

1 [Preparation of findings related to the statutory exemption appeal for Wharf J-10.]

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

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

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

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

20 WHEREAS, This Board held a duly noticed public hearing on the appeal on June 10,
21 2003. Following the conclusion of the public hearing, the Board rendered a decision on the
22 use of the statutory exemption for the proposed work on Wharf J-10 based on the written
23 record before the Board in File No. 030838, which is hereby declared to be a part of this
24 motion as if set forth fully herein, as well as all of the testimony at the public hearing in support
25 of and opposed to the appeal; and

1 WHEREAS, In regard to said decision, this Board made certain findings specifying the
2 basis for its decision; now, therefore, be it

3 MOVED, That this Board directs the Clerk of the Board to prepare findings specifying
4 the basis for its decision on the use of the statutory exemption for the work proposed for
5 Wharf J-10.

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