

1 [Conditionally Reversing the Categorical Exemption Determination - Proposed 1719 Wallace
2 Avenue Project]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 1719 Wallace Avenue is categorically exempt from environmental**
5 **review, subject to the adoption of written findings of the Board of Supervisors in**
6 **support of this determination.**

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8 WHEREAS, On September 30, 2024, the Planning Department determined that the
9 proposed project at 1719 Wallace Avenue (the Project) is categorically exempt from the
10 California Environmental Quality Act (CEQA) under the Class 1 (Existing Facilities) and Class
11 3 (New Construction or Conversion of Small Structures) categorical exemptions - Sections
12 15301 and 15303 of the CEQA Guidelines, respectively; and

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

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

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

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

1 approximately 42-square-foot storage space on the mezzanine level and installing various
2 heating, ventilation, and air conditioning (HVAC), electrical, and plumbing equipment to
3 support the proposed use; the only exterior alteration to the building would be the removal of
4 seven skylights and the addition of metal security gates on the front façade; no excavation or
5 ground disturbance is proposed as part of Project construction; no diesel generators exist on
6 the site and none are proposed as part of the Project; and

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

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

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

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

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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 Planning Department's determination that the Project is
18 categorically exempt, subject to the adoption of written findings of the Board in support of
19 such determination based on the written record before the Board of Supervisors as well as all
20 of the testimony at the public hearing in support 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
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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 conditionally reverses the determination by the
4 Planning Department that the Project is categorically exempt from environmental review,
5 subject to the adoption of written findings of the Board in support of this determination.
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