

# CEQA STATUTORY EXEMPTION APPEAL HEARING

## Embarcadero Fountain (a.k.a. “Vaillancourt Fountain”) Removal



Board of Supervisors – January 13, 2026

# Location of the Embarcadero Fountain



Fountain



# Project Description



- SFRPD proposes to disassemble and remove the Embarcadero Fountain to store and further analyze it. This action would:
  - eliminate an immediate public safety risk and
  - facilitate further investigation into the Fountain's deteriorating structural integrity and hazardous materials

# Key Structural Issues of the Fountain

- **Cracked and deteriorated concrete** throughout the Fountain;
- **Advanced corrosion** of embedded structural steel and missing/failed critical structural weight-supporting elements;
- **Partial structural failure** of one of the Fountain's approximately **10-ton cantilevered concrete arms**;
- As-built conditions **do not conform** to its design drawings;



# Key Structural Issues of the Fountain – Cont'd



- **Missing or discontinuous reinforcing steel**, including the absence of reinforcement in the back wall, and a missing post-tensioning rod;
- **Noncompliance with current seismic and safety standards;**
- **Heightened structural risks** due to the Fountain's location on unconsolidated fill and Bay Mud;
- **Accelerated structural deterioration** caused by previous exposure to water, combined with continued exposure to San Francisco's humid marine environment.

# Emergency Statutory Exemption



## **CEQA Guidelines Section 15269(c):**

Specific actions necessary to **prevent or mitigate** an emergency. . . .

## **CEQA Section 21060.3 & CEQA Guidelines Section 15359:**

**“Emergency”** means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to **prevent or mitigate loss of, or damage to, life, health, property, or essential public services.**

“Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

# Department's Key Responses



- Appellant **disregards** substantial evidence in the record that the project is required to **prevent or mitigate** an emergency.
- City did **not approve or commit to** the project prior to completing the environmental review.
- Department's issuance of the statutory exemption **does not constitute impermissible piecemealing** under CEQA.

# Department's Responses: Appellant Disregards Substantial Evidence



- Appellant **disregards** substantial evidence in the record that the project is required to **prevent or mitigate** a safety emergency.
- Appellant's assertion that the City manufactured the emergency is **not supported by factual record and immaterial to the exemption analysis.**

## Department's Responses: No Pre-Commitment Occurred



- City **did not approve or commit to** the project prior to completing the environmental review on October 31, 2025.
- Preliminary discussions and planning conducted prior to the Arts Commission's November 3, 2025 approval **did not commit the City to a definite course of action.**

# Department's Responses: No Piecemealing Occurred



- Department's issuance of the statutory exemption **does not constitute impermissible piecemealing** under CEQA.
- The Fountain removal and the larger Embarcadero Plaza Improvements have **independent utility**.

# Department's Recommendation



Department respectfully request that the Board reject the appeal and uphold the statutory exemption