

File No. 180837

Committee Item No. \_\_\_\_\_

Board Item No. 28

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 30, 2018

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                          |       |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa

Date: October 25, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Affirming the Categorical Exemption Determination - Washington Square Water Conservation  
2 Project]

3 **Motion affirming the determination by the Planning Department that the proposed**  
4 **Washington Square Water Conservation Project is categorically exempt from further**  
5 **environmental review.**

6  
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  
25

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 October 30, 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 affirmed the exemption determination for the Project based on the written record before the  
17 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
18 opposed to the appeal; and

19          WHEREAS, The written record and oral testimony in support of and opposed to the  
20 appeal and deliberation of the oral and written testimony at the public hearing before the  
21 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
22 the exemption determination is in the Clerk of the Board of Supervisors File No. 180836, and  
23 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

1           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
2 record before it there are no substantial project changes, no substantial changes in project  
3 circumstances, and no new information of substantial importance that would change the  
4 conclusions set forth in the exemption determination by the Planning Department that the  
5 Project is exempt from environmental review; and, be it

6           FURTHER MOVED, That after carefully considering the appeal of the exemption  
7 determination, including the written information submitted to the Board of Supervisors and the  
8 public testimony presented to the Board of Supervisors at the hearing on the exemption  
9 determination, this Board concludes that the Project qualifies for an exemption determination  
10 under CEQA.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Affirming the Categorical Exemption Determination - Washington Square Water Conservation Project

The text is listed:

Motion affirming the determination by the Planning Department that the proposed Washington Square Water Conservation Project is categorically exempt from further environmental review.

Signature of Sponsoring Supervisor: [ ]

*Alia Gomez*

For Clerk's Use Only

File No. 180837