

1 [Preparation of Findings to Reverse the Exemption Determination - Proposed 2000 Oakdale
2 Avenue Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that a proposed project at 2000 Oakdale Project is exempt**
5 **from further environmental review.**

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

11 WHEREAS, The Project consists of interior tenant improvement work to an existing
12 3,130-square-foot light industrial/office suite within the existing 42,500-square-foot industrial
13 building located at 2000 Oakdale Avenue, and a change of use from office to
14 retail/commercial/office space to be occupied by a cannabis retail establishment; and

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

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

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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 March 1, 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
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1 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
2 findings specifying the basis for its decision on the appeal of the determination by the
3 Planning Department that the project is exempt from environmental review.

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