

1 [Adopting findings related to affirming the exemption determination issued for the Medical
2 Cannabis Dispensary Code Amendments.]

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4 **Motion adopting findings related to affirming the determination by the Planning**
5 **Department that the Medical Cannabis Dispensary Code Amendments are exempt from**
6 **environmental review under the California Environmental Quality Act.**

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8 The Planning Department determined that proposed ordinances regulating Medical
9 Cannabis Dispensaries ("Project") were exempt from the California Environmental Quality Act
10 ("CEQA") on or around August 25, 2005 ("determination"). By letter to the Clerk of the Board
11 of Supervisors dated October 21, 2005, Bill Barnes filed an appeal of the determination to the
12 Board of Supervisors, which the Clerk of the Board of Supervisors received on or around
13 October 21, 2005.

14 On November 15, 2005, this Board held a duly noticed public hearing to consider the
15 appeal of the determination and following the public hearing affirmed the determination of the
16 Planning Department that the Project is exempt from CEQA.

17 In reviewing the appeal of the exemption determination, this Board reviewed and
18 considered the written record before the Board and all of the public comments made in
19 support of and opposed to the appeal. Following the conclusion of the public hearing, the
20 Board affirmed the Planning Department's exemption determination for the Medical Cannabis
21 Dispensary Code Amendments based on the written record before the Board as well as all of
22 the testimony at the public hearing on the appeal. Said Motion and written record is in the
23 Clerk of the Board of Supervisors File No. 051802 and is incorporated herein as though set
24 forth in its entirety.
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1 In regard to said decision, this Board made certain findings specifying the basis for its
2 decision to affirm the Planning Department's approval of the determination for the Medical
3 Cannabis Dispensary Code Amendments based on the whole record before the Board
4 including the written record in File No. 051801, which is hereby declared to be a part of this
5 motion as if set forth fully herein; the written submissions to and official written records of the
6 Planning Department determination related to the Medical Cannabis Dispensary Code
7 Amendments, the official written and oral testimony at and audio and video records of the
8 public hearing in support of and opposed to the appeal and deliberation of the oral and written
9 testimony at the public hearing before the Board of Supervisors by all parties and the public in
10 support of and opposed to the appeal of the categorical exemption.

11 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
12 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
13 though fully set forth, the determination made by the Planning Department on August 25,
14 2005.

15 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
16 record before it there are no substantial Project changes, no substantial changes in Project
17 circumstances, and no new information of substantial importance that would change the
18 conclusions set forth in the determination by the Planning Department that the proposed
19 Project is exempt/excluded from environmental review.

20 FURTHER MOVED, That after carefully considering the appeal of the categorical
21 exemption, including the written information submitted to the Board and the public testimony
22 presented to the Board at the hearing on November 15, 2005, this Board concludes that the
23 Project qualifies for a general rule exclusion under CEQA Guidelines Section 15061(b)(3) for
24 the reasons stated in the August 25, 2005 determination of the Planning Department and for
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1 the additional reasons stated in the November 8, 2005, memorandum of the Planning
2 Department to the Board of Supervisors.

3 FURTHER MOVED, that the Board finds that appellants presented no substantial
4 evidence that special circumstances exist that would require the preparation of a negative
5 declaration or an environmental impact report for the Project under the California
6 Environmental Quality Act and CEQA Guidelines.

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City and County of San Francisco

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Tails Motion

File Number: 051872

Date Passed: November 22, 2005

Motion adopting findings related to affirming the determination by the Planning Department that the Medical Cannabis Dispensary Code Amendments are exempt from environmental review under the California Environmental Quality Act.


November 16, 2005 Board of Supervisors — REFERRED: Board of Supervisors

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051872

I hereby certify that the foregoing Motion
was APPROVED on November 22, 2005 by
the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board