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**Appeal of Community Plan Evaluation  
2918-2924 Mission Street Project  
Supplemental Responses**

**DATE:** June 11, 2018  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer – (415) 575-9032  
Chris Kern, Principal Environmental Planner – (415) 575-9037  
Julie Moore, Senior Environmental Planner – (415) 575-8733  
**RE:** Board of Supervisors File No.180019, Planning Department Case No. 2014.0376ENV – Appeal of the Community Plan Evaluation for the 2918-2924 Mission Street Project. Block/Lots: 6529/002, 002A, and 003  
**PROJECT SPONSOR:** Mark Loper, Reuben, Junius & Rose, on behalf of RRTI, Inc. – (415) 567-9000  
**APPELLANT:** J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of Calle 24 Latino Cultural District Council – (415) 317-0832  
**HEARING DATE:** June 19, 2018  
**ATTACHMENTS<sup>1</sup>:** D – ICF, *Historic Resource Evaluation, 2918-2922 Mission Street, San Francisco, May 29, 2018*  
E – Planning Department, *Historic Resource Evaluation Response, 2918-2922 Mission Street, San Francisco, May 31, 2018*  
F – Fehr&Peers, *2918 Mission Analysis Memorandum, June 4, 2018*  
G – RWDI, *Shadow Analysis 2918 Mission Street, February 2, 2018*  
H – ALH Urban & Regional Economics, *Socioeconomic Effects of 2918 Mission Street Market-Rate Development, June 2018*

<sup>1</sup> Attachments A, B, and C are included in the Department’s February 5, 2018 appeal response.

## INTRODUCTION

On January 2, 2018, J. Scott Weaver on behalf of the Calle 24 Latino Cultural District Council (“the Appellant”) filed an appeal of the Planning Department’s (the “Department”) issuance of a Community Plan Evaluation (“CPE”) under the *Eastern Neighborhoods Rezoning and Area Plan Final Environmental Impact Report* (“Eastern Neighborhoods PEIR or PEIR”)<sup>2</sup> pursuant to the California Environmental Quality Act (“CEQA”) for the 2918-2924 Mission Street Project (the “Project”). The Clerk of the Board of Supervisors scheduled the appeal for hearing at the Board’s February 13, 2018 meeting, and on February 5, 2018, the Department provided a response to the CEQA appeal, Planning Appeal Response - February 5, 2018. The entire file is available in Board of Supervisors File No. 180019.

Shortly prior to the February 13, 2018 appeal hearing date, the Department received new information indicating the potential for the existing building on the project site at 2918-2922 Mission Street to be considered a historic resource for its association with the Mission Coalition of Organizations during the late 1960s and early 1970s. This information was not considered in the CPE initial study, and the Department determined that additional research was required to assess whether the proposed Project would result in a significant impact to a historic resource that is peculiar to the project or its site and that was not disclosed as a significant effect in the Eastern Neighborhoods PEIR.

On February 13, 2018, the Board of Supervisors opened a hearing on the appeal of the CPE and voted to continue the hearing to June 19, 2018, to allow additional time for the Department to prepare an analysis of potential historic resources effects of the Project.

This memorandum and the attached documents are supplements to the Department’s February 5, 2018 responses to the appeal letter. This memorandum presents the findings of the Historic Resource Evaluation of the 2918-2922 Mission Street building, as well as the findings of new analyses of transportation, shadow, and socioeconomic effects.

The decision before the Board is whether to uphold the Department’s determination that the Project is not subject to further environmental review (beyond that conducted in the CPE Initial Study and the PEIR) pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183 and deny the appeal, or to overturn the Department’s CPE determination for the Project and return the Project to the Department for additional environmental review. The Board’s decision must be based on substantial evidence in the record. (See CEQA Guidelines section 15183(b) and (c).)

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<sup>2</sup> The Planning Commission certified the Eastern Neighborhoods Rezoning and Area Plan Final EIR (Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048) on August 7, 2008. The Project site is within the Eastern Neighborhoods Rezoning and Area Plan project area.

## HISTORIC RESOURCE EVALUATION

In order to assess whether the building at 2918-2922 Mission Street is a historic resource pursuant to CEQA, the Department required that a qualified historic resource consultant prepare a historic resource evaluation (HRE) of the project site building (ICF, *2918-2922 Mission Street, San Francisco, Historic Resource Evaluation Part 1*, May 29, 2018, included as **Attachment D**). The Department directed the scope of work and provided oversight of the work product. The Department's preservation staff have reviewed this report and concur with its findings (Planning Department, *Historic Resource Evaluation Response*, May 31, 2018, included as **Attachment E**).

As further discussed below, the HRE found that, although the 2918-2922 Mission Street building is significant under the California Register of Historical Resources ("California Register") Criterion 1 for events, it lacks sufficient integrity to convey its identified historic significance under Criterion 1 and, therefore, is not eligible for listing in the California Register of Historical Resources. The building is not eligible under any other criteria. As such, the Department has determined that the building is not a historic resource as defined under CEQA Guidelines section 15064.5.

As discussed in Attachments A and B, 2918-2922 Mission Street appears eligible for listing on the California Register under Criterion 1 for its association with "headquarters and offices of prominent organizations associated with struggles for inclusion," as defined in the California Office of Historic Preservation's *Latinos in Twentieth Century California: National Register of Historic Places Context Statement* (2015). As a shared workspace of several organizations (Mission Hiring Hall Inc., Mission Housing Development Corporation, Mission Model Neighborhood Corporation, Mission Childcare Consortium Inc., and Mission Community Legal Defense Fund), the subject property is representative of community-based activism and service in the Mission District. Born out of the Mission Coalition Organization, a locally organized and federally-funded Model Cities program with a history of neighborhood-based activism, the subject organizations represented and served the Mission District's Latino population, providing services such as legal guidance, childcare, job placement, and housing/tenant assistance, in Spanish and English, while also assisting residents overcome racial barriers and discrimination. The property was also the former site of *Latinoamerica*, a celebrated mural by local Latina artists group, *Mujeres Muralistas*. The mural represented the vibrant Mission community and further underscored the relationship of the organizations housed at 2918-2922 Mission Street to the community. The period of significance for the building encompasses the years that the subject organizations occupied the building, 1973-1985.

The 2918-2922 Mission Street building does not appear eligible for listing on the California Register under Criterion 2 (association with the lives of persons important in our local, regional, or national past), Criterion 3 (distinctive architectural characteristics), or Criterion 4 (information potential for prehistory or history); nor is the building a contributor or non-contributor to an eligible historic district.

To be a historic resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it must also 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.” Integrity is comprised of seven qualities: location, association, design, workmanship, setting, feeling, and materials. For a property to retain integrity it is not necessary for all seven qualities to be present; however, the overall sense of past time and place must be evident to illustrate significant aspects of the property’s past. Of these qualities, only the location and setting of the 2918-2922 building remain. Significant interior and exterior alterations to the subject property that occurred after the period of significance have eliminated the property’s qualities of association, design, workmanship, feeling, and materials for the period of historical significance. Exterior changes to the building after 1985 included the addition of mullions to the doors and windows, the installation of a cloth awning along the length of the front façade, and painting over of the Latinoamerica mural on the south elevation. Interior office partitions and finishes constructed by the community organizations that occupied the building were later removed to create large, open interior spaces for a laundromat and retail use. Additional changes for the new uses included new mechanical systems and infrastructure to support banks of laundry machines, construction of new partitions for maintenance halls, and all new finishes. These alterations have resulted in a lack of integrity in workmanship, materials, and design, and have rendered the property unable to convey integrity of association and feeling as an administrative hub for the above-mentioned Mission community organizations.

In conclusion, the historic resource evaluation has determined that the 2918-2922 Mission Street building is not a historic resource under CEQA. Therefore, the proposed demolition of this building would not result in significant impacts on historic resources that are peculiar to the Project or its site and that were not disclosed as significant effects in the Eastern Neighborhoods PEIR. This information supplements and confirms the findings of the CPE/Initial Study dated August 30, 2017, which found that the proposed Project would not result in significant environmental impacts peculiar to the Project or its site and beyond those disclosed in the PEIR.

## **TRANSPORTATION**

In bullet item 3 of the Appeal Letter, the Appellant contends that “[t]he CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District... including... increased traffic due to reverse commutes and shuttle busses.” The appellant has not provided any evidence in support of these claims. The Department’s appeal response dated February 5, 2018 (pages 15-17) and supporting documentation in Attachment A (Appeal of Community Plan Exemption for 2675 Folsom Street, March 13, 2017) and Attachment B (Fehr & Peers, Eastern Neighborhoods / Mission District Transportation and Demographic Trends, January 2017 and Updated Eastern Neighborhood Traffic Counts, April 2017) provide evidence to the contrary based on updated local and regional transportation modeling, census data, and traffic counts at representative intersections in the Mission. Observed traffic volumes in 2016 were around 5 to 10 percent lower than expected based on the Eastern Neighborhoods PEIR and the percentage of estimated development completed. Updated

traffic counts were conducted in April 2017 at four intersections in the Mission neighborhood (Guerrero Street/16th Street, South Van Ness Avenue/16th Street, Valencia Street/15th Street, and Valencia Street/16th Street) that were analyzed in the Eastern Neighborhoods PEIR show that overall there were fewer vehicles at these four intersections (average decrease of 4 percent) when compared to the PEIR traffic volume projections for 2017.

To further evaluate the concerns raised by the appellant that traffic volumes in the Calle 24 Latino Cultural District are higher than anticipated in the Eastern Neighborhoods PEIR, the Department conducted additional transportation analysis. At the direction of Department transportation staff, consultants performed traffic counts at the Potrero Avenue/23<sup>rd</sup> Street and Mission Street/24th Street intersections on April 10, 2018 (*Fehr&Peers, 2918 Mission Transportation Analysis Memorandum, June 4, 2018* – see **Attachment F**). These counts were then compared to the Eastern Neighborhoods PEIR 2018 projected traffic volume that would be expected based on the total change in housing units constructed in the Mission from 2011 to 2018. The traffic count data show that observed traffic volumes were 5 percent lower at the Potrero Avenue/23<sup>rd</sup> Street intersection and 44 percent lower at the Mission Street/24th Street intersection than would be expected based on projected volumes in the Eastern Neighborhoods PEIR. In fact, the total traffic volume had decreased from the 2000 baseline data used for the PEIR transportation impact analysis.

Regardless, as discussed on the Department's February 5, 2018 appeal response page 24, automobile delay, as described solely by level of service or similar measures of traffic congestion, is no longer considered a significant impact on the environment under CEQA in accordance with CEQA section 21099 and Planning Commission Resolution 19579, and the CPE initial study evaluates whether the proposed project would result in significant impacts due to an increase in vehicle miles traveled (VMT), the metric that the City adopted for evaluating traffic impacts under CEQA in 2016.

The additional transportation analysis also evaluates changes to transit reliability in the vicinity of the project site by examining transit speeds on Mission Street. Three bus routes run along Mission Street: the 14 Mission, 14R Mission Rapid, and 49 Van Ness/Mission. Between 2007 and 2017, transit travel speeds have generally increased between 11 to 35 percent, with the exception of the northbound direction in the morning peak period. Speeds increased from 7.8 miles per hour (mph) to 9.3 mph (19 percent) in the southbound direction during the a.m. peak period, and from 5.2 mph to 7.3 mph (35 percent) in the southbound direction during the p.m. peak period. Transit travel speeds decreased from 8.5 mph to 8.1 (5 percent) in the northbound direction during the a.m. peak period between 2011 and 2017, and increased from 7.1 mph to 7.9 mph (11 percent) in the northbound direction during the p.m. peak period. Increases in speed occurred throughout the ten-year study period, and are not attributable solely to the installation of bus-only lanes on Mission Street in 2015. Thus, the appellant's claims that new development and changed circumstances such as commuter shuttles and TNCs have resulted in unanticipated impacts on transit operations are not supported by the available evidence.

Overall, the available evidence does not support the appellant's claims that new development under the Eastern Neighborhoods Area Plan has resulted in significant transportation impacts that were not anticipated under the Eastern Neighborhoods PEIR.

## SHADOW

Although not required by CEQA, in San Francisco the environmental review of projects includes an analysis of whether new shadow from a proposed project would affect the use and enjoyment of parks or open spaces that are publically accessible.

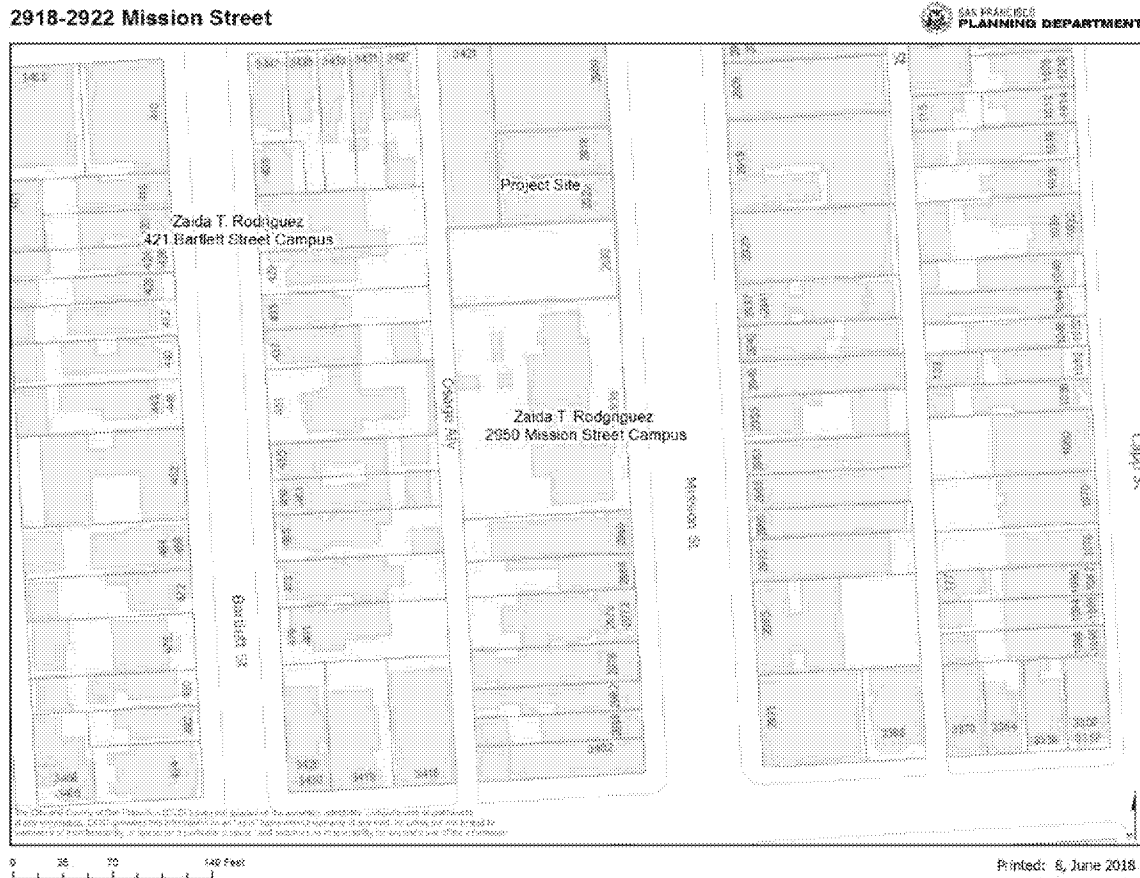
There are 143 public schools and approximately 110 private schools in San Francisco.<sup>3,4</sup> In general, schoolyards are not considered to be publically accessible, as they are only accessible to the students, faculty, and staff associated with the school. As such, shadow on schoolyards is typically not evaluated as part of CEQA review in San Francisco. However, over 40 public schools citywide are currently enrolled in the San Francisco Shared Schoolyard Project. Information on the Shared Schoolyard Project may be found at <http://www.sfsharedschoolyard.org/>. Only schoolyards that are enrolled in the Shared Schoolyard Project are considered to be publically accessible, and participating schoolyards are included as public open spaces within the shadow analysis for CEQA review. The Zaida T. Rodriguez School located next to the Project site is not a participating schoolyard; thus, shadow effects of the proposed project on the Zaida T. Rodriguez schoolyard are not considered environmental impacts under CEQA. This issue is further discussed in the Department's February 5, 2018 appeal response (pages 28 and 29). Accordingly, the CPE initial study did not find any significant shadow impacts that are peculiar to the Project or Project site that were not previously disclosed in the Eastern Neighborhoods PEIR.

Although shadow effects of the Project on non-publically accessible schoolyards are not considered environmental impacts under CEQA, the Project sponsor retained a shadow consultant to prepare a quantitative shadow analysis in accordance with the Department's shadow analysis methodology that evaluates the shadow effects of the project on the two nearby schoolyards for informational purposes (*RWDI, Shadow Analysis 2918 Mission Street, February 7, 2018* – included as **Attachment G**). The Zaida T. Rodriguez School is comprised of two campuses. The 2950 Mission Street main campus is located to the south of the Project site, and includes an approximately 4,500-square-foot schoolyard located on the western side of the building fronting Osage Alley. The 421 Bartlett Street annex is located across Osage Alley to the west of the Project site, with its approximately 2,000-square-foot schoolyard located on the eastern side of the building, also fronting Osage Alley, as shown in the figure below.

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<sup>3</sup> San Francisco Unified School District, <http://www.sfusdjobs.org/about-sfusd>, June 2018.

<sup>4</sup> <https://www.privateschoolreview.com/california/san-francisco>, June 2018.



The shadow analysis shows that the proposed Project would not cast any new shadows on the 2950 Mission Street campus schoolyard between 8:59 a.m. and 4:44 p.m. on any day of the year. Outside of these hours, morning and evening shadows would fall on the northeastern corner of the schoolyard area; however, this location is used for staff parking and storage and not as a play area. With respect to the 421 Bartlett Street annex, the proposed Project would cast new shadows on the schoolyard in the morning throughout the year. Shadows would range in duration from 143 minutes to 273 minutes and would not occur after 11:51 a.m. on any day of the year. The duration of shadow varies with the time of year. In general, the maximum area of shading occurs before 9 a.m., and by 11 a.m., one quarter of the schoolyard or less would be shadowed. Mature trees on the schoolyard currently shade portions of the schoolyard during the mornings.

Development projects located in proximity to schools is not an unusual circumstance in San Francisco. As discussed above, shadow on schoolyards that are not publicly accessible open space is not an environmental impact under CEQA. Accordingly, environmental review of other development projects

that shade schoolyards throughout the city have determined that such effects are not physical environmental impacts.<sup>5</sup> Accordingly, the CPE initial study did not find any significant shadow impacts that are peculiar to the Project or Project site that were not previously disclosed in the Eastern Neighborhoods PEIR.

## **SOCIOECONOMIC EFFECTS**

As discussed in the Department's appeal response (pages 20 to 23; Attachments A and C), for the purpose of CEQA environmental impact analysis, socioeconomic effects may be considered only to the extent that a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental effects. The CPE initial study and the additional Department analysis have considered, and do not identify adverse physical environmental effects due to gentrification and displacement of business, residents, or nonprofits as alleged by the appellant.

Socioeconomic effects are not considered environmental impacts in the absence of adverse physical environment effects. The available evidence does not support the appellant's claims that development under the Eastern Neighborhoods rezoning and area plans, such as the 2918-2924 Mission Street project is responsible for residential or commercial displacement. The Planning Department worked with ALH Urban & Regional Economics to prepare analyses of retail supply and demand, commercial and residential displacement, as well as a review of the relevant academic literature to evaluate whether gentrification and displacement of existing residents or businesses can be attributed to market-rate residential and mixed-use development under the Eastern Neighborhoods rezoning and area plans. Neither these analyses nor the literature provides empirical evidence supporting the position that market-rate development under the rezoning and area plans is responsible for residential or commercial displacement. (See the Department's February 5, 2018 appeal response Attachment C for the March 2017 ALH technical study). Based on the available data and expert opinion presented in the academic literature, it appears that the fundamental causes of gentrification and displacement in the Mission and elsewhere in San Francisco are likely related to broader economic and social trends, such as the mismatch between the supply and demand for housing at all levels, the strength of the regional economy, low unemployment, high wages, favorable climate, fundamental changes in the retail sector, and a preference for urban lifestyles and shorter commutes.

In response to this appeal and under the direction of the Department, ALH Economics prepared an updated study encompassing the following: (1) project-specific analysis to evaluate whether the residential projects that are in the Department pipeline within ¼-mile of the 2918-2924 Mission Street Project site could result in commercial market shifts, such as the displacement of existing commercial

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<sup>5</sup> 1601 Mariposa EIR, Case No. 2012.1398E, certified November 12, 2015; 600 Van Ness Avenue Preliminary Mitigated Negative Declaration, Case No. 2015-012729ENV, June 8, 2018.



establishments; (2) an overview of pricing trends in the San Francisco rental housing market to evaluate whether market-rate apartment production at and around 2918-2924 Mission Street may affect rents of existing properties in the vicinity; and (3) a review of recent academic literature on the relationship between housing production and housing costs, and residential displacement. This report - *Socioeconomic Effects of 2918 Mission Street Market-Rate Development* – is presented as **Attachment E**. The findings of this study further support the previous analyses that indicate that, based on the preponderance of available evidence and studies to date, there is no demonstrated causation between market rate development in the Mission District and commercial and residential displacement.

*Pipeline Effects on Displacement of Commercial Establishments*

According to the Department's most recent development pipeline report, a total of 710 net new residential units are proposed (including the proposed project) within one-half mile of the project site. Of these, 564 units are market rate, and 146 are below market rate affordable units. These projects propose a total of 27,480 square feet of net new retail space. Within an additional one-quarter mile radius, there are four proposed residential development projects comprising a total of 97 net new units, including 86 market rate units, 11 affordable units, and 7,258 square feet of net new retail. In total, the pipeline identifies 807 net new residential units, with 650 market rate and 157 (19 percent) affordable, and 34,738 square feet of net new retail space proposed within three-quarters of a mile of the Project site.<sup>6</sup>

The projects in the pipeline, if constructed, would result in a relatively small increase over the existing residential and retail development in the project and plan areas. At present, there are approximately 11,275 households and 1.4 million square feet of retail space within one-half mile of the project site, and approximately 15,659 households and 3 million square feet of retail space within the Mission District as a whole. Thus, the projects in the pipeline would result in an approximately 5.9 percent increase in households and 2.0 percent increase in retail space within a one-half mile radius of the project site and an approximately 4.3 percent increase in households and 0.9 percent increase in retail space for the Mission District as a whole.

The estimated retail demand generated by future residents of projects in the pipeline within a three-quarter-mile radius of the project site is 28,900 square feet. As stated above, the projects in the pipeline would provide a total of 34,738 square feet of net new retail space. Because the projects in the pipeline would provide slightly more net new retail space than needed to support the estimated demand for neighborhood-serving retail generated by the related population increase, and because this demand is a small fraction of the existing neighborhood retail available in the project area, it is unlikely that the residential development in the pipeline would exert substantial pressure on the existing retail base within the one-half mile radius around the project site.

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<sup>6</sup> ALH Economics, *Socioeconomic Effects of 2918 Mission Street Market-Rate Development*, June 18, Tables 1 and 2.

This analysis is reinforced by the existing balance between retail supply and demand in the one-half mile radius area as well as the Mission District. Retail demand analyses indicate that residents within a one-half mile radius are estimated to support approximately 920,900 square feet of retail services of which 354,300 square feet is neighborhood-oriented retail services, while the existing retail inventory in this area is approximately 1,363,000 square feet. Similarly, Mission District residents are estimated to generate demand for approximately 1,246,300 square feet of retail services of which 479,500 square feet is neighborhood-oriented retail services, and there is approximately 3 million square feet of retail inventory in the Mission.<sup>7</sup> These demand estimates indicate that the supply of retail in the Mission as a whole outstrips locally-generated demand. In the Mission, the total retail supply is 2.4 times the amount of retail supportable by its residents, and 6.3 times the neighborhood-oriented demand generated by district residents. Within a one-half mile radius of the project site, the total supply of retail area also exceeds the amount supportable by residents, but to a lesser extent than the Mission District as a whole. The one-half mile area total retail supply is 1.5 times the amount of retail supportable by its residents, and 3.8 times the neighborhood-oriented demand. This suggests the area is a retail attraction, meaning that the existing retail base is attracting clientele from a broader geographic area.

Given the estimated number of existing Mission District households and the number needed to support the Mission District retail base, an additional 22,320 to 83,056 households would be needed to fully support the Mission District retail base. The potential 775 pipeline households would comprise only 0.9 to 3.5 percent of this amount, indicating that new pipeline households would have a very insignificant effect on the Mission District retail base.<sup>8</sup>

In summary, retail supply and demand analysis for the one-half mile area around the 2918-2924 Mission Street Project site, and in particular for the Mission District as a whole, demonstrates that both areas are regional shopping destinations, providing substantially more retail supply than can be supported by the residents of the Mission. Accordingly, it appears that (1) broad socioeconomic changes and trends in the retail industry have greater influence on commercial uses in the Mission than the composition of the immediate population of the neighborhood; (2) new residential development in the Mission has a relatively insignificant role in influencing the overall commercial make-up of the district, as the commercial base is supported by a broader citywide as well as a regional clientele; and (3) changes in occupancy within the existing housing stock likely have a much greater impact on the neighborhood-oriented commercial base than residents of new residential development given the scale of the existing stock relative to new development.

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<sup>7</sup> Ibid, Table 6

<sup>8</sup> Ibid, Table 7. The range indicates the number of households to capture only neighborhood-oriented retail demand to all retail demand.

*Effects on residential rents and displacement*

ALH Economics reviewed case study as well as academic and related literature to probe whether market-rate apartment production at and around 2918 Mission Street would affect residential rents of existing properties, thereby making housing less affordable for existing residents. The findings generally conclude that housing production itself does not result in increased costs of the existing housing base, but rather helps suppress increases in home prices and rents in existing buildings. The literature shows that failure to increase housing stock to accommodate demand resulting from job and wage growth and a generally increasing population results in greater competition for existing housing, with higher income households outbidding lower income households and otherwise exerting upward price pressure on existing housing. Further, the studies find that both market-rate and affordable housing development help to suppress price appreciation and reduce displacement.

A recent study by researchers at UC Berkeley and UCLA commissioned by the California Air Resources Board<sup>9</sup> found that, while gentrification and displacement was occurring in neighborhoods near transit stations, such displacement was largely taking place in areas that did not experience significant new residential development. The authors note that:

“Gentrification in Los Angeles and the Bay Area transit neighborhoods cannot be attributed to new residential development, as the vast majority of transit neighborhoods in both Los Angeles and the Bay Area experienced relatively little residential development from 2000 to 2013” (p. 91).

Furthermore, the study finds that limiting market-rate housing development near transit is likely to increase regional vehicle miles traveled (VMT). The report stresses that:

“[A] policy that reduced market-rate housing development in locations that encourage lower auto use, even if the policy reduced displacement and preserved affordable housing, would likely result in a net regional increase in VMT compared to a policy that increased the production of (dense) housing near transit” (p. 180).

In summary, the available evidence does not support the appellant’s claims that the 2918-2924 Mission Street project would cause commercial or residential displacement. Nor does the evidence support the appellant’s attempts to link gentrification and displacement to significant adverse impacts on the environment beyond those identified in the Eastern Neighborhoods PEIR. Thus, the appellant has not demonstrated that the Department’s determination that in the proposed project would not result in significant impacts on the physical environment that were not previously identified in the Eastern Neighborhoods PEIR is not supported by substantial evidence in the record.

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<sup>9</sup> California Air Resources Board, 2017. “Developing a New Methodology for Analyzing Potential Displacement”. <https://www.arb.ca.gov/research/apr/past/13-310.pdf>

## CONCLUSION

As discussed in the CEQA Guidelines section (page 6) of the Department's Appeal Response dated February 5, 2018, CEQA section 21083.3 and CEQA Guidelines section 15183 **mandate** that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, **shall not** require additional environmental review unless there are project-specific effects that are peculiar to the project or its site and that were not disclosed as significant effects in the prior EIR.

CEQA Guidelines section 15064(f) provides that the determination of whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA 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."

The Appellant has not provided substantial evidence to support a claim that the CPE fails to conform to the requirements of CEQA pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183. The Planning Department conducted necessary studies and analyses necessary to make an informed decision about the environmental effects of the project, based on substantial evidence in the record, in accordance with the Planning Department's CPE Initial Study and standard procedures, and pursuant to CEQA and the CEQA Guidelines. Therefore, the Planning Department respectfully recommends that the Board of Supervisors uphold the Department's CPE and reject the appeal.