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July 20, 2015

To: John Rahaim
Planning Director

From:  Angela Calvillo
Clerk of the Board of Supervisors

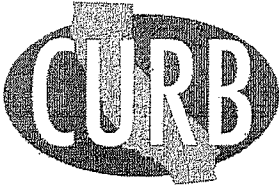
Subject: Appeal of California Environmental Quality Act (CEQA) Approval of the Preliminary Mitigated Negative Declaration (PMND) – Agreement for the Proposed Project to Replace County Jail Nos. 3 and 4 Located at the Hall of Justice at 850 Bryant Street

An appeal of the CEQA approval of the Preliminary Mitigated Negative Declaration for the agreement for the proposed project to replace County Jail Nos. 3 and 4 located at the Hall of Justice at 850 Bryant Street was filed with the Office of the Clerk of the Board on July 20, 2015, by Californians United for a Responsible Budget.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Christopher Espiritu, Planning Department
Jonas Ionin, Planning Department



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July 20, 2015

San Francisco Planning Department
Attn: Sarah B. Jones
1650 Mission Street, Suite 400
San Francisco, CA 94103

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Re: 850 Bryant Street-HOJ-Rehabilitation and Detention Facility – Appeal of Negative Declaration

Dear Board of Supervisors,

We are writing to appeal the Planning Commission’s approval of the Preliminary Mitigated Negative Declaration on June 25, 2015, as well as the Commission’s rebuttal of the appeal we filed against the Preliminary Mitigated Negative Declaration for the 850 Bryant Street Hall of Justice Rehabilitation and Detention Facility (RDF) Project (i.e. the new jail).

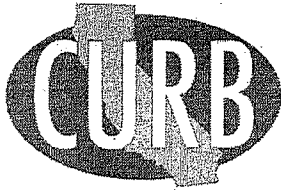
The Preliminary Mitigated Negative Declaration (PMND) – subsequently approved by the Planning Commission on June 25, 2015 – contains a major error that the Board should not certify: while Page 7 states “the proposed RDF would be constructed as a maximum security facility, compliant with adult detention facility codes and standards,” the plan include no space for outdoor exercise, even though providing an outdoor exercise area (or areas) is a clear requirement of the building code for new adult detention facilities. However, if the RDF plan were revised to provide outdoor exercise areas, those areas would then clearly fail to meet applicable air quality and acoustic health and safety standards cited in the PMND. By attempting to mitigate unacceptable air quality and noise impacts by moving all exercise areas indoors (which was allowable in previous building codes and is the case in San Francisco’s older jails), the RDF plan proposes to violate state building code. This is not a legal or acceptable approach to CEQA compliance (or to project design or approval in any sense) and we urge you to reject it.

1. Outdoor exercise areas are required for the RDF project

The proposed RDF must be compliant with the adult detention facility codes and standards of the Board of State and Community Corrections (BSCC), the state agency which holds authority over the regulation of jail construction, reconstruction, remodeling, or repairs over \$15,000.¹ Title 24, Part 2, Section 1231 of the BSCC Building Code outlines the Minimum Standards for Adult Detention Facilities for local detention.² The

¹ CA Penal Code § 6029

² Section 1231.1 defines Local Detention Facility as “any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, and court holding facility used for the confinement of adults or of both adults and minors, but does not



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proposed Rehabilitation and Detention Facility (RDF) project is being planned as a maximum security facility³; as such, it would be categorized as either a Type II or Type III facility, according to the BSCC's definitions.⁴ Section 1231.2 includes the design criteria for required spaces. Under that section, 1231.2.10 presents minimum requirements for exercise area space⁵: **"An outdoor exercise area or areas must be provided in every Type II and Type III facility."** While the amount of space to be provided is not large, there is no exception to providing outdoor space for exercise in the BSCC Building Code.

2. There is no outdoor exercise area in the proposed RDF project

The PMND, as well as the response by the Planning Commission to CURB's appeal, clearly state that there will be no outdoor exercise space, and only interior space for exercise will be provided. The response clearly states on Page 9 of its response to CURB's appeal that "Exercise space for inmates would be provided on the second through fifth floors of the proposed Rehabilitation and Detention Facility and is **clearly defined in the PMND as an interior space.**" The response also states on page 9, that "As explained in the Project Description on PMND p. 13, the second, third, fourth, and fifth floors would have 'room for **interior exercise** and class room space.'"

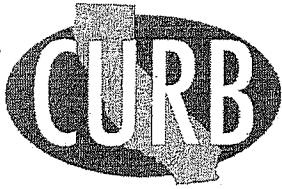
When asked about the omission of outdoor space at the Planning Commission's hearing on the PMND, the Sheriff's Department staff responded that they were unaware of the requirement and that current facilities without outdoor exercise areas have been approved during recent BSCC inspections. This apparently allowed the Planning Commission to assume that the proposed design was acceptable, when it is not. BSCC has two separate approval functions that cite different codes: an *operational inspection* function and a *construction permitting* function. Inspection and review of jail *operations* is conducted according to regularly revised codes for operations along with the building standards that applied at the time of construction; BSCC's review of *new construction* plans applies current building standards and has no provision for approving formerly acceptable

include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors."

³ Page 2 of the Preliminary Mitigated Negative Declaration states "The proposed RDF would be constructed as a maximum security facility"

⁴ In Section 1231.1, a Type II Facility is defined as "a local detention facility used for the detention of persons pending arraignment, after arraignment, during trial and upon a sentence of commitment." A Type III Facility is defined as "a local detention facility used only for the detention of convicted and sentenced persons." Our understanding is that the RDF is planned as a Type II facility, especially given its proximity to the courthouse.

⁵ It is important to note that "exercise" and "recreation" are two entirely separate activities, as defined by BSCC regulations. "Exercise" is defined as "activity that requires the physical exertion of the large muscle group," whereas "Recreation" is defined as "activities that occupy the attention and offer the opportunity for relaxation." While it might be acceptable under BSCC code to build a Type II or Type III jail with no outdoor recreation space, it is entirely unacceptable to build one with no outdoor exercise area.



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designs. For instance, an old facility that has individual jail cells that are smaller than new requirements would not be required to rebuild its cells to continue to receive BSCC operational approval, in recognition of the difficulty of meeting the new standards. However, no new jail would be allowed to be built with cells that match the older substandard sizes. This is precisely what the RDF proposes to do with respect to outdoor space, and this is why the proposed RDF is not acceptable.

3. Outdoor areas would not meet environmental standards for air quality or noise

As we stated in our initial appeal, the PMND recognizes that people being held in jail are “sensitive receptors” and that podular housing units are a sensitive land use for the purposes of CEQA air quality assessment,⁶ and that the project is located in an Air Pollutant Exposure Zone.⁷ Locating sensitive receptors in an Air Pollutant Exposure Zone is a significant environmental impact under CEQA, and generally should be approved. The PMND asserts that an Enhanced Ventilation Proposal approved by the Department of Public Health will be sufficient to mitigate the exposure of sensitive receptors to increased pollutant exposure – i.e. all spaces will be served by mechanically supplied and filtered air, once again indicating the intention to keep people indoors at all times. In other words, the proposed mitigation measure violates BSCC building code.

While the RDF design includes no outdoor space, the simplest change to add required outdoor exercise areas would be to open the stacked recreation yards to the outdoors. These yards face West onto Highway 101, and would then be open to the prevailing winds coming across the freeway, likely exacerbating the already unacceptable outdoor air quality at the site. Such a change – or any other introduction of outdoor space on the site for the project – would create the potentially significant health impacts of placing sensitive receptor people in an Air Pollutant Exposure Zone (with or without designs that may concentrate pollutant levels). From a CEQA perspective, such impacts have not even been studied in the PMND, let alone mitigated.

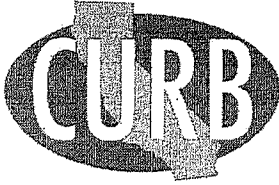
In addition, the noise levels for any outdoor yards on the proposed RDF site are unacceptable. While noise levels at the RDF site were not studied in the PMND because the plan called for only indoor spaces, outdoor noise on the site can be expected to be at least as loud as current outdoor measurements at a similar elevation in the vicinity. (Elevation is an important factor to accurately reflect the distribution of freeway noise that is louder above and lower below the roadway guardrail height.) The PMND notes that “background noise levels (at or above the freeway elevation) were found to be 79 dBA (Ldn) 74 near the northern façade (closest to the freeway) and 75 dBA (Ldn) 75 near the southern façade (mid-block).”⁸ The most relevant categories from San Francisco’s Land Use Compatibility Chart for Community Noises are “Outdoor Spectator Sports,” which “should not be undertaken” in areas where outdoor noise is above levels of 73 dBA, and Playgrounds, which “should nor be undertaken” in areas where outdoor noise is above 75 dBA.⁹ In addition, freeway noise levels are projected to increase by as much as 2.4 dBA in the

⁶ PMND, p. 123-124, 128

⁷ PMND, p. 128

⁸ PMND, p. 106-107

⁹ PMND, p. 97



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future.¹⁰ Noise is already recognized to be an additional source of stress within the jail environment, and outdoor spaces are generally one of a very few opportunities people in jails have to experience a less stressful environment.¹¹ The proposed site is fundamentally incompatible with acceptable outdoor recreation, but the PMND has not studied, let alone mitigated, these conditions for the project.

4. Disproportionate impact on poor and minority communities

CEQA is intended to protect all Californians – and especially the most vulnerable – from exposure to a dangerous or unhealthy environment. Many observers, including the San Francisco Sheriff, have noted the gross over-representation of people of color and specifically African-Americans in San Francisco's jails. African-Americans are approximately 6% of San Francisco's population but 56% of the county jail population.¹² In addition, approximately 75% of people in jail are awaiting trial, most of whom can not afford bail but are not offered alternatives means of awaiting trial in the community because of under-funding of the Sheriff's Pretrial Services Division. Further approval of the RDF project presents an unacceptable choice for the treatment of the poor people of color fill San Francisco's jails: either denial of any outdoor space in violation of state law, or exposure to a polluted and noisy, dangerous and stressful outdoor environment.

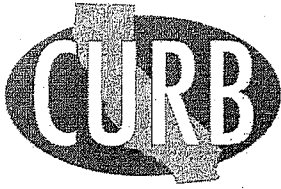
5. A Full EIR will result in choosing a better alternative

By attempting to (illegally) mitigate the project's potentially significant air quality and noise impacts through enclosing required outdoor spaces, the project sponsors have avoided the time and cost but also the beneficial public input that would be part of a more thorough vetting of the project through CEQA's EIR process. The EIR process requires study of alternatives to the proposed project, generally including a no-build alternative. As we and many other San Francisco residents have already stated in public comments on this EIR and elsewhere, better alternatives to this project are not hard to find. For instance, an expanded Pretrial Diversion program could reduce the need for jail housing by hundreds of people, yet it was not studied as an alternative to this expensive and negatively impactful proposal. Bail reduction is proving to be a valuable way to reduce racial bias in local criminal justice systems all across the United States, but it was not studied here either. It is also widely recognized that many people in jail have substance abuse and/or mental health problems. Treating these vulnerable community members in jail has proven to be far more expensive and far less successful than providing programs in community settings. Public health based alternative programs, including residential programs, could serve the same population at lower cost, with greater effectiveness, and with a net benefit to public safety (by intervening before crimes have occurred). Again, such alternatives have not been studied, and will not be studied if this Negative Declaration is approved.

¹⁰ PMND, p. 110

¹¹ Richard Wener, "The Environmental Psychology of Prisons and Jails," Ch. 9 – "The Effects of Noise in Correctional Settings": Cambridge University Press, 2012.

¹² Office of the Controller: "County Jail Needs Assessment," August 15, 2012, p. 11 - http://www.sfsheriff.com/files/sf_jail_needs_8_2013.pdf



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Our groups and many other San Franciscans have met with the Controller's office to urge a comparative study of jail construction and diversionary alternatives for handling San Francisco's project jai population. We have also observed that the Controller's jail population forecasts have consistently over-estimated the number of people in jail: the Controller projects a rising trend in jail population, while the actual numbers have been falling for years. We have heard our District Attorney and Public Defender say that do not think this project is necessary or useful for the functioning of our criminal justice system. And we are concerned about the great cost of the proposed project and what paying that cost would do to our ability to fund other services. We have been frustrated by the lack of public discussion of these concerns and the unwillingness of the project sponsors to consider alternatives.

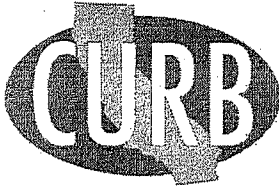
Finally, we are at the point where your Board is being asked to certify that the RDF project is "compliant with adult detention facility codes and standards" when it is not, and to commit tens of millions of dollars (with hundreds of millions more to come) to a flawed plan that will heighten the negative impacts of incarceration on vulnerable populations in San Francisco. We urge you to reject the Negative Declaration and to cancel the RDF project, or failing that, to at least allow for a full Environmental Impact Report so that alternatives to this project can be considered with opportunities for public input that we would very much like to supply.

Thank you for your consideration of this appeal.

Sincerely,

Architects, Designers, Planners for Social Responsibility
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Coalition on Homelessness
Critical Resistance-Oakland
Ella Baker Center
Housing Rights Committee
OWL-SF
San Francisco Tenants Union
St. James Infirmary
Tax Payers for Public Safety
Transgender, Gender Variant, and Intersex Justice Project
Western Regional Advocacy Project

Two handwritten signatures in black ink are visible at the bottom of the page. The first signature is a cursive 'C' followed by a series of loops. The second signature is a cursive 'A' followed by a series of loops.



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June 2, 2015

San Francisco Planning Department
Attn: Sarah B. Jones
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 850 Bryant Street-HOJ-Rehabilitation and Detention Facility

Dear Planning Department,

We are writing to appeal the approval of the Preliminary Mitigated Negative Declaration issued May 13, 2015 for the 850 Bryant Street Hall of Justice Rehabilitation and Detention Facility Project.

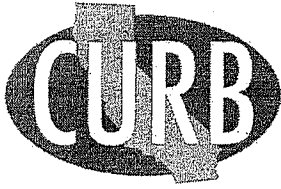
The Preliminary Mitigated Negative Declaration (PMND) failed to study significant environmental impacts regulated by CEQA. Because these impacts exist and have not been mitigated, the project must be further studied. We strongly urge that this study be conducted through a full Environmental Impact Report process so that public comments can be more thoroughly included and so that alternatives – including a no-build alternative – can be compared. Alternatives to the proposed project could be not only preferable under CEQA, but would also be lower cost measures and avoid the harsh social injustices of the proposed jail expansion. But with or without an EIR process, the Preliminary Mitigated Negative Declaration as currently written should be rejected because of its serious flaws.

1. Air quality and noise impacts on building occupants' outdoor space are not assessed and are potentially significant

The PMND recognizes that people being held in jail are “sensitive receptors” and that podular housing units are a sensitive land use for the purposes of CEQA air quality assessment, (PMND, p. 123-124, 128) and that the project is located in an Air Pollutant Exposure Zone. (PMND, p. 128) The PMND asserts that an Enhanced Ventilation Proposal approved by the Department of Public Health will be sufficient to mitigate the exposure of sensitive receptors to increased pollutant exposure. However, unlike other residential occupancies, people in jail are restrained not only in the indoor air quality they are exposed to but in their access to healthy outdoor air. In particular, the proposed building designs indicate that people in jail will be required to exercise and have outdoor recreation in yards that face Highway 101 to the west (PMND, p. 15-17). The proposed Enhanced Ventilation Proposal does not mitigate exposure to the dangerous air quality inherent in the proposed project site’s outdoor areas. In fact, the building design of stacked, semi-enclosed yards facing into the prevailing winds coming across the freeway may well exacerbate already unacceptable outdoor air quality in the area. The potentially significant health impacts of having restricted outdoor spaces in an Air Pollutant Exposure Zone with designs that may concentrate pollutant levels have not even been studied in the MPND, let alone mitigated.

In addition, the noise levels for the outdoor yards are unacceptable. Although they have not been

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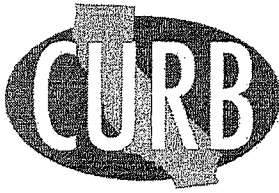
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assessed within the PMND (which is its an error with the PMND), they can be expected to be at least as loud as current outdoor measurements at a similar elevation in the vicinity. (Elevation is an important factor to accurately reflect the distribution of freeway noise that is louder above and lower below the roadway guardrail height.) In fact, the partial enclosure of the proposed outdoor yards would likely reflect sound to increase noise levels. The PMND notes that “background noise levels (at or above the freeway elevation) were found to be 79 dBA (Ldn)⁷⁴ near the northern façade (closest to the freeway) and 75 dBA (Ldn)⁷⁵ near the southern façade (mid-block).” (PMND, p. 106-107) The most relevant categories from San Francisco’s Land Use Compatibility Chart for Community Noises are “Outdoor Spectator Sports,” which “should not be undertaken” in areas where outdoor noise is above levels of 73 dBA, and Playgrounds, which “should nor be undertaken” in areas where outdoor noise is above 75 dBA. (PMND, p. 97) Freeway noise levels are projected to increase by as much as 2.4 dBA in the future (PMND, p. 110). Noise is already recognized to be an additional source of stress within the jail environment, and outdoor spaces are generally one of a very few opportunities people in jails have to experience a less stressful environment. (Richard Wener, “The Environmental Psychology of Prisons and Jails,” Ch. 9 – “The Effects of Noise in Correctional Settings”: Cambridge University Press, 2012.) The proposed site is fundamentally incompatible with acceptable outdoor recreation, but the PMND has not studied, let alone mitigated, these conditions for the project.

While the inadequate level of study alone should result in rejection of the PMND, we would like to observe that the negative impacts of being forced to live in an extremely noisy Air Pollutant Exposure Zone are not borne equally by all sectors of San Francisco’s population. Many observers, including the San Francisco Sheriff, have noted the gross over-representation of people of color and specifically African-Americans in San Francisco’s jails. African-Americans are approximately 6% of San Francisco’s population but 56% of the county jail population. (Office of the Controller: “County Jail Needs Assessment,” August 15, 2012, p. 11 - http://www.sfsheriff.com/files/sf_jail_needs_8_2013.pdf) In addition, approximately 75% of people in jail are awaiting trial, most of whom can not afford bail but are not offered alternatives means of awaiting trial in the community because of under-funding of the Sheriff’s Pretrial Services Division. While we recognize that funding for local programs is not directly a CEQA concern, Environmental Justice is an appropriate concern for environmental planning documents. In the case of the proposed project, the negative health impacts of being forced to spend one’s only outdoor time in a noisy enclosed yard whose only open side is immediately adjacent to the most crowded freeway will be focused especially on poor African-Americans and people of color.

2. Project fails to comply with San Francisco Proposition M

As noted in the PMND, “Prior to issuing a permit for any project which requires an Initial Study under CEQA, prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the General Plan, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies.” (PMND, p. 28) Priority Policy #2 is “(2) conservation and protection of existing housing and neighborhood character to preserve the cultural and economic diversity of neighborhoods;” #3 is “preservation and enhancement of affordable housing;” and #5 is “(5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership.” (PMND, p. 27) However, the project includes potential displacement of 14 units of existing affordable “SRO” housing: “If relocation of the building



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tenants is determined necessary, it is likely that the building could accommodate future commercial/office uses.” (PMND, p. 8) The potential “residential relocation plan” to be drafted by a different City department is not part of the PMND and may face significant hurdles. As is well known, the current supply of affordable rental housing in San Francisco is in a total state of crisis due to rising rents and the widespread use of eviction against low-income tenants. Waiting lists for public and affordable housing are years-long. San Francisco Housing Authority recognizes that “The demand for low-income housing in San Francisco far exceeds available units.” (<http://www.sfha.org/Residents-Applicants.html>) SFHA advises low-income tenants, “in many cases, you may have to wait 4 to 9 years before your name will reach the top of the List.” (<http://www.sfha.org/FAQ-s.html>) And at present, the waitlist for Section 8 housing is currently closed, and only 3 units were listed on their availability page within the past two years. (<http://sfha.org/Information--Section-8.html>, <http://sfha.gosection8.com/SearchRentals.aspx>)

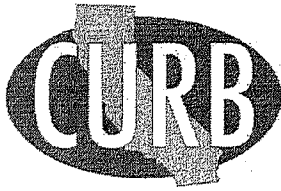
In the current affordable housing crisis it is unrealistic in the extreme to assume that the Real Estate Division of the San Francisco General Services Agency has the funding or ability to acquire – even on a temporary basis – 14 units of affordable housing if the Housing Authority, which has the specific charge to find such units and lease them through Section 8 – cannot even accomplish this. Loss of the units violates Priority Policy #2 and #3; insofar as the area around this building is zoned SALI (Service/Arts/Light Industrial), conversion of the SRO into commercial/office uses would further violate Priority Policy #5 by encroaching such uses into an industrial and service land-use area.

The PMND fails to comply with the City and County of San Francisco’s Priority Policies #2, #3, and #5 and so should be rejected.

3. Parking impacts are not mitigated, but the project is not an employment center project

The PMND claims that “aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects” per Public Resources Code Section 21099(d), effective January 1, 2014 (“aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment”) because the proposal is an “employment center project” (PMND, p. 31, 79). However, Public Resources Code Section 21099(1)(a) clearly states “‘Employment center project’ means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.” The PMND states multiple times that the zoning from the project site is currently SALI (Service/Arts/Light Industrial) and is proposed to be changed to P (Public Use) (PMND p.2, 5, etc.) The project is not an “employment center project” because it is not on a parcel zoned for commercial uses – it is proposed to be zoned for public non-commercial uses. Thus parking impacts must be considered potentially significant unmitigated environmental impacts.

The PMND’s “informational” parking analysis indicates that the project will result in the removal of 22 off-street and 41 on-street spaces, all of them in a neighborhood of high demand. In addition, the project is projected to create a net increase of 47 new FTE employees (PMND, p. 36) creating a net new parking demand of 10 spaces for the Jail (“RDF”) portion, plus 26 more for the proposed reuse of 480-484 Sixth St. The PMND notes that “during field surveys on-street



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parking spaces on Harriet Street, Ahern Way, and Sixth Street were at or close to 100 percent occupied throughout the day,” and that “visitors or others that utilize the on-street parking on Harriet Street, Ahern Way, and Sixth Street would need to be accommodated elsewhere in the project vicinity, either on street or in other off-street facilities.” (PMND, p. 80.) The PMND concludes that “the net new project parking demand, and the demand associated with the parking spaces that would be eliminated, would need to be accommodated on-street or within nearby off-street facilities, and area-wide parking occupancy would increase further” – but the project includes no such accommodation. While the PMND speculates that “under cumulative conditions, as under existing conditions, due to the difficulty in finding on-street parking in the study area, some drivers may park outside of the study area, switch to transit, car-sharing, carpooling, walking, or bicycling.” (PMND, p. 89). However, the project includes no significant transit, car-sharing, carpooling, walking, or bicycling improvements, exacerbating the potentially significant unmitigated environmental impacts created by the parking impacts.

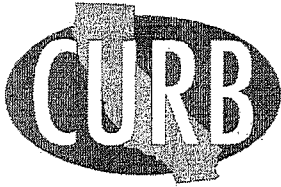
In fact, the PMND even recognizes that “considering cumulative parking conditions, over time, due to the land use development and increased density anticipated within the City, parking demand and competition for on- and off-street parking is likely to increase.” (PMND, p. 88) It also recognizes – but fails to study – “secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces that affects the public right-of-way)” and circling by drivers looking for parking spaces. (PMND, p. 79) The traffic analysis indicates that 4 of the 5 studied intersections already experience a Level of Service score of C or worse (1 is an F) at peak times (PMND, p. 59). Adding more vehicles to these congested conditions will aggravate traffic conditions and create more local air pollution and other potentially significant unmitigated environmental impacts.

In summary, the increased parking demand on both on-street and off-street parking spaces is clearly an unmitigated environmental impact. The unmitigated parking impacts could give rise to further unmitigated impacts on traffic and air quality. If for no other reason, the PMND should be rejected.

4. Wind impacts are underestimated and potentially significant

The PMND argument that “the proposed project would result in a less-than-significant impact related to wind hazards” (PMND, p. 139) relies on the fact that “the proposed Jail (“RDF”) would not be taller than the existing 117-foot-tall Hall of Justice.” (PMND, p. 138) However, there are significant errors in this purported fact. The wind analysis section identifies the new building as 95 feet high (PMND, p. 138) while elsewhere it is proposed as 95 feet high plus a 15-foot tall mechanical penthouse (PMND, p. 5). The project drawings indicate that the mechanical penthouse would occupy approximately 80% of the building roof area. (PMND, p. 9-12). The wind impact should thus be analyzed for a 110-foot tall building, which seems to be a basic error in the wind impact assessment.

A potentially greater error lies in the reliance on the existing Hall of Justice as part of the wind assessment. The Jail (“RDF”) project is only one piece of the larger Justice Facilities Improvement Program, which intends to demolish the majority of the Hall of Justice building “once all occupants are relocated.” (<http://www.sfdpw.org/index.aspx?page=127>) Because the Jail (“RDF”) proposal is the most complex and costly portion of the JFIP program, it is



Californians United for a Responsible Budget

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www.curbprisonspending.org

reasonable to assume that if the proposed project is built the Hall of Justice demolition will follow. In fact, the current project is proposed in order to enable the demolition of the Hall of Justice. The demolition of part of the Hall of Justice would significantly alter the wind dynamics in the area, yet the PMND wind assessment does not include the impact of the intended outcome of the proposed project. The PMND should not be approved with a flawed wind assessment.

5. A Full EIR will result in choosing a better alternative

Lastly, we would like to observe some the limitations of the proposed project approval by Negative Declaration. By choosing to (incorrectly) identify the project as one without significant environmental impacts, the project sponsors have avoided the time and cost but also the beneficial public input that would be part of a more thorough vetting of the project through CEQA's EIR process. The EIR process requires study of alternatives to the proposed project, generally including a no-build alternative. As we and many other San Francisco residents have already stated in public comments on this EIR and elsewhere, better alternatives to this project are not hard to find. For instance, an expanded Pretrial Diversion program could reduce the need for jail housing by hundreds of people, yet it was studied as an alternative to this expensive and negatively impactful proposal. It is also widely recognized that many people in jail have substance abuse and/or mental health problems. Instead of proposing to treat these vulnerable community members with relatively expensive and poorly performing interventions in a jail setting; public health based alternative programs, including residential programs, could serve the same population at lower cost, with greater effectiveness, and with a net benefit to public safety, by intervening before crimes have occurred. Again, such alternatives have not been studied, and will not be studied if this PMND is approved.

In closing, for all the reasons listed above, we urge your department to reject the Preliminary Mitigated Negative Declaration issued May 13, 2015 for the 850 Bryant Street Hall of Justice Rehabilitation and Detention Facility Project.

Sincerely,

Architects, Designers, Planners for Social Responsibility
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Coalition on Homelessness
Critical Resistance-Oakland
Ella Baker Center
Housing Rights Committee
OWL-SF
San Francisco Tenants Union
St. James Infirmary
Tax Payers for Public Safety
Transgender, Gender Variant, and Intersex Justice Project
Western Regional Advocacy Project



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion [XXXX]

HEARING DATE: June 25, 2015

Hearing Date: June 25, 2015
Case No.: 2014.0198E
Project Address: 850 Bryant Street
Zoning: Western SoMa Special Use District / Public Use (P) Zoning District
105-J Height and Bulk District
Service/Arts/Light Industrial (SALI) Zoning District
30-X Height and Bulk District
Block/Lot: 3759/009 through 012, 014, 043, 045, a portion of 042
Project Sponsor: City and County of San Francisco Department of Public Works
Building, Design and Construction, Project Management
Jumoke Akin-Taylor – (415) 557-4751
City and County of San Francisco Sheriff's Department
Sheriff's Bureau of Building Services
Dan Santizo - (415) 522-8123
Staff Contact: Christopher Espiritu – (415) 575-9022
christopher.espiritu@sfgov.org

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San Francisco,
CA 94103-2479

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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2014.0198E FOR THE PROPOSED REHABILITATION AND DETENTION FACILITY ("PROJECT") AT 850 BRYANT STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On July 2, 2014, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On May 13, 2015, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On May 13, 2015, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On June 3, 2015, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by the Californians United for a Responsible Budget.

5. On June 3, 2015, comment letters concerning the decision to issue a Mitigated Negative Declaration and other comments were submitted by various individuals.
6. A staff memorandum, dated June 18, 2015, addresses and responds to all points raised by the appellant in the appeal letter and by the commenters in the submitted comments. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.
7. On June 25, 2015, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the June 25, 2015 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the June 25, 2015 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on June 25, 2015.

Jonas Ionin
Commission Secretary

Motion No. XXXXXX
Hearing Date: June 25, 2015

Case No. 2014.0198E
850 Bryant Street

AYES:

NOES:

ABSENT:

ADOPTED: June 25, 2015

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Coral Feigin	
APPLICANT ADDRESS: 66 Alvarado Street San Francisco, CA 94110	TELEPHONE: (415) 298-9967
EMAIL: coral@wraphome.org	

NEIGHBORHOOD ORGANIZATION NAME: Western Regional Advocacy Project	
NEIGHBORHOOD ORGANIZATION ADDRESS: 2940 16th Street, Suite 200-2 San Francisco, CA 94103	TELEPHONE: (415) 621-2533
EMAIL: coral@wraphome.org	

PROJECT ADDRESS: 850 Bryant Street- Hall of Justice Rehabilitation and Detention Facility Project		
PLANNING CASE NO.: 2014.0198E	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

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For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



**SAN FRANCISCO
PLANNING
DEPARTMENT**

**FOR MORE INFORMATION:
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FAX: **415.558.6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
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TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

CRITICAL RESISTANCE
1904 FRANKLIN ST #504
OAKLAND, CA 94612

COMMUNITY BANK OF THE BAY
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Oakland, CA 94612

3823

80-4240/1211
01

Department

7/17/2015

PAY TO THE
ORDER OF

~~Clerk A-H Board San Francisco~~ AS Planning ~~Comm. Sec.~~ AS

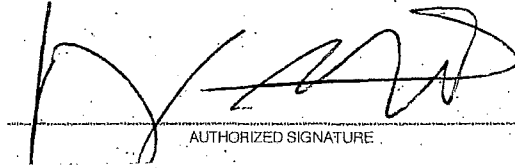
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Five hundred - fifty - seven

DOLLARS

MEMO

No New SF Jail, Appeal of mitigation Nov Dec



AUTHORIZED SIGNATURE

Details on Back
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