

## Responses to Comments on the Draft EA

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This Response to Comments documents MOHCD's consideration of the comments received on the Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) for the proposed 249 Pennsylvania Avenue Mixed-Use Housing Project (proposed project). The FONSI/NOIRROF was published on May 26, 2024 in the San Francisco Examiner. This Response to Comments is posted on the MOHCD website at <http://sfmohcd.org/environmental-reviews>.

Although the Council on Environmental Quality (CEQ) regulations do not require response to comments on a Draft Environmental Assessment, the United States Department of Housing and Urban Development (HUD) regulations (24 CFR Section 58.43(c)) require responsible entities to consider the comments of the public and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its Request for Release of Funds (RROF).

MOHCD received comments from one person on the FONSI/NOIRROF. The comments are attached to this response at Appendix B. This document responds to all substantive comments received on the FONSI/NOIRROF and the environmental assessment (EA) on which the FONSI/NOIRROF is based. Substantive comments are those that question with reasonable basis, the accuracy of information in the environmental review record, the adequacy of environmental analysis, present reasonable alternatives other than those presented in the EA or cause changes or revisions in the proposal.

### Environmental Review Process

40 CFR Section 1501.3(a) directs agencies to prepare an EA (Sec. 1508.9) when necessary under the procedures adopted by an individual agency to supplement Council on Environmental Quality (CEQ) regulations. MOHCD as the responsible entity for programs subject to 24 CFR Part 58, prepared an EA for the Project at 249 Pennsylvania Avenue using the HUD recommended format. The EA was prepared in accordance with HUD guidelines and in compliance with the standards articulated in 24 CFR Section 58.40(a) through (f) as well as CEQ Regulations.

24 CFR Section 58.40 requires the responsible entity to ensure the following elements are considered when preparing the EA:

- (a) Determine existing conditions and describe the character, features and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.
- (b) Identify all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project.
- (c) Identify, analyze and evaluate all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities cited in Sections 58.5 and 58.6.
- (d) Examine and recommend feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts.
- (e) Examine alternatives to the project itself, if appropriate, including the alternative of no action.

(f) Complete all environmental review requirements necessary for the project's compliance with applicable authorities cited in Sections 58.5 and 58.6.

After preparing the EA in accordance with the Section 40 and CEQ standards, MOHCD, in accordance with 24 CFR Section 58.43(g), made a finding that the project was not an action that would result in a significant impact on the quality of the human environment and proceeded as required by Part 58 to disseminate the finding as required by 24 CFR Section 58.43. As permitted by 24 CFR Section 58.43, MOHCD disseminated the Finding of No Significant Impact (FONSI) at the same time it disseminated the Notice of Intent to Request Release of Funds as required by 24 CFR Section 58.70. The combined notice was published on May 26, 2024 in the San Francisco Examiner and posted on the MOHCD website at <https://www.sf.gov/reports/april-2024/environmental-review> .

The comment period for the FONSI and NOIRROF ended on June 10, 2024 at 5 PM Pacific Standard Time. The public comment period was open for 15 days. The comment period started on May 27, 2024, the day after the publication of the FONSI/NOIRROF. During the comment period, MOHCD did not receive any comments. However, MOHCD received several comments via email from one person a few days after the comment period ended.

## Distribution

This Comments and Responses document will be distributed to HUD and the person who commented directly on the Combined Notice. This document is also posted on MOHCD's website at <https://www.sf.gov/reports/april-2024/environmental-review>.

## List of Commenters

Letter No. and Commenter	Page No.
1 Sara Goulder	3

The comments and responses follow. The comments have been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in first comment).

## Letter 1

**COMMENTER:** Sara Goulder

**DATE:** June 13, 2024 and June 15, 2024

### **Comment 1.1**

In an email message dated June 13, 2024 at 6:16 PM, the commenter states that they “[are] very excited that something will take place for the vacant lot and the horrible homeless situation that has been here for years. They had very little service since they were pushed into no view by most SF citizens. I have a question about the 1200 square feet for social service space. Do you know what kind of social services will be provided? I'm really hoping this will bring more joy to the neighborhood and not more issues like we have been facing for the past 5 years. It has been very very bad at times.”

#### *Response 1.1*

Social services at this development will be provided by Tenderloin Neighborhood Development Corporation (TNDC). The services plan to date only assumes service provision for residents of the building. TNDC does not currently anticipate any services available to the wider general public, resulting in no major impacts to the surrounding neighborhood other than ensuring the success of future residents.

TNDC will provide case management, information and referral, as well as youth and family activities to connect future residents with the resources and services they need to thrive. Support services staff will affirmatively outreach to residents on a weekly basis to engage with tenants, in addition to designing, organizing, and facilitating community events and activities that support the entire resident community. For this site, TNDC anticipates a Family Engagement Specialist working in partnership with the site-based Social Worker to develop and deliver evidence-based community engagement activities that support the growth and development of the community through workshops, classes, and groups. TNDC's service delivery strategy acknowledges and incorporates the importance of partnerships, both internal and external to the organization.

TNDC will also partner with Young Community Developers (YCD) to leverage their programs, services, and deep experience in the neighborhood, and supporting these programs through a subcontract. YCD offers valuable resources such as career placement, educational advancement, family support, violence prevention, and mental health and wellness programming. The ultimate services plan and delivery strategy will continue to be refined as the project advances.

### **Comment 1.2**

In an email dated June 13, 2024 at 6:58 PM, the commenter states, “Also curious how this got approved for 9 stories? Max in this neighborhood is 4. There will be no sun for all the lofts blocked by that height. Thats my only window and it will have no sun at all once its built.”

### **Response 1.2**

There currently is no approved design. The completion of this environmental assessment will allow access to the predevelopment funding TNDC and YCD need to procure an architect, begin the design work, and conduct community engagement. The initial massing study included in this environmental assessment includes the heights allowable under AB 1763, which permits a height increase of up to 3 additional stories or 33 feet beyond the base zoning for affordable projects. Given the significant slope of the site, San Francisco Planning regulations allow the building's height to step up along with the slope of the street level, at increments of up to 65' lengths. The massing study included in this assessment assumes the Pennsylvania St frontage is divided into three segments, each individually only 7 stories high. The 9-story height is only in reference from the uppermost floor of the highest elevation segment in relation to the lowermost floor of the lowest elevation segment. The actual massing of the building will be developed once an architect is procured for this development.

### **Comment 1.3**

In an email dated June 15, 2024 at 6:31 PM, the commenter states, "Also there is no mention of a parking garage for 120 units. Is there one? There is not enough street parking to accommodate this. No one I have spoken to in the neighborhood has heard anything about this or had any time to voice concerns. The two weeks are past and this was done with no neighborhood communication. What about parking???"

### **Response 1.3**

There currently is no approved design. The completion of this environmental assessment will allow access to the predevelopment funding TNDC and YCD need to procure an architect and begin the design work and conduct community engagement. This development will require the services of an architect to determine how much parking, if any, is feasible. However, affordable housing developments typically do not include parking due to the high cost to construct underground parking and the resulting reduction in affordable housing units it would cause if built on grade; this approach is consistent with San Francisco's Transit First Policy (see [Transportation | San Francisco General Plan \(sfplanning.org\)](#)).

### **Comment 1.4**

In an email dated on June 15, 2024 at 6:37 PM, the commenter states "Honestly your plans are going to destroy the neighborhood. I do think you cannot block light. The 9 stories in front of lofts whose one window will be blocked is not ok. I think there is a case against this and the lack of parking. Where will these people park? You can't assume everyone who lives there will take public transportation. In fact[,] it sucks over there. It's a family neighborhood with transportation to work down south."

### **Response 1.4**

This does not qualify as a substantive comment. Substantive comments are those that question with reasonable basis, the accuracy of information in the environmental review record, the adequacy of environmental analysis, present reasonable alternatives other than those presented in the EA or cause changes or revisions in the proposal. This comment does not pertain to environmental analysis within the EA—and "light" is not an environmental issue area required for analysis by HUD.

In spite of it not being a factor under consideration for this Environmental Assessment, shading will be considered during the design phase of the project's development.