

1 [Affirming the Categorical Exemption Determination - 2505 Noriega Street]

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3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 2505 Noriega Street is categorically exempt from further environmental review.**

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6 WHEREAS, On July 2, 2017, the Planning Department determined that the proposed  
7 project located at 2505 Noriega Street ("Project") is exempt from environmental review under  
8 the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco  
9 Administrative Code, Chapter 31; and

10 WHEREAS, The proposed Project involves a change in use from a retail pharmacy to a  
11 medical cannabis dispensary and associated interior tenant improvements; and

12 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
13 August 14, 2017, Zhiming Bi (Appellant), appealed the exemption determination; and

14 WHEREAS, Appellant provided a copy of the Planning Department's Categorical  
15 Exemption Determination, signed July 2, 2017, which found that the proposed Project is  
16 exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301), which  
17 provides an exemption for minor alterations to existing facilities; and

18 WHEREAS, The San Francisco Planning Commission, by Motion No. 19961, approved  
19 the proposed Project on July 13, 2017; and

20 WHEREAS, The Planning Department's Environmental Review Officer, by  
21 memorandum to the Clerk of the Board dated August 17, 2017, determined that the appeal  
22 was timely filed; and

23 WHEREAS, On October 3, 2017, this Board held a duly noticed public hearing to  
24 consider the appeal of the exemption determination filed by Appellant and, following the public  
25 hearing, affirmed the exemption determination; and

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

6           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
7 affirmed the exemption determination for the project based on the written record before the  
8 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
9 opposed to the appeal; and

10          WHEREAS, The written record and oral testimony in support of and opposed to the  
11 appeal and deliberation of the oral and written testimony at the public hearing before the  
12 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
13 the exemption determination is in the Clerk of the Board of Supervisors File No. 170917, and  
14 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

15          MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by  
16 reference in this motion, as though fully set forth, the exemption determination; and, be it

17          FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
18 record before it there are no substantial project changes, no substantial changes in project  
19 circumstances, and no new information of substantial importance that would change the  
20 conclusions set forth in the exemption determination by the Planning Department that the  
21 proposed project is exempt from environmental review; and, be it

22          FURTHER MOVED, That after carefully considering the appeal of the exemption  
23 determination, including the written information submitted to the Board of Supervisors and the  
24 public testimony presented to the Board of Supervisors at the hearing on the exemption  
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1 determination, this Board concludes that the project qualifies for an exemption determination  
2 under CEQA.

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