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

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

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

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

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

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

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

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

WHEREAS, CEQA Section 21080(b)(4) and CEQA Guidelines, Section 15269, exempt from CEQA certain emergency actions or projects that meet the criteria set forth by the Legislature; specifically, under CEQA Guidelines, Section15269(c), exempts specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, CEQA Guidelines, Section15269(c), includes projects where the anticipated period of time to conduct an environmental review of the project would create a risk to public health, safety or welfare; and

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

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

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

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

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

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

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

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

WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors conditionally reversed the Planning Department's determination that the Project is statutorily exempt, subject to the adoption of written findings of the Board in support of such determination based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal; and

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

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

MOVED, That the Board of Supervisors conditionally reverses the determination by the Planning Department that the Project is statutorily exempt from environmental review, subject to the adoption of written findings of the Board in support of this determination.