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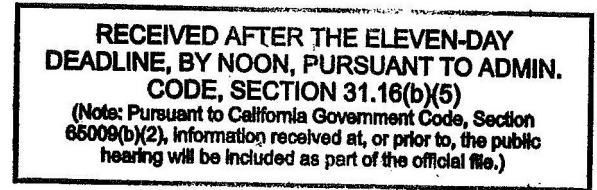
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
(415) 398-5630 FAX

Peter S. Prows
pprows@briscoelaw.net
(415) 402-2708

31 March 2019

By Email Only

President Norman Yee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
Norman.Yee@sfgov.org



Subject: Outside Lands

Dear President Yee and Members of the Board of Supervisors:

Another Planet Entertainment LLC appreciates and agrees with City staff's rebuttals to the various assertions made in Mr. Drury's latest letters on behalf of appellants. I write to make four brief points.

**1. Because Categorical Exemptions Apply,
There Are No Significant Environmental Effects As A Matter Of Law**

Appellants continue to assert that Outside Lands will cause significant effects on the environment, particularly relating to noise and traffic. But if Outside Lands qualifies for a categorical exemption, there are no significant environmental effects as a matter of law. "A categorical exemption represents a determination by the Secretary [of the Natural Resources Agency] that a particular project does not have a significant effect on the environment." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1108–1109, cleaned up.) Because Outside Lands qualifies for multiple categorical exemptions, it does not cause any legally significant effect on the environment.

2. Outside Lands Will Not Change The Significance Of Any Historical Resource

Appellants correctly note that categorical exemptions cannot apply if the project "may cause a substantial adverse change in the *significance* of a historical resource." (CEQA Guidelines § 15300.2(f), emphasis added.) Appellants go on to argue that there will be significant noise at various historic resources in and around Golden Gate Park.

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But the issue is whether there will be a change to the “significance” of a historical resource, not whether Outside Lands will cause noise *at* a historical resource.

Appellants present no evidence that Outside Lands will cause any historical resource to lose its historical significance. Outside Lands will not cause any historical resource to lose its historical significance. The categorical exemptions apply.

3. Outside Lands Does Not Seek A “Mitigated Categorical Exemption”

Appellants cite the *SPAWN* case for the assertion that a “project that requires mitigation measures cannot be exempted from CEQA.” But that is not what *SPAWN* says. *SPAWN* says that mitigation measures cannot be relied on “at the preliminary stage of determining eligibility for a categorical exemption.” (125 Cal.App.4th at 1108.) But Outside Lands does not rely on mitigation measures for its eligibility for categorical exemptions. Outside Lands is eligible for categorical exemptions regardless of any mitigation measures because it is similar to rock music events that have been occurring in this area of Golden Gate Park for many decades. Outside Lands does not lose its exemption simply because it implements standard best practices measures to ensure that its event is well run.

4. The City Does Not Need To Restart CEQA

Appellants urge the City to “start the CEQA process anew”. The City is not required to follow any particular process for claiming CEQA exemptions, and it could add new exemptions even *after* approving the permit. (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 961.) The City need not start the CEQA process anew here.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Attorneys for Another Planet Entertainment

cc: Board of Supervisors
Clerk to the Board