

1 [Affirming the Categorical Exception Determination - Proposed 1719 Wallace Avenue Project]

2

3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 1719 Wallace Avenue is categorically exempt from environmental review.**

5

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

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

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

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

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

25

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 façade; 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

24
25

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 affirmed the categorical exemption determination, based on the written record before the
18 Board of Supervisors as well as all of the testimony at the public hearing in support of and
19 opposed to the appeal; and

20 WHEREAS, The written record and oral testimony in support of and opposed to the
21 appeal and the oral and written testimony at the public hearing before the Board of
22 Supervisors by all parties and the public in support of and opposed to the appeal, including
23 the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File
24 No. 241111, and is incorporated in this Motion as though set forth in its entirety; now,
25 therefore, be it

1 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
2 reference in this Motion, as though fully set forth, the categorical exemption determination;
3 and, be it

4 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
5 record before it there are no substantial Project changes, no substantial changes in Project
6 circumstances, and no new information of substantial importance that would change the
7 conclusions set forth in Planning Department’s determination that the Project is categorically
8 exempt from further environmental review; and, be it

9 FURTHER MOVED, That after carefully considering the appeal of the categorical
10 exemption determination, including the written information submitted to the Board of
11 Supervisors and the public testimony presented to the Board of Supervisors at the hearing on
12 the categorical exemption determination, this Board concludes that the Project qualifies for a
13 categorical exemption determination under CEQA.

14

15 n:\land\as2019\1900434\01805090.docx

16

17

18

19

20

21

22

23

24

25