

File No. 220033

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 15, 2022

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: Jocelyn Wong

Date: February 11, 2022

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Exemption Determination - Proposed 2000 Oakdale Avenue
2 Project]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at 2000 Oakdale Avenue is exempt from further environmental review,**
5 **subject to the adoption of written findings of the Board in support of this**
6 **determination.**

7
8 WHEREAS, On September 8, 2021, the Planning Department issued a CEQA
9 Common Sense Exemption Determination (the “exemption determination”) for the project
10 located at 2000 Oakdale Avenue (“Project”) under the California Environmental Quality Act
11 (“CEQA”), the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and
12

13 WHEREAS, The Project consists of interior tenant improvement work to an existing
14 3,130-square-foot light industrial/office suite within the existing 42,500-square-foot industrial
15 building located at 2000 Oakdale Avenue, and a change of use from office to
16 retail/commercial/office space to be occupied by a cannabis retail establishment; and

17 WHEREAS, The Project includes no structural work to the existing building; tenant
18 improvements would result in approximately 628 square feet of retail space, 1,123 square feet
19 of commercial space, and 1,379 square feet of office space at the project site; and

20 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
21 (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15061(b)(3)), issued
22 an exemption determination for the Project on September 8, 2021, finding that the Project is
23 exempt from CEQA under CEQA Guidelines, Section 15061(b)(3), which exempts from CEQA
24 projects where there is no possibility that the activity in question may have a significant effect
25 on the environment; and

1 WHEREAS, On January 5, 2022, Michael Lozeau on behalf of Libkra Investments
2 Corp. ("Appellant") filed an appeal of the Planning Department's September 8, 2021, issuance
3 of the CEQA exemption determination for the Project; and

4 WHEREAS, By memorandum to the Clerk of the Board dated January 11, 2022, the
5 Planning Department's Environmental Review Officer determined that the January 5, 2022,
6 appeal was timely filed; and

7 WHEREAS, On February 15, 2022, this Board held a duly noticed public hearing to
8 consider the appeal of the exemption determination filed by Appellant; and

9 WHEREAS, In reviewing the appeal of the exemption determination, this Board
10 reviewed and considered the September 8, 2021, exemption determination, the January 5,
11 2022, appeal letter, the responses to the appeal documents that the Planning Department
12 prepared, the other written records before the Board of Supervisors and all of the public
13 testimony made in support of and opposed to the exemption determination appeal; and

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

19 WHEREAS, The written record and oral testimony in support of and opposed to the
20 appeal and deliberation of the oral and written testimony at the public hearing before the
21 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
22 the exemption determination is on file with the Clerk of the Board of Supervisors in File No.
23 220031 and is incorporated in this Motion as though set forth in its entirety; now, therefore, be
24 it

1 MOVED, That the Board of Supervisors conditionally reverses the determination by the
2 Planning Department that the project is exempt from environmental review, subject to the
3 adoption of written findings of the Board in support of this determination.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Clerk of the Board

Subject:

Conditionally Reversing the Exemption Determination - Proposed 2000 Oakdale Avenue Project

The text is listed:

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2000 Oakdale Avenue is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor: []

For Clerk's Use Only