

File No. 241114

Committee Item No. _____

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 17, 2024

Cmte Board

- Motion
- Resolution
- Ordinance
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- Introduction Form
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- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: December 13, 2024

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed
2 1719 Wallace Avenue Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 1719 Wallace Avenue is**
5 **categorically exempt from environmental review.**

6
7 WHEREAS, On September 30, 2024, the Planning Department determined that the
8 proposed project at 1719 Wallace Avenue (the Project) is categorically exempt from the
9 California Environmental Quality Act (CEQA) under the Class 1 (Existing Facilities) and Class
10 3 (New Construction or Conversion of Small Structures) categorical exemptions - Sections
11 15301 and 15303 of the CEQA Guidelines, respectively; and

12 WHEREAS, The project site is located on an approximately 2,500 square foot lot,
13 which has approximately 25 feet of frontage along Wallace Avenue, in the Bayview-Hunters
14 Point neighborhood; and

15 WHEREAS, The site contains a one-story 2,500 square foot vacant industrial building
16 that covers the entire lot; and

17 WHEREAS, There is an existing 15,000 square-foot commercial storage building on
18 the northern portion of the site and a paved yard containing a fence enclosure on the southern
19 portion; the existing structure is currently vacant; and

20 WHEREAS, The proposed Project would establish an Industrial Agriculture use for the
21 purpose of cannabis cultivation; the facility would not include any cannabis retail or on-site
22 consumption activities and would not be open to the general public; to accommodate the
23 proposed use, the sponsor would undertake various interior modifications to the existing one-
24 story industrial building, including legalizing existing unpermitted restrooms and an
25 approximately 42-square-foot storage space on the mezzanine level and installing various

1 heating, ventilation, and air conditioning (HVAC), electrical, and plumbing equipment to
2 support the proposed use; the only exterior alteration to the building would be the removal of
3 seven skylights and the addition of metal security gates on the front facade. No excavation or
4 ground disturbance is proposed as part of Project construction; no diesel generators exist on
5 the site and none are proposed as part of the Project; and

6 WHEREAS, CEQA Guidelines, Sections 15301 through 15333 list the categorical
7 exemptions for classes of projects that have been determined not to have a significant effect
8 on the environment and that are exempt from further environmental review; and

9 WHEREAS, CEQA Guidelines, Section 15301 (Existing Facilities), or Class 1, applies
10 to minor alterations of existing facilities, including demolition and removal of small structures
11 such as a small commercial structure and additions to existing structures provided that the
12 addition will not result in an increase of more than 10,000 square feet if the project is in an
13 area where all public services and facilities are available to allow for maximum development
14 permissible in the General Plan, and further provided that the area in which the project is
15 located is not environmentally sensitive; and

16 WHEREAS, CEQA Guidelines, Section 15303 (New Construction or Conversion of
17 Small Structures), or Class 3, applies to projects that include new construction or changes of
18 use under 10,000 square feet, if such change of use is principally permitted or permitted with
19 a Conditional Use Authorization; and

20 WHEREAS, The Planning Department determined that the Project is exempt under
21 both the Class 1 and Class 3 categorical exemptions, because it meets the criteria for
22 applicability of the exemptions, and none of the exceptions that would preclude application of
23 the exemptions listed under CEQA Guidelines, Section 15300.2 are present; and

1 WHEREAS, On October 10, 2024, the Planning Commission conducted a duly noticed
2 public hearing at a regularly scheduled meeting on the Conditional Use Authorization
3 Application No. 2023-008006CUA for the Project, and approved the CUA; and

4 WHEREAS, On November 8, 2024, Barbara Tassa (appellant) filed an appeal of the
5 categorical exemption determination; and

6 WHEREAS, By memorandum to the Clerk of the Board dated November 18, 2024, the
7 Planning Department's Environmental Review Officer determined that the appeal was timely
8 filed; and

9 WHEREAS, On December 17, 2024, this Board held a duly noticed public hearing to
10 consider the appeal filed by Appellant; and

11 WHEREAS, In reviewing the appeal, this Board reviewed and considered the
12 categorical exemption determination, the appeal letter, the responses to the appeal
13 documents that the Planning Department and the Project Sponsor prepared, the other written
14 records before the Board of Supervisors and all of the public testimony made in support of
15 and opposed to the appeal; and

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
17 conditionally reversed the categorical exemption determination, subject to the adoption of
18 written findings of the Board in support of such determination based on the written record
19 before the Board of Supervisors as well as all of the testimony at the public hearing in support
20 of and opposed to the appeal; and

21 WHEREAS, The written record and oral testimony in support of and opposed to the
22 appeal and the oral and written testimony at the public hearing before the Board of
23 Supervisors by all parties and the public in support of and opposed to the appeal, including
24 the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File
25

1 No. 241111, and is incorporated in this Motion as though set forth in its entirety; now,
2 therefore, be it

3 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
4 findings specifying the basis for its decision on the appeal.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquiries..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Requestor: