

1 [Preparation of Findings to Reverse the Statutory Exemption Determination - Embarcadero  
2 Fountain by Armand Vaillancourt (Vaillancourt Fountain)]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**  
4 **by the Planning Department that the proposed project at Embarcadero Fountain by**  
5 **Armand Vaillancourt (Vaillancourt Fountain) is statutorily exempt from environmental**  
6 **review.**

7  
8 WHEREAS, On October 31, 2025, the Planning Department determined that the  
9 proposed project at the Embarcadero Fountain by Armand Vaillancourt (the Project) is  
10 statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA  
11 Guidelines, Section 15269; and

12 WHEREAS, The Embarcadero Fountain is located at the northeast corner of the  
13 Embarcadero Plaza (Assessor's Parcel Block No. 0233, Lot No. 035) in San Francisco's  
14 Financial District, and is a part of the Civic Art Collection under the jurisdiction of the San  
15 Francisco Arts Commission (SFAC); the Embarcadero Plaza is located on an 89,118-square-  
16 foot parcel which is located at the northwest corner of The Embarcadero and Market Street,  
17 between the Ferry Plaza and The Embarcadero Center; Assessor's Parcel Block No. 0233,  
18 Lot No. 035 is under the jurisdiction of the Recreation and Park Department (SFRPD), is  
19 zoned P (Public) and is in an OS (Open Space) height and bulk district that is generally  
20 maintained by SFRPD; and

21 WHEREAS, The Embarcadero Fountain was designed by Armand Vaillancourt  
22 and completed in 1971 as part of Lawrence Halprin's overall design for the plaza; the  
23 Fountain has been inoperable since May 2024, when its last functioning pump failed; and

24 WHEREAS, The Project proposes to disassemble and remove the Embarcadero  
25 Fountain for storage and further analysis, in order to both eliminate an immediate public safety

1 risk and facilitate further investigation into the Fountain's deteriorating structural integrity and  
2 hazardous materials used in its construction.; and

3 WHEREAS, The proposed Project would be implemented over approximately two  
4 months and would include disassembling the Fountain, transporting its components to a  
5 secure off-site storage facility for a period of up to three years, and conducting a thorough  
6 inspection and analysis of both interior and exterior elements. The process would support a  
7 detailed evaluation of potential options for the Fountain's future rehabilitation, relocation or  
8 reinterpretation; and

9 WHEREAS, CEQA Section 21080(b)(4) and CEQA Guidelines, Section 15269, exempt  
10 from CEQA certain emergency actions or projects that meet the criteria set forth by the  
11 Legislature; specifically, under CEQA Guidelines, Section 15269(c), exempts specific actions  
12 necessary to prevent or mitigate an emergency; and

13 WHEREAS, CEQA Guidelines, Section 15269(c), includes projects where the  
14 anticipated period of time to conduct an environmental review of the project would create a  
15 risk to public health, safety or welfare; and

16 WHEREAS, The Planning Department determined that the Project is exempt under  
17 CEQA Guidelines, Section 15269, because it meets the criteria for applicability of the  
18 exemption; and

19 WHEREAS, On October 31, 2025, SFRPD filed an application with the planning  
20 department to obtain a CEQA determination for the Project; and

21 WHEREAS, On October 31, 2025, the Planning Department determined that the  
22 Project was statutorily exempt under CEQA Guidelines, Section 15269, and issued a statutory  
23 exemption for the Project; and

1 WHEREAS, On November 3, 2025, SFAC held a duly noticed public hearing at a  
2 regularly scheduled meeting to consider the Project, after which SFAC approved the Project  
3 by Resolution No. 1103-25-214; and

4 WHEREAS, On December 1, 2025, Susan Brandt-Hawley, on behalf of Docomomo  
5 US/Northern California (Appellant) filed an appeal of the statutory exemption determination;  
6 and

7 WHEREAS, By memorandum to the Clerk of the Board dated December 4, 2025, the  
8 department determined that the appeal was timely; and

9 WHEREAS, On January 13, 2026, this Board held a duly noticed public hearing to  
10 consider the appeal filed by Appellant; and

11 WHEREAS, In reviewing the appeal, this Board reviewed and considered the statutory  
12 exemption determination, the appeal letter, the responses to the appeal documents that the  
13 Planning Department and the Project Sponsor prepared, the other written records before the  
14 Board of Supervisors and all of the public testimony made in support of and opposed to the  
15 appeal; and

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
17 conditionally reversed the statutory exemption determination, subject to the adoption of written  
18 findings of the Board in support of such determination based on the written record before the  
19 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
20 opposed to the appeal; and

21 WHEREAS, The written record and oral testimony in support of and opposed to the  
22 appeal and the oral and written testimony at the public hearing before the Board of  
23 Supervisors by all parties and the public in support of and opposed to the appeal, including  
24 the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File  
25

1 No. 251202, and is incorporated in this motion as though set forth in its entirety; now,  
2 therefore, be it

3 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the  
4 findings specifying the basis for its decision on the appeal.