

1 [Adopting findings related to the appeal of the CEQA determination by the Planning  
2 Department for the Wharf J-10 project.]

3 **Motion adopting findings related to the appeal of the determination by the Planning**  
4 **Department that the Wharf J-10 project was statutorily exempt from the California**  
5 **Environmental Quality Act as specific actions necessary to prevent or mitigate an**  
6 **emergency.**

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

15 By letter to the Clerk of the Board of Supervisors dated May 6, 2003 F. Alioto Fish  
16 Company appealed the Planning Department's determination that the work for Wharf J-10  
17 was excluded from review under the California Environmental Quality Act. The Clerk of the  
18 Board of Supervisors received this appeal letter on or around May 6, 2003.

19 This Board held a duly noticed public hearing on the appeal on June 10, 2003.  
20 Following the conclusion of the public hearing, the Board disapproved the decision of the  
21 Planning Department approving a statutory exemption for the proposed work on Wharf J-10,  
22 based on the written record before the Board in File No. 030838, which is hereby declared to  
23 be a part of this motion as if set forth fully herein, as well as all of the facts and circumstances  
24 concerning the Planning Department determination and deliberation of the oral and written  
25 testimony at the public hearing by all parties and the public in support of and opposed to the

1 appeal.

2           MOVED, That the Board of Supervisors finds that the letter of June 6, 2003 to John  
3 Callan Jr. from Richard C. Dreyer, a structural engineer with HolmesCulley (“HolmesCulley  
4 letter”), provides sufficient evidence to support the conclusion that the complete demolition of  
5 the Wharf J-10 building and substructure is not necessary to prevent or mitigate an  
6 emergency within the meaning of California Public Resources Code Section 21080(b)(4) and  
7 the CEQA Guidelines, 14 California Code of Regulations Section 15269(c).

8           FURTHER MOVED, That the Board of Supervisors finds that the HolmesCulley letter  
9 provides evidence that partial demolition and further temporary shoring may be an alternative  
10 solution to prevent collapse of the adjacent structure within Wharf J-10 and to prevent  
11 damage to adjacent property to the West.

12           FURTHER MOVED, That the Board of Supervisors finds that the HolmesCulley letter  
13 provides evidence that monitoring the area regularly for unauthorized occupants and for  
14 structural safety may reduce safety concerns and allow changes in stability to be identified  
15 and appropriate action initiated as necessary.

16           FURTHER MOVED, That the Board of Supervisors, after carefully considering the  
17 evidence presented, disapproved the determination of the Planning Department that the  
18 demolition of the entire Wharf J-10 structure is necessary to prevent or mitigate an emergency  
19 within the meaning of California Public Resources Code Section 21080(b)(4) and the CEQA  
20 Guidelines, 14 California Code of Regulations Section 15269(c).

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