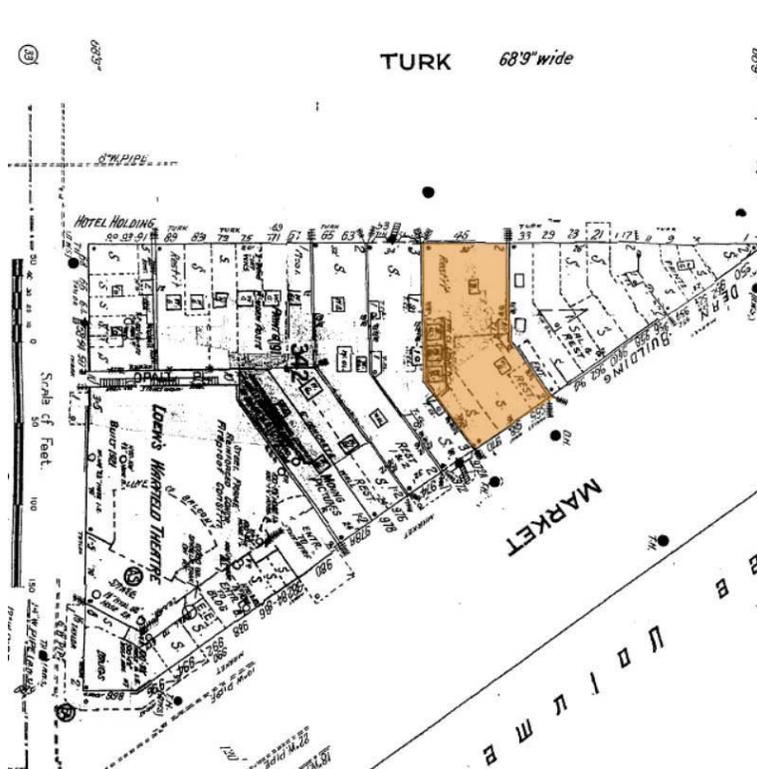


Figure 55. 1950 Sanborn Map, Volume 1 Sheet 63  
970 Market shifts to be contained within the lot as it is today  
(altered by author).

## OWNERSHIP

966-970 Market Street/45 Turk Street has a relatively complicated ownership history, as a number of people owned shares of the property. The longest period of single ownership was from 1979-2004 by Yok & Wai Hu. No further biographical information about owners or businesses was found beyond what is listed in tables below. In addition, from the date of construction in 1907 through 1944, 966-970 Market Street/45 Turk was located on lots 2 and 3. In 1944, lot 3 merged into lot 2 and the building was identified as lot 2 from then on.

**Table 12. Ownership Deed Transfers**

Date	Grantor	Grantee	Lot
1907		Mary & Dorothea Barron Ivanovich	2,3
April 1916	Mary & Dorothea Barron Ivanovich	Nicholas Ohlandt & John A Buck	2,3
July 1916	Mary Barron, Dorothy Barron, Marian Ivanovich	Nicholas Ohlandt & John A Buck	2,3
April 1918	Nicholas Ohlandt	Matilda, Alexander and Nicholas Ohlandt	2,3
May 1920	Henry Ohlandt, Alexander Morrison, Nicholas Ohlandt	Matilda, Alexander and Nicholas Ohlandt, Hammersmith, F. Ames, O. Broughton, H. Jungbluth, Louis N., John Chester Ohlandt, William Gilmearl	2,3
March 1925		Viola B Wright	2,3
July 1930	HW Ohlandt	Marian P Ohlandt	2,3
Dec. 1931	John A Buck Jr	Mary E, Marie V Buck	2
June 1935	Mary M Buck	Walter E Buck	2,3
July 1935	Mary M Buck	Walter Buck	2,3
Aug. 1935	Henry N. Jungbluth	Lila V. Jungbluth	2,3
June 1936	W.E. Buck	Viola B. Wright	2,3
Oct. 1939	Viola B. Wright	Marie V. Ducato SF Bank & Walter E Buck, trustee Earleene J. Wright	2,3
Feb. 1940	Pauline Shoenberg	Marian P Wild	2,3
May 1940	OJ Wood	H Wood	2,3
April 1944	OJ Wood	James R Broughton	2
Jan. 1946	OJ Wood	Earlene Joan Wright	2
July 1959	Earlene Joan Wright	Patricia Wills, Jeanne Loveday	2
Sept 1959	Patricia Wills, Jeanne Loveday	Marie V Ducato	2
Sept. 1962	Marie V Ducato	Helen J Baldwin	2
March 1964	Helen J Baldwin	Marie V Ducato, Freda Ames, John C Ohlendt, Jean Loveday, Walter E Buck, Earleene J Wright, Helen J Baldwin, HE Wright Jr., Viola M Wright, Patricia Wills, Jeanne Loveday	2
Sept. 1966	Harry E Wright Jr	Viola B Wright	2
July 1967	Fred W. Ames	Elbert N. Ames, Gloria A. Walter, Lorraine A. Teorge	2
June 1971	Walter E Buck	Emily L Buck	2

Date	Grantor	Grantee	Lot
August 1976	Mann Theaters Corp. of California	Hoover Entertainment & Land Investment Corp.	2
Sept. 1976	Emily Buck	United California Bank Alfred Ducato Trust	2
June 1977	Harry Wright Jr.	Heirs of Earlene Wright	2
Nov. 1978	Helen Baldwin, Earlene Wright, Elbert Ames, John C Ohlandt, Lorraine A Teorge Patricia & Douglas Wills, Jean Love, Marie Ducato, Alfred Ducato	Yok Ming & Wai K L Hu	2
Dec. 1978	Wai Man Lee	Yok Ming Hu & Wai Kam	2
Feb. 1979	Yok & Wai Hu	Yok & Wai Hu, Plus & Grace Lee, Wai & Siu Lee	2
2004	Yok & Wai Hu	Stephen Fong	2
2010	Stephen Fong	966 Market Investors LLC c/o Tanasue Carpenter	2
2012	966 Market Investors LLC	LSREF Clover Property LLC c/o CAC Real Estate	2
2014	LSREF Clover Property LLC c/o CAC Real Estate	Fre 547 LLC c/o Joy Ou	2
2015	Fre 547 LLC c/o Joy Ou	Mid-Market Center LLC	2

## OCCUPANTS

### 966 Market Street

966 Market Street was occupied by Foster's Permanent Wave Shop, a haircut salon from 1931-1942. It contained the Young Women's Christian Association and Traveler's Aid from 1953-1955, followed by the USO YWCA and USO Traveler's Aid. The address was vacant in the early 1960s, contained an Arts & Fashion School of Design from 1962-64, a Lutheran Services Center from 1964-1970, and vacant until 1978, at which point the directories list a Korean English Language & Job Training center. The address is most recently vacant. No further information was found for businesses or people.

**Table 13. 966 Market Street Occupants**

Date	Name	Business Operator
1931-1942	Foster's Permanent Wave Shop, hair cutter	
c.1953-1955	Young Women's Christian Assoc., Travelers Aid	
1955-1959	USO YWCA Club USO Traveler's Aid	
1959-1962	Vacant	
1962-1964	Arts & Fashion School of Design	
1964-1970	Lutheran Service Center	
1970-1978	Vacant	
1978-1984	Korean English Language & Job Training center	
1985-Unknown	Retail stores, vacant and most recently unlisted	

### 968 Market Street

The 968 Market Street storefront contained Bay City Market from 1919-1936 (See **Figure 53**), an eatery called Morley's in 1936 until at least 1938, and a men's clothing store called George's from 1953-1960.

According to the city directories, Leo’s Men’s Shop opened here in 1960. In 1964, the *Lavender Baedeker Guide* to LGBTQ culture in San Francisco mentioned a popular store called Leo’s Men’s Shop located at 968 Market.<sup>52</sup> It was listed in the space until 1971 at which point it became Leading Men’s clothing store and the Western Academy of Cosmetology in 1978. Another men’s store called Slacktown opened in the space in 1980 until an unknown date. The storefront is currently vacant. No further information was found for businesses or people.

**Table 14. 968 Market Street Occupants**

Date	Name	Owner
1919-1936	Bay City Market	
1936-Unknown	Morley’s Roast Chickens	
c.1953-1960	George’s Men’s Shop Inc.	
<b>1960-1971</b>	<b>Leo’s Men’s Shop</b>	
1971-1978	Leading Male Men’s Clothing	
1978-1980	Western Academy of Cosmetology	
1980-Unknown	Slacktown	

#### 45 Turk Street

The building’s other storefront, 45 Turk Street, was home to one of the city’s longest running restaurant establishments, the Bay City Grill, which opened at 968 Market in 1919 and is shown listed in the city directories at the 45 Turk Street address until 1954. The storefront then sat vacant for four years, after which point the Landmark Room, a cocktail bar, opened in 1958, operated by Bertha Uttecht and Mrs. Violet Razzis.<sup>53</sup> Similar to the Old Crow at 962 Market Street, the Landmark was a popular and long-operating gay bar in the city, remaining in business until 1985. In 1962, the bar was sold to Harry Ho, who registered the business in the Tavern Guild, a business association for San Francisco’s LGBTQ bar owners.<sup>54</sup> Ho was active in the LGBTQ community, hosting and sponsoring a variety of events and benefits, especially at the Landmark.<sup>55</sup> Even referred to as the “Harry Ho Tavern” in the 1966 San Francisco city directory, the Landmark became known in the 1970s and 1980s as a hotspot for LGBTQ nightlife, operating as both a restaurant/bar and performance venue with live shows in the evenings on Thursdays through Sundays.<sup>56</sup>

At some point soon after the Landmark’s closing in 1985, another bar called the Peter Pan opened in the space and remained in business until 1994. Five years later, the storefront contained a Vietnamese restaurant called Phong Lan. According to an *SF Weekly* article from 1999, the restaurant drew people not only for its excellent food but for the history— the Peter Pan once “offered among other things, young men for hire (as well as your standard fights and the occasional knifing).”<sup>57</sup> In another article, the Peter Pan was also described, among other bars in the area, as being “a refuge for gay men who had flocked to San Francisco in search of acceptance and community.”<sup>58</sup> No further information was found for businesses or people.

**Table 15. 45 Turk Street Occupants**

Date	Name	Business Operator
1919- 1954	Bay City Grill	

<sup>52</sup> Lavender Baedeker (1964), GLBT Historical Archives.

<sup>53</sup> 1958 San Francisco City Directory

<sup>54</sup> GLBT Archive. Tavern Guild Records: 1962, 1973, 1975.

<sup>55</sup> *Gay Crusader Magazine*. Various articles and advertisements from 1980. Available at [digitalassets.lib.berkeley.edu/.../1980\\_Gay\\_Crusader\\_No97\\_May\\_13.pdf](http://digitalassets.lib.berkeley.edu/.../1980_Gay_Crusader_No97_May_13.pdf)

<sup>56</sup> Ibid.

<sup>57</sup> Hugunin, Greg. *SF Weekly*. “A Taste of Change.” Nov. 3, 1999.

<sup>58</sup> Mobley, Esther. SF Gate. “Aunt Charlie’s: Drinks and tales at the Tenderloin’s gay dive bar.” November 25, 2015.

Date	Name	Business Operator
1954-1958	Vacant	
<b>1958-1962</b>	<b>The Landmark Room</b>	B. Uttecht, V. Razzis
<b>1962-1985</b>	<b>Landmark</b> aka Harry Ho Tavern	Harry Ho
<b>1985-1994</b>	<b>Peter Pan</b>	
1994-1999	Vacant	
1999-ca.2000s	Phong Lan Restaurant	

### 970 Market Street

The first known listing of 970 Market Street was a clothing store in 1936 and a jewelry store in the mid-1950s. It was unlisted until 1962 at which point it became a Natural Food store that remained at that address through at least 1982. The space hosted a coffee shop called Café Arabia in the 1990s and is most recently vacant. No further information was found for businesses or people.

**Table 16. 970 Market Street Occupants**

Date	Name	Business Operator
1936-1937	Hub Clothing Co.	
1953-1955	Lord's Jewelers	
1955-1962	Unlisted	
1962-Unknown	Natural Food Center, name changed to Glee in 1974, then New West Natural Food Center in 1979	
ca.1990-ca.1998	Café Arabia Coffee shop/snack bar	Tariq Alazraie

### CONSTRUCTION CHRONOLOGY

966-970 Market Street/45 Turk Street has undergone various alterations over the years. Exterior changes recorded in permits include roofing replacement, seismic upgrades, and storefront remodeling in the 1950s. The following table includes the building permits for major alterations.

**Table 16. Permitted Alterations for 966-970 Market Street/45 Turk Street**

Date	Document Number	Names of Tenant, Architect/Engineer, Contractor, etc.	Notes
2/10/1955	172444	Dave Rosenberg	Convert vacant building to clothing store: Remodel store front entrance and connect with adjoining store.
2/9/1959	197504	Lawrence Candies	Erect new plastic sign
8/5/1959	226766	Mr. Santos	Erect a new sign for Natural Food Center
8/8/1962	240756	Lutheran Service Center	Permit to erect sign
12/13/1971	362724	Elbert Amen	Install 1.5 tree wells in subsidewalk space
8/26/1981	479281	Stephen Fung, Shapiro, Okino, Hom & Associates	Strengthening of existing parapet at the roof level. Involves bracing the brickwork at the north and south walls.
1/24/1996	287781	Café Arabia	Install new awning over storefront entrance
7/21/1997	291200	Stephen Fung	Replace front door, Install

<b>Date</b>	<b>Document Number</b>	<b>Names of Tenant, Architect/Engineer, Contractor, etc.</b>	<b>Notes</b>
			Handrail
12/1/2000	935568	Stephen Fung (owner), Benham & Associates (architect/engineer)	Seismic upgrade, special procedure
6/1/2001	325721	Stephen Fung (owner), Keith Hooks (architect)	Enclose existing skylights; Remove partition walls at 2 <sup>nd</sup> floor. Provide handicap bathrooms at 2 <sup>nd</sup> floor, install new roofs at existing openings at 2 <sup>nd</sup> floor
8/18/2004	1033441	Stephen Fung JSK General Roofing (contractor)	Remove old existing roof layers and apply new mop on modified bitumen
3/11/2005	1050097	Stephen Fung Benham & Associates	Seismic Upgrade – Renew permit from 12/01/2000
9/19/2002	1067179	966 Market Investors LLC	Remove loose cornice cap

## VIII. HISTORIC CONTEXT: 972 MARKET STREET

972 Market Street is a three-story building constructed in 1912. The building was designed by B.R. Christensen for I.K. Prior, a San Francisco plumber and respected businessman. As is evident from the Sanborn maps, the 972 Market Street address shared the parcel with 970 Market Street until 1936, at which point the original 970 Market Street storefront in the subject building became 972A Market.

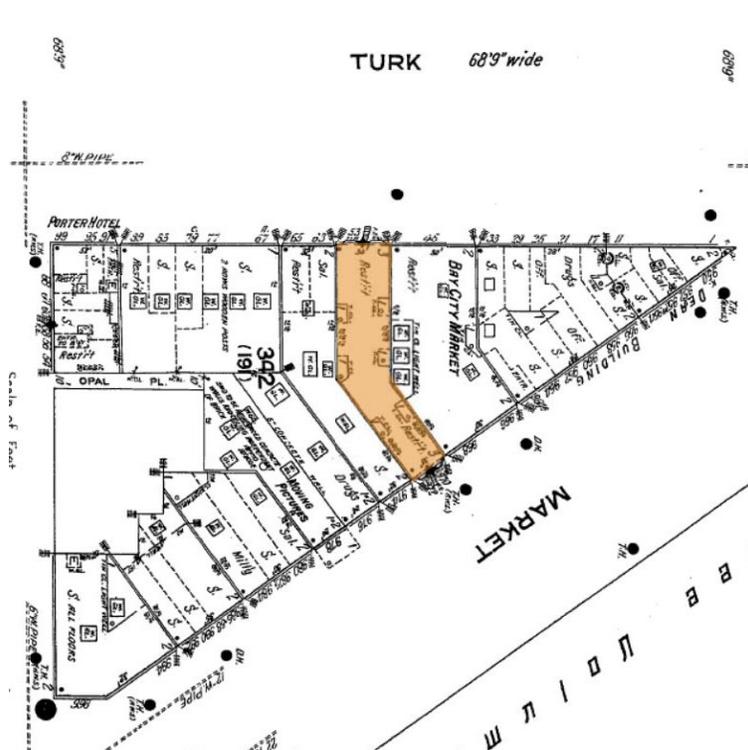


Figure 56. 1913 Sanborn Map, Volume 1 Sheet 63 (altered by author).

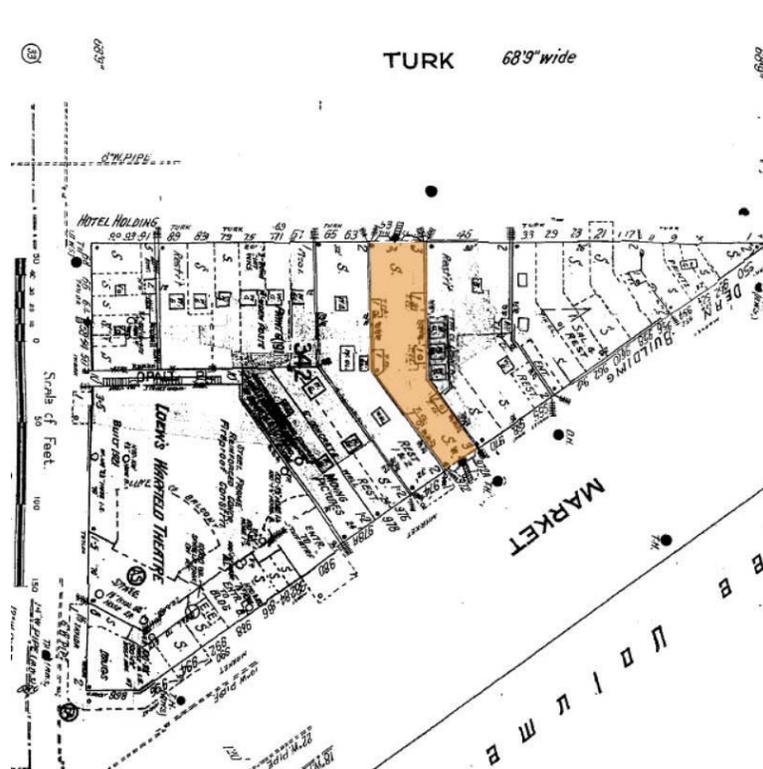


Figure 57. 1950 Sanborn Map, Volume 1 Sheet 63  
970 Market shifts over and is replaced by 972A (altered by author).

## OWNERSHIP

Table 16. Ownership Deed Transfers

Date	Grantor	Grantee
1912		Mary & James Prior
Feb. 1916	Mary & James Prior	Lester Francis Prior
April 1924	Margaret Delgu	Pearl Gladys Barnett, Fred Delgu & N.L. Bernard
May 1924	James K. Prior Jr	Toney Prior
Jan. 1925	Edward F. Delgu	Fred E. Delgu & Pearl Gladys Barnett
Nov. 1927	James Jr. Lester Toney Prior Josie A. Metaner Mathilda Andrews Leland S Prior	Annie L. Wallace
May 1929	Annie L. Wallace	Bradley L. Wallace
April 1940	F.R. Wallace	Bradley L. Wallace
Oct. 1966	Bradley L. Wallace	Title Insurance & Trust Company
April 1972	Title Insurance & Trust Company	Benjamin, Mollie, Eugene & Elinor Friend
Aug. 1972	Benjamin, Mollie, Eugene & Elinor Friend	Howard & Jeanne Cohn
March 1999	Howard & Jeanne Cohn	Cohn, Howard & Jeanne Revocable Trust
1999	Cohn, Howard & Jeanne Trust	Mid-Market Center LLC c/o Yvonne Ho
2002	Mid-Market Center LLC	Fox-Warfield LLC

Date	Grantor	Grantee
	co Yvonne Ho	
2003	Fox-Warfield LLC	Raymond Au
2010	Raymond Au	Market Street Holdings LLC c/o Tanasue Carpenter
2012	Market Street Holdings LLC c/o Tanasue Carpenter	LSREFS Clover Property c/o CAC Real Estate Management Co. Inc.
2013	LSREFS Clover Property c/o CAC Real Estate Management Co. Inc.	Fre 547 LLC c/o Joy Ou
2015	Fre 547 LLC c/o Joy Ou	GI Market Street LLC

## Occupants

### 972/972A Market Street

972/972A Market Street was owned by I.K. Prior, a prominent plumber and businessman who opened a restaurant in the ground floor space in 1913.<sup>59</sup> It is unknown when the original restaurant closed, but in 1933 the 972 address was listed as Pirate’s Cave Restaurant in the City Address Directory which is listed there until 1936. A February 1935 article in *Variety Magazine* and articles in the *San Francisco Chronicle* and *San Francisco Examiner* announced the revocation of the Pirate’s Cave’s liquor license and the bar’s closing along with other “honkeytonk...and second class drinkeries” like the Rainbow Tavern at 962 Market Street.<sup>60</sup> However, it is interesting to note that the *Gay Inc. SF Business Directory* lists the business as open at this address until 1942.<sup>61</sup> It is possible that the bar was forced to close temporarily in 1935 but was somehow able to reopen quickly thereafter. The Pirate’s Cave was also potentially one of the earliest post-Prohibition LGBTQ bars to have existed in the city. In the early 1950s, 972 Market Street contained a penny store and the SF Jobbing House and David Vickter variety store from 1954-1955. It was vacant from 1955-1964 at which point a Circus store opened followed by a clothing store called the Brass Lantern. In 1973, Maxferd Jewelry moved in and remained at this address until at least 1982 according to city directories. It is currently vacant.

The adjacent 972A Market Street storefront was originally listed on the 1913 Sanborn Map as 970 Market Street but became 972A in 1936 when the city directory began to list it as containing the Carson Hotel (1936-1937, 1951-1953) as well as the residence of Mrs. M. Charles Jenkins and Miss Victor Russell. It was listed as the Avery Hotel from 1953-1957 after which point it was vacant. The 972A address was unlisted after 1964 when it was combined with 972 Market. No further information was found for businesses or people.

**Table 17a. 972 Market Street**

Date	Name	Owner
1912-Unknown	Restaurant	
1933-1942	<b>Pirate’s Cave Restaurant</b>	Robert A. Smith
1951-1954	Jumbo Penny Store, SF Jobbing House	
1954-1955	David Vickter variety store, SF Jobbing House	David Vickter
1955-1964	Vacant	
1964-1968	Circus Discount	
1968-1973	Brass Lantern Clothing	
1973-Unknown	Maxferd Jewelry Co Inc.	

<sup>59</sup> 972 Market Street DPR Form. Tim Kelley Consulting. 21 June 2011.

<sup>60</sup> “Wholesale S.F. Café Closings,” *Variety Magazine*. 11 Feb. 1935; “Ruling Hits 2 Market St. Beer Parlors,” *San Francisco Examiner*, 18 May 1935.

<sup>61</sup> Sajben, Carl. *Gay Inc. SF Business Directory, Past & Present*. SFPL Historic Archive (2006).

Date	Name	Owner
2010s	Vacant	

**Table 17b. 972A Market Street**

Date	Name	Owner
1936-1937, 1951-1953	Carson Hotel, Mrs. M. Charels Jenkins, Miss V Russell Hotel not listed between 1937 and 1951	Dell O’Kane, manager
1953-1957	Avery Hotel	Ray L Tippery
1958-1964	Vacant, Address unlisted after 1964	

### Construction Chronology

The following table includes the building permits for major alterations to **972 Market Street**. Most of the permits involve roof repairs and replacement as well as closing up the entries on Market Street and Turk Street to the hotel, which was damaged in a fire in 1960.

**Table 18. Permitted Alterations for 972 Market Street**

Date	Document Number	Names of Tenant, Architect/Engineer, Contractor, etc.	Notes
9/19/1957	181666	c/o Umbsen Kerner & Stevens, Leonard Salomon (contractor)	Install broken glass, make temporary roof and lite well repairs only to prevent further damage
12/1/1960	218236	Bradley Wallace (owner) Leonard Salomon (contractor)	Close up Turk St. entry to hotel Close up Market Street entry to hotel and install a door Repair damaged ceiling in store, remove all debris from hotel (from a fire) Patch holes in floor of hotel Rehang roof door
8/1/1967	311080	Mr. Eugene Friend	Refinish part of first floor for use as men’s store. Add restroom; rest of building to remain vacant
3/22/1982	492357	Howard Cohn	Bracing of existing parapet walls
9/30/1988	597398	Howard A Cohn (owner) Miyako Construction	Replace roof
4/06/2004	343419	Eric Chung (owner) Ampeak Design Construction	Seismic upgrade – new ADA entry doors, ADA ramp, ADA restrooms, kitchen, restaurant and bar remodel, new electric panels, plumbing, change/repair broken windows, door, walls and stairs

## IX. HISTORIC CONTEXT: 974 MARKET STREET

974 Market Street is a two-story, reinforced concrete, Art Deco style commercial building that was constructed in 1909. The street-facing, primary façade fronts Market Street while the rear façade faces Opal Place and Turk Street. The current lot 14 was merged and changed lot numbers several times. It also includes a surface parking lot at Turk and Taylor streets that previously contained a building with commercial units on the ground floor, according to the 1950 Sanborn Fire Insurance map, followed by a parking garage that was built in 1956.



Figure 58. The Dean Building at 950-964 Market at right, adjacent to 966-70 Market, 972 Market, and 974 Market—all partially hidden behind streetcar. The Warfield Building is at the left. Circa late 1930s. (San Francisco Public Library Historical Photograph Collection)

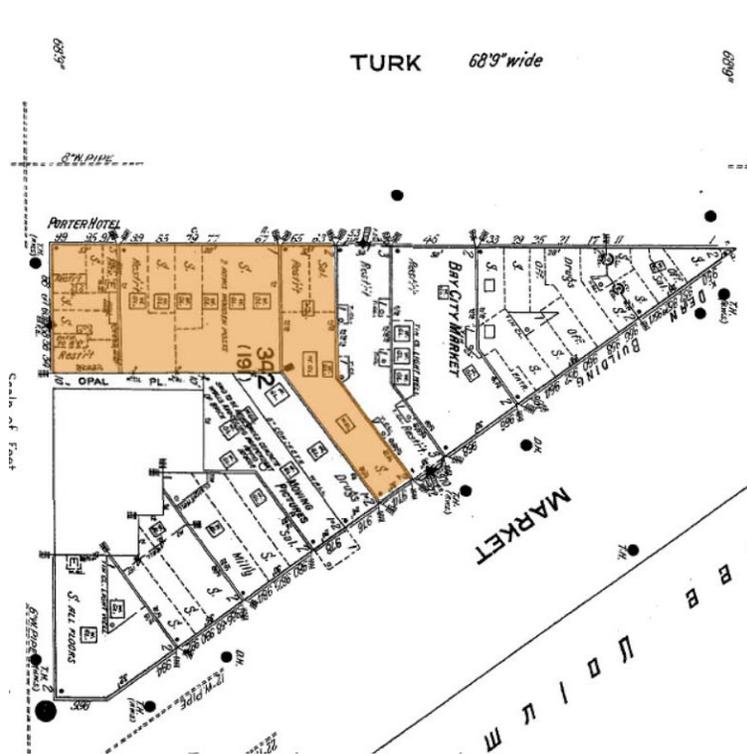


Figure 59. 1913 Sanborn Map, Volume 1 Sheet 63 (altered by author).

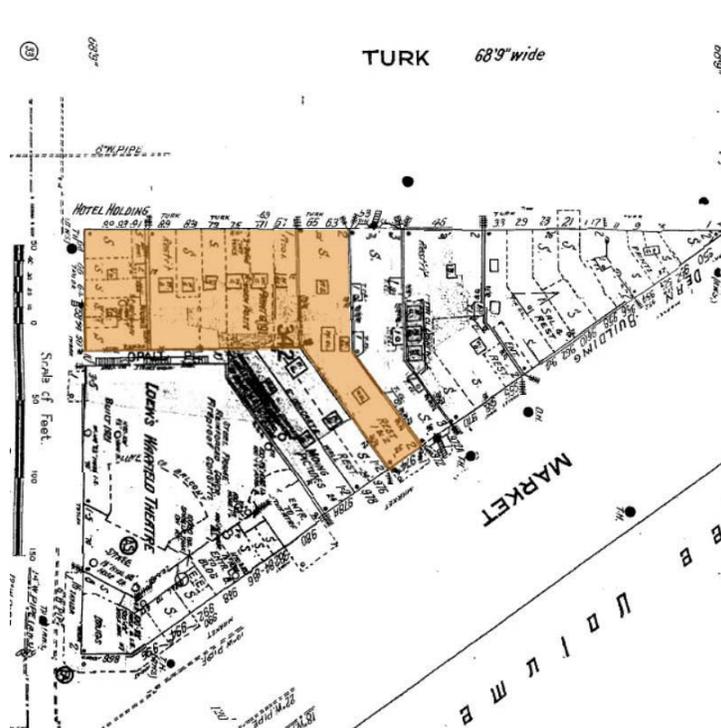


Figure 60. 1950 Sanborn Map, Volume 1 Sheet 63 (altered by author).

**OWNERSHIP**

**Table 19. APN 0342/014 (formerly 005, 006, 010-013): 974 Market Street**

Date	Grantor	Grantee	Lot	Note
1909		James D. Phelan	6a, 7, 8, 9	
Feb. 1920	James D. Phelan	Joseph A. Donahue & Mary Emilie Parrott	6a, 7, 8, 9	
April 1923		Louis Friedlander	6a, 7, 8, 9	
Aug. 1923	Louis Friedlander	Gertrude Gardner, Theodore & Arnold Friedlander	6a, 7, 8, 9	
Dec. 1920	Rivers Bros.	William Gilmour	10	
April 1923	W.G. Gilmour	The Lurie Company	10	
Aug 1923	Lurie Co.	Frank W. Leis	10	
Nov. 1923	Frank W. Leis	William B. Wagnon	10	
April 1924	W.B. Wagnon	A.B. Harrison	10	
Nov. 1925	A.B., Mary Harrison	Emma B. McNear	10	
Jan. 1932	F. N. and EB.McNear	John N. Breeden	10	
May 1946	J.N. Breeden	West Coast Theaters	5,6,10	
Dec. 1965	West Coast Theaters	Fox West Theaters Corporation	7,11,12,13	Former lots 5,6 & 10
July 1973	National General Theaters, Inc.	Mann Theaters Corp. of California	7,11,12,13	
Aug. 1976	Mann Theaters	Hoover Entertainment & Land Investment Co.	11,13	
Aug. 1985	Hoover Entertainment	Marlin Industries	11,13	
Dec. 1987	Marlin Industries	Tolu Neset & Mine	11,13	
Nov. 1988	Tolu Neset	Tolu Neset & Mine, Ethel Tezartes, Yuksel Erler	12,13	
Aug. 2005	Tolu Neset & Mine	Market St. Holdings c/o CAC Real Estate	14	0342/011-13 to 0342/014 in August 2003
2006	Market St. Holdings	Market St Holdings c/o Urban Realty Inc.	14	
2007	Market St Holdings c/o Urban Realty Inc.	Market St Holdings c/o CAC Real Estate Management	14	
2011	Market St Holdings c/o CAC Real Estate Management	LSREF2 Clover Properties c/o Hudson Advisors	14	
2012	LSREF2 Clover Properties c/o Hudson Advisors	Market Street Holdings c/o Urban Realty	14	
2013	Market Street Holdings c/o Urban Realty	FRE 547 LLC c/o Group: Joy Ou	14	
2015	FRE 547 LLC c/o Group: Joy Ou	Mid Market Center LLC	14	

## OCCUPANTS

974 Market Street was largely unlisted or contained retail stores in the early years, but was known for being the location of the Silver Rail, a gay bar “huge for sweater queens and servicemen” which opened in 1942, owned by Bob Thompson.<sup>62</sup> According to historian Nan Alamilla Boyd, early in the first year of business for the Silver Rail,

...[M]ilitary police were stationed outside three taverns – the Silver Dollar, the Pirate’s Cave and the Silver Rail –to warn away military personnel. These taverns were known to cater to homosexuals and were popular with servicemen. Although the armed forces did not have the authority to shut down or revoke the licenses of these bars, they still placed them off-limits to servicemen and women and stationed police outside their doors, which was obviously bad for business.<sup>63</sup>

The Silver Rail was the center of a blackmail trial associated with its gay bar use in 1952. It remained in business until 1953, according to San Francisco city directories. No biographical information was found for business owner Bob Thompson. The building was vacant from 1953-1956, briefly a restaurant called Western Steakhouse from 1957-58, after which it was vacant again for a couple years and then reopened as Harper Tro Books in 1960. The bookstore remained in business through 1974. In 1975, 974 Market Street contained Opti-Cal Options and Rich Vision Center in 1980. It is currently vacant. No further information was found for businesses or people.

**Table 20. 974 Market Street Occupants**

Date	Name	Business Operator
1907-1933	Unlisted, various retail storefronts	
1933-1942	Pac Tel & Tel Co	
<b>1942-1953</b>	<b>Silver Rail</b>	Bob Thompson
1953-1956	Vacant	
1957-1958	Western Steakhouse	
1958-1960	Vacant	
1960-1974	Harper Tro Books	
1975-1980	Opti-Cal Options	
1980-Unknown	Rich Vision Center (974) David Flemmons, optometrist (974A) John Downing, optometrist (974A)	

## CONSTRUCTION CHRONOLOGY

The following tables include the building permits for major alterations to 974 Market Street. Many of the alterations were related to the storefront and signs in the mid-1950s, and later to roof repairs and ADA updates to make the restaurant accessible.

<sup>62</sup> Lost Gay Bars of San Francisco. Available at <https://www.google.com/maps/d/viewer?mid=zQd8gmh0mhr0.kwEe0zm5NWHM&hl=en>

<sup>63</sup> Boyd, Nan Alamilla. *Creating a Place for Ourselves: Lesbian, Gay, and Bisexual Community Histories*. Routledge, (1997), 86.

**Table 21. Permitted Alterations for 974 Market Street**

Date	Document Number	Names of Tenant, Architect/Engineer, Contractor, etc.	Notes
9/12/1956	171124	Fox West Agency	Remove single entrance door at 974, construct show window to match existing and cover all wall area below awning box with architectural porcelain. Remove marquee and all other projections including cornices from front of #974 above awning boxes. Close window opening with 8" masonry blocks, install 5'x5' window
6/26/1957	199509	Western Steak House Alfred Hopper (contractor)	Install emergency exit doors in rear wall of restaurant
12/20/1974	395677	Opti-cal	Interior partition construction, new aluminum and glass storefront to make 2 entrances to building
4/12/1977	421216	Mr. Guest	Sign for Vision Center
5/18/1982	491005	Mann Theaters of California	Parapet Bracing

## X. HISTORY OF LGBTQ BARS IN SAN FRANCISCO

The property-specific history of 950-964 Market Street, 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street noted several LGBTQ bars that occupied the buildings under study during the following periods of time:

**Table 22. Chronological Summary of 950-974 Market Street Occupants**

Date	Business Name	Address
1933-1935	Rainbow Tavern aka Rainbow Inn*	962 Market Street
1933-1942	Pirate's Cave Restaurant	972 Market Street
1936-1980	The Old Crow aka McMahon's Old Crow (after 1967)	962 Market Street
1942-1953	Silver Rail	974 Market Street
1958-1985	The Landmark Room aka Harry Ho Tavern	45 Turk Street
1960-1973	Leo's Men's Shop	968 Market Street
1985-1994	Peter Pan	45 Turk Street

\*Based on supposition according to articles in the *SF Examiner*, *SF Chronicle* and *Variety Magazine* from 1935 regarding its forced closing; no other sources found referencing its existence as an LGBTQ bar.

The development of San Francisco as a center of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) activity grew significantly in the period immediately following the 1906 earthquake and fire, primarily in the Barbary Coast area (now Chinatown/Jackson Square/North Beach). However, the era of the Gold Rush in California, during which there was a significant disparity between males and females, created an unusual environment of “curious young men and lonely husbands.”<sup>64</sup> This pervasive atmosphere of loneliness and repressed sexual energy led to both increased violence against women and intense relations between men, likely including homosexual sex.<sup>65</sup> One particularly well-documented example of homosocial activity during the Gold Rush period is included in the *Citywide Historic Context Statement for LGBTQ History in San Francisco*: lack

The stag dance, an all-male dance often featuring men dressed as men coupled with men dressed as women. One of the earliest recorded stag dances during the Gold Rush was held on July 4, 1849, on the Panama, a ship bound for San Francisco. Of the 220 passengers on board only four were women, so for the “Fancy Dress Ball,” some of the young men dressed in calico gowns. In the goldfields, stag dances were held at dance halls. The stag dance, according to Johnson, was a popular form of leisure in the Gold Rush during which “gendered and racialized meanings got made, unmade, and remade.”<sup>66</sup>

Stag dances endured past the Gold Rush period and elsewhere besides the goldfields. The *Citywide Historic Context Statement for LGBTQ History in San Francisco* makes note of a saloon in San Francisco's Barbary Coast which held a “stag waltz” in 1865, a time at which women were still scarce in the city.

Cross-dressing on stage was also a popular form of entertainment in the United States in the nineteenth and early twentieth centuries. Acts featuring cross-dressers were particularly common in minstrel and vaudeville shows.<sup>67</sup> The *Citywide Historic Context Statement for LGBTQ History in San Francisco* notes that “Male-to-female cross-dressers were more common than their female-to-male counterparts, but women performing as men also appeared in minstrel troupes.”<sup>68</sup> A second, less mainstream form of cross-gender performance became popular in the entertainment districts of the Barbary Coast, Chinatown, portions of Market Street and later the Tenderloin, and took place in saloons and burlesque theaters. The Barbary Coast was San Francisco's

<sup>64</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), 18.

<sup>65</sup> *Ibid.*, 19.

<sup>66</sup> *Ibid.*, 19.

<sup>67</sup> *Ibid.*, 22.

<sup>68</sup> *Ibid.*, 24.

premier entertainment district from the Gold Rush era through the 1910s. These streets were replete with saloons, concert and dance halls, gaming houses, and brothels.

An early example of an establishment known to feature cross-dressing entertainers, waiters and waitresses was the Dash at 574 Pacific Ave (extant), one of the largest dance halls built in the Barbary Coast after the 1906 earthquake. Though it has often been referred to as San Francisco's first gay bar, it was most likely one of many early examples of a typical saloon featuring female impersonators engaging in homosocial or homosexual activity, whether intending to deceive or meet a demand for non-normative sex.<sup>69</sup> Beginning in 1914, the City began outlawing certain undesirable activities that had operated in brothels, bars, and other places deemed morally questionable. This "red light abatement" displaced much of the activity and participants from the Barbary Coast to the Tenderloin area.<sup>70</sup>

### The Repeal of Prohibition (1933)

The United States Prohibition movement began in 1919 with the passing of the Eighteenth Amendment, which made the making, selling, or transporting of liquor illegal. The law was enforced with mixed results and became increasingly unpopular throughout the Great Depression. Prohibition was officially repealed in 1933 with the passing of the 21st Amendment. The repeal of Prohibition meant that people could once again congregate in bars, and as a result, bars and nightlife entertainment venues blossomed in San Francisco. According to the *LGBTQ-Sexual Identity Context Statement for San Francisco* (2004), "The repeal of Prohibition coincided with the proliferation of public spaces that began to attract increasing numbers of gays and lesbians and provided the social milieu for San Francisco's sexual minorities to strengthen communal ties."<sup>71</sup>

An early and important nightlife venue for LGBTQ culture in San Francisco was Finocchio's, which opened in the late 1920s as a speakeasy called '201' Club at 406 Stockton Street. In 1933, with the repeal of Prohibition, the establishment moved upstairs, and following police raids in 1936, it relocated to 506 Broadway as a Bohemian nightclub. Finocchio's was not overtly an LGBTQ establishment, but it was one of the first nightclubs in San Francisco to feature female-impersonation shows during Prohibition.<sup>72</sup> The *Citywide Historic Context Statement for LGBTQ History in San Francisco* quotes community historian Clyde Evans, who described the atmosphere at the club as "very homo...and exotic," and how "Everyone came to see the show and to drink." Gay rights pioneer Harry Hay, a student at Stanford in 1932, described Finocchio's as a popular gay pick-up spot, very discreet and orchestrated by the maître d' who would arrange for the young men to be seated together and make introductions.<sup>73</sup>

Another important LGBTQ bar in San Francisco was the Black Cat Café at 710 Montgomery Street, which was opened in 1933 and operated until 1963. According to the *LGBT-Sexual Identity Context Statement for San Francisco*, "Building on its long reputation for flaunting convention and cultivating a bohemian flair, the Black Cat served as a popular--although officially 'off limits'- hangout for large numbers of military personnel stationed in the city. In the post-war era, the bar became a social and cultural center for San Francisco's emerging LGBTQ community."<sup>74</sup> Similar to Finocchio's and Mona's 440 Club, the Black Cat became an overtly queer establishment by the mid-1940s when it began to host cross-gender entertainment.<sup>75</sup> During the

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<sup>69</sup> Ibid, 25.

<sup>70</sup> Nan Alamila Boyd, *Wide-Open Town: A History of Queer San Francisco*, (University of California Press: Berkeley, 2003), 44.

<sup>71</sup> Damon Scott, *LGBT-Sexual Identity Context Statement*, (3 July 2004), 1.

<sup>72</sup> David Higgs, editor, *Queer Sites: Gay Urban Histories Since 1600*, (Routledge: London, 1999), 171.

<sup>73</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 60.

<sup>74</sup> Damon Scott, *LGBT-Sexual Identity Context Statement*, (3 July 2004), 1.

<sup>75</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 71.

1950s, the bar was made particularly famous by the cross-gender performances of LGBTQ-rights pioneer and female impersonator Jose Sarria.<sup>76</sup>

Also beginning during the post-Prohibition period, the strip on Market Street from the Embarcadero to the Tenderloin became a major destination for LGBTQ activity in the city. Market Street developed as the central cruising and hustling route because it was a connector between the waterfront and the Tenderloin districts, and bars devoted to LGBTQ patrons sprung up all along this tract. The connection point between the Tenderloin and the Market Street corridor, at the corner of Mason, Turk and Market streets, earned a colloquial designation as the “Meat Market” or “Meat Rack” for the amount of gay hustling and prostitution that occurred there. Several gay bars opened on this block in the decade post-Prohibition, including the Rainbow Tavern at 962 Market and Pirate’s Cave at 972 Market. By the late-1930s and 1940s, the Old Crow at 962 Market and the Silver Rail at 974 Market, appeared as well. According to a *San Francisco Chronicle* article from June 2000, the Silver Rail had doors on both Market and Turk streets so that patrons could use either in case of an unexpected raid from the police.<sup>77</sup>

Other LGBTQ bars in the vicinity during this period included the Peter Pan at 30 Mason St. (1946-1983), Streets of Paris at 54 Mason St. (1939-1960s), the Silver Dollar at 64 Eddy St (1942-1960), Bobby’s Club or Three Vets (1948-1964) at 72 Eddy Street, Club Mason at 98 Eddy St. (1953-1971), 181 Club a.k.a. Tom Kat at 181 Eddy St. (1953-1999), Old Adobe, restaurant & bar at 250 Eddy St.(1936-1941), the Dalt Club at 42 Turk St. (1951-1957), The Chukker at 79 Turk St. (1947-1956), Bradley’s 5&10 Bar at 80 Turk St (1936-1944), Buccaneer Club tavern also at 80 Turk St. (1948-1964), and the Blue and Gold at 136 Turk St. (1947-1993). Please refer to Table 23 for further information.

#### World War II era (1941-1945)

The United States entered into World War II after the December 1941 Japanese attack on Pearl Harbor, and the war lasted from 1941 to 1945. The influx of soldiers embarking and disembarking in and out of San Francisco’s port during World War II was a pivotal moment in LGBTQ history. According to the *LGBT-Sexual Identity Context Statement for San Francisco*, “Military service and wartime labor drew masses of people away from the familiarity of their customary lives and into new single sex environments where the normal rules for social interaction were sometimes overlooked.” For the first time, many people who identified as LGBTQ or questioned their sexuality realized how many were in their numbers. A plethora of LGBTQ bars opened during this time period to accommodate the numbers of LGBTQ servicemen and women. During this time, policing also took on a new quality.

For better or worse, World War II fundamentally changed the quality of queer life in San Francisco.<sup>78</sup>

#### Police Raids on LGBTQ Bars (1940s -1965)

During the war period, the U.S. Army, Navy, San Francisco police, and the California State Board of Equalization (liquor board) separately tried to put an end to the proliferation of LGBTQ culture surrounding bars and nightlife throughout the city with raids, lists banning patronage of certain businesses, shaming, and the revocation of liquor licenses that would close businesses. The State Board of Equalization was a significant player in the regulating and policing of LGBTQ establishments and had the ability to retract liquor licenses. In 1942, the Navy and Army officially banned the Silver Dollar and the Silver Rail – both Tenderloin gay bars. The Equalization Board shut down the Brass Rail and Old Adobe in the Tenderloin and warned the Old Crow and over fifty bars in San Francisco that their liquor licenses would be removed if certain laws were not closely followed.<sup>79</sup> Following World War II,

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<sup>76</sup> Ibid., page 73.

<sup>77</sup> Whiting, Sam. “Where History Was Made—A Tour of 41 Points of Gay Interest All Across the City,” *San Francisco Chronicle*, 23 June 2000.

<sup>78</sup> Nan Alamilla Boyd, *Wide-Open Town: A History of Queer San Francisco*, (University of California Press: Berkeley, 2003), 8-9.

<sup>79</sup> Ibid., pg. 8-9.

[...] from 1954 to 1965, the San Francisco Police Department, the District Attorney's Office, States Alcoholic Beverage Control (ABC) agents, the Examiner, and the Grand Jury all joined forces in an attempt to shut down all LGBTQ bars. By 1955, these agencies had succeeded in pressuring the California Legislature to pass a law allowing the revocation of a bar's license if it had a reputation as a 'resort for sexual perverts'.<sup>80</sup>

Indeed, "[b]y 1958, 15 of San Francisco's 20 gay bars had had their licenses challenged, and hundreds of bar patrons had been arrested."<sup>81</sup> Many owners of San Francisco's LGBTQ bars were heterosexual and were affected by the policing and bar raids of the late 1950s and early 1960s. As historian Nan Alamilla Boyd explains, bar owners "invested their own money into the bar, managed the business themselves, and frequently tended bar," so a lot was at stake if a liquor license was revoked.<sup>82</sup> According to the *Citywide Historic Context Statement for LGBTQ History in San Francisco*, a liquor license could be revoked after only three complaints and the bar could be forced to close its doors, rendering it nearly impossible for the owner to open another business. In order to avoid this, many owners would form a corporation and keep their names off the business license. Often to avoid arrests of patrons, bar owners would require use of a back door, covered windows and/or darken the interior and hired hosts to watch the front entries. Since cooperation was required between patrons and bar owners to keep a place in business, unforeseen alliances were formed between heterosexual owners and the LGBTQ community, often to the point of protection by the owners.<sup>83</sup>

One of the highly publicized and largest police raids on a LGBTQ establishment occurred in August 1961, known as the Tay-Bush raid. At dawn, San Francisco police raided the Tay-Bush Inn, a late-night coffee house located at the corner of Taylor and Bush streets. Out of the 242 patrons at the bar that evening, 103 were arrested (mostly women), and taken away in paddy wagons to jail. They were booked as "visitors to a disorderly house" and had their names and addresses published in the newspapers. The event raised political awareness in the city as it generated a great deal of attention, and even sympathy, in the media, as well as within the LGBTQ community as groups further organized to obtain civil rights. Though Mayor George Christopher insisted that the raid had been "justified," the event and its subsequent media frenzy created a forum for discussion about LGBTQ politics in the city, as "the press seemed much more concerned with the problem of police corruption and harassment than the specter of homosexuality."<sup>84</sup> The event is referred to as the beginning of the end of police harassment to LGBTQ establishments.<sup>85</sup>

A significant court decision in 1959, *Vallerga v. Department of Alcoholic Beverage Control*, established that Section 24200(e) of the California Business and Professional Code was unconstitutional. This section had been enacted in 1955 as a way to reduce the impact of another case, *Stoumen v. Reilly*, stating that a bar's liquor license could be revoked if the bar served "sexual perverts." The *Citywide Historic Context Statement for LGBTQ History in San Francisco* asserts that *Vallerga v. ABC* "reestablished that the presence of homosexuals in a bar did not automatically imply the presence of sexual perverts." This decision therefore meant that bar owners could cater to homosexuals as long as they were "well-behaved," and it "allowed homosexuals in San Francisco a modicum of political entitlement and a momentary respite from ABC pressure and police harassment."<sup>86</sup>

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<sup>80</sup> Dangerous Bedfellows (editors), *Policing Public Sex*, (South End Press: Boston, 1996), 214.

<sup>81</sup> *Ibid.*

<sup>82</sup> Boyd, *Wide Open Town*, 126.

<sup>83</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 131.

<sup>84</sup> *Ibid.*, 122.

<sup>85</sup> Gary Kamiya, "1961 police raid pivotal for gay rights in SF," *SFGate*, 21 June, 2013.

<sup>86</sup> Boyd, *Wide Open Town*, 207.

Throughout the twentieth century up until the 1960s, it was common for San Francisco's policing agencies to demand payoffs from establishments engaging in illegal activities, especially LGBTQ bar owners in the downtown, lower Market, and Embarcadero neighborhoods where "overt homosexual activity or other crimes, like drug use or gambling" were widespread.<sup>87</sup> This practice in fact allowed LGBTQ bars to proliferate in the late 1940s through 1960s, especially in the Tenderloin, Polk and Folsom neighborhoods. After 1959, when it became legal to serve alcohol to the LGBTQ clientele, owners of LGBTQ bars could refuse bribes and therefore became more conspicuous to the police.<sup>88</sup> In 1960, the city was in a recession so payoffs became especially challenging for bar owners.

Early that same year, the owner of the 585 Club (585 Post Street), William "Uncle Billy" Morrell decided to be the first to fight back against the payola system. He was a member of a tightknit network of LGBTQ bar owners throughout the city and invited several to decide how best to "blow the whistle" on police payoffs. The group arranged a meeting with Chief of Police Thomas Cahill and an ABC administrator, during which they accused two officers of extortion. Working closely under Mayor George Christopher, who had recently been re-elected on a 'clean-government' ticket, Chief Cahill felt obligated to maintain the 'clean government' perception and began a sting operation to trap officers demanding payola. Several of the officers caught went to trial in July 1960; however, four of them received not-guilty verdicts. Despite the leniency or total lack of sentencing, this event known as the Gayola Scandal resulted in wholesale changes to the payoff system in the city. It also displayed a marked change in the perception of the media and public of the LGBTQ community. Boyd remarked that it was during the Gayola Scandal that journalists started using the term "gay bar" as opposed to "resort for sex perverts."<sup>89</sup> Despite the positive changes in the public's perception, the ABC retaliated by immediately prosecuting 15 gay-bar cases. By the end of 1961, ABC had closed 24 of the city's LGBTQ bars and in 1963, the Black Cat Café closed permanently as part of this anti-homosexual campaign.<sup>90</sup>

Nevertheless, despite these rampant closures, several LGBTQ bars continued to operate, and neither the Tay-Bush raid nor the effects of the Gayola Scandal could stop the vibrancy and tenacity of the growing LGBTQ community. In 1964, *Life* magazine published an article referring to San Francisco as "the capital of the gay world." The LGBTQ bars that survived the police, military, and ABC raids, blacklisting, and closures of the war era continued to thrive. In 1964, the *Lavender Baedeker*, known as "the Guidebook to Gay, Interesting, Historical, and Hysterical Places in the United States," listed the following LGBTQ establishments in the Tenderloin at or near the subject properties at 950-974 Market Street: Blue and Gold (136 Turk Street), The Chukker (88 Turk Street), Dalt Club (36 Turk Street), Landmark Room (45 Turk Street), and Leo's Men's Shop (968 Market Street).<sup>91</sup> In 1967, the *Lavender Baedeker* included The Frolic (131 Mason Street), The Fantasy (330 Mason Street), and The Old Crow (962 Market).<sup>92</sup>

### New Year's Day Raid at the California Hall (1965)

Historian John D'Emilio described the Tenderloin in the early 1960s as home to the "castoffs of American society—the poor and the aged, alcoholics and addicts, prostitutes, petty criminals and male hustlers."<sup>93</sup> Glide Memorial Church, with African American minister A. Cecil Williams, had a long history of fighting for progressive social causes and social justice. D'Emilio wrote, "Among black and younger clergy in particular, service to God and to the church increasingly meant active engagement in the world. In San Francisco, where

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<sup>87</sup> Ibid, 128.

<sup>88</sup> Ibid, 128.

<sup>89</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 130.

<sup>90</sup> Ibid, 130.

<sup>91</sup> Lavender Baedeker (1964), GLBT Historical Archives.

<sup>92</sup> Lavender Baedeker (1967), GLBT Historical Archives. 2007.

<sup>93</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 153.

homosexuality had achieved a greater visibility than elsewhere, it was perhaps natural that a portion of this social concern would be spent on behalf of the gay rights cause.”<sup>94</sup> In 1962, the Glide Foundation hired staff to run the Glide Urban Center, a community organizing center hosted by the Church. Glide first hired Reverend Lewis Durham, who then hired social worker Ted McIlvenna to oversee Glide’s social program focused on helping the Tenderloin’s growing population of homeless youth. McIlvenna discovered that many of the homeless young gay men were ostracized by their families and friends and forced to become street hustlers to survive. McIlvenna became passionate about learning more about this marginalized community in the city and almost immediately became an advocate for the LGBTQ cause.<sup>95</sup>

In late May 1964, McIlvenna organized a three-day conference to be attended by Protestant clergymen and several members of the homophile movement. The conference involved a tour, a retreat, and conversations between clergymen and activists, many of which were the first ‘face to face’ interactions with members of LGBTQ community. After the retreat, the members continued to meet until December 1964 when the Council on Religion and the Homosexual was formed. Glide Memorial Church and the Glide Foundation became “centers for urban activism, racial and social justice organizing, and progressive politics in San Francisco for the next two decades.”<sup>96</sup> One of the events largely responsible for altering public opinion of police treatment of the LGBTQ community was held by the Council on Religion and the Homosexual (CRH) on New Year’s Day in 1965.<sup>97</sup> The CRH planned a Mardi Gras-themed benefit gala to be held at California Hall on Polk Street. Though members of the CRH organization had negotiated with police to prevent harassment, as guests began to arrive, dozens of police officers appeared on the street with klieg lights and cameras and intermittently entered the hall without a warrant under the pretense of safety inspections. They eventually broke into the event and videotaped the interior of the party. Though only about 500 people entered out of the 1,500 expected attendees, the party continued past midnight at which point the police arrested six attendees.

The event garnered much sympathy for the LGBTQ community and continued to alter the public opinion of police raids on LGBTQ establishments, shifting from a view that the police were protecting the public against “vagrancy” to one of police harassment. Marshall Krause, an American Civil Liberties Union (ACLU) attorney, agreed to defend those arrested at California Hall and organized a press conference on January 2, 1965. Members of the CRH spoke out, marking one of the first times in U.S. history that religious leaders spoke publicly about gay rights. Mayor John Shelley publicly decried the action taken by the police and demanded a full account of the situation. Ensuing proceedings established that “...the queer communities that had evolved through the 1930s, 1940s, and 1950s had acquired both the ability to negotiate directly with police, civic leaders, and lawmakers and the ability to work together as a coherent social and political constituency.”<sup>98</sup> Though the events that occurred on New Year’s Day 1965 did not put an end to discrimination or public attacks against the LGBTQ community, it did increase the public and city support for the legitimacy of its establishments, including bars.<sup>99</sup>

Though public support did increase overall for this marginalized community, there was a significant difference in the amount of discrimination against gays and lesbians and transgender men and women, even within the queer community. Many transgender people were turned away from gay bars where owners were interested in a more “respectable” clientele. In San Francisco, transgender men were nearly invisible, while transgender women were welcome only to a select number of establishments, even in the Tenderloin, where many of them lived in dilapidated SRO hotels and made a living as sex workers on the streets. Transgender

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<sup>94</sup> Ibid., 153.

<sup>95</sup> Ibid, 153.

<sup>96</sup> Ibid, 153.

<sup>97</sup> Stan Yogi, “The Night San Francisco’s sense of gay pride stood up to be counted,” SFGATE, 24 June 2007.

<sup>98</sup> Nan Alamilla Boyd, *Wide-Open Town: A History of Queer San Francisco*, (University of California Press: Berkeley, 2003), 8-9.

<sup>99</sup> Damon Scott, *LGBT-Sexual Identity* Context Statement, (3 July 2004), 1.

men and women were also highly targeted by the police and were often subjected to violence and mistreatment in jail, in solitary confinement, or humiliated while strip searched on the street. One of the earliest incidents of militant resistance of transgender women against police harassment in San Francisco is known as the Compton's Cafeteria Riot. This event took place over several days in August 1966 and occurred close to the subject block containing 950-974 Market Street.<sup>100</sup>

Gene Compton's Cafeteria at 101 Turk Street was part of a local restaurant chain and a favorite late-night hangout for transgender women, young male hustlers, and others who lived and worked in the Tenderloin in the early 1960s. In August 1966, the police attempted to evict transgender women from the cafeteria, inspiring a rebellion among the patrons. Transgender women and drag queens fought with the police, turned over tables and shattered the windows. Some were arrested but in general the mood was one of victory. A picket line formed outside the Cafeteria the next night and again caused a riot. Though there was little press on the incident, the riot had a significant impact on San Francisco's Tenderloin LGBTQ communities and according to historian Susan Stryker, the Cafeteria Riot demonstrated a growing awareness and assertiveness of the transgender community and was their "debut on the stage of American political history."<sup>101</sup>

## XI. SOUTHEAST TENDERLOIN LGBTQ DISTRICT SURVEY

The LGBTQ establishments located at 950 through 974 Market Street represent historical themes of the development of LGBTQ nightlife in San Francisco: several bars opened immediately following the repeal of Prohibition, creating a hub of activity for a short time before being closed by local authorities. New bars, eateries and hangouts soon emerged on this block that catered to gay servicemen and women, and which survived the following decades despite continuous threats by the ABC, media harassment and police payoffs. Though several establishments closed in the late 1950s and early 1960s, others soon took their place, continuing the long legacy of LGBTQ nightlife in this neighborhood through the present.

The table on the following pages presents a survey of LGBTQ-associated businesses, including bars, restaurants, theaters, bookstores, retail stores, and bathhouses, which existed in a two to three block radius surrounding the subject block on which 950-974 Market Street are located. While most of the businesses are located in the Uptown Tenderloin Historic District, there are some in the Market Street Theater and Loft District, as well as the Kearny-Market-Mason-Sutter Conservation District (See **Figure 55**). See Table 24 for a chronological summary of the neighborhood's surveyed businesses in extant buildings. Information in the tables is derived from cross-referencing the *Citywide Historic Context Statement for LGBTQ History in San Francisco*, the *Gay Inc. SF Business Directory* from the San Francisco History Center, the Sites Database from the GLBT Historical Society archives, and city directories.

LGBTQ businesses that were located in buildings that are no longer extant are not included in Table 24, but include the following:

64-74 Eddy Street (now 55 Cyril Magnin Street, built 1983):

- Tivoli Theater, 70 Eddy St. (1930-1949)
- Silver Dollar, 64 Eddy St (1942-1960)

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<sup>100</sup> Donna J. Graves and Shayne E. Watson. *Citywide Historic Context Statement for LGBTQ History in San Francisco* (March 2016), page 203.

<sup>101</sup> *Ibid*, 204.

- Bobby’s Club or Three Vets, 72 Eddy St. (1948-1964)
- The Trapp, 72 Eddy St. (1965-1081)

98-100 Eddy Street (now 55 Cyril Magnin Street, built 1983)

- Club Mason (1953-1971)
- The Body Shop Tavern (1971-1975)
- Ginger’s (1978-1980)

250 Eddy Street (now 246 Eddy Street, built 2014)

- Old Adobe, restaurant & bar (1936-1941)

918 Market Street (now Hallide Plaza/Powell Street BART, built 1973)

- Brass Lantern, (1964-1967)

141 Mason Street (now 125 Mason Street, built 2009)

- The Frolic (1965-1974)
- Nickeodeon, bar and dance club (1975-1978)

**Table 23. LGBTQ-Associated Businesses in Surrounding Two to Three Blocks**

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
1	<p>101 Eddy Street</p> <p>Date of Construction: 1917</p> 	<ul style="list-style-type: none"> <li>▪ Ambassador Lounge</li> </ul>	1971-1973

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
2	<p><b>128-132 Eddy Street</b></p> <p><b>Date of Construction: 1907</b></p> 	<ul style="list-style-type: none"> <li>▪ Crystal Hotel (130 Eddy St.)</li> </ul>	1970-1984
3	<p><b>145 Eddy Street</b></p> <p><b>Date of Construction: 1907</b></p> 	<ul style="list-style-type: none"> <li>▪ Tea Room Theater</li> </ul>	1977-current
4	<p><b>181 Eddy Street</b></p> <p><b>Date of Construction: 1911</b></p>	<ul style="list-style-type: none"> <li>▪ 181 Club a.k.a. Tom Kat</li> </ul>	1953-1999

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
			
5	<p><b>42 Turk Street</b></p> <p><b>Date of Construction:</b> 1909</p> 	<ul style="list-style-type: none"> <li>▪ Dalt Club</li> <li>▪ New Dalt Club</li> </ul>	<p>1951-1957</p> <p>1962-c.1981</p>
6	<p><b>66 Turk Street</b></p> <p><b>Date of Construction:</b> 1909</p>	<ul style="list-style-type: none"> <li>▪ The Chukker, after-hours coffee shop (Carlos Lara “Carlo”)</li> <li>▪ Turk St. News, retail store</li> </ul>	<p>1957-1966</p> <p>1969-1996</p>

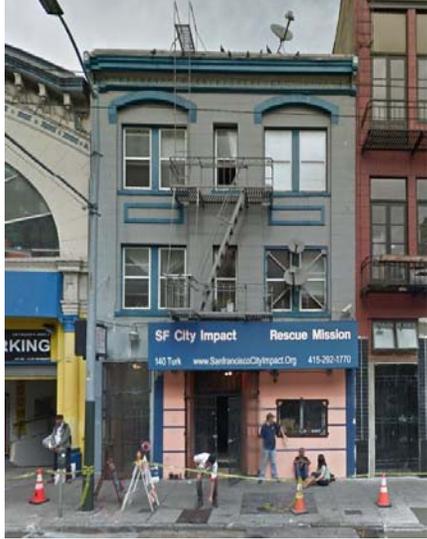
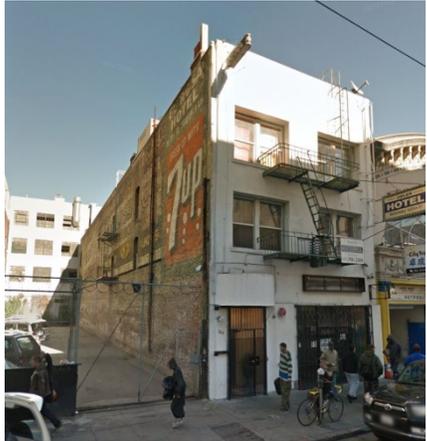
Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
			
7	<p><b>79-80 Turk Street, now 76-80 Turk Street</b></p> <p><b>Date of Construction:</b> 1922</p> 	<ul style="list-style-type: none"> <li>▪ Bradley's 5&amp;10 Bar<sup>102</sup> at 80 Turk St.</li> <li>▪ The Chukker, late night coffee shop at 79 Turk St. (Mrs. H.L. Winans, Mrs. D. L. Walker, Pearl J Taylor)</li> <li>▪ Buccaneer Club at 80 Turk</li> </ul>	<p>1936-1944</p> <p>1947-1956</p> <p>1948-1964</p>

<sup>102</sup> This business was listed in the *Gay, Inc. Directory* but not in the GLBT Historical Society *Sites Database*.

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
8	<p><b>98 Turk Street</b></p> <p><b>Date of Construction:</b> 1907</p> 	<ul style="list-style-type: none"> <li>▪ Rossi's Corner Tavern<sup>103</sup>, transgender bar</li> </ul>	1962-1970
9	<p><b>118-120 Turk Street</b></p> <p><b>Date of Construction:</b> 1910</p> 	<ul style="list-style-type: none"> <li>▪ 118 Club a.k.a. Tin Pan Alley</li> <li>▪ Pleasure Palace Books</li> </ul>	<p>1961-1964</p> <p>1975-1990</p>
10	<p><b>132 Turk Street</b></p>	<ul style="list-style-type: none"> <li>▪ Club Turkish Baths,</li> </ul>	1954-1979

<sup>103</sup> Ibid.

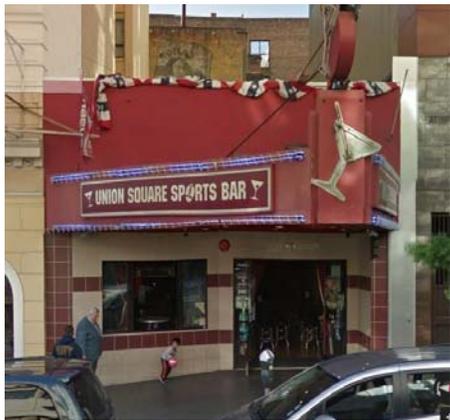
Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
	<p><b>Date of Construction:</b> 1923</p> 	<p>SF's first LGBT bathhouse</p> <ul style="list-style-type: none"> <li>▪ Bulldog Bathhouse (Glenn Gerber)</li> </ul>	<p>1979-1983</p>
<p>11</p>	<p><b>133 Turk Street</b></p> <p><b>Date of Construction:</b> 1922</p> 	<ul style="list-style-type: none"> <li>▪ Queen Mary's Pub</li> <li>▪ Aunt Charlie's Lounge (Bill Erkelens)</li> </ul>	<p>1978-1987 1987-current</p>
<p>12</p>	<p><b>136 Turk Street, now 140 Turk Street</b></p> <p><b>Date of Construction:</b> 1907</p>	<p>Blue and Gold</p>	<p>1947-1993</p>

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
			
13	<p><b>162-166 Turk Street</b></p> <p><b>Date of Construction:</b> 1906</p> 	<ul style="list-style-type: none"> <li>▪ El Rosa Hotel<sup>104</sup> (O.F. von Rhein)</li> <li>▪ The Fez Bar<sup>105</sup></li> <li>▪ Sound of Music</li> </ul>	<p>1937-1970</p> <p>1958-1962</p> <p>1967-1975</p>

<sup>104</sup> This business was listed in the *Gay, Inc. Directory* but not in the GLBT Historical Society *Sites Database*.

<sup>105</sup> Ibid.

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
14	<p>65 Taylor Street (storefront not extant)</p> <p>Date of Construction: 1906</p> 	<ul style="list-style-type: none"> <li>▪ 65 Club</li> </ul>	1968-c.2011
15	<p>101-117 Taylor Street (at Turk Street)</p> <p>Date of Construction: 1907</p> 	<ul style="list-style-type: none"> <li>▪ Compton's Cafeteria</li> <li>▪ Slagel's Bar</li> </ul>	1954-1972 1976-1978
16	<p>30 Mason Street</p> <p>Date of Construction: 1907</p>	<ul style="list-style-type: none"> <li>▪ Peter Pan Lounge</li> </ul>	1946-1983

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
			
17	<p><b>115 Mason Street</b></p> <p><b>Date of Construction: 1907</b></p> 	<ul style="list-style-type: none"> <li>▪ Robin Hood Bar</li> <li>▪ Chez Paree, erotica theater</li> </ul>	<p>1954-1969</p> <p>1971-1986</p>

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
18	<p><b>1005 Market Street</b></p> <p><b>Date of Construction:</b> 1907</p> 	<ul style="list-style-type: none"> <li>▪ Sisters Magazine<sup>106</sup> (published by Daughters of Bilitis)</li> </ul>	1975-c.1982
19	<p><b>1050 Market Street</b></p> <p><b>Date of Construction:</b> 1907</p> 	<ul style="list-style-type: none"> <li>▪ Here's How</li> </ul>	1968-1970

<sup>106</sup> This business was listed in the *Gay, Inc. Directory* but not in the *GLBT Historical Society Sites Database*.

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
20	<p><b>43 6th Street</b></p> <p><b>Date of Construction:</b> 1907</p> 	<ul style="list-style-type: none"> <li>▪ Clover Club<sup>107</sup></li> <li>▪ New Crow</li> <li>▪ Ginger's Too</li> <li>▪ OMG Club</li> </ul>	<p>1959-1976</p> <p>1982-1986</p> <p>1986-2002</p> <p>2014-current</p>
21	<p><b>118 Jones Street</b></p> <p><b>Date of Construction:</b> 1922</p> 	<ul style="list-style-type: none"> <li>▪ Gordon's Restaurant and Piano Bar</li> </ul>	<p>1976-1981</p>

<sup>107</sup> This business was listed in the *Gay, Inc. Directory* but not in the GLBT Historical Society *Sites Database*.

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
22	<p><b>342 Jones Street, currently 344 Jones St.</b></p> <p><b>Date of Construction: 1913</b></p> 	<ul style="list-style-type: none"> <li>Adonis Bookstore, 1<sup>st</sup> LGBTQ bookstore in U.S. (Harold Leland “Hal” Call)</li> </ul>	1965-c.1982
23	<p><b>126-140 Ellis Street</b></p> <p><b>Date of Construction: 1908</b></p> 	<ul style="list-style-type: none"> <li>Pearle’s, an after-hours bar/club at 126 Ellis St.</li> </ul>	1965-1988

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
24	<p><b>229 Ellis Street</b></p> <p><b>Date of Construction:</b> 1910</p> 	<ul style="list-style-type: none"> <li>▪ S.F. Baths<sup>108</sup> (former location of Burns Hammam Baths since 1910)</li> </ul>	1975-1985
25	<p><b>369 Ellis Street</b></p> <p><b>Date of Construction:</b> 1924</p>	<ul style="list-style-type: none"> <li>▪ Circle J Theater (Hal Call until 2000, then Lon Farris &amp; Ben Heath)</li> </ul>	1969-2005

<sup>108</sup> This business was listed in the *Gay, Inc. Directory* but not in the GLBT Historical Society *Sites Database*.

Map No.	Building	LGBTQ-Associated Businesses	Dates of Operation
			

**Table 24. Chronological Summary of LGBTQ-Associated Businesses (By Opening Date)**

Date	Business Name	Address
1906-1921	Black Cat	56 Mason Street
1930-1949	Tivoli Theater	70 Eddy Street
1936-1941	Old Adobe (restaurant and bar)	250 Eddy Street
1936-1944	Bradley's 5 & 10	80 Turk Street
1937-1970	El Rosa Hotel	166 Turk Street
1939-1944	Streets of Paris	54 Mason Street
1942-1960	Silver Dollar	64 Eddy Street
1946-1983	Peter Pan Lounge	30 Mason Street
1947-1956	The Chukker	79 Turk Street
1947-1993	Blue and Gold	136 Turk Street
1948-1964	Bobby's Club or Three Vets	72 Eddy Street
1948-1964	Buccaneer Club tavern	80 Turk Street
1951-1957	Dalt Club	42 Turk Street
1953-1971	Club Mason	100 Eddy Street
1953-1999	181 Club a.k.a. Tom Kat	181 Eddy Street
1954-1969	Robin Hood (bar)	115 Mason Street
1954-1979	Club Turkish Baths	132 Turk Street
1954-1972	Compton's Cafeteria	101 Taylor Street
1957-1966	The Chukker	66 Turk Street
1958-1962	The Fez (bar)	162 Turk Street
1959-1976	Clover Club	43 6 <sup>th</sup> Street
1961-1964	118 Club aka Tin Pan Alley	118 Turk Street
1962-1970	Rossi's Corner Tavern (transgender bar)	98 Turk Street
1962-1981	New Dalt Club	42 Turk Street
1964-1967	Brass Lantern	918 Market Street
1965-1981	The Trapp	72 Eddy Street
1965-1974	The Frolic	141 Mason Street
1965-1982	Adonis Bookstore	342 Jones Street
1965-1988	Pearle's (after hours bar/club)	126 Ellis Street

<b>Date</b>	<b>Business Name</b>	<b>Address</b>
1967-1975	Sound of Music	166 Turk Street
1968-1970	Here's How	1050 Market Street
1968-c.2011	65 Club	65 Taylor Street
1969-2005	Circle J Theater	369 Ellis Street
1969-1996	Turk St. News (retail)	66 Turk Street
1970-1984	Crystal Hotel	130 Eddy Street
1971-1986	Chez Paree (erotica theater)	115 Mason Street
1971-1975	The Body Shop tavern	98 Eddy Street
1971-1973	Ambassador Lounge	101 Eddy Street
1975-1978	Nickelodeon (bar/danceclub)	141 Mason Street
1975-1990	Pleasure Palace Books	120 Turk Street
1975-c.1982	Sisters Magazine	1005 Market Street
1975-1985	S.F. Baths	229 Ellis Street
1976-1978	Slagel's Bar	117 Taylor Street
1976-1981	Gordon's Restaurant and Piano Bar	118 Jones Street
1977-current	Tea Room Theater	145 Ellis Street
1978-1980	Ginger's	100 Eddy Street
1986-2002	Ginger's Too	43 6 <sup>th</sup> Street
1978-1987	Queen Mary's Pub	133 Turk Street
1978-2004	Bristol Hotel	56 Mason Street
1979-1983	Bulldog Bathhouse	132 Turk Street
1982-1986	New Crow	43 6 <sup>th</sup> Street
1987-current	Aunt Charlie's Lounge	133 Turk Street
2014-current	OMG Club	43 6 <sup>th</sup> Street

**Map of LGBTQ-Associated Businesses:**

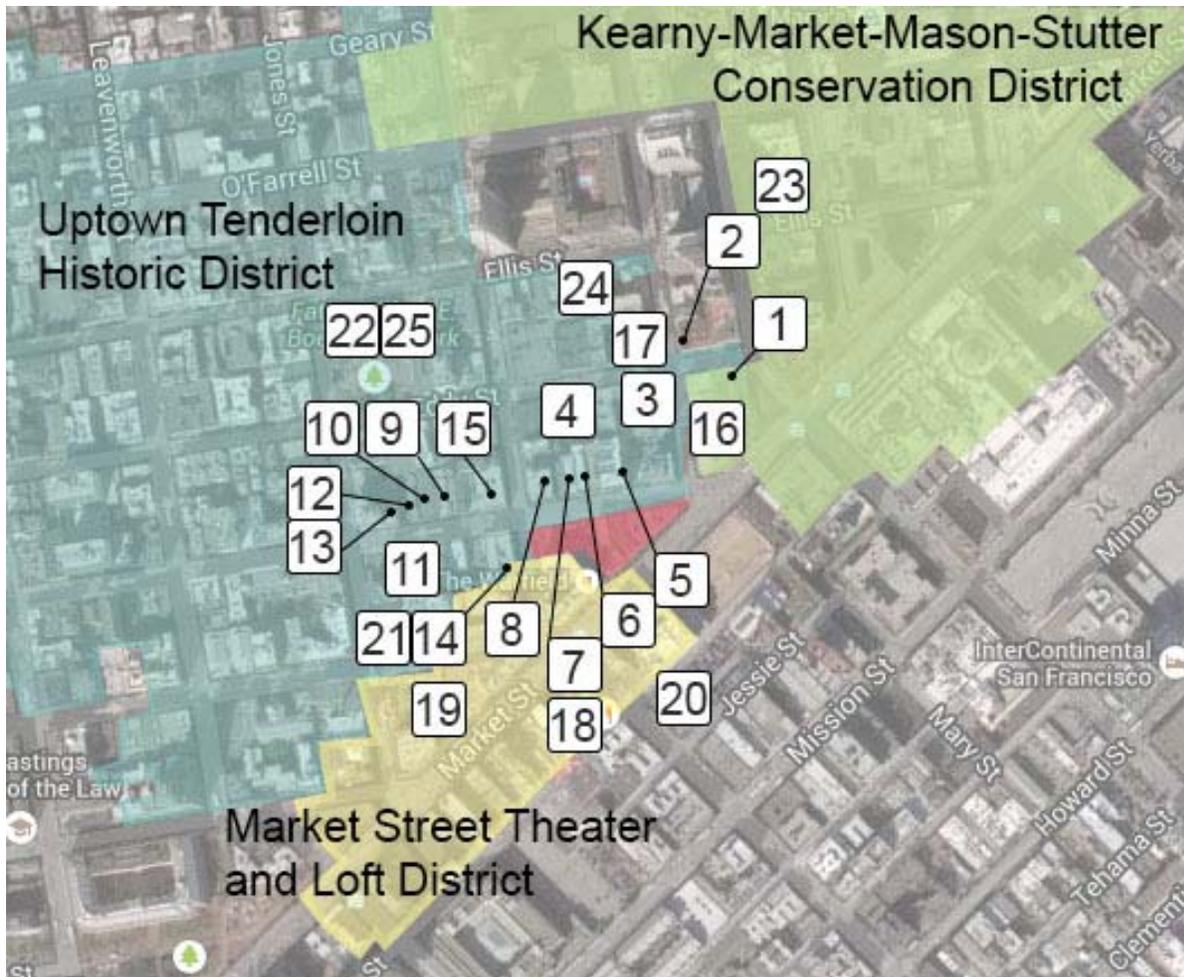


Figure 55. Numbers are keyed to the table no. 23 above. The proposed project site for 950-974 Market Street is in pink. Source: Google maps, 2016; edited by Page & Turnbull.

**Historic Photographs of LGBTQ-Associated Businesses:**



Figure 56. Turk at Market, September, 1944. The Dean Building is located on the right. The Silver Rail, a gay bar located near the Old Crow, is visible. (SFPL Historical Photograph Collection)



Figure 57. Turk at Market Street, 1943. (SFPL Historical Photograph Collection)



Figure 58. Turk at Market Street, 1962. (SFPL Historical Photograph Collection)



Figure 59. Turk and Taylor Streets, Former Compton's Cafeteria, 1982. (SFPL Historical Photograph Collection)



Figure 60. Turk Street, 1982. (SFPL Historical Photograph Collection)



Figure 61. Eddy Street, 1982. (SFPL Historical Photograph Collection)

## XII. EVALUATION: 950-964 MARKET STREET

Please note: Evaluations of significance for 966-970, 972, and 974 Market Street and a potential historic district in the vicinity of the subject properties is not included in this Revised HRE, but can be found in the Planning Department's Historic Resource Evaluation Report (HRER).

As discussed earlier in this report, 950-964 Market Street was previously determined eligible for listing in the National Register for its association with historic events. According to *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*, resources over fifty years of age are typically eligible for listing in the National Register if they meet any one of the four criteria of significance (A through D) and if they sufficiently retain historic integrity.

The California Register follows nearly identical guidelines to those used by the National Register, but identifies the Criteria for Evaluation numerically. The four basis criteria under which a structure, site, building, district, or object can be considered eligible for listing in the National or California registers are:

- *Criterion A/1 (Event)*: Properties associated with events that have made a significant contribution to the broad patterns of our history;
- *Criterion B/2 (Person)*: Properties associated with the lives of persons significant in our past;
- *Criterion C/3 (Design/Construction)*: Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components lack individual distinction; and
- *Criterion D/4 (Information Potential)*: Properties that have yielded, or may be likely to yield, information important in prehistory or history.

#### Criterion A/1 (Event)

The California Department of Parks and Recreation (DPR) Building, Structure, and Object Record (DPR 523B) form written by Anne Bloomfield in 1997 found that 950-964 Market Street was significant under Criterion A of the National Register. According to the evaluation, the Old Crow was the oldest (longest-operating) gay bar in San Francisco when it closed in 1980. The period of significance stated was 1935-1947, ending at a date 50 years prior to the 1997 evaluation. The DPR 523L form prepared by Tim Kelley Consulting in 2011 upheld this finding, stating that no changes had been made to the building since 1997. Neither form appears to have consulted building permits or assessed architectural integrity to the period of significance, and the 2011 form did not re-assess the period of significance.

This evaluation concludes that the Dean Building appears significant under National Register Criterion A and California Register Criterion 1 for its association with the development of LGBTQ bars in the Tenderloin, specifically its association with the Rainbow Tavern and Old Crow bar, LGBTQ bars that occupied the commercial unit at 962 Market Street from 1933 to 1980. The Rainbow Tavern occupied the commercial unit before the Old Crow until its forced closing by the State Board of Equalization in 1935. Though there is no specific reference confirming its existence as an LGBTQ bar, it is described similarly to other LGBTQ bars forced to close in the neighborhood for 'morality issues.' This evaluation establishes that the period of significance in association with this historic context is 1933-1980. This period of significance begins with the establishment of an LGBTQ bar at this location (The Rainbow Tavern) at the end of Prohibition. It extends through 1980, which marks the closing of the Old Crow, which survived decades of shutdowns and police raids.

Though the building appears significant within this context, it does not appear to be eligible for listing in the National Register or California Register for reasons relating to historic integrity (see below).

The building does not appear individually significant in association with the “Shine for ‘39” renovation campaign, as the campaign extended throughout the Bay Area and affected streetscapes and numerous buildings, from remodeling commercial buildings to encouraging homeowners to re-paint their houses. The renovation of 950-964 Market Street was not a significant project within that campaign; no mentions of the renovation have been found in newspaper and journal articles.

#### Criterion B/2 (Persons)

No persons associated with the Dean Building at 950-964 Market Street, or the Rainbow Tavern/Old Crow bar in particular, have been identified who appear to have made notable contributions to local or state history such that the building would be individually significant for this reason. Therefore, the building does not appear to be eligible for listing under Criterion B/2.

#### Criterion C/3 (Design/Construction)

950-964 Market Street does not appear individually significant for its design or construction. The building was originally constructed in 1906, likely using Classical Revival style ornament as was common at that time. In 1937, the entire building was remodeled into the Art Moderne style. The design is a simple, stripped-down version of the Art Moderne style. The building does not display high artistic value, as it features no flourishes. It also does not represent the work of a master. The building is not a good example of a type, period, or method of construction, in part due to substantial alterations at the ground floor of both the Market and Turk street facades. Thus, the building does not appear to be eligible for listing under Criterion C/3.

### INTEGRITY

In order to qualify for listing in the local, state or national historic registers, a property must possess significance under one of the aforementioned criteria and have historic integrity. The process of determining integrity is similar for both the California Register and the National Register. The same seven variables or aspects that define integrity—location, design, setting, materials, workmanship, feeling and association—are used to evaluate a resource’s eligibility for listing in the California Register and the National Register. According to the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, these seven characteristics are defined as follows:

Location is the place where the historic property was constructed.

Design is the combination of elements that create the form, plans, space, structure and style of the property.

Setting addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.

Materials refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history.

Feeling is the property’s expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.

The *Citywide Historic Context Statement for LGBTQ History in San Francisco* (October 2015) provides a lower threshold for physical integrity for culturally important sites, emphasizing location, design, feeling, and association while explaining that setting, materials, and workmanship are less important to convey social or cultural histories. For the purposes of CEQA review of a proposed project, sufficient physical integrity connected with the reason for significance is necessary.

At present, the Dean Building contains six ground floor commercial spaces, all facing Market Street. During the period of significance, however, the building contained nine ground floor units. The building has retained its original location and setting within the Mid-Market/Tenderloin neighborhood.

Integrity of design, materials, and workmanship have been compromised. Though the second story retains its materials and streamlined ornament from the 1937 remodel, the ground floor storefronts and interiors of all six commercial spaces have been remodeled since the period of significance. The commercial space at 962 Market Street, which housed the Rainbow Tavern and Old Crow bar starting in 1933, most recently contained a retail clothing store. According to historic photos of the exterior, an entry door was recessed within an angled entryway, with the door located to the east of an angled show window. All signage was located above and on either side of the entry door, flush with the building. While the wall and entry appear to have been present at the time of Anne Bloomfield's evaluation in 1997, at present the storefront has been completely removed, including the wall, windows, and entry door; the space is now accessed by a full-width roll-up metal garage door. There is only a ghost marking of the former recessed entry on the ceiling of the open entrance. In addition, the interior of the store contains no remnants of the previous bar, but rather has paneled hanging fluorescent lighting, carpeting over the floor, and pegboard on all available wall surfaces to hang merchandise. Thus, the building does not retain integrity of design, materials, and workmanship in association with the Rainbow Tavern or Old Crow bars.

The building also lacks integrity of feeling and association, since there are no remaining vestiges of the former LGBTQ bars that operated in the building for a lengthy period of time. The exterior storefronts and interior commercial spaces have been reconfigured, and 962 Market Street has not had a restaurant or bar use for 36 years. The building as a whole would be recognizable from the period of significance, due to the intact nature of its design at the second story, but lack of physical remnants at the ground floor of a bar of any kind at 962 Market Street severs the building's feeling and association from its significance as the location of an LGBTQ bar. The building is no longer able to physically convey its significance, and thus, the building does not retain historic integrity.

### **XIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The following section of the report reviews CEQA review procedures for determining whether a property is a resource, both at the State and City level, and reviews the CEQA eligibility of each of the four properties at the site of the proposed project.

The California Environmental Quality Act (CEQA) is state legislation (Pub. Res. Code §21000 et seq.), which provides for the development and maintenance of a high quality environment for the present-day and future through the identification of significant environmental effects.<sup>109</sup> CEQA applies to “projects” proposed to be undertaken or requiring approval from state or local government agencies. “Projects” are defined as “...activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps.”<sup>110</sup> Historic and cultural resources are considered to be part of the environment. In general, the lead agency must complete the environmental review process as required by CEQA. In the case of the proposed project at 950-974 Market Street, the City of San Francisco will act as the lead agency.

According to CEQA, a “project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.”<sup>111</sup> Substantial adverse change is defined as: “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.”<sup>112</sup> The significance of an historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance” and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register.<sup>113</sup> Thus, a project may cause a substantial change in a historic resource but still not have a significant adverse effect on the environment as defined by CEQA as long as the impact of the change on the historic resource is determined to be less-than-significant, negligible, neutral or even beneficial.

A building may qualify as a historic resource if it falls within at least one of four categories listed in CEQA Guidelines Section 15064.5(a), which are defined as:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a

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<sup>109</sup> State of California, California Environmental Quality Act, [http://ceres.ca.gov/topic/env\\_law/ceqa/summary.html](http://ceres.ca.gov/topic/env_law/ceqa/summary.html), accessed 31 August 2007.

<sup>110</sup> Ibid.

<sup>111</sup> CEQA Guidelines subsection 15064.5(b).

<sup>112</sup> CEQA Guidelines subsection 15064.5(b)(1).

<sup>113</sup> CEQA Guidelines subsection 15064.5(b)(2).

resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).

4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Pub. Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Pub. Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Pub. Resources Code sections 5020.1(j) or 5024.1.<sup>114</sup>

#### 950-964 Market, 966-970 Market/45 Turk, 972 Market, and 974 Market Street and 67 Turk Street

Based on the analysis in this report, 950-964 Market Street should be assigned a revised CHRS Code of 6Z, indicating that it is not eligible for listing in any historic register. As such, it does not fall within any of the above categories, meaning that it should not be considered a historic resource for the purposes of CEQA.

Please refer to the San Francisco Planning Department’s Historic Resource Evaluation Response (HREER) for evaluation conclusions for 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street.

### CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT CEQA REVIEW PROCEDURES FOR HISTORIC RESOURCES

As a certified local government and the lead agency in CEQA determinations, the City and County of San Francisco has instituted guidelines for initiating CEQA review of historic resources. The San Francisco Planning Department’s “CEQA Review Procedures for Historical Resources” incorporates the State’s CEQA Guidelines into the City’s existing regulatory framework.<sup>115</sup> To facilitate the review process, the Planning Department has established the following categories to establish the baseline significance of historic properties based on their inclusion within cultural resource surveys and/or historic districts:

- **Category A – Historical Resources is divided into two sub-categories:**
  - **Category A.1 – Resources listed on or formally determined to be eligible for the California Register.** These properties will be evaluated as historical resources for purposes of CEQA. Only the removal of the property’s status as listed in or determined to be eligible for listing in the California Register of Historic Resources by the California Historic Resources Commission will preclude evaluation of the property as an historical resource under CEQA.
  - **Category A.2 – Adopted local registers, and properties that have been determined to appear or may become eligible, for the California Register.** These properties will be evaluated as historical resources for purposes of CEQA. Only a preponderance of the evidence demonstrating that the resource is not historically or culturally significant will preclude evaluation of the property as an historical resource. In the case of Category A.2 resources included in an adopted survey or local register, generally the “preponderance of the evidence” must consist of evidence that the appropriate decision-maker has determined that the resource should no longer be included in the adopted survey or register. Where there is substantiated and uncontroverted evidence of an error in professional judgment, of

<sup>114</sup> Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.

<sup>115</sup> San Francisco Planning Department, *San Francisco Preservation Bulletin No. 16: City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources* (October 8, 2004).

a clear mistake or that the property has been destroyed, this may also be considered a “preponderance of the evidence that the property is not an historical resource.”

- **Category B - Properties Requiring Further Consultation and Review.** Properties that do not meet the criteria for listing in Categories A.1 or A.2, but for which the City has information indicating that further consultation and review will be required for evaluation whether a property is an historical resource for the purposes of CEQA.
- **Category C - Properties Determined Not To Be Historical Resources or Properties For Which The City Has No Information indicating that the Property is an Historical Resource.** Properties that have been affirmatively determined not to be historical resources, properties less than 50 years of age, and properties for which the City has no information.<sup>116</sup>

**950-964, 966-970/45 Turk, 972 Market Street, and 974 Market Street/ 67 Turk Street**

Based on the analysis in this report, 950-964 Market Street should be assigned a revised CHRS Code of 6Z, indicating that it is not eligible for listing in any historic register. As such, it falls within Category C, meaning that it is not considered by the City and County of San Francisco to be historic resource under CEQA.

Please refer to the San Francisco Planning Department’s Historic Resource Evaluation Response (HRER) for evaluation conclusions for 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street.

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<sup>116</sup> San Francisco Planning Department, “San Francisco Preservation Bulletin No. 16 – CEQA and Historical Resources” (May 5, 2004) 3-4.

## **XIV. ANALYSIS OF PROPOSED PROJECT IMPACTS AND COMPATIBILITY**

The following section includes a description of the proposed project, an analysis of the proposed project's specific impacts, an analysis of the proposed project's compatibility with adjacent buildings and with surrounding resources and districts, and analysis of cumulative projects.

### **PROPOSED PROJECT DESCRIPTION**

The following description of the proposed project is based on architectural drawings and renderings prepared by Barke Ingels Group (BIG; Design Architect), dated May 1, 2015. The proposed project consists of new construction. The footprint of the project fills the four lots at APN 0324/001, 0324/002, 0324/004, and 0324/014, and the project requires the demolition of four buildings (950-964 Market Street, 966-970 Market Street, 972 Market Street, and 974 Market Street) that are currently extant on these lots.

#### **Proposed Uses**

The proposed project consists of a single building of new construction that would contain approximately 396,000 gross square feet (gsf) of mixed uses including residential, hotel, and retail uses. The structure is designed to be 12 stories tall and 120 feet in height. The building program would include 262 dwelling units, 235 hotel rooms, and 18,500 square feet of retail space.

Parking, bike storage, and mechanical would be located in the basement: a single-story, 20,000 gsf below-grade garage that contain approximately 104 parking spaces. Garage access would be provided via a driveway ramp along the Taylor Street frontage, adjacent to Opal Place. A new, approximately 20-foot-wide curb cut would be installed along the Taylor Street frontage to serve the new driveway ramp, and the existing curb cut would be removed. The basement mezzanine would contain resident storage space, residential and hotel back-of-house functions, and mechanical and service spaces for the residential, hotel, and common building uses.

The street level would contain retail, hotel, residential and hotel lobbies, restaurant space, and public space, including an approximately 2,300 gsf publicly accessible indoor/outdoor food and beverage garden. Six to eight retail spaces would be constructed along Market and Turk Streets ranging from approximately 500 square feet to 4,999 square feet each to potentially include several food and beverage establishments and general retail shops serving visitors and neighborhood residents and workers. An approximately 1,800 gsf off-street loading area with two truck-loading bays would be located on Turk Street near Taylor Street and would serve residential, hotel, and retail uses in the building.

The second through 12th floors would consist of residential and hotel uses. Residential uses would occupy approximately the eastern half of the building, while hotel uses would occupy approximately the western half of the building. At the eastern portion, the ground floor would contain the residential lobby. Units would consist of studios, junior one-bedroom units, one-bedroom units, and two-bedroom units. A private roof terrace above the 12<sup>th</sup> floor at the eastern portion of the building would provide approximately 14,000 gsf of common open space for residents.

At the western portion of the building, support services associated with the hotel (including lobby, maintenance, laundry, kitchen, and employee areas) would be located on the ground floor and the basement and basement mezzanine levels. A roof terrace above the 12<sup>th</sup> floor would provide approximately 6,000 gsf of non-residential open space, available for hotel patrons.

A rooftop bar would also be on the rooftop terrace. It would be accessible to hotel guests and the public during certain hours of the day with controlled access. Both the hotel and residential portions of the terrace would have gardens and recreation areas vegetated with trees and other shrubbery, lounge and deck areas, and outdoor event and seating spaces.

The uses and design of the proposed project would comply with the maximum floor area and building heights of the existing Planning Code Use District and Height and Bulk District applicable to the site—the C-3-G Use District and 120-X Height and Bulk District.

### Proposed Building Design

The proposed project would have street-level pedestrian access on Market Street and Turk Street. Entrances from Market Street and Turk Street would lead to separate residential and hotel lobbies; however, they would share common circulation routes. Both lobbies would have entrances from both Market and Turk Streets.

The footprint of the proposed building would be roughly triangular in shape, in accordance with the shape of the site. The Market Street and Turk Street facades would curve inward toward the center of each block face; at Market Street, this curve would provide open space at the entrance and wrap around the Crest/Egyptian Theater (now Crazy Horse Gentlemen's Club) at 976-980 Market Street and the Warfield Building at 982-988 Market Street Building, while the inward curve on Turk Street would provide open space at the primary entrance on that side of the building. As noted previously, the open space adjoining Market Street would consist of an approximately 2,300 gsf area that would be used as an indoor/outdoor publicly accessible open space with food and beverage uses. The open space along Turk Street would provide additional outdoor activity, event, and open space for the residents, hotel guests, and local communities.

The exterior design of the proposed building is characterized by glazed storefront systems at the ground floor on the street facades with plate glass windows divided by precast/GFRC panels. The upper portions of the facades would be textured with precast/GFRC panels that protrude out at varying angles and separate the fenestration. The windows would primarily be long and horizontal with vertical butt glazing, aligned horizontally per floor and offset vertically every other floor. The 11<sup>th</sup> and 12<sup>th</sup> floors of the west façade feature double-height windows. At the top of the building, elements such as parapets, wind screens, planters, mechanical screens and mechanical penthouses that are exempt from height limits would extend above the 120-foot-high roofline.

## PROJECT SPECIFIC IMPACTS

As previously mentioned, none of the buildings on the project site have been found to be individually eligible for listing in the California Register or as part of a historic district, and therefore, none are considered historic resources for the purposes of CEQA.

The proposed project includes the demolition of 966-970, 972 Market Street and 974 Market Street/67 Turk Street. Because the buildings are not historic resources, no project-specific impacts relating to the demolitions will be incurred.

## COMPATIBILITY OF PROPOSED PROJECT WITH NEARBY INDIVIDUAL HISTORIC RESOURCES

This section and the following discuss compatibility of the proposed project design with nearby individual resources, which were previously discussed in **Section IV. Neighborhood Description/Nearby Historic Resources**. This section will discuss the Warfield Building at 982-988 Market Street; Crest/Egyptian Theater at 976-980 Market Street; the Hale Brothers Department Store at 979-989 Market Street; the Wilson Building at 973-977 Market Street; the Hotel Schwartz/Amanda Hotel at 62-64 Turk Street; the Dalt Hotel/Hotel Dale at 34 Turk Street; the Hotel Glenn/Metropolis Hotel at 2-16 Turk Street; and the Mechanic's Savings Bank Building at 948 Market Street (**See map, page 21**).

### Buildings Located on the Same Block as the Proposed Project

The proposed project is currently joined on its block by two other buildings: the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 982-988 Market Street; both are considered historic

resources (**see pages 21-22**). The Crest/Egyptian, now known as the Crazy Horse Gentlemen's Club, was built in 1910 and was historically a theater, though now used as an adult film and strip club. The building is one story in height with a tall front parapet. The Warfield Building is eight stories tall with a theater at the back (approximately five stories in height) and offices at the front. The Warfield Theater is included in the Market Street Theater and Loft Historic District (discussed further in the next section).

The Crest/Egyptian Theater at 976-980 Market Street will be most directly impacted by the proposed project because it is located immediately to the south and the west of the project site. The design of the proposed project is minimally sensitive to the Crest/Egyptian Theater in that the building pulls back next to the historic theater, providing an outdoor space east of the one-story Crest/Egyptian Theater that separates the east side from the 12-story proposed building. The building also pulls back above the first floor to the north of the theater. However, the proposed building, at 120' in height, still towers beyond on the east and north sides of the Crest/Egyptian Theater. Taking into consideration the eight-story Warfield Building to the west, the Crest/Egyptian Theater is generally dwarfed on three sides. The height and mass of the proposed project are not compatible, and the project has a negative effect on the Crest/Egyptian Theater's integrity of setting. However, because the proposed project will not affect the character-defining features or materials of the Crest/Egyptian Theater, it will retain its eligibility as a historic resource despite its setting being altered by the project.

The project site is located directly north of the Warfield Building at 986-988 Market Street. Though the Warfield Building is eight stories in height along Market Street, the total height is approximately 116 feet, only four feet shorter than the 12<sup>th</sup> (top) floor height of the proposed building. Thus, the Warfield Building tower will not be dwarfed. The west portion of the proposed building will abut the approximately five-story tall theater portion of the Warfield building, which contains no ornamentation at the west and north (rear) facades, little fenestration, and a few exit doors at various heights. No significant design elements, features, or materials will be concealed by the placement of the new building. Opal Place, an east-west running short alley that extends from Taylor Street, will remain between the two parcels. The rear theater portion of the Warfield Building, in conjunction with the Crest/Egyptian Theater at 976-980 Market Street and Opal Place, creates some spatial separation between the new construction and the office portion of the Warfield Building on Market Street. The proposed project design differs from the Renaissance/Baroque style of the Warfield. It is relatively compatible with the prominent office portion on Market Street with regard to the light color and horizontally coursed windows, but the ratio of solid to void, materiality, and angular façade treatment between windows is not compatible. The inclusion of incompatible design details including precast/GFRC panels and angular façade treatment alters the setting of the Warfield Building. However, the inclusion of some compatible design details such as light color and horizontally coursed windows; the minor spatial separation between the proposed project and the Warfield Building; and the fact that the proposed project does not conceal any significant design elements, features, or materials of the Warfield Building, combine to allow the Warfield Building to retain its historic register eligibility.

#### **Buildings Located on the South Side of Market Street**

Individual resources located across Market Street from the proposed project site include the six-story Hale Brothers Department Store at 979-989 Market Street and the seven-story Wilson Building at 973-977 Market Street (**see pages 22-23**). Both feature Classical Revival style column ornamentation. The proposed building is only four feet taller than the existing 116-foot tall Warfield Building, and the existing setting also includes the 15-story David Hewes Building at 995 Market Street (mentioned on page 53). Thus, taller buildings are a part of the existing setting. The proposed project is not compatible with regard to ratio of solid to void, materials, color, or style to 979-989 Market Street or 973-977 Market Street. While the proposed project will affect the setting of 973-977 and 979-989 Market Street to an extent, it will not affect their significant design elements, features, or materials. Thus, overall integrity will remain intact, including integrity of location, design, materials, workmanship, feeling, and association. The buildings will remain eligible as historic resources.

### Buildings Located on the North Side of Turk Street and East Side of Mason Street

The proposed project site is located across Turk Street from the Hotel Schwartz/Amanda Hotel at 62-64 Turk Street, the Dalt Hotel/Hotel Dale at 34 Turk Street, and the Hotel Glenn/Metropolis Hotel at 2-16 Turk Street. It is also located across the intersection of Turk and Mason streets from the Mechanic's Savings Bank Building at 948 Market Street (see pages 23-24). The buildings on Turk Street are within the boundary of the Uptown Tenderloin Historic District, while the Mechanic's Savings Bank Building on Market Street is within the boundary of the Kearny- Market-Mason- Sutter Conservation District.

The height of the proposed building is compatible with the height of the existing eight-story building at 948 Market Street and nine story historic building at 2-16 Turk Street. The broader massing, angular shape, materiality, and fenestration pattern of the towers are not compatible with the historic resources, aside from the horizontal alignment of windows. While the proposed project design will affect the setting of 2-16 Turk Street, 34 Turk Street, 62-64 Turk Street, and 948 Market Street, it will not affect their significant design elements, features, or materials. Thus, their overall integrity will remain intact, including integrity of location, design, materials, workmanship, feeling, and association. They will remain eligible as historic resources.

### COMPATABILITY OF PROPOSED PROJECT WITH SURROUNDING HISTORIC DISTRICTS

The proposed project is located near three historic districts, which were described previously on pages 28-31. The following section analyzes the proposed project's compatibility with or impact on the districts.

#### The Uptown Tenderloin Historic District

As described page 25, The Uptown Tenderloin Historic District was designated a National Register Historic District in 2008, and is listed in the California Register of Historical Resources. The district is characterized by its predominant building type: three- to seven- story multi-unit apartment buildings, hotels, or residential hotels (SROs) constructed of brick or reinforced concrete. There are eight contributing resources across Turk and Taylor streets from the project site.

The southeast corner of the district boundary runs down Turk Street, and the closest contributors are located on the north side of Turk Street, across the street from the proposed project site. The Hotel Schwartz/Amanda Hotel at 62-64 Turk Street, the Dalt Hotel/Hotel Dale at 34 Turk Street, and the Hotel Glenn/Metropolis Hotel at 2-16 Turk Street, discussed for compatibility previously as individual resources, are also contributors to the historic district. Other contributors to the district that are located directly across Turk or Taylor streets from the project site include the Hotel Brayton/Winston Arms at 50-52 Turk Street (1913), the Hotel Taylor/Hotel Thames/Dahlia Hotel at 66-74 Turk Street (1907), Gaiety Theater at 76-80 Turk Street (1922), the St. Ann Hotel/Hotel Lennox/Bard Hotel/Hotel Winfield at 108-120 Taylor Street (1907), the Hotel Hyland at 101-121 Taylor Street (1907), and the Grand Hotel at 101-105 Turk Street (1906). Similar to the individual resources, these contributors are two- to seven-story buildings, primarily residential hotels, designed with Renaissance/Baroque ornamentation.

The proposed project does not appear to lessen these properties' ability to express their historic significance. Although the project site is located across Turk Street from contributors to the Uptown Tenderloin Historic District, its location on Market Street and its partial orientation to Market Street thematically separate it from the Uptown Tenderloin Historic District properties. The proposed project will be generally compatible in height (taller than some buildings in the historic district but of similar height to others). However, the broad massing of the proposed building is out of scale with the buildings in the historic district, and for the most part, the materiality and fenestration pattern of the proposed building are not compatible with the district contributors, aside from the horizontal alignment of windows. However, the nine properties listed above are at the southeastern perimeter of the Uptown Tenderloin Historic District, and these buildings represent a small proportion of total buildings in the district. The impact to the setting of this small proportion of district contributors does not lower the integrity of the district as a whole. The overall character and cohesiveness of

the district, its materiality, historic building types, heights and massing will not be affected by the proposed project. The setting at the southeast corner of the Uptown Tenderloin Historic District will be affected, but this change will not affect the overall integrity or eligibility of the district.

#### The Market Street Theater and Loft Historic District

The project site is located on the same block as the Warfield Building at 986-988 Market Street and across the street from the Hale Brothers Department Store at 979-989 Market Street, which are two of the contributors to the National Register-listed Market Street Theater and Loft Historic District. The project's compatibility with the Warfield Building was discussed in the previous section.

993 Market Street (1908), the David Hewes Building at 995 Market Street/1 6<sup>th</sup> Street (1908), and the Golden Gate Theater at 1-35 Taylor Street (1922) are included in the Market Street Theater and Loft Historic District and are located across the street from the project site. 993 Market Street is a one-story commercial building with a stucco façade. It was designed by Edward A. McManus with ca. 1970 alterations. 995 Market Street/1 6<sup>th</sup> Street, the David Hewes Building, was designed by Redi Brothers with a 1963 alteration by Hertzka & Knowles. The 16-story office building features metal-panel cladding with original terracotta cladding exposed at the corners. These two buildings are considered non-contributors to the district because they have compromised integrity.

The Golden Gate Theater, located across Taylor Street from the Warfield Theater and the northwest edge of the project site, was designed by G. Albert Lansburg and contains a stage theater and offices. It is a contributor to the historic district. The building is designed in a Renaissance/Baroque style with Moorish and Spanish Revival elements and features a hexagonal tower and dome at the corner of the intersection of Market and Taylor streets and Golden Gate Avenue. The Warfield Building is located directly across the street from the Golden Gate Theater, which reinforces the scale, style, and historic use of the Golden Gate Theater, as well as the Market Street Theater and Loft District. The east portion of the proposed project will be situated at the north end of the opposing block face and will not be compatible with the height, massing, ratio of solid to void, materiality, and style of the Golden Gate Theater.

The five properties listed above are at the east perimeter of the Market Street Theater and Loft Historic District. These buildings represent a small proportion of total buildings in the historic district. While the proposed project is not compatible in height, massing, materiality, and style with the contributing Golden Gate Theater at 1-35 Taylor Street, the overall character and cohesiveness of the Market Street Theater and Loft District, its materiality, historic building types, styles, heights and massing will not be affected by the proposed project. Thus, the proposed project does not appear to affect the ability of the Market Street Theater and Loft District to convey its historic significance.

#### Kearny-Market-Mason-Sutter Conservation District

As described on pages 30-31, the Kearny-Market-Mason-Sutter Conservation District was included in Article 11 of the San Francisco Planning Code in 1985. While covering a large area of Downtown San Francisco, it is primarily focused on the Union Square and Grant and Kearny Street retail areas and is characterized by small-scaled, light-colored buildings predominantly four to eight stories in height. The boundaries of the District are irregular, but stretch as far north as Pine Street, as far east as the east side of Kearny Street, as far south as the south side of Market Street, and west slightly past Taylor Street. The Conservation District does not include much of the Tenderloin. The proposed project is located across the Turk and Mason Street intersection from one contributor to the Kearny-Market-Mason-Sutter Conservation District: the Mechanics Savings Bank Building at 944-948 Market Street, which is also eligible for individual listing in the National Register. The proposed project's compatibility with this building individually has already been discussed on page 52.

The proposed building includes commercial retail, which is the primary building use in the Conservation District. Appendix E to Article 11 sets out a number of character-defining features for the Kearny-Market-

Mason-Sutter Conservation District, which include massing and composition, scale, materials, colors, details, and ornamentation. Similar to the proposed project’s relationship with the other adjacent historic districts, the height and massing of the proposed project are out of scale with most buildings in the district, which typically range from four to eight stories, and the modern design does not appear compatible in terms of materials, colors, details, or ornamentation with the primarily masonry materiality and Beaux Arts/Classical style ornamentation of the historic buildings in the district.

Aside from the Mechanics Savings Bank Building at 944-948 Market Street, however, the other properties that are included in the Historic District are further away from the project site and thus also are not likely to be directly or indirectly impacted by the proposed project. Because the project is located outside of the Conservation District’s boundaries, it will not affect the overall character or cohesiveness of the district. Thus, the proposed project does not appear to affect the Kearny-Market-Mason-Sutter Conservation District’s ability to express its historic significance.

### CUMULATIVE PROJECTS

A number of proposed projects have applications under review, have been approved, and/or are under construction in the project vicinity (within a 0.25-mile radius of the project site). A list was provided by the San Francisco Planning Department in August 2014, updated in June 2016. It is summarized in the table below, ordered by address and keyed to the map that follows.

**Table 3. Cumulative Project List**

Map No.	Case No.	Project Address	Description
1	2007.1342E	168 Eddy Street	The project involves the construction of a 130-foot-tall, 178,869-gsf building consisting of 178 new affordable dwelling units with ground-floor retail. The project would provide 118,780 gsf of residential uses, 11,661 gsf of open space in an above-grade courtyard and rooftop gardens, 6,888 gsf of common and program space for residents, and up to 13,138 gsf of retail space fronting Taylor Street and Eddy Street. An off-street loading area would be provided with access from Taylor Street. The project would not include off-street parking.
2	2014.0400E	430 Eddy Street	The proposed project would include new construction of an eight-story building with 28 residential condo units above the first floor and two commercial units on the first floor.
3	2009.0343E	229 Ellis Street	The project proposes interior structural improvements and the addition of 3 stories to an existing 3-story building. The building will total 77.5 feet in height, with 18 dwelling units and 5,704 sf of retail use.
4	2014.0506E	519 Ellis Street	The proposed project would include new construction of an eight-story building, with 28 residential condo units above the first floor and two commercial units on the first floor.
5	2005.0869E	121 Golden Gate Avenue	The project would result in the construction of a 10-story, mixed-use affordable housing project. The project is currently requesting a Conditional Use Authorization for a mixed-use building exceeding 40 feet in height in an R-District. The Conditional Use

Map No.	Case No.	Project Address	Description
			Authorization is being requested for future philanthropic uses above the ground floor, and exceptions to parking, rear yard, upper story, and front setback requirements to construct the proposed ten-story-above-basement mixed-use building containing philanthropic dining facilities on the basement and ground levels, and 102 senior housing units and a manager's unit on the upper floors, with some space possibly becoming non-licensed respite care in the future.
6	2005.1018E	570 Jessie Street	The project sponsor proposes to demolish the existing 15,000-sf office/printing shop and construct 47 dwelling units and 24 parking spaces. The new construction would be 36,973 sf and approximately 74 feet and 10 inches in height. The project would require a dwelling unit exposure exception for rear yard and off-street parking. The project would have 23 off-street parking spaces and three car-share spaces.
7	2012.0678E	19–25 Mason Street and 2–16 Turk Street	The project would result in the development of the two adjoining parking lots on both sides of The Metropolis Hotel, with the Metropolis Hotel remaining unchanged. The project would replace the existing surface parking lot with a residential development, including retail spaces and parking on the ground floor. The project would include construction of a 12-story structure consisting of 110 residential units, of which 38.2 percent are two-bedroom units. A common open space on the roof would be provided as an amenity for the residents.
8	2005.1074E	945 Market Street	The project (City Place) would result in the construction of a new five-story, approximately 90-foot-tall and 367,000-sf retail center in the C-3 District.
9	2014.0241E	1028 Market Street	The project sponsor proposes to demolish the existing vacant two-story commercial building and to construct a 13-story mixed-use building. The new building would contain 12 floors of residential use above ground-floor retail, as well as two levels of below-grade parking. The new 120-foot-tall building would contain 186 dwelling units and approximately 9,675 gross square feet (gsf) of retail space.
10	2013.1753E	1066 Market Street	The project sponsor proposes to demolish the existing two-story commercial building and parking lot and to construct a 14-story mixed-use building with approximately 330 dwelling units, approximately 1,885 sf of retail on Market Street, approximately 2,678 sf of commercial use along Golden Gate Avenue and Jones Street, and two levels of below grade parking for approximately 112 vehicles.
11	2013.1690E	1075 Market Street	The project sponsor proposes to demolish an existing commercial building (former adult entertainment complex) and construct a new eight-story mixed use (retail and residential) building with approximately 7,500 sf of retail space, 99 dwelling units, and 24 parking spaces.

Map No.	Case No.	Project Address	Description
12	2009.1100E	1095 Market Street	The project sponsor proposes to provide seismic strengthening and architectural rehabilitation of an existing historic nine-story, 61,000-sf commercial office building. As part of the project, the building would be converted from office to a 42,000-sf, 94-room, and R-1 occupancy hostel/hotel. The hotel/hostel would include a 2,500-sf commercial use (restaurant), a 3,500-sf nighttime entertainment area, and two rooftop terraces that total 8,500 sf.
13	2012.1123E	1100 Market Street	The project involves the rehabilitation of the existing 135-room Renoir Hotel with ground-floor retail.
14	2013.0511E	1125 Market Street	The project would result in the construction of a 12-story, 100,422-square-foot (sf) mixed-use building with residential use, retail use, and parking. The new building would contain approximately 164 dwelling units and approximately 3,005 sf of ground-floor retail, as well as 47 new parking spaces.
15	2012.0370E	1127 Market Street	The project would include renovating the existing 12,300-sf movie theater to a 299-seat live theater with support spaces (dressing rooms, rehearsal space, and box office), offices, and a ground-floor restaurant/cafe fronting Market Street.
16	2015.015253	996 Mission Street	The project includes the demolition of the existing building, and the construction of an eight-story, 85-foot-tall mixed use building. The project would include 30 residential hotel rooms on two floors, a total of 75 tourist hotel rooms on five floors, ground floor commercial space, and mezzanines with below grade basement.
17	2014.1442E	475 Minna Street	The project would remove the existing surface parking lot, and construct a nine-story, 88-foot-tall, 15,240 sf residential building. The project would include 15 residential dwelling units, with 20 percent of those units being below market rate. The project involves the approval of a conditional use authorization to allow additional square footage above the base floor area ratio, for dwelling units that will be affordable.
18	2011.0409E	925–967 Mission Street	The project would result in the retention and rehabilitation of two buildings on the site (the Chronicle Building at 901 Mission Street, constructed in 1924, and the Dempster Printing Building at 447–449 Minna Street, constructed in 1907), the demolition of six existing buildings on the site, and the construction of five new buildings. Buildings would range in height from approximately 50 feet tall to 400 feet tall. After implementation of the project, the total square footage of renovated existing buildings and new construction would include approximately 1.85 million gsf of new and existing uses comprising 1,132,200 gsf of office uses (814,500 gsf of net new office space), 552,800 gsf of residential uses (approximately 748 dwelling units), up to 146,900 gsf of active ground-floor retail/office/cultural/ educational uses, and 18,200 gsf of arts/cultural/educational uses.
19	2008.0197E	942 Mission	The project sponsor proposes to demolish a two-story building containing 8,000 sf of office space and 17,000 sf of commercial

Map No.	Case No.	Project Address	Description
		Street	film studio space. In its place, the project sponsor proposes to construct a 15-story, approximately 152-foot-tall building. The new building would retain the existing basement and contain 3,240 sf of ground-floor retail, 4,098 sf of first-floor circulation, and 72,000 sf of hotel space, including 172 hotel rooms, for a total of 79,265 sf of new construction.
20	2007.1464E	1036–1040 Mission Street	The project would result in the construction of a nine-story mid-rise residential building containing 83 affordable housing units. The project would include the construction of common rooms, management offices, laundry, lobby, circulation, and supportive service spaces designed to serve the intended family population. The proposed project would also include 963 sf of ground-floor neighborhood-serving retail space, or could be used for non-profit use. The proposed project would include new sidewalks, utility infrastructure, and landscaping, as well as common open space. No off-street parking is proposed, but the project includes the requisite 84 fully compliant bicycle parking spaces and an additional 60 non-compliant bicycle parking spaces.
21	2005.0267E	181 Turk Street and 180 Jones Street	The project would result in the construction of an eight-story building containing up to 37 residential units, approximately 2,700 sf of ground-floor retail space, and up to eight off-street parking spaces.
22	2012.1531E	351 Turk Street and 145 Leavenworth Street	The proposed project involves the construction of two new group housing buildings over ground-floor retail at 351 Turk Street and 145 Leavenworth Street, and the replacement of residential hotel rooms at five other mixed-tourist/residential hotels throughout the city. The result will be 238 new group housing/residential hotel rooms at the two project sites and conversion of 238 residential hotel rooms at the five existing hotels to tourist hotel rooms.
23	2010.0948E	527 Stevenson Street	The project would result in the adaptive reuse of an industrial building as residential. The new building would contain 67 dwelling units, 210 sf of ground-floor commercial space, and nine parking spaces. The project requires exceptions for dwelling unit exposure and loading, and a variance for rear yard.
24	2014.0562E	469 Eddy Street	The project would remove the existing parking garage and construct an eight-story, 29,419 sf mixed-use residential/retail building, with a basement. The building would contain 34 residential units, 2,149 sf of ground floor retail space, and 15 basement parking spaces.
25	2013.1535E	450 O'Farrell Street	The project would demolish an existing church with four parking spaces, and a one-story retail building. In their place the project would construct a 12-story, 130-foot-tall mixed use building containing a 10,000 sf church, 6,000 sf of retail space, 97 dwelling units, 74 group housing units, and 100 parking spaces.
26	2015.007525	57 Taylor Street	The existing 18,906 sf lot currently contains a 112-unit residential building, covering approximately 11,004-sf of lot area, with the

Map No.	Case No.	Project Address	Description
			remaining 7,902 sf occupied by a surface parking lot. The project would subdivide the existing property into two lots; the first lot would be 11,004 sf, and would be entirely occupied by the existing building. The second lot would remove the existing parking lot, as well as a vacant portion of the existing building at the rear, and construct an 11-story, 110-foot-tall mixed-use building with 70 group housing units and 3,379 sf of interior common space.

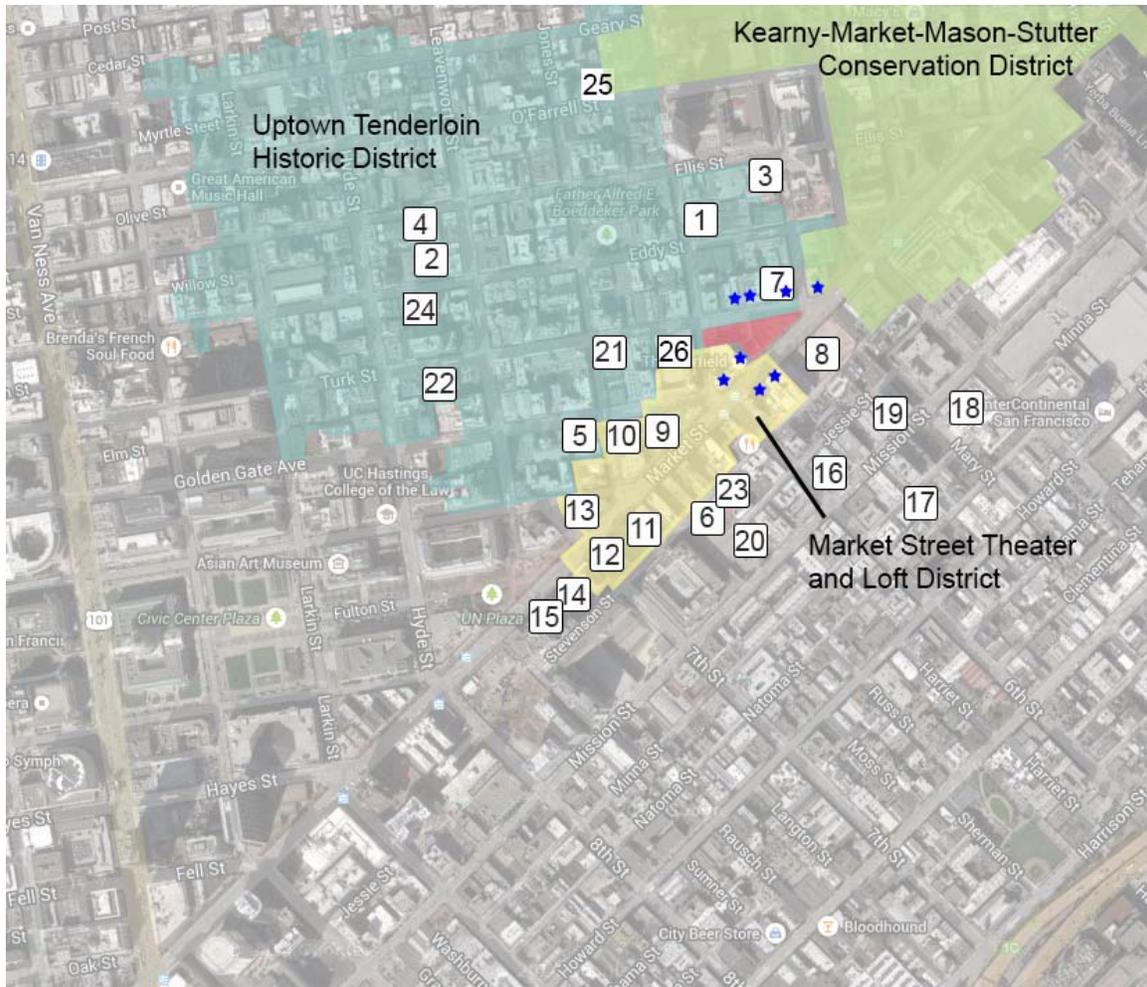


Figure 54. Map showing cumulative projects. Numbers are keyed to the table above. The proposed project site for 950-974 Market Street is in pink, and the blue stars indicate individual resources per Figure 30. Source: Google maps, 2014; edited by Page & Turnbull.

These recent proposed projects which have submitted applications, received approval, and/or are under construction may represent a cumulative impact on known individual historic resources in the immediate area. Four of the proposed projects are located away from any historic districts or individual resources, so these projects are not included in the following assessments. These include the projects at 996 Mission Market Street (No. 16), 475 Minna Street (No. 17), 925-967 Mission Street (No. 18), and 942 Mission Street (No. 19).

### Analysis of Cumulative Projects with Regard to Individual Resources

The 12-story development at 19-25 Mason Street/2-16 Turk Street (No. 7) may have an impact on the historic Metropolis Hotel (formerly the Hotel Glenn) at 2-16 Turk Street when combined with the proposed project at 950-974 Market Street. The hotel is eligible for listing in the National Register and is a contributing resource to the Uptown Tenderloin Historic District. The two projects combined may sever the building from much of its historic context by surrounding the nine-story building on three sides with the 12-story buildings at 19-25 Mason Street/2-16 Turk Street and the 12-story proposed project at 950-974 Market Street.

The large lot poised for construction of the five-story building at 945 Market Street (No. 8) is not located in a historic district but is in proximity to the individually significant Wilson Building at 973-77 Market Street and the Hale Brothers Department Store at 979-89 Market Street. However, the project is similar in height with the two historic resources and would not likely affect the eligibility of those buildings when combined with the proposed project at 950-974 Market Street.

### Analysis of Cumulative Projects with Regard to Historic/Conservation Districts

Eleven of the projects identified above are located within the Uptown Tenderloin Historic District. These include 168 Eddy Street (No. 1), 430 Eddy Street (No. 2), 229 Ellis Street (No. 3), 519 Ellis Street (No. 4), 121 Golden Gate Avenue (No. 5), 19-25 Mason Street/2-16 Turk Street (No. 7), 181 Turk Street/180 Jones Street (No. 21), 351 Turk Street/145 Leavenworth Street (No. 22), 469 Eddy Street (No. 24), 450 O'Farrell Street (No. 25), and 57 Taylor Street (No. 26). The majority of these projects propose to demolish existing buildings or use currently vacant parcels to construct new mixed-use residential and commercial buildings that are eight to 14 stories in height. Of the above-listed properties, 519 Ellis Street, 229 Ellis Street, 2-16 Turk Street, 351 Turk Street, 57 Taylor Street, 450 O'Farrell Street, and 469 Eddy Street are contributing resources to the Uptown Tenderloin Historic District. The project at 229 Ellis Street involves constructing a three-story addition on the top of the existing three-story building. While most of these projects remove historic building stock from the Uptown Tenderloin Historic District and infill the district with buildings that are generally taller than the three- to seven-story heights of the contributing historic buildings, the projects are spread out throughout the historic district amongst the 410 contributing resources and the 67 non-contributing resources. Of note, some of the non-contributing buildings which existed when the historic district was designated are multi-story infill buildings, such as 111 Jones Street (nine stories, built in 1993) and 230-240 Turk Street (eight stories, built in 2008). Thus, modern taller buildings are an existing condition of the historic district. When considering the proposed project at 950-974 Market Street, it does not appear that there is a concentration of new projects in the Uptown Tenderloin Historic District that would affect the historic fabric or character of that district to the extent that it would no longer be eligible for listing in the National Register.

Five of the projects at 1028, 1066, 1075, 1095, and 1100 Market Street (Nos. 9-13) are located within the boundaries of the Market Street Theater and Loft Historic District, which at the time of designation had 20 contributing resources and 10 non-contributing resources. Of the buildings listed above, 1028, 1095, and 1100 Market Street are contributors. The projects at the first three addresses propose to demolish existing buildings on Market Street (one of which is a contributing resource) and replace them with eight- to 14-story mixed-use buildings, while the latter two propose rehabilitation of existing contributing buildings. In addition, there are proposed projects within close proximity to the Market Street Theater and Loft Historic District boundaries, including 1125 Market Street (No. 14), 1127 Market Street (No. 15), 570 Jessie Street (No. 6), 1036-40 Mission Street (No. 20), and 527 Stevenson Street (No. 23). Three of these projects propose to construct eight- to 12-story buildings and two of the projects involve rehabilitation of existing buildings. The new construction of taller mixed-use buildings, one of which requires the demolition of a contributing resource, in combination with the proposed project at 950-974 Market Street may affect the character of the National Register-listed Market Street Theater and Loft Historic District since these new buildings introduce scale, massing, materials, and uses that differ from most of the contributing buildings in the historic district.

None of the projects listed in this section are located within the Kearny-Market-Mason-Sutter Conservation District, and only one (19-25 Mason Street/2-16 Turk Street) is located within equal proximity as the project site at 950-974 Market Street. These proposed projects do not appear to affect the Conservation District.

## **XVI. ADJACENT DEMOLITION/CONSTRUCTION IMPACTS**

The following section discusses the proposed project for potential impacts caused by demolition and construction activities adjacent to historic resources. This analysis involves the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 982-988 Market Street, since these two historic resources are located on the same block, immediately adjacent to the project site.

Based on the project description for the proposed project, which will include demolishing the existing buildings at 950-974 Market Street and excavating at the project site for an underground parking garage, an amount of vibration over the course of the project may have the potential to impact historic resources. Further clarification of the construction process and the structural integrity of the Crest/Egyptian Theater and Warfield Building would help to determine the potential level of impact. Nevertheless, measures are included for Construction Monitoring in the following Project Improvement Measures section.

## **XVII. PROJECT IMPROVEMENT MEASURES**

### **INTERPRETIVE PROGRAM**

The Dean Building at 950-964 Market Street has been found ineligible for listing in the California Register and National Register due to a loss of integrity, and therefore it is not considered a historic resource for the purposes of CEQA. However, the building is significant for its association with LGBT history in San Francisco, specifically the development of LGBTQ bars in the Tenderloin, and its association with the Rainbow Tavern and Old Crow bars.

Page & Turnbull recommends that the project sponsor install a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street frontage, which will help to memorialize the importance of the building after it is demolished. The content of the display should outline the significance of the subject building, namely its association with the Rainbow Tavern and Old Crow bars within LGBT history in San Francisco. Interpretation of the site's history shall be supervised by a qualified preservation consultant meeting the Secretary of the Interior's Professional for Architectural Historian or Historian. The interpretative materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in this HRE may be used for content. A proposal prepared by the qualified consultant describing the general parameters of the interpretive program shall be approved by the San Francisco Planning Department's Preservation staff prior to issuance of a Demolition Permit or Site Permit. The detailed content, media and other characteristics of such interpretive display shall be approved by Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

### **CONSTRUCTION BEST PRACTICES FOR HISTORICAL RESOURCES**

Page & Turnbull recommends that the project sponsor incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater and Warfield Building, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historical resource(s); appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.

### **CONSTRUCTION MONITORING PROGRAM**

Page & Turnbull recommends that a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 982-988 Market Street be conducted by a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and should contain written and/or photographic descriptions of the existing condition. It should determine specific locations to be monitored, and include annotated drawings of the buildings to locate ongoing digital photo locations.

Based on the construction and condition of the resources, the structural engineer and/or historic preservation consultant should establish a maximum vibration level that should not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices. To ensure that vibration levels do not exceed the established standard, the project sponsor should monitor

vibration levels at each structure and should prohibit vibratory construction activities that generate vibration levels in excess of the standard.

Should vibration levels be observed in excess of the standard, construction should be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of each historic building during ground-disturbing activity on the project site. Should damage to either building occur, the buildings should be remediated to their preconstruction condition at the conclusion of ground-disturbing activity on the site.

## **XVIII. CONCLUSION**

950-964 Market Street appears to be significant under National Register Criterion A and California Register Criterion 1 for its association with the development of LGBTQ bars in the Tenderloin, specifically its association with the Rainbow Tavern and Old Crow bars, LGBTQ bars that occupied the commercial unit at 962 Market Street from 1933 to 1980. However, 950-964 Market Street does not retain sufficient integrity to represent its significance and is therefore not eligible for listing in the National Register or California Register.

Based on this evaluation for 950-964 Market Street and the Planning Department's HRER findings for 966-970, 972, and 974 Market Street, none of the buildings are considered historic resources for the purposes of CEQA analysis.

The proposed project includes the demolition of the existing buildings at 950-964 Market Street, 966-970 Market Street/45 Turk Street, 972, and 974 Market Street/67 Turk Street. Because the Dean Building at 950-964 Market Street was not found to be an eligible historic resource, a project improvement measure is included in this report that would recognize the building's significant context.

The proposed project does not appear fully compatible with several of the adjacent individual historic resources and historic districts, primarily due to massing and materiality rather than height. It does not appear to affect the ability of any individual historic resources or historic districts to convey their historic significance. The proposed project may affect nearby resources, including the Metropolis Hotel (formerly the Hotel Glenn) at 2-16 Turk Street and the Marker Street Theater and Loft Historic District, when combined with other projects in the area.

Lastly, it is possible that impacts may occur to the adjacent Crest/Egyptian Theater and Warfield Building due to demolition and construction activities. Project improvement measures have been suggested to monitor the two buildings throughout construction.

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Attachment D: Historic Resource Evaluation Response for 950-974 Market Street (June 29, 2016)



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Resource Evaluation Response

*Date* June 29, 2016  
*Case No.:* 2013.1049E  
*Project Address:* 950 Market Street  
*Zoning:* C-3-G (Downtown-General Commercial) District  
120-X Height and Bulk District  
*Block/Lot:* 0342 / 001, 002, 004, 014  
*Date of Review:* June 29, 2016 (Part 1 & II) (originally reviewed September 2, 2015)  
*Staff Contact:* Melinda Hue (Environmental Planner)  
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### PART I: HISTORIC RESOURCE EVALUATION

#### Buildings and Property Description

The subject project site is located in the Hayes Valley/Civic Center area of San Francisco on the north side of Market Street on an irregularly-shaped parcel bounded by Market, Turk, and Taylor streets, Opal Place, and the rear and side property lines of 976-980 Market Street (Crest/Egyptian Theater). The project site is currently occupied by four buildings, and a surface parking lot, at 950-964 Market Street, 966-970 Market Street (aka 45 Turk Street), 972 Market Street, and 974 Market Street (aka 67 Turk Street). The properties are located within the C-3-G (Downtown General Commercial) Zoning District and 120-X Height and Bulk District.

#### 950-964 Market Street

At the east end of the project site, at the gore corner, is 950-964 Market Street (Dean Building), which was constructed in 1906. It is a two-story-over-basement, unreinforced masonry commercial building redesigned in the Art Moderne-style in 1937. The building has a triangular plan, terracotta tile cladding, and flat roof with parapet and stepped cornice. Ground floor commercial storefronts and the building entrance, which consists of metal and glass storefront system flanked by fluted pilasters that are clad with terracotta tile, face Market Street. The upper floor, on both façades, is fenestrated by four-lite steel-sash windows and is occupied by office space.

#### 966-970 Market Street / 45 Turk Street

966-970 Market Street / 45 Turk Street was constructed in 1907 based on design by J.E. Krafft and Sons. It is a two-story, V-shaped, brick masonry structure clad with partially removed stucco and exposed structural brick and topped by a flat roof. The first story of the Market Street façade is covered with plywood and metal security gates. An intermediate entablature with dentiled architrave and plain frieze extends across the left three quarters of the façade. At the second story are four pairs of one-over-one, double-hung, wood-sash windows with a wood pilaster in the center of each pair. The exposed upper portion of the Market Street façade has been stripped of all cladding and ornament to expose the

structural brick (it was originally clad with stucco and featured decorative pilasters, cornices and circle motifs on the parapet). At the Turk Street façade, fenestration has been infilled at the lower story except for two doors and narrow bands of steel sash transom. At the brick-clad second story is four pair of windows like those on the opposite elevation. The Turk Street façade terminates in a modillioned cornice with pairs of scrolled brackets at either end.

#### 972 Market Street

972 Market Street was constructed in 1912 based on design by architect, Burtell R. Christensen. It is a three-story, V-shaped, reinforced masonry building clad with buff-colored brick and topped by a flat roof. The lower story at both façades is covered with plywood and metal security gates. The upper floors are dominated by two, 2-story projecting bays capped by prominent broken segmental pediments with finials, side brackets, and several types of moldings. Both facades are terminated with heavy cornices that end before reaching the edges of the façade. Both cornices feature modillions, dentils, and several types of moldings; the cornice on the Turk Street façade also features three pairs of scrolled brackets. Two-story metal fire escapes extend across the window bays on both elevations. On the Market Street façade, a large projecting cabinet sign that was centered above the first floor has been removed circa 2013; brick clad piers flank the center storefront bay. Several windows on both façades have been boarded over.

#### 974 Market Street / 67 Turk Street

974 Market Street / 67 Turk Street include a building fronting on Market Street (974 Market Street) and a surface parking lot that fronts on Turk and Taylor streets (67 Turk Street). The portion of the building that is extant was originally constructed in 1909 based on design by architect, Sylvain Schnaittacher. The rear of the building (fronting on Turk Street) was removed and the Market Street façade was remodeled circa 1950 in the Art Moderne style. It is a two-story, trapezoidal-plan, reinforced concrete building clad with stucco and topped by a flat roof. The Market Street façade is divided into two bays; the wider right bay projects slightly forward and the narrower left bay is set back. The two ground floor storefronts are covered by metal roll-up security gates. The upper story is fenestrated by a single window opening that is bisected by three vertical bands of stucco trim that run up the center of the bay to the roofline. The façade terminates in a flat, unadorned parapet. The rear elevation, facing onto the surface parking lot, is not fenestrated. At some time after 1950, according to the Sanborn maps, the rear portion of the original V-shaped building (with additional address at 63 and 65 Turk Street) was demolished.

### **Pre-Existing Historic Rating / Survey**

#### 950-964 Market Street

This building was included in the 1977-78 Downtown Survey conducted by San Francisco Architectural Heritage with a "C" rating, or "building with contextual importance." This property was also included in the 1990 Unreinforced Masonry Structure Survey but was not given a rating.

950-964 Market Street was also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms with an update in 2011 by Tim Kelley Consulting. The Bloomfield survey did not assign a California Historical Resource Status Code to the property, but did find that the building was significant for its association with the Old Crow Bar and the history of gay bars in San Francisco. The 2011 survey update by Tim Kelley Consulting concurred with this previous finding, noting that the building "does not appear to have been altered since the time of previous survey and documentation" and assigned a California Historical Resource Status Code of "3S," or "appears eligible for the National Register as an individual property through survey evaluation." Neither the 2007 survey nor the 2011 survey update findings have been adopted. As these latter surveys

are still in draft form, and the former surveys were informational in nature, the original date of construction (1906) for the property makes it "Category B" (Potential Historic Resource) for the purposes of CEQA review by the Planning Department.

966-970 Market Street / 45 Turk Street

This building was included in the 1977-78 Downtown Survey conducted by San Francisco Architectural Heritage with a "C" rating, or "building with contextual importance." This property was also included in the 1990 Unreinforced Masonry Structure Survey but was not given a rating.

966-970 Market Street / 45 Turk Street was also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms with an update in 2011 by Tim Kelley Consulting. The Bloomfield survey did not assign a California Historical Resource Status Code to the property or assess significance of the property. The 2011 survey update by Tim Kelley Consulting assigned a California Historical Resource Status Code of "6Z," or "found ineligible for National Register, California Register, or Local designation through survey evaluation." Neither the 2007 survey nor 2011 survey update findings have been adopted. As these latter surveys are still in draft form, and the former surveys were informational in nature, the original date of construction (1907) for the property makes it "Category B" (Potential Historic Resource) for the purposes of CEQA review by the Planning Department.

972 Market Street

This building was included in the 1977-78 Downtown Survey conducted by San Francisco Architectural Heritage with a "C" rating, or "building with contextual importance." This property was also included in the 1990 Unreinforced Masonry Structure Survey but was not given a rating.

972 Market Street was also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms with an update in 2011 by Tim Kelley Consulting. The Bloomfield survey did not assign a California Historical Resource Status Code to the property, but did note that the building "retains enough integrity to be eligible for the National Register as a contributor to the Market Street Theater and Loft District if the boundaries of the district are expanded." The 2011 survey update by Tim Kelley Consulting assigned a California Historical Resource Status Code of "6Z," or "found ineligible for National Register, California Register, or Local designation through survey evaluation," noting that "972 Market Street does not appear to fit the theme of the district as either a theater or loft building." Neither the 2007 survey nor the 2011 survey update findings have been adopted. As these latter surveys are still in draft form, and the former surveys were informational in nature, the original date of construction (1912) for the property makes it "Category B" (Potential Historic Resource) for the purposes of CEQA review by the Planning Department.

974 Market Street (aka 67 Turk Street)

This building was included in the 1977-78 Downtown Survey conducted by San Francisco Architectural Heritage with a "C" rating, or "building with contextual importance." This property was also included in the 1990 Unreinforced Masonry Structure Survey but was not given a rating.

974 Market Street was also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms with an update in 2011 by Tim Kelley Consulting. The Bloomfield survey did not assign a California Historical Resource Status Code to the property or assess significance of the property. The 2011 survey update by Tim Kelley Consulting assigned a California Historical Resource Status Code of "6Z," or "found ineligible for National Register, California Register, or

Local designation through survey evaluation." Neither the 2007 survey nor the 2011 survey update findings have been adopted.

This property was previously evaluated by the Department in a Historic Resource Evaluation Response (HREF) (Case No. 2009.0874E) on November 20, 2009. The HREF for this project determined that 974 Market Street was not eligible individually or as a contributor to a historic district for listing on the California or National Register. A Categorical Exemption for the associated project, which proposed to demolish 974 Market Street, was issued on February 11, 2010.

As the previous surveys have not been adopted or were informational in nature and the property was determined to not be a historic resource, the property would generally be considered "Category C" (Not a Historic Resource) for the purposes of CEQA review by the Planning Department.

Although all of the properties on the project site have been previously surveyed or evaluated, many of the surveys were informational in nature, are out-of-date, or have not been adopted. In addition, the focus of previous surveys has been on evaluating the properties significance under Criterion 3/C for architecture or association with a master architect with little to no analysis of social or cultural significance. This report will provide an evaluation of all four properties on the project site with an emphasis on assessing potential significance individually and collectively under Criterion 1/A (events) or Criterion 2/B (persons).

### **Neighborhood Context and Description**

The project site is located in the Mid-Market area in the Downtown/Civic Center neighborhood, which includes the Tenderloin. The neighborhood is characterized by mid- to high-rise, mixed-use buildings and the busy pedestrian, public transit, auto, and bicycle traffic that runs on Market Street. The immediate neighbors on the block are the one-story Crest/Egyptian Theater (976-980 Market Street) and eight-story Warfield Theater (982-988 Market Street), which is a Category I (Significant) building and contributing resource to the National Register-listed Market Street Theater and Loft Historic District. On the blocks facing the project site are Renaissance Revival-style buildings that range from 4- to 9-stories and are characterized by tripartite design, vertical expression, punched windows, decorative brickwork, fire escapes, and projecting modillion cornices. The surrounding blocks are characterized by multi-use, masonry buildings with commercial, theater, institutional, and residential uses.

The majority of parcels in the vicinity of the project site contain designated or eligible historical buildings, including:

- Loew's Warfield Theater, 989-988 Market Street: Category I (Significant); Market Street Theater and Loft Historic District. G. Albert Lansburgh, 1921-1922.
- Wilson Building, 973-977 Market Street: Category II (Significant); Market Street Theater and Loft Historic District. George Percy & Henry Myers, 1901; Henry Schulze, 1906.
- Hale Brothers Department Store, 979-989 Market Street: Category II (Significant); Market Street Theater and Loft Historic District. Reid Brothers, 1907.
- Hotel Glenn, 2-16 Turk Street: Category I (Significant); Uptown Tenderloin Historic District. William H. Weeks, 1911.
- Golden Gate Theater, 25 Taylor Street: Category I (Significant); Market Street Theater and Loft Historic District. G. Albert Lansburgh, 1921-22.

On the blocks facing the project site are three designated historic districts:

- Market Street Theater and Loft Historic District, consisting of properties fronting on Market Street between 6<sup>th</sup> and 7<sup>th</sup> streets, listed on the National Register in 1985. The district is significant under National Register Criterion A, association with social history, and Criterion C, association with distinctive architecture. The post-1906 earthquake buildings constructed along this portion of Market Street are characterized by 2- to 8-story reinforced concrete or steel-frame construction with façades mainly clad in terracotta, brick, or stucco, and featuring two- or three-part vertical composition, prominent cornices, and classical ornamentation.
- Uptown Tenderloin Historic District, roughly bounded by Mason, Golden Gate, McAllister, Larkin, and Geary streets, listed on the National Register in 2008. The district is significant under National Register Criterion A, association with social history, and Criterion C, association with distinctive architecture. The district is formed around its predominant building type: a 3- to 7-story, multi-unit apartment, hotel, or apartment-hotel constructed of brick or reinforced concrete. Because virtually the entire district was constructed between 1906 and the early 1930s, this is a harmonious group of structures that share a single, classically-oriented visual imagery using similar materials and details.
- Kearny-Market-Mason-Sutter Conservation District, roughly bounded by Kearny, Market, Cyril Magnin, O'Farrell, Taylor, Sutter, Stockton, Bush, and Pine streets, designated pursuant to Article 11 of the Planning Code in 1985. The district is significant for its association with the development of San Francisco's downtown retail district and as a unique collection of early 20<sup>th</sup> century commercial architecture. The pattern of development is one of light-colored buildings predominantly 4- to 8-stories in height of reinforced concrete or steel-frame construction with Classical, Renaissance, Gothic, and Romanesque ornament.

## **CEQA Historical Resource(s) Evaluation**

### **Step A: Significance**

*Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.*

To assist in the evaluation of the properties associated with the proposed project, the Project Sponsor has submitted a consultant report:

- Page & Turnbull, Inc., 950-974 Market Street, *Historic Resource Evaluation, Parts 1 & 2* (June 7, 2016)

The Page & Turnbull Historic Resource Evaluation (Page & Turnbull HRE) provides background information for all four properties on the project site, including owner and occupant history. With the exception of 950-964 Market Street, however, the Page & Turnbull HRE does not provide an evaluation of significance for these properties. This Historic Resource Evaluation Response (HREER) provides the evaluation for 966-970 Market Street / 45 Turk Street, 972 Market Street, and 974 Market Street / 65 Turk Street.

Although not yet officially adopted, the Planning Department concurs, in part, with the findings by Tim Kelley Consulting in DPR forms prepared for 966-970 Market Street / 45 Turk Street, 972 Market Street, and 974 Market Street. In this survey, Tim Kelley Consulting found that these three properties did not appear eligible for any level of designation and assigned a California Register Status Code of "6Z," or

“found ineligible for National Register, California Register, or local designation through survey evaluation.” Further, the Planning Department issued a Historic Resource Evaluation Response for 974 Market Street in 2009 (Case No. 2009.0874E) finding that the property did not qualify as a historic resource. In general, previous surveys and evaluations for these properties have focused on their architectural history with the result that the determinations did not evaluate potential associations with social or cultural history. The Department concurs with the analysis of architectural significance but has undertaken to evaluate other aspects of social or cultural significance. Therefore, the eligibility of these properties under Criterion 3 (Architecture) will not be re-evaluated, although architectural integrity will be discussed as it relates to other potential areas of significance.

Below is a brief description of the historical significance per the criteria for inclusion on the National and California Registers for the four properties that constitute the proposed project. These summaries are based upon the Page & Turnbull consultant report, previous survey evaluations, the *Citywide Historic Context Statement for LGBTQ History in San Francisco (Citywide LGBTQ HCS)*, newspaper articles, and Department analysis.

**950-964 Market Street**

Below is a brief description of the historical significance per the criteria for inclusion on the National and California Registers for 950-964 Market Street.

Based on the available information, Preservation staff finds that the subject building appears eligible for inclusion on the California Register individually under Criterion 1. Due to substantial alteration, however, the property does not appear to retain sufficient integrity to convey its significance under this Criterion. Although it is not fully evaluated, there appears to be an eligible LGBTQ<sup>1</sup> historic district in the Tenderloin significant under Criterion 1/A. Based on this analysis, the subject property would qualify as a contributor to this eligible district.

**950-964 Market Street**

Individual	Historic District/Context
<p>Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:</p> <p>Criterion 1 - Event:           <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 2 - Persons:       <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Criterion 3 - Architecture:   <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Period of Significance: 1935/6-1980</p>	<p>Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:</p> <p>Criterion 1 - Event:           <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 2 - Persons:       <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 3 - Architecture:   <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Period of Significance: 1933-1990s</p> <p><input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor</p>

<sup>1</sup> In general, this report utilizes the same terminology as the Page & Turnbull HRE. The acronym “LGBTQ” (Lesbian-Gay-Bisexual-Transgender-Queer) is used to describe the broad community. Narrow terms such as “gay men” or “lesbians” are gender specific and are used to describe specific groups of participants in events or organization. The umbrella term “queer” is used to present an inclusive picture and in cases where participation by specific groups is unknown. When the term ‘gay bar’ is used, this is the term that was used in historical sources, though it did not appear more broadly in published records until the early 1940s.

**Criterion 1: Property is 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.**

Based on previous assessments<sup>2</sup> and information provided in the consultant report, the subject building appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities in San Francisco, specifically the Tenderloin (early 20<sup>th</sup> century to 1960s), specifically with the Old Crow Bar, a gay bar that occupied the commercial unit at 962 Market Street from 1935 or 1936 to 1980.<sup>3</sup> The period of significance appears to be 1935 or 1936 to 1980. Staff does not concur with the consultant findings regarding Rainbow Tavern as there does not appear to be sufficient documentary or associative evidence that this was a gay bar.

Staff concurs with the consultant findings that 950-964 Market Street does not appear eligible in association with the "Shine for '39" renovation campaign. "Shine for '39" encouraged property owners throughout the Bay Area to update their properties in preparation for the 1939 Golden Gate International Exposition. The renovation of the subject property does not appear to have been a significant project within that campaign.

950-964 Market Street was constructed in 1906 to replace a previous building destroyed in the earthquake and fire in April of that year. The building was remodeled in the Art Moderne-style in 1937 as part of the "Shine for '39" program. The building has provided retail and commercial space since its original construction. According to the 1913 and 1950 Sanborn Fire Insurance Maps, the building contained nine ground floor commercial units on Market Street (950, 952, 952 ½, 954, 956, 958, 960, 962, and 964 Market Street), as well as through-unit and separate addresses on Turk Street.<sup>4</sup> Over the years, these commercial units were occupied by a wide variety of tenants, including cigar, shoe, clothing, stationary, and jewelry stores, as well as a dentist office, beauty salon, and Morrow's Nut House.

In 1933, restaurateurs Herman Stein [or Steen] and J.R. Davis occupied the tenant space at 962 Market Street.<sup>5</sup> Permit records indicate that Stein and Davis altered the storefront at the "Market and Turk entrances," installed restaurant fixtures, and installed two new signs – a horizontal single-faced neon sign ("Luncheon-Dinner") and a business sign ("The Rainbow. Beer on Tap").<sup>6</sup> This permit information suggests that the space occupied by the Rainbow Tavern had frontage on both Market and Turk streets. City Directories indicate that the Rainbow Tavern was operated by Aaron Thorne of Thorne Brothers Beverages in 1934-1935.<sup>7</sup> No biographical information has been located on Herman Stein, J.R. Davis, or Aaron Thorne.

After closure of the Rainbow Tavern in 1935, a bar called the Old Crow opened at 962 Market Street.<sup>8</sup> The Old Crow was listed in the SF Address Directory in 1936 and is shown in a photograph of the block from

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<sup>2</sup> Anne Bloomfield, in a survey form prepared in 1997, found that 950-964 Market Street was significant under Criterion A/1 because the Old Crow Bar was the oldest (longest-operating) gay bar in San Francisco when it closed in 1980. The period of significance was stated as 1935-1947, ending at a date 50 years prior to the 1997 evaluation.

<sup>3</sup> Page & Turnbull, Inc., *950-974 Market Street, Historic Resource Evaluation, Parts 1 & 2* (May 9, 2016), pg. 44.

<sup>4</sup> Page & Turnbull, Inc., pg. 34.

<sup>5</sup> Page & Turnbull, Inc., pg. 36.

<sup>6</sup> Building Permit #4338 and #4790, April-May, 1933. As recorded in Page & Turnbull, Inc., pg. 44.

<sup>7</sup> Page & Turnbull, Inc., pgs. 40-41.

<sup>8</sup> Information about the Old Crow is from Page & Turnbull HRE, pgs. 40-41.

1937 (included in the Page & Turnbull HRE). The bar's operators were Magnus Jensen and John Hassold in 1939, Magnus and Hugo Jensen, Jensen Brothers, and Fred Jensen in the 1930s through early 1960s. Brothers Hugo and Magnus Jensen ran the bar and also co-owned, operated, and resided as long-time bachelors in the Senate Hotel at 467 Turk Street. Fred Jensen remained affiliated with the business through the late 1950s, though his relation to Hugo and Magnus remains unclear. In 1967 the bar was purchased by Ed McMahon and renamed McMahon's Old Crow Tavern. McMahon's Old Crow Tavern closed in 1980. No additional biographical information has been located for Ed McMahon.

After the Old Crow closed the space was vacant for an unknown period of time. The commercial space at 962 Market Street is currently occupied by Moonstone Shirts. At some point after 2011 the former Old Crow storefront was removed and replaced with a metal roll-down door.

#### Rainbow Tavern

The Rainbow Tavern opened in 1933. Almost immediately, the bar was the subject of concern for the San Francisco Police Department (SFPD). SFPD recommended closure of the Rainbow Tavern along with several other nearby bars, Pirates Cave and College Inn, in early 1934 after an officer was killed in a brawl on the sidewalk outside the Rainbow Tavern.<sup>9</sup> The State Board of Equalization (SBE), which was the state agency that regulated liquor licenses, reacted by suspending the liquor licenses of these three bars.<sup>10</sup> This suspension was lifted around two weeks later with the support of the SFPD Chief provided that the bar owners understood they were "virtually on probation" and that "any new disturbances will mean new arrests and recommendations that licenses be revoked."<sup>11</sup> Other newspaper articles from this period suggest that many city authorities were concerned that the Tenderloin was becoming another Barbary Coast and that policing of the neighborhood was a high priority.

In January 1935, a San Francisco County Grand Jury convened to hear evidence of "vice conditions" and liquor license violations against five San Francisco bars – Rainbow Tavern, Pirates Cave (972 Market Street), [Ye Olde] College Inn (920 Market Street), The Nut Club [Tavern] (1052 Market Street), and [The] Cave (139 Valencia Street).<sup>12</sup> According to an article in the *San Francisco Chronicle*, grand jury witnesses included six minors who testified to being served "spiked" drinks and to "indecent dances and offenses committed in curtained booths" in these establishments. Grand jury members and SFPD representatives vowed to take action against these "evil conditions" and referred the five bars to the State Board of Equalization with recommendations to revoke licenses. The grand jury also issued indictments against bar operators for contributing to the delinquency of minor girls and boys and encouraged additional raids of San Francisco bars by the police.<sup>13</sup> At around the same time, perhaps spurred on by San Francisco police and grand jury actions, the State Board of Equalization instituted an examination of issued and pending licenses for as many as 220 San Francisco bars and clubs for compliance with liquor laws. These liquor laws, newly minted and unevenly enforced by a State agency just finding its footing in the aftermath of Prohibition, required, among other things, that businesses serving hard liquor also be bona fide eating establishments and prohibited old-time swing doors and frosted windows and bootleg, or untaxed, liquor. In response to these SBE inquiries, San Francisco authorities accused the SBE of failing to

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<sup>9</sup> *San Francisco Chronicle*. "Chief Quinn Opens Drive Against Market Street Beer Halls." February 28, 1934.

<sup>10</sup> *San Francisco Chronicle*. "4 Beer Halls Lose Licenses." March 8, 1934.

<sup>11</sup> *San Francisco Chronicle*. "Ban On Market Street Beer Parlors Lifts." March 21, 1934.

<sup>12</sup> *San Francisco Chronicle*. "5 Drinking Taverns Face License Loss." January 15, 1935.

<sup>13</sup> *San Francisco Chronicle*. "State-Wide Cleanup on Rum Sale Set." January 16, 1935.

adequately monitor license holders while hundreds of liquor license holders filed complaints with the Board against local police actions against their bars.

The Rainbow Tavern was forced to close in early 1935 when its liquor license was revoked by the State Board of Equalization as a result of the inquiry initiated by the San Francisco Grand Jury. According to a *Variety* article from February, 1935, and articles in the *San Francisco Chronicle* in January-February, 1935, and in the *San Francisco Examiner* in May, 1935, the liquor licenses for the Rainbow Tavern along with at least four other San Francisco bars and clubs were revoked as part of a crackdown on liquor licenses on "moral grounds."<sup>14</sup>

After the State Board of Equalization acted to revoke the licenses for these five San Francisco establishments "summarily on moral grounds,"<sup>15</sup> the owners of the Rainbow Tavern and Pirates Cave filed lawsuits questioning the validity of the SBE taking such action without a hearing. These suits were briefly successful when a Superior Court judge granted a temporary injunction on the license revocation and ordered a hearing. Rainbow Tavern and Pirates Cave reopened immediately following this court action. The State Board of Equalization appealed this decision to the District Court of Appeals, which found that the Board acted appropriately. Shortly after the appeals court decision, Rainbow Tavern and Pirates Cave turned in their liquor licenses and closed. Or, at least Rainbow Tavern closed. While it is not mentioned in any *San Francisco Chronicle* articles in 1936 to 1941, Pirates Cave appears in newspaper articles again in 1942 suggesting that it somehow managed to regain or retain its liquor license and reopen.

While the State Board of Equalization was trying to police the flood of license applications and monitor issued licenses, local authorities, many of whom may have had pro-Prohibition leanings, pushed for greater enforcement of liquor licenses and the autonomy to regulate nightlife venues at the local level. *San Francisco Chronicle* articles on this matter during 1935 suggest that authorities at all levels, two years on from the repeal of Prohibition, were struggling to balance the competing interests of liquor license holders, liquor producers, and bar patrons with those of police, and civic organizations that associated liquor with vice and moral turpitude. LGBTQ bars/nightclubs and their patrons were certainly amongst the societal ills that San Francisco authorities were railing against in their discussions of vice conditions and their recommendations for bar closures during this period. It is not clear, however, how focused such efforts were. What is clear is that the SFPD and civic authorities were very focused on the bars along and around this section of Market Street and on policing the "vice-ridden" Tenderloin.

Of the five bars cited by the State Board of Equalization in 1935, only Pirates Cave is included in the *Gay Inc. SF Business Directory*.<sup>16</sup> Pirates Cave, along with College Inn, are also listed in The Gay, Lesbian, Bisexual, Transgender (GLBT) Historical Society's sites database, which cross-references to

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<sup>14</sup> *Variety Magazine*. "Wholesale S.F. Café Closings." February 11, 1935; *San Francisco Examiner*. "Rulings Hit 2 Market St. Beer Parlors." May 18, 1935; *San Francisco Examiner*. "Rainbow Tavern Pirates' Cave Close." May 21, 1935; *San Francisco Chronicle*. "State-Wide Cleanup on Rum Sale Set." January 16, 1935; *San Francisco Chronicle*. "Rum Resorts Must Rebuild Or Close Up." January 27, 1935; *San Francisco Chronicle*. "State's Probe of Rum Sale Starts Today." February 1, 1935; *San Francisco Chronicle*. "Lid Clamped on Downtown Liquor Places." February 6, 1935; *San Francisco Chronicle*. "Two Taverns Reopened by Court Decree." February 12, 1935; *San Francisco Chronicle*. "Webb Takes Drink Fight Appeal Court." February 14, 1935; *San Francisco Chronicle*. "Liquor Board's Power Argued Before Court." February 26, 1935.

<sup>15</sup> *San Francisco Chronicle*. "Two Taverns Reopened by Court Decree." February 12, 1935;

<sup>16</sup> Page & Turnbull, Inc., pg. 55.

advertisements in LGBTQ guides and newspapers.<sup>17</sup> None of the other three establishments, including Rainbow Tavern, are identified as queer bars in any contemporary or current sources. Although all of the five bars were closed on “moral grounds” only two of those bars, Pirates Cave and College, may have been known gay bars. This action by the SBE, and the SFPD policing that encouraged it, could be interpreted as an early crackdown on LGBTQ bars, since associated terms were not yet widely used in the media, and forced closures during this period due to “morality” concerns may have been coded language to describe LGBTQ establishments.<sup>18</sup> It may be that these five bars were targeted due to their clientele. Or it may be that in 1935 the State Board of Equalization, egged on by the SFPD, began to toughen up its liquor licensing and policing with these five bars, on a particularly high-profile street of Market Street, failing to meet these new standards. In identifying these five bars SFPD may have been demonstrating a bias against LGBTQ bars as well as against Tenderloin-based bars. There does not appear to be any documentary evidence, and minimal associative evidence, that Rainbow Tavern was an LGBTQ establishment.

Since the term ‘gay bar’ was not yet widely used in the media in the 1930-40s, the policing of certain bars and liquor licenses by SFPD, State Board of Equalization, and military during those decades is often the only available basis for determining whether an establishment was an LGBTQ bar. Though there seems no certain way to know if these crackdowns were specifically anti-gay, even if they were generally anti-vice, LGBTQ bars were seen as particularly amoral, and so many popular ones were subjected to license revocations and closures. Even applying a broad assumption that persecution of LGBTQ establishments was one of the goals of SFPD and SBE actions in the post-Prohibition period, it seems likely that other anti-vice preoccupations were also as prevalent. The legal fight waged by Pirates Cave and Rainbow Tavern indicates that there were unresolved questions about the powers of the SBE at the time and there was clearly a power struggle between state and local authorities when it came to policing of liquor licenses and bars. In the immediate post-Prohibition years, there may also have been a struggle between “Public Welfare” organizations and the legalized liquor culture with many anti-liquor attitudes still dominant. In this convoluted history, there does not appear to be sufficient documentary or associative evidence to identify Rainbow Tavern as a LGBTQ bar. With the exception of these newspaper articles about the bar closures and subsequent legal fight, no additional information has been located that identifies Rainbow Tavern as a LGBTQ establishment. Rainbow Tavern is not included in any of the directories or databases of known or potential LGBTQ establishments. Based on the available information, staff does not find sufficient evidence to identify Rainbow Tavern as an LGBTQ bar.

#### Old Crow

The Old Crow was established at 962 Market Street in 1935 or 1936 and remained in operation until 1980. The first reference to the Old Crow as a ‘gay bar’ is unknown, but it is referred to as such in various LGBTQ business directories, articles, and narratives from 1942 and onward. The Anne Bloomfield survey evaluation from 1997 called the Old Crow Bar the “longest continuously operating gay bar in San Francisco” at the time of its closure. The Old Crow has also been claimed as the first LGBTQ bar in the Tenderloin. Both these claims are difficult to assess. Similarly difficult is an assessment of the relative

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<sup>17</sup> “Pirate’s Cave, Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version October 27, 2008.” The entry in the database for Pirate’s Cave states “Bar. There is some confusion as to whether the ambiguous citation refers to Pirate’s Den in this location or Pirate’s Den at 920 Market Street.” “College Inn, Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version October 27, 2008.” The entry in the database for College Inn states “Bar. Sailors-some gays. All-woman orchestra.” with date of first documentation circa 1940. This date of “first documentation” is after the period when College Inn was having license issues along with Rainbow Tavern and Pirates Cave.

<sup>18</sup> Page & Turnbull, Inc., pg. 39.

significance of a “first” and/or “oldest” queer bar in the context of the LGBTQ history of the neighborhood and city.

Based on information provided in the Page & Turnbull HRE, there appear to have been an number of LGBTQ bars in the immediate vicinity of the Old Crow, such as Pirates Cave (1933-1942) at 972 Market Street, Old Adobe (1936-1941) at 250 Eddy Street, Bradley’s 5&10 Bar (1936-1944) at 80 Turk Street, Silver Rail (1942-1960) at 974 Market Street, Silver Dollar (1942-1960) at 64 Eddy Street, Streets of Paris (1939-1944) at 54 Mason Street, Blue and Gold (1947-1993) at 136 Turk Street, Peter Pan Lounge (1946-1983) at 30 Mason Street, and Bobby’s Club or Three Vets (1948-1964) at 72 Eddy Street.<sup>19</sup> If Pirates Cave at 972 Market Street, which opened in 1933, was a gay bar for its entire operation, then Old Crow, which opened in 1935 or 1936, was not the first gay bar in the neighborhood. With Old Adobe and Bradley’s 5&10 opening in 1936, the Old Crow may not even have been the second gay bar in the neighborhood. The Old Crow’s longevity is certainly notable, but, again, other LGBTQ bars in the neighborhood from around the same period had similarly lengthy tenures, such as Peter Pan Lounge (1946-1983) at 30 Mason Street and Blue and Gold (1947-1993) at 136 Turk Street. There may be other examples from different neighborhoods.

While it was in operation, the Old Crow developed a reputation as a cruising and hustling spot. It has been noted that the Old Crow entertained a mixed straight and LGBTQ clientele but also rigorously denied entry to female patrons. Bob Damron’s “1976, 1977, and 1978 Address Book” for the LGBTQ community described the Old Crow as a mixed crowd with some straights, generally made up of older and more mature patrons, and popular among hustlers. Like neighboring bars, Pirates Cave at 972 Market Street and Silver Rail at 974 Market Street/65 Turk Street, the Old Crow’s liquor license was frequently threatened in 1942. In May 1942, the Old Crow, Pirates Cave, and Silver Rail were among 20 bars with complaints filed with the State Board of Equalization for lack of compliance with military rules limiting service of liquor to men in uniforms and for tolerance of prostitution.<sup>20</sup> Hearings on these charges were held in June<sup>21</sup> with penalties handed down in August. According to the *San Francisco Chronicle*, the Old Crow liquor license held by Magnus Jensen was suspended for 10 days for “disorderly premises.”<sup>22</sup> Then, in October of 1942, the State Board of Equalization filed charges against 14 bars, including Old Crow, Pirates Cave, and Silver Rail, for serving liquor to minors.<sup>23</sup> Unlike its neighbor, the Silver Rail, it does not appear that the Old Crow was placed on any military off-limits lists during World War II. Nor have any reports been located indicating that military police were stationed at the entrance to the bar as there were at other neighborhood bars.

After the war, there do not appear to be further issues with the bar’s liquor license even though it was a known gay bar and raids and harassment of LGBTQ bars continued into the 1960s. Following World War II,

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<sup>19</sup> Page & Turnbull, Inc., pgs. 39, 69, 72, 75, 77. These bars were cross-referenced with “Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version October 27, 2008” where all but Bradley’s 5 & 10 have entries. Some of these entries have different dates for first documentation as an LGBTQ bar than those given in the Page & Turnbull HRE.

<sup>20</sup> *San Francisco Chronicle*. “S.F. Cleanup Drive: Reilly Files Complaints Against 20 Taverns.” May 22, 1942.

<sup>21</sup> *San Francisco Chronicle*. “S. F. Tavern Hearings to Be Held Tomorrow.” June 9, 1942.

<sup>22</sup> *San Francisco Chronicle*. “20 Night Clubs Spanked.” August 5, 1942.

<sup>23</sup> *San Francisco Chronicle*. “Juvenile Problem: Equalization Board Filing Charges Against 14 Bars Named in Jury Hearing.” October 2, 1942.

[...] from 1954 to 1965, the San Francisco Police Department, the District Attorney's Office, States Alcoholic Beverage Control (ABC) agents [successor to State Board of Equalization], the Examiner, and the Grand Jury all joined forces in an attempt to shut down all LGBTQ bars. By 1955, these agencies had succeeded in pressuring the California Legislature to pass a law allowing the revocation of a bar's license if it had a reputation as a 'resort for sexual perverts.'<sup>24</sup>

With the intensification of policing and harassment of LGBTQ business, particularly bars, in the 1940s and 1950s, as detailed in the *Citywide LGBTQ HCS*, it is not clear how the Old Crow avoided raids and closure. As noted in the Page & Turnbull HRE, the Old Crow entertained a mixed straight and LGBTQ clientele. The 1973 Guild Guide, "the most complete guide to the gay scene every," described the Old Crow as having a mixed crowd that "appears straight, but sufficiently active to make it worthwhile."<sup>25</sup> This "straight appearance" may be part of the reason that the bar evaded the SBE and ABC license revocations and SFPD and military raids and shutdowns during the 1940s to 1960s. At odds with its "straight appearance," though, is the Old Crow's well-known popularity among hustlers. While it may have "passed," it seems likely that other means must have been used by bar owners to avoid harassment and closure. It is one such method may have been payoffs to policing agencies.

Until the 1960s it was common for San Francisco's policing agencies to demand payoffs from establishments engaging in illegal activities, especially LGBTQ bar owners in the downtown, lower Market, and Embarcadero neighborhoods where "overt homosexual activity or other crimes, like drug use or gambling" was widespread.<sup>26</sup> This practice may have allowed LGBTQ bars to proliferate in the late 1940s and 1950s, particularly in the Tenderloin, Polk, and Folsom neighborhoods, during a period when policing of these spaces was most intense. In 1959, two events helped minimize these payoffs. One was a court case, *Vallerga v. Department of Alcoholic Beverage Control* (ABC) that legalized the sale of liquor to LGBTQ clientele (even with this decision, police still found other reasons to raid bars and arrest LGBTQ patrons). The other, was the "Gayola Scandal," a concerted effort by LGBTQ bar owners, led by William "Uncle Billy" Morrell owner of the 585 Club (585 Post Street), to "blow the whistle" on police payoffs. The group met with the Chief of Police and an ABC administrator and accused two police officers of extortion. Under the auspices of a 'clean-government' mayor, the Chief of Police began a sting operation to trap officers demanding payola. Although few of the officers caught in the sting received jail sentences, the Gayola Scandal resulted in wholesale changes to the payoff system in the city. It also marked changes in perception of the media and public of the LGBTQ community, with journalists starting to use the term "gay bar" as opposed to "resort for sex perverts."<sup>27</sup> The ABC retaliated by immediately prosecuting 15 gay bar cases; by the end of 1961 ABC closed 24 of the city's LGBTQ bars and in 1963, the Black Cat Café closed permanently as part of this anti-homosexual campaign.<sup>28</sup>

Despite these closures, the Old Crow and many other LGBTQ bars and nightclubs continued to operate and even thrive. In 1964, *Life* magazine published an article referring to San Francisco as the "capital of

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<sup>24</sup> Dangerous Bedfellows (editors), *Policing Public Sex*, (South End Press: Boston, 1996), pg. 14. Quote from Page & Turnbull, Inc., pg. 65.

<sup>25</sup> Page & Turnbull, Inc., pg. 42.

<sup>26</sup> Gary Kamiya, "1961 police raid pivotal for gay rights in SF," *SFGate*, June 21, 2013. Quoted in Page & Turnbull, Inc., pg. 66.

<sup>27</sup> Page & Turnbull, Inc., pg. 66.

<sup>28</sup> Page & Turnbull, Inc., pg. 66. Quote from Donna J. Graves and Shayne E. Watson, *Citywide Historic Context Statement for LGBTQ History in San Francisco* (October 2015), pg. 130.

the gay world.”<sup>29</sup> The Page & Turnbull HRE quotes the *Lavender Baedeker*, known as “the Guidebook to Gay, Interesting, Historical, and Hysterical Places in the United States,” from 1964, which listed the following LGBTQ establishments in the Tenderloin at or near the subject properties at 950-974 Market Street: Blue and Gold (136 Turk Street), The Chukker (88 Turk Street), Dalt Club (36 Turk Street), Landmark Room (45 Turk Street), and Leo’s Men’s Shop (968 Market Street).<sup>30</sup> In 1967, the *Lavender Baedeker* included The Frolic (131 Mason Street), The Fantasy (330 Mason Street), and The Old Crow (962 Market Street).<sup>31</sup>

The Old Crow appears significant for its association with the development of LGBTQ bars in the Tenderloin in the post-Prohibition period and for its longevity in the face of threats to its liquor license by the State Board of Equalization and Department of Alcohol and Beverage Control and raids and harassment by police and military through the 1960s. Although the Old Crow may not have been the first or longest-operating LGBTQ bar in the Tenderloin neighborhood, it still appears significant for these associations.

**Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.**

Staff concurs with the Page & Turnbull finding that the subject property does not appear eligible for listing on the California Register under Criterion 2. No persons associated with the Dean Building, or the Rainbow Tavern/Old Crow Bar, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this Criterion.

Until recently, ownership of 950-964 Market Street has passed between members of the Dean family. In 1906, the owner of the property was Walter E. Dean and his estate passed the property to Helen C. Dean in 1926. Several years later, her estate passed the property to Walter L. and Helen Dean, and in 1936, the property passed to Marie E. Dean and Walter E. Dean. In 1937, the Dean family formed the Market-Turk Co. and transferred ownership of the property to this company. No information has been located that indicates any historic significance for the Dean family members individually or as a group.

No biographical information has been located for the owners/operators of the Rainbow Tavern, Herman Stein [or Steen], J.R. Davis, or Aaron Thorne of Thorne Brothers Beverages. Hugo (1885-1977) and Magnus (1887-1985) Jensen, owners/operators of the Old Crow from 1935-36 to 1967, were brothers, born in Germany, that immigrated to the United States, specifically San Francisco, in 1902 and 1903, respectively, according to US Passport application records. Census data indicates that the brothers were lodgers or boarders, sometimes at the same address but often at separate addresses. Magnus was variously employed, according to US Census records, as a bartender, saloon keeper, hotel manager, and clerk. Census records indicate that Hugo was employed as a saloon manager, grocery salesman, merchant, hotel manager, and hotel owner. As noted previously, Hugo and Magnus Jensen ran the Old Crow and also co-owned, operated, and resided as long-time bachelors in the Senate Hotel at 467 Turk Street. No further information has been located on the Jensen brothers or on Fred Jensen, who also was affiliated with the Old Crow. In 1967 the Old Crow was purchased by Ed McMahan and renamed McMahan’s Old Crow Tavern. No additional biographical information has been located for Ed

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<sup>29</sup> Page & Turnbull, Inc., pg. 66.

<sup>30</sup> Page & Turnbull, Inc., pg. 67.

<sup>31</sup> Ibid.

McMahon. No information has been located that indicates any historic significance for any of the owners/operators of the Old Crow.

See Page & Turnbull report for additional historic context.

**Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.**

Staff concurs with the Page & Turnbull HRE finding that the subject property does not appear eligible for listing on the California Register under Criterion 3. The building was originally constructed in 1906, using Classical Revival style ornament. In 1937, the entire building was remodeled into a simple, stripped down version of the Art Moderne style. The building does not display high artistic value nor does it appear to represent the work of a master as neither the original construction, nor the 1937 remodel, identify an architect or contractor. The building is not a good example of a type, period, or method of construction.

See Page & Turnbull report for additional historic context.

**Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.**

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject properties are not examples of a rare construction type.

**Step B: Integrity – 950-964 Market Street**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s period of significance.” Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property has retained or lacks integrity from the period of significance noted in Step A:

<b>Location:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Setting:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Association:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Feeling:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Design:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Materials:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Workmanship:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

Staff concurs with Page & Turnbull assessment finding that the subject building, particularly the former Old Crow commercial space at 962 Market Street, does not retain integrity to convey its historic association as the location of a post-Prohibition LGBTQ bar. Although the main building entrance and second story retain original materials and streamlined terracotta ornament, the storefronts and interiors of all ground floor storefronts have been substantially altered on both the Market and Turk street façades. In particular, the commercial space at 962 Market Street no longer retains any storefront or interior features from the identified period of significance for the former Old Crow tenant. There is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Old Crow, a post-Prohibition gay bar that remained in operation for nearly 45 years in the

Tenderloin, does not appear to be such a unique property type that location and setting alone would be sufficient integrity to convey significance even by the evaluation standards for integrity outlined in the *Citywide LGBTQ HCS*.

The *Citywide LGBTQ HCS* provides guidance in the evaluation of integrity for LGBTQ-associated resources, noting that the focus should not be on aesthetic values or physical characteristics. As noted in the *LGBTQ HCS*,

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.<sup>32</sup>

For rare property types, the *Citywide LGBTQ HCS* states that an even lower threshold of integrity may be justified and that comparative analysis of extant properties associated with the relevant contexts should be conducted to determine the appropriate level of integrity needed for designation.

The Old Crow appears to have been one of the earliest post-Prohibition gay bars in the Tenderloin neighborhood and it operated in this capacity for nearly 45 years. Within the context of the Tenderloin, other bars from the post-Prohibition period that appear to have been welcoming of LGBTQ patrons include Pirates Cave, Old Adobe, and Bradley's 5&10, which makes the Old Crow one of several rather than the only or first such establishment. Other long-operating LGBTQ bars in the neighborhood include the Landmark (1958-1985), Peter Pan Lounge (1946-1983), and Blue and Gold (1947-1993), making the Old Crow's longevity less unique within the immediate neighborhood. Elsewhere in the city, resources such as the former Black Cat Café, Mona's, and Finnocchio's, which "represent some of the earliest and most significant queer spaces in San Francisco,"<sup>33</sup> provide examples of popular post-Prohibition LGBTQ bars and nightclubs for comparative analysis with the Old Crow.

In comparison to the Old Crow, these former North Beach bars and nightclubs exhibit levels of significance and of physical and associative integrity that exceed that of the Tenderloin examples on the proposed project site. The Old Crow, while popular within the neighborhood, does not appear to have been as well-known or as influential within the LGBTQ history of the city as any of these North Beach examples, particularly the Black Cat (710 Montgomery Street). Even when one considers the level of policing experienced during the same period, the Black Cat appears prominent, causing such concern that the Department of Alcohol Beverage Control shut it down as part of its anti-homosexual campaign in the early 1960s.<sup>34</sup> Although the Old Crow was threatened with closure, it never actually lost its license due to its clientele. Finally, the former location of the Black Cat Café at 710 Montgomery Street retains many physical and associative aspects of integrity from the period of significance to convey this history.

Like the former Black Cat Café location, as described in the *Citywide LGBTQ HCS*, the former Old Crow location is significant under Criterion 1/A for its association with historic events, or social and cultural history. Therefore, the important aspects of integrity that need to be present are location, design, setting, feeling, and association.

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<sup>32</sup> Graves and Watson, pg. 349.

<sup>33</sup> Graves and Watson, pg. 59.

<sup>34</sup> Page & Turnbull, Inc., pg. 66, quoting Gary Kamiya, "1961 police raid pivotal for gay rights in SF," *SFGate*, June 21, 2013.

According to historic photos of the Market Street exterior, the storefront for the Old Crow featured an entry door recessed within an angled entryway, with the door located to the east of an angled show window. All signage, including a neon sign, was located above, or on either side of, the entry door, flush with the building. Some documentation exists that indicates that the Old Crow space originally extended through to Turk Street with storefront on each façade but there is no information regarding the appearance of that storefront. While the Market Street storefront and entry appear to have been present at the time of Anne Bloomfield’s evaluation of the property in 1997, based on the written description provided in the survey form, the storefront has since been removed in its entirety. The commercial space is currently accessed by a full-width roll-up metal garage door. The only surviving remnant of the former storefront is a ghost of the former recessed entry on the ceiling of the existing retail opening. There are no interior remnants of the former bar and the space no longer extends through to Turk Street. Thus, the building does not retain integrity of design, materials, and workmanship in association with the Old Crow.

Further, the building lacks integrity of feeling and association as there are no remaining vestiges of the former gay bar that operated in the building. The exterior storefronts and interior commercial spaces have been substantially reconfigured, and 962 Market Street no longer functions as a restaurant or bar. The building as a whole may be recognizable from the period of significance, due to the intact nature of its design at the second story, but lack of any physical remnant of the former Old Crow severs the building’s feeling and association with this previous occupant and use. Therefore, staff concurs with Page & Turnbull that the building is no longer able to convey its significance, and thus, the building does not retain historic integrity. Due to significant alterations to the former tenant space of the Old Crow, there is no tangible evidence that identifies 950-966 Market Street as the location of this former LGBTQ bar.

**966-970 Market Street / 45 Turk Street**

Below is a brief description of the historical significance per the criteria for inclusion on the National and California Registers for 966-970 Market Street / 45 Turk Street. This summary is based upon information in the Page & Turnbull consultant report, newspaper articles, and the *Citywide LGBTQ HCS*.

Based on the information provided by the consultant, Page & Turnbull, and found in the Planning Department files, Preservation staff finds that the subject building does not appear eligible for inclusion on the California Register individually under Criterion 1. Although it is not fully evaluated, there appears to be an eligible LGBTQ historic district in the Tenderloin significant under Criterion 1/A. Based on this analysis, the subject property may qualify as a contributor to this eligible district.

**966-970 Market Street / 45 Turk Street**

Individual	Historic District/Context
<p>Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:</p> <p>Criterion 1 - Event:            <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Criterion 2 - Persons:        <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Criterion 3 - Architecture:    <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Period of Significance:</p>	<p>Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:</p> <p>Criterion 1 - Event:            <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 2 - Persons:        <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 3 - Architecture:    <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

	Period of Significance: 1933-1990s <input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor
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**Criterion 1: Property is 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.**

Based on available information, the subject building does not appear eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities, specifically the Tenderloin (early 20<sup>th</sup> century to 1960s), or with the evolution of LGBTQ enclaves and development of new neighborhoods (1960s to 1980s). The Landmark Room aka The Landmark or Henry Ho Tavern, a gay bar and nightclub, occupied the commercial unit at 45 Turk Street from 1958 to 1985 and Leo's Men's Shop, an LGBTQ store (or bar), occupied the commercial unit at 968 Market Street from 1960 to 1971.<sup>35</sup> After the Landmark closed in 1985, another LGBTQ bar called Peter Pan occupied the space from 1985-1999.<sup>36</sup>

966-970 Market Street / 45 Turk Street was constructed in 1907, based on design by J.E. Krafft and Sons, to replace a previous building destroyed in the earthquake and fire in April of that year. According to the 1913 Sanborn map, the building initially contained three ground floor commercial units with entries on Market Street (966, 968, and 970 Market Street).<sup>37</sup> Over the years, these commercial units were occupied by a wide variety of tenants, including a hair salon, YWCA USO Club and Travelers Aid, restaurants, clothing stores, as well as a Lutheran Service Center and Korean Language and Job Training center.

In 1960, according to city directories, a bar called Leo's Men's Shop opened in the 968 Market Street space.<sup>38</sup> This tenant space had previously been occupied by Bay City Market (1919-1936), an eatery called Morley's (1936-1938), and a men's clothing store called George's (1953-1960). In 1964, the *Lavendar Baedeker Guide* to LGBTQ culture in San Francisco mentioned a popular gay bar called Leo's Men's Shop at this location. According to city directories, Leo's Men's Shop occupied this space until 1971.

At the building's other frontage, 45 Turk Street was home to a long-running restaurant establishment, the Bay City Grille, which opened at 968 Market Street in 1919 and is shown listed in the city directories at 45 Turk Street until 1954. The storefront then sat vacant for four years, after which The Landmark Room, a cocktail bar, opened in 1958, operated by Bertha Uttecht and Mrs. Violet Razzis.<sup>39</sup> In 1962, the bar was sold to Harry Ho, who registered the business in the Tavern Guild, a business association of San Francisco's LGBTQ bar owners. After 1962, the business was known as The Landmark or Harry Ho

<sup>35</sup> Page & Turnbull, Inc., *950-974 Market Street, Historic Resource Evaluation* (July 17, 2015), pg. 44.

<sup>36</sup> Page & Turnbull, Inc., pg. 51.

<sup>37</sup> Page & Turnbull, Inc., pg. 46.

<sup>38</sup> Page & Turnbull, Inc., pg. 50.

<sup>39</sup> Ibid.

Tavern. The Landmark was a popular and long-operating gay bar in the city, remaining in business until 1985. Ho was active in the LGBTQ community, hosting and sponsoring a variety of events and benefits, especially at the Landmark. Even referred to as the "Harry Ho Tavern" in the 1966 San Francisco city directory, the Landmark became known in the 1970s and 1980s as a hotspot of LGBTQ nightlife, operating as both a restaurant/bar and performance venue with live shows in the evenings Thursday through Sunday.

After the Landmark closed in 1985, another bar called the Peter Pan opened in the space and remained in business until 1994. According to an *SF Weekly* article from 1999 quoted in the Page & Turnbull HRE, the Peter Pan once "offered among other things, young men for hire (as well as your standard fights and the occasional knifing)."<sup>40</sup>

In the *Citywide LGBTQ HCS*, an interview with Randy Burns, co-founder of Gay American Indians, recalls that many Castro bars refused to honor Bureau of Indian Affairs tribal enrollment cards as ID, so he and his friends would often go to more welcoming bars in the Tenderloin. The Landmark is one of the bars that Shaw recalls being included in a circuit of Tenderloin bars he would frequent after meetings of the Gay American Indians group.<sup>41</sup>

While popular, none of the former LGBTQ businesses that occupied this property appear to be historically significant. While these LGBTQ businesses relate to several of the themes identified in the *Citywide LGBTQ HCS* they do not appear significant within any particular theme. Therefore, the subject property does not appear to convey a significant association with any theme identified in the *Citywide LGBTQ HCS* and is not eligible for listing on the California Register under Criterion 1.

See Page & Turnbull report for additional historic context.

**Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.**

Staff finds that the subject property does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 966-970 Market Street / 45 Turk Street, or the Landmark aka Harry Ho Tavern, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this Criterion.

Although the proprietors of the Landmark aka Harry Ho Tavern, popular and long-operating LGBTQ bars at 45 Turk Street from 1958 through 1985, have been identified, no additional biographical information has been located that would indicate that these persons were historically significant. Other than their association with the Landmark from 1958 to 1962, no additional information has been located about Bertha Uttecht or Mrs. Violet Razzis. Harry Ho, who owned and operated the Landmark from 1962 until its closure in 1985, appears to have been a well-known businessman in the San Francisco LGBTQ community. No other biographical information on Harry Ho has been found. No information has been located that indicates any historic significance for any of the owners/operators of the The Landmark Room, The Landmark, or Leo's Men's Shop.

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<sup>40</sup> Page & Turnbull, Inc., pg. 50.

<sup>41</sup> Graves and Watson, pg. 179. Other bars Shaw mentions are Peter Pan's (33 Mason Street), the Ram's Head (117 Taylor Street), Queen Mary's (133 Turk Street), and the Blue and Gold (136 Turk Street).

As documented in the Page & Turnbull HRE, the property has a complicated ownership history with a number of individuals owning shares of the property. No information has been located about any of the numerous owners that would indicate any historic significance individually or as a group.

See Page & Turnbull report for additional historic context.

**Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.**

The following information is provided for the record – staff concurs with previous survey findings that the property is not eligible for listing on the California Register under Criterion 3.

The building was originally constructed in 1907, using Classical Revival style ornament, based on design by J.E. Krafft and Sons. Julius E. Krafft (1855-1937) arrived in San Francisco from Stuttgart in 1874 after receiving his training in German technical schools. Krafft was employed as a draftsman by architects in San Francisco for 12 years before opening his own practice in 1888. Most of Krafft's early commissions were destroyed in the 1906 earthquake and fire. After the 1906 earthquake Krafft reestablished his practice as J.E. Krafft and Sons.<sup>42</sup> Krafft designed several downtown commercial and apartment buildings, including the subject property and 251-253 Post Street (1908), but the majority of his work was residential architecture. Examples of his residential design include 2224 Baker Street, 2614-18 Jackson Street (1899), 2020 Jackson Street (1902), and 2555 Webster Street (1902). Krafft's masterpiece was probably St. Paulus Lutheran Church (1894) on the corner of Eddy and Gough, a late-Victorian Gothic Revival style building of redwood construction. This building was designated San Francisco Landmark #116 and listed on the National Register, but was destroyed by fire in 1995.

Department records include a black and white photocopy of a photograph of the Turk Street façade of 966-970 Market Street / 45 Turk Street circa 1977 and a black and white photograph of the Market Street façade from 1990. The 1977 photograph shows the upper floor and cornice much as it currently appears. The lower floor, which is clad in light-colored stucco, has three narrow bands of transom windows that extend across the façade. The storefront is obscured by the quality of the photo-copy as well as a truck parked at the curb, but there appears to be an off-center entry. The western bay of the ground floor is clad in stucco and contains a sign reading "the Landmark." In the 1990 photograph of Market Street, the original decorative details, including dentillated stringcourse above ground floor, paired pilasters at 2<sup>nd</sup> floor windows, foliate frieze band above the 2<sup>nd</sup> floor windows with dentillated stringcourse above, are in place. The ground floor is occupied by two storefronts (968 and 970 Market Street) with altered storefront systems.

Although associated with a prolific and masterful San Francisco architect, Julius E. Krafft, the building does not display high artistic value nor does it appear to represent the work of a master architect due to unsympathetic alterations. The building is not a good example of a type, period, or method of construction, in part due to substantial alterations at the ground floor on both the Market and Turk Street façades and removal of nearly all ornament on the Market Street façade.

See Page & Turnbull report for additional historic context.

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<sup>42</sup> Website "San Francisco Bay Area Real Estate – David Parry, Architects' Profiles, Pacific Heights Architects #22 – Julius E. Krafft." <http://www.classicsfproperties.com/Architecture/JuliusKrafft.htm> Accessed May 24, 2007.

**Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.**

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject properties are not examples of a rare construction type.

**Step B: Integrity – 966-970 Market Street / 45 Turk Street**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s period of significance.” Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property has retained or lacks integrity from the period of significance noted in Step A:

<b>Location:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Setting:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Association:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Feeling:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Design:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Materials:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Workmanship:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

In general, the subject property does not appear to retain integrity to its original construction date. The integrity of the storefronts during occupancy by The Landmark Room, The Landmark, Leo’s Men’s Shop, or Peter Pan is unknown. However, a substantial portion of the ground floor at Turk Street has been infilled with concrete block.

**972 Market Street**

Below is a brief description of the historical significance per the criteria for inclusion on the National and California Registers for 972 Market Street.

Based on the available information, Preservation staff finds that the subject building appears eligible for inclusion on the California Register individually under Criterion 1. Due to substantial alteration, however, the property does not appear to retain sufficient integrity to convey its significance under this Criterion. Although it is not fully evaluated, there appears to be an eligible LGBTQ historic district in the Tenderloin significant under Criterion 1/A. Based on this analysis, the subject property would qualify as a contributor to this eligible district.

972 Market Street

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Criterion 1 - Event: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 2 - Persons: <input type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 3 - Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input type="checkbox"/> No
Period of Significance: 1933-1942	Period of Significance: 1933-1990s
	<input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor

**Criterion 1: Property is 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.**

Based on information provided in the Page & Turnbull HRE, and the *Citywide LGBTQ HCS*, the subject building appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities in the the Tenderloin (early 20<sup>th</sup> century to 1960s), specifically with Pirates Cave, a gay bar that occupied the commercial unit at 972 Market Street from 1933 to 1942.<sup>43</sup> The period of significance appears to be 1933 to 1942.

972 Market Street was constructed in 1912 based on design by Burtell R. Christensen for I.K. Prior, a San Francisco plumber and respected businessman. According to the 1913 Sanborn map, the building initially shared the parcel with 970 Market Street until 1936 when the original 970 storefront became 972A Market Street.<sup>44</sup> Over the years, these commercial units were occupied by a variety of tenants, including restaurant, variety store, Brass Lantern Clothing, and Maxferd Jewelry Co.<sup>45</sup> By 1953 the original space appears to have been divided to create retails spaces at each facade.<sup>46</sup> In 1975, the Palace Theater was located in the first floor space on the Turk Street façade, while Maxferd’s Jewelry was located at the Market Street façade.<sup>47</sup> The upper floors were occupied by a residential hotel known as the Carson or Avery Hotel.<sup>48</sup>

According to city directories, a bar and restaurant called Pirates Cave occupied the commercial unit at 972 Market Street from 1933 to 1942.<sup>49</sup> *San Francisco Chronicle* articles indicate that Pirates Cave was

<sup>43</sup> Page & Turnbull, Inc., pg. 55.

<sup>44</sup> Page & Turnbull, Inc., pg. 53.

<sup>45</sup> Page & Turnbull, Inc., pgs. 55-56.

<sup>46</sup> Tim Kelley Consulting, State of California Department of Parks and Recreation (DPR) form for 972 Market Street, June 21, 2011.

<sup>47</sup> Ibid.

<sup>48</sup> Page & Turnbull, Inc., pgs. 55-56.

<sup>49</sup> Page & Turnbull, Inc., pg. 55.

opened and operated by Robert "Bob" Smith, a well-known distributor of Chevrolets on "auto row."<sup>50</sup> The articles describe the bar and restaurant as "an oasis for good food and liquid refreshment, and the decorations, from which it gets its name, are unique and represent the works of Jones & O'Shanna [Hollywood set decorators]."<sup>51</sup>

The exotic oasis appears to have quickly gained the attention of the San Francisco Police Department (SFPD). Several months after it opened, the State Board of Equalization (SBE) banned women from Pirates Cave as well as Rainbow Tavern (962 Market Street) and College Inn (920 Market Street) due to "complaints."<sup>52</sup> Then in early 1934, six sailors were arrested at the establishment for "disturbing the peace."<sup>53</sup>

Pirates Cave fell afoul of the SFPD again when the police recommended its closure along with Rainbow Tavern, and College Inn in 1934 after an officer was killed in a brawl on the sidewalk outside the Rainbow Tavern.<sup>54</sup> The SBE reacted by suspending the liquor licenses of these three bars.<sup>55</sup> This suspension was lifted around two weeks later with the support of SFPD Chief provided that the bar owners understood they were "virtually on probation" and "any new disturbances will mean new arrests and recommendations that licenses be revoked."<sup>56</sup> Other newspaper articles from this period suggest that many city authorities were concerned that the Tenderloin was becoming another Barbary Coast and that policing of the neighborhood was a high priority.

In January 1935, a San Francisco County Grand Jury convened to hear evidence of "vice conditions" and liquor license violations against five San Francisco bars – Pirates Cave, Rainbow Tavern (962 Market Street), [Ye Olde] College Inn (920 Market Street), The Nut Club [Tavern] (1052 Market Street), and [The] Cave (139 Valencia Street).<sup>57</sup> According to an article in the *San Francisco Chronicle*, grand jury witnesses included six minors who testified to being served "spiked" drinks and to "indecent dances and offenses committed in curtained booths" in these establishments. Grand jury members and SFPD representatives vowed to take action against these "evil conditions" and referred the five bars to the State Board of Equalization with recommendations to revoke licenses. The grand jury also issued indictments against bar operators for contributing to the delinquency of minor girls and boys and encouraged additional raids of San Francisco bars by the police.<sup>58</sup> At around the same time, perhaps spurred on by San Francisco police and grand jury actions, the State Board of Equalization instituted an examination of issued and pending licenses for as many as 220 San Francisco bars and clubs for compliance with liquor laws. These liquor laws, newly minted and unevenly enforced by a State agency just finding its footing in the aftermath of Prohibition, required, among other things, that businesses serving hard liquor also be bona fide eating establishments and prohibited old-time swing doors and frosted windows and bootleg, or

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<sup>50</sup> *San Francisco Chronicle*. "Pink's Pickups on Automobile Row." May 7, 1933. *San Francisco Chronicle*. "New Recreation Spot Picturesque." May 13, 1933.

<sup>51</sup> *San Francisco Chronicle*. "New Recreation Spot Picturesque." May 13, 1933.

<sup>52</sup> *San Francisco Chronicle*. "Beer Gardens Shut to Women." July 21, 1933.

<sup>53</sup> *San Francisco Chronicle*. "125 Arrested in S.F. Raids." February 27, 1934.

<sup>54</sup> *San Francisco Chronicle*. "Chief Quinn Opens Drive Against Market Street Beer Halls." February 28, 1934.

<sup>55</sup> *San Francisco Chronicle*. "4 Beer Halls Lose Licenses." March 8, 1934.

<sup>56</sup> *San Francisco Chronicle*. "Ban On Market Street Beer Parlors Lifts." March 21, 1934.

<sup>57</sup> *San Francisco Chronicle*. "5 Drinking Taverns Face License Loss." January 15, 1935.

<sup>58</sup> *San Francisco Chronicle*. "State-Wide Cleanup on Rum Sale Set." January 16, 1935.

untaxed, liquor. In response to these SBE inquiries, San Francisco authorities accused the SBE of failing to adequately monitor license holders while hundreds of liquor license holders filed complaints with the Board against local police actions against their bars.

Pirates Cave was forced to close in early 1935 when its liquor license was revoked by the State Board of Equalization as a result of the inquiry initiated by the San Francisco Grand Jury. According to a *Variety* article from February, 1935, and articles in the *San Francisco Chronicle* in January-February, 1935, and in the *San Francisco Examiner* in May, 1935, the liquor licenses for the Pirates Cave along with at least four other San Francisco bars and clubs were revoked as part of a crackdown on liquor licenses on "moral grounds."<sup>59</sup>

After the State Board of Equalization acted to revoke the licenses for these five San Francisco establishments "summarily on moral grounds,"<sup>60</sup> the owners of the Rainbow Tavern and Pirates Cave filed lawsuits questioning the validity of the SBE taking such action without a hearing. These suits were briefly successful when a Superior Court judge granted a temporary injunction on the license revocation and ordered a hearing. Rainbow Tavern and Pirates Cave reopened immediately following this court action. The State Board of Equalization appealed this decision to the District Court of Appeals, which found that the Board acted appropriately. Shortly after the appeals court decision, Rainbow Tavern and Pirates Cave turned in their liquor licenses and closed. Or, at least Rainbow Tavern closed. While it is not mentioned in any *San Francisco Chronicle* articles between 1936 and 1941, Pirates Cave appears in newspaper articles again in 1942 suggesting that it somehow managed to regain or retain its liquor license and re-open.

While the State Board of Equalization was trying to police the flood of license applications and monitor issued licenses, local authorities, many of whom may have had pro-Prohibition leanings, pushed for greater enforcement of liquor licenses and the autonomy to regulate nightlife venues at the local level. *San Francisco Chronicle* articles on this matter during 1935 suggest that authorities at all levels, two years on from the repeal of Prohibition, were struggling to balance the competing interests of liquor license holders, liquor producers, and bar patrons with those of police, and civic organizations that associated liquor with vice and moral turpitude. LGBTQ bars/nightclubs and their patrons were certainly amongst the societal ills that San Francisco authorities were railing against in their discussions of vice conditions and their recommendations for bar closures during this period. It is not clear, however, how focused such efforts were. What is clear is that the SFPD and civic authorities were very focused on the bars along and around this section of Market Street and on policing the "vice-ridden" Tenderloin.

Of the five bars cited by the State Board of Equalization in 1935, only Pirates Cave is included in the *Gay Inc. SF Business Directory*.<sup>61</sup> Pirates Cave, along with College Inn, is also listed in The Gay, Lesbian, Bisexual, Transgender (GLBT) Historical Society's sites database, which cross-references to

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<sup>59</sup> *Variety Magazine*. "Wholesale S.F. Café Closings." February 11, 1935; *San Francisco Examiner*. "Rulings Hit 2 Market St. Beer Parlors." May 18, 1935; *San Francisco Examiner*. "Rainbow Tavern Pirates' Cave Close." May 21, 1935; *San Francisco Chronicle*. "State-Wide Cleanup on Rum Sale Set." January 16, 1935; *San Francisco Chronicle*. "Rum Resorts Must Rebuild Or Close Up." January 27, 1935; *San Francisco Chronicle*. "State's Probe of Rum Sale Starts Today." February 1, 1935; *San Francisco Chronicle*. "Lid Clamped on Downtown Liquor Places." February 6, 1935; *San Francisco Chronicle*. "Two Taverns Reopened by Court Decree." February 12, 1935; *San Francisco Chronicle*. "Webb Takes Drink Fight Appeal Court." February 14, 1935; *San Francisco Chronicle*. "Liquor Board's Power Argued Before Court." February 26, 1935.

<sup>60</sup> *San Francisco Chronicle*. "Two Taverns Reopened by Court Decree." February 12, 1935;

<sup>61</sup> Page & Turnbull, Inc., pg. 55.

advertisements in LGBTQ guides and newspapers.<sup>62</sup> None of the other three establishments, including Rainbow Tavern, are identified as queer bars in any contemporary or current sources. Although all of the five bars were closed on “moral grounds” only two of those bars, Pirates Cave and College, may have been known gay bars. This action by the SBE, and the SFPD policing that encouraged it, could be interpreted as an early crackdown on LGBTQ bars, since associated terms were not yet widely used in the media, and forced closures during this period due to “morality” concerns may have been coded language to describe LGBTQ establishments.<sup>63</sup> It may be that these five bars were targeted due to their clientele. Or it may be that in 1935 the State Board of Equalization, egged on by the SFPD, began to toughen up its liquor licensing and policing with these five bars, on a particularly high-profile street of Market Street, failing to meet these new standards.

Since the term ‘gay bar’ was not yet widely used in the media in the 1930-40s, the policing of certain bars and liquor licenses by SFPD, State Board of Equalization, and military during those decades is often the only available basis regarding whether an establishment was an LGBTQ bar. Though there seems no certain way to know if these crackdowns were specifically anti-gay, even if they were generally anti-vice, the LGBTQ bars were seen as particularly amoral, and so many popular ones were subjected to license revocations and closures. Even applying the broad assumption that persecution of LGBTQ establishments was one of the goals of SFPD and SBE actions in the post-Prohibition period, it seems likely that other anti-vice preoccupations were just as prevalent. The legal fight waged by Pirates Cave and Rainbow Tavern indicates that there were unresolved questions about the powers of the SBE at the time and there was clearly a power struggle between state and local authorities when it came to policing of liquor licenses and bars. In the post-Prohibition years, there was also a struggle between “Public Welfare” organizations and the legalized liquor culture with many anti-liquor attitudes still prevalent.

The first reference to the Pirates Cave as a ‘gay bar’ is unknown, but it is referred to as such in the *Gay Inc. SF Business Directory*. Based on information provided in the Page & Turnbull HRE, there appear to have been an number of LGBTQ bars in the immediate vicinity of the Pirates Cave, such as Old Crow (1933-1980) at 962 Market Street, Old Adobe (1936-1941) at 250 Eddy Street, Bradley’s 5&10 Bar (1936-1944) at 80 Turk Street, Silver Rail (1942-1960) at 974 Market Street, Silver Dollar (1942-1960) at 64 Eddy Street, and Streets of Paris (1939-1944) at 54 Mason Street.<sup>64</sup>

Like neighboring bars, Old Crow at 962 Market Street and Silver Rail at 974 Market Street/65 Turk Street, Pirates Cave liquor license were frequently threatened according to several articles in the *San Francisco Chronicle* in 1942. In May 1942, the Pirates Cave, Old Crow, and Silver Rail were among 20 bars with complaints filed with the State Board of Equalization for lack of compliance with military rules limiting service of liquor to men in uniforms and for tolerance of prostitution.<sup>65</sup> Hearings on these charges were held in June<sup>66</sup> with penalties handed down in August. According to the *San Francisco Chronicle*, the Pirates

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<sup>62</sup> “Pirate’s Cave, Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version October 27, 2008.” The entry in the database for Pirate’s Cave states “Bar. There is some confusion as to whether the ambiguous citation refers to Pirate’s Den in this location or Pirate’s Den at 920 Market Street.” “College Inn, Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version October 27, 2008.” The entry in the database for College Inn states “Bar. Sailors-some gays. All-woman orchestra.” with date of first documentation circa 1940. This date of “first documentation” is after the period when College Inn was having license issues along with Rainbow Tavern and Pirates Cave.

<sup>63</sup> Page & Turnbull, Inc., pg. 39.

<sup>64</sup> Page & Turnbull, Inc., pgs. 39, 69, 72, 75, 77.

<sup>65</sup> *San Francisco Chronicle*. “S.F. Cleanup Drive: Reilly Files Complaints Against 20 Taverns.” May 22, 1942.

<sup>66</sup> *San Francisco Chronicle*. “S. F. Tavern Hearings to Be Held Tomorrow.” June 9, 1942.

Cave liquor license was suspended indefinitely for “disorderly premises.”<sup>67</sup> Then in October of 1942 the State Board of Equalization filed charges against 14 bars, including Old Crow, Pirates Cave, and Silver Rail, for serving liquor to minors.<sup>68</sup> Pirates Cave, along with the Silver Rail and Silver Dollar, were declared “off-limits for military personnel and ‘out of bounds’ for Naval men.”<sup>69</sup> This military ban was lifted in early 1943, according to a *San Francisco Chronicle* article, with Pirates Cave being sold to a “new ownership and management acceptable to Army and Navy authorities.”<sup>70</sup> Even with this agreement, Pirates Cave appears to have closed in late 1942 or early 1943. The business does not show up in any *Chronicle* articles after January 1943 and is not listed in city directories after 1942.

Pirates Cave appears individually significant for its association with the development of LGBTQ bars in the Tenderloin in the post-Prohibition period. Pirates Cave may have been one of the earliest bars to welcome LGBTQ patrons in the Tenderloin neighborhood during its operation from 1933-1942.

See Page & Turnbull report for additional historic context.

**Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.**

Staff finds that the subject property does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 972 Market Street, or the Pirates Cave, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this Criterion.

Although the original proprietor of Pirates Cave has been identified, no additional biographical information has been located that would indicate that this person was historically significant. Robert “Bob” Smith owned and operated Pirates Cave when it initially opened. Smith appears to have also been in business as a Chevrolet dealer on “auto row.” It is not known how long Smith owned Pirates Cave. No other biographical information on Smith has been located.

The various owners of property are documented in the Page & Turnbull HRE. No information has been located about any of the numerous owners that would indicate any historic significance individually or as a group.

**Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.**

Staff concurs with previous survey findings that the subject property does not appear eligible for listing on the California Register under Criterion 3.

No historic documentation has been located that depicts the storefront portion of the building during the period of occupancy by Pirates Cave (1933-1942). A photograph appended to the 1990 survey form by Anne Bloomfield shows the Market Street façade including storefront with a large projecting solid

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<sup>67</sup> *San Francisco Chronicle*. “20 Night Clubs Spanked.” August 5, 1942.

<sup>68</sup> *San Francisco Chronicle*. “Juvenile Problem: Equalization Board Filing Charges Against 14 Bars Named in Jury Hearing.” October 2, 1942.

<sup>69</sup> *San Francisco Chronicle*. “Three More Night Spots Out of Bounds.” July 5, 1942.

<sup>70</sup> *San Francisco Chronicle*. “Liquor Code: Taverns Sign Pledge for Army, Navy.” January 1, 1943.

awning sign band, an off-center recessed entry, and what appears to be a contemporary storefront system. (This photograph is in Planning Department files for the property.)

**Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.**

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type.

**Step B: Integrity – 972 Market Street**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s period of significance.” Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property has retained or lacks integrity from the period of significance noted in Step A:

<b>Location:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Setting:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Association:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Feeling:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Design:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Materials:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Workmanship:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

Staff finds that the subject building, particularly the former Pirates Cave space at 972 Market Street (in Sanborn maps it appears that the ground floor was originally one large undivided space) does not retain integrity. Although the upper floors retain original materials and design, the storefronts and interiors of the former Pirates Cave space have likely been substantially altered on both the Market and Turk street façades due to the number of subsequent commercial tenants and changes in use in the approximately 75 years since the closure of Pirates Cave. The interior space was subdivided in the late 1950s to create a retail space fronting on Market Street and one fronting on Turk Street. While no original image from the period of significance has been located, the number of subsequent tenants, the amount of time that has passed, and a photograph of the Market Street façade circa 1990 indicate that the ground floor, commercial space of the building no longer retains any storefront or interior features from the identified period of significance (1933-1942) for the former Pirates Cave tenant. Therefore, there is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Pirates Cave, a post-Prohibition gay bar that remained in operation for approximately 10 years in the Tenderloin, does not appear to be such a rare property type that retention of the aspects of location and setting alone would be sufficient to convey significance even by the evaluation standards for integrity outlined in the *Citywide LGBTQ HCS*.

The *Citywide LGBTQ HCS* provides guidance in the evaluation of integrity for LGBTQ-associated resources, noting that the focus should not be on aesthetic values or physical characteristics. As noted in the *LGBTQ HCS*,

...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.<sup>71</sup>

For rare property types, the *Citywide LGBTQ HCS* states that an even lower threshold of integrity may be justified and that comparative analysis of extant properties associated with the relevant contexts should be conducted to determine the appropriate level of integrity needed for designation.

Pirates Cave appears to have been one of the earliest post-Prohibition gay bars in the Tenderloin neighborhood. Within the context of the Tenderloin, other bars from the post-Prohibition period that appear to have been welcoming of LGBTQ patrons include Old Crow, Old Adobe, and Bradley's 5&10, which makes Pirates Cave one of several rather than the only or first such establishment. Elsewhere in the city, establishments such as the former Black Cat Café, Mona's, and Finnocchio's, which "represent some of the earliest and most significant queer spaces in San Francisco,"<sup>72</sup> provide examples of popular post-Prohibition LGBTQ bars and nightclubs for comparative analysis with Pirates Cave.

In comparison to Pirates Cave, these former North Beach bars and nightclubs exhibit levels of significance and of physical and associative integrity that exceed that of the Tenderloin examples on the proposed project site. Pirates Cave does not appear to have been as well-known or as influential within the LGBTQ history of the city as any of these North Beach examples, particularly the Black Cat (710 Montgomery Street). Like the Black Cat, Pirates Cave appears to have been closed due to policing pressures from SFPD and the military, although the pressures placed upon the Black Cat seem to have been more directly anti-LGBTQ. Unlike the former Pirates Cave location, the former location of the Black Cat Café at 710 Montgomery Street retains many physical and associative aspects of integrity from the period of significance to convey this history.

Like the former Black Cat Café location, as described in the *Citywide LGBTQ HCS*, the former Pirates Cave location is significant under Criterion 1/A for its association with historic events, or social and cultural history. Therefore, the important aspects of integrity that need to be present are location, design, setting, feeling, and association.

As there appear to be no remaining vestige of the former gay bar that operated in the building, the building lacks integrity of feeling and association. The building as a whole might be recognizable from the period of significance, due to the intact nature of its design at the upper floors, but lack of physical remnants of the former Pirates Cave severs the building's feeling and association with this previous occupant and use. There is no tangible evidence that identifies 972 Market Street as the location of an early post-Prohibition LGBTQ bar in the Tenderloin.

### 974 Market Street / 67 Turk Street

Below is a brief description of the historical significance per the criteria for inclusion on the National and California Registers for 974 Market Street / 67 Turk Street.

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<sup>71</sup> Graves and Watson, pg. 349.

<sup>72</sup> Graves and Watson, pg. 59.

Based on the available information, Preservation staff finds that the subject building at 974 Market Street (formerly also included addresses at 63 and 65 Turk Street) appears eligible for inclusion on the California Register individually under Criterion 1. Due to substantial alteration, however, the property does not appear to retain sufficient integrity to convey its significance under this Criterion. Although it is not fully evaluated, there appears to be an eligible LGBTQ historic district in the Tenderloin significant under Criterion 1/A. Based on this analysis, the subject property would not qualify as a contributor to this eligible district as it does not retain sufficient integrity. As a surface parking lot, 67 Turk Street is not eligible for listing on the California Register.

**974 Market Street /**

Individual	Historic District/Context
<p>Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:</p> <p>Criterion 1 - Event: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                      Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Period of Significance: 1942-1953</p>	<p>Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:</p> <p>Criterion 1 - Event: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                      Criterion 2 - Persons: <input type="checkbox"/> Yes <input type="checkbox"/> No                      Criterion 3 - Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No                      Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Period of Significance: 1933-1990s</p> <p><input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor</p>

**Criterion 1: Property is 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.**

Based on information provided in the Page & Turnbull HRE, and the *Citywide LGBTQ HCS*, the subject building appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities in the Tenderloin (early 20<sup>th</sup> century to 1960s), specifically with the Silver Rail, a gay bar that occupied the commercial unit at 974 Market Street / 65 Turk Street from 1942 to 1953.<sup>73</sup> The period of significance appears to be 1942 to 1953.

974 Market Street / 65 Turk Street was constructed in 1909 based on design by architect, Sylvain Schnaittacher. According to the 1913 and 1950 Sanborn maps, the building originally fronted on both Market and Turk streets. Sometime after 1950, the rear portion of the building appears to have been demolished. This alteration may have occurred around 1956 when the existing surface and below grade parking garage that occupies the portion of the parcel fronting on Turk and Taylor streets was constructed. Over the years, the commercial unit at 974 Market Street was occupied by a variety of tenants, including Pacific Telegraph & Telephone Co (1933-1942), Western Steakhouse (1957-1958), Harper Tro Books (1960-1974), Opti-Cal Options (1975-1980), and several optometrist offices.<sup>74</sup> It does not appear that Page & Turnbull cross-referenced city directories for the properties addressed at Turk Street.

According to city directories and newspaper articles, a bar called the Silver Rail occupied the commercial unit at 974 Market Street and 65 Turk Street from 1942 to 1953.<sup>75</sup> According to the Page & Turnbull HRE,

<sup>73</sup> Page & Turnbull, Inc., pg. 55.  
<sup>74</sup> Page & Turnbull, Inc., pg. 60.  
<sup>75</sup> Page & Turnbull, Inc., pg. 55.

the Silver Rail, a gay bar “huge for sweater queens and service men” was owned by Bob Thompson.<sup>76</sup> No biographical information has been located for business owner Bob Thompson.

Early in its first year of business, according to the Page & Turnbull HRE quoting historian Nan Alamilla Boyd,

...[M]ilitary police were stationed outside three taverns – the Silver Dollar, the Pirate’s Cave and the Silver Rail – to warn away military personnel. These taverns were known to cater to homosexuals and were popular with servicemen. Although the armed forces did not have the authority to shut down or revoke the licenses of these bars, they still placed them off-limits to servicemen and women and stationed police outside their doors, which was obviously bad for business.<sup>77</sup>

According to the *San Francisco Chronicle*, the Silver Rail, Pirates Cave, and Silver Dollar, were declared “off-limits for military personnel and ‘out of bounds’ for Naval men” by the military in July 1942.<sup>78</sup> This military ban was lifted in early 1943, according to a *San Francisco Chronicle* article, with the Silver Rail and Pirates Cave being sold to a “new ownership and management acceptable to Army and Navy authorities.”<sup>79</sup> The Silver Rail appears to have disobeyed military orders, however, as the bar was banned once again by the military in April 1943.<sup>80</sup>

Like neighboring bars, Old Crow at 962 Market Street and Pirates Cave at 972 Market Street, the liquor license for the Silver Rail was frequently threatened according to several articles in the *San Francisco Chronicle* in 1942. In May 1942, the Pirates Cave, Old Crow, and Silver Rail were among 20 bars with complaints filed with the State Board of Equalization for lack of compliance with military rules limiting service of liquor to men in uniforms and for tolerance of female prostitution, a probable source of venereal disease.<sup>81</sup> Hearings on these charges were held in June<sup>82</sup> with penalties handed down in August. According to the *San Francisco Chronicle*, the Silver Rail’s liquor license, held by Sidney Wolfe and Jack Rushin, was suspended indefinitely for “disorderly premises.”<sup>83</sup> Then, in October of 1942, the State Board of Equalization filed charges against 14 bars, including Silver Rail, Old Crow, and Pirates Cave for serving liquor to minors.<sup>84</sup> The result of these charges is not known, but the bar managed to stay in operation until 1953.

According to court transcripts and the *Citywide LGBTQ HCS*, the Silver Rail was victim of an extortion scheme by James “Jimmie” Tarantino, the publisher of a gossip magazine called *Hollywood Nite Life*.<sup>85</sup> In 1952, Tarantino visited the Silver Rail and demanded that Ted Davis, co-manager and bartender, pay for

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<sup>76</sup> Page & Turnbull, Inc., pg. 60.

<sup>77</sup> Page & Turnbull, Inc., pg. 60.

<sup>78</sup> *San Francisco Chronicle*. “Three More Night Spots Out of Bounds.” July 5, 1942.

<sup>79</sup> *San Francisco Chronicle*. “Liquor Code: Taverns Sign Pledge for Army, Navy.” January 1, 1943.

<sup>80</sup> *San Francisco Chronicle*. “Navy Puts 10 Bay Area Hotels, Bars Out-of-Bounds.” April 6, 1943.

<sup>81</sup> *San Francisco Chronicle*. “S.F. Cleanup Drive: Reilly Files Complaints Against 20 Taverns.” May 22, 1942.

<sup>82</sup> *San Francisco Chronicle*. “S. F. Tavern Hearings to Be Held Tomorrow.” June 9, 1942.

<sup>83</sup> *San Francisco Chronicle*. “20 Night Clubs Spanked.” August 5, 1942.

<sup>84</sup> *San Francisco Chronicle*. “Juvenile Problem: Equalization Board Filing Charges Against 14 Bars Named in Jury Hearing.” October 2, 1942.

<sup>85</sup> Graves and Watson, footnote on pg. 97.

an ad in *Hollywood Nite Life* to prevent being exposed as a gay bar in the magazine. Davis paid \$100 a month for five months to avoid exposure. Tarantino was eventually arrested and brought to trial in 1952 with Davis serving as one of the many witnesses. Tarantino was convicted of extortion and blackmail.

Despite extortion schemes and issues with the military, SBE, and SFPD, the Silver Rail and other LGBTQ bars and nightclubs in the neighborhood continued to operate and even thrive.

The Silver Rail appears individually significant for its association with the development of LGBTQ bars in the Tenderloin in the World War II period. Although the Silver Rail does not appear to have been the first or longest-operating LGBTQ bar in the Tenderloin neighborhood during its operation, it still appears significant for these associations.

See Page & Turnbull report for additional historic context.

**Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.**

Staff finds that the subject property does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 974 Market Street / 65 Turk Street, or the Silver Rail, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this Criterion.

Although the proprietor(s) of the Silver Rail, a popular LGBTQ bar at 974 Market Street / 65 Turk Street from 1942 to 1953, has been identified, no additional biographical information has been located that would indicate that this person was historically significant. Other than his association with the Silver Rail as owner when it originally opened, no additional information has been located about Bob Thompson. No biographical information has been located about Ted Davis, the co-manager of the bar identified in the 1950s extortion case or for Sidney Wolfe or Jack Rushin, who were sanctioned by the SBE as the holders of the bars liquor license.

As documented in the Page & Turnbull HRE, the property has a long ownership history with a number of individuals owning portions of the various parcels. No information has been located about any of the numerous owners that would indicate any historic significance individually or as a group.

See Page & Turnbull report for additional historic context.

**Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.**

Staff concurs with previous survey findings that the 974 Market Street / 65 Turk Street does not appear eligible for listing on the California Register under Criterion 3.

Historic photographs provide some information about the original appearance of the building. The small portion of the upper floor of the Market Street façade is visible in a photograph from the late 1930s (Figure 58 in the Page & Turnbull HRE) suggests that the building was two bays wide and had a projecting cornice. A photograph of Turk Street from 1944 (Figure 56 in Page & Turnbull HRE) confirms that the building originally extended through to Turk. This photograph shows a two-story façade with a band of tall windows at upper floor and a projecting cornice. The ground floor storefront is not visible but there appears to be a canopy that extends to the curb and there is a large projecting sign advertising the Silver Rail.

The current appearance and footprint of the building occurred sometime after 1950 as the original building footprint is shown in the 1950 Sanborn map. City directories indicate that the ground floor commercial space was vacant from 1953 (after the Silver Rail closed) until 1956. With construction of the existing surface and below grade parking lot occurring circa 1956, it seem likely that the alteration of the building including demolition of the rear (Turk Street) portion and remodel of the Market Street façade occurred after 1953

See Page & Turnbull report for additional historic context.

**Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.**

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type.

**Step B: Integrity – 974 Market Street**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s period of significance.” Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property has retained or lacks integrity from the period of significance noted in Step A:

<b>Location:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Setting:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Association:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Feeling:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Design:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks	<b>Materials:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks
<b>Workmanship:</b>	<input type="checkbox"/> Retains	<input checked="" type="checkbox"/> Lacks			

Staff finds that the subject building does not retain integrity to the period of significance (1943-1953) for the Silver Rail. Subsequent to closure of this bar, all aspects of the original front façade appear to have been removed and the current stripped down Art Deco-style façade installed. In addition, the rear half of the building has been demolished and replaced with a surface and partially below-grade parking lot.

**Step C: Character Defining Features – 950-974 Market Street, 966-970 Market Street / 45 Turk Street, 972 Market Street, 974 Market Street**

*If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.*

Since 950-964 Market Street, 972 Market Street, and 974 Market Street were determined to not retain sufficient physical integrity to convey their significance they do not qualify as eligible for the California

Register of Historical Resources. The other building on the project site (966-970 Market Street / 45 Turk Street) does not appear to be a historic resource. Therefore, an assessment of character-defining features was not conducted.

### Tenderloin and LGBTQ History

The development of San Francisco as a center of LGBTQ activity began in the period immediately following the 1906 Earthquake and Fire, primarily in the Barbary Coast area (now Chinatown/Jackson Square/North Beach). Beginning in 1914, the City began outlawing certain undesirable activities that had operated in brothels and bars. This “red light abatement” moved the activities and participants from the Barbary Coast to the Tenderloin area.

The repeal of Prohibition caused bars and nightlife entertainment venues in San Francisco to proliferate. According to the LGBT-Sexual Identity Context Statement for San Francisco, “The repeal of Prohibition coincided with the proliferation of public spaces that began to attract increasing numbers of gays and lesbians and provided the social milieu for San Francisco’s sexual minorities to strengthen communal ties.”<sup>86</sup> Important early bar and nightlife venues for LGBTQ culture in the post-Prohibition period were Finnochio’s, which opened in the late 1930s at 506 Broadway as a nightclub, and the Black Cat Café, which opened in 1933 at 710 Montgomery Street. (The first Black Cat Café opened at 56 Mason Street in 1911. It closed in 1921 as part of a crackdown on vice in the Barbary Coast, North Beach, and the Tenderloin.<sup>87</sup>) As noted in the *Citywide LGBTQ Historic Context Statement*, the Black Cat became an overtly queer establishment in the mid-1940s when it began to host cross-gender entertainment.

Also in the post-Prohibition period, the strip of Market Street from the Embarcadero to the Tenderloin developed a reputation as a central cruising route. This strip was popular because it served as a connection between the waterfront and the Tenderloin and because it was an entertainment corridor dotted with movie theaters, restaurants, bars, and all-night cafeterias.<sup>88</sup> Numerous bars sprang up along this route whether devoted to an LGBTQ clientele or due to location along one of the city’s busiest thoroughfares. As noted in the Page & Turnbull report, the connection point between the Tenderloin and Market Street corridor, at the corner of Mason, Turk and Market streets, earned a colloquial designation as the “Meat Market” or “Meat Rack” for the amount of queer hustling and prostitution that occurred there.<sup>89</sup> Turk Street from Jones to Mason was one of the main drags for cruising and hustling from the 1940s to the 1980s.<sup>90</sup> Many surrounding businesses, including residential hotels, bars, baths, and theaters helped sustain this cruising and hustling scene. The *Citywide LGBTQ HCS* identifies many of these businesses.

The Tenderloin neighborhood has long had a reputation as a sex and vice district. The name of the neighborhood is derived from the proliferation of restaurants, saloons, gambling houses, and brothels in this part of the city at the turn of the twentieth century. When the Red-Light Abatement Act shut down the city’s brothels in 1914 and forced the sex trade onto the streets, prostitution moved into the

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<sup>86</sup> Damon Scott, LGBT-Sexual Identity Context Statement, (3 July 2004), 1. Quoted in Page & Turnbull, pg. 39.

<sup>87</sup> Graves and Watson, pg. 43.

<sup>88</sup> Graves and Watson, pg. 92.

<sup>89</sup> Bob Damon, “1976, 1977, and 1978 Address Book,” quoted in Page & Turnbull, pg. 39.

<sup>90</sup> Graves and Watson, pg. 96.

Tenderloin.<sup>91</sup> The Tenderloin became a headquarters for San Francisco's sex trade, as straight, gay and transgender prostitutes worked the streets and taverns in the neighborhood and on Market Street between the Tenderloin and the waterfront.<sup>92</sup>

The 1906 Earthquake and Fire leveled this part of the city. The area north of the former City Hall, frequently referred to as the "Uptown Tenderloin," was entirely reconstructed between 1906 and the early 1930s. By the 1920s, the Uptown Tenderloin had evolved as the densest apartment district in the city was largely occupied by residents who worked in the Civic Center or the financial and retail districts of downtown. The Tenderloin also included San Francisco's first "auto row," which was primarily concentrated along Golden Gate Avenue from Leavenworth to Van Ness Avenue. The dense neighborhood provided housing for many working-class and lower-income residents.

Even as a much more residential neighborhood, the area maintained its reputation for vice, though it was considered more reputable than others such as the Barbary Coast and retained a "balance between safe streets and wild nightlife."<sup>93</sup> Compared to the Barbary Coast, the Tenderloin was a higher class area with respectable hotels, restaurants, dance halls, and other places and the section of the neighborhood just off Market Street "hummed with action twenty-four hours a day."<sup>94</sup> Along with the respectable activity were houses of prostitution, gambling joints, French restaurants with private bedrooms, unlicensed 'blind pig' booze parlors, and sporting crowd hangouts.<sup>95</sup> The respectable businesses, and the less respectable, catered to residents and visitors of the neighborhood. The area retained this lively, varied character for decades, helped in part by waves of soldiers on leave during World War II, Korea, and Vietnam, until the 1960s. In the 1960s, the influx of those displaced by urban renewal, emptied from state mental hospitals, or otherwise-disposed joined other attracted to the neighborhoods low rents. In time, the neighborhood became known for drug use and other criminal activities, an identity that has persisted to the present.<sup>96</sup>

One segment of the neighborhood that remained vibrant even as crime, drugs, and homelessness became more rampant was LGBTQ nightlife businesses. Along with North Beach, the Tenderloin was one of the city's earliest queer enclaves. Beginning as early as the 1930s, the neighborhood grew in popularity and became known for its cruising, hustling, and LGBTQ establishments.<sup>97</sup> The Tenderloin, like many such neighborhoods in large cities throughout the United States, was sought out by gay and straight men during World War II because it provided basic and entertainment services, including hotels and locker clubs where servicemen could check their uniforms and rent civilian clothes (an important service as bars were not allowed to serve servicemen in uniform). Post-Prohibition bars were joined in the 1950s and 1960s by drag nightclubs and the large number of queer bars, nightclubs, bathhouses, theaters, and bookstores located in the Tenderloin from the early twentieth century through the 1990s helped sustain a lasting LGBTQ presence in the neighborhood.<sup>98</sup>

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<sup>91</sup> Graves and Watson, pg. 96.

<sup>92</sup> Graves and Watson, pg. 158.

<sup>93</sup> Page & Turnbull, Inc., pg. 33, quoting Anne Bloomfield and Michael Corbett, National Register of Historic Places Nomination Form for the Uptown Tenderloin Historic District (May 5, 2008), Section 8, page 15.

<sup>94</sup> Anne Bloomfield and Michael Corbett, Section 8, pg. 18.

<sup>95</sup> Ibid.

<sup>96</sup> Page & Turnbull, Inc., pg. 33.

<sup>97</sup> Page & Turnbull, Inc., pg. 33. From Graves and Watson, pg. 94.

<sup>98</sup> Graves and Watson, pg. 158

Based on this history, and the number of LGBTQ-associated resources that appear to have been concentrated in and around the neighborhood from the post-Prohibition period through the present, the Tenderloin appears to be eligible under Criterion 1/A for listing on the California Register as a historic district. Given the size of the neighborhood and the number of potential resources, identification of exact boundaries for the district is beyond the scope of the current evaluation. With further evaluation, this district would likely encompass all or part of the neighborhood historically known as Uptown Tenderloin (consistent with the boundaries of the neighborhood provided in the National Register nomination for the Uptown Tenderloin Historic District) and extend slightly east and west to capture additional properties associated with this context and identified in the *Citywide LGBTQ HCS*. It would also likely encompass properties fronting on Market Street consistent with the boundaries of the National Register-listed Market Street Theater & Loft Historic District.

The Tenderloin neighborhood appears to be significant under many of the themes identified in the *Citywide LGBTQ HCS*, particularly: Early Development of LGBTQ Communities in San Francisco (Early 20<sup>th</sup> Century to 1960s), Policing and Harassment of LGBTQ Communities (1933-1960s), Evolution of LGBTQ Enclaves and Development of New Neighborhoods (1960s to 1980s), Homophile Movements (1950 to 1960s), and Gay Liberation, Pride, and Politics (1960s to 1990s). With further evaluation, it may be appropriate to identify significant sub-themes within the broader themes such as resources related specifically to transgender history within the neighborhood. Given the number of relevant themes, the district potentially has a long period of significance (roughly 1933 to 1990s). Further evaluation should seek to refine periods of significance related to each theme. For the subject properties, all formerly occupied by LGBTQ bars, their significance is most closely related to the themes of Early Development of LGBTQ Communities in San Francisco and to Policing and Harassment of LGBTQ Communities. Under these themes, and in the context of early LGBTQ bars within the Tenderloin, an appropriate period of significance for these early LGBTQ bars in the Tenderloin may be 1933, with the repeal of Prohibition, and to around 1960, when policing and harassment of LGBTQ bars in San Francisco began to diminish.

In lieu of an in-depth survey, which is far beyond the scope of the current project, Page & Turnbull cross-referenced the *Citywide Historic Context Statement for LGBTQ History in San Francisco*, the *Gay Inc. SF Business Directory* from the San Francisco History Center, and city directories to identify LGBTQ-associated businesses within a two to three block radius of the project site. This effort, recorded in pages 69-85 of the Page & Turnbull HRE, identified numerous LGBTQ-associated businesses within the defined geographical area. These businesses included post-Prohibition bars, World War II bars, 1960s and 1970s nightclubs, bookstores, bathhouses, restaurants, and residential hotels that welcomed the LGBTQ community. While it does not paint the whole picture, what this mini-survey demonstrates is that this portion of the Tenderloin had a wide-ranging collection of businesses and properties that welcomed the LGBTQ community as patrons, residents, neighbors, and business owners over the course of the twentieth century.

In addition to the numerous bars discussed in this report, the neighborhood also provided spaces for other types of LGBTQ-associated resources, such as restaurants and bookstores, bathhouses, and residential options unavailable in other neighborhoods. The neighborhood included places like Compton's Cafeteria (101 Taylor Street), which was considered a relatively safe space for transgender women.<sup>99</sup> In 1966, a group of young gay men and transgender women rioted when police attempted to clear them out of the cafeteria. This is one of the first documented riots in the United States by gay and

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<sup>99</sup> Graves and Watson, pg. 161.

transgender men and women against police.<sup>100</sup> For the transgender population, the neighborhoods cheap residential hotels, such as the El Rosa Hotel (166 Turk Street), were among the very few places where they could rent rooms.<sup>101</sup> It also included businesses such as Adonis Bookstore (342 Jones Street), the first LGBTQ bookstore in the United States, or the office space of Daughters of Bilitis where the organization published Sisters Magazine (1005 Market Street), and Club Turkish Baths/Bulldog Baths (132 Turk Street), the first bathhouse in the city to cater almost exclusively to a gay clientele.

It is this combination of types of resources that makes the neighborhood viable as a historic district. If limited to the sites of former LGBTQ bars or nightclubs, the district would likely not be eligible since recognition of particular uses or businesses, even as a group, as an historic resource is challenging. Further, many of the former retail storefronts lack individual integrity to the period of their association with an LGBTQ establishment.

Within the context of an eligible district, 950-964 Market Street (Old Crow), 966-970 Market Street / 45 Turk Street (The Landmark), and 972 Market Street (Pirates Cave) would qualify as contributing resources even with the compromised integrity of the ground floor storefront locations of the former LGBTQ bars at these properties. If the period(s) of significance for the district were narrowed to more closely represent particularly significant periods within the context of LGBTQ history in the neighborhood and city, then 966-970 Market Street / 45 Turk Street (The Landmark) may not qualify as a contributor as it does not appear to represent a particularly significant historical period. 974 Market Street (Silver Rail) does not appear to qualify as a contributing resource due to its overall lack of integrity from the period when it was occupied by an LGBTQ-bar.

**CEQA Historic Resource Determination**

- Historical Resource Present
  - Individually-eligible Resource
  - Contributor to an eligible Historic District
  - Non-contributor to an eligible Historic District

No Historical Resource Present

**PART I: SENIOR PRESERVATION PLANNER REVIEW**

Signature: Tina Tam  
Tina Tam, Senior Preservation Planner

Date: 6.29.16

<sup>100</sup> Bloomfield and Corbett, Section 8, pg. 16.

<sup>101</sup> Graves and Watson, pg. 161.

## PART II: PROJECT EVALUATION

Proposed Project

Demolition

Alteration

Per Drawings Dated: March 10, 2016 (Handel Architects)

### Project Description

The proposal is to demolish the existing buildings and surface parking lot on the project site and to construct an approximately 406,000 gross square foot mixed-use building with residential, hotel, and retail uses. The proposed structure is designed to be 12 stories tall and 120 feet in height. The building program includes approximately 242 dwelling units, 232 hotel rooms, and 16,600 square feet of retail space, plus common area spaces including a publicly accessible through-block lobby, and below-grade parking for approximately 82 automobiles.

The footprint of the proposed project is irregularly-shaped. The Market and Turk Street façades would curve inward toward the center of each block face; at Market Street, this curve would provide open space at the entrance and wrap around the Crest/Egyptian Theater, while the inward curve at Turk Street would provide open space at the primary entrance on that side of the building. The exterior design is characterized by glazed storefront systems at the ground floor on the street façades with plate glass windows divided by precast/GFRC panels. The upper portions of the façades are textured with precast/GFRC panels that protrude out at varying angles and separate the fenestration. The windows are in a variety of rectangular window shapes, aligned horizontally per floor. There are different vertical window patterns based on the window sizes on each façade. The 11<sup>th</sup> and 12<sup>th</sup> floors of the west façade feature double-height windows.

### Project Evaluation

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

### Historic Resource:

- The project will not cause a significant adverse impact to a historic resource as proposed.
- The project will cause a significant adverse impact to the historic resource as proposed.

### California Register-eligible Historic District or Context:

- The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.
- The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

To assist in the evaluation of the proposed project, the Project Sponsor has submitted a consultant report:

- Page & Turnbull, Inc., 950-974 Market Street, Historic Resource Evaluation, Parts 1 & 2 (June 7, 2016)

### Project Impacts

Staff has reviewed the project proposals and generally concurs with Page & Turnbull's *Secretary of the Interior's Standards for Rehabilitation (Standards)* analysis and assessment of potential for impacts to adjacent and surrounding historical resources. Based upon this analysis, staff finds that the project would not cause a substantial adverse change to the eligible Tenderloin LGBTQ district or to the Warfield Building or Crest/Egyptian Theater such that the significance of these resources would be materially impaired with the application of mitigation measures for construction practices and vibration monitoring. Staff finds further that the proposed project would not cause a substantial adverse impact to the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, or Kearny-Market-Mason-Sutter Conservation District, or to any of the nearby individual historical resources. The following is a condensed analysis of proposed project impacts to historical resources (for additional details see the Page & Turnbull report).

### Project Site

Although the exact boundaries of the eligible Tenderloin LGBTQ historic district, and number of contributing resources, within the district is not currently known, initial evaluation suggests that the district would contain numerous resources spanning the long period of significance. In this context, the loss of two or three contributing resources, even at what would likely be the southern edge of the district, would not result in a significant impact to the district. The two or three contributing resources on the project site do not appear to represent the only examples of a period or type within the district and the district would continue to convey its significance without these properties.

Although the proposed project is not anticipated to have a direct historic resource impact, staff recommends the following improvement measure. This measure is meant to ensure commemoration of the former LGBTQ bars in the buildings on the project site, include Old Crow Bar formerly located at 962 Market Street, The Landmark formerly located at 45 Turk Street, Pirates Cave formerly located at 972 Market Street, and Silver Rail former located at 974 Market Street / 65 Turk Street, and their relationship to the LGBTQ history of the Tenderloin and city.

#### **Improvement Measure – Interpretive Program**

As part of the project, the Project Sponsor shall develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and city. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco.

Interpretation of the site's history shall be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles,

oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull HRE for the subject project and in the *Citywide LGBTQ Historic Context Statement* may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program shall be approved by the San Francisco Planning Department, Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, shall be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

Warfield Building (986-988 Market Street)

Staff concurs with the Page & Turnbull analysis that the adjacent new construction of the proposed project would not cause a substantial adverse impact to the Warfield Building with application of mitigation measures for construction practices and construction vibration monitoring and management noted below.

Although the proposed project will alter the setting of the Warfield Building through incompatible design and massing, the spatial separation between the two properties (Opal Place and Crest/Egyptian Theater) provides a buffer that reduces potential for direct physical impacts. The proposed project will be constructed at the rear of the theater portion of the Warfield Building, which contains no ornamentation at the rear elevation and little fenestration. The proposed project will not conceal or obscure any significant design elements, features, or materials of the Warfield Building or Crest/Egyptian Theater.

Due to the adjacency of demolition, and new and subsurface construction, to the historic Warfield Building and Crest/Egyptian Theater, there is the potential for demolition and construction activities to damage historic fabric and features as well as the underlying structure, of these buildings. To avoid damage to adjacent buildings and minimize the potential significant impacts from construction activities, the following Improvement Measure for Construction Best Practices and Mitigation Measure for Vibration Monitoring and Management have been identified.

**Improvement Measure – Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

**Mitigation Measure – Vibration Monitoring and Management Plan**

The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent

buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the project sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the Project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the Project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976-980 Market Street or the Warfield Building at 986-988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the Project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

With application of these improvement and mitigation measures, it appears that potential impacts to historical resources related to adjacent demolition and construction activities will be mitigated to a less-than-significant level.

#### Nearby Historic Districts and Individual Buildings

Staff concurs with the Page & Turnbull analysis that the proposed project would not cause a substantial adverse impact to the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, Kearny-Market-Mason-Sutter Conservation District, or any individual buildings. Although it was not evaluated by Page & Turnbull, there does not appear to be a potential impact to the eligible Tenderloin LGBTQ district.

Although the proposed new construction in both the proposed project will not be compatible in design or massing with nearby historic resources, the physical separation between new construction and such resources reduces the potential for direct or indirect impacts. The proposed project will alter the setting of these nearby individual buildings and historic districts, however, the overall integrity of these districts and individual resources will not be affected.

### Cumulative Impacts

The geographic scope, or cumulative study area, for cumulative historic architectural resource impacts includes the project site and surrounding city blocks, which include properties designated as part of the Market Street Theater and Loft Historic District, Uptown Tenderloin Historic District, and Kearny-Market-Mason-Sutter Conservation District. Within the cumulative study area, 27 previous, proposed, and foreseeable projects were identified and are described in the Page & Turnbull report. As the boundaries of the eligible Tenderloin LGBTQ district have not yet been defined, analysis of projects for cumulative impacts to this district is limited to the cumulative study area noted above.

Of these 27 projects, seven (7) appear to be located outside the boundaries of any identified district(s) and are either small-scale (or adaptive reuse) or are far enough from the subject project site as to be unlikely to combine with the subject project to result in a cumulative impact. Therefore, staff finds that the projects at 1127 Market Street, 925-967 Mission Street, 942 Mission Street, 996 Mission Street, 1036-1040 Mission Street, 475 Minna Street, and 527 Stevenson Street, as outlined in the Page & Turnbull report, shall not be analyzed further.

### Uptown Tenderloin Historic District

Within the Uptown Tenderloin Historic District are 11 recent and foreseeable projects to consider in the context of the current project. Of these identified projects, only the demolition and new construction at 121 Golden Gate Avenue has been evaluated to have significant unavoidable project-specific and cumulative impacts to the surrounding district. The projects at 168 Eddy Street, 430 Eddy Street, 469 Eddy Street, 229 Ellis Street, 19-25 Mason Street/2-16 Turk Street, 181 Turk Street/180 Jones Street, and 351 Turk Street/145 Leavenworth Street have been evaluated and found to result in no project-specific or cumulative impacts. The remaining three (3) projects, at 519 Ellis Street, 57 Taylor Street, and 450 O'Farrell Street are still undergoing review. The first two of these proposed projects would not demolish existing resources within the District and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources, including: (1) whether the project itself would have a direct impact on historic resources and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources. The third of these projects, 450 O'Farrell Street, would demolish three contributing resources within the district and has the potential for project-specific and cumulative impacts to the district.

Although there are two projects within the cumulative setting – 121 Golden Gate Avenue and 450 O'Farrell Street – that could result in project-level significant impacts to historic resources, the proposed project would not combine with these projects in such a way that there would be a significant cumulative impact to historic architectural resources. There is a substantial distance between subject project site and the sites of these other projects within the district and the proposed project is located outside of the boundaries of the Uptown Tenderloin Historic District. The proposed project is located outside of the boundaries of the district and would not combine with any other project to result in a material impairment of the district. For these reasons, along with the findings for the other projects within this historic district, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District.

### Market Street Theater and Loft Historic District

Within, or adjacent to, the Market Street Theater and Loft Historic District are nine (9) recent and foreseeable projects to consider in the context of the current project. Of these identified projects, only the project at 1028 Market Street, which proposes demolition of a contributing resource, has the potential for

project-specific impacts to the district; review of this project has not been completed to date. The projects at 570 Jessie Street, 945 Market Street, 1095 Market Street, 1066 Market Street, 1075 Market Street, and 1100 Market Street have been evaluated and found to result in no project-specific or cumulative impacts. The remaining two (2) projects, at 1053-1055 Market Street and 1125 Market Street, are still undergoing review. These two proposed projects would not demolish existing resources within the District and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources, including: (1) whether the project itself would have a direct impact on historic resources and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources. Additionally, 1125 Market Street is located outside the district boundaries.

Although there is a project within the cumulative setting – 1028 Market Street – that may result in project-level and cumulative significant impacts to historic resources, the proposed project would not combine with this, or other, projects in such a way that there would be a significant cumulative impact to historic architectural resources. The proposed project is located outside of the boundaries of the district and would not combine with any other project to result in a material impairment of the district. For these reasons, along with the findings for the other projects within this historic district, the proposed project would not result in a cumulatively considerable impact on the Market Street Theater and Loft Historic District.

#### **Tenderloin LGBTQ Historic District**

Within the potential boundaries of the eligible Tenderloin Historic District are four (4) recent and foreseeable projects to consider in the context of the current project. Of these identified projects, only the projects at 57 Taylor Street (aka 105 Turk Street) and 1028 Market Street, which propose demolition of buildings that may qualify as contributing resources for their association with the LGBTQ context, have the potential for project-specific impacts to the district; review of these projects has not been completed to date. The project at 1095 Market Street has been evaluated and found to result in no project-specific or cumulative impacts. The remaining project, at 229 Ellis Street, is still undergoing review. This project would not demolish the building and will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources, including: (1) whether the project itself would have a direct impact on historic resources and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources.

Although there are projects within the cumulative setting – 57 Taylor Street and 1028 Market Street – 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 a handful of contributing resources would not combine with any other project to result in a material impairment of the Tenderloin LGBTQ district.

#### **Kearny-Market-Mason-Sutter Conservation District**

None of the project sites identified in the cumulative study area are located within this Conservation District. Although the proposed project would not be compatible with the character of adjacent contributing buildings within this district, staff concurs with the Page & Turnbull report that there would be no cumulatively considerable impact on the Kearny-Market-Mason-Sutter Conservation District.

Individual Resources

Adjacent individual resources are also contributing resources to the historic districts discussed above. Although the proposed project would alter the setting of these individual buildings, there does not appear to be a combination of recent and foreseeable projects that would result in cumulative impacts to any identified individual resources in the project vicinity.

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

Date: 6-29-16

cc: Melinda Hue, Environmental Planner  
Claudine Asbagh, Planner

Attachment E: Page & Turnbull Memo – RE Case No.  
2013.1049E, Appeal of Mitigated Negative Declaration –  
Additional Research Memorandum (January 20, 2017)

January 20, 2017

RE: Case No. 2013.1049E, Appeal of Mitigated Negative Declaration - ADDITIONAL RESEARCH MEMORANDUM

This letter provides additional research in response to specific points raised in the Mitigated Negative Declaration (MND) appeal letter submitted to the Clerk of the Board of Supervisors on December 16, 2016. The response to each point in the letter is as follows:

**2. Individual Historic Resources Based on Criterion 2. The Market Street Buildings are also eligible for listing in the California Register under Criterion 2:**

***Associated with the lives of persons important to local, California or national history.***

- b. The MND fails to assess the lives of important LGBT, Transgender, and other individuals associated with the Market Street Buildings or associated with the block collectively known as the Meat Rack, including for example:
  - i. Cleve Jones: A confidant, and Legislative Intern of Harvey Milk, and founder of the AIDS quilt, and LGBT leader in his own right, who spent time as a young hustler working in the meat market located at the Market Street Buildings.****

Response: No sources were found during historic research for 950-964, 966-970, 972, and 974 Market Street that mentioned Cleve Jones and whether he frequented the LGBTQ bars located in the buildings. His association with the public space known as the “Meat Market” or “Meat Rack” at the intersection of Mason, Turk, and Market Streets adjacent to the buildings does not directly associate him with the subject buildings to an extent that the buildings could be found individually significant under Criterion B/2 in association.<sup>1</sup> Furthermore, while Cleve Jones is a significant figure

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<sup>1</sup> According to the evaluation process that is outlined in National Register Bulletin 15, which is the basis of the NPS’s *LGBTQ Theme Study*, a finding of significance under National Register Criterion B (or California Register Criterion 2) involves several steps. First, the person associated with the property must be identified as individually significant within a historic context. They cannot simply be a member of an identifiable profession, class, or social or ethnic group. The person must have gained importance within his or her profession or group. Second, a property eligible under Criterion B/2 must be associated with the person’s productive life, reflecting the time period when he or she achieved significance. Among all places associated with the person, the subject

in the LGBTQ community, he is best recognized as legislative intern for Harvey Milk and founder of the AIDS Memorial quilt, and co-founder of the San Francisco AIDS Foundation. He did not gain importance for his early years as a hustler, and commented that he had stopped hustling by 1975, just two years after arriving in San Francisco, to become more active in politics.<sup>2</sup> He is best associated with Polk Street and the Castro neighborhood, including buildings such as the Castro Camera and the Harvey Milk Residence at 573-575 Castro Street (San Francisco Landmark No. 227) and The Jose Theater/Names Project Building at 2362 Market Street (San Francisco Landmark No. 241).<sup>3</sup> Furthermore, several of the bars on the project site, including the Pirate's Cave (972 Market Street) and Silver Rail (974 Market Street) were no longer extant in the 1970s when Jones arrived in San Francisco.

The Appellant implies that the "Meat Market/Meat Rack," a popular area for gay cruising and hustling from World War II to the 1970s, was located at or in the buildings on the project site. The area known as the "Meat Market/Meat Rack" was actually the streets and sidewalks at the confluence of Market, Mason, and Turk Streets. As noted in the *Citywide LGBTQ HCS*, a central tenet of gay cruising and hustling was that it occurred within the public realm. While nearby businesses provided peripheral support to the cruising and hustling at the adjacent "Meat Market/Meat Rack," the buildings themselves were not the "Meat Market/Meat Rack." The *Citywide LGBTQ HCS* also discusses other known hustling/cruising hot spots, including the Embarcadero near the Ferry Building, Market Street through Downtown, Union Square, Huntington Park, Polk Street, Aquatic Park, portions of the South of Market, Dolores Park, Collingwood Park, Lafayette Park, Marina Green, Buena Vista Park, Baker Beach, Golden Gate Park, and Lands End.<sup>4</sup> Areas known for cruising and hustling changed over time because of policing and crackdowns, redevelopment, and shuffling of LGBTQ neighborhoods.<sup>5</sup> The "Meat Market/Meat Rack at Turk, Mason, and Market was not the only known or notable location of such activities in the City.

**ii. David Hurles: Photographer, publisher and famous gay pornographer whose subjects were photographed at the Old Crow Bar and the Flagg shoe store and who himself hustled at the Meat Rack.**

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building must best represent his or her contribution. Also, the individual's association with the property must be documented by accepted methods of historical research, including written or oral history. Speculative associations are not sufficient. The *Citywide LGBTQ HCS* does not present alternative methods for evaluation under Criterion B/2.

<sup>2</sup> Jones, Cleve. *When We Rise: My Life in the Movement*. New York: Hachette Book Group, 2016.

<sup>3</sup> Conklin, Lauren. "Map: The Castro's Most Significant Queer Locations." Website accessed on January 5, 2017 from: <http://sf.curbed.com/maps/pride-sf-castro-history-map-bars-clubs>

<sup>4</sup> Donna J. Graves and Shayne E. Watson, 90-101.

<sup>5</sup> Donna J. Graves and Shayne E. Watson, 92.

Response: David Hurles is an important photographer associated with LGBTQ history. Beginning in 1971, David Hurles frequented the Old Crow bar where he encountered many of the subjects for his one-man company, run from a private mailbox, called the Old Reliable Tape and Picture Company. Old Reliable was a pioneering work of gay male erotica, including photographs, publications, and films, which were distributed nationally during a time when such material had only recently become legal to publish. Hurles specialized in photographing ‘rough trade’ men – mostly impoverished and working-class, tattooed delinquents and ex-convicts– with the goal of capturing the traditional tough and macho character of American masculinity.<sup>6</sup> His portrayal of homosexuality stood in stark contrast to the “gay lifestyle” erotica emerging in the early 1970s with its clean-cut, middle-class and openly gay male models. Hurles’s work was also unique in the erotica industry as he sought out heterosexual, and often dangerous, subjects to be photographed and recorded. Hurles and many of his models spent time at the Old Crow, known since its early days during World War II as a hangout for ‘rough’ and ostensibly heterosexual men. The Old Reliable collection is known to have influenced a number of contemporary queer artists and culture-makers and has been featured in several museums and the GLBT Historical Society.<sup>7</sup>

Though Hurles found models at the Old Crow and other locations, he photographed and recorded them at his nearby studio apartment. Nevertheless, his work is directly associated with the intersection of Mason, Turk, and Market streets, and particularly with the former Old Crow (962 Market Street) and sidewalk of the “Meat Market/Meat Rack.” Hurles moved his studio to the Tenderloin neighborhood by 1970, and his documented frequent visits to the Old Crow and nearby “Meat Market/Meat Rack” indicate that he often found subjects there to photograph.<sup>8</sup> His models from the Old Crow and the gay cruising and hustling scene of the “Meat Market/Meat Rack” appear to be exemplary of his style and enduring legacy in the gay erotica industry.

**iii. Fred, Hugo and Magnus Jensen, owners of the Old Crow Bar who kept the LGBT meeting space open during three decades when homosexuality and gender nonconformity were illegal and persecuted,**

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<sup>6</sup> Jack Fritscher, "Call Him Old Reliable, Because He Is" (1981), JackFritscher.com: <http://www.jackfritscher.com/Drummer/Virtual/Old%20Reliable.html#Historical%20context>

<sup>7</sup> Gerard Koskovich. "Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration." (February 9, 2016). Accessed January 5, 2017:

[https://m.facebook.com/story.php?story\\_fbid=10154546949914867&id=688819866&\\_ft\\_=top\\_level\\_post\\_id.10153431901276279%3Atl\\_objid.10154546949914867%3Athid.239479076278%3A306061129499414%3A10%3A0%3A1464764399%3A4564409731196938721](https://m.facebook.com/story.php?story_fbid=10154546949914867&id=688819866&_ft_=top_level_post_id.10153431901276279%3Atl_objid.10154546949914867%3Athid.239479076278%3A306061129499414%3A10%3A0%3A1464764399%3A4564409731196938721)

<sup>8</sup> Jack Fritscher, "Old Reliable: A Legend in His Own Time," California Action Guide 1, no. 3 (September 1982); <http://www.jackfritscher.com/Drummer/Virtual/Old%20Reliable%20interview.html>

**and protected the bar from closure during police raids and government crack downs. These events are regarded, by the local community as the *Stonewall* of the West Coast.**

Response: Fred, Hugo, and Magnus Jensen were discussed on pages 38-39 of the HRE and pages 8 and 13 of the HRER. Brothers Hugo and Magnus were described as operating the Old Crow Bar from 1935/36 to 1940, at which point Fred Jensen (relation unknown) assumed ownership as well. The ‘Jensen Brothers’ were listed as owners in the early 1940s through late 1950s. By 1967, the bar was owned by Ed McMahon, Hugo and Magnus Jensen.<sup>9</sup> They also co-owned the Senate Hotel at 467 Turk Street, beginning in about 1930. The brothers emigrated from Germany in 1902 and worked in the liquor industry as bartenders and bar owners as early as 1908.<sup>10</sup> However, no information was found in newspapers or local LGBTQ archives that discussed whether the Jensens actively “protected the bar from closure during police raids and government crack downs,” or otherwise indicated any historic significance for the proprietors other than long-time business ownership of an LGBTQ-friendly establishment in the Tenderloin. 950-964 Market Street is not significant for association with Fred, Hugo, or Magnus Jensen.

2. **Contributors to Compton’s Historic District. The Market Street Buildings are contributors to the Compton’s Historic District and eligible for the California Register. The City failed to comply with CEQA because, inter alia,**
  - b. **The MND inaccurately contends that a future “Tenderloin LGBTQ District” would “likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin, consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District,” although significant evidence speaks to the contrary, including:**
    - i. **The Compton’s Historic Committee is preparing a nomination to the National and California Historic Registers of a smaller five-block district that is focused on the unique Transgender history of the Turk, Taylor, Mason and Market area as well as the history of the buildings collectively known as “The Meat Rack.”**

Response: As a point of clarification, the “Meat Market” or “Meat Rack” is explained in the *Citywide LGBTQ HCS* as the public realm (i.e. sidewalks) at the intersection of Mason, Turk, and Market streets; it is not synonymous with the nearby buildings at 950-964, 966-970, 972, and 974 Market

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<sup>9</sup> City Directories: 1903, 1908-1912, 1924, 1934, 1945, 1967. Accessed January 6, 2017 at ancestry.com

<sup>10</sup> US Census Records: 1910, 1920, 1930. Accessed January 6, 2017 at ancestry.com

Street.<sup>11</sup> The *Citywide LGBTQ HCS* also discusses other known hustling/cruising hot spots, including the Embarcadero near the Ferry Building, Market Street through Downtown, Union Square, Huntington Park, Polk Street, Aquatic Park, portions of the South of Market, Dolores Park, Collingwood Park, Lafayette Park, Marina Green, Buena Vista Park, Baker Beach, Golden Gate Park, and Lands End.<sup>12</sup> The “Meat Market/Meat Rack” at Turk and Market was not the only known or notable location of such activities in the City. In an interview with Susan Stryker, preeminent academic researcher on gender and human sexuality, also clarified that the “Meat Market/Meat Rack” area at Market, Turk, and Mason was primarily a gay hustling spot for men who were characterized as “butch” or masculine, and trans women were not allowed to hustle there. Trans women would hustle on other streets away from Market Street and further into the Tenderloin neighborhood.<sup>13</sup> Community historian and activist Tamara Ching repeated this sentiment.<sup>14</sup>

Furthermore, though several business establishments identified at 950-964, 972, and 974 Market Street served LGBTQ clientele, historic information has not indicated that the bars were exclusively or primarily used by transgender persons or were otherwise specifically significant in association with transgender history. Indeed, Susan Stryker stated that these Market Street bars may have specifically excluded transgender people. Being visibly trans communicated overtly that the establishments were LGBTQ-friendly, and the concern was that they would draw the attention of police at a time when homosexuality was illegal.<sup>15</sup> The Old Crow Bar, in particular, is known to have “entertained a mixed straight and LGBTQ clientele but also rigorously denied entry to female patrons.”<sup>16</sup> Tamara Ching explained that the main bars that transgender people frequented included the Frolic Room, the Nickelodeon, the Grubstake diner, and Uncle Billy’s or the Scoreboard, all on Mason Street.<sup>17</sup>

Gene Compton’s Cafeteria was located at 111 Taylor Street, diagonally across the Turk and Taylor intersection from the subject properties. The Compton’s Cafeteria Riot occurred in August 1966 on the block to the west of the subject properties, and the only LGBTQ establishments operating on the project site at that time were the Old Crow Bar at 962 Market Street, Leo’s Men’s Shop at 968 Market, and the Landmark at 45 Turk Street. No LGBTQ-associated establishments were located at 972 Market Street or 974 Market Street/65 Turk Street during that time period.

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<sup>11</sup> Similarly, the Stonewall Inn National Historic Landmark in New York City includes the Stonewall Inn building, Christopher Park, and the streets where the gay rights riots and demonstrations of June 28-July 3, 1969, occurred, but does not include any other nearby buildings. <https://www.nps.gov/places/stonewall.htm>

<sup>12</sup> Donna J. Graves and Shayne E. Watson, 90-101.

<sup>13</sup> Telephone interview with Susan Stryker, January 11, 2017.

<sup>14</sup> Email communication with Tamara Ching, January 17, 2017.

<sup>15</sup> *Ibid.*

<sup>16</sup> Donna J. Graves and Shayne E. Watson, 11.

<sup>17</sup> Email communication with Tamara Ching.