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[Finding appeal of statutory exemption for Wharf J-10 timely.]

Motion finding the appeal of the statutory exemption issued on April 15, 2003 for Wharf J-10 timely filed.

WHEREAS, On April 15, 2003, the Planning Department determined that the proposed work for Wharf J-10 was excluded from review under the California Environmental Quality Act ("CEQA") because the proposed work consisted of specific actions necessary to prevent or mitigate an emergency as provided in California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines, 14 California Code of Regulations Section 15269(c); and.

WHEREAS, On May 6, 2003, F. Alioto Fish Company appealed the Planning Department's decision to find the proposed work statutorily exempt from CEQA; and,

WHEREAS, CEQA was recently amended to provide that such determinations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted procedures providing for appeals of any determinations other than certification of an environmental impact report; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on June 10, 2003, to consider whether the appeal filed by Appellants was timely; and

WHEREAS, This Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the question of whether the appeal was timely; now, therefore, be it

MOVED, This Board hereby finds that the appeal is timely filed based on the facts and in consideration of the equities in this matter and because the appeal was filed substantially in compliance with the time limits set forth in the Administrative Code Section 31.16 for appeals

of environmental impact reports and there are no other time limits placed on appeal of any other CEQA determination. 

Clerk of the Board
BOARD OF SUPERVISORS



## City and County of San Francisco

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

## Tails

## Motion

File Number:

030840

**Date Passed:** 

June 10, 2003

Motion finding the appeal of the statutory exemption issued on April 15, 2003 for Wharf J-10 timely filed.

June 10, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030840

I hereby certify that the foregoing Motion was APPROVED on June 10, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Xoung Clerk of the Board