

1 [Conditionally Reversing the Categorical Exemption Determination - 2505 Noriega Street]

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3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **proposed project at 2505 Noriega Street is categorically exempt from further**  
5 **environmental review, subject to the adoption of written findings of the Board in**  
6 **support of this determination.**

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

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

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

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

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

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

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1           WHEREAS, On October 3, 2017, this Board held a duly noticed public hearing to  
2 consider the appeal of the exemption determination filed by Appellant and, following the public  
3 hearing, conditionally reversed the exemption determination subject to the adoption of written  
4 findings in support of such determination; and

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

10           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
11 conditionally reversed the exemption determination subject to the adoption of written findings  
12 of the Board in support of such determination based on the written record before the Board of  
13 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
14 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 in the Clerk of the Board of Supervisors File No. 170917, and  
19 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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