

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.**

7
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).



City and County of San Francisco

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

Tails Motion

File Number: 031129

Date Passed: July 8, 2003

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

June 26, 2003 Board of Supervisors — REFERRED: Board of Supervisors

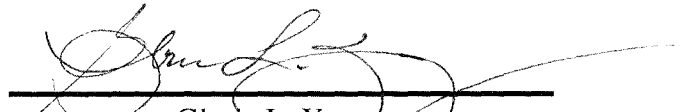
July 8, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval

Excused: 1 - Newsom

File No. 031129

**I hereby certify that the foregoing Motion
was APPROVED on July 8, 2003 by the
Board of Supervisors of the City and County
of San Francisco.**


Gloria L. Young
Clerk of the Board