

1 [Affirming the Statutory Exemption Determination - Embarcadero Fountain by Armand
2 Vaillancourt (Vaillancourt Fountain)]

3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at the Embarcadero Fountain by Armand Vaillancourt (Vaillancourt Fountain) is**
5 **statutorily exempt from environmental review.**
6

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

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

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

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

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 affirmed the statutory exemption determination, based on the written record before the Board
18 of Supervisors as well as all of the testimony at the public hearing in support of and opposed
19 to the appeal; and

20 WHEREAS, The written record and oral testimony in support of and opposed to the
21 appeal and the oral and written testimony at the public hearing before the Board of
22 Supervisors by all parties and the public in support of and opposed to the appeal, including
23 the deliberations by the members of the Board, is in the Clerk of the Board of Supervisors File
24 No. 251202, and is incorporated in this motion as though set forth in its entirety; now,
25 therefore, be it

1 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
2 reference in this motion, as though fully set forth, the statutory exemption determination; and,
3 be it

4 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
5 record before it there are no substantial Project changes, no substantial changes in Project
6 circumstances, and no new information of substantial importance that would change the
7 conclusions set forth in Planning Department's determination that the Project is statutorily
8 exempt from further environmental review; and, be it

9 FURTHER MOVED, That after carefully considering the appeal of the statutory
10 exemption determination, including the written information submitted to the Board of
11 Supervisors and the public testimony presented to the Board of Supervisors at the hearing on
12 the categorical exemption determination, this Board concludes that the Project qualifies for a
13 statutory exemption determination under CEQA.