

1 [Affirming the statutory exemption issued for Wharf J-10]

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3 **Motion affirming the determination by the Planning Department that the Wharf J-10**
4 **project is statutorily exempt from the California Environmental Quality Act as specific**
5 **actions necessary to prevent or mitigate an emergency.**

6 WHEREAS, On April 15, 2003, the Environmental Review Officer of the San Francisco
7 Planning Department determined that the proposed work for Wharf J-10 was excluded from
8 review under the California Environmental Quality Act ("CEQA") because the proposed work
9 consisted of specific actions necessary to prevent or mitigate an emergency as provided in
10 California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines, 14
11 California Code of Regulations Section 15269(c). A copy of said document is on file with the
12 Clerk of the Board of Supervisors in File No. 030838 and is incorporated by reference herein;
13 and,

14 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 6, 2003 F.
15 Alioto Fish Company appealed the Planning Department's determination that the work for
16 Wharf J-10 was excluded from review under the California Environmental Quality Act; and

17 WHEREAS, The Clerk of the Board of Supervisors received this appeal letter on or
18 around May 6, 2003; and

19 WHEREAS, On June 10, 2003, this Board held a duly noticed public hearing to
20 consider the appeal of the determination; and

21 WHEREAS, This Board has reviewed and considered the determination, the appeal
22 letter, the responses to concerns document that the Department prepared, and public
23 testimony; and,

24 WHEREAS, The determination files and all correspondence and other documents have
25 been made available for review by this Board and the public. These files are available for

1 public review by appointment at the Planning Department offices at 1660 Mission Street, and
2 are part of the record before this Board by reference herein; and

3 WHEREAS, Since the determination of statutory exemption by the Environmental
4 Review Officer, there is no new information of significance that would contradict the
5 determination of the Planning Department that the proposed work for Wharf J-10 is statutorily
6 exempt from CEQA as provided in California Public Resources Code Section 21080(b)(4) and
7 the CEQA Guidelines, 14 California Code of Regulations Section 15269(c); now, therefore, be
8 it

9 MOVED, That based on substantial evidence in light of the whole record, this Board of
10 Supervisors finds that the proposed work for Wharf J-10 is statutorily exempt from CEQA as
11 provided in California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines,
12 14 California Code of Regulations Section 15269(c), and hereby affirms the decision of the
13 Planning Department.

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