

File No. 220032

Committee Item No. \_\_\_\_\_

Board Item No. 28

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: March 1, 2022

#### Cmte Board

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- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Award Letter
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- Public Correspondence

#### OTHER

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Prepared by: Jocelyn Wong

Date: February 11, 2022

Prepared by: Lisa Lew

Date: February 25, 2022

1 [Affirming the Exemption Determination - Proposed 2000 Oakdale Avenue Project]

2

3 **Motion affirming the determination by the Planning Department that the proposed**  
4 **project at 2000 Oakdale Avenue is exempt from further environmental review.**

5

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

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

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

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

23 WHEREAS, On January 5, 2022, Michael Lozeau on behalf of Libkra Investments  
24 Corp. (“Appellant”) filed an appeal of the Planning Department’s September 8, 2021, issuance  
25 of the CEQA exemption determination for the Project; and

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

4           WHEREAS, On March 1, 2022, this Board held a duly noticed public hearing to  
5 consider the appeal of the exemption determination filed by Appellant; and

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

11           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
12 affirmed the exemption determination for the Project based on the written record before the  
13 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
14 opposed to the appeal; and

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

21           MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by  
22 reference in this Motion, as though fully set forth, the September 8, 2021 exemption  
23 determination; and, be it

24           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
25 record before it there are no substantial project changes, no substantial changes in project

1 circumstances, and no new information of substantial importance that would change the  
2 conclusions set forth in the determination by the Planning Department that the Project is  
3 exempt from environmental review; and, be it

4 FURTHER MOVED, That after carefully considering the appeal of the exemption  
5 determination, including the written information submitted to the Board of Supervisors and the  
6 public testimony presented to the Board of Supervisors at the hearing on the exemption  
7 determination, this Board concludes that the Project qualifies for an exemption determination  
8 under CEQA.

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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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only