

File No. 180838

Committee Item No. _____

Board Item No. 59

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 13, 2018

Cmte Board

- Motion
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- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
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- Application
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OTHER

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Prepared by: Jocelyn Wong

Date: November 9, 2018

Prepared by: _____

Date: _____

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

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **Washington Square Water Conservation Project is categorically exempt from further**
5 **environmental review, subject to the adoption of written findings of the Board in**
6 **support of this determination.**

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

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

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

1 WHEREAS, The Optional Scope items were included and analyzed in the scope of
2 work as part of the Certificate of Appropriateness and the exemption from California
3 Environmental Quality Act (CEQA) in the event additional project funding would be secured;
4 and

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

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

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

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

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

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

25

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

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

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

9 WHEREAS, On October 30, 2018, this Board held a duly noticed public hearing to
10 consider the appeal of the exemption determination filed by Appellants and, following the
11 public hearing, affirmed the exemption determination; and

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

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

22 WHEREAS, The written record and oral testimony in support of and opposed to the
23 appeal and deliberation of the oral and written testimony at the public hearing before the
24 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
25

1 the exemption determination is in the Clerk of the Board of Supervisors File No. 180836, and
2 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

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

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

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

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

Sponsor(s):

Clerk of the Board

Subject:

Conditionally Reversing the Categorical Exemption Determination - Washington Square Water Conservation Project

The text is listed:

Motion conditionally reversing the determination by the Planning Department that the proposed Washington Square Water Conservation Project is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor:

Alisa Gomez

For Clerk's Use Only