

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

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed project at Embarcadero Fountain by Armand Vaillancourt (Vaillancourt**
5 **Fountain) is statutorily exempt from environmental review, subject to the adoption of**
6 **written findings of the Board of Supervisors in support of this determination.**

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 Planning Department's determination that the Project is statutorily
18 exempt, subject to the adoption of written findings of the Board in support of such
19 determination based on the written record before the Board of Supervisors as well as all of the
20 testimony at the public hearing in support of and 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 conditionally reverses the determination by the
4 Planning Department that the Project is statutorily exempt from environmental review, subject
5 to the adoption of written findings of the Board in support of this determination.