

1 [Affirming the Categorical Exemption Determination - Outside Lands Festival Use Permit]

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3 **Motion affirming the determination by the Planning Department that the proposed**  
4 **Outside Lands Festival Use Permit is categorically exempt from further environmental**  
5 **review.**

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7 WHEREAS, On January 17, 2019, the Planning Department issued a CEQA  
8 Categorical Exemption Determination for the proposed project ("Project" or "Second  
9 Amendment") under the California Environmental Quality Act ("CEQA"), the CEQA  
10 Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The project site consists of locations where the annual Outside Lands  
12 Concert (aka "Outside Lands") is held on the western end of the 1,017-acre Golden Gate  
13 Park, in the Richmond District of San Francisco, including the following locations: Polo Fields;  
14 Hellman Hollow; Lindley Meadow; and Marx Meadow; and

15 WHEREAS, The Polo Fields, Hellman Hollow, and Lindley Meadow are bounded by  
16 John F. Kennedy Drive and Martin Luther King Drive, which are the primary thoroughfares  
17 within Golden Gate Park; Marx Meadow is bounded by John F. Kennedy Drive and Fulton  
18 Street; the Polo Fields consist of grass soccer fields; and Hellman Hollow, Lindley Meadow,  
19 and Marx Meadow are open grass fields that are used for passive recreation and special  
20 events; and

21 WHEREAS, The proposed Project is the Second Amendment to the Outside Lands use  
22 permit ("Use Permit") issued by the San Francisco Recreation and Park Department ("RPD")  
23 to Another Planet Entertainment, LLC for an annual three-day music festival held in Golden  
24 Gate Park; and

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1           WHEREAS, The Second Amendment would extend the terms of the existing Use  
2 Permit for an additional 10 years (2022-2031), and would update certain provisions related to  
3 rents and cost reimbursements; and

4           WHEREAS, The Second Amendment would allow a maximum capacity of 75,000  
5 attendees per day, and the permitted hours would allow the gates to open at 11 am, music to  
6 start at 12 noon, and music to end at 10 pm (9:40 pm on Sunday); and

7           WHEREAS, The Second Amendment would allow the permittee to construct several  
8 temporary facilities; in 2018, this included six stages, 22 nonprofit booths, 95 food booths, art  
9 installations, temporary fencing surrounding the concert facilities, waste sorting facilities, and  
10 artist check-in facilities consisting of storage containers and trailers; and

11           WHEREAS, The Second Amendment also requires the permittee to prepare a  
12 transportation plan which requires coordinating with the San Francisco Municipal  
13 Transportation Agency (“SFMTA”) to provide additional transportation resources (both transit  
14 and parking enforcement), and a security plan to coordinate with the San Francisco Police  
15 Department and park rangers to staff an additional 104 San Francisco Police Department  
16 officers, 824 security guards and 20 plus park rangers throughout the concert period; and

17           WHEREAS, Following the concert, the Second Amendment also requires that the  
18 project site locations be restored to their previous conditions and the Polo Fields grasses  
19 restored to pre-event conditions; and

20           WHEREAS, This Project is the Second Amendment to the use permit for Outside  
21 Lands; RPD issued the original use permit for Outside Lands on April 1, 2009, to Another  
22 Planet Entertainment, LLC; and RPD issued the first amendment to the 2009 use permit dated  
23 December 5, 2012, (the “First Amendment”), extending the term of the permit to 2021 and  
24 making other changes; and

1           WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines  
2 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333),  
3 issued a categorical exemption for the Project on January 17, 2019, finding that the Project is  
4 exempt from the California Environmental Quality Act (CEQA) as a Class 4 categorical  
5 exemption, which allows for minor temporary uses of land having negligible or no permanent  
6 effects on the environment, including carnivals, sales of Christmas trees, etc.; and

7           WHEREAS, On January 17, 2019, the RPD Commission approved the Second  
8 Amendment to the Outside Lands Use Permit; and

9           WHEREAS, On February 13, 2019, the Budget and Finance Committee of the Board of  
10 Supervisors approved the Second Amendment; and

11           WHEREAS, On February 14, 2019, Richard Drury of Lozeau Drury filed an appeal of  
12 the categorical exemption determination with the Board of Supervisors on behalf of Andrew  
13 Solow and Stephen Somerstein (“Appellants”); and

14           WHEREAS, By memorandum to the Clerk of the Board dated February 21, 2019, the  
15 Planning Department’s Environmental Review Officer determined that the appeal was timely  
16 filed; and

17           WHEREAS, By memorandum to the Board of Supervisors dated March 25, 2019, the  
18 Planning Department concluded that, in addition to Project meeting the criteria for a Class 4  
19 exemption, the Second Amendment also meets the criteria for a Class 23 exemption, which  
20 allows for the normal operations of existing facilities for public gatherings for which the  
21 facilities were designed, where there is a past history of the facility being used for the same or  
22 similar kind of purpose; and

23           WHEREAS, On April 2, 2019, this Board held a duly noticed public hearing to consider  
24 the appeal of the exemption determination filed by Appellants; and

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

6           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
7 affirmed the exemption determination for the Project based on the written record before the  
8 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
9 opposed to the appeal; and

10           WHEREAS, The written record and oral testimony in support of and opposed to the  
11 appeal and deliberation of the oral and written testimony at the public hearing before the  
12 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
13 the exemption determination is in the Clerk of the Board of Supervisors File No. 190198, and  
14 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

15           MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by  
16 reference in this motion, as though fully set forth, the exemption determination and the  
17 Planning Department's March 25, 2019, memorandum to the Board; and, be it

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

23           FURTHER MOVED, That after carefully considering the appeal of the exemption  
24 determination, including the written information submitted to the Board of Supervisors, and the  
25 public testimony presented to the Board of Supervisors at the hearing on the exemption

1 determination, this Board concludes that the Project qualifies for an exemption determination  
2 under CEQA.

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