

May 30, 2012

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Comments on Draft EIR 835-845 Jackson Street Chinese Hospital Replacement Project, Case No. 2008.0762E

Dear Mr. Wycko:

On behalf of the National Trust for Historic Preservation, we offer the following comments on the Draft Environmental Impact Report (DEIR) for the proposed 835-845 Jackson Street - Chinese Hospital Replacement Project (Case No. 2008.0762E). Chartered by Congress in 1949, the National Trust is a nonprofit membership organization dedicated to saving historic places and revitalizing America's communities. (16 U.S.C. §§ 461, 468).

San Francisco's Chinese Hospital is a 5-story building, built in 1924 from funds raised by the Chinese Hospital Association, a non-profit benefit corporation founded by fifteen Chinatown community and organizations, family organizations, and benevolent organizations at a time when other San Francisco healthcare providers denied access to the local Chinese American community. At the time it opened, it was the first and only Chinese Hospital in the United States. It has not undergone any significant structural alterations since completed.

We agree with the Planning Department's conclusion that the demolition of this resource which has enormous significance to the City of San Francisco will result in significant adverse impacts on a resource that is eligible for listing on the California Register of Historical Resources. In light of this conclusion, the City is required to deny a demolition permit for the historic hospital "if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the environmental effects of such projects" (Pub. Res. Code §21002).

We recognize the need to provide a seismically safe environment for the patients, visitors, physicians, and employees of the Chinatown Hospital. However, we find that the DEIR suffers from a major flaw in concluding the preservation of this historic resource is infeasible.

CEQA requires that findings supporting an alternative's feasibility or infeasibility must be supported by substantial evidence. (PRC §21081.5). The DEIR's basis for rejecting the Full Preservation alternative is unpersuasive and, importantly, does not meet this standard.

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The California Supreme Court has emphasized that the substantial evidence standard “ensures there is evidence of the public agency’s actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the public agency arrived at its decision.” *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134.

First, the DEIR rejects the alternative that would seismically strengthen the existing building on the basis that it would cause a longer construction period than the proposed project (DEIR at VI.40). The DEIR lacks data, however, that would substantiate this conclusion. Importantly, there is no strong evidence in the DEIR that the proposed project will, in fact, come in on schedule. In our experience, it is enormously challenging to demolish a building and fully reconstruct a new facility requiring multiple land use and permit approvals in a dense residential area. This is particularly true in light of the likely extent of public opposition to the project, which would remove a highly unique and much beloved resource from an eligible historic district. It is, in fact, far more likely to conduct a much needed seismic retrofit of a historic building on schedule as it would necessitate far less environmental review than a proposal that requires the lengthy approvals involved in demolishing a historic resource in a City that takes great pride in its built heritage.

Further, the DEIR rejects the preservation alternative on the basis that it would provide four fewer beds than that proposed by the proposed project and wouldn’t provide a new 22-bed skilled nursing facility. The City has not, however, properly evaluated an option that would allow for the operation of the proposed nursing operation in a neighboring building in the surrounding area. Rejecting the Full Preservation Alternative solely on this basis would be difficult to justify in a Statement of Overriding Considerations, which also must be based on substantial evidence and will undoubtedly be necessary in the event the proposed project is approved.

Thank you for the opportunity to offer these comments on the Draft Chinese Hospital EIR. In light of the concerns expressed and the requirements of the California Environmental Quality Act we urge the Planning Department to adopt the Full Preservation Alternative. Please do not hesitate to contact me at brian_turner@nthp.org or (415) 947-0692 should you have any questions or need additional information.

Sincerely,



Brian R. Turner
Senior Field Officer/Attorney
National Trust for Historic Preservation