

File No. 170920

Committee Item No. _____

Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 3, 2017

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew

Date: September 28, 2017

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 2505 Noriega
2 Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 2505 Noriega Street is**
5 **categorically exempt from further environmental review.**

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

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

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

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

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

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

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

1 hearing, reversed the exemption determination subject to the adoption of written findings in
2 support of such determination; and

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

8 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
9 conditionally reversed the exemption determination for the project subject to the adoption of
10 written findings of the Board in support of such determination based on the written record
11 before the Board of Supervisors as well as all of the testimony at the public hearing in support
12 of and opposed to the appeal; and

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

18 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
19 findings specifying the basis for its decision on the appeal of the exemption determination
20 issued by the Planning Department for the project.

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25

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. Question(s) 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):

Clerk of the Board

Subject:

Preparation of Findings to Reverse the Categorical Exemption Determination - 2505 Noriega Street

The text is listed:

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2505 Noriega Street is categorically exempt from further environmental review.

Signature of Sponsoring Supervisor: *Alisa Bomeria*

For Clerk's Use Only