

1 [CEQA Findings]

2 ENDORSING THE PLANNING COMMISSION'S CERTIFICATION OF THE FINAL  
3 ENVIRONMENTAL IMPACT REPORT AND ADOPTING ENVIRONMENTAL FINDINGS  
4 (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) PURSUANT TO THE  
5 CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN  
6 CONNECTION WITH THE APPROVAL OF A DESIGN-BUILD/FINANCE CONTRACT AND  
7 VARIOUS OTHER APPROVALS RELATED TO THE COUNTY JAIL NO. 3 REPLACEMENT  
8 PROJECT

9

10 WHEREAS, The proposed County Jail No. 3 Replacement Project (the "Project")  
11 is located on 158 acres of land owned by the City and County of San Francisco (the "City") in  
12 unincorporated San Mateo County, adjoining the City of San Bruno to the East, the City of  
13 Pacifica to the West, Skyline College to the North, and Crystal Springs Reservoir to the South;  
14 and,

15 WHEREAS, The Project would be located on the site of the existing County Jail  
16 No. 3 and No. 7 Complex; and

17 WHEREAS, in 1991, inmates housed in County Jail No. 3 filed suit against the  
18 City challenging the constitutionality of conditions in the Jail. On July 18, 1997, the United  
19 States District Court concluded that conditions in the Jail violated the United States  
20 Constitution. The Court specifically found that the Jail posed fire safety and seismic risks, had  
21 inadequate plumbing and light and was unconstitutionally noisy. The Department of Public  
22 Works determined that it would not be cost effective or practical to attempt to seismically  
23 upgrade and repair the existing Jail. The Sheriff determined that, even if upgraded, the Jail's  
24 outmoded design and structure would not comply with State standards and would continue to  
25 pose risks to deputies and inmates. Further, the current jail system is overcrowded, even with

1 the extensive use of drug treatment facilities and other alternatives to incarceration. The  
2 Sheriff therefore determined that the City will continue to need the housing capacity of County  
3 Jail No. 3 in order to protect public safety and house inmates in safe and humane conditions;  
4 and,

5 WHEREAS, In order to settle the inmates' lawsuit, the City agreed, subject to  
6 the approval of the Board of Supervisors, to build a replacement jail facility on the site of the  
7 existing Jail ("the County Jail No. 3 Replacement Project" or the "Project"), and

8 WHEREAS, The Project proposes to replace the existing Jail No. 3 with new  
9 housing and administrative facilities and to make infrastructure improvements; and

10 WHEREAS, The Planning Department ("Department") has undertaken an  
11 environmental review process for the proposed Project and provided for appropriate public  
12 hearings before the San Francisco Environmental Review Officer in the San Bruno City  
13 Council Chambers and the San Francisco Planning Commission; and

14 WHEREAS, The approval of an ordinance authorizing the City Attorney, City  
15 Architect, Mayor's Office of Public Finance, Sheriff and Director of Public Works to negotiate a  
16 design-build/finance contract and the Department of Public Works to enter into the contract,  
17 the issuance of certificates of participation to finance the Project and various related actions  
18 (the "Actions") are contemplated in connection with the Project as more particularly defined in  
19 Attachment A hereto; and

20 WHEREAS, On February 28, 1998, the Department released for public review  
21 and comment the Draft Environmental Impact Report for the Project; and

22 WHEREAS, The San Francisco Environmental Review Officer on March 31,  
23 1998, in the San Bruno City Council Chambers and the Planning Commission on April 9,  
24 1998, held public hearings on the Draft Environmental Impact and further written public  
25 comments were received until 5:00 p.m. on April 14, 1998; and

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1           WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project has  
2 been prepared by the Department consisting of the Draft Environmental Impact Report, the  
3 comments received during the review period, any additional information that became available  
4 and the Draft Summary of Comments and Responses, all as required by law; and

5           WHEREAS, On July 23, 1998, the Planning Commission reviewed and  
6 considered the FEIR and, by Motion No. 14663, found that the contents of said report and the  
7 procedures through which the FEIR was prepared, publicized and reviewed complied with the  
8 provisions of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines  
9 and Chapter 31 of the San Francisco Administrative Code; and

10           WHEREAS, By Motion No.14663, the Planning Commission found that the FEIR  
11 was adequate, accurate and objective, reflected the independent judgment and analysis of the  
12 Planning Commission and that the summary of Comments and Responses contained no  
13 significant revisions to the draft Environmental Impact Report, adopted findings of significant  
14 impacts associated with the Project and certified the completion of the Final Environmental  
15 Impact report for the Project in compliance with CEQA and the CEQA Guidelines; and

16           WHEREAS, On January 3, 2000, the Department of City Planning issued a  
17 Memorandum to City Planning File No. 97.368E pursuant to CEQA Guidelines Section 15164  
18 including an Addendum to the FEIR for the project (the "Addendum"), a copy of which is on  
19 file with the Clerk of the Board of Supervisors in File No. 000087, determining that changes  
20 to the project proposed as a result of negotiations between the Director of Public Works and  
21 the City Architect and Prison Realty Trust would not result in any new significant  
22 environmental effects beyond those disclosed and analyzed in the FEIR, that no new  
23 information has become available since certification of the FEIR that would require major  
24 revisions to the FEIR or its conclusions, that there are no substantial changes with respect to  
25 the circumstances under which the Project is to be undertaken since the certification of the

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1 FEIR that would cause new significant environmental impacts and that no further  
2 environmental analysis is required for the Project; and

3 WHEREAS, The FEIR files, the Addendum and other Project-related  
4 Department files have been available for review by this Board of Supervisors and the public;  
5 and those files are part of the record before this Board of Supervisors; and

6 WHEREAS, The Department prepared proposed Findings, as required by  
7 CEQA, regarding the alternatives, variants, mitigation measures and significant environmental  
8 impacts analyzed in the FEIR, overriding considerations for approving the Project including  
9 the Design-Build Contract, the Issuance of Certificates of Participation and other Actions, and  
10 a proposed mitigation monitoring program, which material was made available to the public  
11 and this Board of Supervisors for the Board of Supervisors' review, consideration and actions;  
12 now, therefore, be it

13 RESOLVED, That the Board of Supervisors has reviewed and considered  
14 Planning Commission Motion No. 14663 certifying the FEIR and finding the FEIR adequate,  
15 accurate and objective, and reflecting the independent judgment and analysis of the Planning  
16 Commission, and hereby endorses and adopts Planning Commission Motion 14663 and  
17 incorporates the same herein by this reference; and be it

18 FURTHER RESOLVED, That based upon the Board of Supervisors' review of  
19 the FEIR and the Addendum, the Board of Supervisors finds that (1) modifications  
20 incorporated into the Project and reflected in the Actions will not require important revisions to  
21 the FEIR due to the involvement of new significant environmental effects or a substantial  
22 increase in the severity of previously identified significant effects; (2) no substantial changes  
23 have occurred with respect to the circumstances under which the Project or the Actions are  
24 undertaken which would require major revisions to the FEIR due to the involvement of new  
25 significant environmental effects, or a substantial increase in the severity of effects identified

1 in the FEIR; and (3) no new information of substantial importance to the Project or the Actions  
2 has become available which would indicate (a) significant environmental effects will be  
3 substantially more severe; (c) mitigation measures or alternatives found not feasible which  
4 would reduce one or more significant effects have become feasible; or (d) mitigation  
5 measures or alternatives which are considerably different from those in the FEIR would  
6 substantially reduce one or more significant effects on the environment; and be it

7 FURTHER RESOLVED, That the Board of Supervisors has reviewed and  
8 considered the FEIR and the Addendum and hereby adopts the Project Findings attached  
9 hereto as Attachment A, including its Exhibits 1 and 2, and incorporates the same herein by  
10 this reference.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Resolution

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**File Number:** 000087

**Date Passed:**

Resolution endorsing the Planning Commission's certification of the Final Environmental Impact Report and adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act and State Guidelines in connection with the approval of a design-build/finance contract and various other approvals related to the County Jail No. 3 replacement project.

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March 6, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng,  
Yaki, Yee

Absent: 1 - Bierman

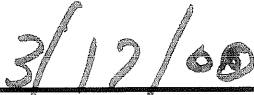
File No. 000087

I hereby certify that the foregoing Resolution was ADOPTED on March 6, 2000 by the Board of Supervisors of the City and County of San Francisco.



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Gloria L. Young  
Clerk of the Board



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Date Approved



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Mayor Willie L. Brown Jr.