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

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

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

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

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

[Affirming the Categorical Exemption Determination - Outside Lands Festival Use Permit]
WHEREAS, The Second Amendment would extend the terms of the existing Use Permit for an additional 10 years (2022-2031), and would update certain provisions related to rents and cost reimbursements; and

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

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

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

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

WHEREAS, This Project is the Second Amendment to the use permit for Outside Lands; RPD issued the original use permit for Outside Lands on April 1, 2009, to Another Planet Entertainment, LLC; and RPD issued the first amendment to the 2009 use permit dated December 5, 2012, (the "First Amendment"), extending the term of the permit to 2021 and making other changes; and
WHEREAS, The Planning Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15333), issued a categorical exemption for the Project on January 17, 2019, finding that the Project is exempt from the California Environmental Quality Act (CEQA) as a Class 4 categorical exemption, which allows for minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.; and

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

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

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

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

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

WHEREAS, On April 2, 2019, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellants; and
WHEREAS, In reviewing the appeal of the exemption determination, this Board reviewed and considered the exemption determination, the appeal letter, the responses to the appeal documents that the Planning Department prepared, the other written records before the Board of Supervisors, and all of the public testimony made in support of and opposed to the exemption determination appeal; and

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

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

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

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

FURTHER MOVED, That after carefully considering the appeal of the exemption determination, including the written information submitted to the Board of Supervisors, and the public testimony presented to the Board of Supervisors at the hearing on the exemption
determination, this Board concludes that the Project qualifies for an exemption determination under CEQA.
File Number: 190199

Date Passed: April 02, 2019

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

April 02, 2019 Board of Supervisors - APPROVED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190199

I hereby certify that the foregoing Motion was APPROVED on 4/2/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board