File No. 180836 **Committee Item No.** _____
Board Item No. 57

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____ **Date:** _____
Board of Supervisors Meeting **Date:** November 13, 2018

Cmte Board

☐	☐	**Motion**
☐	☐	**Resolution**
☐	☐	**Ordinance**
☐	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☒	**Introduction Form**
☐	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☒	**Public Correspondence**

OTHER (Click on the text of checked items to view documents)

☐	☒	Appeal Letter - August 16 - 2018
☐	☒	Planning Department Appeal Response - October 22, 2018
☐	☒	Appellant Letter - Request for Continuance - October 10, 2018
☐	☒	Hearing Notice and Clerical Documents
☐	☐	
☐	☐	

Prepared by: Jocelyn Wong **Date:** November 9, 2018
Prepared by: _____ **Date:** _____

Letter of Appeal of Categorical Exemption ("C.E.") 2018-003700PRJ

To: Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<Angela.calvillo@sfgov.org> 415-554-7630

Attn: Brent Jalipa, Legislative Clerk
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<Brent.jalipa@sfgov.org> 415-554-5184

Cc: Aaron Peskin, Supervisor, and District 3
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<aaron.peskin@sfgov.org> 415-554-7450

Cc: John Rahaim, Director
San Francisco Planning Department
1650 Mission Street #400 / SF CA 94103
<john.rahaim@sfgov.org> 415-558.6350

Cc: Elizabeth Jonckheer, Project Planner, S F Planning Department
<elizabeth.gordon-jonckheer@sfgov.org> 415-575-8728

August 16, 2108

Dear Board of Supervisors Clerk Calvillo,

Thank you for accepting this appeal of the above referenced Categorical Exemption for consideration, discussion and vote by the San Francisco Board of Supervisors.

Per San Francisco Administrative Code §31.16(e)(1), this Appeal of C.E. 2018-003700PRJ, consequent to the proposed closure of Washington Square, a park in San Francisco, California and a "known Historic resource," we submit this Appeal to the San Francisco Board of Supervisors. The park in question is a Planning Code Section 10 Landmark.

The Categorical Exemption was inadequately researched. It violates the Landmark Designation of the Park. Notice for consideration by the public of this Exemption and of its effect on the Landmark was inadequate and meets neither the standards of Administrative Code Section §31.04(G) nor the general purposes and mandate of CEQA (§31.01 through §31.04) nor the Community Meeting Schedule guaranteed and promulgated by the City in the

Memorandum of Understanding between Rec and Park Department and the Public Utilities Commission. (July 20, 2018)

An appeal in this matter, by the current appellants, plus the North Beach Business Association, was filed on June 15, 2018 at this same department, namely, the Clerk of the Board of Supervisors of the City and County of San Francisco (hereinafter "the Clerk").

We the undersigned appellants incorporate by reference all comments and appendices made in that original appeal, a copy of which is attached.

[SEE "ORIGINAL APPEAL, FILED JUNE 15, 2018"]

We vehemently disagree and protest the reasons given us at the time of the appeal for the Clerk's refusal to certify it; namely, that the appeal was filed "too early" because the "Approval Action" had not yet occurred.

The evidence presented here shows that the Action Approval was set in motion under the law and with proper notice to all parties on May 16, 2018. At the time, and perior to the determination that the appeal was utimely (because "too early"), the Clerk and other representatives of the City and County responded positively to appellants' questions regarding the date of the Approval Action. All agreed that the Approval Action date was May 16.

As the City and County had access to legal advice from the City Attorney's office at that time, and, additionally, had access to advice from the office of the Chief Environmental Officer, Lisa Gibson, the City and County should have been able to ascertain the correct Approval Action date in response to appellants' questions.

We point out that by misdirected us in this regard, the City and County has prevented appellants from appealing the Certificate of Appropriateness to the Board of Appeals, an appeal that was also due on June 15. The City rather than the citizens must shoulder the responsibility for the consequences of their ambiguous directions.

We submit those sections of the Administrative Code that clearly define the meaning of an "Approval Action," the substance of which is that the Approval Action took place at the Historic Preservation Commission on May 16, 2018, upon the approval of Motion 340 by that deliberative body.

This Motion, along with other evidence that supports our appeal being timely filed on June 15, 2018, is attached.

A plain reading of the recitations in the Motion, and of the Findings on Page 2, and of the context of the public meeting in which they were presented in Draft Form, clearly indicate that the members of the Historic Preservation Commission were familiar with the Planning Department's determination that the project was "categorically exempt," thereby meeting the requirements of Administrative Code 31.04(h)(2)(A) and establishing, along with other evidence, that the Approval Action Date was May 16.

Signed,

Marc Bruno, Appellant and
15 Nobles Alley
San Francisco, CA 94133
<marcabruno@yahoo.com>

Save North Beach, Appellant
An Unincorporated Association
registered with the California
Secretary of State

Appendices unique to Appeal filed on August 16, 2018

I. Contents: Appendices re Timeliness of Appeal Filed on June 15, 2018 in the matter of Washington Square Park, C.E. 2018-003700PRJ

II. Contents: Appendices re Administrative Code Section 31.04, Definition of "Approval Action"

III. Contents: (1) Historic Preservation Commission Motion 0340, May 16, 2018, and, (2) Planning Department Categorical Exemption 2018-003700PRJ

IV. Contents: Appendices re Notice to Public of Historic Preservation Commission Meeting on May 16, 2018. "Approval Action" is announced as part of Notice.

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		**Block/Lot(s)**
Washington Square Water Consrvation Project		1020001
Case No.		**Permit No.**
2018-003700PRJ		
■ **Addition/ Alteration**	☐ **Demolition (requires HRE for Category B Building)**	☐ **New Construction**

Project description for Planning Department approval.

Landmark #226. The Washington Square Water Conservation Project seeks to reduce the park's existing irrigation water use by two thirds and improve saturated soils conditions on the main lawn.

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an *Environmental Evaluation Application* is required.

■	**Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	**Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. **FOR ENVIRONMENTAL PLANNING USE ONLY**
☐	**Class** ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)*
☐	**Hazardous Materials:** If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).*
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Archeological Resources:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)*
☐	**Slope = or > 20%:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Landslide Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Liquefaction Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required.**
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.	
Comments and Planner Signature (*optional*): Elizabeth Gordon Jonckheer	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
■	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☐	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	2. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	3. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	4. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	6. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	7. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
☐	8. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☐	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5.**
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☐	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces.**
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

☐	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.
■	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*): The project includes a minor alteration of land that meets the Secretary of the Interior's Standards per the Certificate of Appropriateness.
☐	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)*
☐	10. **Reclassification of property status.** *(Requires approval by Senior Preservation Planner/Preservation* ☐ Reclassify to Category A ☐ Reclassify to Category C a. Per HRER dated *(attach HRER)* b. Other *(specify)*:

Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.

☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
■	**Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

Comments (*optional*):

Preservation Planner Signature: Elizabeth Gordon Jonckheer

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*: ☐ Step 2 - CEQA Impacts ☐ Step 5 - Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***
■	**No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**

Project Approval Action:	**Signature:**
Commission Hearing	Elizabeth Gordon Jonckheer
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	05/17/2018

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.
In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.
Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Washington Square Water Consrvation Project		1020/001
Case No.	Previous Building Permit No.	New Building Permit No.
2018-003700PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
☐	Result in expansion of the building envelope, as defined in the Planning Code;
☐	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
☐	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
☐	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	

Planner Name:	**Signature or Stamp:**

Letter of Appeal of Categorical Exemption ("C.E.") 2018-003700PRJ

BOARD OF SUPERVISORS
SAN FRANCISCO

2018 JUN 15 PM 3:56

BY

To: Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<angela.calvillo@sfgov.org> 415-554-7630

Attn: Brent Jalipa, Legislative Clerk
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<brent.jalipa@sfgov.org> 415-554-5184

Cc: Aaron Peskin, Supervisor, District 3
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<aaron.peskin@sfgov.org> 415-554-7450

Cc: John Rahaim, Director
San Francisco Planning Department
1650 Mission Street #400 / SF CA 94103
<john.rahaim@sfgov.org> 415-558.6350

Cc: Elizabeth Jonckheer, Project Planner, S F Planning Department
<elizabeth.gordon-jonckheer@sfgov.org> 415-575-8728

Per San Francisco Administrative Code §31.16(e)(1), this Appeal of C.E. 2018-003700PRJ, consequent to the proposed closure of Washington Square, a park in San Francisco, California and a "known Historic resource" located at Block Lot 1020001, is hereby submitted to the San Francisco Board of Supervisors.

The at-issue Categorical Exemption ("C.E.") was inadequately researched and inadequately promulgated, offering no opportunity until this appeal for those members of the public most likely to be affected by the underlying project to suggest changes or otherwise comment on it. The conclusions drawn in the C.E. are flawed, and those flawed conclusions are detrimental to the very reasons given by the City for its so-called "conservancy project."

June 15, 2108

Dear Board of Supervisors Clerk Calvillo,

Thank you for accepting this appeal of the above referenced Categorical Exemption for consideration, discussion and vote by the San Francisco Board of Supervisors.

Marc Bruno, Appellant
15 Nobles Alley
San Francisco, CA 94133
<marcabruno@yahoo.com>
415-434-1528

Daniel Macchiarini, Appellant
President, North Beach Business Association
Macchiarini Creative Design & Metalworks
Gallery, a Legacy Business
<danny1mac@sbcglobal.net>
415-982-2229

Contents: Appendices re Timeliness of Appeal Filed on June 15, 2018 in the matter of Washington Square Park, C.E. 2018-003700PRJ

* [Note: After verifying this with the City Attorney's Office, Ms. Gibson writes the following on July 10. Emphasis added.]

"To Marc Bruno
CC Calvillo, Angela (BOS) Jalipa, Brent (BOS) Rahaim, John

(CPC) Jul 10 at 4:34 PM

Dear Mark,

Thank you for your patience awaiting my response pending my return to the office after a brief vacation. The reasoning behind my determination that your CEQA appeal was not timely is as follows:

The Recreation and Park Commission's (RPC's) approval of the concept plan for the Washington Square Water Conservation Project will be the first Approval Action of the project as a whole.

The Historic Preservation Commission's (HPC) approval of the Certificate of Appropriateness is one of the project approvals required in order for the project to proceed, but it is not the approval action for the purposes of determining that the appeal is timely to be heard at the Board of Supervisors.

We apologize for the confusion resulting from the erroneous approval action stated in the HPC hearing notice and in any other communications by the Planning Department.

The Clerk of the Board is holding your appeal on file. **Should the RPC approve the concept plan, the Clerk will schedule the appeal hearing. Thus, you will have the opportunity to present your appeal at that milestone.** You may supplement the materials you've already submitted with any information you deem pertinent to your appeal up to 11 days prior to the date the appeal is scheduled to be heard by the Board.

I hope that clarifies matters for you.

Sincerely,

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division"

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 26, 2018

Marc Bruno
Daniel Macchiarini
15 Nobles Alley
San Francisco, CA 94133

Subject: File No. 180676 - Appeal of CEQA Categorical Exemption Determination - Washington Square Water Conservancy Project

Dear Mr. Bruno and Mr. Macchiarini:

The Office of the Clerk of the Board of Supervisors is in receipt of a memo from the Planning Department, dated June 26, 2018, regarding the timely filing of your appeal of the California Environmental Quality Act (CEQA) Categorical Exemption Determination issued for the Washington Square Water Conservancy Project.

Pursuant to Administrative Code, Sections 31.16(a) and (e), any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the date of Approval Action. Since the date of the Approval Action is unknown at this time, it is not possible for my office to schedule the appeal hearing. I have attached a copy of the Planning Department's memo for further explanation.

The appeal hearing date will be scheduled once the Planning Department informs my office that the date of the Approval Action has occurred.

Note: The Office of the Clerk of the Board will hold the pending appeal up to six months from the appeal filing date, June 15, 2018. At the end of six months, if the Planning Department has not notified our office regarding the approval action of this appeal, we will close the file.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

Sincerely,

Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Jonas Ionin, Director of Commission Affairs
Elizabeth Jonckheer, Staff Contact, Planning Department

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 26, 2018

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer

RE: Appeal Timeliness Determination – Washington Square Water Conservation Project, Planning Department Case No. 2018-003700PRJ

An appeal of the CEQA Categorical Exemption Determination for the proposed project for the Washington Square Water Conservation Project was filed with the Office of the Clerk of the Board of Supervisors on June 15, 2018 by Marc Bruno and Daniel Macchiarini of the North Beach Business Association. As explained below, the appeal is not timely.

Date of Approval Action	30 Days after Approval Action/Appeal Deadline	Date of Appeal Filing	Timely?
Not yet occurred	To be determined	June 15, 2018	No

Approval Action: On May 17, 2018, the Planning Department issued a CEQA Categorical Exemption Determination for the Washington Square Water Conservation Project, proposing improvements to reduce the park's existing irrigation water use. The Approval Action for the project will be the Recreation and Park Commission's approval of the concept plan for the Washington Square Water Conservation Project.

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The Approval Action for this project has not yet occurred, and the appeal deadline is unknown.

Appeal Filing and Timeliness: The appeal is not timely because the Approval Action for the project has not yet occurred.

*** * June 26, 2018 - Lisa Lew, BOS to Marc Bruno et al, Appellants * ***

On Tuesday, June 26, 2018 4:58 PM, "BOS Legislation, (BOS)" <bos.legislation@sfgov.org> wrote:

Dear Mr. Bruno and Mr. Macchiarini,

Please find linked below a letter from the Clerk of the Board regarding the appeal of the CEQA Determination of Exemption from Environmental Review for the Washington Square Water Conservancy Project, as well as direct links to the Planning Department's timely filing determination, and the Appeal Letter.

Clerk of the Board Letter - June 26, 2018

Planning Department Memo - June 26, 2018

Appeal Letter - June 15, 2018

The Office of the Clerk of the Board is not able to schedule an appeal hearing for this matter at this time, as the Approval Action has not occurred. The Planning Department will notify this office once the Approval Action has occurred and the matter can move forward.

Note: The Office of the Clerk of the Board will hold the pending appeal up to six months from the appeal filing date, June 15, 2018. At the end of six months, if the Planning Department has not notified our office regarding the Approval Action of this appeal, we will close the file.

I invite you to review the entire matter on our Legislative Research Center by following the links below.

Board of Supervisors File No. 180676

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

*** * June 26, 2018 - Marc Bruno, Appellant to Lisa Gibson, ECO * ***

Marc Bruno <marcabruno@yahoo.com>

To BOS Legislation, (BOS) danny1mac@sbcglobal.net Marc Bruno Aaron Peskin
CC GIVNER, JON (CAT) STACY, KATE (CAT) JENSEN, KRISTEN (CAT) Rahaim, John (CPC) Sanchez, Scott (CPC) Gibson, Lisa (CPC) Navarrete, Joy (CPC) Lynch, Laura (CPC) Sider, Dan (CPC) Rodgers, AnMarie (CPC) Starr, Aaron (CPC) Ionin, Jonas (CPC) Gordon-Jonckheer, Elizabeth (CPC) Jain, Devyani (CPC) Calvillo, Angela (BOS) Somera, Alisa (BOS) BOS-Supervisors BOS-Legislative Aides

Jun 26 at 5:24 PM

Appeal of Categorical Exemption ("C.E.") 2018-003700PRJ

Lisa Gibson, Senior Environmental Review Officer
San Francisco Planning Department

June 26, 2018

Dear Ms. Gibson,

Your decision regarding the timeliness of the above referenced appeal by me and by the North Beach Business Association (NBBA) is based on the "Approval Action not yet occurring," according to your email dated today. We are specifically appealing the Categorical Exemption. That exemption was approved, according to the City's own notice regarding the hearing, on May 16, 2018. The notice for that hearing, issued by the CCSF, states the following:

A Historic Preservation Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

I attach a copy of this notice for your perusal and clarification.

Thank you,

Marc Bruno, Appelant

* * June 27, 2018 - Marc Bruno, Appellant to Lisa Gibson, ECO * *

Marc Bruno <marcabruno@yahoo.com>
To Gibson Lisa (CPC) Gordon-Jonckheer Elizabeth (CPC)
CC Marc Bruno Jun 27 at 3:39 PM

Here is the HPC Motion I was referring to on the phone just now . . .

June 27, 2018

Lisa -

. . . on the first page the Motion, "H-P-C- Motion No. 0304," states:

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission("Commission")has reviewed and concurs with said determination.

Separately, there is a signed document from Elizabeth Gordon-Jonckheer, also indicating that the H-P-C- was to provide the "Approval Action Date."

As I have copied Elizabeth on this, I am sure she can provide it to you, and thereby to the City Attorney.

Yours,

Marc

*** * June 27, 2018 - Lisa Gibson, ECO to Marc Bruno, Appellant * ***

Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

To Marc Bruno Gordon-Jonckheer, Elizabeth (CPC) Jun 27 at 4:00 PM
Thank you, Marc. That was fast!

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9032 | www.sfplanning.org

*** * June 28, 2018 - Marc Bruno, Appellant to Lisa Gibson, ECO * ***

Marc Bruno <marcabruno@yahoo.com>

To Gibson Lisa (CPC)
CC Marc Bruno Conover Levi (REC) Gordon-Jonckheer Elizabeth (CPC) Jun 28 at 8:42 AM
To: Lisa Gibson, Senior Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400

San Francisco CA 94103
415-575-9032 <lisa.gibson@sfgov.org>

Re: Timeliness of Appeal of Categorical Exemption 2018-003700PRJ
Note: In this email, Historic Preservation Commission is identified as "HPC"

June 28, 2018

Lisa -

Thank you for your response re my sending you the action approved by the HPC. In speaking with you, I remembered I had labeled it "Motion," plus the unknown number. A word search enabled me to find it.

The (1.) Notice, (2.) HPC action (Motion), (3.) email to me from Planner Elizabeth Jonckheer, and, (4.) Categorical Exemption signed by Ms. Jonckheer on May 17, 2018 all indicate the Approval Action date as May 16, 2018. All documents are attached.

You asked me what the business community and I would consider a fair solution in these circumstances to appellants, respondents and, above all, for the park and neighborhood. You may not know this, but we are actually asking for very little.

We would be happy to withdraw the appeal if Rec & Park would consider the following: Do six of the seven listed projects at Washington Square (84% of the proposal), then, examine the park again in two year's time to see if water use has significantly decreased. These six projects do not require closing the park, and, based on our engineering studies, and based on Rec & Park's saturation study in November 2017, we strongly believe this more moderate approach will satisfy the needs of all concerned.

In speaking yesterday with a CEQA lawyer about the timeliness issue, the problem is that we have already written an extensive appeal based on the project as presented and approved by the HPC. To allow respondents to change the Approval Action Date makes our arguments stale. It also unfairly gives respondents a second bite of the apple before the Rec and Park Commission, permitting them to change their project based on our appeal. They have already done this, and we vehemently protest it.

Our hope is that by meeting Rec & Park more than halfway, as described above, we and the City and the neighborhood can move forward without any appeal at all.

Sincerely,

Marc Bruno
Appellant

*** * June 28, 2018 - Levi Conover, REC to Marc Bruno, Appellant * ***

Conover, Levi (REC) <levi.conover@sfgov.org>

To Marc Bruno
CC Gibson, Lisa (CPC) Gordon-Jonckheer, Elizabeth (CPC) Ng, Beverly (REC) Angulo, Sunny (BOS) Ajike, Toks (REC) Jun 28 at 10:20 AM

Hi Marc,

Thank you for your continued engagement on this project and your willingness to work with the City on your appeal. I wanted to address some of the items Rec & Park has been working on over the last several weeks to address many of the concerns you have raised.

Following my conversations and meetings with you and Dan Macchiarini a few weeks ago, RPD explored additional options to phase the construction and reviewed these plans with Supervisor Peskin. Given the size and configuration of Washington Square as well as the funding limitations, the best outcome is the original one phase closure of the park. Supervisor Peskin asked that we complete this project in a shorter timeframe. We have agreed to a construction schedule of 6 months and will utilize an early completion bonus to incentivize a shorter timeline. We will also include provisions to penalize late completion.

We understand your concerns regarding project duration, neighborhood impacts, and homelessness. We will include provisions in the construction contract to limit the number of parking spaces used by the contractor. The project will be contained within the park boundary and the sidewalks on all sides of the park will remain open. Additionally, the northwest corner of the site with the children's playground and restroom will remain open during construction. We are working with the Department of Homelessness and the Police Department on a plan to assist with quality of life issues, and we will also be removing the proposed low fencing from our project scope.

We hope this helps address some of your major concerns and look forward to continued dialogue with you as we further develop the project.

Best Regards,

Levi Conover
Project Manager

San Francisco Recreation and Park Department City & County of San Francisco
30 Van Ness Avenue, Third Floor, Suite 3000 San Francisco, CA 94102

(415) 581-2572 | levi.conover@sfgov.org

*** * June 28, 2018 - Lisa Gibson, ECO to Marc Bruno, Appellant * ***

Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

To Marc Bruno
CC Conover, Levi (REC) Gordon-Jonckheer, Elizabeth (CPC) Jun 28 at 7:33 PM

Dear Marc,

I am in receipt of your email below regarding the above subject matter. I have am consulting with the City Attorney's Office regarding your concerns about the approval action. I will get back to you as soon as possible.

Best,

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9032 | www.sfplanning.org
San Francisco Property Information Map

*** * June 29, 2018 - Marc Bruno, Appellant to Lisa Gibson, ECO * ***

Marc Bruno <marcabruno@yahoo.com>
To Calvillo Angela (BOS) Jalipa Brent (BOS)
CC Rahaim John (CPC) Gibson Lisa (CPC) Gordon-Jonckheer Elizabeth (CPC) Conover Levi (REC)
BCC Marc Bruno Kathleen Dooley Danny Macchiarini Jun 29 at 5:17 PM
Formal Objection, Protest and Appeal to Brent Jalipa and CCSF re Timeliness of Appeal of Categorical Exemption 2018-003700PRJ

To: Angela Calvillo, Clerk, BOS, and San Francisco
Brent Jalipa, Assistant Legislative Clerk, SF BOS
Cc: Lisa Gibson, Senior Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400 / San Francisco CA 94103
415-575-9032 <lisa.gibson@sfgov.org>

Re: Objection, Protest Appeal of Timeliness Question

June 29, 2018

Dear Ms. Calvillo,

Please know that based on the documents we have reviewed concerning this matter, and based on our understanding of the law as explained to us by attorneys familiar with CEQA appeals before the Board of Supervisors, and based on our inherent sense of proper notice and fair play, we vehemently object, protest and appeal the decision by San Francisco Planning Department or by any other City Agency or Department that asserts that our appeal of the above referenced Categorical is any way untimely.

On the contrary, we believe that all relevant documents in this matter, in accordance with Chapter 31 of the San Francisco Administrative Code, make clear to the public, to appellants and to respondents that the exemption determination was first approved by the San Francisco Historic Preservation Commission on May 16, 2018, and that our appeal of this determination, filed on June 30, 2018, was and is timely, according to a plain reading of the law.

We therefore demand that a new determination immediately be issued by the San Francisco Planning Department verifying that our appeal is timely.

Sincerely,

Marc Bruno, Appellant
15 Nobles Alley, Unit 3
San Francisco, CA 94133
415-434-1528

*** * July 2, 2018 - Lisa Gibson, ECO to Marc Bruno, Appellant * ***

Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

To Marc Bruno
CC Rahaim, John (CPC) Gordon-Jonckheer, Elizabeth (CPC) Conover, Levi (REC) Calvillo, Angela (BOS) Jalipa, Brent (BOS) STACY, KATE (CAT) JENSEN, KRISTEN (CAT) Lynch, Laura (CPC) Somera, Alisa (BOS) Jalipa, Brent (BOS) Navarrete, Joy (CPC) Jul 2 at 4:46 PM

Dear Mr. Bruno,

I am in receipt of your correspondence and voice mail objecting to the determination that I made on June 26, 2018 that your appeal of the Washington Square Water Conservation Project is not timely. After careful consideration of the facts and of your arguments, and after consulting with the City Attorney's

Office, I find that the determination stands. My determination remains that the Approval Action for the project will be the Recreation and Park Commission's approval of the concept plan for the project.

I will provide an explanation by separate correspondence, but for now wanted to respond to your most immediate question of whether I will be reversing my determination, in light of the hearing scheduling implications if I were to have reversed course. In conclusion, the "not timely" determination stands as the Approval Action has not occurred.

Sincerely,

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9032 | www.sfplanning.org

**** July 3, 2018 - Lisa Gibson, ECO to Marc Bruno, Appellant ****

Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

To Marc Bruno Jul 3 at 4:33 PM

Dear Marc,

I received your voice mail requesting that I provide the further explanation of my timeliness determination prior to your meeting with an attorney on Thursday. While I had hoped to provide you that explanation today, unfortunately I am unable to do so. Tomorrow is a holiday and I will be out of the office for the rest of the week. Therefore, this will need to wait until I return next week.

Sincerely,

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9032 | www.sfplanning.org

**** July 9, 2018 - Marc Bruno, Appellant to Lisa Gibson, ECO ****

Appeal of Categorical Exemption 2018-003700PRJ: We await your correspondence

To: Lisa Gibson, Senior Environmental Review Officer

San Francisco Planning Department
1650 Mission Street, Suite 400 / San Francisco CA 94103
415-575-9032 <lisa.gibson@sfgov.org>
Cc: Angela Calvillo, Clerk, BOS, and San Francisco
Brent Jalipa, Assistant Legislative Clerk, SF BOS

July 9, 2018

Lisa -

On July 2 you wrote that we should expect a second email from you to explain your decision to label our appeal of the above referenced matter "untimely." We have not yet received any such second email correspondence from you about this.

For the record, you wrote to us on July 2 the following:
"I will provide an explanation by separate correspondence, but for now wanted to respond to your most immediate question of whether I will be reversing my determination, in light of the hearing scheduling implications if I were to have reversed course. In conclusion, the "not timely" determination stands as the Approval Action has not occurred." Lisa Gibson

Your attention to this matter as soon as possible is appreciated. The entire email you wrote to us is below.

Thank you,

Marc Bruno

*** * July 10, 2018 - Lisa Gibson, ECO to Marc Bruno, Appellant * ***

Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

To Marc Bruno
CC Calvillo, Angela (BOS) Jalipa, Brent (BOS) Rahaim, John (CPC) Jul 10 at 4:34 PM

Dear Mark,

Thank you for your patience awaiting my response pending my return to the office after a brief vacation. The reasoning behind my determination that your CEQA appeal was not timely is as follows:

The Recreation and Park Commission's (RPC's) approval of the concept plan for the Washington Square Water Conservation Project will be the first approval action of the project as a whole. The Historic Preservation Commission's (HPC)

approval of the Certificate of Appropriateness is one of the project approvals required in order for the project to proceed, but it is not the approval action for the purposes of determining that the appeal is timely to be heard at the Board of Supervisors.

We apologize for the confusion resulting from the erroneous approval action stated in the HPC hearing notice and in any other communications by the Planning Department.

The Clerk of the Board is holding your appeal on file. Should the RPC approve the concept plan, the Clerk will schedule the appeal hearing. Thus, you will have the opportunity to present your appeal at that milestone. You may supplement the materials you've already submitted with any information you deem pertinent to your appeal up to 11 days prior to the date the appeal is scheduled to be heard by the Board.

I hope that clarifies matters for you.

Sincerely,

Lisa Gibson, Environmental Review Officer/Director
Environmental Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9032 | www.sfplanning.org

Contents: Appendices re Administrative Code Section 31.04, Definition of "Approval Action"

1. Administrative Code Section 31.04(h) defines "Approval Action."

"The first approval of the project in reliance on the exemption by a City decision-making body at a noticed public hearing."

Administrative Code Section 31.04(h)(2)(a), **Appeal Procedures**

2. Administrative Code Section 31.16(b)(3) describes the effect of the appeal on the approval process; namely, that it "shall not be carried out or consider[ed] futher . . . "

"For projects that require multiple City approval, the BOS may not take action to approve the action [before the CEQA appeal is heard] ***and other City boards, commissions, departments and officials shall not carry out or consider further the approval of the project that is the subject of the CEQA decision on appeal except activities essential to abate hazards . . ."***

Administrative Code Section 31.16(b)(3), **Appeal Procedures**

Those sections of the Code relevant to Appeals are attached.

CHAPTER 31: CALIFORNIA ENVIRONMENTAL QUALITY ACT PROCEDURES AND FEES

Article

ARTICLE I: GENERAL PROVISIONS

SEC. 31.01. AUTHORITY AND MANDATE.

(a) This Chapter is adopted pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 and following, as amended; and pursuant to the Guidelines for Implementation of the California Environmental Quality Act, as amended, appearing as Title 14, Division 6, Chapter 3 of the California Code of Regulations (hereinafter referred to collectively as CEQA). CEQA provides for the orderly evaluation of projects and preparation of environmental documents, and requires adoption of corresponding objectives, criteria and procedures by local agencies.

(b) Any amendments to CEQA adopted subsequent to the effective date of this Chapter 31 shall not invalidate any provision of this Chapter 31. Any amendments to CEQA that may be inconsistent with this Chapter 31 shall govern until such time as this Chapter 31 may be amended to remove such inconsistency.

(c) This Chapter shall govern in relation to all other ordinances of the City of San Francisco ("City") and rules and regulations pursuant thereto. In the event of any inconsistency concerning either public or private actions, the provisions of this Chapter shall prevail.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

(Former Sec. 31.01 amended by Ord. 92-77, App. 3/18/77; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.02. POLICIES AND OBJECTIVES.

The basic purposes of CEQA and this Chapter 31 are to:

(a) Provide decision makers and the public with meaningful information regarding the environmental consequences of proposed activities.

(b) Identify ways that environmental damage can be avoided or significantly reduced.

(c) Provide for public input in the environmental review process.

(d) Bring environmental considerations to bear at an early stage of the planning process, and to avoid unnecessary

delays or undue complexity of review. Simplicity and directness are to be emphasized, with the type of review related to the depth and variety of environmental issues raised by a project, so that government and public concern may be focused upon environmental effects of true significance.

(e) Provide procedural direction on implementation of CEQA by the City.

(f) Prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible.

(g) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

(Former Sec. 31.02 amended by Ord. 92-77, App. 3/18/77; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.03. SCOPE OF REQUIREMENTS.

(a) This Chapter adapts CEQA for use by the City. The emphasis of this Chapter is upon implementing procedures, which are expressly left for determination by local agencies, consistent with CEQA.

(b) The provisions of CEQA are not repeated here, but are expressly incorporated herein by reference as though fully set forth. This Chapter is supplementary to CEQA.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

(Former Sec. 31.03 added by Ord. 134-73, App. 4/11/73; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.04. RESPONSIBILITY AND DEFINITIONS.

(a) The City and all its officials, boards, commissions, departments, bureaus and offices shall constitute a single "local agency," "public agency" or "lead agency" as those terms are used in CEQA.

(b) The administrative actions required by CEQA with respect to the preparation of environmental documents, giving of notice and other activities, as specified in this Chapter, shall be performed by the San Francisco Planning Department as provided herein, acting for the City. When CEQA requires posting of a notice by the county clerk of the county in which the project will be located, the Planning Department shall transmit the required notice to the applicable county clerk, and instruct the county clerk on the length of time the notice shall be posted and when the posting shall commence.

(c) For appeals to the Board of Supervisors under Section 31.16 of this Chapter, the Clerk of the Board of Supervisors shall perform any administrative functions necessary for resolution of the appeal.

(d) For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission has the authority pursuant to Charter Section 4.135 to review and comment on environmental documents and determinations under this Chapter 31.

(e) Where adoption of administrative regulations by resolution of the Planning Commission after public hearing is specified herein, there shall be notice by publication in a newspaper of general circulation in the City at least 20 days prior to the hearing and by posting in the offices of the Planning Department, with copies of the proposed regulations sent to the Board of Supervisors and any other affected boards, commissions and departments of the City and to all organizations and individuals who have previously requested such notice in writing. The decision of the Commission in adopting administrative regulations shall be final.

(f) The City shall be responsible for conducting environmental review for projects undertaken by the City within the City's territorial limits and for projects undertaken by the City outside the territorial limits of the City.

(g) **Notifications.**

(1) Unless CEQA requires a mailed notice by the United States Postal Service in hard copy form, or an organization or individual requests notice in hard copy form, a City official may provide any mailed notice required by this Chapter using electronic mail transmission whenever an organization or individual provides an email address to the City official; provided that any notices required by this Chapter shall be provided by mail in hard copy form to any organizations or individuals who have requested such notice in writing prior to the effective date of this provision unless such organizations or individuals affirmatively request electronic notification as provided below.

(2) **Electronic Notifications.** The Environmental Review Officer shall implement an electronic notification system for the notification requirements in this Chapter 31. The Environmental Review Officer shall offer interested organizations and individuals the opportunity to subscribe to an automated electronic mail notification system. The system shall distribute all notifications required by this Chapter to subscribers. Subscribers shall have the option to

receive electronic mail regarding all CEQA notifications or all CEQA notifications for: (i) a specific project; (ii) a specific neighborhood, as defined by the Planning Department for notification purposes; (iii) historic districts designated under Articles 10 or 11 of the Planning Code or listed on the National Register of Historic Places; (iv) exemption determinations; (v) negative declarations; and (vi) environmental impact reports. The Environmental Review Officer shall implement the electronic notification system within three months of the operative date of the ordinance enacting this provision of Chapter 31. In the event the system is not operable within such period, the Planning Department shall provide monthly status reports to the Board of Supervisors on the progress the Planning Department has made in implementing the electronic notification system.

(h) **Definitions.**

"Approval Action" means:

(1) For a private project seeking an entitlement from the City and determined to be exempt from CEQA:

(A) The first approval of the project in reliance on the exemption by the City Planning Commission following a noticed public hearing, including, without limitation, a discretionary review hearing as provided for in Planning Code Section 311 or Section 312, or, if no such hearing is required, either:

(B) The first approval of the project in reliance on the exemption by another City commission, board or official following a noticed public hearing granting an Entitlement of Use for the Whole of the Project; or

(C) The issuance of the Building Permit or other Entitlement of Use for the Whole of the Project in reliance on the exemption without a noticed public hearing.

(2) For all other projects determined to be exempt from CEQA:

(A) The first approval of the project in reliance on the exemption by a City decision-making body at a noticed public hearing; or

(B) If approved without a noticed public hearing, the decision by a City department or official in reliance on the exemption that commits the City to a definite course of action in regard to a project intended to be carried out by any person .

(3) For all projects determined to require the preparation of a negative declaration, the approval of the project by the first City decision-making body that adopts the negative declaration or mitigated negative declaration as provided for in Section 31.11(h) of this Chapter.

"Building Permit" means a permit issued by the Department of Building Inspection as provided by Building Code Section 106A, including, without limitation, a site permit as defined in Building Code Section 106A.3.4.2.

"Date of the Approval Action" means the date the City takes the action on the project that is defined as the "Approval Action," regardless of whether the Approval Action is subject to an administrative appeal.

"Entitlement of Use for the Whole of the Project" means an entitlement that authorizes the project applicant to carry out the project as described in the CEQA decision for the project. Incidental permits needed to complete a project, such as a tree removal permit or a street encroachment permit that alone do not authorize the use sought, would not be an Entitlement of Use for the Whole of the Project, unless such permit is the primary permit sought for the project.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001; amended by Ord. 186-02, File No. 021418, App. 9/6/2002; Ord. 218-02, File No. 021609, App. 11/1/2002; Ord. 168-07, File No. 061537, App. 7/20/2007; Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

(Former Sec. 31.04 amended by Ord. 166-74, App. 4/11/74; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.05. OFFICE OF ENVIRONMENTAL REVIEW.

(a) An Office of Environmental Review is hereby created in the Planning Department, which shall be responsible, acting through the Director of Planning, for the administration of those actions in this Chapter 31 assigned to the Planning Department by Section 31.04.

(b) Said office shall be under the direction of an Environmental Review Officer, who shall supervise the staff members of the office and have charge of the collection of fees by the office. The Environmental Review Officer shall report to, and coordinate and consult with, the Director of Planning.

(c) In addition to the powers and duties conferred below, the Environmental Review Officer may, upon delegation by the Planning Commission as to specific projects, take testimony at supplemental public hearings on draft environmental impact reports, in addition to, and not in lieu of, the hearing held by the Planning Commission as set forth in section 31.14 of this Chapter, and shall report to, and make all such testimony available to, the Planning Commission at a public hearing.

(d) The Environmental Review Officer shall also take such measures, within his or her powers, as may be necessary to assure compliance with this Chapter 31 by persons, and officials, boards, commissions, departments or agencies outside the Planning Department, and shall periodically review the effectiveness and workability of the provisions of this Chapter 31 and recommend any refinements or changes that he or she may deem appropriate for improvement of such provisions.

(e) All projects shall be referred to the Environmental Review Officer except those exempt projects covered by a delegation agreement with the Environmental Review Officer as provided for in Section 31.08(d) of this Chapter. All other officials, boards, commissions, departments, bureaus and offices of the City shall cooperate with the Environmental Review Officer in the exercise of his/her responsibilities, and shall supply necessary information, consultations and comments.

(f) The Environmental Review Officer shall be responsible for assuring that the City is carrying out its responsibilities set forth in CEQA. In addition, when the City is to carry out or approve a project and some other public agency is the "lead agency," as defined by CEQA, and where projects are to be carried out or approved by the State and Federal governments, the Environmental Review Officer shall provide consultation and comments for the City to the other government agencies when appropriate.

(g) To the extent feasible, the Environmental Review Officer shall combine the evaluation of projects, preparation of environmental impact reports and conduct of hearings with other planning processes; and shall coordinate environmental review with the Capital Improvement Program, the San Francisco General Plan and the San Francisco Planning Code.

(h) Adoption and/or revision of administrative regulations to implement CEQA shall be by resolution of the Planning Commission after a public hearing. The Environmental Review Officer may adopt necessary forms, checklists and processing guidelines to implement CEQA and this Chapter 31 without a public hearing.

(i) Upon prior authorization by the Planning Commission, the Environmental Review Officer may attend hearings and testify on matters related to CEQA before governmental organizations and agencies other than governmental agencies of the City and County of San Francisco and may advocate on behalf of the City on matters related to CEQA.

(j) The Environmental Review Officer may provide information to other governmental or environmental organizations and members of the public.

(k) The Environmental Review Officer may delegate his or her responsibilities to an employee of the Office of Environmental Review. All references herein to the Environmental Review Officer shall be deemed to include the Environmental Review Officer's delegate.

(l) The Environmental Review Officer shall process applications for environmental review in accordance with the requirements for equal treatment of permit applicants, unless there is a written finding of a public policy basis for not doing so, as set forth in Campaign and Governmental Conduct Code Section 3.400 and the written guidelines adopted by the Planning Department as required by Section 3.400. For purposes of Section 3.400, this Section of Chapter 31 and any corresponding written guidelines of the Planning Department, the Board finds that expediting environmental review out of order, on a priority basis for the purpose of expediting permit processing shall qualify as a public policy basis for projects consisting of: (1) publicly funded affordable housing projects that provide new affordable housing in 100 percent of the on-site dwelling units (where such units are rented or sold at the economic levels defined in Planning Code Section 415); and (2) bicycle and pedestrian projects that are designed primarily to address public safety issues. When an application for environmental review for any project within one of the categories listed above is submitted to the Planning Department, the Environmental Review Officer shall, throughout all stages of the environmental review process, give precedence to all submittals associated with such project over other projects. The Planning Department also shall provide a written preliminary assessment of the eligibility of such projects for an exemption within 60 days of submittal of a complete Preliminary Project Assessment or equivalent application to the Planning Department. As part of the assessment, the Planning Department shall identify as feasible, based on the content of the submittal, the issues that may affect the type and schedule of the environmental review and the process for analysis of such issues.

(m) The Environmental Review Officer shall prepare an annual report to the Planning Commission and the Board of Supervisors on all appeals filed under any of the appeal provisions of this Chapter 31. The first annual report shall be filed approximately one year after the effective date of this provision of Chapter 31.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001; amended by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

(Former Sec. 31.05 amended by Ord. 166-74, App. 4/11/74; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

Editor's Note regarding Operative Date of Ord. 161-13:

Ordinance 161-13 amends sections of this Article, as shown in the history notes above. Section 6 of that ordinance provides as follows:

Operative Date. *This ordinance shall become operative on the later date of September 1, 2013, or five*

business days after the Secretary of the Planning Commission provides a memorandum to the Clerk of the Board of Supervisors advising that the Planning Commission has held a public hearing at which the Planning Department has demonstrated to the Planning Commission that it has updated its website to provide up-to-date information to the public about each CEQA exemption determination in a format searchable by location, such as through the "Active Permits In My Neighborhood" tool now used by the Planning Department and the Building Department.

At the direction of the Office of the City Attorney, the publisher incorporated the amendments made by Ord. 161-13 into this Code on September 25, 2013.

ARTICLE II: PROJECTS COVERED

SEC. 31.06. COVERAGE OF STATE LAW.

CEQA provides that certain kinds of projects may be subject to CEQA. Some of these projects may be excluded or exempt from CEQA. If not excluded or exempt, CEQA provides a process whereby an initial study is completed, then a determination is made as to whether a negative declaration, mitigated negative declaration, or an environmental impact report ("EIR") should be prepared. In accordance with the requirements of CEQA and as specified herein, the Planning Commission and/or the Environmental Review Officer shall determine when CEQA applies to a project, when the project is excluded or exempt, or when a negative declaration, mitigated negative declaration, or environmental impact report is required.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001; amended by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

SEC. 31.07. LISTING OF NON-PHYSICAL AND MINISTERIAL PROJECTS.

(a) The Environmental Review Officer shall maintain a listing of types of nonphysical and ministerial projects excluded from CEQA. Such listing shall be modified over time as the status of types of projects may change under applicable laws, ordinances, rules and regulations. The listing shall not be considered totally inclusive, and may at times require refinement or interpretation on a case-by-case basis. When the Environmental Review Officer proposes to modify such listing, notice shall be provided on the Planning Commission agenda prior to such modification. Any person who may consider any modification to be incorrect may appeal such modification to the Planning Commission within twenty (20) days of the date of the Planning Commission agenda on which notice of such modification was posted. The Planning Commission may affirm, modify or disapprove such modification, and the decision of the Planning Commission shall be final.

(b) Such listing of excluded projects and modifications thereto shall be kept posted in the offices of the Planning Department, and copies thereof shall be sent to the Board of Supervisors and all other affected boards, commissions and departments of the City.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.08. EXEMPTIONS.

(a) CEQA provides that certain projects are exempt from CEQA because: the project is exempt by statute ("statutory exemption"); the project is in a class of projects that generally do not have a significant effect on the environment ("categorical exemption"); CEQA streamlining procedures allow reliance on a prior environmental document prepared on a zoning or planning level decision, for example, as provided in community plan areas and for specified urban infill projects ("community plan exemption"), except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site; or the activity is covered under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, thus, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA ("general rule exclusion"). Unless otherwise specifically stated, reference in this Chapter 31 to "exemptions" or "exempt from CEQA" or an "exemption determination" shall collectively refer to statutory exemptions, categorical exemptions, community plan exemptions and general rule exclusions.

on the certification of the final EIR shall inform the public of its appeal rights to the Board of Supervisors with respect to the final EIR within the time frame specified in Section 31.16 of this Chapter. The certification of completion shall contain a finding as to whether the project as proposed will, or will not, have a significant effect on the environment.

(e) After the City has decided to carry out or approve the project and the project is considered finally approved as provided for in Section 31.16(b)(11), in accordance with CEQA procedures and upon the payment of required fees by the project sponsor, the Environmental Review Officer shall file a notice of determination with the county clerk in the county or counties in which the project is to be located. If required by CEQA, the notice of determination shall also be filed with the California Office of Planning and Research. The Environmental Review Officer shall also post the notice of determination in the offices of the Planning Department and on the Planning Department website, and mail a copy to any organizations and individuals who previously have requested such notice in writing.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001; amended by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

(Former Sec. 31.15 added by Ord. 134-73, App. 4/11/73; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.16. APPEAL OF CERTAIN CEQA DECISIONS.

(a) **Decisions Subject to Appeal.** In accordance with the provisions set forth in this Section 31.16, the following CEQA decisions may be appealed to the Board of Supervisors (the "Board"): (1) certification of a final EIR by the Planning Commission; (2) adoption of a negative declaration by the first decision-making body; and (3) determination by the Planning Department or any other authorized City department that a project is exempt from CEQA.

(b) **Appeal Procedures.** In addition to the applicable requirements of Section 31.16(c) pertaining to EIRs, Section 31.16(d) pertaining to negative declarations or Section 31.16(e) pertaining to exemption determinations, the following requirements shall apply to an appeal of any of the decisions listed in Section 31.16(a).

(1) The appellant shall submit a letter of appeal to the Clerk of the Board within the time frames set forth in Sections 31.16(c), (d), or (e), as applicable. The letter of appeal shall state the specific grounds for appeal, and shall be accompanied by a fee, as set forth in Section 31.22 of this Chapter, payable to the San Francisco Planning Department. The appellant shall sign the letter of appeal, or may have an agent, file an appeal on his or her behalf. The appellant shall submit with the appeal a copy of the CEQA decision being appealed, if available, and otherwise shall submit it when available. The appellant shall submit a copy of the letter of appeal and any other written materials submitted to the Clerk in support of the appeal to the Environmental Review Officer at the time appellant submits the letter of appeal to the Clerk of the Board. The submission to the Environmental Review Officer may be made by electronic means. An appeal shall be accepted by the Clerk with notice given to the appellants that the acceptance is conditioned upon the Planning Department determining that the appeal of the CEQA decision, whether rendered by the Planning Department or another City commission, department, agency or official, has been filed in a timely manner, and the Clerk otherwise determining that the appeal complies with the requirements of this section. The Planning Department shall make such determination within three working days of receiving the Clerk's request for review. Within seven working days of the filing of the appeal the Clerk shall mail notice to the appellants of the acceptance or rejection of the appeal. The Clerk of the Board may reject an appeal if appellant fails to comply with this Section 31.16(b)(1).

(2) After receipt of the letter of appeal, the Environmental Review Officer shall promptly transmit copies of the environmental review document no later than 11 days prior to the scheduled hearing to the Clerk of the Board and make the administrative record available to the Board.

(3) For projects that require multiple City approvals, after the Clerk has scheduled the appeal for hearing and until the CEQA decision is affirmed by the Board, (A) the Board may not take action to approve the project but may hold hearings on the project and pass any pending approvals out of committee without a recommendation for the purpose of consolidating project approvals and the CEQA appeal before the full Board, and (B) other City boards, commissions, departments and officials shall not carry out or consider further the approval of the project that is the subject of the CEQA decision on appeal except activities that are essential to abate hazards to the public health and safety, including abatement of hazards on a structure or site determined by the appropriate City official, including but not limited to the Director of Building Inspection, the Director of Public Works, the Director of Public Health, the Fire Marshal or the Port Chief Engineer, to be an emergency presenting an imminent hazard to the public and requiring immediate action.

(4) The Clerk of the Board shall schedule a hearing on the appeal before the full Board. The Clerk shall schedule the hearing no less than 21 and no more than 45 days following expiration of the time frames set forth in Sections 31.16(c), (d), or (e), as applicable, for filing an appeal. If more than one person submits a letter of appeal, the Board President may consolidate such appeals so that they are heard simultaneously. The Clerk shall provide notice of the appeal by mail to the appellant or appellants and to all organizations and individuals who previously have requested such notice in writing. The Clerk shall provide such notice no less than 14 days prior to the date the appeal is scheduled to be heard by the Board. The Planning Department shall provide to the Clerk of the Board the list of individuals and organizations that have commented on the decision or determination in a timely manner, or requested notice of an appeal, no less than 20 days prior to the scheduled hearing.

(5) Members of the public, appellant and real parties in interest or City agencies sponsoring the proposed project may submit written materials to the Clerk of the Board no later than noon, 11 days prior to the scheduled hearing. The Clerk will distribute any written document submitted by noon, eight days prior to the scheduled hearing to the Board through the Board's normal distribution procedures.

(6) The Board shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.

(7) The Board shall act on an appeal within 30 days of the date scheduled for the hearing, provided that if the full membership of the Board is not present on the last day on which the appeal is set for a decision within said 30 days, the Board may postpone a decision thereon until, but not later than, the full membership of the Board is present; and provided further, if the Board of Supervisors does not conduct at least three regular Board meetings during such 30 day period, the Board of Supervisors shall decide such appeal within 40 days of the time set for the hearing thereon or at the next regularly scheduled Board meeting should such deadline fall within a Board recess; and provided further that the latest date to which said decision may be so postponed under this Section shall be not more than 90 days from the expiration of the time frames set forth in Sections 31.16(c), (d), or (e), as applicable, for filing an appeal.

(8) The Board may affirm or reverse any CEQA decision by a vote of a majority of all members of the Board. A tie vote shall be deemed to be disapproval of the CEQA decision. The Board shall act by motion. The Board shall adopt findings in support of its decision, which may include adoption or incorporation of findings made by the Planning Commission, Environmental Review Officer or other City department authorized to act on the CEQA decision below. If the Board reverses the CEQA decision, the Board shall adopt specific findings setting forth the reasons for its decision.

(9) If the Board affirms the CEQA decision, the date of the final EIR, the final negative declaration, or final exemption determination shall be the date upon which the Planning Commission, Planning Department, Environmental Review Officer or other authorized City department, as applicable, first certified the EIR adopted the negative declaration or issued the exemption determination and any actions approving the project made prior to the appeal decision shall be deemed valid.

(10) If the Board reverses the CEQA decision, the prior CEQA decision and any actions approving the project in reliance on the reversed CEQA decision, shall be deemed void.

(11) The date the project shall be considered finally approved shall occur no earlier than either the expiration date of the appeal period if no appeal is filed, or the date the Board affirms the CEQA decision, if the CEQA decision is appealed.

(c) **Appeal of Environmental Impact Reports.** In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply only to appeals of EIRs.

(1) Any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a draft EIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the final EIR.

(2) The appellant of a final EIR shall submit a letter of appeal to the Clerk of the Board no later than 30 days after the Planning Commission's certification of the EIR.

(3) The grounds for appeal of an EIR shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct.

(4) The Board shall affirm the Planning Commission's certification of the final EIR if the Board finds that the final EIR complies with CEQA, including that it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and that the Planning Commission certification findings are correct.

(5) The Board shall reverse the Planning Commission's certification of the EIR if the Board finds that the EIR does not comply with CEQA, including that it is not adequate, accurate and objective, is not sufficient as an informational document, that its conclusions are incorrect or it does not reflect the independent judgment and analysis of the City, or that the Planning Commission certification findings are incorrect. If the Board reverses the Planning Commission's certification of the final EIR, it shall remand the final EIR to the Planning Commission for further action consistent with the Board's findings. Any further appeals of the EIR shall be limited only to the portions of the EIR that the Planning Commission has revised and any appellant shall have commented on the revised EIR at or before a public hearing held on the revised EIR or the project, if any, The Board's subsequent review, if any, also shall be limited to the portions of the EIR that the Planning Commission has revised including, without limitation, new issues that have been addressed. Any additional appeals to the Board shall comply with the procedures set forth in this

Section 31.16.

(d) **Appeal of Negative Declarations.** In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply only to appeals of negative declarations.

(1) Any person or entity that has filed an appeal of the preliminary negative declaration with the Planning Commission during the public comment period provided by this Chapter 31 for filing comments on the preliminary negative declaration may appeal the Planning Commission's approval of the final negative declaration.

(2) The appellant of a negative declaration shall submit a letter of appeal to the Clerk of the Board after the Planning Commission approves the final negative declaration and within 30 days after the Date of the Approval Action for the project taken in reliance on the negative declaration.

(3) The grounds for appeal of a negative declaration shall be limited to whether, in light of the whole record before the Board, the negative declaration conforms to the requirements of CEQA and there is no substantial evidence to support a fair argument that the project may have a significant effect on the environment, and in the case of a mitigated negative declaration, the adequacy and feasibility of the mitigation measures.

(4) The Board shall affirm the Planning Commission approval of the negative declaration if it finds that the negative declaration conforms to the requirements of CEQA and that the record does not include substantial evidence to support a fair argument that the project may have a significant effect on the environment.

(5) The Board shall reverse the Planning Commission approval of the negative declaration if it finds that the negative declaration does not conform to the requirements of CEQA or there is substantial evidence to support a fair argument that the project may have a significant effect on the environment that has not been avoided or mitigated to a less than significant level by mitigation measures or project modifications agreed to by the project sponsor or incorporated into the project. If the Board reverses the decision of the Planning Commission, it shall remand the negative declaration to the Planning Department for further action consistent with the Board's findings.

(A) In the event the Board remands the negative declaration to the Planning Department for revision, the Environmental Review Officer shall finalize the revised negative declaration and send notice to the public, as set forth in Section 31.11 of this Chapter, of the availability of the revised negative declaration. No appeal to the Planning Commission of the revised negative declaration shall be required. In the event an organization or individual wishes to appeal the revised negative declaration, such appeal shall be made directly to the Board of Supervisors within 30 days of publication of the revised negative declaration and shall comply with the procedures set forth in this Section 31.16. The Board's subsequent review, if any, shall be limited to the portions of the negative declaration that the Planning Department has revised.

(B) In the event the Board determines that a project may have a significant effect on the environment that cannot be avoided or mitigated to a less than significant level and, therefore, an EIR is required, the Planning Department shall prepare an EIR in accordance with CEQA and this Chapter 31. Any subsequent appeal to the Board shall comply with the procedures set forth in this Section 31.16.

(e) **Appeal of Exemption Determinations.** In addition to those requirements set forth in Section 31.16(b) above, the following requirements shall apply to appeals of exemption determinations.

(1) Any person or entity may appeal the exemption determination by the Planning Department or other authorized City department to the Board.

(2) The appellant of an exemption determination shall submit a letter of appeal to the Clerk of the Board within the following time frames as applicable:

(A) For a private project seeking a permit, license or other entitlement for use for which the City otherwise provides an appeal process for the entitlement, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within 30 days after the Date of the Approval Action, regardless of whether the Approval Action is subject to a shorter appeal period. Departments that issue permits or entitlements supported by exemption determinations shall take steps as they determine appropriate to advise applicants seeking permits, licenses or other entitlements for use of the 30-day appeal period for the exemption determination.

(B) For all projects not covered by Section (A):

(i) If the Approval Action is taken following a noticed public hearing as provided for in Section 31.08(f) of this Chapter, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within 30 days after the Date of the Approval Action.

(ii) If the Approval Action is taken without a noticed public hearing as provided for in Section 31.08(f) of this Chapter, the appeal of an exemption determination shall be filed after the Planning Department issues the exemption determination and within 30 days after the first date the Planning Department posts on the Planning Department's website a notice as provided in Section 31.08(g) of this Chapter.

(C) As to an exemption determination for a project for which no City entity posted the exemption determination on the City's website or otherwise provided public notice of the exemption determination under this Chapter 31, an appeal may be filed within 30 days following the appellant's discovery of the exemption determination.

(3) The grounds for appeal of an exemption determination shall be limited to whether the project conforms to the requirements of CEQA for an exemption.

(4) The Board shall affirm the exemption determination if it finds that the project conforms to the requirements set forth in CEQA for an exemption.

(5) The Board shall reverse the exemption determination if it finds that the project does not conform to the requirements set forth in CEQA for an exemption. If the Board finds that the project does not conform to the requirements set forth in CEQA for an exemption, the Board shall remand the exemption determination to the Planning Department for further action consistent with the Board's findings. In the event the Board reverses the exemption determination of any City department other than the Planning Department, the exemption determination shall be remanded to the Planning Department, and not the City department making the original exemption determination, for consideration of the exemption determination in accordance with the Board's directions.

(Added by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

(Former Sec. 31.16 added by Ord. 40-01, File No. 001007, App. 3/16/2001; deleted by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

(Former Sec. 31.16 amended by Ord. 166-74, App. 4/11/74; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.17. ACTIONS ON PROJECTS.

(a) The certification of completion and the final EIR shall be transmitted by the Environmental Review Officer to the applicant and the board, commission or department that is to carry out or approve the project, and shall be presented to the body which will decide whether to carry out or approve the project. These documents shall also be presented to any appellate body in the event of an appeal from the decision whether to carry out or approve the project.

(b) Before making its decision whether to carry out or approve the project, the decision-making body or appellate body shall review and consider the information contained in the EIR and shall make findings as required by CEQA.

(c) Thereafter, the decision-making body or appellate body may make its decision whether to carry out or approve the project.

(d) After the City has decided to carry out or approve the project, the Environmental Review Officer may file a notice of determination with the county clerk of the county or counties in which the project is to be located and as required by CEQA. Such notice shall contain the information required by CEQA.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

(Former Sec. 31.17; added by Ord. 134-73, App. 4/11/73; repealed by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.18. ADDITIONAL ENVIRONMENTAL REVIEW.

If the Environmental Review Officer or a decision-making body, as defined in CEQA, determine that additional environmental review is required by CEQA, or if modifications to a project require additional environmental review, such review will be conducted as provided by CEQA and in accordance with the applicable procedures set forth in this Chapter 31.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

SEC. 31.19. EVALUATION OF MODIFIED PROJECTS.

(a) After evaluation of a proposed project has been completed pursuant to this Chapter, a substantial modification of the project may require reevaluation of the proposed project.

(b) When the Environmental Review Officer determines that a change in an exempt project is a substantial modification as defined in Section 31.08(i), the Environmental Review Officer shall make a new CEQA decision as provided in this Chapter.

(1) If the Environmental Review Officer again determines that the project as modified is exempt, the Environmental Review Officer shall make a new exemption determination in accordance with the applicable provisions of Section 31.08(e).

(2) If the Environmental Review Officer determines that the modified project is not exempt, an initial study shall

be conducted as provided in this Chapter.

(3) The Planning Department may issue guidance to other City departments in determining the type of project modification that might occur after an Approval Action that would require additional CEQA review. The guidance may also advise on the process and considerations that the Planning Department would use in such cases to determine whether to issue a new exemption determination or undertake further environmental review.

(c) Where such a modification occurs as to a project for which a negative declaration has been adopted or a final EIR has been certified, the Environmental Review Officer shall reevaluate the proposed project in relation to such modification.

(1) If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefor shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter. Notice of any such written determination and the reasons therefor shall be posted in the Planning Department, and shall be mailed to the applicant, the board, commission or department that will carry out or approve the project, to any individual or organization that has commented on the environmental document, and to any other individual or organization requesting such notice in writing.

(2) If, on the basis of such reevaluation, the Environmental Review Officer determines that additional environmental review is necessary, the project shall be considered a new project for purposes of environmental review pursuant to this Chapter. In that event, a new evaluation shall be completed prior to the decision by the City as to whether to carry out or approve the project as modified. CEQA sets forth specific requirements for the determination of whether a supplemental or subsequent EIR is necessary, as well as the process therefor.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001; amended by Ord. 161-13, File No. 121019, App. 7/26/2013, Eff. 8/25/2013, Oper. 9/25/2013 [see note at end of Article])

SEC. 31.20. MULTIPLE ACTIONS ON PROJECTS.

(a) The concept of a project is broadly defined by CEQA so that multiple actions of the same or of different kinds may often constitute a single project. This concept of a project permits all the ramifications of a public action to be considered together, and avoids duplication of review.

(b) Early and timely evaluation of projects and preparation of EIRs shall be emphasized.

(c) Only one initial study, negative declaration or EIR shall be required for each project.

(d) For purposes of determining the appropriate time for evaluation of projects and preparation of EIRs pursuant to this Chapter, there shall be only one relevant decision by the City to carry out or approve, or not to carry out or approve, a project. However for other purposes there may be more than one determination by the same or separate boards, commissions and departments of the City, either discretionary or ministerial, affecting the carrying out or approval of the project. The authority and effectiveness of any other such determinations, including determinations by the Board of Appeals or any other appellate body, shall not be diminished by anything in this Chapter.

(e) Only one evaluation of a project or preparation of an EIR shall occur in cases in which both the City and one or more other public agencies are to carry out or approve a project. In such cases the evaluation or preparation is performed by the lead agency, which agency is selected by reference to criteria in CEQA.

(f) CEQA provides that a single initial study, negative declaration or EIR may be employed for more than one project, if all such projects are essentially the same in terms of environmental effects. Furthermore, an initial study, negative declaration or EIR prepared for an earlier project may be applied to a later project, if the circumstances of the projects are essentially the same.

(g) Reference is made in CEQA to simultaneous consideration of multiple and phased projects, related projects, cumulative effects of projects, projects elsewhere in the region, existing and planned projects.

(h) With respect to projects preceding CEQA, and projects for which evaluations and EIRs have already been completed, or on which substantial work has been performed, CEQA makes provision as to when, if at all, a new evaluation or EIR must be prepared. An effort shall be made, in preparation of evaluations and EIRs, to consider alternatives and thus avoid the need for such further review of the project.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001)

Editor's Note regarding Operative Date of Ord. 161-13:

Ordinance 161-13 amends sections of this Article, as shown in the history notes above. Section 6 of that ordinance provides as follows:

> **Operative Date.** *This ordinance shall become operative on the later date of September 1, 2013, or five business days after the Secretary of the Planning Commission provides a memorandum to the Clerk of the Board of Supervisors advising that the Planning Commission has held a public hearing at which the*

Planning Department has demonstrated to the Planning Commission that it has updated its website to provide up-to-date information to the public about each CEQA exemption determination in a format searchable by location, such as through the "Active Permits In My Neighborhood" tool now used by the Planning Department and the Building Department.

At the direction of the Office of the City Attorney, the publisher incorporated the amendments made by Ord. 161-13 into this Code on September 25, 2013.

ARTICLE IV: FEES

SEC. 31.21. ALLOCATION OF COSTS.

(a) The costs of initial evaluations, preparation of environmental impact reports, notices, hearings and other aspects of administering this Chapter 3.1 shall be borne as follows:

(1) For a project to be carried out by the City: By the board, commission or department that is to carry out such project, as part of the budgeted project costs.

(2) For a project to be carried out by any person other than the City: By such person.

(3) For the taking of an appeal to the Planning Commission: By the appellant.

(Added by Ord. 40-01, File No. 001007, App. 3/16/2001) (Former Sec. 31.21; added by Ord. 134-73, App. 4/11/73; repealed by Ord. 40-01)

SEC. 31.22. FEES.

(a) **Authorization of Fees.** The Planning Department shall charge fees to compensate the Department for the cost of performing the activities and providing the services described in Chapter 31 of this Code. Notwithstanding the procedures set forth in this Section 31.22, the Board of Supervisors may modify the fees by ordinance at any time.

(b) **Base Fees.** The base fees to be charged and collected by the Department for the activities performed by the Department under Chapter 31 of this Code are stated in Section 4 of Ordinance No. _____, available in Board of Supervisors File No. 160632 and on the website of the Board of Supervisors. The base fees stated in Section 4 of that ordinance are the fees in effect as of the date of introduction of the ordinance.

(c) **Annual Adjustment of Base Fees.** Consistent with preexisting law, beginning with the setting of fees for fiscal year 2016-2017, the Controller will annually adjust the base fee amounts referenced in subsection (b) and stated in Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632, without further action by the Board of Supervisors, to reflect changes in the two-year average Consumer Price Index (CPI) change for the San Francisco/San Jose Primary Metropolitan Area (PMSA). This process will occur as follows.

No later than April 15 of each year, the Director shall submit the Department's current Fee Schedule to the Controller, who shall apply the CPI adjustment to produce a new Fee Schedule for the fiscal year beginning July 1. No later than May 15 of each year, the Controller shall tile a report with the Board of Supervisors reporting the new Fee Schedule and certifying that: (1) the fees produce sufficient revenue to support the costs of providing the services for which the fee is charged and (2) the fees do not produce revenue that exceeds the costs of providing the services for which each permit fee is charged.

No later than September of each year, the Department's Fee Schedule showing the current fee amounts inclusive of annual adjustments shall be published in an Appendix to the Planning Code, posted on the Department's website, and made available upon request at the main office of the Department.

(d) **Surcharges.** In addition to fees, a surcharge shall be assessed on some fees to compensate the Department for the cost of appeals to the Board of Supervisors. These surcharges are stated in Section 4 of Ordinance No. 149-16 in Board of Supervisors File No. 160632. These surcharges are not part of base fees as described in subsection (b) and are not subject to the annual adjustment process described in subsection (c). However, to fully inform the public, such surcharges shall be included in the Planning Department Fee Schedule referenced in subsection (c).

Contents: (1) Historic Preservation Commission Motion 0340, May 16, 2018, and, (2) Planning Department Categorical Exemption 2018-003700PRJ

1. HPC Motion 0340 Recitals, p. 1:

"Whereas the Project was determined by the Planning Department to be categorically exempt from environmental review, the Historic Preservation Commission ("Commission") has reviewed and concurs with said determination."

and, in **"Findings," p. 2:**

"The above recitals are accurate & constitute findings of the Commission."

The Motion is Attached.

2. Categorical Exemption is issued next day, May 17, 2018

a. Box on left side of page 4, adjacent to Signature of Planner:

"Project Approval Action: Commision Hearing"

b. Signture of Planner:

"Once signed or stamped and dated, this document constitutes a categorical exemption, pursuant to CEQA guidelines and Chapter 31 of the Administrative Code."

Categorical Exemption 2018-003700PRJ is Attached.

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Preservation Commission
Motion No. 0340
HEARING DATE: MAY 16, 2018

1650 Mission St.
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Information:
415.558.6377

Case No.:	2018-003700COA
Project Address:	**Filbert Street and Columbus Avenue**
Historic Landmark:	**No. 226: Washington Square**
Zoning:	P (Public) OS (Open Space) Height and Bulk District
Block/Lot:	0102/001
Applicant:	Levi Conover, Project Manager San Francisco Recreation and Park Department 30 Van Ness Avenue, 3rd Floor San Francisco, CA 94102
Staff Contact:	Elizabeth Gordon Jonckheer - (415) 575-8728 elizabeth.gordon-jonckheer@sfgov.org
Reviewed By:	Tim Frye – (415) 575-6822 tim.frye @sfgov.org

ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10, TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 001 IN ASSESSOR'S BLOCK 0102, WITHIN A P (PUBLIC) ZONING DISTRICT AND AN OS (OPEN SPACE) HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, on March 13, 2018 Levi Conover of the San Francisco Recreation and Parks Department ("Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness for alterations to Washington Square, including: the removal and replacement of existing trees and the addition of new trees, removal of all existing shrubs and bushes in the perimeter planting beds, replacement of existing benches in-kind, replacement of all existing asphalt pathways, installation of perimeter cobble pavers at the lawn and planting bed edges, installation concrete curbs along the planter beds, and installation of perimeter low fencing on outer planter bed edges.

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission ("Commission") has reviewed and concurs with said determination.

WHEREAS, on May 16, 2018, the Commission conducted a duly noticed public hearing on the current project, Case No. 2018-003700COA ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby grants the Certificate of Appropriateness, in conformance with the plans dated March 31, 2018 labeled Exhibit A on file in the docket for Case No. 2018-003700COA based on the following findings:

CONDITIONS OF APPROVAL

1. Specifications for final materials, including the post and chain fencing, walkway paving material, cobblestone for planting bed borders, and the bench material will be forwarded for review and approval by Planning Department Preservation Staff prior to the issuance of Building Permit Applications.

FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of the Commission.

2. Findings pursuant to Article 10:

   The Historic Preservation Commission has determined that the proposed work is compatible with the character of the landmark as described in the designation report.

   - That the proposed project is compatible with the Washington Square, Landmark Number 226 since the project does not affect the design and form of the site.
   - That the project would maintain the existing use of the park as a public open space and would maintain the park's historic character.
   - That the proposed project maintains and does not alter or destroy the park's character-defining features or materials.
   - The proposed project meets the requirements of Article 10.
   - On balance, the proposed project meets the following Secretary of Interior's Standards for Rehabilitation: The proposed project meets the following *Secretary of Interior's Standards for Rehabilitation:*

Standard 1.
A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2.
The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3.
Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 5.
Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved..

Standard 9.
New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.
New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT
THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS
The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4
Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5
Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7
Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of Washington Square, Landmark Number 226 for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

   A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

   The proposed project will have no effect on existing neighborhood-serving retail uses.

   B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

   The proposed project will strengthen neighborhood character by respecting the character-defining features of the site and landmark in conformance with the Secretary of the Interior's Standards.

   C) The City's supply of affordable housing will be preserved and enhanced:

The project will not affect the City's affordable housing supply.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed project will not have any impact on industrial and service sector jobs.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project will have no effect on preparedness against injury and loss of life in an earthquake. The work will be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for the parks and open space.

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES WITH CONDITIONS a Certificate of Appropriateness** for the property located at Lot 001 in Assessor's Block 0102 for proposed work in conformance with the plans labeled Exhibit A on file in the docket for Case No. 2018-003700COA.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on May 16, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Black, Hyland, Johnck, Johns, Matsuda, Wolfram

NAYS: None

ABSENT: Pearlman

ADOPTED: May 16, 2018

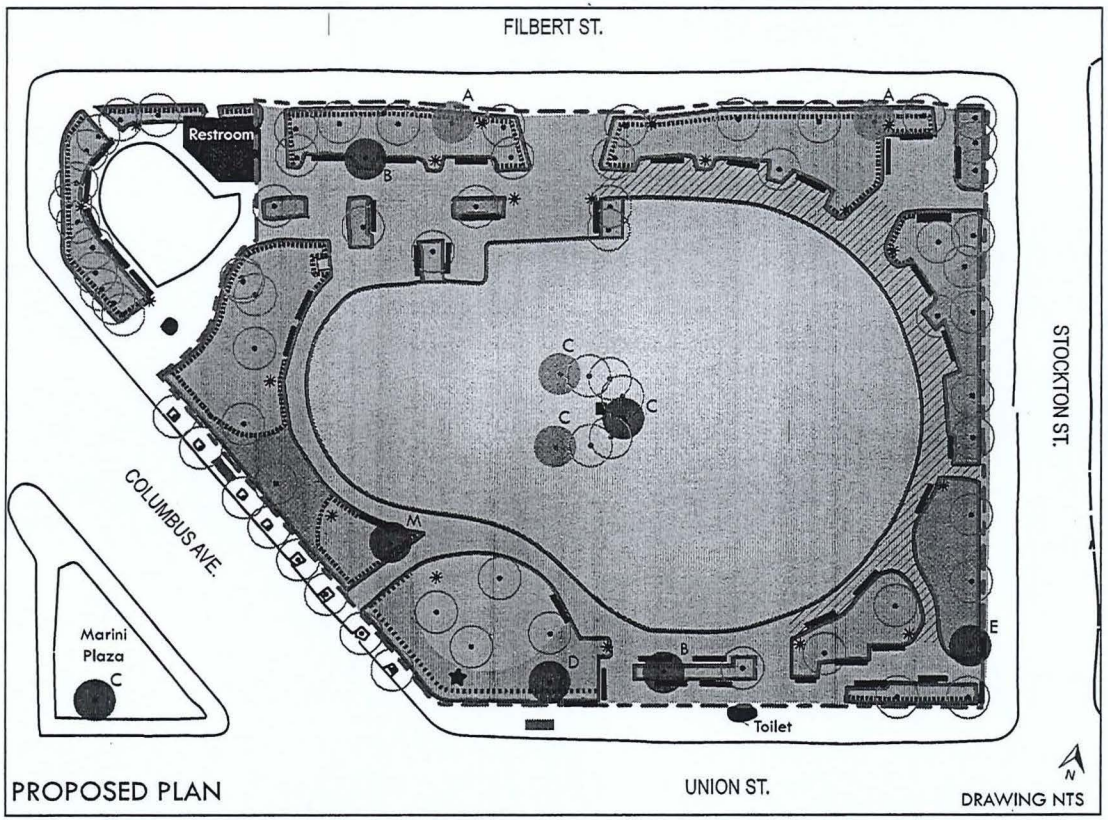
SF REC & PARK | WASHINGTON SQUARE PARK WATER CONSERVATION PROJECT

January 31, 2018

Project Manager
Levi Conover
Recreation and Parks Department

Design Team
Edward Chin, Landscape Architect
Andrea Alfonso, Landscape Architect
San Francisco Public Works

SAN FRANCISCO PUBLIC WORKS Building Design & Construction



Tree Legend

A- *Olea Europaea*, European Olive (Qty.2)
B- *Michelia doltsopa*, Sweet Michelia (Qty.2)
C- *Populus nigra*, Black Poplar (Qty.4)
D- *Platanus racemosa*, CA Sycamore (Qty.1)
E- *Pinus Pinea*, Stone Pine (Qty.1)
M- *Maytensus boaria*, Mayten (Qty.1)

Legend

- Limit of Work
1. Existing Tree
2. Existing Light Pole
3. Proposed Bench, as necessary
4. Proposed Low Fencing
5. Existing Bus Stop
6. Proposed Cobble Paving
7. Proposed Concrete Curb
8. Proposed Grading Area
9. Proposed Concrete Paving
10. Proposed Mulch
11. New Tree
12. Tree to Be Removed/Replaced
13. Proposed Grass
14. Proposed Low Shrub/Groundcover
15. Remove AC paving
16. Park Sign

PLANTING RECOMMENDATIONS

Plant species selected for the palette meet several underlying criteria, which are: low water use, provide habitat for insects and birds and low maintenance. Additionally, their profile grows under three feet tall to maintain clear site lines for park safety.

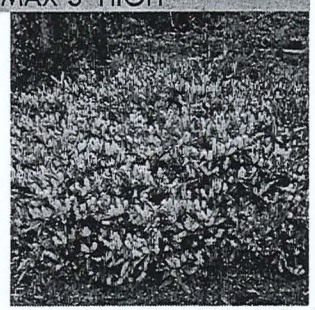
It is recommended that the planting beds be filled with drifts of plant massings that seamlessly blend together. This will allow specific plants to define planting beds and give structure and character to the perimeter of the park.

Temporary protective fencing should be installed at the perimeter of new planting beds until new permanent perimeter fencing can be installed.

PLANTING PRECEDENTS

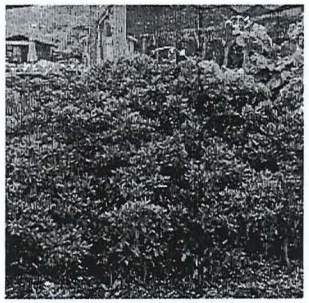
FOUNDATION PLANTING: MAX 3' HIGH

Olea europea 'little ollie'
Little Ollie Dwarf Olive



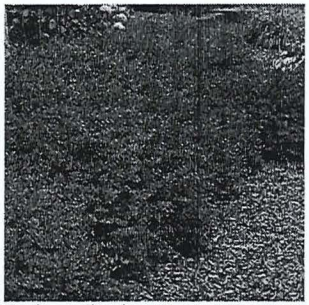
Prunus Laurocerasus 'Otto Luyken'
Cherry Laurel

Correa 'Dusky Bells'
Red Australian Fuchsia



Rhamnus californica 'Mt. San Bruno'
Dwarf Coffeeberry

Ceanothus 'Concha'
Concha Ceanothus



Berberis thunbergii
Berberis

GROUNDCOVER

Baccharis pilularis 'Twin Peaks'
Dwarf Coyote Brush

Sollya heterophylla
Australian Bluebell Creeper

Ceanothus gloriosus 'Anchor Bay'
Anchor Bay Ceanothus

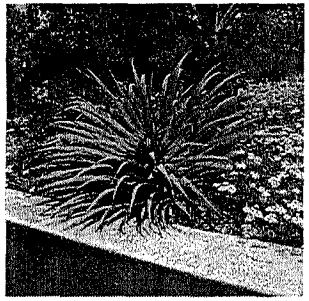
Legend

- Shade Tolerant
- Spring Bloom
- Summer Bloom
- Fall Bloom
- Winter Bloom
- Attracts Insects and/or birds

SHRUBS + SUCCULENTS

Ribes Sanguineum
Pink Flowered Currant

Woodwardia fimbriata
Chain Fern



Agave bracteosa
Spider Agave

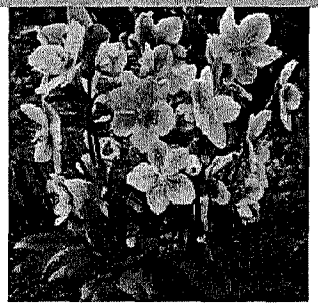
Punica granatum 'nana'
Dwarf Pomegranate

Phormium tenax spp.
Dwarf Flax

Cotinus coggygria
Smoketree

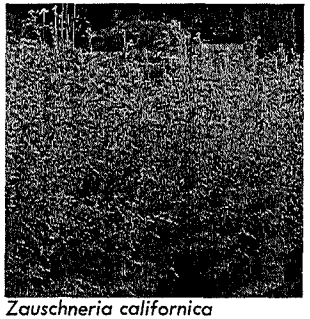
PERENNIALS

Heuchera maxima
Island Alum Root



Helleborus spp.
Lenten Rose

Anemone x hybrida 'Honorine Jobert'
Japanese Anemone



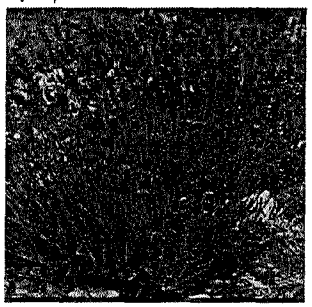
Zauschneria californica
California Fuchsia

Euphorbia characias 'wulfenii'
Spurge

Santolina chamaecyparissus
Lanvender Cotton

Rosmarinus officinalis 'Prostratus'
Creeping Rosemary

Penstemon heterophyllus 'BOP'
Blue Bedder

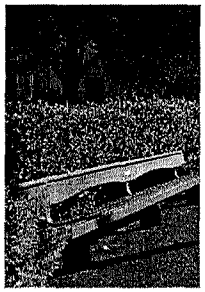


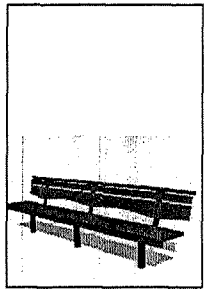
Lavendula spp.
Lavender

Legend

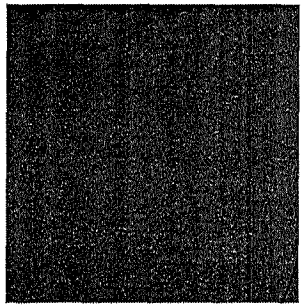
- Shade Tolerant
- Spring Bloom
- Summer Bloom
- Fall Bloom
- Winter Bloom
- Attracts Insects and/or birds

Plant Protection Fence



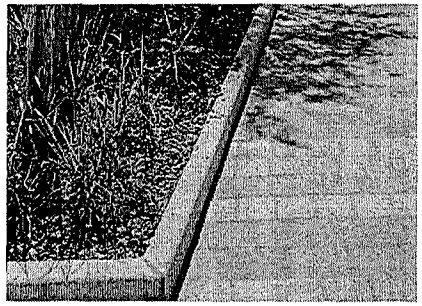


Historic Bench
replace to match existing



Paving
waterjet concrete with
integral color

Paving Edge
basalt pavers



Curb at Sidewalk

SAN FRANCISCO
PLANNING DEPARTMENT

BOARD OF SUPERVISORS
SAN FRANCISCO
2018 JUN 15 PM 3:56

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
Washington Square Water Consrvation Project		1020001
Case No.		**Permit No.**
2018-003700PRJ		
■ **Addition/ Alteration**	☐ **Demolition (requires HRE for Category B Building)**	☐ **New Construction**

Project description for Planning Department approval.

Landmark #226. The Washington Square Water Conservation Project seeks to reduce the park's existing irrigation water use by two thirds and improve saturated soils conditions on the main lawn.

STEP 1: EXEMPTION CLASS

	Note: If neither class applies, an *Environmental Evaluation Application* is required.
■	**Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	**Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. **FOR ENVIRONMENTAL PLANNING USE ONLY**
☐	**Class** ____

Contents: Appendices re Notice to Public of Historic Preservation Commission Meeting on May 16, 2018. "Approval Action" is announced as part of Notice.

"A Historic Preservation Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h)."

The notice for the project is attached. In addition to this on-line notice, six poster sized notices on foam core backing were mounted in Washington Square beginning May 7, 2018.

SAN FRANCISCO
PLANNING DEPARTMENT
1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

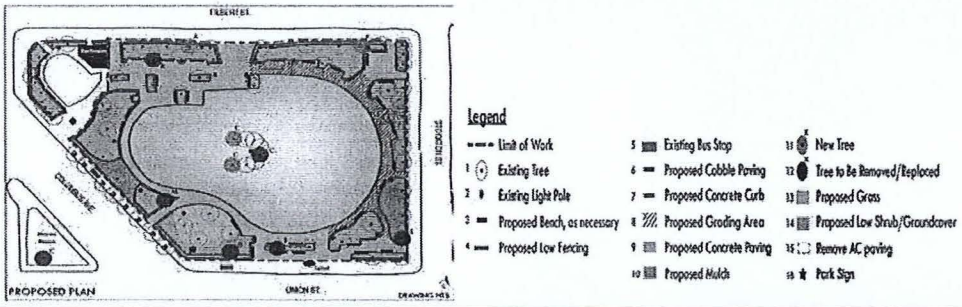
NOTICE OF PUBLIC HEARING

Hearing Date:	**Wednesday, May 16, 2018**
Time:	**Not before 12:30 PM**
Location:	**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
Case Type:	**Certificate of Appropriateness**
Hearing Body:	**Historic Preservation Commission**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	**Washington Square**	Case No.:	**2018-003700COA**
Cross Street(s):	**Filbert St. & Columbus Ave.**	Building Permit:	**N/A**
Block /Lot No.:	**0102/001**	Applicant:	**SF Rec & Park Dept.**
Zoning District(s):	**P / OS**	Telephone:	**(415) 581-2572**
Designation:	**Landmark Number 226**	E-Mail:	**levi.conover@sfgov.org**

PROJECT DESCRIPTION

The proposed project includes: the removal and replacement of three existing trees and the addition of four new trees that were previously removed due to disease/hazard, removal of all existing shrubs and bushes in the perimeter planting beds, ADA upgrades to pathways, including the replacement of all existing asphalt pathways with stained concrete, installation of perimeter cobble pavers at the lawn and planting bed edges, installation of a new 6"-12" tall concrete curb along the planter beds, and installation of perimeter low fencing on outer planter bed edges.
A Historic Preservation Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).



ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans of the proposed project will also be available one week prior to the hearing through the Historic Preservation Commission agenda at: http://www.sf-planning.org.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:
Planner: **Elizabeth Jonckheer** Telephone: **(415) 575-8728** E-Mail: **elizabeth.gordon-jonckheer@sfgov.org**

ORIGINAL APPEAL FILED JUNE 15, 2018

Letter of Appeal of Categorical Exemption ("C.E.") 2018-003700PRJ

To: Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<angela.calvillo@sfgov.org> 415-554-7630

Attn: Brent Jalipa, Legislative Clerk
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<brent.jalipa@sfgov.org> 415-554-5184

Cc: Aaron Peskin, Supervisor, District 3
City Hall / 1 Dr. Carlton Goodlett Place / SF CA 94102
<aaron.peskin@sfgov.org> 415-554-7450

Cc: John Rahaim, Director
San Francisco Planning Department
1650 Mission Street #400 / SF CA 94103
<john.rahaim@sfgov.org> 415-558.6350

Cc: Elizabeth Jonckheer, Project Planner, S F Planning Department
<elizabeth.gordon-jonckheer@sfgov.org> 415-575-8728

Per San Francisco Administrative Code §31.16(e)(1), this Appeal of C.E. 2018-003700PRJ, consequent to the proposed closure of Washington Square, a park in San Francisco, California and a "known Historic resource" located at Block Lot 1020001, is hereby submitted to the San Francisco Board of Supervisors.

The at-issue Categorical Exemption ("C.E.") was inadequately researched and inadequately promulgated, offering no opportunity until this appeal for those members of the public most likely to be affected by the underlying project to suggest changes or otherwise comment on it. The conclusions drawn in the C.E. are flawed, and those flawed conclusions are detrimental to the very reasons given by the City for its so-called "conservancy project."

June 15, 2108

Dear Board of Supervisors Clerk Calvillo,

Thank you for accepting this appeal of the above referenced Categorical Exemption for consideration, discussion and vote by the San Francisco Board of Supervisors.

Marc Bruno, Appellant
15 Nobles Alley
San Francisco, CA 94133
<marcabruno@yahoo.com>
415-434-1528

Daniel Macchiarini, Appellant
President, North Beach Business Association
Macchiarini Creative Design & Metalworks
Gallery, a Legacy Business
<dannylmac@sbcglobal.net>
415-982-2229

I. Introduction

My name is Marc Bruno and I submit this appeal on behalf of the North Beach Business Association, the sole neighborhood group representing businesses in the North Beach Commercial District, and myself.

Appellant Marc Bruno

I am the Treasurer of the St. Vincent de Paul Society Conference at Saints Peter and Paul Church, a volunteer position. I also am a former employee of San Francisco St. Vincent de Paul Society, a non-profit organization serving the needs of homeless individuals and families who live in and pass through the City. St. Vincent de Paul Society is a contractual partner with the City for one of the San Francisco's largest homeless shelters, MSC South. We also help operate two of the City's new Navigation Centers.

In my role as volunteer and former employee of the Society, I have worked with the homeless in and around the proposed project site, Washington Square, for over 20 years. In addition to the environmental concerns described herewith, I am disturbed by the project sponsor's failure to formulate a plan to relocate and house the many homeless individuals and families who live in Washington Square. Without such planning, these people, already facing severe economic and emotional challenges, will be further harmed, as will the public at-large.

Appellant North Beach Business Association (hereinafter, "NBBA")

North Beach Business Association (NBBA) represents over 100 active members, all businesses located in North Beach. At least 15 of these businesses are in plain view of and surround Washington Square, the site of the proposed project. These businesses and others in our greater commercial district will be greatly damaged should the project proceed without further environmental review. Indeed, many of our member businesses are convinced they will be out of business by the time the so-called conservancy project is complete. Their loss will be a direct consequence of the failure of the City to mitigate the overt detrimental effects on the environment should the project move forward without reasonable mitigation.

The mitigation we seek, and the mitigation the writers of the Categorical Exemption inexplicably ignore, are the reasonable measures that should be taken to ameliorate the effects of the project on traffic, air quality and noise. There should be plans in place for construction and dirt removal and re-installation, dust mitigation as well as noise mitigation, so that businesses around Washington Square, many of which are outdoor sidewalk cafes with patios, will not go out of business.

A traffic disruption mitigation plan should also be in place. No construction debris, materials nor vehicles should be stored or parked on sidewalks, nor on public and commercial parking spaces, nor in bicycle, bus and taxi lanes.

It also is imperative that an effective and enforceable contractor oversight and accountability plan be in place to ensure immediate on-site compliance with an approved mitigation plan, and that the project be completed by the contracted due date. Any extension of the project will, unavoidably, have a negative impact on the environment and the cultural integrity of the neighborhood, and these in turn will exacerbate the project's impact on the historic commercial district that is so essential to the quality of life in North Beach.

II. Objection to and Appeal of Categorical Exemption 2016-014104ENV

Please know that by this communication, hand-delivered to the Board of Supervisors as well as sent digitally by email, the undersigned Appellants notify you that we object to and appeal the attached "Categorical Exemption" for Washington Square, a park in San Francisco, California, Case Number 2018-003700PRJ, Block Lot 1020001.

The Categorical Exemption is based on a review of a project sponsored by the San Francisco Recreation and Parks Department. The title of the project is "Washington Square Water Conservancy Project." No other identifying information is given concerning the project in the Categorical Exemption.

Based on the year-long duration of the closure of an Article 10 Landmarked resource, we believe that ***at a minimum*** the real party in interest, the San Francisco Recreation and Parks Department, is required to request and publish a Mitigated Negative Declaration before proceeding with the project.

III. Arguments in Favor of Appeal of C.E. 2018-003700PRJ

(A.) Project Sponsors' Failure to Notify the Public and decision-makers assigned to approve, modify or disapprove the environmental impact of the project that the project site, a public park, would be closed for one year. is an egregious error. Inadvertently or deliberately, sponsors misled the public and the assigned decision-makers, preventing them from grasping the scope of the project, an essential component used to evaluate the probable effect on the environment.

Project sponsors failed to notice the public and public's designated decision-makers (a.k.a. "Commissioners") of its intent to close the park for one year. Indeed, it barely mentions any closure whatsoever in the documents presented to the Commission. In so doing, project sponsors fail to reveal the scope of the project, an essential element in evaluating its likely environmental impact.

The comments of Commissioner Ellen Johnck, RPA, are particularly telling in this regard. In deliberations on the Washington Square project on May 16, the single hearing on this project, the Commissioner points out that nowhere in the supporting documents to the Commission and the public is mention made of "site closure" or "park closure;" to wit:

"I would move continuance. It seems like there is some overlap here, and even though I agree that some of the issues don't exactly apply to our historic issue, ***I was unaware that the park was going to close-- even though I thoroughly read the entire document.*** I don't see a problem with moving [the motion] a month, really, with the parks department so we can do more and hear more about this." [Emphasis added.]

Commissioner Johnck, the Commission's only Preservation Professional, is not mistaken in her assessment of the Planning Department's and Rec and Park's failure to be forthright in revealing the year-long closure of the project site. In the entire 82-page report to the Commission, there is only one mention of the word "closure," in a single sentence describing the public's correspondence "related to this project." Note that the reference does not even say on which side the public falls. The reader might as easily assume that the public correspondence is *in favor* of the closure as against it -- perhaps because the closure is so unexpected brief.

The decision-makers ("Commissioners") are left hanging. They do not know the implication of the correspondence, because they are told anywhere that the park will even be closed for one day; to wit:

"The Department has received public correspondence related to this project in regard to the duration of the closure of the park due to the remodel, and the dislocation of the park's homeless population."

That's it in the entire 82-page supporting document regarding "closure" of the project site, a Section 10 Landmarked Public Resource. And if decision-makers were kept in the dark up until the time of the hearing on May 16, how much more was the public kept there too?

As no mention is made of the length of the park closure, and as no mention is made of what position the public correspondence takes on the issue, reference to public correspondence is no better than the "newspeak" George Orwell ridicules-- and warns us against-- in his book *1984.*

No mention is made of the project site closure in agenda item for Washington Square before the Commission on May 16. No mention is made of the closure

on the notice posted in the park to invite the public to the Historic Preservation Commission Hearing. No mention is made of it in the on-line disclosure form for the hearing, and no mention is made of it by Project Manager Levi Conover and Project Planner Elizabeth Jonckheer, testifying before the Commission on May 16.

Without truthfully revealing the negative effect of the project on the park closure, the Planning Department discouraged participation by the public in reviewing the Categorical Exemption and the effect of the underlying project on the environment. On no written notice or signage concerning the hearing of May 16, 2018 does the City present any information to the public concerning the closing of the park.

By not presenting an assessment that refers to the closure of the park-- nor even mentioning the *possibility* that the park will be closed-- the City failed to give proper notice to the public about the scope of the project. As project scope is an essential element in understanding a project's likely impact on the environment, project sponsors' failure to mention the scope of the project skewed public comment away from the essential environmental questions at the hearing on May 16.

City officials have an obligation to explain to the public the downside of a project as well as the upside. City officials failing to notify the public of the closure of the park is a violation of that transparency each of us as citizens have a right to expect from representative government.

On its face the Categorical Exemption is flawed for this reason alone: because prior to and during the hearing before the Commission on May 16 project sponsors place the context of the project and its scope in a false light.

III. Arguments in Favor of Appeal of C.E. 2018-003700PRJ

(B.) City's Failure to Publish and Promulgate the Categorical Exemption prior to the Historic Preservation Commission hearing on May 16, 2018 that was to consider such exemption is a violation of law and undercuts the very basis of the California Environmental Quality Act.

The San Francisco Planning Department failed to publish, issue, review, give notice or otherwise promulgate the Categorical Exemption in this matter, as required by law.

In the Commission Package prepared by the Department for its Commission (the "Historic Preservation Commission"), there is only one mention of the Department's decision that the proposed project at Washington Square. On

page 1, of the proposed Motion to be signed by the Commission, should Planning receive an approval by the Commission, the Motion reads:

"WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission ("Commission") has reviewed and concurs with said determination."

This textual relic from the "supporting packet" for the project sponsor's application for a Certificate of Appropriateness makes no sense grammatically or procedurally. (It is copied directly from the Planning Department's Case Report, the department's sole submission to the Commission for Agenda Item (9), May 16, 2018. The title of the agenda item is "Washington Square - Request for Certificate of Appropriateness.")

How and under what circumstances was the Commission given a chance to do what it claims to have done by signing off on the Certificate of Appropriateness on May 16, 2018? In other words, how could the Commission on that day or any other day have "reviewed and concur[ed] with said determination?"

The Commission was not presented with the Categorical Exemption *prior to* the meeting, and the Commission was not presented with the Categorical Exemption *during* the meeting. How then could the Commission "review" such exemption being advocated by the Planning Department?

In their testimony before the Commission in favor of the application for the Certificate of Appropriateness on May 16, neither Levi Conover, Recreation and Parks Department Project Manager nor Elizabeth Jonckheer, Project Planner, mentions the words "Categorical Exemption" nor the word "exemption" nor "CEQA" nor any other word or reference that implies any sort of review was being offered-- or questions answered-- by either department for the City's assigned decision-makers.

Together with Ghirardelli Square (approved 1970) and the Music Concourse at Golden Gate Park (2005) Washington Square, landmarked in 1999, is one of only three Landmarked Public Spaces under Article 10 of the San Francisco Planning Code. To put it another way, of the 266 such Landmarks under Article 10, 263 are buildings and three, only, are open spaces that may be experienced by the public in a way unique to the enjoyment of the natural environment.

Given that Washington Square is one of only three such landmarked spaces, and given that the Historic Preservation Commission is assigned to protect such landmarks, the review of a Categorical Exemption for a year-long project in, on and around such space should receive the highest scrutiny.

That was not done here, because the Planning Department and the real party in interest, the Rec and Park Department, did not adequately inform the Commission of the scope of the project nor submit the Categorical Exemption prior to or during the Commission hearing.

The need for such documentation in order for the Commission to properly review the environmental consequences of a project is anticipated by the "Rules and Regulations of the Historic Preservation Commission," which read, in part, as follows:

Submittals and Hearing Procedures:

I. Submittals:

a. Staff packet due to Commission one week in advance of hearing.

II. Content of submittals should be as follows:

1. Clear plans and elevations (all plans should include a "north" directional arrow)
2. Physical context, adjacency, back and facing properties across the right-of-way to illustrate the historic context of the project (which should include color streetscape on both sides of street)
3. Environmental and historic resource documents to be attached to all submittals.

By any reasonable standard, the Categorical Exemption itself-- the document upon which the exemption is based-- should have been submitted to the public and to the Commission prior to the hearing, That it was not so submitted precluded the public and decision-makers from adequately reviewing the environmental impact of the proffered exemption.

Even had Mr. Conover and Ms. Jonckheer presented the Categorical Exemption at the time of the hearing, what good would such presentation do for the public whose rights at the hearing were violated by not being given the relevant documents prior to the Commission's approval of them?

The Categorical Exemption from which we appeal is a clearly delineated decision by the department, and such document was never presented to the pubic or the Commission prior to or during the hearing on May 16. It should have been so presented, as a matter of transparency, fair play and law. prior to its consideration for the first time at the City's Historic Preservation Commission on May 16, 2018. Indeed, the C.E. is not included in the Board packet for the meeting on May 16. (See Exhibit 2, "Historic Preservation Commission, Motion 0340").

III. Arguments in Favor of Appeal of C.E. 2018-003700PRJ

(C.) The City's Failure to Mitigate the acknowledged detrimental effect on traffic, parking and air quality as a consequence of the project belies the notion that the project shall produce no significant on the environment.

As neighbors of the project, Appellants are gravely concerned by the cumulative impact of construction with seven projects located within a 0.25 Mile radius of the project proposed for Washington Square, coupled with current work being done or planned as part of the Central Subway (less than one mile away). Better Market Street, Geary Bus Rapid Transit Project and the re-building of 46 residential units and six ground-floor commercial spaces directly across from the park will result in a significant cumulative impact on traffic, parking and air quality that is never considered by the Planning Department in its Categorical Exemption.

As representatives of residents *and* the local business community, Appellants respectfully ask the Supervisors to take notice of the North Beach - Telegraph Hill Historic District, and area that contains the City's oldest commercial spaces and most longstanding active businesses. Of the 100+ members of the North Beach Business Association, 16 are eligible for "legacy business designation," and four additional businesses are already so designated. Of the 100+ members of the organization, each one is owner-operated, and only three member businesses have a second store location elsewhere in the City.

The lives of these owners, their employees and the families of all members of the owners and employees rely on an open, transparent and thorough review of a project that will so profoundly affect the vitality of the businesses on which they depend for income. Such historic and review cannot and should not casually ignore the likely environmental that will lead to the demise of businesses in the community.

Interestingly, but not surprisingly, some of the same criteria that gave rise to the requirements of CEQA also give rise to our opposition to the Categorical Exemption. As CEQA protects our health and well-being by protecting the environment, so does CEQA indirectly protect the well-being of businesses by establishing minimum local standards of air quality and traffic mitigation so that people may live with and near construction projects without facing serious health consequences.

What family with children will eat a pizza at a restaurant covered with dust and smoke from a construction project a mere 30' from their table? What tourist will pay $200 and upwards per night for a room in a bed and breakfast hotel that cannot guarantee the quiet enjoyment of her room? What hat shop will attract clients who cannot even hear what they say over the phone, because of noise from a backhoe less than 60' from the front door?

All these circumstances will come to pass if the environmental review of the proposed project is not adequately researched, and if the truth of the proposed

scope of the project is not revealed to the public and to decision-makers responsible for reviewing the Categorical Exemption.

Tony's Neapolitan Pizzeria will suffer; Grodin's Hat Store and its many employees will suffer; Washington Square Inn will suffer. And these are but three of the 14 businesses that look directly across the street at Washington Square.

It is for this public and these representative businesses that we are here today. As the full scope of the project was never revealed to the public or to decision-makers until the day of the hearing on May 16 (and then, just barely), so were the public and decision-makers denied the chance to properly consider the scope of the project in reviewing the Categorical Exemption.

We ask the Board of Supervisors to now give the proper review of the Categorical Exemption, with all the facts before this Board.

CEQA requires consideration by lead agencies not only of the effects of a project on the physical environment but also the effect on the cultural context that is integral to the fabric of the environment. Here, in North Beach, one of the most densely populated and historic areas of the City, the loss of active retail and restaurant businesses that might result as a result of the project sponsors' year long project was never considered in the Categorical Exemption. This is one more reason we believe the research and conclusions of that exemption are fatally flawed. The document simply does not reflect the reality of the environmental impact of the proposed project.

The cumulative effect of the neighborhood's seven building projects-- all within a 0.25 mile radius of Washington Square-- require project sponsors to, ***at a minimum*** produce a Mitigated Negative Declaration before proceeding.

III. Arguments in Favor of Appeal of C.E. 2018-003700PRJ

(D.) Project Sponsor's proposed fencing of those sections of the site dedicated to trees and plantings will have a profound effect on the character and traditional use of the park, thereby offending the preservation requirements of an Article 10 Landmark.

In her testimony before the Commission, City Planner Elizabeth Jonckheer states that changes being made to the park "are consistent with the historic configuration of the park and with the visual appearance of the park" (SF GOV TV VIDEO, HPC, MAY 16, 2018, Time Code 25:55) ""will not alter the character defining features of the landscape" "proposed fencing will not impact the traditional use or open character of the landscape"

Nothing could be further from the truth or more unreasonable than to suggest that in this park, barley one acre in size, the fencing of each and every sections of plantings will have no impact on the park.

Appellants offer just one "fun fact" to dispute this unreasonable claim by the Planning Department. If one were to measure the full length of fencing being added to the park under the euphemism of "modification," that length exceeds the perimeter of the entire park, which is, as mentioned above, an Article 10 Landmarked site.

The fencing being proposed is unsightly, unnecessary and inconsistent with the open character of the park as it was reconceived by prominent San Francisco landscape architects Lawrence Halprin and Douglas Bayliss in 1958.

In addition, in a small space such as Washington Square, fencing is dangerous to children, dog walkers and others. Under the proposed fencing plan, there will be no easy way for a child to retrieve a ball, a college student to retrieve a Frisbee or anyone to pick up a wayward small dog. And yet, as someone who has lived near this park for over 30 years, I know that all these activities take place in Washington Square every day.

Adding black chains and iron-in-appearance fencing to a park the size of Washington Square is to impose a ***large park mentality*** on a delicate open space that functions well as it is today. And such fencing undoes the unique qualities of this much beloved and admired community space.

IV. Legal Background, CEQA

CEQA (Pub. Resources Code § 21000 et seq.) requires that an agency analyze the potential environmental impacts of the Project, i.e., its proposed actions, in an environmental impact report (EIR) except in certain limited circumstances. (See, e.g., PRC § 21100).

The environmental review is the very heart of CEQA. (Dunn-Edwards v. BAAQMD (1992) 9 Cal.App.4th 644, 652). A foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the scope of the statutory language, and to include public notice, public input and public participation in the development of projects that affect the environment. (Communities for a Better Environment v. Cal. Resources Agency (2002) 103 Cal.App.4th 98, 109).

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of

a project. (14 Cal. Code Regs. (CEQA Guidelines) § 15002(a)(1)). Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made.

An EIR protects not only the environment but also informed self-government. *(Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564). A properly executed environmental review is an alarm bell to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. *(Berkeley Keep Jets Over the Bay v. Bd. of Port Commissioners.* (2001) 91 Cal.App.4th 1344, 1354).

Second, CEQA also requires public agencies to avoid or reduce environmental damage when feasible by requiring environmentally superior alternatives and mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley* 52 Cal.3d at 564). Mitigation measures must be fully enforceable and not deferred. (CEQA Guidelines § 15126.4; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 308-309).

The mitigation component of a properly executed environmental review serves to provide the public and responsible government officials with information about the environmental impacts of a proposed project-- and to identify ways environmental damage can be avoided and reduced. (Guidelines §15002(a)(2)).

If the project will have a significant effect on the environment, CEQA requires the adoption of a feasible alternative that meets most of the project objectives but results in fewer significant impacts. (Citizens of Goleta Valley v. Bd. of Supervisors (1988) 197 Cal. App. 3d 1167, 1180-81).

A feasible alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; 14 Cal. Code Regs. § 15364). CEQA requires that an EIR provide a discussion of project alternatives that allows meaningful analysis.

A properly done environmental review shall describe a range of reasonable alternatives to the project, or to the location of the project, to feasibly attain most of the basic objectives while avoiding or substantially lessening any of the detrimental effects of the project, and evaluate the comparative merits of the alternatives. (CEQA Guidelines § 15125.6).

In the instant case, no such mitigation methods and alternatives have been offered by the Planning Department. This is not surprising, because it seems to

appellants that the Department and the real party in interest, the sponsor Recreation and Parks Department, have gone out of their way to hide the closure of the park, and the extent of that closure, from both the Historic Preservation Commission and the public at-large.

IV. Timeliness of this Appeal under CEQA

This appeal is timely filed within all applicable statutes of limitations. This action is timely under CEQA because it is filed within 30 days of the City and County's Categorical Exemption, dated May 17, 2018 and filed with the Clerk of the San Francisco Board of Supervisors on June 15, 2018. (PRC § 21167(b), (c), and (e); 14 CCR § 15112(c)(1).

Thank you for your considered attention and discussion of this appeal.

Signed,

Marc Bruno, Appellant
15 Nobles Alley
San Francisco CA 94133
<marcabruno@yahoo.com>
415-434-1528

Daniel Macchiarini, Appellant
President, North Beach Business Association
Macchiarini Creative Design & Metalworks
Gallery, a Legacy Business
<danny1mac@sbcglobal.net>
415-982-2229

Note: It is our intention to submit additional documents supporting this appeal prior to the 30 day expiration period. Thank you.

From:	Ko, Yvonne (CPC)
To:	Marc Bruno
Cc:	Jalipa, Brent (BOS); Wong, Elaine (CPC); Chang, Michelle (CPC)
Subject:	RE: New Fee Waiver Request (Second Appeal of Categorical Exemption 2018-003700PRJ)
Date:	Tuesday, August 21, 2018 1:32:26 PM

Hi Mr. Bruno and Brent,

Yes, I am confirming that you are still eligible for the Fee Waiver to the above referenced Categorical Exemption Appeal for Washington Square Water Conservation Project.

Please let me know if you have any question.

Thank you very much.

Yvonne Ko, Revenue Team Supervisor
Finance Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.558.6386 | www.sfplanning.org
San Francisco Property Information Map

From: Marc Bruno [mailto:marcabruno@yahoo.com]
Sent: Tuesday, August 21, 2018 1:26 PM
To: Ko, Yvonne (CPC)
Cc: Jalipa, Brent (BOS)
Subject: New Fee Waiver Request (Second Appeal of Categorical Exemption 2018-003700PRJ)

New Fee Waiver Request (Second Appeal of Categorical Exemption 2018-003700PRJ)

Yvonne Ko, Revenue Team Supervisor
Planning Department Fee Waivers, Appeals
1650 Mission Street, Suite 400
San Francisco, CA 94103
Yvonne Ko (CPC) <yvonne.ko@sfgov.org>
415-558-6386 Phone / 558-6409 Fax

August 21, 2018

Yvonne -

At the suggestion of Brent Jalipa in the San Francisco Board of Supervisors, Office of the Clerk, I am requesting re-verification that I am eligible for a "Fee Waiver" in the above referenced matter, for which I filed a ***new appeal*** on Thursday, August 16, 2018.

The factors determining the eligibility for this waiver are identical to the the presented to you three months ago, in May, 2018. A copy of your original letter verifying my eligibility for a

Fee Waiver at that time is attached.

Please do not hesitate to call or email should you have any questions about this request for a ***new fee waiver.***

Thank you,

Marc Bruno, Appellant
15 Nobles Alley
San Francisco, CA 94133

From: Ko, Yvonne (CPC)
To: Marc Bruno
Cc: Jalipa, Brent (BOS); Wong, Elaine (CPC)
Subject: RE: Here is Completed Neighborhood Waiver Application
Date: Wednesday, May 30, 2018 9:27:16 AM

Hi Mr. Bruno,

I have received your fee waiver request package and have reviewed them. You have been approved for the Board of Supervisors' CEQA appeal fee waiver for this application related to "Washington Square Water Conservancy Project".

If you have any question regarding this fee waiver approval, please feel free to contact me.

Yvonne Ko, Revenue Team Supervisor
Finance Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.558.6386 | www.sfplanning.org
San Francisco Property Information Map

From: Marc Bruno [mailto:marcabruno@yahoo.com]
Sent: Friday, May 25, 2018 11:03 AM
To: Ko, Yvonne (CPC)
Cc: Marc Bruno
Subject: Here is Completed Neighborhood Waiver Application

Yvonne Ko, Revenue Team Supervisor
Planning Department Fee Waivers, Appeals
1650 Mission Street, Suite 400
San Francisco, CA 94103

May 25, 2018

Thank you for your quick response. Here is our Completed Form for Application of Fee Waiver. Also attached is the Categorical Exemption we are appealing, plus the letter from the neighborhood group's President, per your request.

Please contact me if you have any questions about our appeal or application.

Have a wonderful Memorial Day Weekend,

Marc Bruno
15 Nobles Alley
San Francisco CA 94133
<marcabruno@yahoo.com>

From:	BOS Legislation, (BOS)
To:	marcabruno@yahoo.com; Conover, Levi (REC)
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); BOS Legislation, (BOS)
Subject:	PLANNING APPEAL RESPONSE: Appeal of CEQA Exemption Determination - Washington Square Water Conservation Project - Appeal Hearing on October 30, 2018
Date:	Monday, October 22, 2018 2:57:55 PM
Attachments:	image001.png

Greetings,

Please find linked below an appeal response brief received by the Office of the Clerk of the Board from the Planning Department, regarding the Exemption Determination Appeal for the proposed Washington Square Water Conservation Project.

Planning Department Appeal Response - October 22, 2018

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on October 30, 2018.
NOTE: A motion may be entertained to continue this Hearing to the Board of Supervisors' meeting of November 13, 2018.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 180836

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org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SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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Fax:
415.558.6409

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Information:
415.558.6377

Notice of Electronic Transmittal

Planning Department Response to the Appeal of Categorical Exemption for Washington Square Water Conservation Project

DATE: October 22, 2018

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer - (415) 575-9032
Chelsea Fordham, Staff Contact, Principal Planner - (415) 575-9071
Sherie George, Staff Contact, Environmental Planner - (415) 575-9039

RE: BOS File No. 180836 [Planning Case No. 2018-003700COA]
Appeal of Categorical Exemption for the Washington Square Water Conservation Project

HEARING DATE: October 30, 2018

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted a multi-page response to the Appeal of Categorical Exemption for the Washington Square Water Conservation Project [BF 180836] in digital format. Hard copies of this response have been provided to the Clerk of the Board for distribution to the appellants and project sponsor by the Clerk of the Board. A hard copy of this response is available from the Clerk of the Board. Additional hard copies may be requested by contacting the Sherie George of the Planning Department at 415-575-9039.

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

1650 Mission St.
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Categorical Exemption Appeal

Washington Square Water Conservation Project

DATE:	October 22, 2018
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Lisa Gibson, Environmental Review Officer – (415) 575-9032 Sherie George – (415) 575-9039
RE:	Planning Case No. 2018-003700COA Appeal of Categorical Exemption for 600 Columbus Avenue, Washington Square Water Conservation Project
HEARING DATE:	October 30, 2018
ATTACHMENTS:	Attachment A – Certificate of Appropriateness Case Report, Historic Landmark No. 226: Washington Square, March 13, 2018 Attachment B – Recreation and Park Department Agenda and Case Report, Washington Square Water Conservation Project, August 16, 2018
PROJECT SPONSOR:	Levi Conover, San Francisco Recreation and Park Department, (415) 581-2572
APPELLANT:	Mr. Marc Bruno, (415) 434-1528, and Save North Beach

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the San Francisco Planning Department's (the "department") issuance of a categorical exemption under the California Environmental Quality Act ("CEQA") for the proposed 600 Columbus Avenue, Washington Square Water Conservation Project (the "project").

The department, pursuant to section 15301 of the CEQA Guidelines, issued a categorical exemption for the project on May 17, 2018 finding that the proposed project is exempt from CEQA as a Class 1 categorical exemption.

The decision before the Board is whether to uphold the department's decision to issue a categorical exemption and deny the appeal, or to overturn the department's decision to issue a categorical exemption and return the project to the department staff for additional environmental review.

SITE DESCRIPTION & EXISTING USE

Washington Square is located on an irregular shaped block bounded by Columbus Avenue, Filbert, Stockton, Union, and Powell Streets in the North Beach neighborhood of San Francisco (Assessor's Block 0102; Lot 001). The subject property is located within the P (Public) Zoning District with an OS (Open Space)

Height and Bulk District. Washington Square was locally designated as San Francisco Landmark No. 226 under Article 10 of the Planning Code in 1999. The 2.26-acre city park includes a large central lawn transected by concrete walking paths, benches, monuments, a playground, and large trees and smaller shrubs and plantings. A Certificate of Appropriateness for renovation of the playground area was approved under 2016-011144COA in March 2017 and construction of that project has commenced.

PROJECT DESCRIPTION

The objective of the proposed project is to reduce the park's existing irrigation water use. The majority of work would entail removal and replacement of the park's existing irrigation system (mainlines, branch lines, sprinkler heads, controllers), the removal and replacement of the existing sub-lawn drain infrastructure, and the replanting of the grass/sod on the existing main lawn. Specifically, the project scope would include the following items:

Base Scope:

- Install a new weather sensing irrigation system
- Removal and replacement of seven (7) trees recommended for removal per the Recreation and Park Department tree assessment.
- Planting of four (4) new trees that were previously removed due to disease/hazard.

Optional Scope Items:

- Americans with Disabilities Act (ADA) upgrades to pathways: regrading of the existing non-conforming cross slope of pathways, and installation of a new 6"-12" tall concrete curb along planters.
- Removal of all existing asphalt pathways and replacement with stained concrete.
    - Stain would be dark to match the existing asphalt color and include a waterjet finish.
    - Concrete finish would match the concrete finish as approved in the playground project.
- Installation of perimeter cobble pavers at the lawn and planting bed edges.
- Installation of perimeter low fencing on outer planter bed edges.
- Removal and replacement of existing wood benches in-kind with new benches as needed. No change to bench locations. The intent is to retain as many existing benches as possible. It is likely that at minimum that replacement of all of the masonry and concrete bench legs would be necessary. Benches that cannot be reinstalled after leg repair or those that are beyond repair would be replaced with matching detailing to the existing wood benches and legs and painted to match existing.

Optional scope items are dependent on securing additional project funding, but all items, including these optional scope items, were included and analyzed in the scope of work as part of the Certificate of Appropriateness and the exemption from CEQA. The park plan, layout of pathways, and layout of planting bed perimeters would remain unchanged for both base scope and optional scope items.

BACKGROUND

On March 13, 2018, Levi Conover of the San Francisco Recreation and Parks Department ("project sponsor') filed an application with the San Francisco Planning Department for a Certificate of Appropriateness for alterations to Washington Square as described in the project description above.

On May 13, 2018, the department issued the Certificate of Appropriateness Case Report, which noted that the project is categorically exempt under CEQA Class 1- Existing Facilities, and that no further environmental review is required.

On May 16, 2018, the Historic Preservation Commission conducted a duly noticed public hearing on the project's consistency with Article 10 of the San Francisco Planning Code, Case No. 2018-003700COA. At that hearing, the Historic Preservation Commission granted the Certificate of Appropriateness, in conformance with plans dated March 31, 2018.

On May 17, 2018, the department issued its determination that the project is categorically exempt under CEQA Class 1- Existing Facilities, and that no further environmental review is required.

On June 15, 2018, Marc Bruno and the North Beach Business Association filed an appeal of the categorical exemption determination. (Note that this is a separate appeal from the appeal that is the subject of this appeal response, and that the appeal was later withdrawn on August 22, 2018, as noted below.)

On June 26, 2018, the department determined that the appeal of the categorical exemption determination filed by Marc Bruno and North Beach Business Association on June 15, 2018, was not timely. (Note that this is a separate appeal from the appeal that is the subject of this appeal response, and that the appeal was later withdrawn on August 22, 2018, as noted below.)

On August 16, 2018, the Recreation and Park Commission approved the concept plan for the Washington Square Water Conservation Project.

On August 16, 2018, Marc Bruno and the Save North Beach Association ("appellant") filed an appeal of the categorical exemption determination.

On August 22, 2018, Marc Bruno and North Beach Business Association formally withdrew the appeal of the categorical exemption determination filed on June 15, 2018.

On August 27, 2018, the department determined that the appeal of the CEQA determination filed by Marc Bruno and Save North Beach Association was timely.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement prepare further environmental review.

CEQA Guidelines section 15301 (Existing Facilities), or Class 1, provides an exemption from environmental review for minor alterations to existing facilities that consist of interior or exterior alterations involving such things as "interior partitions, plumbing, and electrical conveyances" and "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety)."

Pursuant to CEQA Guidelines section 15064(f), whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the August 16, 2018 Appeal Letter are cited below and are followed by the department's responses.

Issue 1: The appellant contends that the issuance of a categorical exemption for the project violates the landmark designation of the park.

Response 1: **The Planning Department correctly applied the *Secretary of the Interior's Standards for the Treatment of Historic Prosperiti*es (secretary's standards) in reviewing the proposed project pursuant to CEQA and section 1006.2 of the Planning Code. Because the proposed project meets the secretary's standards, it is compatible with the landmark designation.**

Washington Square is a locally designated as San Francisco Landmark No. 226 under Article 10 of the Planning Code. The Historic Preservation Commission determined that the project complied with the

secretary's standards and granted a Certificate of Appropriateness for the project on May 16, 2018 (see Attachment A).

The secretary's standards contain different sets of standards for preserving, rehabilitating, restoring, and reconstructing historic buildings. Specifically, *preservation* standards focus on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time; *rehabilitation* standards acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character; *restoration* standards depict a property at a particular period of time in its history, while removing evidence of other periods; and *reconstruction* standards re-create vanished or non-surviving portions of a property for interpretive purposes.

In reviewing the proposed project for historical impacts, the department applied the secretary's rehabilitation standards because the proposal would modify an existing and locally designated landmark; thus, the rehabilitation standards was considered the most appropriate to address the scope of this project. The rehabilitation standards are the standards applied most often by the department to projects that involve changes to existing structures and park facilities. The secretary's standards define rehabilitation as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.[1]"

The project plans dated March 31, 2018 and received by the department on April 12, 2018 were reviewed by department staff using the secretary standards for rehabilitation. The project was determined to comply with the secretary's standards because the proposed work is compatible with the character-defining features identified for Washington Square, Landmark Number 226. As described in the Certificate of Appropriateness designation and case report, the project would maintain the existing use of the park as a public open space and would maintain the park's historic character. The project would maintain and not alter or destroy the park's character-defining features or materials and the project meets the requirements of Planning Code Article 10. Because this project was determined to comply with the secretary's standards, pursuant to CEQA Guidelines section 15064.5(b)(3), any impacts on historical resources were determined to be less than significant and the project was determined to be eligible for a categorical exemption, with no further CEQA review required.

Please see response to Issue 5, below, which further addresses the eligibility of the proposed project for a categorical exemption.

Issue 2: The appellant contends that the city inadequately provided public notification on the project per standards of the Administrative Code chapter 31 and the CEQA Guidelines.

Response 2: **The department correctly complied with the applicable notification sections of CEQA, the CEQA Guidelines, and chapter 31 of the Administrative Code.**

[1] National Park Service, Technical Preservation Services website: https://www.nps.gov/tps/standards.htm, accessed on October 2, 2018.

The appellant contends the department did not adequately notify the public of the CEQA determination of this project. For all exemption determinations, such as the one prepared for the project, San Francisco Administrative Code section 31.08(e)(2) requires that, when the Environmental Review Officer issues a "Certificates of Exemption from Environmental Review," a copy shall be posted in the "offices of the Planning Department and on the Planning Department website," and copies mailed "to the applicant, board(s), commission(s), or Department(s) that will carry out or approve the project." Accordingly, the department duly posted a paper copy of the exemption at the offices of the department, as well an electronic website link as on the department's website.[2]

Administrative Code section 31.08(f)(1) establishes that, when the department or other City department provides notice of a public hearing for a project that it has determined to be exempt from CEQA, it must identify the Approval Action. The department provided this language on the Historic Preservation Commission notice of public hearing, which incorrectly identified the Approval Action for the project, as the approval of the Certificate of Appropriateness. While unfortunate, this error did not render the categorical exemption inadequate. As discussed under Response 5, below, the project meets the criteria for a Class 1 categorical exemption.

For this project, that Approval Action occurred when the Recreation and Parks Commission approved the concept plans for the project at a public hearing on August 16, 2018. The Recreation and Parks Department calendar for that hearing correctly identified the approval of the concept plan as the Approval Action for the project (see Attachment B). A copy of the exemption was included for public review as part of the Recreation and Parks Department hearing packet materials.

For informational purposes, the department correctly followed the Planning Code procedures regarding the notification of a public hearing for the Certificate of Appropriateness for the May 16, 2018 Historic Preservation Commission hearing. Pursuant to section 1006.3 of the Planning Code, if a public hearing before the Historic Preservation Commission on a Certificate of Appropriateness is required, the department must set a time and place for said hearing within a reasonable period, and notice of the time, place and purpose of the hearing shall be given by the department as follows: (1) By mail to the applicant not less than 20 days prior to the date of the hearing; (2) By mail to any interested parties who so request in writing to the department; (3) For landmark sites: by mail not less than 20 days prior to the date of the hearing to all owners and occupants of the subject property and owners and occupants of properties within 150 feet of the subject property; (4) By posting notice on the site not less than 20 days prior to the date of the hearing; and (5) Such other notice as the department deems appropriate.

Therefore, the department complied with the notification requirements for the projects exemption.

Issue 3: The appellant contends the department has failed to accurately identify the Approval Action of the project and that this led to uncertainty in determining the timeliness of the appeal.

[2] San Francisco Planning Department. *CEQA Exemptions Map*. Online: http://sf-planning.org/ceqa-exemptions-map and *San Francisco Property Information Map*. Online: http://propertymap.sfplanning.org/

Response 3: The department's categorical exemption identified the Approval Action as "Commission Hearing," without specifying a commission. The notice of public hearing for the Certificate of Appropriateness identified the approval action as the Historic Preservation Commission hearing. On June 26, 2018, the department acknowledged this error and correctly notified the appellant in writing that the Recreation and Park Commission's approval of the concept plan for the project is the Approval Action. While confusing and regrettable, this error did not prevent the appellant from filing a timely appeal of the categorical exemption.

As described in the Background section above, Marc Bruno, one of the two parties comprising the appellant for this appeal, filed a separate appeal of the categorical exemption with a different co-appellant on June 15, 2018, after the May 16, 2018 Historic Preservation Commission's approval of the Certificate of Appropriateness. Mr. Bruno and the other party withdrew that appeal on August 22, 2018. Prior to the withdrawal, the department determined that the first appeal of the CEQA determination was untimely. As stated in the June 26, 2018, timeliness determination memorandum issued by the Environmental Review Officer, the Recreation and Park Commission had not yet approved the concept plan for the Washington Square Water Conservation Project, thus there had not yet been a first approval action for the whole of the project – a prerequisite for scheduling an appeal hearing at the Board of Supervisors. The Clerk of the Board notified Mr. Bruno and the former co-appellant on June 26, 2018 that the appeal would be held on file until there was an approval action for the project.

Mr. Bruno and the North Beach Business Association withdrew their appeal of the categorical exemption on August 22, 2018. Therefore, the timeliness of that appeal filing is moot.

Nonetheless, the appellant for the current appeal claims that the department is legally bound to consider the Historic Preservation Commission's approval of the Certificate of Appropriateness on May 16, 2018, as the Approval Action. However, the appellant is incorrect in this assertion.

Section 31.04 (h) of the Administrative Code defines "Approval Action" as:

> For a private project seeking an entitlement from the City and determined to be exempt from CEQA: (A) The first approval of the project in reliance on the exemption by the City Planning Commission following a noticed public hearing, including, without limitation, a discretionary review hearing as provided for in Planning Code section 311 or section 312, or, if no such hearing is required, either: (B) The first approval of the project in reliance on the exemption by another City commission, board or official following a noticed public hearing granting an Entitlement of Use for the Whole of the Project; or (C) The issuance of the Building Permit or other Entitlement of Use for the Whole of the Project in reliance on the exemption without a noticed public hearing.
>
> For all other projects determined to be exempt from CEQA: (A) The first approval of the project in reliance on the exemption by a City decision-making body at a noticed public hearing; or (B) If approved without a noticed public hearing, the decision by a City department or official in reliance

> on the exemption that commits the City to a definite course of action in regard to a project intended to be carried out by any person.

When determining the timeliness of appeal of an exemption under CEQA, it is the department's practice to consider the Approval Action as an approval for the whole of the project for both public and private projects. The Recreation and Park Commission's approval of the concept plan for the Washington Square Water Conservation Project was the first Approval Action for the project as a whole. The Historic Preservation Commission's Certificate of Appropriateness was necessary for the project to proceed, but it was not an approval of the project as a whole, and it does not authorize any project work to commence, including project construction activities or commitment of funds for project construction. Therefore, it is not the Approval Action for the purposes of chapter 31 in determining whether the appeal is timely to be heard at the Board of Supervisors. It merely evaluates whether one aspect of the project—work affecting a designated landmark—conforms with Planning Code Article 10 and the secretary's standards. Accordingly, the Historic Preservation Commission's action of the Certificate of Appropriateness does not trigger an appeal period for the CEQA determination.

The appellant is not denied the right to appeal the categorical exemption. As stated in the Clerk of the Board letter to the appellant dated June 26, 2018, the Clerk would schedule the appeal hearing once the department notified the Office of the Clerk of the Board that the Approval Action of the project had occurred. The Approval Action occurred on August 16, 2018 by the Recreation and Parks Commission. In fact, the appellant's appeal of the CEQA exemption is now being considered by this Board. The appellant's right to appeal has been preserved and they have not been harmed.

Additionally, the determination of the timeliness of an appeal is unrelated to the adequacy or accuracy of the CEQA determination issued for the proposed project.

Issue 4: The appellant contends the department misdirected and prevented the appellant from appealing the Certificate of Appropriateness to the Board of Appeals.

Response 4: The department did not inhibit or prevent any member of the public from appealing the project's Certificate of Appropriateness to the Board of Appeals, nor the project's exemption from CEQA.

The appeal letter states that the department misdirected the appellant from filing an appeal of the Certificate of Appropriateness.

Section 1006.7(a) and (b) of the San Francisco Planning Code provides the deadline and procedures for an appeal of a Certificate of Appropriateness:

> (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use authorization, the decision shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the

> decision by a majority vote. Any Certificate of Appropriateness so appealed shall not become effective unless and until approved by the Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this Section shall be construed to authorize the appeal of any decision under section 1006.5 of this Article 10 to suspend action on an application.
>
> (b) Any appeal under this [Appeals of a Certificate of Appropriateness] Section shall be taken by filing written notice of appeal with the Board of Appeals or Clerk of the Board of Supervisors, whichever entity is appropriate under the requirements of subsection (a), within 30 days after the date of action by the Historic Preservation Commission or Planning Commission. This section follows closely the requirements of the Charter. (See Charter section 4.135).

The department provided clear directions on this appeal process for a Certificate of Appropriateness in the motion approving the Certificate of Appropriateness itself. That motion stated: "The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter section 4.135)." This language notified interested members of the public, including the appellant, of the deadline and process for appeal in front of the Board of Appeals.

The approval of a Certificate of Appropriateness and a categorical exemption are two different determinations, and each has a separate process for appeal. The approval of a Certificate of Appropriateness by the Historic Preservation Commission confirms that a project's proposed construction, addition, major alteration, relocation, removal of demolition of a structure, object, or feature on designated landmark property is consistent with Article 10 and meets the secretary's standards. Pursuant to section 1006.4 of the Planning Code, and as stated in the Certificate of Appropriateness, any appeal of a Certificate of Appropriateness is to be heard by the Board of Appeals, unless a proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use.

A categorial exemption determines that a project is exempt from CEQA environmental review. Under state law and chapter 31, an appeal of the determination of exemption is to be heard by the elected decisionmakers, the Board of Supervisors.

Department staff emails indicate that the appellant was in regular communication with the department and the Recreation and Parks Department and exchanged several emails and verbal communication to clarify the procedures and timelines for appealing the Certificate of Appropriateness. The information provided to the appellant regarding appeal procedures for a Certificate of Appropriateness was accurate.

The department did not inhibit the appellant's ability to appeal the Certificate of Appropriateness concurrently with the appellant's appeal of the project's CEQA exemption.

It is common practice for an individual or party to appeal more than one approval or determination for a project. Here, however, the appellant elected to appeal the CEQA categorical exemption only, rather than appeal both determinations.

The Planning Department has been responsive to the appellant's request for information throughout the entirety of their involvement with the proposed project. The fact that the appellant did not appeal the Certificate of Appropriateness, for whatever reason, is unrelated to the adequacy of the CEQA determination for the proposed project.

Issue 5: The appellant incorporates by reference as an attachment the previous appeal letter and contend that the project is not exempt from CEQA and that the department failed to adequately analyze the project's impacts to traffic, parking, air quality, noise, and the cumulative impact from construction. The appellant also contends that the written description of the categorical exemption was inadequate, and that the department did not publish the exemption prior to the HPC hearing.

Response 5: The appellant has not provided substantial evidence to support a reasonable possibility that the project could result in significant traffic, parking, air quality, noise impacts nor a cumulative impact from construction. The proposed project qualifies for a categorical exemption under Class 1, Existing Facilities and no unusual circumstances exist that could result in significant environmental impacts. Therefore, an Initial Study or Environmental Impact Report (EIR) is not required. The department met all of the requirements of chapter 31 of the San Francisco Administrative Code when issuing the exemption certificate for the project.

The appellant states in the August 22nd appeal letter that the June 15th appeal letter is incorporated by reference.
Within the referenced appendices submitted by the appellant, the appellant claims that the project is not exempt from CEQA because it would result in traffic, parking, air quality, and noise impacts due to the construction period associated with the project.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: 1) Determining whether the project meets the requirements of a categorical exemption; and 2) Determining whether any of the exceptions listed under CEQA Guidelines section 15300.2, such as unusual circumstances or impacts to historic resources, apply to the project.

First, as described in the categorical exemption, the project is categorically exempt from CEQA because it meets the criteria for a Class 1, Existing Facilities exemption. "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's· determination." The proposed project includes the minor alteration and maintenance of one existing public facility with no expansion of use. Therefore, the proposed work would be exempt under Class 1. The appellant is not provided any substantial evidence supported by facts that the proposed project does not meet the criteria for a categorical exemption under Class 1.

Second, CEQA Guidelines section 15300.2(c) states that a "categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA, establishes a two-part test to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances:

1) The lead agency first determines whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."
2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects due to the unusual circumstances.

CEQA Guidelines section 15384 states that whether "a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

In part one, the department found there are no unusual circumstances surrounding this project. The categorical exemption is consistent with determinations for other projects in San Francisco with similar characteristics, and do not involve any unusual circumstances that could result in a reasonable possibility of a significant effect. CEQA Guidelines section 15300.2(a) states that a categorical exemption is qualified by consideration of where the project is to be located; that is, a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Washington Square is not a particularly sensitive environment for CEQA purposes, in that it is an urban park with no value for sensitive plants and wildlife or other environmental resources. The appellant has not submitted any evidence to demonstrate unusual circumstances with regard to location for the project.

In part two, the department also found that there is no substantial evidence to suggest that there exists a reasonable possibility of any significant direct or cumulative environmental effects as a result of the project, including traffic, parking, air quality, noise, and the cumulative topics. Contrary to the appellant's claim, the department considered both construction and operations in making its determination and concluded that the proposed project could not result in significant impacts related to traffic air quality, noise or any other CEQA topics due to unusual circumstances, or otherwise. As documented in the categorical exemption, the project would not exceed local and regional significance thresholds for emissions and other air pollutants or result in significant transportation impacts. Given the nature of the project, which is the upgrade and maintenance of an existing park, no new vehicle trips would be generated. A substantial diversion of vehicular travel or substantial construction impacts would need to occur in order to result in substantial project-related impacts on these abovementioned topics. Staff also determined that the project's construction activities are anticipated to be minor and temporary in both duration and magnitude. Nor

would the project increase any building volume or density, or increase the population associated with the project site. Accordingly, the project would not result in transportation, parking, air quality, noise, or other environmental impacts. The appellant has not provided substantial evidence to suggest that there exists a reasonable possibility of any significant impacts on these topics.

In addition to unusual circumstances, because Washington Square is a City Landmark, another relevant exception to the exemption relates to impacts to historic resources. Under CEQA, an exemption cannot be used for a project that may cause a substantial adverse effect in the significance of a historic resource (CEQA Guidelines section 15300.2(f).) As discussed in Response 1, the project would meet the secretary's standards and would have a less-than-significant impact on the historic resource. The appellants has provided no evidence to the contrary. This "exception to the exemption" therefore does not apply and does not take the project out of the scope of Class 1.

Within the referenced appendices (Letter of Appeal of categorical exemption filed on June 15, 2018), the appellant seeks specific mitigation measures that should be taken to ameliorate the effects of the project on the traffic air quality and noise (Letter of Appeal June 15, 2018, pgs. 2-3). As discussed during the Recreation and Park Commission review of the Washington Square Water Conservation Project Concept Design, the project includes several actions that would minimize the project's less-than-significant impact of this type. These measures include: 1) construction contract that will specify a park closure duration of six months and ensure the contractor has fully planned the project before closing the park; 2) contractor parking plan; 3) dust and noise reduction plan; 4) traffic and pedestrian safety plan; and 5) local business and alternative park resources.[3] Therefore, the project sponsor has incorporated measures to reduce the construction impacts to the neighborhood. These measures, however, are not mitigation measures since the project has less-than-significant impacts. They are good construction practices to make already less-than-significant impacts even further reduced.

Additionally, the appellant contends the written description of the categorical exemption is inadequate and the department did not provide the Historic Preservation Commission with adequate time to review the exemption determination. Neither the CEQA Statute nor the Guidelines require a written determination that a project is exempt from CEQA review. Thus, an exemption need not provide information regarding the project description or approvals, pursuant to CEQA.

Chapter 31 of the San Francisco Administrative Code establishes local procedures and requirements necessary to implement CEQA. The CEQA determination issued for the proposed project provides the required information in compliance to section 31.08(1)(a) of the San Francisco Administrative Code, which states that "a project that is determined to be exempt from CEQA must include: (1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in section 31.04(h); and (5) the date of the exemption." The CEQA determination contains sufficient detail in the project description to confirm that

[3] Item 8, Washington Square Park Staff Report, August 16, 2018, website: http://sfrecpark.org/about/recreation-park-commission/full-commission-documents/#

the project is exempt from CEQA, identifies the applicable class of exemption (CEQA Class 1, Existing Facilities), and provides applicable information to support the exemption determination. As noted above under Response 3, the categorical exemption identifies the Approval Action for the project as "Commission hearing."

The Certificate of Appropriateness case report dated May 13, 2018 states that the project is categorically exempt and contained an analysis of the project's impacts to historic resources. Therefore, the Historic Preservation Commission had adequate time to review the department's determination that the project is exempt. Although the department did not include a separate categorical exemption determination document, the Certificate of Appropriateness case report did not prevent the Historic Preservation Commission from understanding the department's determination that the project is exempt from environmental review and would not have a significant impact on a historic resource.

CONCLUSION

The project fits squarely within the scope of the Class 1 exemption, and there are no unusual circumstances that would preclude the use of the exemption, nor would the project result in an impact to a historic resource (Washington Square). Moreover, the appellant has pointed to no substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project. The department has found that the proposed project is consistent with the cited exemption. The appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the department.

For the reasons stated above and in the categorical exemption, the CEQA determination complies with the requirements of CEQA and the project is exempt from environmental review pursuant to the cited exemption. The department therefore recommends that the Board uphold the categorical exemption and deny the appeal.

Appeal Response Attachment A

HISTORIC LANDMARK NO.226: WASHINGTON SQUARE CERTIFICATE OF APPROPRIATENESS CASE REPORT

SAN FRANCISCO
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Certificate of Appropriateness Case Report

HEARING DATE: MAY 16, 2018

Filing Date:	March 13, 2018
Case No.:	**2018-003700COA**
Project Address:	**Filbert Street and Columbus Avenue**
Historic Landmark:	**No. 226: Washington Square**
Zoning:	P (Public) OS (Open Space) Height and Bulk District
Block/Lot:	0102/001
Applicant:	Levi Conover, Project Manager San Francisco Recreation and Park Department 30 Van Ness Avenue, 3rd Floor San Francisco, CA 94102
Staff Contact:	Elizabeth Gordon Jonckheer - (415) 575-8728 elizabeth.gordon-jonckheer@sfgov.org
Reviewed By:	Tim Frye – (415) 575-6822 tim.frye @sfgov.org

PROPERTY DESCRIPTION

Washington Square is located on an irregular shaped block bounded by Columbus Avenue, Filbert, Stockton, Union and Powell Streets in the North Beach neighborhood of San Francisco (Assessor's Block 0102; Lot 001). The subject property is located within the P (Public) Zoning District with an OS (Open Space) Height and Bulk District. Washington Square was locally designated as San Francisco Landmark No. 226 under Article 10 of the Planning Code in 1999.

Washington Square was established in 1850 and re-designed in 1958 according to a master plan by Douglas Baylis and Francis Joseph McCarthy, both prominent master designers of the Mid-Century Modern period. The 2.26-acre city park includes a large central lawn transected by concrete walking paths, benches, monuments, a playground, and large trees and smaller shrubs and plantings. A Certificate of Appropriateness for renovation of the playground area was approved under 2016-011144COA in March 2017.

PROJECT DESCRIPTION

The Washington Square Water Conservation Project seeks to reduce the park's existing irrigation water use. The majority of work entails removal and replacement of the park's existing irrigation system (main lines, branch lines, sprinkler heads, controllers), the removal and replacement of the existing sub-lawn drain infrastructure, and the replanting of the grass/sod on the existing main lawn. The designating ordinance for Washington Square outlines specific scopes of work that require a hearing before the Historic Preservation Commission. These scopes include replacement or alteration to the appearance of the park's benches; fencing, barriers, or walls; hard-edged, raised planting beds; mature trees; and

changes to the existing paving plan including paving material. For further detail, please see the attached exhibit titled "*Procedures for Review of Alterations to Washington Square for Incorporation into the Designation Ordinance*".

The project scope requiring a Certificate of Appropriateness includes:

Base Scope Items:

- Removal and replacement of seven (7) trees recommended for removal per the Recreation and Park Department tree assessment.
- Planting of four (4) new trees that were previously removed due to disease/hazard.

Alternate Scope Items:

In the event additional project funding is secured, some or all of the following scope items would be included in the scope of work and are part of the Certificate of Appropriateness request:

- ADA upgrades to pathways: regrading of the existing non-conforming cross slope of pathways, and installation of a new 6"-12" tall concrete curb along planters.
- Removal of all existing asphalt pathways and replacement with stained concrete.
    - Stain would be dark to match the existing asphalt color and include a waterjet finish.
    - Concrete finish would match the concrete finish as approved in the playground project.
- Installation of perimeter cobble pavers at the lawn and planting bed edges.
- Installation of perimeter low fencing on outer planter bed edges.
- Removal and replacement of existing wood benches in-kind with new benches as needed. No change to bench locations. The intent is to retain as many existing benches as possible. It is likely that at minimum that replacement of all of the CMU bench legs would be necessary. Benches that cannot be reinstalled after leg repair or those that are beyond repair would be replaced with matching detailing to the existing wood benches and legs, and painted to match existing.

The park plan, layout of pathways, and layout of planting bed perimeters would remain unchanged.

OTHER ACTIONS REQUIRED

No other actions are required for approval of the associated building permit application.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project complies with all aspects of the Planning Code.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 10

Pursuant to Section 1006.2 of the Planning Code, unless exempt from the Certificate of Appropriateness requirements or delegated to Planning Department Preservation staff through the Administrative Certificate Appropriateness process, the Historic Preservation Commission is required to review any applications for the construction, alteration, removal, or demolition of any designated Landmark for which a City permit is required. Section 1006.6 states that in evaluating a request for a Certificate of Appropriateness for an individual landmark or a contributing building within a historic district, the

Historic Preservation Commission must find that the proposed work is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as well as the designating Ordinance and any applicable guidelines, local interpretations, bulletins, related appendices, or other policies.

THE SECRETARY OF THE INTERIOR'S STANDARDS
Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Rehabilitation Standards provide, in relevant part(s):

Standard 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed project would retain the subject property's use as a public open space, and would maintain the area's historic character. The project also maintains the dimensions and configuration of the historic design of the park and the pathways. The character of the park as a whole will not be changed as a result of the project.

Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The historic character of the property would be retained. No distinctive materials, architectural or landscape elements, or spaces that characterize the property would be removed or altered. The configuration of the park and pathways would retain their historic dimensions. Benches will be repaired or replaced in-kind with wood and concrete painted to match as necessary in existing locations. The proposed low level, open, post and chain fencing is light in character and will not block views or impair the open quality of the landscape. The proposed project will not result in the loss of distinctive materials and will maintain the features, spaces and spatial relationships that characterize the landmark.

Standard 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The proposed project involves the installation of new trees and new planting materials in borders along existing pathways, new curb and paving edges along these pathways, and the repaving of the pathways themselves. Post and chain fencing will be installed along planting beds in various locations. Benches will be replaced in-kind as necessary in existing locations. The proposed trees, landscape materials, in-kind benches, fencing and hardscaping will be compatible with the existing park materials, and those proposed for the playground. The proposed project will not create a false sense of history and no conjectural features will be added.

Standard 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

No distinctive materials, features, finishes, construction or craftsmanship examples would be removed from the historic site. The replacement paving, benches, trees and other landscape will be compatible with the existing park materials, and those proposed for the playground renovation.

Standard 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The proposal will not destroy historic materials, features, and spatial relationships that characterize the property. The new features are compatible with the park's historic character and materials. The pathway paving and edging material, and the cobblestone plant bed borders will be compatible with the park's hardscaping and would not alter character-defining features of the landscape. The proposed low level, open, post and chain fencing is light in character and will not impair the open quality of the landscape proportion or the integrity of the property and its environment.

Standard 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The concrete curbs, fencing, benches and hardscaping, as well as the new trees and new planting materials in borders could be removed in the future without harming the integrity of the open space and landscape. The project maintains the dimensions and configuration of the historic design of the park and the pathways; therefore, the essential form and integrity of the historic property and its environment would not be unimpaired.

PUBLIC/NEIGHBORHOOD INPUT

The Department has received public correspondence related to this project in regard to the duration of the closure of the park due to the remodel, and the dislocation of the park's homeless population.

STAFF ANALYSIS

As identified in the 1999 Landmark Designation Report, Washington Square's character defining features include:

- the circuitous interior pathways and perimeter sidewalks;
- broad open lawn and plazas;
- planting beds and tree clusters;
- public art, ornamental and sculptural features;
- playground; and wood benches.

Based on the requirements of Article 10 and the Secretary of Interior's Standards for Rehabilitation, staff has determined that the proposed work is compatible with the character-defining features of Washington Square, Landmark Number 226.

The new trees, shrubs and bushes in the perimeter planting beds, perimeter cobble pavers at the lawn and planting bed edges, concrete curb along the planter beds, perimeter fencing on the planter bed edges, and replacement benches would not alter character-defining features of the landscape and could be removed in the future without impacting the integrity of the property. The work proposed as part of the Water Conservation Project maintains the historic configuration and visual appearance of the park. The hardscaping, including the paving material for the walkways, the concrete curbs and the cobblestone borders is compatible with existing paving and stone found at the park, which is comprised of concrete walkways and smooth finish concrete curbs and rusticated stone planting bed borders. The proposed fencing will not impact views or the open character of the landscape. The proposed trees, shrubs and other groundcover are in keeping with the existing plant palette. Staff finds the project consistent with Washington Square's character, and that the essential form and integrity of the landmark will be unimpaired by the proposed project. The character defining features of the property, including the wood benches and playground, planting beds and pathways, will remain in their historic locations. The historic design and configuration of the park and walkways will be retained and the new materials, including the finish and texture of the planting bed borders and walkway paving, will match the character of the landscape's existing hardscaping.

Conditions of Approval

1. *That prior to issuance of Building permits, final materials, including the post and chain fencing, walkway paving material, cobblestone for planting bed borders, and the bench material will be forwarded for review and approval by Planning Department Preservation Staff.*

ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Sections 15301 (Class One – Minor Alteration) because the project includes a minor alteration of an existing structure that meets the Secretary of the Interior's Standards.

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends APPROVAL WITH CONDITIONS of the proposed project as it appears to meet the Secretary of the Interior Standards for Rehabilitation.

ATTACHMENTS

Draft Motion
Parcel Map
1998 Sanborn Map
Zoning Map
Site Photographs
Resolution No. 14879
Landmark No. 226 Designating Ordinance

- Procedures for Review of Alterations to Washington Square for Incorporation into the Designation Ordinance

Project Sponsor Submittal

- COA Application and plans

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Preservation Commission
Draft Motion
HEARING DATE: MAY 18, 2018

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.:	**2018-003700COA**
Project Address:	**Filbert Street and Columbus Avenue**
Historic Landmark:	**No. 226: Washington Square**
Zoning:	P (Public) OS (Open Space) Height and Bulk District
Block/Lot:	0102/001
Applicant:	Levi Conover, Project Manager San Francisco Recreation and Park Department 30 Van Ness Avenue, 3rd Floor San Francisco, CA 94102
Staff Contact:	Elizabeth Gordon Jonckheer - (415) 575-8728 elizabeth.gordon-jonckheer@sfgov.org
Reviewed By:	Tim Frye – (415) 575-6822 tim.frye @sfgov.org

ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10, TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 001 IN ASSESSOR'S BLOCK 0102, WITHIN A P (PUBLIC) ZONING DISTRICT AND AN OS (OPEN SPACE) HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, on March 13, 2018 Levi Conover of the San Francisco Recreation and Parks Department ("Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness for alterations to Washington Square, including: the removal and replacement of existing trees and the addition of new trees, removal of all existing shrubs and bushes in the perimeter planting beds, replacement of existing benches in-kind, replacement of all existing asphalt pathways, installation of perimeter cobble pavers at the lawn and planting bed edges, installation concrete curbs along the planter beds, and installation of perimeter low fencing on outer planter bed edges.

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission ("Commission") has reviewed and concurs with said determination.

WHEREAS, on May 16, 2018, the Commission conducted a duly noticed public hearing on the current project, Case No. 2018-003700COA ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby grants the Certificate of Appropriateness, in conformance with the plans dated March 31, 2018 labeled Exhibit A on file in the docket for Case No. 2018-003700COA based on the following findings:

CONDITIONS OF APPROVAL

1. Specifications for final materials, including the post and chain fencing, walkway paving material, cobblestone for planting bed borders, and the bench material will be forwarded for review and approval by Planning Department Preservation Staff prior to the issuance of Building Permit Applications.

FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of the Commission.

2. Findings pursuant to Article 10:

   The Historic Preservation Commission has determined that the proposed work is compatible with the character of the landmark as described in the designation report.

   - That the proposed project is compatible with the Washington Square, Landmark Number 226 since the project does not affect the design and form of the site.

   - That the project would maintain the existing use of the park as a public open space and would maintain the park's historic character.

   - That the proposed project maintains and does not alter or destroy the park's character-defining features or materials.

   - The proposed project meets the requirements of Article 10.

   - On balance, the proposed project meets the following Secretary of Interior's Standards for Rehabilitation: The proposed project meets the following *Secretary of Interior's Standards for Rehabilitation:*

Standard 1.
A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2.
The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3.
Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 5.
Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved..

Standard 9.
New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.
New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT
THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS
The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4
Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5
Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7
Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of Washington Square, Landmark Number 226 for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

   A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

      The proposed project will have no effect on existing neighborhood-serving retail uses.

   B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

      The proposed project will strengthen neighborhood character by respecting the character-defining features of the site and landmark in conformance with the Secretary of the Interior's Standards.

C) The City's supply of affordable housing will be preserved and enhanced:

The project will not affect the City's affordable housing supply.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed project will not have any impact on industrial and service sector jobs.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project will have no effect on preparedness against injury and loss of life in an earthquake. The work will be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for the parks and open space.

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **GRANTS a Certificate of Appropriateness** for the property located at Lot 001 in Assessor's Block 0102 for proposed work in conformance with the plans labeled Exhibit A on file in the docket for Case No. 2018-003700COA.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on May 16, 2018.

Jonas P. Ionin
Commission Secretary

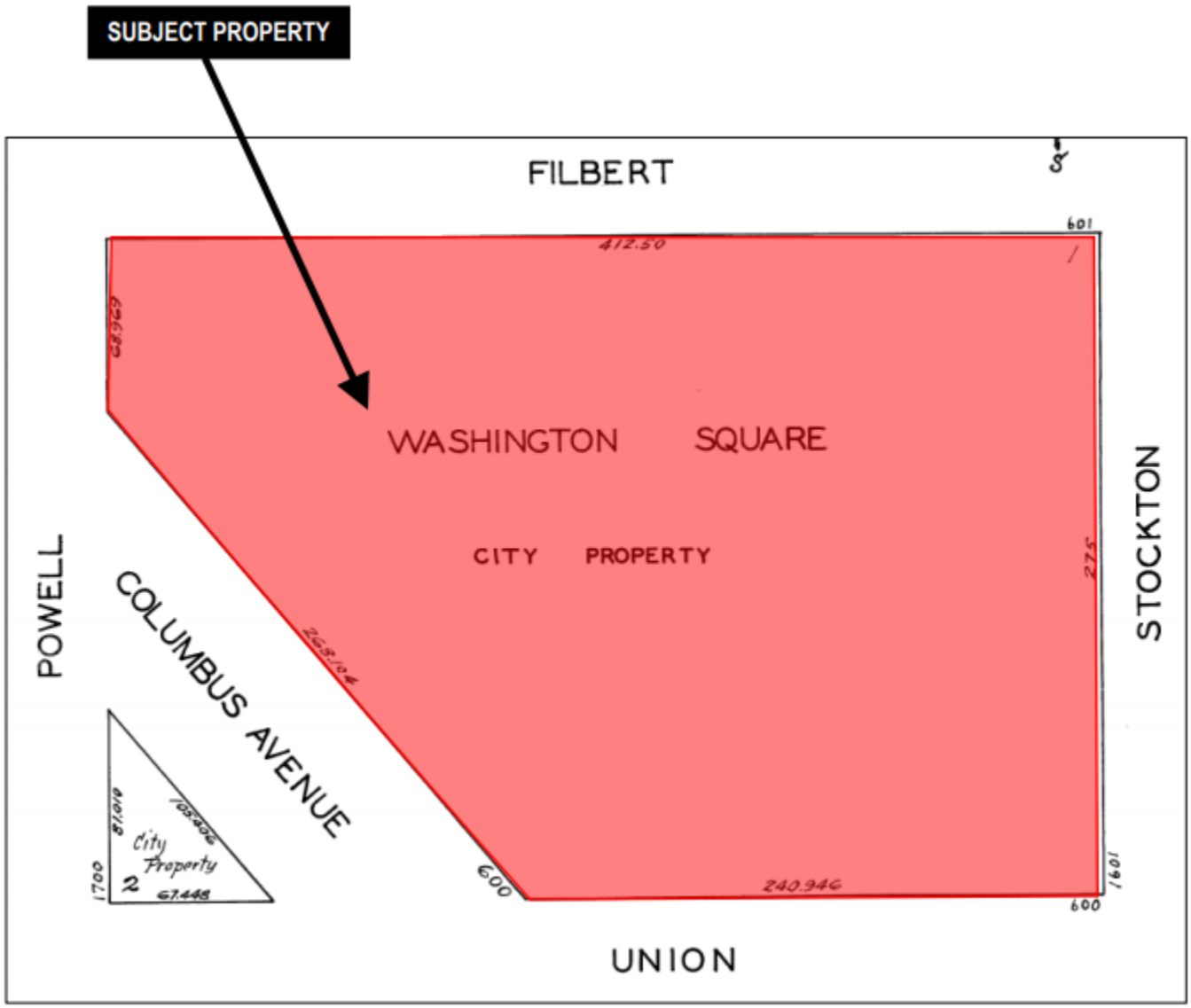
AYES: X

NAYS: X

ABSENT: X

ADOPTED: May 16, 2018

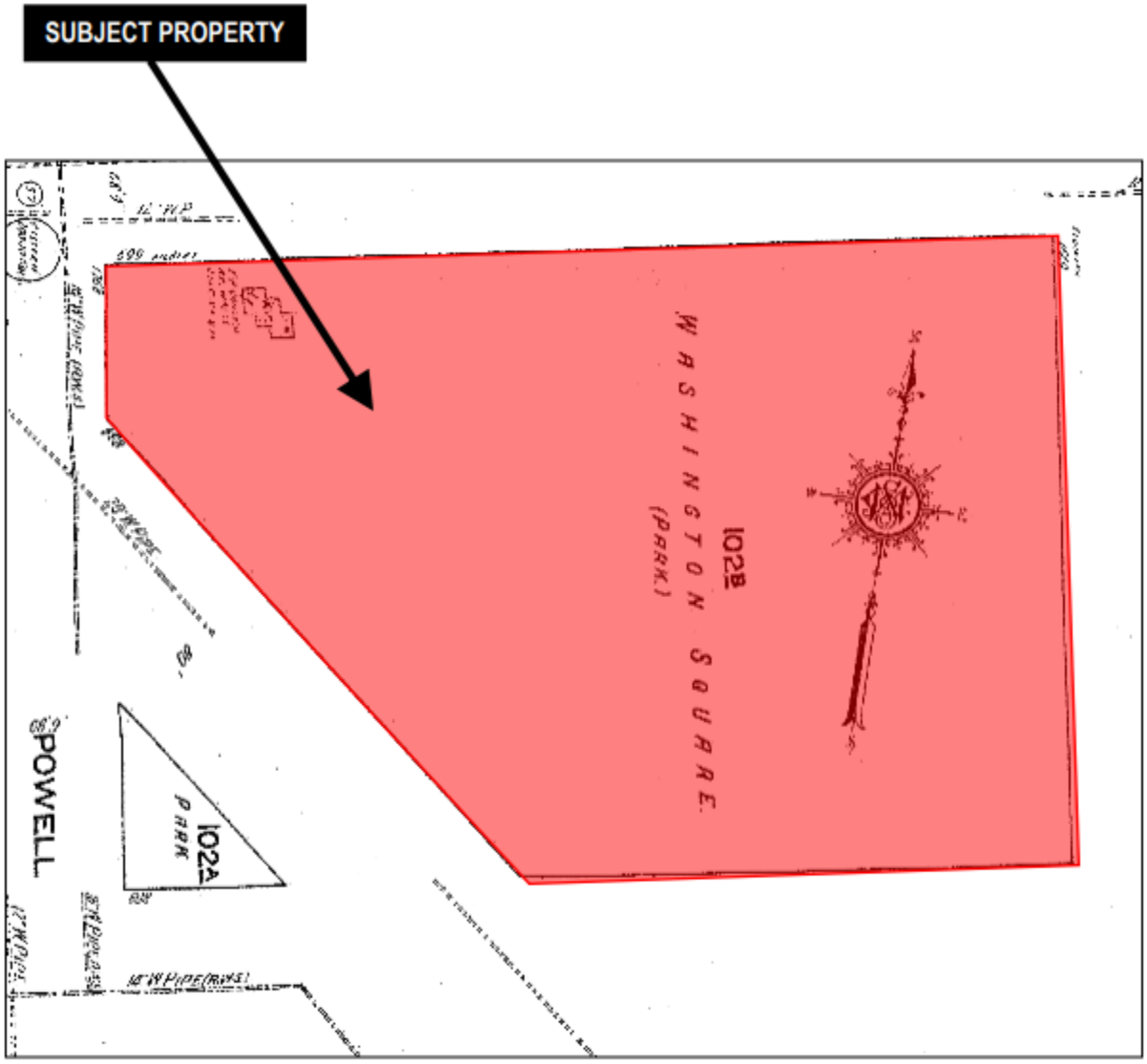
Parcel Map



Certificate of Appropriateness
Case Number 2018-003700COA
Washington Square

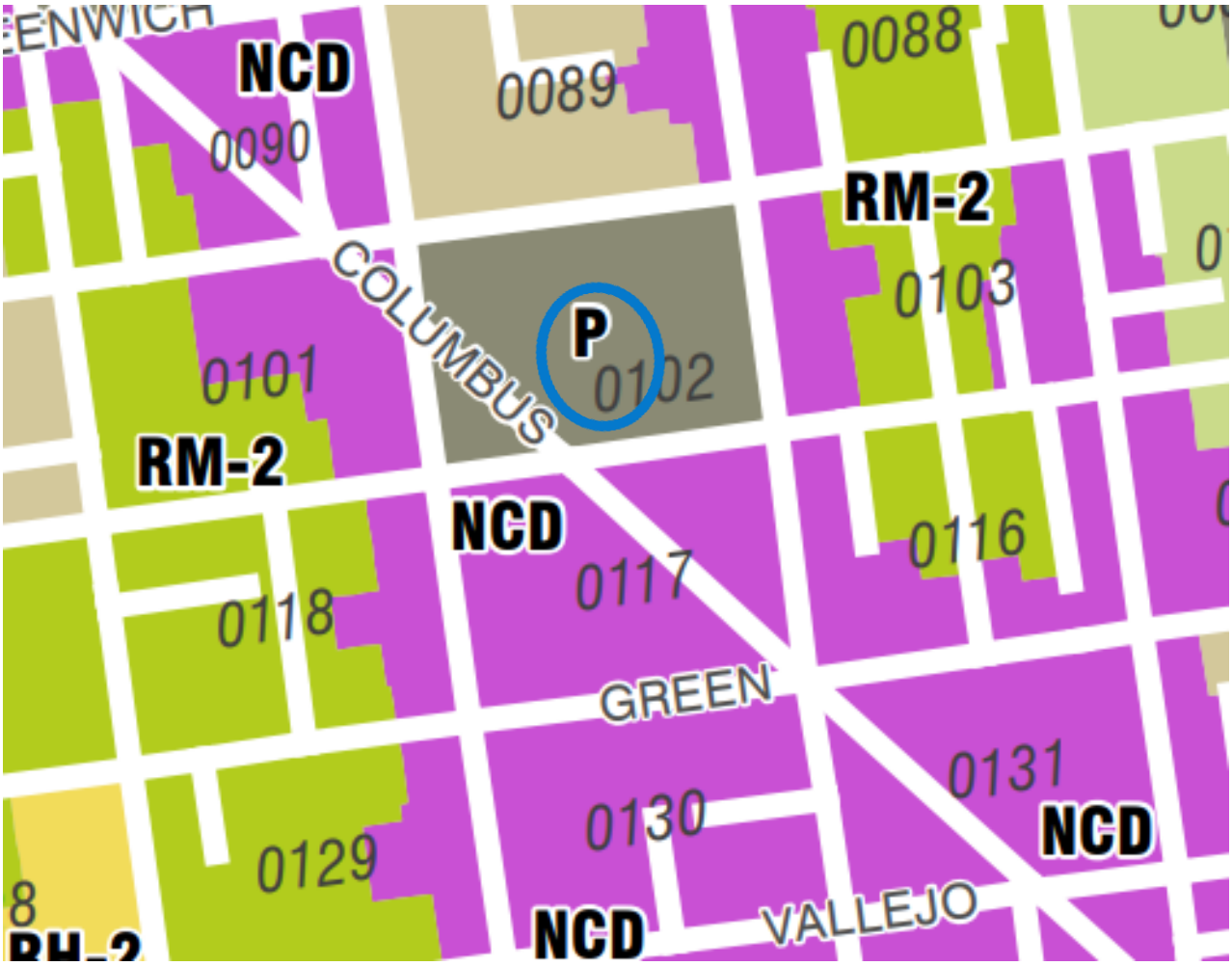
SAN FRANCISCO
PLANNING DEPARTMENT

Sanborn Map*



**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*

Zoning Map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VALLEJO

Aerial Photo

Aerial Photo

Site Photo

Site Photo

Site Photo

FILE NO. 990140 RESOLUTION NO. 84-99

[Landmarking of Washington Square]

URGING THE PLANNING DEPARTMENT, PLANNING COMMISSION, ARTS COMMISSION, RECREATION AND PARKS COMMISSION, AND THE LANDMARKS PRESERVATION ADVISORY BOARD TO EXPEDITIOUSLY DESIGNATE WASHINGTON SQUARE A LANDMARK

WHEREAS, Washington Square is one of San Francisco's oldest and most beloved parks; and,

WHEREAS, In 1847 Washington Square was one of 3 blocks identified as public squares; and,

WHEREAS, Washington Square was subsequently set aside as public open space and has remained that way for over 150 years; and,

WHEREAS, Washington Square is associated with important events in local and state history; and,

WHEREAS, Washington Square is significant for its overall design, and also because it contains historically significant public art; and,

WHEREAS, Washington Square makes an important contribution to the character of the North Beach Neighborhood; and,

WHEREAS, SAN Francisco civic organizations have taken a keen interest in improvement and protection of the park; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby urge the Planning Department, Planning Commission, Arts Commission, Recreation and Parks Commission, and the Landmarks Preservation Advisory Board to expeditiously designate Washington Square a landmark.

Supervisors Yee, Becerril

City and County of San Francisco

Tails

Resolution

File Number: 990140 **Date Passed:**

Resolution urging the Planning Department, Planning Commission, Arts Commission, Recreation and Parks Commission, and the Landmarks Preservation Advisory Board to expeditiously designate Washington Square a landmark.

February 1, 1999 Board of Supervisors - SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA

February 1, 1999 Board of Supervisors - ADOPTED

Ayes: 10 - Ammiano, Bierman, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 1 - Teng

RECEIVED

MAR 04 1999

CITY & COUNTY OF S.F.

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City and County of San Francisco

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Case No. 98.270L
Washington Square
Assessor's Block 102, Lots 1 and 2

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 14879

ADOPTING FINDINGS RELATED TO AN APPROVAL OF LANDMARK DESIGNATION OF WASHINGTON SQUARE AS LANDMARK NO. 226.

1. **WHEREAS**, On October 21, 1998, the Landmarks Preservation Advisory Board (Landmarks Board) established its landmark designation work program for fiscal year 1998-1999. Ten sites were chosen to have Landmark designation reports developed and brought to the Landmarks Board for consideration of landmark designation. Included on that list was Washington Square; and

2. On November 8, 1998 the Telegraph Hill Dwellers requested that the Landmarks Board consider initiating landmark designation of Washington Square Park; and

3. On February 1, 1999, the Board of Supervisors adopted Resolution 84-99 "urging the Planning Department, Planning Commission, Arts Commission, Recreation and Parks Commission, and the Landmarks Preservation Advisory Board to expeditiously designate Washington Square a Landmark;" and

4. On March 15, 1999, the Civic Design Review Committee of the Art Commission adopted a motion in support of the landmark designation of Washington Square; and

5. On April 15, 1999, the Recreation and Park Commission adopted a motion in support of the landmark designation of Washington Square; and

6. On April 21, 1999, the Landmarks Board held a public hearing and adopted Landmarks Board Resolution No. 512 initiating landmark designation and recommending that the Planning Commission approve the designation of Washington Square as City Landmark No. 226; and

7. A draft Washington Square Landmark Designation Report, prepared by Kate Nichol, was reviewed by the Landmarks Board at its regular meeting of April 21, 1999, and such documentation was considered a final Washington Square Landmark Designation Report by the Landmarks Board; and

8. The Landmarks Board, in considering landmark designation of Washington Square, employed the "Kalman Methodology" rating criteria, modified for special application to landscape features. The Landmarks Board made the following rating determinations for Washington Square: Five of ten modified Kalman criteria received a rating of "Excellent" - Age, Relation to Historic Events, Relation to Historic Patterns, Character/Continuity/Setting, and Visual Significance. Four of ten modified Kalman criteria received a rating of "Very Good" - Use, Design, Designers, and Relation to Historic Persons. One of Ten modified Kalman criteria received a rating of "Good/Very Good" - Integrity; and

9. Concurrent with this proposed Washington Square landmark designation is proposed a text amendment to Article 10 that will provide for Certificate of Appropriateness approval of alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies the alterations that require such approval. This text amendment will enable the implementation of the "Procedures for Alterations to Washington Square" that are proposed for incorporation into the Washington Square designation ordinance; and

10. The Planning Department developed these procedures in consultation with Recreation and Park Department staff, Art Commission staff, and the Telegraph Hill Dwellers. The purpose of these procedures is to identify the types of work to Washington Square requiring Certificate of Appropriateness approval, prior to commencement of work, pursuant to Planning Code Section 1006. It is intended that the Certificate of Appropriateness review process be reserved for alterations that may significantly affect the special historic character of Washington Square, for the purposes of Article 10. It is not intended that work undertaken in the ordinary maintenance and management of Washington Square, or in the interest of public safety, be subject to review under Article 10; and

11. The Planning Commission reviewed this case and all supporting documents and heard testimony in a regularly scheduled, duly noticed public hearing on September 9, 1999; and

12. The Planning Commission concurs with the findings and recommendation of the Landmarks Board as set forth in Landmarks Preservation Advisory Board Resolution No. 512; and

13. The Planning Commission finds that the subject property met the criteria for landmark designation set forth in Planning Code Section 1004 (a)(1) having a "special character or special historical, architectural and aesthetic interest or value;" and

14. The Planning Commission finds that the Washington Square Landmark Designation Report describes the location and boundaries of the landmark site, describes the characteristics of the landmark or historic district which justify its designation, and describes the particular features that should be preserved meeting the requirements of Planning Code Section 1004(b). It is fully incorporated into this resolution by reference; and

15. The "Procedures for Review of Alterations to Washington Square" are proposed for incorporation into the designation ordinance pursuant to proposed, amended Planning Code, Section 1004(c)(3). Such procedures are fully incorporated into this resolution by reference.

THEREFORE BE IT RESOLVED that the Planning Commission hereby **approves** the landmark designation of Washington Square as Landmark No. 226, pursuant to Planning Code Section 1004.3, limited to and comprising all of Lots 1 and 2 in Assessor's Block 102; and

BE IT FURTHER RESOLVED that this Resolution of Approval be forwarded to the Board of Supervisors.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on September 9, 1999.

Jonas Ionin
Commission Secretary

AYES: Commissioners Theoharis, Antenore, Chinchilla, Joe, Martin, Richardson

NOES: None

ABSENT: Commissioner Mills

ADOPTED: September 9, 1999

mtk\wp51\98270pc

Case No. 98.270L
Washington Square
Assessor's Block 102, Lots 1 and 2

SAN FRANCISCO

LANDMARKS PRESERVATION ADVISORY BOARD

RESOLUTION #512

ADOPTING FINDINGS RELATED TO AN INITIATION OF LANDMARK DESIGNATION AND A RECOMMENDATION OF APPROVAL OF THE LANDMARK DESIGNATION OF WASHINGTON SQUARE.

1. On October 21, 1998, the Landmarks Preservation Advisory Board (Landmarks Board) established its Landmark Designation Work Program for fiscal year 1998-1999. Ten sites were chosen to have Landmark Designation Reports developed and brought to the Landmarks Board for review and comment, and consideration of initiation of landmark designation. Included on that list was Washington Square.

2. On November 8, 1997 the Telegraph Hill Dwellers requested that the Landmarks Board consider initiating landmark designation of Washington Square Park.

3. On February 1, 1999, the Board of Supervisors adopted Resolution 84-99 "urging the Planning Department, Planning Commission, Arts Commission, Recreation and Parks Commission, and the Landmarks Preservation Advisory Board to expeditiously designate Washington Square a Landmark."

4. On March 15, 1999, the Civic Design Review Committee of the Art Commission adopted a motion in support of the landmark designation of Washington Square.

5. On April 15, 1999, the Recreation and Park Commission adopted a motion in support of the landmark designation of Washington Square.

6. A draft Washington Square Landmark Designation Report, prepared by Kate Nichol, was reviewed by the Landmarks Board at its regular meeting of April 21, 1999, and such documentation was considered a final Washington Square Landmark Designation Report by the Landmarks Board.

7. The Landmarks Board, in considering landmark designation of Washington Square employed the "Kalman Methodology" rating criteria, modified for special application to landscape features. After reviewing recommendations on the ratings for the modified criteria in the draft Washington Square Designation Report at its regular meeting on April 21, 1999, the Landmarks Board made the following rating determinations for Washington Square: Five of ten modified Kalman criteria received a rating of "Excellent" - Age, Relation to Historic Events, Relation to Historic Patterns, Character/Continuity/Setting, and Visual Significance. Four of ten modified Kalman criteria received a rating of "Very Good" - Use, Design, Designers, and Relation to Historic Persons. One of Ten modified Kalman criteria received a rating of "Good/Very Good" - Integrity.

8. A "Policy Regarding the Types of Alterations to Washington Square Requiring Certificate of Appropriateness Authorization" was reviewed and adopted by the Landmarks Board at its regular meeting of April 21, 1999, and is proposed for incorporation into the landmark designation. Such policy clarifies the types of alterations in Washington Square that would require a Landmarks

Board hearing and Certificate of Appropriateness authorization before commencement of the work. It is intended by this Policy that the Certificate of Appropriateness regulatory process be reserved only for major changes to the Square that may significantly affect its special historic character as described in the Washington Square Landmark Designation Report. It is not the intent of this policy to regulate work undertaken in the ordinary maintenance and management of the Square or its fixtures.

9. The Landmarks Board has reviewed documents and correspondence from the elected officials, other City departments, neighborhood residents, community organizations, and received oral testimony on matters relevant to the proposed landmark designation, in a duly noticed Public Hearing on April 21, 1999.

The Landmarks Preservation Advisory Board hereby initiates landmark designation of Washington Square, in Assessor's Block 102, Lots 1 and 2 as Landmark No. 226, pursuant to Article 10 of the Planning Code.

The Landmarks Preservation Advisory Board hereby recommends that the Planning Commission approve the landmark designation of Washington Square, in Assessor's Block 102, Lots 1 and 2 as Landmark No. 226, pursuant to Article 10 of the Planning Code.

The Landmarks Preservation Advisory Board hereby directs its Recording Secretary to transmit this Resolution, the Washington Square Landmark Designation Report," the "Policy Regarding the Types of Alterations to Washington Square Requiring Certificate of Appropriateness Authorization," and other pertinent materials in the Case file 98.270L to the Planning Commission.

I hereby certify that the foregoing Resolution was adopted by the Landmarks Preservation Advisory Board on April 21, 1999.

Andrea Green
Recording Secretary

AYES	Members Dearman, Finwall, Kelly, Kotas, Levitt, Magrane, Reidy, Shatara
NOES:	None
ABSENT:	Member Ho-Belli
ADOPTED:	April 21, 1999

WASHINGTON SQUARE:
FINAL LANDMARK DESIGNATION CASE REPORT
CASE NO. 1998.270L

APRIL 1999

TABLE OF CONTENTS

1. SUMMARY

1.1 Identifying Information/Landmarks Preservation Advisory Board Action

HISTORIC AND POPULAR NAME: Washington Square

OWNER: City and County of San Francisco

LOCATION: Block 102, bounded by Union, Filbert, Stockton, Powell Streets

ZONING: Public (Open Space)

ORIGINAL AND CURRENT USE: Public Park

DATE ESTABLISHED: January 3, 1850

LANDMARK NO: 226 **LPAB VOTE:** 8-0; 1 absent

1.2 Statement of Significance

Washington Square is one of San Francisco's oldest and most beloved parks. Dedicated as public open space even before the incorporation of the City of San Francisco, it remained a tranquil, natural oasis as the City sprang up around it. In pre-Gold Rush California, Juana Briones, one of California's noteworthy pioneers, grew vegetables on this land. In 1847, when Jasper O'Farrell was commissioned to lay out the city's streets, he identified three city blocks as public squares, including the city block which later became known as Washington Square. In 1849, William Eddy re-surveyed the City and published a widely distributed map showing the public squares. In 1850, the sites were set aside for the public by John W. Geary.

Washington Square is associated with important events in local and state history. The park was given its name during the fervently patriotic years leading up to the Civil War and was the site of Fourth of July ceremonies. In 1906-7, 600 earthquake refugees were sheltered in the park. As a public park, Washington Square has hosted many special events, such as Fourth of July and Columbus Day celebrations, the start of the annual Blessing of the Fishing Fleet procession, and the North Beach Festival. The park is home to historically significant public art which recalls facets of California history--a granite block placed in 1869 as a U.S. Coast and Geodetic Survey Station; the Ben Franklin Statue, moved to the park in 1904, originally erected on Market Street in 1879 as a water fountain by temperance activist Henry G. Cogswell; a bronze sculpture of a man drinking water, crouched next to an artificial pond, a gentle reminder of the streams which once ran nearby; and the Volunteer Firemen Memorial, in honor of the Volunteer Fire Department of 1849-1866.

San Francisco civic organizations have taken a keen interest in improvement and protection of the park. While the park's plantings and layout have undergone changes, neighborhood organizations have guarded the essential qualities of Washington Square. Thus, after almost 150 years, Washington Square is the only one of San Francisco's three original parks that has not been made into a roof top for an underground parking garage. As it has for well over a century, Washington Square continues to serve as a green oasis as well as a cultural focal

point for San Francisco's lively North Beach. Its continuing natural condition makes it highly significant as an historic resource within a densely urbanized area.

1.3 Kalman Methodology

The Planning Department and the Landmarks Preservation Advisory Board (Landmarks Board) apply the Kalman Methodology criteria, modified for use in San Francisco, in the identification and evaluation of cultural resources. This methodology is organized by four broad topics--architecture, historic context, physical context, and integrity--which are then further broken down into subcategories. This Designation Report contains ratings (noted in parentheses) based on the Kalman criteria. However, because this methodology was developed primarily for the evaluation of buildings, some interpretation was necessary for application to an outdoor landscaped space.

2. ARCHITECTURE

2.1. Use Category

Washington Square is significant as an urban park which has been in continuous public use since the mid 19th century (Rating: VG, Good Example.)

Washington Square was mapped as a public square in 1847 and developed to its current state over a hundred year period. Until the 1860's, the Square, adjacent to neighborhood cemeteries, lay neglected, an unofficial waste dump for the city. Although the Square was used for public events in the early 1860's, few physical improvements were made. By 1872, with the help of neighborhood boosters, the adjacent cemeteries were removed, the user-defined cross pattern of paths was improved with gravel, and some landscaping was planted. By the 1880's, Washington Square (il Giardino, the garden, as it was called) was the central social gathering place for the Italian community of North Beach. By the turn of the century, Washington Square was well-established as an informal, bucolic open space with scattered groves of trees. Ample seating could be found on the long benches placed on the sides of each major walkway.

A noteworthy aspect of Washington Square's use has been the active involvement of neighborhood groups in the park's improvement. In the 1950's, Washington Square was re-landscaped through a project initiated by the Committee for the Beautification of Washington Square, a coalition that included the Columbus Civic Club, Italian Federation of California, Italian Welfare Society, North Beach Merchants and Boosters, North Beach Lions, Church of Saints Peter and Paul, Salesian Boys Club, Telegraph Hill Dwellers, Telegraph Hill Neighborhood Association, and The Misses Marini. In the 1960's, neighborhood activists successfully protected the park from a proposal to transform it into the roof of an underground parking garage. In the early 1990's, the Committee for the Illumination of Washington Square ensured that the park had adequate and attractive lighting. Many individuals have initiated plantings, new benches, and fund-raising for needed repairs or improvements.

For almost 150 years, Washington Square has been used as a village green, the civic center of North Beach. The park's major recreational uses in the 19th century--strolling, enjoyment of the outdoors, informal play and socializing--continue today.

2.2 Age

Washington Square is one of San Francisco's oldest parks. (Rating: E, established before April 1906.)

Washington Square was identified in Jasper O'Farrell's survey of 1847 and William Eddy's resurvey of 1849. On January 3, 1850, it was deeded to the Town of San Francisco by the town's alcalde, John W. Geary. Its establishment as a public open space predated the formal incorporation of the City of San Francisco and the admission of California into the Union. When Washington Square was established, the setting aside of public open space was still a rarity in urban America. The major American parks movement did not begin until the second half of the 19th century and generally produced parks located on the outskirts rather than in the heart of the city. Thus, Washington Square represents a very early American era of urban public open space.

2.3 Design
Washington Square is significant not only for its overall design, but also because it contains historically significant public art. (Rating: VG, Very Good)

2.3.1 In terms of American park design, Washington Square Park represents a 19th century pattern and scale of public open space. Its overall dimensions (a rectangular city block), perimeter promenade, and landscaping are in the tradition of a 19th century American town square or village green. A symmetrical path system formed the park's overall design for its first one hundred years. The symmetrical pattern was established by pedestrians taking the most direct routes across the square. Later, the dirt and gravel paths were paved, resulting in the appearance of a formal Beaux-Arts design. The park featured several large lawn areas and informal groups of shade trees.

In 1957, at the request of the Committee for the Beautification of Washington Square (a coalition of neighborhood organizations), the park was redesigned by Lawrence Halprin and Douglas Baylis. The 1957 design featured a circuitous walking path, a large lawn area, tree clusters, and children's playgrounds. According to Halprin, this free-form design "encourages vigorous participation in a wide range of activities." (Halprin: Choreography of Gardens.) Clusters of evergreen and deciduous trees act as screens to wind and heat, while offering a soft transition to the surrounding buildings. The strategic arrangement of benches and expanse of pavement on the Filbert Street side of the park defined a plaza in front of the district's main architectural focal point, the Church of Saints Peter and Paul.

More than twenty years later, in the early 1990's, another group of neighbors, the Committee to Illuminate Washington Square, worked with a design team to create a new lighting plan for Washington Square. The lighting plan, which has been implemented, features "up-lights" that subtly illuminate the tree canopies from the ground below and replica lamp posts within the park that are similar to traditional street lamp posts on Filbert Street.

The small triangular area bounded by Columbus, Union, Filbert, and Powell was part of the original Public Square, but was cut off from the main park by the construction of Columbus Avenue (originally named Montgomery Avenue) in the 1870's. This part of Washington Square Park has featured the Drinking Man sculpture at the edge of a pond since 1905. The concrete bench on the Powell Street side is visible in photographs dating from the early 1920's. The triangle was dedicated as "Marini Plaza" in 1952. It features art works which honor the Italian presence in North Beach: a sculpture depicting Frank Marini, a well-known benefactor of the North Beach community, and a fountain bird bath, which was a gift to San Francisco from its sister city, Assisi, Italy. The triangle was not affected by the 1957 redesign of the main park.

2.3.2 Washington Square is home to several historically significant pieces of public art.

A simple granite block was placed as a **Survey Marker** in 1869 by Dr. George Davidson (the surveyor and prominent natural scientist for whom Mount Davidson is named) of the U.S. Coast and Geodetic Survey. Latitude and longitude were carved on the survey monument in 1937. The monument reads: "U.S. Coast & Geodetic Survey, Astronomical & Telegraphic Longitude Station, Washington Square, 1869-1880; Latitude: 37.47'59"n, Longitude: 122.24'37" W."

The **Benjamin Franklin Statue** was erected in 1879 on Market and Kearny Streets by temperance activist Henry Cogswell and moved to the park in 1904. The statue originally was a drinking fountain intended to provide an alternative to San Francisco's many bars. Instead, the fountain was used by earthquake refugees in 1906. A time capsule was placed in the statue in 1879 and opened by North Beach neighbors in the park in 1979; participants in the 1979 event placed objects in another time capsule in the statue, to be opened in the year 2079.

The **Drinking Man** statue, a bronze figure of a man crouching on large granite boulders next to a pond, was donated to the City by the artist, Park Commissioner M. Earl Cummings, in 1905. The San Francisco Chronicle announced, "Sculptor's Art to Adorn Square--Park Commissioners to Give Work of Art to Breathing Space in City's North End" and described the crouched figure with "head bent forward...eagerly drinking of water from his firmly clasped and scooped hands." The model who posed in Paris for "the Drinking Man" was the same person who posed for the famed "St. John the Baptist" by Rodin.

The **Volunteer Firemen Memorial**, created by Haig Patigian in 1932, is a tribute to San Francisco's Volunteer Fire Department of 1849-1866. The sculpture, which stands 14 feet tall in the northwest section of the Square, depicts three firemen, one holding a supine woman, one kneeling with a hose and one pointing with an outstretched arm. While the monument was originally intended to be erected on Telegraph Hill, next to Coit Tower, Patigian, in a letter to the President of the Art Commission, said that an "appropriate location from the start was to have the monument erected in that section of the city which embraced the early settlement so frequently ravaged by fire." The Memorial evokes images of North Beach during the City's early eras of fire-prone wooden buildings.

2.4 Designers
Washington Square is associated with prominent designers and artists. (Rating: VG, of considerable importance.)

Landscape architects **Lawrence Halprin** and **Douglas Baylis** redesigned Washington Square in 1957. Lawrence Halprin, a landscape architect in San Francisco since 1945, was nominated in 1953 by Time Magazine and San Francisco Chamber of Commerce as "One of San Francisco's leaders of Tomorrow," and became nationally and internationally renowned for his "choreography of gardens" theory, designing places to "determine the movement of the people in them." Washington Square is an early predecessor to Halprin's numerous works, including Levi's Plaza, Embarcadero Plaza and Fountain, Ghirardelli Square, and Hallidie Plaza, in San Francisco, as well as his works outside of San Francisco, including Seattle Freeway Park, Washington; FDR Memorial, Washington D.C.; Lovejoy Plaza, Oregon; and parks in Italy and Jerusalem.

Haig Patigian, sculptor of the Volunteer Firemen Memorial, was a member of the San Francisco community from 1899 until his death in 1950 and was a prominent figure nationally in

the arts. Within San Francisco, his works include the General Pershing Statue in Golden Gate Park, the "Liberty" bas relief on the Security Pacific National Bank's main Grant Avenue facade, decorative panels on the Bohemian Club, and interior art work at 300 Montgomery Street (originally American National Bank).

3. HISTORIC CONTEXT

3.1 Persons

Washington Square has been associated with people who have made significant contributions to the community, state, and nation. (Rating: VG, person of primary importance loosely connected or person of secondary importance intimately connected.)

Juana Briones (1802-1889), a pioneer and humanitarian who was one of the most noteworthy figures in pre-Gold Rush San Francisco (Yerba Buena), built an adobe house in 1836 on the Northeast corner of Powell and Filbert Streets. Here she had a small farm that included the land which later became known as Washington Square. Briones grew vegetables, raised cattle and sold produce and milk to ship crews in the harbor. Indications are that she lived in North Beach from 1836 to 1847. Aside from her marketing skills, Briones was revered for her skills as a healer, mid-wife and long-term provider of care. Briones also offered assistance to sick and deserting sailors, hiding them in her loft and transporting them to the East Bay. Briones purchased a ranch in Santa Clara in 1844, but did not sell her North Beach home until 1858. The **Juana Briones California State Historical Marker** was placed in Washington Square in 1997 to honor this pioneer settler. Although the connection of Juana Briones to Washington Square is significant, the exact location of the plaque is not particularly significant, especially since there is no evidence that she used the location of the plaque for her vegetable garden.

John White Geary, who was the Town of San Francisco's alcalde (which means magistrate or mayor, in Spanish), set aside the land for Portsmouth, Union and Washington Squares in 1850, months before the City's incorporation. Shortly after, he became the City of San Francisco's first mayor. Later, he served terms as governor of Kansas and Pennsylvania.

In the 1850's **Dr. Henry Cogswell** settled in San Francisco and established his dentistry practice. His dentistry practice and real estate dealings Cogswell a prosperous man. As a strong advocate of the temperance movement in a city full of bars, When Cogswell donated the Ben Franklin Fountain to San Francisco in 1879, it was Cogswell's intention to "supply San Francisco with one fountain for every 100 saloons." In 1904 the Ben Franklin Fountain was relocated to Washington Square from its original site at Market and Kearny Streets. Of all the statues Cogswell donated to San Francisco, Ben Franklin is the only one that remains today. In addition to being active in the temperance movement, Cogswell founded a college that bears his name.

Lillie Hitchcock Coit, an unconventional but beloved socialite, was made an honorary member of her favorite Knickerbocker Volunteer Fire Company No. 5 in 1863 for her help in fighting a fire on Telegraph Hill. Upon her death in 1929, Lillie Coit donated two-thirds of her fortune to the Universities of California and Maryland, and the remaining $118,000 for the beautification of the city she loved so much. Her gift's effect on the City's landscape was dramatic, resulting in construction of Coit Tower on Telegraph Hill and the Volunteer Fire Department monument in Washington Square.

3.2 Events

Washington Square is associated with events that have made a significant contribution to the community, state, and nation. (Rating: E, patterns of primary importance intimately connected with the resource.)

During the Civil War era, San Francisco gave names to Washington and Union Squares that expressed the City's loyalty to the North and the prevailing patriotic fervor. Washington Square was the location of enthusiastic Fourth of July celebrations.

Washington Square provided essential refuge for those made homeless by the 1906 San Francisco earthquake and fire. For a year after the catastrophe, over 600 refugees lived in Washington Square Park.

Washington Square has been the traditional location for many community events, festivals, political rallies, concerts and other social and cultural activities. The procession for the Blessing of the Fishing Fleet, on the first Sunday after October 1, commences in Church of Saints Peter and Paul and proceeds down Columbus Avenue, past reviewing stands in Washington Square. During the Columbus Day parade and pageant, thousands of people follow the procession from the Civic Center into Washington Square, where they receive High Mass. In addition, the North Beach Festival and the San Francisco Mime Troupe performances are annual events held in the park. The Square has been used as a "village green" by residents of the North Beach neighborhood for many years.

In 1979, hundreds of citizens turned out to Washington Square to witness the opening of a time capsule planted in the base of Ben Franklin during its construction in 1879. An inscription on the Ben Franklin statue reads "P.O. Box with mementos for the historical society in 1979. From H.D.C." The 1979 crowd placed mementos of their own into two plastic tubes and sealed them back into Ben Franklin for the citizens of San Francisco 2079, when the next time capsule will be opened in Washington Square.

3.3 Patterns

(Rating: E, Patterns of primary importance intimately connected with the resource.)

Washington Square is associated with and illustrative of broad patterns of the City's cultural, socio-political, and physical development. The Square represents a land use transition unique to 19th century California, in which garden plots and corrals of early Spanish and Mexican settlers became logical sites for public open space under American rule. It was reserved as unbuilt land in the 1840's, probably because the water drainage from surrounding hills made it more suitable for use as a garden than as a building site. In pre-Gold Rush California, the site was part of a natural swale, draining water from the surrounding hills into streams which ran north to the Bay. The natural irrigation may explain why Juana Briones, one of California's noteworthy pioneers, grew vegetables on this land.

When Washington Square was set aside as public open space in the mid-19th century, it was a far-sighted civic decision that predated San Francisco's rise to national prominence and the building boom that was to occur in the second half of the 19th century.

The Square is a setting for recreational and civic activities by the many different ethnic groups--from annual Columbus Day events to daily Tai Chi practice. Thus, Washington Square has been central to the City's cultural development.

4. PHYSICAL CONTEXT

4.1 . Character/Continuity/Setting

Washington Square makes important contributions to the character of the North Beach Neighborhood. (Rating: E, Of particular importance in establishing the character of a distinguished area)

Washington Square is nestled within a hollow between Telegraph and Russian Hills, a green valley which serves as a visual counterpoint to the hilltops. The park offers panoramic views of Coit Tower, downtown buildings (notably the Transamerica Building) and the residences on the hills.

The park is central to the North Beach neighborhood and is often called the "heart" of North Beach. Three-story buildings, with two floors of living quarters or office over ground floor restaurants and shops, predominate on the park's periphery. Placid, flat, and green, the park serves as the front yard for the Church of Saints Peter and Paul (constructed 1922-24). With its solid Italianesque design and its twin spires rising 190 feet from ground level, the church both anchors the park and provides a dramatic architectural focus for the North Beach District.

4.2 Visual Significance

Washington Square is significant as a visual landmark to the neighborhood, city, and region. (Rating: E, A place which may be taken as a symbol for the city or region as a whole.)

Washington Square is very visible from public viewing points and private residences on Telegraph and Russian Hills and from many downtown buildings. It is a soft space, a lush green lawn protected by peripheral clusters of trees, which provides visual relief from the densely built surroundings.

Washington Square is a place that expresses the identity of San Francisco. It is the quintessential urban park: a lush green square, set against a backdrop of small to medium-scale historic buildings, in a thriving multi-cultural community. Pictures of the Square, especially with backgrounds featuring Coit Tower on Telegraph Hill, the downtown Transamerica Pyramid building, or the twin towers of Saints Peter and Paul, are instantly recognizable as San Francisco.

5. INTEGRITY

Although Washington Square has undergone design changes throughout its 150 year history, for at least the last century it has maintained the character-defining features which have made it the tranquil, green oasis treasured by San Franciscans. (Rating: G/VG, Alterations which do not destroy overall character.)

5.1 Overall Park Design

The primary features that make Washington Square a "green oasis" are its high ratio of "soft" area (plantings/landscape) to "hard" area (paving/structures), its generous lawns, and its large scale shade trees.

Section 8.3 of this report contains site plans and photographs which show how the park's overall design has changed over time. (The sidewalks are considered to be part of the park, since they form a perimeter "promenade" and are integral to the park's functioning.) The 1849 survey map designated the entire rectangular city block as a "public square." In the 1870's, the construction of Columbus (originally Montgomery) Avenue separated a small triangle (now known as "Marini Plaza") from the main part of the park.

The layout of the Marini Plaza's landscaped area has changed little since the installation of the Drinking Man sculpture in 1905. However, the construction of diagonal parking spaces on the Powell Street side has resulted in the sidewalk being narrowed to 5' wide, with an effective width of less than 3' due to telephone poles and other obstructions.

The earliest available site plan showing the main part of Washington Square dates from 1949. The 1949 site plan shows a symmetrical path layout which had been the park's overall design for many years. Fortunately for Washington Square, the use of nearby North Beach Playground (constructed in 1910) for active recreation had satisfied the demand for paved play areas in the neighborhood. In 1949, the landscaped area was approximately 67% of the total area bounded by the roadways of Columbus Avenue, Filbert, Stockton, and Union Streets. The park was divided into several large grassy areas.

The 1957 redesign reduced the landscaped area to approximately 59% of the total area. Although the 1957 redesign transformed the layout of the main part of Washington Square, and the planted area was somewhat reduced, important qualities of the park were preserved and enhanced. The designers changed the path system, but retained a high ratio of planted area, a generous central lawn, and large scale trees. The park's perimeter sidewalk continued to function as a "promenade" much as it did at the turn of the century. The designers also preserved or planted large scale perimeter trees which buffer the lawn area from the street and accentuate the park's position in the bowl-shaped valley between Telegraph and Russian Hills.

In the 1960's, a major political battle was fought over the integrity of Washington Square, when neighborhood activists rebuffed an attempt to transform Washington Square into a roof for an underground parking garage. In an article in Cry California Quarterly (Winter 1966-67), Mel Wax expressed how the garage proposal would damage the park, writing: "Parks and garages do not mix well...Trees--big trees--can't grow...on a garage roof. Underground garages need extensive ventilation systems that protrude above park surfaces. They demand massive entrances and exits. They breed traffic and smells, not tranquility." Although the Board of Supervisors narrowly approved the 535-car garage, Mayor John F. Shelley vetoed the ordinance in October 1966. A second proposal for an underground garage was defeated two years later. Of San Francisco's original three public squares, today Washington Square is the only one which has not been transformed into a roof for underground parking. It retains an authenticity of place which adds to its significance.

The park changed very little between 1957 and 1971, the date of the most recent overall site plan for Washington Square. Between 1971 and the present, there also have been few modifications. The modifications to the paved areas have consisted of paving around the Volunteer Firemen Memorial, construction of stairs at the corner of Columbus Avenue and Filbert Streets, and the installation of the Juana Briones bench and an additional asphalt pad for a park bench on the Stockton Street side.

Overall, "the present landscape...is so sympathetic to its surroundings and to the activities of the square that it seems as though it had always existed" (noted by Sally and John Woodbridge in their book, San Francisco Architecture).

5.1 Public Art

Major pieces of public art have been an enduring feature of Washington Square; they have stayed in their original locations as the park underwent transformations.The Ben Franklin has characteristic of San Francisco Franklin Statue and Volunteer Firemen Monument in their original locations, and did not touch the small triangular park space known as "Marini Plaza."

6. THREATS TO SITE: NONE ( ) DEVELOPMENT ( ) ZONING ( ) VANDALISM (X) PUBLIC WORKS PROJECT (X) OTHER ( )

7. REPRESENTATION IN EXISTING SURVEYS:

Representation in Existing Surveys indicated by "X" or "Yes" below:
National: ( )
State: (X)
Local: (X)
California State Register: Yes
Here Today:
Heritage Surveys:
DCP 1976 Survey: Yes
Other:

8. FIGURES (pages 10 - 26)

8.1 Property Maps
8.2 Historical Photographs
8.3 Overall Park Design - site plans and photographs
8.4 Current Photographs

9. SUBMITTAL INFORMATION

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9.3 Dates submitted

First Draft submitted October 1998;
Second draft submitted April 1999.

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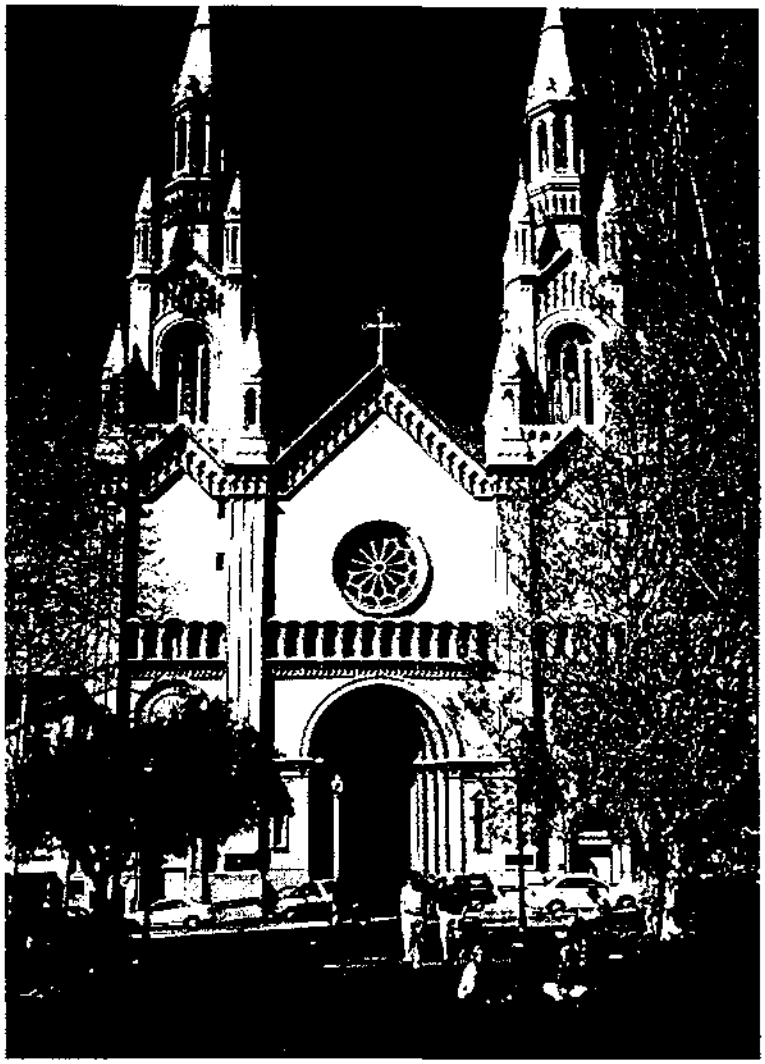
8.4 Current Photographs



Washington Square, 1999: View north towards Church of Saints Peter and Paul.

Washington Square, 1999: View east towards Telegraph Hill.

(F)

Procedures for Review of Alterations to Washington Square
For Incorporation Into the Designation Ordinance

SECTION 2: The property shall be subject to following further controls and procedures, pursuant to Planning Code Section 1004(c)(3), in addition to those generally set forth in Article 10 of the Planning Code:

(a) Alterations that Require a Certificate of Appropriateness: The following alterations shall require Certificate of Appropriateness approval pursuant to Planning Code, Sections 1005 through 1006.8:

(1) A plan or proposal involving the introduction, moving, removal, replacement or significant alteration to the appearance of Major Fixed Elements. Major Fixed Elements shall mean:
- (A) Buildings, sheds, shelters, arbors, pavilions;
- (B) Monuments, sculpture, ornamental fountains, masonry and concrete benches;
- (C) Fencing, railing, gates, barriers, walls;
- (D) Designated playground areas;
- (E) Hard-edged, raised planting beds;
- (F) Mature trees with a trunk diameter of six inches or greater measured at chest height.

(2) A plan or proposal involving Major Changes to the Existing Pavement Plan. Major Changes to the Existing Paving Plan shall mean:
- (A) Any change to the existing type of paving material;
- (B) Introduction of paved surface to area(s) not paved at designation, cumulatively totaling 1000 square feet or more in area.

(3) A plan or proposal involving a new standard parkwide design for Minor Fixed Elements as defined below in (c)(2).

(b) Alterations that do not Require a Certificate of Appropriateness:

(1) Ordinary Maintenance. Ordinary Maintenance shall mean:
- (A) Removal of any dead, diseased or overcrowded tree and shrub consistent with accepted horticultural practice or public safety;
- (B) Repainting, cleaning, rehabilitation, and conservation;
- (C) Pruning, fertilizing, mulching, seeding, planting, mowing, watering.

(2) The introduction, moving, removal, replacement or alteration of Minor Fixed Elements. Minor Fixed Elements shall mean:
- (A) Lamps;
- (B) Benches;
- (C) Drinking fountains;
- (D) Trash receptacles;
- (E) Signs and plaques;
- (F) Play equipment within an existing playground area;
- (G) Soft-edged planting beds;
- (H) Plants, shrubs and trees with a trunk diameter of less than six inches measured at chest height.

(3) Temporary Installations. Temporary Installations shall mean:
   (A) Movable furniture;
   (B) Tents;
   (C) Temporary art installations and displays;
   (D) Portable performance stages and equipment.

(4) Minor Changes to the Existing Pavement Plan. Minor Changes to the Existing Paving Plan shall mean:
   (A) Repaving and resurfacing with same material;
   (B) Introduction of paved surface to area(s) not paved at designation, cumulatively totaling less than 1,000 square feet in area.

San Francisco Recreation & Parks Department

Tree Assessment
Washington Square Park

Prepared for:
Recreation & Park Department
City of San Francisco
30 Van Ness Avenue
San Francisco CA 94102

Prepared by:
HortScience, Inc.
325 Ray Street
Pleasanton, CA 94566

July 6, 2017

Tree Assessment

Washington Square Park
Recreation & Park Department
San Francisco CA

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Tree Assessment

Washington Square Park
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Introduction and Overview

The San Francisco Recreation & Parks Department requested that HortScience assess trees at Washington Square Park and the nearby Mariani Plaza. This report presents the following information:

1. Evaluation of tree health and structural condition.
2. Assessment of the risk of tree failure.
3. Recommendations for action.

Assessment Methods

HortScience previously assessed trees at Washington Square Park in 2007. Trees were re-assessed in June 2017. The assessment was limited to trees greater than 5" diameter. The assessment procedure was a visual assessment from the ground, consisting of the following steps:

1. Verifying the species.
2. Verifying the presence of a numerically coded metal tag attached to the trunk of each tree. If the tag was missing, it was replaced. Trees new to the assessment were also tagged.
3. Recording the tree's location on a map.
4. Measuring the trunk diameter at a point 54" above grade.
5. Evaluating the health and structural condition using a scale of 0 – 5:
   - ***5*** - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
   - ***4*** - Tree with slight decline in vigor, small amount of twig dieback, or minor structural defects that could be corrected.
   - ***3*** - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
   - ***2*** - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
   - ***1*** - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormic shoots (secondary shoots that arise along the trunk and branches); extensive structural defects that cannot be abated.
   - ***0*** – Tree is dead.
6. Commenting on the presence of defects in structure, insects or diseases and other aspects of development.
7. Evaluating suitability for preservation as low, moderate and high.
8. Identify the part of the tree most likely to fail and hit a target within the next year.
9. Identify the target(s) that would be impacted by that failure (e.g. street, sidewalk, landscaping).
10. Rate the potential risk using the method described in *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*.
11. Identify arboricultural treatments to reduce the likelihood of failure and improve tree health, structure, stability and longevity.

Description of Trees

Sixty-eight (68) trees were evaluated, representing 14 species (Table 1). All trees had been planted as part of landscape development. Tree species were generally typical of those found in San Francisco landscapes. Sixteen (16) trees assessed in 2007 had been removed. Fifteen (15) trees (#70 – 84) that were not assessed in 2007 were added. Included in this group were eight figs located along Columbus Avenue.

Table 1. Species present and tree condition. Washington Square Park. SF Recreation & Parks Department. San Francisco CA.

Common name	Scientific name	Condition				No. of Trees
		Poor (1,2)	Fair (3)	Good (4)	Excell. (5)	
Deodar cedar	*Cedrus deodara*	--	1	3	--	4
Paul's scarlet hawthorn	*Crataegus laevigata* 'Paul's Scarlet'	--	--	1	--	1
Fig	*Ficus microcarpa*	--	2	6	--	8
Monterey cypress	*Hesperocyparis macrocarpa*	--	1	--	--	1
Primrose tree	*Lagunaria pattersonii*	--	1	2	--	3
Southern magnolia	*Magnolia grandiflora*	--	--	1	--	1
Mayten	*Maytenus boaria*	1	--	--	1	2
Olive	*Olea europaea*	1	2	4	--	7
Canary Island pine	*Pinus canariensis*	--	5	4	1	10
Italian stone pine	*Pinus pinea*	1	6	--	--	7
Victorian box	*Pittosporum undulatum*	--	2	--	--	2
London plane	*Platanus* x *hispanica*	--	3	5	1	9
Lombardy poplar	*Populus nigra* 'Italica'	2	3	3	4	12
Coast redwood	*Sequoia sempervirens*	--	--	1	--	1
Total, all trees assessed		**5**	**26**	**30**	**7**	**68**

Lombardy poplar was the most frequently occurring species with 12 trees (Photo 1, following page). Poplars were located in the two areas: 1) the center of the Square (#39, 40, 59, 60, 61, and 62) and 2) Mariani Plaza (#63, 64, 66, 67, 68, and 69). Trees in the center of the Square were smaller in size with trunk diameters between 23” and 34”. Trees at Mariani Plaza had trunk diameters between 36” and 53”. Trees at Mariani had been topped many years ago and allowed to resprout. Tree condition was generally better for trees in the center of the Square than those at Mariani. Trees were younger, had adequate irrigation, and had not been topped. An exception was tree #40 which was in poor condition with decay at the base. At Mariani, trees #63 and 67 were 52” and 53” respectively. Tree #63 had resprouted following topping with a large stem on the Columbus Avenue side of the tree. Tree #67 leaned to the south and east with decay at the base.


Photo 1. Lombardy poplars. **Left**: interior of Washington Square. **Right**: Mariani Plaza.

Ten (10) Canary Island pines were present near the children's play area in the northwest corner of the park (Photo 2). Trees formed an arc around the play area, separating it from Columbus Avenue and Filbert Street. With the exception of tree #76, Canary Island pines were mature in development with trunk diameters between 20" and 31".

Photo 2. Looking northwest across play area at Canary Island pines.

Condition of Canary Island pines was either fair (5) or good (4). Tree condition varied due to overall form and structure with trees in fair condition having smaller crowns than those in good condition. Pine #76 was newly planted, 6" in diameter, and in excellent condition.

Nine (9) London planes were present, largely in the northwest section of the Square (Photo 3). Trees were generally mature in development with trunk diameters between 17" and 37". Tree condition varied from fair (3 trees) to good (5) to excellent (#27). Differences in tree condition were due largely to general size, stature and overall symmetry. Trees in fair condition had small, asymmetric crowns.

Photo 3 (above). Looking west at London plane trees. The bathroom is in the center right of the photograph.

Photo 4 (right). Fig trees along Columbus Avenue.

Eight (8) figs were street trees along Columbus Avenue (Photo 4) and formed a continuous canopy. All were located in 6' by 6' cutouts in the sidewalk. Trees had the rounded form and multiple attachments that are typical of the species. Tree canopies had been lifted to provide clearance over the sidewalk and street. Tree condition was good for six trees and fair for #80 and 84. Tree #80 had an asymmetric crown due to competition from nearby London planes. Tree #84, located at the intersection with Union Street, had experienced two branch failures. The south side of the crown was missing.

Seven (7) olives were located behind the sidewalk along Filbert St. Trees were fairly typical in form and structure. Olives #22, 33, and 41 had a single stem while trees #32, 42, 43 and 44 had two or more stems that arose at or near ground level. Tree condition ranged from good (4) to fair (#32, 43) to poor (#44).

Seven Italian stone pines were located along Stockton Street (Photo 5). Trees were either newly planted (#70, 71, 74) or mature in development (#8, 9, 10, 11). Mature trees had trunks that were from 39" to 48" in diameter. Mature trees had high crowns, codominant or multiple attachments, and leaning trunks. Italian stone pines #9, 10 and 11 were in fair condition while #8 was poor.

Photo 5. Looking north along Stockton Street.

Young trees were 6" to 10" and in fair condition.

No other species was represented by more than four trees. Included in this group were;

- Deodar cedars #4 and 6 were 28" and 17" in diameter. Tree #4 was in good condition while #6 was fair. Cedars #72 and 73 were young trees in good condition.

- Primrose trees #16, 17 and 18 were located in a planter area at the intersection of Filbert and Stockton Streets. Trees were mature in development. Trees #16 and 18 were in good condition while #17 was fair.

- Mayten #1 was 29" and in poor condition. Extensive decay was present at the base of the trunk. Mayten #75 was a young tree in excellent condition.

- Victorian boxes #5 and 7 were mature trees in fair condition with high crowns.

- Coast redwood #3 was 28" and in good condition. The central leader appeared to have been lost but the canopy was full and dense.

- Monterey cypress #12 was 62" and mature in development. Lower branches had been removed resulting in a high crown. The main stem divided high in the crown forming two codominant stems. The attachment of the west stem to the trunk was weak. Overall tree condition was fair.

- Paul's scarlet hawthorn was a small flowering tree in good condition.

- Southern magnolia #65 was located in Mariani Plaza. Overall tree form was excellent but the tree lack vigor.

Description of individual trees is found on the enclosed ***Tree Assessment Form***. Tree locations are found on the ***Tree Assessment Map***. Both are included as **Attachments**.

Suitability for Preservation

Trees that are preserved on sites where development or other improvements are planned, must be carefully selected to make sure that they may survive construction impacts, adapt to a new environment, and perform well in the landscape. Our goal is to identify trees that have the potential for long-term health, structural stability and longevity.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees. Trees in good condition are in better health than those in poor condition.

- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely. Defects such as codominant or multiple stems, lean and other deviations from the vertical, heavy branches and decay are problematic and may increase the potential for a tree to fail.

- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. Monterey cypress is sensitive to impacts from construction while London plane has good tolerance.

- **Tree age and longevity**
  Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (http://www.cal-ipc.org/paf/) lists species identified as having being invasive. San Francisco is part of the Central West Floristic Province. Olive is present at Washington Square Park and has been listed as invasive.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

Table 2. Tree suitability for preservation. Washington Square Park. SF Recreation & Parks Department. San Francisco CA.

High	Trees with good health and structural stability that have the potential for longevity at the site. Fifteen (15) trees were rated as having high suitability for preservation: Lombardy poplar #59, 60, 61, 62; London plane #25, 27, 35, 36; Canary Island pine #52, 55, 76; coast redwood #3, mayten #75, and primrose tree #16.
Moderate	Trees in fair health and/or possessing structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the “high” category. Thirty-three (33) trees were rated as having moderate suitability for preservation: fig #78 - 83; Canary Island pine #47, 48, 49, 50, 54; Deodar cedar #4, 72, 73; Italian stone pine #70, 71, 74; olive #22, 32, 33, 41, 42, 43; primrose tree #17, 18; Paul's scarlet hawthorn #13, and southern magnolia #65.
Low	Trees in poor health or possessing significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Twenty (20) trees were rated as having low suitability for preservation: Lombardy poplar #40, 63, 64, 66, 67; Italian stone pine #8, 9, 10, 11; London plane #28, 34; Victorian box #5, 7; Canary Island pine #51, 53; Deodar cedar #6, fig #84, mayten #1, Monterey cypress #12, and olive #44.

We consider trees with high suitability for preservation to be the best candidates for preservation during development. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Tree Risk Assessment

Tree Risk Assessment is the systematic process of evaluating the potential for a tree or one of its parts to fail and, in so doing, injure people or damage property. All trees have the potential to fail. The degree of risk will vary with the size of the tree, type and location of the defect, tree species, and the nature of the target. Tree risk assessment involves three components:

1. a tree with the potential to fail,
2. an environment that may contribute to that failure, and
3. a person or object that would be injured or damaged (i.e. the target).

The San Francisco Recreation and Park Department employs a standardized procedure for risk assessment.

Tree Risk Rating System

All of the surveyed trees were assessed using the procedure outlined in *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas* (N. Matheny & J. Clark 1994 (2nd edition. International Society of Arboriculture. Champaign IL). Following a visual inspection of tree health and structural condition, the part of the tree most likely fail within the next year was identified (e.g. branch, stem, or whole tree). The target that would be impacted by this part of the tree was then identified.

The risk associated with the tree was evaluated using the following components:

Failure potential (4 points) - identifies the most likely failure and rates the likelihood that the structural defect(s) will result in failure within the next year. The part of the tree most likely to fail was assessed using the following scale:

1 - low - defects are minor (e.g. dieback of twigs, small wounds with good woundwood development)
2 - medium - defects are present and obvious (e.g. lean or bow that has developed over time, cavity encompassing 10-25% of the circumference of the stem, codominant stems without included bark)
3 - high - compounding and/or significant defects present (e.g. severe lean, cavity encompassing 30-50% of the circumference of the stem, multiple pruning wounds with decay along a branch)
4 - severe - defects are very severe (e.g. partial uprooting of leaning tree, decay conks along the main stem, cavity encompassing more than 50% of the stem)

Size of defective part (4 points) - rates the size of the part most likely to fail. Larger parts present a greater potential for damage. Therefore, the size of the failure affects the potential for injury or damage. The scoring system was as follows:

1 - most likely failure less than 6" in diameter
2 - most likely failure 6 - 18" in diameter
3 - most likely failure 18 - 30" in diameter
4 - most likely failure greater than 30" in diameter

Target rating (4 points) - rates the use and occupancy of the area that would be struck by the defective part. For the project areas, the following scoring was employed:

1 - occasional use (e.g. lawn or landscaped area)
2 - intermittent use (e.g. sidewalk, table)
3 - frequent use (e.g. street parking)
4 - constant use (e.g. playground structure, high volume streets).

The points in each category were added to obtain the overall hazard rating, with 3 being the minimum and 12 being the maximum value.

Risk ranking = failure potential + size of defective part + target rating

For trees in Washington Square, the most likely failure was a branch for 51 trees, a stem for 9 and the whole tree for 8. Potential targets included general landscape (12 trees), sidewalk (14), city streets (10), bench (22), street parking (5), bus stop (4) and the bathroom (1). Risk rankings ranged from 3 to 10 on a scale from 3 to 12 (see ***Tree Risk Assessment Form*** in the **Attachments**). Fifty-four (54) of the 68 trees assessed were rated as 7 or lower. Ten (10) trees received ratings of 8 including seven figs, Monterey cypress #12, London plane #30 and Lombardy poplar #40. Italian stone pine #8 and Lombardy poplar #63 were ranked as 9 while mayten #1 and Lombardy poplar #67 were ranked as 10 (Photo 6).

Photo 6. Trees with risk ranking of 10. **Left**: mayten #1 had a large cavity at the base with extensive decay. **Right**: Lombardy poplar #67 leaned to the south and east with decay at the base.

The City of San Francisco Recreation and Park Department abates risk for trees ranked 9 or greater and for trees in poor condition with a risk ranking of 8.

Summary and Recommendations

Sixty-eight (68) trees were assessed at Washington Square Park. Sixteen (16) trees assessed in 2007 had been removed while 15 new trees were added. Lombardy poplar, Canary Island pine, London plane, fig and olive were the most frequently observed species. Eight species were represented by four or fewer trees. Previously assessed trees were mature in development while many new trees were young.

Tree condition was predominantly fair (26 trees) and good (30). Five trees were in poor condition while seven were excellent.

Risk rankings ranged from 3 to 10 on a scale of 3 to 12. The trees received rankings of 8 (Table 3). Approximately 80% of trees were ranked as 7 or lower. Ten (10) trees received rankings of 8, two were ranked as 9, and two were ranked as 10.

Fifty-four (54) of the 68 trees assessed were rated as 7 or lower. Ten (10) trees received ratings of 8 including seven figs (Table 3). Italian stone pine #8 and Lombardy poplar #63 were ranked as 9 while mayten #1 and Lombardy poplar #67 were ranked as 10 (Photo 6).

Based on my observations and assessment, I recommend the following:

1. Remove mayten #1 and Lombardy poplar #67 due to risk rankings of 10.

2. Remove Italian stone pine #8 due to risk ranking of 9.

3. Prune Lombardy poplar #63 to reduce the size and weight on the west side of the tree that extends over Columbus Street. Alternatively, remove and replace the tree due to a risk ranking of 9.

4. Remove Lombardy poplar #40 due to a risk ranking of 8 and poor condition.

5. Prune Monterey cypress #12 to reduce the size and weight on the west side of the tree. While in the tree, the climber shall inspect the codominant attachment for cracks, decay and other defects. The attachment may require installation of a support system.

6. Prune London plane #37 to reduce the weight on long heavy scaffold branches particularly that extend over the bathroom.

7. Continue the program of replacing trees that must be removed.

HortScience, Inc.

James R. Clark, Ph.D.
Certified Arborist WE-0846
Registered Consulting Arborist #357

Table 3. Proposed action. Trees with risk rankings of 8, 9, and 10. Washington Square Park. San Francisco CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Risk Ranking Likely Failure	Target	Sum	Proposed Action
1	Mayten	29	2	Whole tree	Bus stop	10	Remove
8	Italian stone pine	47	2	Whole tree	Bench	9	Remove
12	Monterey cypress	62	3	Stem on W., high in tree	Sidewalk	8	Prune to reduce weight of west side tree
30	London plane	37	4	Stem	Bathroom	8	Prune to reduce length & weight of any long heavy branches
40	Lombardy poplar	31	2	Whole tree	Landscape	8	Remove
63	Lombardy poplar	52	3	Stem	Columbus	9	Prune to reduce weight of west side tree
67	Lombardy poplar	53	2	Whole tree	Union	10	Remove
77	Fig	18	4	Branch	Columbus	8	No treatment needed
78	Fig	16	4	Branch	Columbus	8	No treatment needed
80	Fig	15	3	Branch	Columbus	8	No treatment needed
81	Fig	19	4	Branch	Columbus	8	No treatment needed
82	Fig	23	4	Branch	Columbus	8	No treatment needed
83	Fig	20	4	Branch	Columbus	8	No treatment needed
84	Fig	20	3	Branch	Columbus	8	No treatment needed

ATTACHMENTS

Tree Assessment Form

Tree Risk Rankings

Tree Assessment Map

Tree Assessment Form

Washington Square Park
SF Recreation & Parks Department
San Francisco CA
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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
1	Union St.	Mayten	29	2	Low	Mature	Codominant trunks @ 6' & 8', both with included bark; *Ganoderma* conk @ attachment on S.; ext. decay in lower trunk; can see thru base; leans S.
2	--	Angel's trumpet	4,2	--	--	--	2017: removed.
3	Union St.	Coast redwood	28	4	High	Mature	Typical form & structure; surrounded by pavement; lcl; dense canopy.
4	Union St.	Deodar cedar	28	4	Moderate	Mature	Partial failure to SE.; main trunk & laterals sweep upright; lost central leader high in crown.
5	Union St.	Victorian box	18	3	Low	Mature	Strong lean SE.; corrected; high thin crown; basal wounds.
6	Union St.	Deodar cedar	17	3	Low	Mature	One-sided to W.; lost central leader.
7	Stockton St.	Victorian box	20,15	3	Low	Mature	Codominant trunks @ 1', 5' & 7'; generally upright form; high thin crown.
8	Stockton St.	Italian stone pine	47	2	Low	Mature	Codominant trunks @ 7', 10' & 14'; 7' poor attachment with included bark; no basal flare; crown heavy over sidewalk; leans SE. & appears to be increasing.
9	Stockton St.	Italian stone pine	39	3	Low	Mature	Corrected lean SE; codominant trunks @ 6'; really a low branch; okay form; high crown.
10	Stockton St.	Italian stone pine	48	3	Low	Mature	Multiple attachments @ 6'; heavy lateral limb to E. & NW.; high crown.

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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
11	Stockton St.	Italian stone pine	40	3	Low	Mature	Corrected lean SE.; multiple attachments arise @ 6' with included bark; asymmetric form; high crown.
12	Stockton St.	Monterey cypress	62	3	Low	Mature	Codominant trunks high in crown; high crown; no basal flare.
13	Filbert St.	Paul's scarlet hawthorn	7	4	Moderate	Semi-mature	Multiple attachments @ 4.
14	--	Italian stone pine	37	--	--	--	2017: removed.
15	--	Italian stone pine	33	--	--	--	2017: removed.
16	Stockton St.	Primrose tree	16,15,12	4	High	Mature	Multiple attachments @ 3'; upright; nice tree.
17	Stockton St.	Primrose tree	19	3	Moderate	Mature	Center tree; narrow upright form.
18	Stockton St.	Primrose tree	24	4	Moderate	Mature	Codominant trunks @ 4'; multiple attachments @ 6'; upright form; nice tree.
19	--	Japanese black pine	12	--	--	--	2017: removed.
20	--	Japanese black pine	14	--	--	--	2017: removed.
21	--	Italian stone pine	13,11	--	--	--	2017: removed.
22	Filbert St.	Olive	10	4	Moderate	Semi-mature	Typical form & structure.
23	--	Evergreen pear	10	--	--	--	2017: removed.
24	Interior	London plane	17	3	Moderate	Mature	Flat form to E./W.
25	Interior	London plane	24	4	High	Mature	Multiple attachments @ 10'; one-sided to S.
26	Interior	Evergreen pear	13	--	--	--	2017: removed.
27	Interior	London plane	34	5	High	Mature	Multiple attachments @ 10'.
28	Interior	London plane	17	3	Low	Mature	Small crown; slight lean E.

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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
29	Interior	London plane	31	4	Moderate	Mature	Multiple attachments @ 10'; codominant stem failed on SE.; one-sided to E.
30	Interior	London plane	37	4	Moderate	Mature	Multiple attachments @ 8'; crowded; nice form.
31	--	Evergreen pear	11	--	--	--	2017: removed.
32	Interior	Olive	19,17	3	Moderate	Mature	Codominant trunks @ base; trunks kiss @ 4'; 19" stem vertical & good; 17" stem bowed horizontal to W. with strong end weight; slight gap in canopy.
33	Interior	Olive	22	4	Moderate	Mature	High rounded crown; codominant trunks high in crown.
34	Interior	London plane	18	3	Low	Mature	Multiple attachments @ 15'; thin canopy; rangy form.
35	Interior	London plane	34	4	High	Mature	Multiple attachments @ 14'.
36	Interior	London plane	32	4	High	Mature	Multiple attachments @ 12'.
37	--	Mayten	18	--	--	--	2017: removed.
38	--	Italian stone pine	23	--	--	--	2017: removed.
39	Interior	Lombardy poplar	23	4	Moderate	Mature	Good tree.
40	Interior	Lombardy poplar	31	2	Low	Mature	Leans SE.; decay @ base on tension side; sounded hollow.
41	Filbert St.	Olive	13	4	Moderate	Mature	Stem x'd @ base; leans SW.; scaffold branch failure.
42	Filbert St.	Olive	11,11,10	4	Moderate	Mature	Multiple attachments @ base; bowing apart; trunk cavity.

Tree Assessment Form

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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
43	Filbert St.	Olive	14,10	3	Moderate	Mature	Codominant trunks @ 2'; 10" stem bowed S.
44	Filbert St.	Olive	11,10,9	2	Low	Mature	Poor form & structure; high, one-sided crown to E.
45	--	Scots pine	19	--	--	--	2017: removed.
46	--	Scots pine	13	--	--	--	2017: removed.
47	Filbert St.	Canary Island pine	31	4	Moderate	Mature	One-sided to E.; lost central leader.
48	Filbert St.	Canary Island pine	23	3	Moderate	Mature	Crown a narrow wedge to N.
49	Filbert St.	Canary Island pine	27	3	Moderate	Mature	Crown a narrow wedge to N.
50	Filbert St.	Canary Island pine	24	3	Moderate	Mature	Crown a wedge to NW.
51	Columbus Ave.	Canary Island pine	20	3	Low	Mature	Narrow flat form; heavy laterals low in crown.
52	Columbus Ave.	Canary Island pine	27	4	High	Mature	Nice tree; one-sided crown to W.
53	Columbus Ave.	Canary Island pine	21	3	Low	Mature	Narrow flat form with sinuous trunk; bleeding on lower trunk.
54	Columbus Ave.	Canary Island pine	30	4	Moderate	Mature	One-sided crown to W.; codominant trunks @ 24'; corrected lean S.; circling root.
55	Columbus Ave.	Canary Island pine	24	4	High	Mature	Slight lean & one-sided to S.
56	--	Canary Island pine	23	--	--	--	2017: removed.
57	--	Scots pine	10	--	--	--	2017: removed.
58	--	Photinia	5	--	--	--	2017: removed.
59	Interior	Lombardy poplar	29	5	High	Mature	Good tree; multiple attachments @ 8'.
60	Interior	Lombardy poplar	24	5	High	Mature	Good tree.
61	Interior	Lombardy poplar	25	5	High	Mature	Good tree; upright laterals.
62	Interior	Lombardy poplar	34	5	High	Mature	Good tree; one-sided to SW.

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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
63	Mariani Plaza	Lombardy poplar	52	3	Low	Mature	Previously topped; codominant trunks @ 12'; stem on street side with slight bow & weight.
64	Mariani Plaza	Lombardy poplar	47	3	Low	Mature	One-sided crown to S.; previously topped; open center.
65	Mariani Plaza	Southern magnolia	30	4	Moderate	Mature	Excellent form & structure; thin canopy; lacks vigor.
66	Mariani Plaza	Lombardy poplar	43	3	Low	Mature	Previously topped; thin canopy.
67	Mariani Plaza	Lombardy poplar	53	2	Low	Mature	Ext. decay @ base; sounded hollow in several places; leans SE.; previously topped.
68	Mariani Plaza	Lombardy poplar	36	4	Moderate	Mature	Previously topped; leans SE.; decay in surface root.
69	Mariani Plaza	Lombardy poplar	44	4	Moderate	Mature	Previously topped; base cracking curb; decay @ old pruning wounds; codominant trunks @ 16'; vertical.
70	Stockton St.	Italian stone pine	9	3	Moderate	Semi-mature	Leans S.; lost central leader.
71	Stockton St.	Italian stone pine	10	3	Moderate	Semi-mature	Lost central leader.
72	Stockton St.	Deodar cedar	6	4	Moderate	Young	Typical form & structure.
73	Filbert St.	Deodar cedar	6	4	Moderate	Young	Typical form & structure; foliage to ground.
74	Filbert St.	Italian stone pine	6	3	Moderate	Young	Leans S.; lost central leader.
75	Interior	Mayten	6	5	High	Young	Good young tree.
76	Columbus Ave.	Canary Island pine	6	5	High	Young	Good young tree.

Tree Assessment Form

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TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)	CONDITION 1=poor 5=excell.	SUITABILITY for PRESERVATION	STATUS	COMMENTS
77	Columbus Ave.	Fig	18	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 8'.
78	Columbus Ave.	Fig	16	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 6'.
79	Columbus Ave.	Fig	13	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; codominant trunks @ 7'.
80	Columbus Ave.	Fig	15	3	Moderate	Mature	Street tree; 6' by 6' cutout; overtopped by adj. plane; asymmetric form; multiple attachments @ 6'.
81	Columbus Ave.	Fig	19	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 8'.
82	Columbus Ave.	Fig	23	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 6'; crown heavier to E. over sidewalk.
83	Columbus Ave.	Fig	20	4	Moderate	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 7'.
84	Columbus Ave.	Fig	20	3	Low	Mature	Street tree; 6' by 6' cutout; typical form & structure; multiple attachments @ 6'; several branch failures on S.

Tree Risk Rankings

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Tree No.	Location	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Likely Failure	Risk Ranking: Target	Failure Potential	Size of Part	Target	Sum
1	Union St.	Mayten	29	2	Whole tree	Bus stop	4	3	3	10
2	--	Angel's trumpet	4,2	--	--	--	--	--	--	--
3	Union St.	Coast redwood	28	4	Branch	Bench	2	1	2	5
4	Union St.	Deodar cedar	28	4	Branch	Bench	2	2	2	6
5	Union St.	Victorian box	18	3	Whole tree	Sidewalk	2	2	2	6
6	Union St.	Deodar cedar	17	3	Branch	Bench	2	1	2	5
7	Stockton St.	Victorian box	20,15	3	Branch	Sidewalk	2	1	2	5
8	Stockton St.	Italian stone pine	47	2	Whole tree	Bench	4	3	2	9
9	Stockton St.	Italian stone pine	39	3	Branch	Parking	2	1	3	6
10	Stockton St.	Italian stone pine	48	3	Branch	Parking	2	2	3	7
11	Stockton St.	Italian stone pine	40	3	Branch	Parking	2	2	3	7
12	Stockton St.	Monterey cypress	62	3	Stem on W., high in tree	Sidewalk	3	3	2	8
13	Filbert St.	Paul's scarlet hawthorn	7	4	Branch	Landscape	1	1	1	3
14	--	Italian stone pine	37	--	--	--	--	--	--	--
15	--	Italian stone pine	33	--	--	--	--	--	--	--
16	Stockton St.	Primrose tree	16,15,12	4	Branch	Bench	2	2	2	6
17	Stockton St.	Primrose tree	19	3	Branch	Bench	2	2	2	6
18	Stockton St.	Primrose tree	24	4	Branch	Sidewalk	2	1	2	5
19	--	Japanese black pine	12	--	--	--	--	--	--	--
20	--	Japanese black pine	14	--	--	--	--	--	--	--
21	--	Italian stone pine	13,11	--	--	--	--	--	--	--
22	Filbert St.	Olive	10	4	Stem	Sidewalk	2	1	2	5
23	--	Evergreen pear	10	--	--	--	--	--	--	--
24	Interior	London plane	17	3	Branch	Bench	2	1	2	5

Tree Risk Rankings

Washington Square Park
SF Recreation & Parks Department
San Francisco CA
June 2017

HORT SCIENCE

Tree No.	Location	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Likely Failure	Risk Ranking: Target	Failure Potential	Size of Part	Target	Sum
25	Interior	London plane	24	4	Branch	Bench	2	1	2	5
26	Interior	Evergreen pear	13	--	--	--	--	--	--	--
27	Interior	London plane	34	5	Branch	Bench	2	2	2	6
28	Interior	London plane	17	3	Branch	Bench	2	1	2	5
29	Interior	London plane	31	4	Branch	Bench	2	2	2	6
30	Interior	London plane	37	4	Stem	Bathroom	2	3	3	8
31	--	Evergreen pear	11	--	--	--	--	--	--	--
32	Interior	Olive	19,17	3	Stem	Sidewalk	2	2	2	6
33	Interior	Olive	22	4	Branch	Bench	2	2	2	6
34	Interior	London plane	18	3	Branch	Bench	2	2	2	6
35	Interior	London plane	34	4	Branch	Bus stop	2	2	3	7
36	Interior	London plane	32	4	Branch	Sidewalk	2	2	2	6
37	--	Mayten	18	--	--	--	--	--	--	--
38	--	Italian stone pine	23	--	--	--	--	--	--	--
39	Interior	Lombardy poplar	23	4	Branch	Landscape	2	2	1	5
40	Interior	Lombardy poplar	31	2	Whole tree	Landscape	3	4	1	8
41	Filbert St.	Olive	13	4	Whole tree	Bench	2	1	2	5
42	Filbert St.	Olive	11,11,10	4	Stem	Sidewalk	2	2	2	6
43	Filbert St.	Olive	14,10	3	Stem	Sidewalk	2	2	2	6
44	Filbert St.	Olive	11,10,9	2	Stem	Sidewalk	2	2	2	6
45	--	Scots pine	19	--	--	--	--	--	--	--
46	--	Scots pine	13	--	--	--	--	--	--	--
47	Filbert St.	Canary Island pine	31	4	Branch	Sidewalk	2	1	2	5
48	Filbert St.	Canary Island pine	23	3	Branch	Sidewalk	2	1	2	5
49	Filbert St.	Canary Island pine	27	3	Branch	Bench	2	2	2	6

Tree Risk Rankings

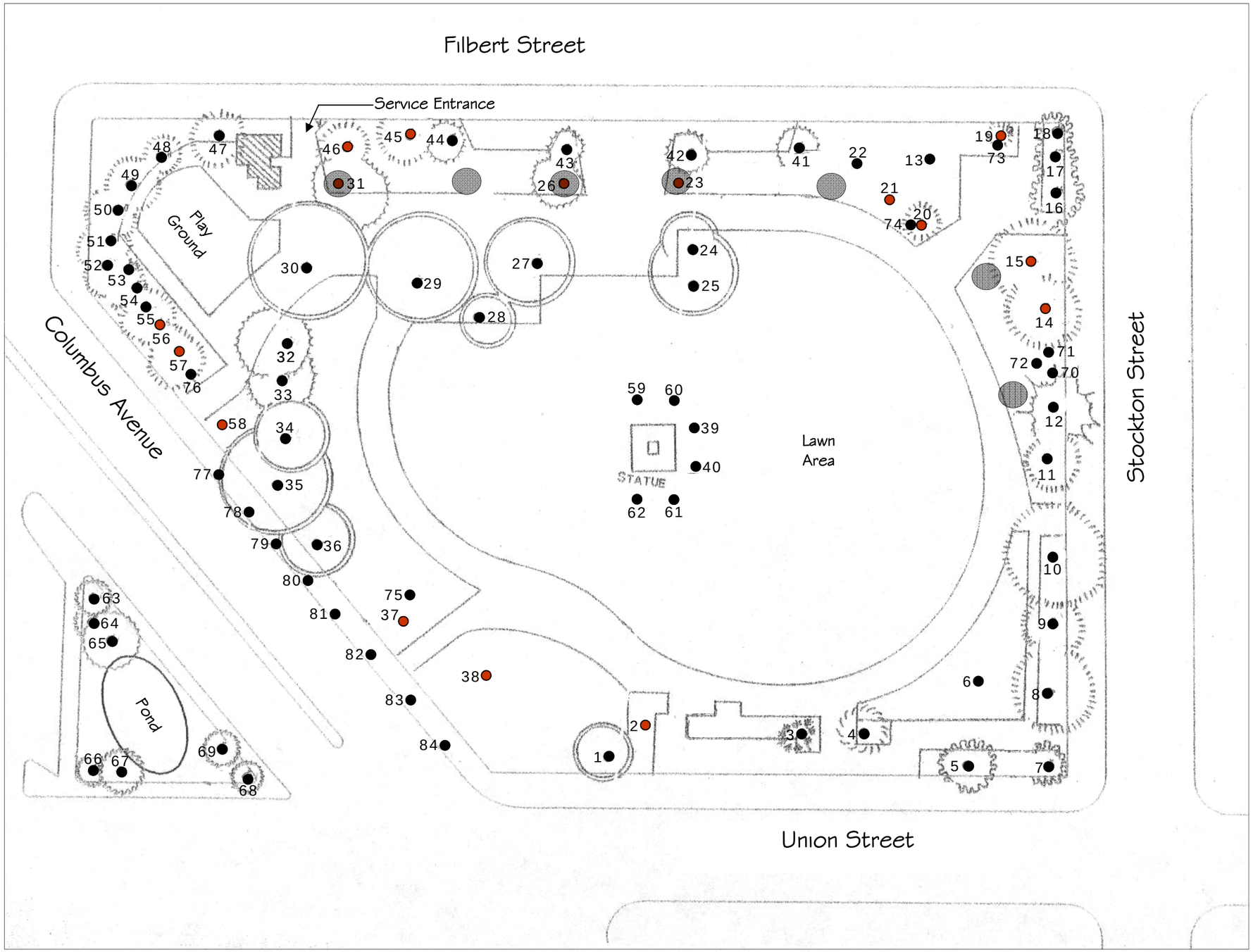
Washington Square Park
SF Recreation & Parks Department
San Francisco CA
June 2017

Tree No.	Location	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Likely Failure	Risk Ranking Target	Failure Potential	Size of Part	Target	Sum
50	Filbert St.	Canary Island pine	24	3	Branch	Bench	2	2	2	6
51	Columbus Ave.	Canary Island pine	20	3	Branch	Bench	2	2	2	6
52	Columbus Ave.	Canary Island pine	27	4	Branch	Bench	2	2	2	6
53	Columbus Ave.	Canary Island pine	21	3	Branch	Bench	2	1	2	5
54	Columbus Ave.	Canary Island pine	30	4	Stem on W.	Sidewalk	3	2	2	7
55	Columbus Ave.	Canary Island pine	24	4	Branch	Bench	2	2	2	6
56	--	Canary Island pine	23	--	--	--	--	--	--	--
57	--	Scots pine	10	--	--	--	--	--	--	--
58	--	Photinia	5	--	--	--	--	--	--	--
59	Interior	Lombardy poplar	29	5	Branch	Landscape	2	2	1	5
60	Interior	Lombardy poplar	24	5	Branch	Landscape	2	2	1	5
61	Interior	Lombardy poplar	25	5	Branch	Landscape	2	2	1	5
62	Interior	Lombardy poplar	34	5	Branch	Landscape	2	2	1	5
63	Mariani Plaza	Lombardy poplar	52	3	Stem	Columbus	3	2	4	9
64	Mariani Plaza	Lombardy poplar	47	3	Branch	Parking	2	2	3	7
65	Mariani Plaza	Southern magnolia	30	4	Branch	Sidewalk	2	1	3	6
66	Mariani Plaza	Lombardy poplar	43	3	Branch	Parking	2	2	3	7
67	Mariani Plaza	Lombardy poplar	53	2	Whole tree	Union	3	3	4	10
68	Mariani Plaza	Lombardy poplar	36	4	Branch	Bus stop	2	2	3	7
69	Mariani Plaza	Lombardy poplar	44	4	Branch	Bus stop	2	2	3	7
70	Stockton St.	Italian stone pine	9	3	Whole tree	Bench	2	1	2	5
71	Stockton St.	Italian stone pine	10	3	Branch	Landscape	1	1	1	3
72	Stockton St.	Deodar cedar	6	4	Branch	Landscape	1	1	1	3
73	Filbert St.	Deodar cedar	6	4	Branch	Landscape	1	1	1	3
74	Filbert St.	Italian stone pine	6	3	Whole tree	Bench	2	1	2	5

Tree Risk Rankings

Washington Square Park
SF Recreation & Parks Department
San Francisco CA
June 2017

Tree No.	Location	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Likely Failure	Risk Ranking Target	Failure Potential	Size of Part	Target	Sum
75	Interior	Mayten	6	5	Branch	Landscape	1	1	1	3
76	Columbus Ave.	Canary Island pine	6	5	Branch	Landscape	1	1	1	3
77	Columbus Ave.	Fig	18	4	Branch	Columbus	2	2	4	8
78	Columbus Ave.	Fig	16	4	Branch	Columbus	2	2	4	8
79	Columbus Ave.	Fig	13	4	Branch	Columbus	2	1	4	7
80	Columbus Ave.	Fig	15	3	Branch	Columbus	2	2	4	8
81	Columbus Ave.	Fig	19	4	Branch	Columbus	2	2	4	8
82	Columbus Ave.	Fig	23	4	Branch	Columbus	2	2	4	8
83	Columbus Ave.	Fig	20	4	Branch	Columbus	2	2	4	8
84	Columbus Ave.	Fig	20	3	Branch	Columbus	2	2	4	8



Tree Assessment Map

Washington Square Park
San Francisco, CA

Prepared for:
City of San Francisco Recreation and Park Department
San Francisco, CA

May 2007
Updated April 2012
Updated June 2017

No Scale

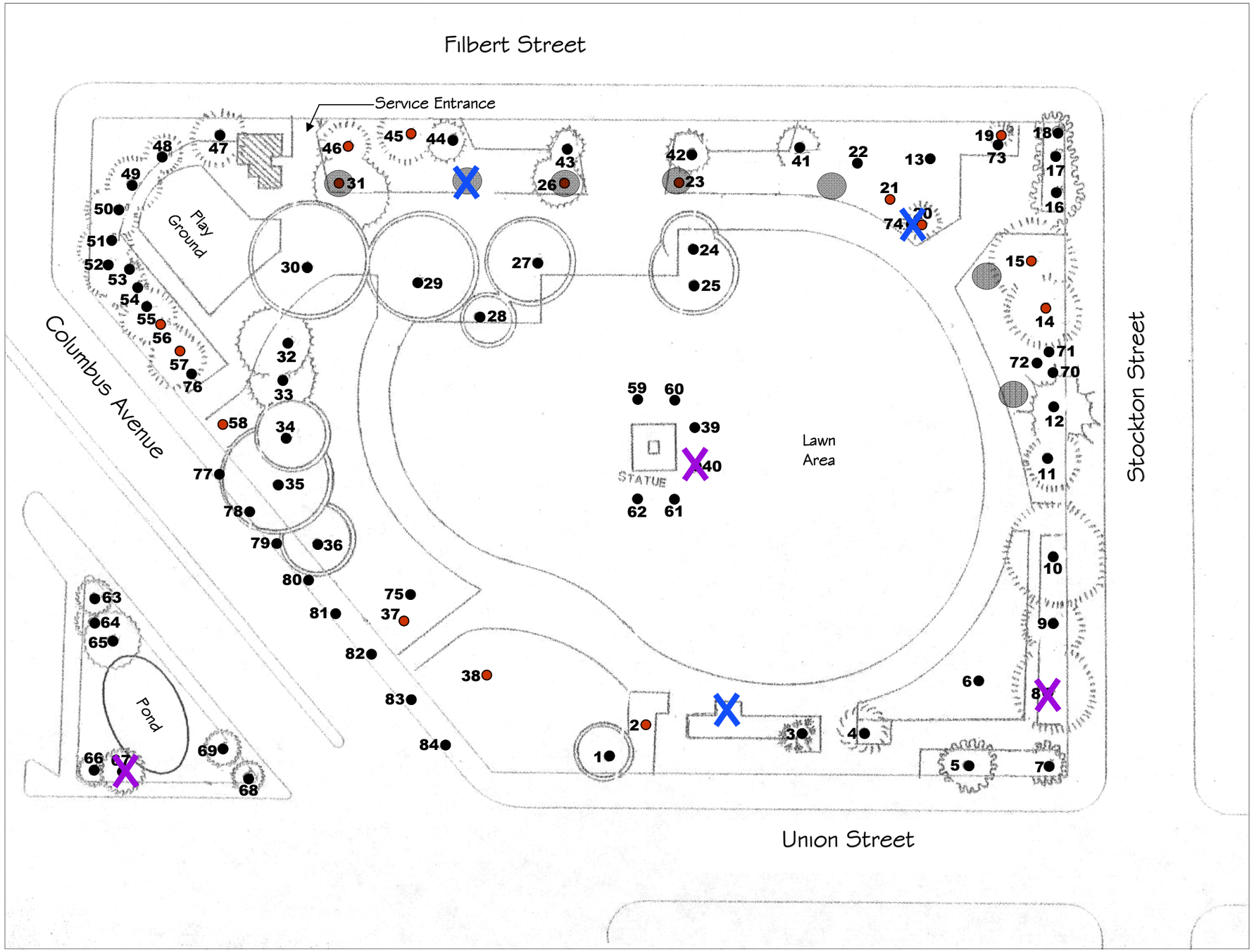
Notes:
Base map provided by:
The Friends of Washington Square Park
San Francisco, CA

Driplines and numbered tree locations are approximate.

● = Tree has been removed

● = Michelia doltsopa
(Planted 2/18/2011)

HORT SCIENCE
325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596



Tree Assessment Map

Washington Square Park
San Francisco, CA

Prepared for:
City of San Francisco Recreation and Park Department
San Francisco, CA

May 2007
Updated April 2012
Updated June 2017

No Scale

Notes:
Base map provided by:
The Friends of Washington Square Park
San Francisco, CA

Driplines and numbered tree locations are approximate.

● = Tree has been removed

= Michelia doltsopa
(Planted 2/18/2011)

HORT SCIENCE
325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596

Mark ups prepared on 1/30/16 by
SF Public Works for
Washington Square Water Conservation Project

X = Insignificant Tree to remove (>10" caliper)

X = Significant Tree to remove (<10" caliper)

APPLICATION FOR
Certificate of Appropriateness

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
CCSF Recreation and Parks Department	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
501 Stanyan Street, San Francisco CA 94117	(415) 831-2700
	EMAIL:

APPLICANT'S NAME:	
Levi Conover, RPD Project Manager	Same as Above ☐
APPLICANT'S ADDRESS:	TELEPHONE:
30 Van Ness Avenue, 3rd Floor, Suite 3000 San Francisco CA 94102	(415) 581-2572
	EMAIL:
	levi.conover@sfgov.org

CONTACT FOR PROJECT INFORMATION:	
	Same as Above ☒
CONTACT PERSON'S ADDRESS:	TELEPHONE:
	( )
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
Washington Square	94133
CROSS STREETS:	
Filbert Street and Columbus Avenue	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
102 / 1	Irregular	95,762	P - Public	OS - Open Space
ARTICLE 10 LANDMARK NUMBER			HISTORIC DISTRICT:	
Landmark #: 226			N/A	

3. Project Description

The Washington Square Water Conservation Project seeks to reduce the park's existing irrigation water use by two thirds and improve saturated soils conditions on the main lawn.

Building Permit Application No. TBD Date Filed: TBD

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

GROSS SQUARE FOOTAGE (GSF)	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
Residential	N/A			
Retail	N/A			
Office	N/A			
Industrial / PDR Production, Distribution, & Repair	N/A			
Parking	N/A			
Other (Specify Use)	lawn, planters, paths	90,609		90,609
Total GSF	lawn, planters, paths	90,609		90,609
PROJECT FEATURES	**EXISTING USES:**	**EXISTING USES TO BE RETAINED:**	**NET NEW CONSTRUCTION AND/OR ADDITION:**	**PROJECT TOTALS:**
Dwelling Units	N/A			
Hotel Rooms	N/A			
Parking Spaces	N/A			
Loading Spaces	N/A			
Number of Buildings	N/A			
Height of Building(s)	N/A			
Number of Stories	N/A			

Please provide a narrative project description, and describe any additional project features that are not included in this table:

Please see project narrative attached at the end of this application.

Findings of Compliance with Preservation Standards

	FINDINGS OF COMPLIANCE WITH PRESERVATION STANDARDS	YES	NO	N/A
1	Is the property being used as it was historically?	☒	☐	☐
2	Does the new use have minimal impact on distinctive materials, features, spaces, and spatial relationship?	☒	☐	☐
3	Is the historic character of the property being maintained due to minimal changes of the above listed characteristics?	☒	☐	☐
4	Are the design changes creating a false sense of history of historical development, possible from features or elements taken from other historical properties?	☐	☒	☐
5	Are there elements of the property that were not initially significant but have acquired their own historical significance?	☐	☒	☐
6	Have the elements referenced in Finding 5 been retained and preserved?	☐	☐	☒
7	Have distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize the property been preserved?	☒	☐	☐
8	Are all deteriorating historic features being repaired per the Secretary of the Interior Standards?	☐	☐	☒
9	Are there historic features that have deteriorated and need to be replaced?	☐	☒	☐
10	Do the replacement features match in design, color, texture, and, where possible, materials?	☒	☐	☐
11	Are any specified chemical or physical treatments being undertaken on historic materials using the gentlest means possible?	☐	☒	☐
12	Are all archeological resources being protected and preserved in place?	☐	☐	☒
13	Do exterior alterations or related new construction preserve historic materials, features, and spatial relationships that are characteristic to the property?	☒	☐	☐
14	Are exterior alterations differentiated from the old, but still compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment?	☒	☐	☐
15	If any alterations are removed one day in the future, will the forms and integrity of the historic property and environment be preserved?	☒	☐	☐

Please summarize how your project meets the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, in particular the *Guidelines for Rehabilitation* and will retain character-defining features of the building and/or district:

Replacement of the irrigation and drainage infrastructure will not result in any changes in historic use to the park, and the layout and location of the existing pathways and planting areas will remain unchanged.

Findings of Compliance with General Preservation Standards

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. The property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;

The park layout and use will remain unchanged.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided;

Every effort will be made to avoid changes to distinctive features, paces and spacial relationships.

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken;

No design features will be included with the intent of creating a false sense of historic development.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved;

No changes are proposed to historically significant features.

5. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved;

No changes are proposed to distinctive materials, finishes, or construction techniques.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence;

N/A

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used;

N/A

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken;

The Recreation & Parks Department does not anticipate the discovery of archeological resources in the course of this project. If archeological resources are discovered they will go undisturbed until mitigation measures can be taken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;

Existing spatial relationships will be maintained. Every effort will be made for new work to complement to the historic context of the park, but not to convey a false sense of being a historic element.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired;

N/A

PLEASE NOTE: *For all applications pertaining to buildings located within Historic Districts, the proposed work must comply with all applicable standards and guidelines set forth in the corresponding Appendix which describes the District, in addition to the applicable standards and requirements set forth in Section 1006.6. In the event of any conflict between the standards of Section 1006.6 and the standards contained within the Appendix which describes the District, the more protective shall prevail.*

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

This project does not influence neighborhood-serving retail uses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

This project does not influence housing. This project is not anticipated to have any influence on the cultural or economic diversity of the neighborhood.

3. That the City's supply of affordable housing be preserved and enhanced;

This project does not influence the supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

This project does not influence the level of commuter traffic and does not impede upon Muni service. We do not anticipate that it will result in an increase in neighborhood parking as it does not change the existing use of the site.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

This project does not influence the industrial or service sectors of the City. It does not involve commercial office development and is not result in any change to future opportunities for employment of ownership.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

This project will in increase safety at the park.

7. That landmarks and historic buildings be preserved; and

This project maintains the historic use of the park.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

This project will not affect open space and access to sunlight.

Estimated Construction Costs

TYPE OF APPLICATION:	
OCCUPANCY CLASSIFICATION: TBD	
BUILDING TYPE:	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 90,609	BY PROPOSED USES: Irrigation and drainage replacement, replanting of landscape, and potential repaving alternate scope
ESTIMATED CONSTRUCTION COST: $1,100,000	
ESTIMATE PREPARED BY: Rec & Park Department Project Manager	
FEE ESTABLISHED:	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: Other information or applications may be required.

Signature: _____ Date: 2/12/2018

Print name, and indicate whether owner, or authorized agent:

Levi Conover, Project Manager, SFRPD

Owner / Authorized Agent (circle one)

Certificate of Appropriateness Application Submittal Checklist

The intent of this application is to provide Staff and the Historic Preservation Commission with sufficient information to understand and review the proposal. Receipt of the application and the accompanying materials by the Planning Department shall only serve the purpose of establishing a Planning Department file for the proposed project. After the file is established, the Department will review the application to determine whether the application is complete or whether additional information is required for the Certificate of Appropriateness process. Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	CERTIFICATE OF APPROPRIATENESS
Application, with all blanks completed	☒
Site Plan	☒
Floor Plan	☐
Elevations	☐
Prop. M Findings	☐
Historic photographs (if possible), and current photographs	☐
Check payable to Planning Department	☐
Original Application signed by owner or agent	☐
Letter of authorization for agent	☐
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or product cut sheets for new elements (i.e. windows, doors)	☒

NOTES:
☐ Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
■ Typically would not apply. Nevertheless, in a specific case, staff may require the item.

PLEASE NOTE: *The Historic Preservation Commission will require additional copies each of plans and color photographs in \ reduced sets (11" x 17") for the public hearing packets. If the application is for a demolition, additional materials not listed above may be required. All plans, drawings, photographs, mailing lists, maps and other materials required for the application must be included with the completed application form and cannot be "borrowed" from any related application.*

For Department Use Only
Application received by Planning Department:

By: _____ Date: _____

SAN FRANCISCO PLANNING DEPARTMENT

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **http://www.sfplanning.org**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
Planning staff are available by phone and at the PIC counter. No appointment is necessary.

Mayor Mark Farrell
Phil Ginsburg, General Manager

Project Narrative

2/13/18

Application for Certificate of Appropriateness

Re: Washington Square Water Conservation Project

The Washington Square Water Conservation Project seeks to reduce the park's existing irrigation water use by two thirds and improve saturated soils conditions on the main lawn. Project scope includes replacement of the existing irrigation and drain infrastructure throughout the park. The park plan, layout of pathways, and layout of planting bed perimeters would remain unchanged.

Base Scope Items:

1. Remove and replace existing irrigation system (main lines, branch lines, sprinkler heads, controllers)
2. Remove and replace existing sub-lawn drain infrastructure
3. Remove and replace three trees recommended for removal on tree assessment, identified in plan (item #12 on plan legend), tree assessment attached for reference
4. Plant four new trees that were previously removed due to disease/hazard (item #11 on plan legend)
5. Removal of all existing shrubs and bushes in perimeter planting beds, and replacement with low water use and durable planting (item #14 on plan legend)
6. Replant grass/sod on existing main lawn

Alternate Scope Items:

In the event additional project funding is secured, some or all of the following scope items would be included in the scope of work:

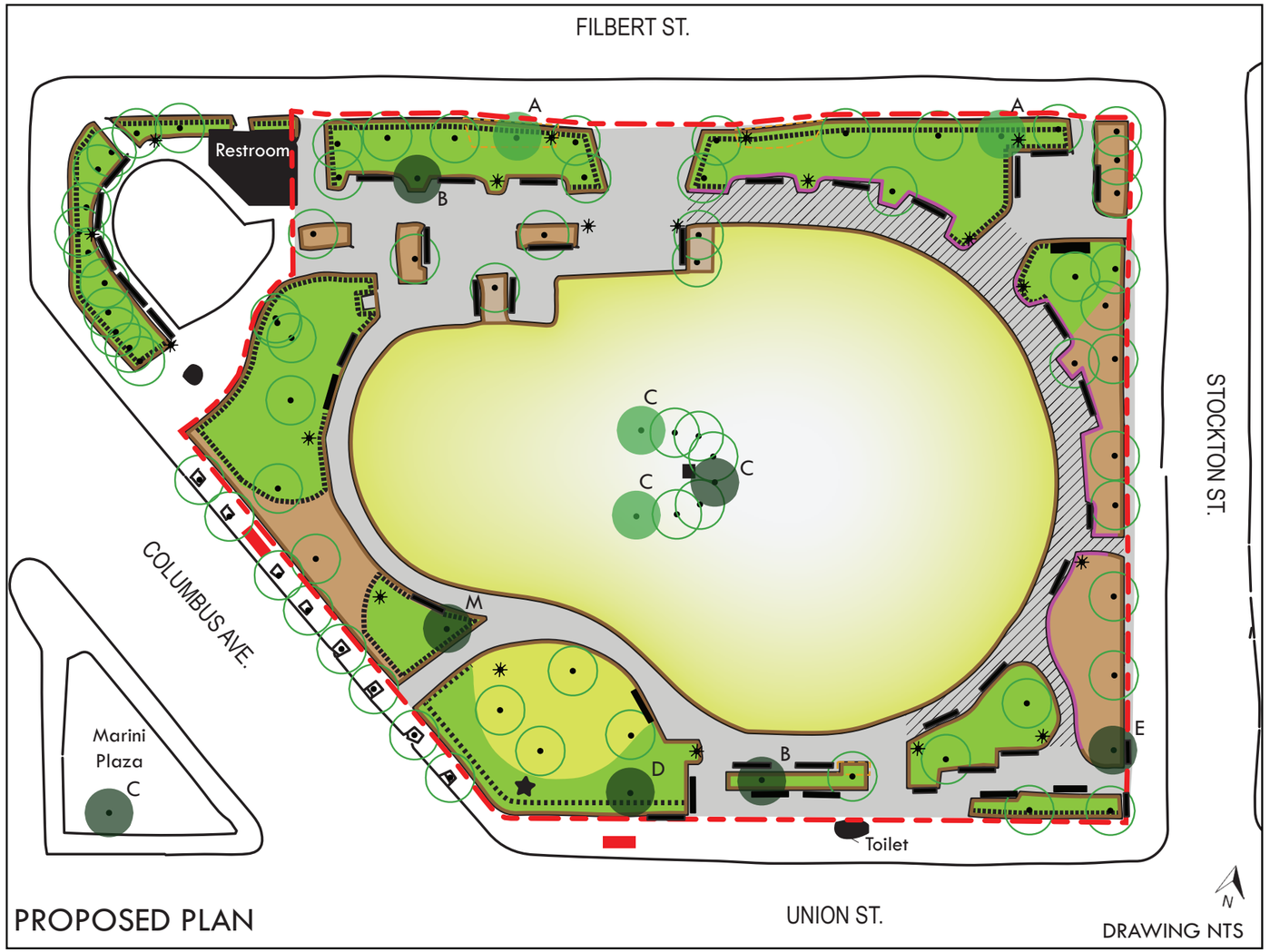
1. ADA upgrades to pathways – regrade existing non-conforming cross slope of pathways (item #8 on plan legend), and install a new 6"-12" tall concrete curb along planter beds to accommodate cross-slope mitigation measures (item #7 on plan legend)
2. Remove all existing asphalt pathways and replace with stained concrete. Stain would be dark to maintain the aesthetic of the existing asphalt color, and include a waterjet finish. Concrete finish would match approved concrete finish in Playground Replacement project Cat-EX. See attached Cat-EX for reference. (item #9 on plan legend)
3. Installation of perimeter cobble pavers at lawn and planting bed edges (item #6 on plan legend) to match Cat-EX approval from Playground Replacement
4. Installation of perimeter low fencing on outer planter bed edges (item #4 on plan legend) to match Cat-EX approval from Playground Replacement
5. Remove and Replace existing benches in-kind with new benches (item #3 on plan legend)

SF REC & PARK | WASHINGTON SQUARE PARK WATER CONSERVATION PROJECT

January 31, 2018

Project Manager
Levi Conover
Recreation and Parks Department

Design Team
Edward Chin, Landscape Architect
Andrea Alfonso, Landscape Architect
San Francisco Public Works



PROPOSED PLAN

DRAWING NTS

Tree Legend

A- *Olea Europaea,* European Olive (Qty.2)

B- *Michelia doltsopa,* Sweet Michelia (Qty.2)

C- *Populus nigra,* Black Poplar (Qty.4)

D- *Platanus racemosa*, CA Sycamore (Qty.1)

E- *Pinus Pinea*, Stone Pine (Qty.1)

M- Maytensus *boaria*, Mayten (Qty.1)

Legend

- Limit of Work
1. Existing Tree
2. Existing Light Pole
3. Proposed Bench, as necessary
4. Proposed Low Fencing
5. Existing Bus Stop
6. Proposed Cobble Paving
7. Proposed Concrete Curb
8. Proposed Grading Area
9. Proposed Concrete Paving
10. Proposed Mulch
11. New Tree
12. Tree to Be Removed/Replaced
13. Proposed Grass
14. Proposed Low Shrub/Groundcover
15. Remove AC paving
16. Park Sign

PLANTING RECOMMENDATIONS

Plant species selected for the palette meet several underlying criteria, which are: low water use, provide habitat for insects and birds and low maintenance. Additionally, their profile grows under three feet tall to maintain clear site lines for park safety.

It is recommended that the planting beds be filled with drifts of plant massings that seamlessly blend together. This will allow specific plants to define planting beds and give structure and character to the perimeter of the park.

Temporary protective fencing should be installed at the perimeter of new planting beds until new permanent perimeter fencing can be installed.

PLANTING PRECEDENTS

FOUNDATION PLANTING: MAX 3' HIGH

Olea europea 'little ollie'
Little Ollie Dwarf Olive

Prunus Laurocerasus 'Otto Luyken'
Cherry Laurel

Correa 'Dusky Bells'
Red Australian Fuchsia

Rhamnus californica 'Mt. San Bruno'
Dwarf Coffeeberry

Ceanothus 'Concha'
Concha Ceanothus

Berberis thunbergii
Berberis

GROUNDCOVER

Baccharis pilularis 'Twin Peaks'
Dwarf Coyote Brush

Sollya heterophylla
Australian Bluebell Creeper

Ceanothus gloriosus 'Anchor Bay'
Anchor Bay Ceanothus

Legend

- Shade Tolerant
- Spring Bloom
- Summer Bloom
- Fall Bloom
- Winter Bloom
- Attracts Insects and/or birds

SHRUBS + SUCCULENTS

Ribes Sanguineum
Pink Flowered Currant

Woodwardia fimbriata
Chain Fern

Agave bracteosa
Spider Agave

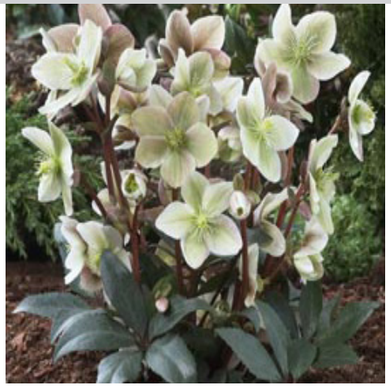
Punica granatum 'nana'
Dwarf Pomegranate

Phormium tenax spp.
Dwarf Flax

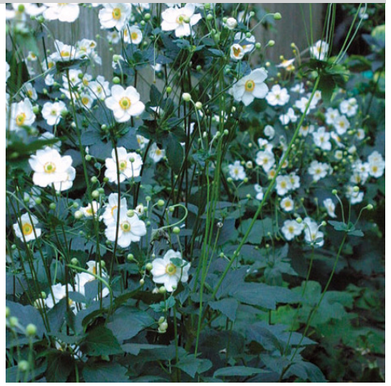
Cotinus coggygria
Smoketree

PERENNIALS

Heuchera maxima
Island Alum Root



Helleborus spp.
Lenten Rose



Anemone x hybrida 'Honorine Jobert'
Japanese Anemone

Zauschneria californica
California Fuchsia

Euphorbia characias 'wulfenii'
Spurge

Santolina chamaecyparissus
Lanvender Cotton

Rosmarinus officinalis 'Prostratus'
Creeping Rosemary

Penstemon heterophyllus 'BOP'
Blue Bedder

Lavendula spp.
Lavender

Legend

- Shade Tolerant
- Spring Bloom
- Summer Bloom
- Fall Bloom
- Winter Bloom
- Attracts Insects and/or birds

Plant Protection Fence

Historic Bench
replace to match existing

Paving
waterjet concrete with
integral color

Paving Edge
basalt pavers

Curb at Sidewalk

Appeal Response Attachment B

RECREATION AND PARK COMMISSION AUGUST 16, 2018 AGENDA AND WASHINGTON SQUARE WATER CONSERVATION PROJECT CASE REPORT

RECREATION AND PARK COMMISSION
THURSDAY, AUGUST 16, 2018
10:00 A.M.
CITY HALL, ROOM 416

1. ROLL CALL

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- **a) Legislation**
- **b) Budget Analyst report**
- **c) Legislative Analyst report**
- **d) Recreation and Park Department cover letter and/or report**
- **e) Consultant report**
- **f) Public correspondence**
- **g) Report or correspondence from other Department or Agency**

These items will be available for review at McLaren Lodge, 501 Stanyan St., Commission Room. If any materials related to an item on this agenda have been distributed to the Recreation and Park Commission after distribution of the agenda packet, those materials are available for public inspection at McLaren Lodge, Commission Room, 501 Stanyan Street, San Francisco, CA during normal office hours. The documents for each item may be found on the website at:
http://sfrecpark.org/about/recreation-park-commission/

Note: The Commission will hear public comment on each item on the agenda before or during consideration of that item.

2. PRESIDENT'S REPORT (DISCUSSION ONLY)

- **a) Openings and Events**
- **b) Commission Administrative Matters**
- **c) Acknowledgements**

3. GENERAL MANAGER'S REPORT (DISCUSSION ONLY)

- **a) Financial Matters**
- **b) Capital Report**
- **c) Property Management**
- **d) Recreation Programs**
- **e) Park, Recreation and Open Space Advisory Committee Report**
- **f) Events**
- **g) Legislation**

4. **GENERAL PUBLIC COMMENT - UP TO 15 MINUTES – THIS ITEM WILL BE CONTINUED TO ITEM 12**
At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda. With respect to agenda items, you will have opportunity to address the Commission when the item is reached in the meeting.

5. **CONSENT CALENDAR (ACTION ITEM)**

A. **MINUTES**
Discussion and possible action to approve the minutes from the June and July commission meetings.

B. **SAN FRANCISCO ZOOLOGICAL SOCIETY ANIMAL TRANSACTIONS**
Discussion and possible action to approve the following animal transactions for the San Francisco Zoological Society, which were processed under Resolution No. 13572.

DONATION FROM:	ANIMAL SPECIES	PRICE	TOTAL DUE
Zoological Society of San Diego P.O. Box 120551 San Diego, CA 92112	0.1 mandrill Mandrillus sphinx	NIL	NIL

C. **ACCEPTANCE OF GRANTS**
Discussion and possible action to accept and expend a cash grant in the amount of approximately $30,000 from the San Francisco Parks Alliance, on behalf of the Friends of Alta Plaza Park, for new plants and materials for a volunteer planting event in Alta Plaza Park.
Staff: Nathan Tinclair – 831-6842

D. **SAN FRANCSICO ZOOLOGICAL SOCIETY- BUDGET FY 2018-19**
Discussion and possible action to approve the Fiscal Year 2018-19 budget of the San Francisco Zoological Society.
This item was referred from Joint Zoo Committee to the consent calendar

E. **807 FRANKLIN SHADOW ON JEFFERSON SQUARE PARK**
Discussion and possible action to adopt a resolution recommending to the Planning Commission regarding whether or not the new shadow cast by the proposed project at 807 Franklin Street will have a significant adverse impact on the use of Jefferson Square Park, pursuant to Planning Code Section 295 (the Sunlight Ordinance).
Staff: Yael Golan – 575-5612
This item was referred from Capital Committee to the consent calendar

F. **MASTER AGREEMENTS FOR HISTORIC RESOURCES EVALUATION**
Discussion and possible action to authorize the General Manager to enter into four Master Agreements for As-Needed Historic Resource Evaluation and/or Archeological Review, each for a maximum amount of $600,000 with a maximum combined amount of $1,800,000, to Architectural Resources Group, ICF Jones & Stokes, Inc., Garavaglia Architecture, Inc., and Page & Turnbull.
Staff: Yael Golan – 575-5612
This item was referred from Capital Committee to the consent calendar

GENERAL CALENDAR

6. **SAN FRANCISCO ZOO**
Presentation and discussion only to update the Commission on operational and management issues at the San Francisco Zoo. (DISCUSSION ONLY)

7. **INDIA BASIN PARKS CONCEPT PLAN APPROVALS**
Discussion and possible action to: 1) adopt CEQA Findings for the India Basin Mixed-Use Project; and 2) approve the Concept Design for 900 Innes/India Basin Shoreline Park. (ACTION ITEM)
Staff: Nicole Avril – 305-8468
This item was referred from Capital Committee to the general calendar with recommendation to approve

8. **WASHINGTON SQUARE WATER CONSERVATION PROJECT**
Discussion and possible action to approve the proposed concept design for the Washington Square Water Conservation Project. Approval of this proposed action by the Commission is the Approval Action as defined by S.F. Administrative Code Chapter 31. (ACTION ITEM)
Staff: Levi Conover – 581-2572
This item was referred from Capital Committee to the general calendar with recommendation to approve

9. **MARGARET HAYWARD PLAYGROUND RENOVATION – AWARD OF CONTRACT**
Discussion and possible action to award a construction contact for Margaret Hayward Playground Renovation (Contract No. 10000009883; Project No. 3247V) to the lowest responsive, responsible bidder within project budget from among of the following bidders: Robert A. Bothman Construction, in the amount of $19,329,000; Thompson Builders Corporation, in the amount of $19,885,230; Build Group, Inc., in the amount of $20,650,614. (ACTION ITEM)
Staff: Marien Coss – 581-2557

10. **GENEVA CAR BARN PROJECT – CONTRACT TIME INCREASE**
Discussion and possible action to amend the contract with Roebuck Construction for the Geneva Car Barn and Powerhouse Phase One project to extend the schedule by 169 calendar days. (ACTION ITEM)
Staff: Reem Assaf – 575-5653

11. **LET'SPLAYSF!**
Presentation and discussion only on the status of the Let'sPlaySF! playgrounds initiative to renovate the 13 playgrounds prioritized by the Playgrounds Task Force. (DISCUSSION ONLY)
Staff: Melinda Stockmann – 581-2548

12. **GENERAL PUBLIC COMMENT – CONTINUED FROM ITEM 4 IF NECESSARY**
At this time members of the public who were not able to address the Commission on item 4 may address the Commission on items that are within the subject matter jurisdiction of the Recreation and Park Commission and that do not appear on the agenda.

13. **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**

A. **Public comment on all matters pertaining to the closed session.**

B. **Vote on whether to hold closed session to confer with legal counsel regarding pending litigation. (ACTION ITEM)**

C. **Possible closed session held pursuant to Gov't Code Section 54956.9(a) and Admin. Code Section 67.10(d):**

CONFERENCE WITH LEGAL COUNSEL (ACTION ITEM)
Cui Ying Zhou v. City and County of San Francisco
San Francisco Superior Court, Case No. CGC-16-555523 (filed November 28, 2016)
Plaintiff to dismiss claims with prejudice in exchange for City payment of $14.5 million.

D. **Reconvene in open session.**

E. **Possible report on actions taken in closed session (Gov't Code Section 54957.1 and Admin. Code Section 67.12) (ACTION ITEM).**

F. **Vote to elect whether to disclose any or all discussions held in closed session. (Gov't Code Section 54957.1; Admin. Code Section 67.12(a)). (ACTION ITEM)**

14. **COMMISSIONERS' MATTERS**
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

15. **NEW BUSINESS/AGENDA SETTING (DISCUSSION ONLY)**
- **Lincoln Park Golf Course**
- **Golden Gate Park Stables**
- **Community Gardens Policy**

- **South End Rowing Club**
- **Dolphin Club**
- **Golden Gate Yacht Club**
- **Commemorative Bench Program**
- **Esprit Park**
- **Golden Gate Park Tennis Fees**
- **Golden Gate Park, Alvord Lake**

16. COMMUNICATIONS (DISCUSSION ONLY)

From Phil Chin in regard to Portsmouth Square Re-envisioning
From Lillian Sing in regard to the Comfort Women Memorial First Anniversary
From Barbara Hill in regard to park issues
From Christopher Seguine in regard to Potrero del Sol Park

17. ADJOURNMENT

For questions about the meeting please contact 415-831-2750. The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapters 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, please contact:

Sunshine Ordinance Task Force Administrator
City Hall – Room 244 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683
415-554-7724 (Office); 415-554-7854 (Fax)
E-mail: SOTF@sfgov.org

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org. Copies of explanatory documents are available to the public online at http://www.sfbos.org/sunshine or, upon request to the Commission Secretary, at the above address or phone number.

ACCESSIBLE MEETING POLICY

Per the American Disabilities Act and the Language Access Ordinance, interpreters will be available for American Sign Language, Chinese, Spanish, Filipino, and other languages upon request. Additionally, every effort will be made to provide a sound enhancement system, meeting materials in alternative formats, and/or a reader. Minutes may be translated after they have been adopted by the Commission. For all these requests, please contact Margaret McArthur, Commission Liaison, at least 48 hours before the meeting at 415-831-2750. Late requests will be honored if possible. The hearing room is wheelchair accessible.

De acuerdo con la Ley sobre Estadounidenses con Discapacidades y la Ordenanza de Acceso a Idiomas, intérpretes para la Lengua de Signos Estadounidense, chino, español, filipino y otros idiomas estarán disponibles a petición. Además, se hará todo lo posible para proporcionar un sistema de refuerzo de sonido, los materiales de la reunión en formatos alternativos y un lector. Las actas se pueden traducir después de que la Comisión las haya adoptado. Para realizar todas estas peticiones, por favor contacte con Margaret McArthur, Coordinadora de la Comisión, por lo menos 48 horas antes de la reunión al 415-831-2750. Si es posible, se honrarás las solicitudes tardías. La sala de audiencias es accesible para sillas de ruedas.

依據「美國殘疾人士法案」（**American Disabilities Act**）與「語言服務條例」（**Language Access Ordinance**），傳譯員將根據請求予以提供美國手語、中文、西班牙文、菲律賓文或其他語言的傳譯服務。 此外，亦將竭誠提供音效增強系統、其他形式的會議資料，和/或閱讀器。 翻譯版本的會議記錄會在委員會通過後提供。 所有的上述要求，請於會議前最少48小時致電**415-831-2750**聯絡委員會聯絡員，**Margaret McArthur**。 逾期提出的請求，若可能的話，亦會被考慮接納。 聽證室設有輪椅通道。

Ayon sa American Disabilities Act at Language Access Ordinance may nakalaang mga tagapagsalin sa American Sign Language, Intsik, Espanyol, Filipino at sa iba pang wika kapag ito'y ini-rekwest. Dagdag pa, pagsisikapan ang lahat upang mapahusay ang

sistema para sa mas malinaw na marinig ang mga ito, mga materyales ng pagpupulong sa alternatibong pormat, at/o tagapagbasa. Ang katitikan (minutes) ng pulong ay maaaring maisalin kapag ito'y inaprubahan na ng Komisyon. Sa lahat ng mga ganitong rekwest, kontakin lamang po si Margaret McArthur, Commission Liaison, sa 415-831-2750 sa panahong di bababa sa 48 oras bago magpulong. Hangga't maaari, ang mga rekwest na nahuli (late) ay pagbibigyan. Ang silid pulongan ay may access para sa mga naka- wheelchair.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

DISABILITY ACCESS

The Recreation and Park Commission meeting will be held in Room 416 at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco. The meeting location is between Grove and McAllister Streets and is wheelchair accessible. The closet BART and Muni Metro Station is Civic Center, about three blocks from the meeting location. Accessible Muni lines nearest the meeting location are: 42 Downtown Loop, 49 Van Ness-Mission, F-Market & Muni Metro (Civic Center Station). For more information about Muni accessible services call 415-923-6142. There is accessible on-street parking available in the vicinity of the meeting location.

For assistance call 415-831-2750. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that others may be sensitive to various chemical based products. Please help the City accommodate these individuals.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, (415) 252-3100, FAX (415) 252-3112, website: sfgov.org/ethics.

CEQA APPEALS

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Planning Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at http://sf-planning.org/index.aspx?page=3447. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to:

Mark Buell, President
Recreation and Park Commission
McLaren Lodge, Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117-1898
recpark.commission@sfgov.org
Fax Number: 415-831-2096

Date: August 1, 2018

To: Recreation and Park Commission

Through: Philip A. Ginsburg, General Manager
Toks Ajike, Interim Director of Capital and Planning Division

From: Levi Conover, Project Manager

Subject: Washington Square Water Conservation Project – Concept Design Approval

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Agenda Wording

Discussion and possible action to approve the proposed concept design for the Washington Square Water Conservation Project. Approval of this proposed action by the Commission is the Approval Action as defined by S.F. Administrative Code Chapter 31.

Strategic Plan

Strategy 1: Inspire Public Space: Keep today's parks safe, clean, and fun; promote our parks' historic and cultural heritage; and build the great parks of tomorrow.
Objective: 1.2.: Strengthen the quality of existing parks and facilities.

Strategy 4: Inspire Stewardship, Objective 4.1 Conserve and strengthen natural resources. Continue water conservation plan with fixtures, pathways, landscape, recycled water, and irrigation modernization.

Background Information

Washington Square is located the North Beach neighborhood, at the intersection of Columbus Avenue, Powell Street, and Filbert Street. Established in 1847, Washington Square is one of the city's oldest parks, and was issued Landmark Designation status by the San Francisco Planning Department in 1999. The Square is a community gathering place – highly utilized by residents throughout the neighborhood, with a history of hosting festivals and other special events throughout the year.

In 2012 the Recreation and Park Department (RPD) partnered with the San Francisco Public Utilities Commission (SFPUC) to develop a Parks Water Conservation Plan for twelve parks with the greatest potential for water savings, including Washington Square. In July of 2017 the

RPD Commission approved a Memorandum of Understanding between RPD and SFPUC for the implementation of the Washington Square Water Conservation Project, and SFPUC Grant Assistance for Large Landscape Retrofits.

Of the 12 parks surveyed for the Parks Water Conservation Plan, Washington Square was the highest user of water on an annual per-acre basis (2,205,840 gallons/acre/year). The site area is 2.26 acres, and contains 1.5 acres of irrigated lawn and garden. Metered irrigation use from January 2014-January 2015 was recorded at 3,308,760 gallons. The current irrigation system was installed in the late 1950's, approximately 65 years ago. Contributing factors to the high water consumption rate are: poor layout of irrigation zones and controllers, inefficient sprinkler heads, and insufficient water pressure regulation.

The project scope will replace the antiquated manual and automatic irrigation systems, install a new smart controller with rain and flow sensors, and replace high water-using plants and lawn. It is estimated the project will conserve 2.2 million gallons of potable water annually.

In addition to the aging irrigation system, the park suffers from oversaturated soil on the main lawn and deteriorating pathways that do not meet current ADA standards. The project scope also seeks to replace the park's sub-drain infrastructure beneath the main lawn and fully replace the existing pathways with new ADA compliant concrete pathways.

Community Process

The department has worked closely with the Friends of Washington Square to develop the water conservation project from its early inception in 2016. Their advocacy for the project, and support from Supervisor Peskin, was central to obtaining the SFPUC Grant Assistance award, and for the inclusion of the drainage and pathway improvement scope in the project.

The larger community outreach effort for the project began in February 2018, with the goal of messaging the project and obtaining community feedback. Outreach has included presentations to neighborhood community groups, individual discussions/meetings with community members, meetings with business owners on the square, an on-line survey (approximately 200 responses), flyers passed out at the North Beach Festival, and a community meeting.

The department has met or engaged with the following community groups:

- Friends of Washington Square
- North Beach Neighbors
- Telegraph Hill Dwellers
- Russian Hill Neighbors
- Chinatown community at large
- North Beach Business Association
- Online Survey (200+ responses)
- Businesses & Organizations on the Square
- Engaged community members
- Community Meeting on 7/25/2018

Early in the outreach process the community raised concerns regarding project impacts on the neighborhood caused by the closure of the park. Following our first presentation to North Beach Neighbors, the group engaged with the department to outline the concerns they heard from their members. North Beach Neighbors has been an invaluable community advocate, assisting the department with outreach to other key stakeholders in the neighborhood, and have helped shape the project's mitigation plans to reduce project impacts on the neighborhood.

Proposed Project Scope

The project scope seeks to replace the park's existing irrigation system, with the goal of reducing existing water use by two-thirds; from approximately 3.3 million gallons per year, to 1.1 million gallons per year. Additionally the project seeks to address saturated soil conditions on the main lawn and replace the pathways.

Proposed scope of work includes:

- Install a new weather sensing irrigation system
- Plant new draught tolerant landscaping
- Install new sub-drain infrastructure to reduce saturated soil conditions
- Pathway repaving and ADA improvements
- Tree maintenance and pruning throughout, and removal/replacement of 11 trees
- Maintenance to existing benches, replace in-kind only when necessary

The neighborhood was almost unanimously concerned with the duration of the park closure, and requested that the department either phase the project or take measure to reduce the duration of the closure. Phasing the project proved infeasible due to concerns over quality control, budget limitations, and prolonged construction disturbance to the neighborhood.

The department is putting measures in place to limit the duration of the park closure. In addition to closure period, the three most prominent concerns raised by the community during outreach include, 1) homeless outreach and impacts of displacement, 2) pest and rodent control, and 3) control of construction debris, dust, noise and parking.

Proposed neighborhood impact mitigation measures include:

- **Construction Duration** – The construction contract will specify a park closure duration of 6 months.
    - The department will utilize Best Value Bidding to ensure a qualified contractor is selected.
    - An Early Completion Bonus will be utilized to incentivize a shorter closure duration, and Liquidated Damages will be included to discourage late completion.
    - A contract submittals period will be planned prior to the park closure to ensure the contractor has fully planned the project before closing the park.
- **Homeless Outreach** – the department is coordinating with SF Department of Homelessness and Supportive Housing and the Police Department to engage with the park's homeless population prior to the park closure to ensure they are informed and aware of available services. This outreach effort will continue during the park closure, in addition to continual monitoring of homelessness in the neighborhood.

- **Pest Control** – the department will undertake a large rodent elimination effort a week prior to construction start. This will include pre-trapping and other pest control measures when the construction fence is in place. Continual pest control monitoring will occur during construction.
- **Dust and Noise Mitigation Plan** – a plan will be provided to business groups and the community for review and comment before commencement of the construction contract.
- **Parking Plan** – project specifications will require the contractor to use the Vallejo St Garage for parking, and construction equipment and debris will be stored on-site at all times. The contractor will be limited to taking two street parking spaces.
- **Traffic and pedestrian safety plan** – a plan will dictate entry points to the park to reduce neighborhood traffic impacts, and requirements for traffic control personnel will ensure pedestrian safety at vehicle entrances.
- **Archeologica**l – an archeological consultant contract will be in-place prior to construction to limit potential schedule impacts due to unforeseen archeological items.
- **Local Businesses** – the department will work with businesses that front the square to develop construction fence signage reminding the community that businesses are still open around the square.
- **Alternate Park Resources** – the department will provide space at nearby Joe DiMaggio Playground for Tai Chi and other informal uses being displaced by the park closure, and will collaborate with neighborhood community partners to explore opportunities for access to alternate recreational areas.

Sources & Uses of Funding

Sources:	SFPUC Large Landscape Grant Program	$625,700
	2012 Clean & Safe Neighborhood Park Bond	$1,025,700
	General Fund	$1,400,000
	Total	$3,051,400
Uses:	Estimated Construction Cost	$2,000,000
	Estimated Construction Contingency	$200,000
	Estimated Soft Costs	$851,400
	Total	$3,051,400

Construction Cost Estimate Summary

Irrigation replacement scope	$360k
Drainage system replacement	$280k
Replanting lawn, planters, tree work	$330k
Soil removal/replacement on main lawn	$250k
Pathway replacement & benches	$780k
Construction Contingency	$2.0M

Anticipated Project Schedule

Planning Phase:	July 2017 – November 2017
Design Phase:	December 2017 – September 2018
Bid Phase:	October 2018 – January 2019
Construction Phase:	February/March 2019 – July/August 2019 (6 month closure)

Environmental Review

The project has been reviewed by the Planning Department and was issued a Categorical Exemption under Class 1 – Existing Facilities (Case No. 2018-003700PRJ). As part of the Environmental Review, the project was presented to the San Francisco Historic Preservation Commission, where it was granted approval.

Staff Recommendation
Staff recommends that the Commission approve the proposed concept design for the Washington Square Water Conservation Project. Approval of this proposed action by the Commission is the Approval Action as defined by S.F. Administrative Code Chapter 31.

Supported By
Friends of Washington Square
North Beach Neighbors
Russian Hill Neighbors
Supervisor Peskin (District 3)
San Francisco Public Utilities Commission
San Francisco Parks Alliance

Opposed By
Marc Bruno

Attachments
A – Concept Design
B – Park Closure Diagram
C – Categorical Exemption
D – LTAP Report
E – Letters of Support from:
   a. Friends of Washington Square
   b. North Beach Neighbors
   c. Russian Hill Neighbors

From:	Jalipa, Brent (BOS)
To:	BOS Legislation, (BOS)
Subject:	Fwd: 180836 Hearing (November 13)
Date:	Thursday, November 8, 2018 12:08:19 PM
Attachments:	ATT00001.htm WSP_Attachment E - Letters of Support.pdf ATT00002.htm

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Sent from my B-Phone

Begin forwarded message:

From: "Ng, Beverly (REC)" <beverly.ng@sfgov.org>
Date: November 8, 2018 at 12:01:44 PM PST
To: "Jalipa, Brent (BOS)" <brent.jalipa@sfgov.org>
Subject: 180836 Hearing (November 13)

Hi Brent,

Hope you are well.

180836 HEARING - Appeal of Determination of Exemption From Environmental Review - Washington Square Water Conservation Project. Peskin excused. Sup. Fewer motion to continue to November 13. (10/30/18)

This item is scheduled to be heard on November 13th before the full board. Attached are letters of support we wanted to submit for the full board. Let me know if that is possible and what else might be needed.

Many thanks,

Beverly

Beverly Ng
Deputy Director of Policy and Public Affairs

San Francisco Recreation and Park Department
City & County of San Francisco
McLaren Lodge in Golden Gate Park
501 Stanyan Street | San Francisco, CA | 94117
E-mail: Beverly.Ng@sfgov.org
Direct: (415) 831-6852

Friends of Washington Square

July 19, 2018

Recreation and Park Commissioners
McLaren Lodge
501 Stanyan Street
San Francisco, CA
94117

Attn: Margaret Mcarthur, Secretary
Levi Conover, Project Manager

RE: Washington Square Water Conservation Project

Honorable Commissioners:

For several years, Friends of Washington Square has pursued irrigation, pavement and sub-drainage upgrades in historic Washington Square. These infrastructure elements have not had substantial improvements since they were installed in 1957.

Recent PUC audits have reported approximately two million gallons of water are wasted each year. Poor sub-drainage causes large areas of the Square to be boggy and excluded from public use. The pavement has been patched and repeatedly repaired over the past decades, resulting In uneven surfaces, causing potential hazards, and impediments to the handicapped.

At last, in cooperation with Friends, the Department, the PUC and our District Supervisor we have secured the necessary funding to address these long over due upgrades. Improvements not only in water conservation, but expanding and enhancing the park user experience. The Square is the only major open space in a highly dense, culturally diverse neighborhood. Every inch of the Square is needed to accommodate use demands.

Although there are few downsides to these proposed improvements, they will necessitate the closure of the Square for some time. The closure is necessary not only to accommodate the project's scope, but for public safety and economy of costs. The closure will have an added opportunity: necessary tree maintenance.

Any delay or 'phasing' of the project's elements would only, in the long run, extend closure of the Square.

The Department has made great efforts to reduce the closure period, accommodate the project's potential impact on the surrounding area, the neighborhood at large, park users and adjacent businesses.

Friends of Washington Square strongly support the need for the proposed upgrades, and encourage the Commission's support for the Department's recommendations on the project's implementation.

Delays will only increase the closure time overall, resulting in the un-necessary loss of nearly 5,000 gallons of precious water each day the project is delayed.

Friends of Washington Square and North Beach residents deserve these long over due improvements to their "Living Room." Friends' members look forward to attending the August Commission meetings on this vital issue.

Sincerely,

Friends of Washington Square
POB 330241
San Francisco, CA
94133

(415) 956.1069

North Beach Neighbors
P.O. Box 330115
San Francisco, CA 94133
northbeachneighbors.org

July 14, 2018

TO: San Francisco Recreation & Parks Department, Supervisor Aaron Peskin

RE: Washington Square Water Conservation Project

North Beach Neighbors is a San Francisco non-profit organization comprised of North Beach residents and businesses. Since 1981, we have advocated on behalf of neighbors to create a vibrant, inclusive neighborhood.

With these goals in mind, we write to you today to express our support for the upcoming Washington Square Water Conservation Project.

We first learned of the project in February 2018 from a Rec & Park presentation at our February Community Meeting. The planning phase of the project was still very much in its infancy at that time, and we expressed concerns in a letter dated February 28, 2018 that can be viewed here. Since that time, we have been encouraged by the commitment that Rec & Park has showed to alleviate concerns, including:

- They have made themselves available in person, by phone, and over email to discuss the project in a timely manner.
- They have adopted many of our concerns and placed them into a Survey distributed to the neighborhood.
- They worked to expand the scope of the project to replacing pathways and meeting ADA compliance.
- They have planned a Community Meeting on July 25th for further engagement.
- They have accelerated the project timeline to be complete in 6 months rather than 1 year.
- They have begun outreach to Department of Homelessness to approach those who shelter in the park with compassion and support.

No matter how well planned or executed, we understand the park closure will bring significant inconvenience to the neighborhood. Still, alternatives such as phased closures that appeared attractive at first would only result in longer closures and increased costs.

Our organization commits to be a partner in the continued efforts to ensure this is a project that is carried out with care for those who rely on the park, meets environmental goals of water savings, and restores the open space at the center of our beloved neighborhood.

Daniel J. Sauter

Danny Sauter

North Beach Neighbors
President

Russian Hill Neighbors
www.rhnsf.org

July 21, 2018

President Mark Buell
San Francisco Recreation and Park Commission
McLaren Lodge
501 Stanyan Street
San Francisco, CA 94117

Re: Support for Washington Square Water Conservation Project

Dear President Buell and Recreation and Park Commissioners,

We are writing to support the proposed water conservation project and upgrades to Washington Square. We hope that this project, now funded, will proceed to completion without further delay.

Washington Square lies just outside the boundaries of *Russian Hill Neighbors (RHN)*, but it is nonetheless an important public open space amenity for our residents and the over 500 households that comprise the active membership of RHN.

This is a very important infrastructure project with long-term benefits to the dense and culturally diverse neighborhoods that surround the Square. Although the project will necessitate the closure of Washington Square for some time, this seems to be the safest and, in the end, most efficient and feasible plan.

We are grateful to the Friends of Washington Square, the Department of Recreation and Park, the PUC, Supervisor Peskin and all who have worked to make this project possible. We look forward to the many improvements in water conservation, safety and open space enjoyment that will result.

Thank you for your support of this project.

Very truly yours,

Carol Ann Rogers, President
carolannrogers@prodigy.net
415-902-3980

cc: Supervisor Aaron Peskin, District 3
Levi Conover, Project Manager
Margaret Mcarthur, Secretary

SAN FRANCISCO Parks Alliance
OUR CITY, OUR PARKS.

1663 Mission Street, Suite 320
San Francisco, CA 94103-2486
415.621.3260
www.sfparksalliance.org

May 16, 2018

San Francisco Historic Preservation Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Letter of Support for Washington Square's Water Conservation Project

Dear Commissioners:

The San Francisco Parks Alliance (SFPA) urges you to support the Recreation & Parks Department's Washington Square Water Conservation Project.

As a San Francisco organization dedicated to improving the City's parks, open spaces, and public realm, we encourage City projects, such as the Water Conservation Project, that are dedicated to conserving valuable water resources through the replacement of antiquated irrigation systems with newer, more efficient systems. It is estimated that the project will cut the park's water use from the existing 3 million gallons per year to 1 million gallons per year.

Thank you for your consideration, I hope you can join the citizens of San Francisco in support of this important project!

Sincerely,

Drew Becher
CEO
San Francisco Parks Alliance

From:	Jalipa, Brent (BOS)
To:	marcabruno@yahoo.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); BOS Legislation, (BOS)
Subject:	REQUEST FOR CONTINUANCE: Appeal of CEQA Exemption Determination - Washington Square Water Conservancy Project - Appeal Hearing on October 30, 2018
Date:	Wednesday, October 10, 2018 11:55:21 AM
Attachments:	image001.png

Good afternoon,

Please find linked below a letter received by the Office of the Clerk of the Board from the appellant, Marc Bruno, regarding a request for continuance on the CEQA Determination of Categorical Exemption for the proposed Washington Square Water Conservation Project.

Appellant Letter - October 10, 2018

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on October 30, 2018.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 180836

Regards,

Brent Jalipa
Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

Click here to complete a Board of Supervisors Customer Service Satisfaction form

Brent Jalipa, Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415-554-7712 <brent.jalipa@sfgov.org>
cc: Sherie George, Planner <sherie.george@sfgov.org>
Direct: 415.575.9039|
Supervisor Aaron Peskin <aaron.peskin@sfgov.org>
Supervisor Aaron Peskin & D3 Office <peskin.staff@gmail.com>

Re: San Francisco Board of Supervisors File No. 180836.
(CEQA Appeal scheduled before the Board of Supervisors at a special session 3:00 p.m. on Tuesday, October 30, 2018)

October 10, 2018

Dear Brent,

Based on an email I received yesterday from my attorney, John Hill, concerning a medical examination of me ordered by San Francisco Superior Court, I am unable to attend a hearing before the City's Board of Supervisors in the above referenced matter at 3:00 p.m. on October 30, 2018.

For this reason, I request the Board of Supervisors continue this matter until 3:00 p.m. Tuesday, November 13, 2018, the next meeting of the Board.

I also have requested Supervisor Aaron Peskin, the district supervisor for the at-issue property, Washington Square, to submit to the Board on or before the October 30 meeting a formal motion requesting a continuance in this matter.

The medical examination I have been ordered by the court to undergo is consequent to a personal injury case filed as a result my being struck by an automobile while walking in the crosswalk at 12th Street near Mission and South Van Ness. The medical examination will take at least four hours. It begins at 1:00 p.m. on Tuesday, October 30.

Sincerely,

Marc Bruno
15 Nobles Alley
San Francisco, CA 94133
415-434-1528 <marcabruno@yahoo.com>

From:	BOS Legislation, (BOS)
To:	marcabruno@yahoo.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); BOS Legislation, (BOS)
Subject:	HEARING NOTICE: Appeal of CEQA Exemption Determination - Washington Square Water Conservation Project - Appeal Hearing on October 30, 2018
Date:	Tuesday, October 16, 2018 12:08:50 PM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **October 30, 2018, at 3:00 p.m.**, to hear an appeal of the Determination of Exemption under CEQA for the proposed Washington Square Water Conservation Project.

Please find the following link to the hearing notice for the matter.

Hearing Notice - October 16, 2018

NOTE: A motion may be entertained to continue this Hearing to the Board of Supervisors' meeting of November 13, 2018.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 180836

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, October 30, 2018**

Time: **3:00 p.m.**

Location: **Legislative Chamber, City Hall, Room 250**
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102

NOTE: A motion may be entertained to continue this Hearing to the Board of Supervisors' meeting of November 13, 2018.

Subject: **File No. 180836.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department, on May 17, 2018, for the proposed Washington Square Water Conservation Project to reduce the park's existing irrigation water use by two-thirds and improve saturated soils conditions on the main lawn; within the P (Public) Zoning District with an OS (Open Space) Height and Bulk District. (District 3) (Appellant: Marc Bruno and Save North Beach) (Filed August 16, 2018)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, October 26, 2018.

Angela Calvillo
Clerk of the Board

DATED/MAILED/POSTED: October 16, 2018

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 180836

Description of Items: Public Hearing Notices - Hearing - Appeal of Determination of Exemption From Environmental Review - Washington Square Water Conservation Project - 3 Notices Mailed

I, Lisa Lew , an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: October 16, 2018

Time: 11:54 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

From:	BOS Legislation, (BOS)
To:	marcabruno@yahoo.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - Washington Square Water Conservancy Project - Appeal Hearing on October 30, 2018
Date:	Wednesday, September 19, 2018 11:34:25 AM
Attachments:	image001.png

Greetings,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **October 30, 2018, at 3:00 p.m**. Please find linked below a letter of appeal filed for the proposed Washington Square Water Conservancy project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

Exemption Determination Appeal Letter - August 16, 2018

Planning Department Memo - August 27, 2018

Clerk of the Board Letter - September 19, 2018

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 180836

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 19, 2018

Marc Bruno
15 Nobles Alley
San Francisco, CA 94133

Subject: File No. 180836 - Appeal of CEQA Exemption Determination - Washington Square Water Conservancy Project

Dear Mr. Bruno:

The Office of the Clerk of the Board is in receipt of a memorandum dated August 27, 2018, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed Washington Square Water Conservancy Project.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, October 30, 2018, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

Continues on next page

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

Very truly yours,

Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Jonas Ionin, Planning Commission Secretary
Sherie George, Staff Contact, Planning Department
Chelsea Fordham, Staff Contact, Planning Department

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: August 27, 2018

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer

RE: Appeal Timeliness Determination – Washington Square Water Conservation Project, Planning Department Case No. 2018-003700PRJ

On August 16, 2018, Marc Bruno and Save North Beach filed an appeal with the Office of the Clerk of the Board of Supervisors of the categorical exemption determination for the proposed Washington Square Water Conservation Project. As described below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action/Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
August 16, 2018	Saturday, September 15, 2018	Monday, September 17, 2018	August 16, 2018	Yes

Approval Action: On May 17, 2018, the Planning Department issued a CEQA categorical exemption determination for the Washington Square Water Conservation Project, proposing improvements to reduce the park's existing irrigation water use. On August 16, 2018, the Recreation and Park Commission approved the concept plan for the Washington Square Water Conservation Project. Approval of the concept plan is the approval action for the project.

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the date of the approval action. The approval action for this project occurred on August 16, 2018. Thirty days from the approval action is Saturday, September 15, 2018. The next day when the Office of the Clerk of the Board of Supervisors will be open is Monday, September 17, 2018. Thus, September 17, 2018 is the appeal deadline.

Appeal Filing and Timeliness: The appellant filed the appeal of the exemption determination on August 16, 2018, prior to the appeal deadline. Therefore, the appeal is timely.

From:	BOS Legislation, (BOS)
To:	marcabruno@yahoo.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - Washington Square Water Conservancy Project - Timeliness Determination
Date:	Monday, August 27, 2018 4:59:08 PM
Attachments:	image001.png PLN Memo 082718.pdf COB Ltr 082718.pdf

Dear Mr. Bruno,

Please find attached a letter from the Clerk of the Board regarding the appeal of the CEQA Determination of Exemption from Environmental Review for the Washington Square Water Conservancy Project, as well as a memo from the Planning Department regarding the timely filing determination for the appeal.

The Office of the Clerk of the Board will schedule a hearing after the appeal filing period closes on September 17, 2018.

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 27, 2018

Marc Bruno
15 Nobles Alley
San Francisco, CA 94133

Subject: File No. 180836 - Appeal of CEQA Categorical Exemption Determination - Washington Square Water Conservancy Project

Dear Mr. Bruno:

The Office of the Clerk of the Board of Supervisors is in receipt of a memorandum from the Planning Department, dated August 27, 2018, regarding the timely filing of your appeal of the California Environmental Quality Act (CEQA) Categorical Exemption Determination issued for the Washington Square Water Conservancy Project.

The Planning Department has determined that the appeal was filed in a timely manner. The Office of the Clerk of the Board will schedule your appeal hearing after the appeal filing period closes on September 17, 2018.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

Sincerely,

for Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Jonas Ionin, Planning Commission Secretary
Sherie George, Staff Contact, Planning Department
Chelsea Fordham, Staff Contact, Planning Department

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: **August 27, 2018**

TO: **Angela Calvillo, Clerk of the Board of Supervisors**

FROM: **Lisa Gibson, Environmental Review Officer**

RE: **Appeal Timeliness Determination – Washington Square Water Conservation Project, Planning Department Case No. 2018-003700PRJ**

On August 16, 2018, Marc Bruno and Save North Beach filed an appeal with the Office of the Clerk of the Board of Supervisors of the categorical exemption determination for the proposed Washington Square Water Conservation Project. As described below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action/Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
August 16, 2018	Saturday, September 15, 2018	Monday, September 17, 2018	August 16, 2018	Yes

Approval Action: On May 17, 2018, the Planning Department issued a CEQA categorical exemption determination for the Washington Square Water Conservation Project, proposing improvements to reduce the park's existing irrigation water use. On August 16, 2018, the Recreation and Park Commission approved the concept plan for the Washington Square Water Conservation Project. Approval of the concept plan is the approval action for the project.

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the date of the approval action. The approval action for this project occurred on August 16, 2018. Thirty days from the approval action is Saturday, September 15, 2018. The next day when the Office of the Clerk of the Board of Supervisors will be open is Monday, September 17, 2018. Thus, September 17, 2018 is the appeal deadline.

Appeal Filing and Timeliness: The appellant filed the appeal of the exemption determination on August 16, 2018, prior to the appeal deadline. Therefore, the appeal is timely.

From:	BOS Legislation, (BOS)
To:	Rahaim, John (CPC)
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Ionin, Jonas (CPC); George, Sherie (CPC); Fordham, Chelsea (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - Washington Square Water Conservancy Project - Timeliness Determination Request
Date:	Thursday, August 23, 2018 3:57:41 PM
Attachments:	COB Ltr 082318.pdf Appeal Ltr 081618.pdf

Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed Washington Square Water Conservancy Project. The appeal was filed by Marc Bruno and Save North Beach, on August 16, 2018.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

Brent Jalipa
Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 23, 2018

To: John Rahaim
Planning Director

From: Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - Washington Square Water Conservancy Project

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed Washington Square Water Conservancy project was filed with the Office of the Clerk of the Board on August 16, 2018, by Marc Bruno and Save North Beach.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Jonas Ionin, Planning Commission Secretary
Sherie George, Staff Contact, Planning Department
Chelsea Fordham, Staff Contact, Planning Department

Print Form

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:

Hearing - Appeal of Determination of Exemption From Environmental Review - Washington Square Water Conservation Project

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department, on May 17, 2018, for the proposed Washington Square Water Conservation Project to reduce the park's existing irrigation water use by two-thirds and improve saturated soils conditions on the main lawn; within the P (Public) Zoning District with an OS (Open Space) Height and Bulk District. (District 3) (Appellant: Marc Bruno and Save North Beach) (Filed August 16, 2018)

Signature of Sponsoring Supervisor: Alisa Somera for

For Clerk's Use Only

File No. 180836