

1 [Affirming a Final Mitigated Negative Declaration - Hall of Justice - 850 Bryant Street]

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3 **Motion affirming the approval of a Final Mitigated Negative Declaration under the**  
4 **California Environmental Quality Act by the Planning Commission for the Hall of**  
5 **Justice project located at 850 Bryant Street.**

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7 WHEREAS, The Planning Commission has approved a Final Mitigated Negative  
8 Declaration (FMND) under the California Environmental Quality Act (CEQA), the CEQA  
9 Guidelines, and San Francisco Administrative Code, Chapter 31, for a project located at 850  
10 Bryant Street; and

11 WHEREAS, The project would include construction of an approximately 200,000-gsf,  
12 95-foot-tall (plus an additional 15-foot-tall mechanical penthouse) Rehabilitation and Detention  
13 Facility (RDF) on the project building site; and

14 WHEREAS, All the existing buildings on the project building site, with the exception of  
15 the buildings at 480-484 Sixth Street and 800-804 Bryant Street, would be demolished; and

16 WHEREAS, The proposed RDF would replace the existing County Jail No. 3 (CJ#3)  
17 and County Jail No. 4 (CJ#4) and is a part of a larger program to relocate City agencies from  
18 the seismically deficient Hall of Justice (HOJ) building; and

19 WHEREAS, The proposed RDF would be constructed as a maximum security facility,  
20 compliant with adult detention facility codes and standards, with a capacity of up to 640 beds,  
21 a 30 percent reduction (265 fewer beds) from the combined capacity in CJ#3 and CJ#4 of 905  
22 beds; and

23 WHEREAS, The proposed RDF would also include space for administrative offices,  
24 staff support, exercise, mental and medical health services, and programs and classroom  
25 space for the inmates; and

1           WHEREAS, The proposed project includes improvements within the Harriet Street and  
2 Ahern Way rights-of-way, including the construction of a subterranean tunnel underneath the  
3 Harriet Street roadway, which would connect the existing HOJ to the basement level of the  
4 proposed RDF; and

5           WHEREAS, The Preliminary Mitigated Negative Declaration (PMND) for the project  
6 was published on May 13, 2015, and Californians United for a Responsible Budget filed an  
7 appeal to the Planning Commission of the Planning Department's PMND on June 3, 2015;  
8 and

9           WHEREAS, On June 25, 2015, the Planning Commission affirmed the Department's  
10 decision to issue the PMND for the project; and

11           WHEREAS, This Board of Supervisors will consider the City's first approval action  
12 following this decision affirming the FMND, and is considering the FMND as the elected  
13 decision-making body, without a required appeal action; and

14           WHEREAS, On July 21, 2015, this Board held a duly noticed public hearing to consider  
15 the FMND; and

16           WHEREAS, In reviewing the FMND, this Board reviewed and considered the FMND, all  
17 correspondence, the information and documents that the Planning Department prepared, the  
18 other written records before the Board of Supervisors, and all of the public testimony made in  
19 support of and opposed to the FMND; and

20           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
21 disapproves the Planning Commission's approval of the FMND for the project based on the  
22 written record before the Planning Commission and the Board of Supervisors, as well as all of  
23 the testimony at the public hearing; and

24           WHEREAS, The written record and oral testimony and deliberation of the oral and  
25 written testimony at the public hearing before the Board of Supervisors by all parties and the

1 public is in the Clerk of the Board of Supervisors File No. 150703 and is incorporated in this  
2 Motion as though set forth in its entirety; now, therefore, be it

3           MOVED, That the Board of Supervisors of the City and County of San Francisco  
4 hereby affirms the FMND and finds that the FMND is adequate, accurate and objective,  
5 reflects the independent analysis and judgment of the City, and that the summary of  
6 comments and responses contained no significant revisions to the PMND, and affirms the  
7 FMND for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31; and,  
8 be it

9           FURTHER MOVED, That after carefully considering the appeal of the FMND, including  
10 the written information submitted to the Board of Supervisors and the public testimony  
11 presented to the Board of Supervisors at the hearing on the FMND, this Board concludes that  
12 the project qualifies for a negative declaration and that no fair argument supported by  
13 substantial evidence in the record has been presented that the project as proposed could  
14 result in any significant impact on the environment.

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