File No. 241113 **Committee Item No.** _____
Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____ **Date:** _____
Board of Supervisors Meeting **Date:** December 17, 2024

Cmte Board

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Prepared by: Lisa Lew **Date:** December 13, 2024
Prepared by: _____ **Date:** _____

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, On October 10, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Conditional Use Authorization Application No. 2023-008006CUA for the Project, and approved the CUA; and

WHEREAS, On November 8, 2024, Barbara Tassa (appellant) filed an appeal of the categorical exemption determination; and

WHEREAS, By memorandum to the Clerk of the Board dated November 18, 2024, the Planning Department's Environmental Review Officer determined that the appeal was timely filed; and

WHEREAS, On December 17, 2024, this Board held a duly noticed public hearing to consider the appeal filed by Appellant; and

WHEREAS, In reviewing the appeal, this Board reviewed and considered the categorical exemption determination, the appeal letter, the responses to the appeal documents that the Planning Department and the Project Sponsor prepared, the other written records before the Board of Supervisors and all of the public testimony made in support of and opposed to the appeal; and

WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors conditionally reversed the Planning Department's determination that the Project is categorically exempt, subject to the adoption of written findings of the Board in support of such determination based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal, including the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File

No. 241111, and is incorporated in this Motion as though set forth in its entirety; now, therefore, be it

MOVED, That the Board of Supervisors conditionally reverses the determination by the Planning Department that the Project is categorically exempt from environmental review, subject to the 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 the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- ■ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquiries…"
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

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

Sponsor(s):

Clerk of the Board

Subject:

Conditionally Reversing the Categorical Exemption Determination - Proposed 1719 Wallace Avenue Project

Long Title or text listed:

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

Signature of Sponsor: Alisa Somera