



Community Plan Evaluation Appeal

1088 Howard Street

DATE: September 21, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (628) 652-7571
Ryan Shum, Environmental Planner – (628) 652-7542
RE: Board File Number 200891, Planning Case Nos. 2017-009796ENV
and 2017-009796APL
Appeal of Community Plan Evaluation for 1088 Howard Street Project
HEARING DATE: September 29, 2020
ATTACHMENT(S): Attachment A – SFPUC Sewer System Snapshot

PROJECT SPONSOR: Jeremy Schaub, Schaub Ly Architects, Inc., jeremy@slasf.com

APPELLANT(S): Tanaka Gaines, 195 7th St HOA Board President, nakaroks@yahoo.com
Ron Dagcaoili, 195 7th St HOA Board Member, ronaldagcaoili@yahoo.com
Julian Castaneda, 195 7th St HOA Board Member, julian.castaneda@ucsf.edu

DEPARTMENT'S RECOMMENDATION: Uphold the community plan evaluation determination and reject the appeal.

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the board of supervisors (the board) regarding the Planning Department's (the department) issuance of a community plan evaluation (CPE) for the proposed 1088 Howard Street project under the Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA).

As described below, the CPE conforms to the requirements of CEQA for a community plan evaluation pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183. Accordingly, based upon its review of the information presented by the appellant, the planning department recommends that the board of supervisors uphold the department's determination for the CPE and reject the appeal.

The department, pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the project is consistent with the development density established by zoning, community plan, and general plan policies in the Eastern Neighborhoods Rezoning and Area

Plans for the project site, for which a programmatic EIR (PEIR) was certified, and issued the CPE for the project on December 18, 2019. Under the circumstances, CEQA limits the city's review to consideration of the environmental effects of the proposed project that:

1. Are peculiar to the project or its parcel;
2. Were not analyzed as significant effects in the PEIR, with which the project is consistent;
3. Are potentially significant off-site or cumulative impacts that were not discussed in the PEIR; or
4. Are previously identified significant effects which, as the result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than was discussed in the PEIR.

If an impact is not peculiar to the project or its site, has been addressed as a significant impact in the PEIR, or can be substantially mitigated by imposition of uniformly applied development policies or standards, then CEQA provides that an additional EIR need not be prepared for the project and that a CPE is the appropriate environmental process and document.

Accordingly, the department conducted project-specific and cumulative analysis to evaluate whether the project would result in peculiar impacts, new significant environmental effects, significant off-site or cumulative impacts that were not discussed in the PEIR, or effects of greater severity than were already analyzed and disclosed in the PEIR. As part of this process, site-specific technical analysis was conducted based on the project site's location and context. This included updating the cumulative analysis with respect to physical effects of the project that have the potential to combine with or contribute to effects of other projects. Based on this analysis, the department determined that the project is exempt from further environmental review beyond what was conducted in the CPE initial study and the Eastern Neighborhoods PEIR in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

This analysis is presented in the project-specific CPE initial study and is supported by substantial evidence in the record. In summary, the CPE initial study found that the proposed project would result in significant impacts to archeological resources, tribal cultural resources, construction noise, and construction air quality. These significant impacts were found to be less than significant with application of mitigation measures identified in the Eastern Neighborhoods PEIR. All other environmental impacts from the project were found to be less than significant.

The decision before the board is whether to uphold the planning 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 CPE to the department for additional environmental review. To prevail in the appeal, the appellant must satisfy the substantial evidence standard, which is to demonstrate that the department's determination is not supported by substantial evidence in the record.

SITE DESCRIPTION AND EXISTING USE

The approximately 4,506-square-foot, rectangular-shaped project site at 1088 Howard Street is in the South of Market neighborhood, within the East SoMa Plan area in the Eastern Neighborhoods. The project site consists of two adjacent lots (030 and 031) that are approximately 25 feet wide and 90 feet deep. The site is

on the block bounded by Howard Street to the south, 7th Street to the west, Natoma Street to the north, and Russ Street to the east. Lot 030 is currently a paved lot used for private parking and storage, and lot 031 is developed with a one-story plus mezzanine, 21-foot tall commercial building constructed in 1925. The existing 2,481 square foot commercial building on the site is currently in operation as a cannabidiol (CBD) laboratory. The existing building is a historic resource as a contributor to the Western SoMa Light Industrial and Residential Historic District, a National Register-eligible historic district.

Within one-quarter mile of the project site, the San Francisco Municipal Transportation Agency (SFMTA) operates the following bus lines: 5/5R-Fulton, 6-Haight/Parnassus, 7-Haight/Noriega, 8-Bayshore, 12-Folsom/Pacific, 14/14R-Mission, 19-Polk, 21-Hayes, 27-Bryant, and 47-Van Ness. In addition, the project site is within one-quarter mile to the Muni metro light rail service and BART service at the Civic Center Station.

The project vicinity is characterized by two- to five-story buildings with a mix of industrial, commercial, retail, and residential uses. The project site and surrounding vicinity are located in an MUG – Mixed-Use General zoning district, which is largely comprised of low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. Adjacent to the project site along Natoma Street is also an RED – Residential Enclave District, which consists of a cluster of low-scale, medium density, predominantly residential neighborhoods. The closest residential uses are located directly adjacent to the project site to the west, north, and east.

PROJECT DESCRIPTION

The project proposes to merge two adjacent lots, demolish the existing single-story with mezzanine level industrial building on-site (the façade of the existing building would be preserved), and construct a seven-story (71-foot-tall, exclusive of the 10-foot-tall elevator penthouse) mixed-use residential and commercial building. With implementation of the proposed project, the building would contain 24 two-bedroom units and approximately 15,605 gross square feet of residential space, 2,560 gross square feet of commercial space, 885 gross square feet of private open space, and 1,680 gross square feet of shared open space on the rooftop deck. In addition, the proposed project includes 24 class I bicycle parking spaces on the ground floor, and two class II bicycle parking spaces on the project's Howard Street frontage. No vehicle parking spaces are proposed. Other project features include rooftop solar panels and three new street trees along the project frontage. As part of the project, the existing curb cut in front of the project site on Howard Street would be removed, and the curb would be rebuilt to match the existing curb line. A variance with respect to Planning Code section 140 would be required related to dwelling unit exposure for eight units at the rear of the property.

BACKGROUND

On June 20, 2018 Jeremy Schaub, Schaub Ly Architects (hereinafter project sponsor) filed an environmental application with the planning department for a CEQA determination.

On December 18, 2019, the department issued a CPE certificate and initial study, based on the following determinations:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plan;

2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake applicable mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts associated with cultural resources, tribal cultural resources, construction noise, and construction air quality.

On December 23, 2019, the Planning Department sent out a Notice of Building Permit Application in compliance with Planning Code Section 311.

On January 15, 2020, discretionary review by the Planning Commission was requested by Julian Castaneda. Issues raised in the discretionary review application pertained to hazards and hazardous materials on the project site, the project's variance, and construction air quality and noise impacts.

On June 4, 2020, the planning commission took discretionary review and approved the project with the condition that the proposed building wall be set back one foot from the western interior property line to allow adjacent property line windows to function (Discretionary Review Action DRA-699). This decision constituted the Approval Action under Chapter 31 of the Administrative Code.

On July 6, 2020, Tanaka Gaines, Ron Dagcaoili, and Julian Castaneda of the 195 7th Street Homeowners Association (Appellant) filed an appeal of the CPE determination.

CEQA GUIDELINES

Community Plan Evaluations

On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors. CEQA Guidelines section 15162(c) establishes that, once a project is approved:

“[T]he lead agency’s role in that approval is completed unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any.” [Emphasis added.]

There are currently no discretionary approvals before the board concerning the Eastern Neighborhoods Rezoning and Area Plans.

As discussed in the Introduction above, 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.

Significant Environmental Effects

In compliance with CEQA section 21083.3, the environmental planning division prepared a CPE initial study checklist to confirm the project would not result in significant environmental impacts that could not be mitigated through application of measures identified in the PEIR.

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.”

As such, the standard of judicial review for the department’s decision to review a project with a CPE is substantial evidence, as affirmed by the First District Court of Appeal in litigation challenging the department’s determination regarding the 901 16th Street/1200 17th Street project.¹As the CEQA lead agency for San Francisco, the department’s conclusions that the proposed project is consistent with development densities established by an existing community plan for which an EIR was certified must be upheld if supported by substantial evidence [see CEQA Guidelines section 15183(b) and (c)].

SAN FRANCISCO ADMINISTRATIVE CODE

Section 31.16(e)(3) of the San Francisco Administrative Code states: “The grounds for appeal of an exemption determination shall be limited to whether the project conforms to the requirements of CEQA for an exemption.”

Administrative code section 31.16(b)(6) provides that, in reviewing an appeal of a CEQA decision, the board of supervisors “shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.”

PLANNING DEPARTMENT RESPONSES

The concerns raised in appellant’s July 6, 2020 appeal letter are addressed in the responses below.

RESPONSE 1: The construction noise mitigation measure identified in the Eastern Neighborhoods PEIR adequately reduces construction noise impacts of the project to less than significant. The COVID-19 pandemic and shelter-in-place/stay safe at home order does not alter this conclusion.

As discussed on page 27 of the CPE, the Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities. This determination accounts for noise sensitive receptors being in proximity to construction activities. The Eastern Neighborhoods PEIR identified six noise mitigation measures, one of them being the PEIR Mitigation Measure F-2, which is identified as Project Mitigation Measure M-NOI-1

¹ Save the Hill et al. v. City and County of San Francisco et al.(2019) 2019 WL 3284589.

Construction Noise for the proposed project. This mitigation measure requires project sponsors to develop site-specific noise attenuation measures under the supervision of a qualified acoustical consultant to minimize the project's construction noise impacts. Examples of noise attenuation measures include erecting temporary plywood noise barriers, utilizing noise control blankets, and evaluating the feasibility of improving the noise reduction capability of adjacent buildings housing sensitive uses. The project's final suite of noise attenuations must be approved by the Planning Department and Department of Building Inspection before construction activities begin. The Eastern Neighborhoods PEIR acknowledges that construction activities may still be noisy and unpleasant. However, as discussed in the Eastern Neighborhoods PEIR, construction activities would be temporary and implementation of Project Mitigation Measure M-NOI-1 would reduce project construction noise impacts to be less than significant.

The appellant states that because the Eastern Neighborhoods PEIR did not consider the current shelter-in-place order due to the COVID-19 pandemic, construction noise impacts from the proposed project would be more severe than were identified in the PEIR, and therefore the PEIR construction noise mitigation measures and CPE are inadequate.

The appellant's argument that the PEIR noise analysis does not assume people being at home during construction activities is incorrect. The Eastern Neighborhoods PEIR conservatively analyzed the plan's construction noise impacts by assuming that residential noise sensitive receptors would be home during construction activities, including during normal business hours (i.e., 8 a.m. to 5 p.m.). With these conservative assumptions, the Eastern Neighborhoods PEIR determined that development under the plan would result significant construction noise impacts. The PEIR also found that these impacts would be reduced to a less-than-significant level with implementation of mitigation measures.

With respect to whether there is a project-specific significant construction noise impact that is peculiar to the project or its site, it is true that the COVID-19 pandemic is an unforeseen circumstance that could not have been known when the Eastern Neighborhoods PEIR and CPE were prepared. However, COVID-19 is a public health emergency that is affecting all of San Francisco. The effects of COVID-19 related to construction noise are not peculiar to the project site. And, although it is possible that more people may be at home during the day as a result of the COVID-19 pandemic, the COVID-19 shelter-in-place/stay safe at home order would not result in new or more significant construction noise impacts than were disclosed and analyzed in the Eastern Neighborhoods PEIR because the Eastern Neighborhoods PEIR analysis already conservatively assumed that the closest sensitive receptors living in residences on parcels adjacent to the site would be home during construction activities. COVID-19 does not change the context of this analysis and does not affect the Eastern Neighborhoods PEIR determination. The project would have a less than significant construction noise impact with the implementation of Project Mitigation Measure M-NOI-1, even during the current pandemic.

The appellant does not offer any evidence that construction of the proposed project would result in a significant noise impacts not addressed by PEIR mitigation measures, or that the required construction noise mitigation measure would be inadequate in reducing construction noise impacts to a less than significant level. The department's conclusion is supported by substantial evidence as described above; the appellant has not demonstrated otherwise.

RESPONSE 2: The proposed project is consistent with the development assumptions for the site and would not require construction of new sewage treatment facilities or expanded utility infrastructure to accommodate the proposed project, beyond what has already been planned. Furthermore, the project is downstream from the 195 7th Street building and connected to a different sewer main than the 195 7th Street building. The project would not have a significant impact on the city's combined sewer system or exacerbate wastewater sewer system performance on adjacent properties.

The appellant states that the proposed project would exacerbate existing backflow sewage issues at the 195 7th Street building. However, the appellant offers no evidence and does not describe how construction and operation of the proposed project would affect drainage and sewage performance on the adjacent property.

CEQA Guidelines Section 15183(b)(3) limits the examination of environmental effects to potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the community plan or zoning action. The Eastern Neighborhoods PEIR determined that the anticipated increase in population as a result of the area plans rezoning would not result in significant impacts related to the provision of water and wastewater collection. The proposed project is consistent with the development assumptions for the project site under the Eastern Neighborhoods Plan and is therefore accounted for in the city's infrastructure and utility planning. The project would not increase demand on the city's combined sewer system beyond what has been anticipated for the site and would not require unplanned upgrades to support the project. The project site does not have any peculiar features that would require atypical sewer laterals or utility connections. Furthermore, the proposed project is a seven-story, 24-dwelling-unit building with 2,560 square feet ground-floor commercial space that would not require any exceptional utility connections. New sewer lateral connections for the project would be inspected by the SFPUC prior to project operation.

The project site is located within a developed part of the city where existing utility infrastructure exists, including sewer and wastewater infrastructure. Prior to a building permit being issued for the project, the project sponsor would be required to contact the San Francisco Public Utilities Commission (SFPUC) to ensure that the project would construct proper utility connections and would not significantly impact the performance of the city's combined sewer system downstream.² This process would ensure that the proposed project results in a less than significant impact on the city's combined sewer system, including on nearby and adjacent properties.

Under CEQA, a project is not required to mitigate existing conditions if the project would not significantly worsen the existing condition. The appellant's concern that the project would exacerbate existing backflow issues for the 195 7th Street homeowners is unfounded for the following reasons. The project site is connected to a different sewer main than the 195 7th Street building; the project site is connected to the Howard Street sewer main and the 195 7th Street building is connected to the 7th Street sewer main (see Attachment A). Furthermore, the 1088 Howard Street site is downstream from the 195 7th Street building, as indicated by the directional arrows on the sewer main in Attachment A; combined stormwater and sewage flow southeast on 7th Street and northeast on Howard Street. When stormwater and wastewater enter the combined sewer system, the downstream volume is increased. Properties that are downstream are therefore unlikely to affect upstream properties. Given the project site's downstream location relative

² San Francisco Water Power Sewer. "Stormwater Management Requirements." Accessed August 31, 2020. Available at: <https://sfwater.org/index.aspx?page=1000>

to 195 7th Street and connection to a separate sewer main, the proposed project is unlikely to affect existing sewage backup issues at 195 7th Street.

The project is consistent with the development assumptions for the site and is downstream of the 195 7th Street site. Thus, effluent collected at the 1088 Howard Street site is unlikely to affect sewage backflow issues at 195 7th Street. The appellant does not offer any evidence that construction of the proposed project would negatively affect the city's combined sewer system or exacerbate sewage backflow issues on the adjacent 195 7th Street property. The department's conclusion is supported by substantial evidence; the appellant has not demonstrated otherwise.

RESPONSE 3: The CPE adequately and accurately analyzes the project's construction and operational air quality impacts. There are no air quality impacts peculiar to the project site. The project would not result in any new or more severe air quality impacts that were not disclosed in the Eastern Neighborhoods PEIR.

The project site is within the city's designated Air Pollutant Exposure Zone (APEZ), which depicts areas of the city with higher cumulative air pollutant concentrations. New construction of residential units within the APEZ are required to provide enhanced ventilation for future occupants on the project sites as well as to implement construction air quality mitigation measures that would protect nearby sensitive receptors from construction emissions.

Construction Air Quality

As detailed on page 33 of the CPE and in the project's Mitigation Monitoring and Reporting Program, the proposed project would implement construction air quality mitigation measures during all construction activities. These measures include requirements for a higher tier of engines to be used in construction equipment to reduce emissions, as well as restrictions on construction equipment idling. In addition, the project sponsor would be required to prepare a site-specific Construction Emissions Minimization Plan (the plan) to state how the project would comply with the requirements of the mitigation measure. The project sponsor would be required to submit this plan to the Environmental Review Officer for approval prior to starting construction, and would subsequently submit quarterly reports to the Environmental Review Officer to document compliance with the plan. Implementation of construction air quality mitigation measures would reduce diesel particulate matter exhaust from construction equipment by 89 to 94 percent compared to uncontrolled equipment. Thus, with the implementation of construction air quality mitigation measures, the project would have a less than significant construction air quality impact. There are no peculiar aspects of the project that would result in more severe construction air quality impacts than were identified in the Eastern Neighborhoods PEIR.

Similar to the Eastern Neighborhood PEIR analysis of construction noise impacts, the Eastern Neighborhoods PEIR conservatively analyzed the plan's construction air quality impacts and assumed that sensitive receptors would be home during construction activities. With these conservative assumptions, the Eastern Neighborhoods PEIR determined that development under the plan would result in less than significant construction air quality impacts with implementation of mitigation measures.

Furthermore, as of July 30, 2008, all projects involving construction activities are subject to the city's Construction Dust Control Ordinance (Ordinance 176-08). The proposed project would be subject to this ordinance and would be required to control construction dust on the site through a combination of

watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures. The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant.

Operational Air Quality

The appellant states that upon completion of the proposed project, indoor air quality at the adjacent 195 7th Street building would be significantly impacted and that this impact was not disclosed in the Eastern Neighborhood PEIR. The proposed project is consistent with the development standards for the project site, including use, height, bulk, and setback of the proposed building. As such, the proposed project is code compliant and permitted under the Eastern Neighborhoods Plan.

This issue was heard before the Planning Commission on June 4, 2020 during discretionary review. While the project is code-compliant with the development density established under the Eastern Neighborhoods rezoning, the Planning Commission recognized a potential conflict with the existing building at 195 7th Street, and required that the proposed building wall be set back one foot from the western interior property line to allow adjacent property line windows to function (Discretionary Review Action DRA-699).

Under CEQA, the project is not required to mitigate existing conditions if the project would not significantly worsen the existing condition. As detailed on page 32 of the CPE, the project falls below Bay Area Air Quality Management District (BAAQMD) screening levels for criteria air pollutants. Projects that are below the screening criteria would result in less-than-significant criteria air pollutant impacts, and no further project-specific analysis is required. The project also does not include any new sources of diesel particulate matter, such as backup diesel generators, that could contribute substantially to localized health risk. This is noted on page 33 of the CPE. Furthermore, the project would not generate a substantial amount of new vehicle trips that could substantially increase local concentrations of toxic air contaminants. The project's operational air quality impacts related to new sources of health risk would be less than significant.

The appellant has not provided substantial evidence to support the claim that the proposed project would exacerbate indoor air quality at 195 7th Street. The department's conclusion is supported by substantial evidence, as described above; the appellant has not demonstrated otherwise.

The appellant also refers to enhanced ventilation requirements associated with Article 38 of the San Francisco Health Code and states that the project is required to provide enhanced ventilation for residents of 195 7th Street. The appellant is incorrect in this assertion. The enhanced ventilation requirement in Article 38 is applicable to new residential construction within the APEZ such as the proposed project to address the environmental conditions for future occupants of the project itself. The air quality within the APEZ is an existing environmental condition. For the purpose of CEQA, the question to be addressed is whether operation of the project would exacerbate air quality in the project vicinity. The project would not substantially exacerbate air quality impacts in the project vicinity such that a significant impact would result. As stated above, the project does not include new sources of diesel particulate matter and would not generate a substantial amount of new vehicle trips. Therefore, the project is not required to improve the existing conditions at adjacent properties.

RESPONSE 4: As demonstrated in the CPE, the proposed project would not cause a new or more severe significant impact than what was disclosed in the Eastern Neighborhoods PEIR. The environmental

impacts of the proposed project were properly analyzed, and a CPE is the appropriate CEQA document for the project.

The appellant cites California Public Resources Code sections 21000-21004 and states that no projects which would cause significant environmental effects should be approved as proposed if there are feasible alternatives or mitigation measures that would lessen those effects. A discussion of project alternatives is required when the environmental review required for a particular project is an environmental impact report. Because the project is consistent with the development density identified for the site in the East SoMa Plan area for which a programmatic EIR was previously prepared, which included feasible mitigated measures and an alternatives analysis, and because the project would not cause a new or more severe significant environmental impact compared to what was identified in the Eastern Neighborhoods PEIR, the department is not required to develop and analyze project alternatives as part of its CPE.

The CPE acknowledges that the project could result in significant impacts to cultural resources, tribal cultural resources, construction noise, and construction air quality. However, all of these impacts would be reduced to a less than significant level with the implementation of mitigation measures from the Eastern Neighborhoods PEIR. This is described in CPE sections E.3 Cultural Resources, E.4 Tribal Cultural Resources, E.6 Noise, and E.7 Air Quality. The appellant does not state what other significant environmental effects would occur that were not disclosed in the PEIR and could not be mitigated to a less than significant level. The proposed project, with the implementation of mitigation measures, would not cause any new or more severe physical environmental impacts than what was described in the Eastern Neighborhoods PEIR. Therefore, a CPE is the appropriate CEQA document for this project.

CONCLUSION

The planning department's determination that the proposed project qualifies for a community plan evaluation pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183 is supported by substantial evidence in the record and the appellant has not demonstrated otherwise. The planning department conducted necessary studies and analyses and provided the planning commission with the information and documents necessary to make an informed decision at a noticed public hearing 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 determination that the CPE conforms with the requirements of CEQA and reject the appeal.



Legend

- Manholes**
 - ACT
 - INACT
- Catchbasins**
 - ACT
 - INACT
- Laterals**
 - ACT
 - INACT
- Culverts**
 - ACT
 - INACT
- Miscellaneous Nodes**
 - ACT
 - INACT
- Sewer Pipes**
 - ACT
 - INACT
- Force Mains**
 - ACT
 - INACT
- Miscellaneous Pipes**
 - ACT
 - INACT
- Transport/Storage Boxes and**
 - TS

Notes

CPC inquiry: 1088 Howard.

92.3 0 46.15 92.3 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
Date Created 09/04/2020

The City does not guarantee that the information on this site is accurate or complete. The City is not responsible for any damages arising from the use of information on this site. Users should verify the information before making project commitments.