

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - Washington
2 Square Water Conservation Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed Washington Square Water Conservation**
5 **Project is categorically exempt from further environmental review.**

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7 WHEREAS, On May 17, 2018, the Planning Department issued a CEQA Categorical
8 Exemption Determination for the proposed project ("Project") under the California
9 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
10 Code, Chapter 31; and

11 WHEREAS, The proposed Project is intended to reduce the existing irrigation water
12 use at Washington Square Park, and would include removal and replacement of the park's
13 existing irrigation system (mainlines, branch lines, sprinkler heads, controllers), the removal
14 and replacement of the existing sub-lawn drain infrastructure, and the replanting of the
15 grass/sod on the existing main lawn; removal and replacement of seven (7) trees
16 recommended for removal per the Recreation and Park Department tree assessment; and
17 planting of four (4) new trees that were previously removed due to disease/hazard
18 (collectively, the "Base Scope items"); and

19 WHEREAS, The Project may also include ADA upgrades to pathways; removal of all
20 existing asphalt pathways and replacement with stained concrete; installation of perimeter
21 cobble pavers at the lawn and planting bed edges; installation of perimeter low fencing on
22 outer planter bed edges; removal and replacement of existing wood benches in-kind with new
23 benches as needed (collectively, the "Optional Scope items"); and

24 WHEREAS, The Optional Scope items were included and analyzed in the scope of
25 work as part of the Certificate of Appropriateness and the exemption from California

1 Environmental Quality Act (CEQA) in the event additional project funding would be secured;
2 and

3 WHEREAS, The park plan, layout of pathways, and layout of planting bed perimeters
4 would remain unchanged for both Base Scope and Optional Scope items; and

5 WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines
6 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),
7 issued a categorical exemption for the Project on May 17, 2018, finding that the Project is
8 exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical
9 exemption, which applies to operation, repair, maintenance, or minor alteration of existing
10 highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities;
11 and

12 WHEREAS, On May 16, 2018, the Historic Preservation Commission conducted a duly
13 noticed public hearing on the proposed project, Case No. 2018-003700COA; at that hearing,
14 the Historic Preservation Commission granted the Certificate of Appropriateness, in
15 conformance with plans dated March 31, 2018; and

16 WHEREAS, On May 17, 2018, the Planning Department determined that the Project
17 was categorically exempt under CEQA Class 1- Existing Facilities, and that no further
18 environmental review was required; and

19 WHEREAS, On June 15, 2018, an appeal of the Categorical Exemption Determination
20 was filed by Marc Bruno and North Beach Business Association; and

21 WHEREAS, On June 26, 2018, the Department determined that the June 15, 2018,
22 appeal of the CEQA Determination filed by Appellants was not timely; and

23 WHEREAS, On August 16, 2018, the Recreation and Park Commission approved the
24 concept plan for the Washington Square Water Conservation Project; and

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1 WHEREAS, On August 16, 2018, a second appeal of the Categorical Exemption
2 Determination ("Second Appeal") was filed by Marc Bruno and Save North Beach Association
3 (collectively, "Appellants"); and

4 WHEREAS, By memorandum to the Clerk of the Board dated August 27, 2018, the
5 Planning Department's Environmental Review Officer determined that the Second Appeal was
6 timely filed; and

7 WHEREAS, On November 13, 2018, this Board held a duly noticed public hearing to
8 consider the appeal of the exemption determination filed by Appellants and, following the
9 public hearing, affirmed the exemption determination; and

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

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

20 WHEREAS, The written record and oral testimony in support of and opposed to the
21 appeal and deliberation of the oral and written testimony at the public hearing before the
22 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
23 the exemption determination is in the Clerk of the Board of Supervisors File No. 180836, and
24 is incorporated in this motion as though set forth in its entirety; now, therefore, be it
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1 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
2 findings specifying the basis for its decision on the appeal of the exemption determination
3 issued by the Planning Department for the Project.

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