

1 [Conditionally Reversing the Categorical Exemption Determination - Outside Lands Festival
2 Use Permit]

2

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed Outside Lands Festival Use Permit 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 January 17, 2019, the Planning Department issued a CEQA
9 Categorical Exemption Determination for the proposed project ("Project" or "Second
10 Amendment") under the California Environmental Quality Act ("CEQA"), the CEQA
11 Guidelines, and San Francisco Administrative Code, Chapter 31; and

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

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

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

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

25

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

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 conditionally reversed the exemption determination subject to the adoption of written findings
8 of the Board in support of such determination based on the written record before the Board of
9 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
10 the appeal; and

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

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

19
20 n:\land\as2019\1900434\01347851.docx