

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Kim Davis, Director, AOC Office of Court Construction and Management,
415-865-4055, kim.davis@jud.ca.gov
S. Pearl Freeman, Senior Project Manager, AOC Office of Court
Construction and Management, 415-865-4060,
pearl.freeman@jud.ca.gov

DATE: February 2, 2007

SUBJECT: Site Acquisition Approval for Contra Costa County, New Antioch Area
Courthouse (also known as the new East Contra Costa Court) (Action
Required)

Issue Statement

In accordance with subdivisions (a) and (b)(5) of rule 10.15 of the California Rules of Court, the Interim Court Facilities Panel (Interim Panel) directed AOC staff to proceed with site selection of two site options for the new courthouse, one in Pittsburg and one in Antioch. Under rule 10.184 (b)(1) of the California Rules of Court, the Judicial Council approved the site selection of two site options by circulating order dated June 6, 2006. Approval for site selection of two sites was granted by the State Public Works Board (SPWB) on July 14, 2006. Subsequently, AOC staff has negotiated terms of acquisition for a single site for the new courthouse in Pittsburg, as authorized and recommended. On January 16, 2007, the Interim Panel directed AOC staff to proceed to the Judicial Council with the recommendations contained in this report.

Recommendation

Staff of the Administrative Office of the Courts (AOC) recommends that the Judicial Council, effective February 23, 2007, take the following actions:

1. Direct AOC staff to proceed with the acquisition of the designated site in Pittsburg for the New Antioch Area Courthouse (project);
2. Approve the attached resolution (Exhibit D) adopting a mitigated negative declaration and mitigation monitoring program for the project at the Pittsburg site; and
3. Authorize the Administrative Director of the Courts, or his designee, to approve and execute the agreement for property exchange and related documents for the acquisition of the Pittsburg site.

Rationale for Recommendation

The New Antioch Area Courthouse in Contra Costa County was ranked Project Number 4 in the Judicial Council's June 2005 Prioritized List of Trial Court Capital Projects. As currently funded for fiscal year (FY) 2006–2007, the proposed new seven-courtroom full-service courthouse facility will replace the existing four-courtroom Pittsburg-Delta Courthouse. The new courthouse will support the existing case filings, all of which cannot be processed in the current facility and are thus reassigned to Martinez. It also will provide space for family and juvenile matters that cannot be accommodated in the current location and will provide for documented East County population growth by including space for three new judgeships that will be assigned to the new facility.

Background

Funding for land acquisition and preliminary design for a four-courtroom project was approved in California State Budget Act FY 2005–2006. Based on the confirmed need for seven courtrooms, additional funding for acquisition and preliminary design was approved and funded in FY 2006–2007. The revised total project cost is estimated at \$60.879 million which includes adequate funds for acquisition of either of the two originally recommended properties. Funding was contingent on the transfer of the Pittsburg-Delta Courthouse; the transfer of responsibility was obtained on May 26, 2006, and transfer of title was completed on December 28, 2006.

A project advisory group including members of the bench and court administration, AOC staff, and county staff, was convened under rule 10.184(d) of the California Rules of Court to guide the project development. The project advisory group has been involved in all aspects of the project's development, including selection of an architectural consultant, study of the project scope, and development of site selection requirements. The primary criteria for the site selection were access to justice, compatibility of use of adjacent buildings, ability to meet site programming needs, and proximity to justice partners. Through a competitive procurement process, the project advisory group with Office of Court Construction and Management (OCCM) project staff identified two sites from numerous considered sites that met the required criteria for location of the new courthouse.

On May 22, 2006, the AOC, on behalf of the Judicial Council, reviewed and consulted with the Interim Panel regarding site selection for this project and received the panel's approval to recommend site selection approval to the Judicial Council. The council approved site selection for the two sites, one in Pittsburg and one in Antioch, by circulating order dated June 6, 2006.

Under section 70374(b) of The Trial Court Facilities Act of 2002 (Sen. Bill 1732), the acquisition and construction of court facilities are subject to the Property Acquisition Law. Under that law, Government Code section 15850 et seq., all proposed acquisitions are brought to the State Public Works Board (SPWB) for site selection and acquisition by negotiation. Consistent with that law, the SPWB approved site selection for two sites for the project on July 14, 2006.

OCCM staff, on behalf of the AOC, began simultaneous negotiations for the Pittsburg and Antioch sites. The Antioch site was eliminated from consideration because negotiations with the County of Contra Costa did not reach fruition. However, negotiations with the City of Pittsburg for the governmental site, adjacent to the existing courthouse, were successful in yielding mutually beneficial terms for the City of Pittsburg and the state. Terms and conditions of the site acquisition are attached in Exhibit A. OCCM staff commissioned a professional environmental consultant to prepare an initial study as required by the California Environmental Quality Act (CEQA), including traffic analysis of the project at the Pittsburg site.

Rational for recommendation 1 - Acquisition of Pittsburg site

The Pittsburg site is the preferred site and has strong attributes for the new building, as established by the project advisory group and OCCM staff. These include accessibility to Highway 4 and a future eBART light-rail station, compatibility with the adjacent city hall building and future development of the immediate area, and proximity to county justice partners. The Pittsburg governmental center site is sufficiently sized for the seven-courtroom courthouse and future expansion to 10 courtrooms. (See project site plan attached as Exhibit B.) The site is available at no cost to the State, thus reverting \$6 million back to the State Court Facilities Construction Fund. Since the site is too small to accommodate the required parking, the City of Pittsburg will provide adjacent, off-site parking to supplement what can be designed on the site. The city will provide off-site space for an estimated 80 cars for the seven-courtroom building and an estimated 230 for the future expansion. Additionally, on-site underground utilities discovered during the due diligence investigation will be removed and relocated by the City of Pittsburg. By remaining in Pittsburg, the new courthouse will assist the city in realizing its goals for revitalization of the redevelopment area as detailed in their master plan. Consequently, the City of Pittsburg will provide the additional off-site parking, utilities, and land in exchange for a portion of the existing courthouse site. The total project site parcel would be 4.27 acres as described in attached Exhibit C.

Rational for recommendation 2 - Adoption of CEQA document

In accordance with the CEQA (Pub. Resources Code, §§ 21000-21177) and section 15063 of title 14 of the California Code of Regulations, the Judicial Council, acting in the capacity of the lead agency, is required to undertake the preparation of an study to determine whether the proposed project would have significant environmental impact. The AOC prepared a draft initial study and a mitigated negative declaration for the project (CEQA document) located at the Pittsburg site, filed the required documents with the State Clearinghouse, and released the CEQA document for public comments. The CEQA document is attached as Exhibit E. The study determined that the project with its adopted mitigation measures would not have a significant impact on the environment. (See attached Exhibit F-Mitigation Monitoring Program.) As the lead agency, the Judicial Council is required to review the Final Initial Study and adopt the Mitigated Negative Declaration.

Rational for recommendation 3 - Approval/execution of property exchange agreement

Selection of the Pittsburg government center site will necessitate completion of a property acquisition agreement between the State of California and the City of Pittsburg. The agreement will be completed under the terms and conditions letter, attached as Exhibit A, which will be incorporated in the agreement for property exchange. The agreement and related documents will be prepared under the supervision of the AOC Office of the General Counsel (OGC). The final agreement for property exchange and related documents are expected to be completed by March 8, 2007, but not in time to achieve the notice requirements for the February 23, 2007, Judicial Council business meeting. Approval of the agreement and related documents by the Administrative Director of the Courts or his designee would occur in collaboration with OGC. This procedure would be consistent with the duties and responsibilities of the Administrative Director of the Courts.

Alternate Actions Considered

An alternate approach would be for the Judicial Council to consider the requested actions at two separate council meetings. Approval of site acquisition for the Pittsburg site and adoption of the Mitigated Negative Declaration under CEQA could be approved at the February 23, 2007 council meeting. The final property exchange agreement and related documents for the acquisition of the Pittsburg site could be approved at the April 27, 2007 council meeting. The consequence of this alternative would be a one-month delay in obtaining approval by SPWB (on June 8, 2007 rather than May 11, 2007). Delay of state approval could impact the City of Pittsburg's delivery of the terms and conditions that are date dependent for the timely completion of construction. Thus, there could be financial impact to the project budget at 0.8 percent per month¹ or \$0.5 million.

A second alternative would be to delay approval of the acquisition of the Pittsburg site in order to seek another alternative site. Since negotiations for the Antioch site did not reach fruition, negotiations for a site in Oakley could be sought. The Oakley site was the least preferred of the three sites originally identified by the project advisory group and OCCM project team. This site was not directly adjacent to the new Highway 4 bypass, was too far to the east for access to the courthouse from Martinez, and was not located in an area compatible with civic/institutional buildings. This alternative could add an estimated six months to the duration and cost of the project. At a rate of approximately 0.8 percent per month¹, the total additional cost to the project budget would be over \$3.5 million. The courthouse would be completed in late 2010 rather than the projected April 2010 date.

¹Includes escalation and market forces for construction of institutional buildings in California only.

A third alternative would be to release a solicitation for new site offers in east Contra Costa County. This alternative would have a significant impact on the project by adding over eight months to the project schedule and over \$5.1 million to the total project budget, using 0.8 percent per month². The courthouse would be completed no earlier than January 2011 rather than the projected April 2010 date.

In addition, the alternative sites were all available by purchase, as no other free sites were identified met the required site selection criteria. \$6.0 million was included in the approved project budget for land cost. The free Pittsburg site would revert the \$6.0 million back to the state. The Oakley and Antioch sites are estimated to cost between \$4.3 million and \$5.0 million, reverting over \$1.0 million back to the state.

Comments From Interested Parties

In accordance with the California Environmental Quality Act (CEQA), the Mitigated Negative Declaration and Final Initial Study documents prepared for this project were available to the public for a 30-day period starting on December 18, 2006 and ending on January 17, 2007. The public comments and corresponding responses to comments are Exhibit G.

Implementation Requirements and Costs

The noted alternative actions are not recommended because of associated delays in the schedule of completion and, thus, higher construction and related project costs for the state. The alternatives would add \$0.5 million to over \$5.1 million to the total project budget. Additionally, delay in completing the courthouse will extend the period during which the state needs to provide temporary space for the authorized new judgeships.

Attachments:

- Exhibit A: Terms and Conditions Letter
- Exhibit B: Project Site Plan
- Exhibit C: Parcel Plan
- Exhibit D: Resolution Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program
- Exhibit E: Final Initial Study and Mitigated Negative Declaration (electronic copy)
- Exhibit F: Mitigation Monitoring Program
- Exhibit G: Public Comments and Responses to Comments

²Includes escalation and market forces for construction of institutional buildings in California only. Possible increased cost of land above the \$6.0 million dollars approved in the state budget was not included in this projection and could increase the total project cost for this alternative.

RECEIVED BY ROOM F-957

BY *LS*

2006 DEC 20 PM 3:32



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-8720 • Fax 415-865-8885 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

KIM DAVIS
Director, Office of Court
Construction and Management

December 18, 2006

Mr. Randy Starbuck
Director of Redevelopment Agency
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94564-3814

Re: Letter of Intent for Future East Contra Costa Courthouse Site

Dear Mr. Starbuck:

PROVISION OF SUITABLE PARKING AND ACCESS, A.R.

The Pittsburg site is the Administrative Office of the Courts' (AOC) chosen site for the location of the new East Contra Costa County Courthouse. The relocation of the utilities, and the timing of the relocation, is a key aspect of the state's ability to successfully develop the new courthouse.

Based on the meeting held on December 15, 2006 between the Pittsburg Redevelopment Agency and the AOC, the following Letter of Intent's terms and conditions are mutually agreed upon but subject to the approval of the appropriate government entities.

Site Dimensions & Site Boundaries:

- 330' x 565' ^{*}square feet with the West property line of New Courthouse Site to align with the existing courthouse site. The physical boundaries to be represented by Railroad Avenue; Center (Power) Drive; Civic Center Drive, and extension of Victory Drive.

**SUBJECT TO VERIFICATION BY CITY-ISSUED SURVEY.*

Mr. R. Starbuck
December 18, 2006
Page 2 of 4

Utilities:

- City to have progressed with the design and construction documents for the off-site utilities project in order to provide technical data for points of connections for New Courthouse Project by May 2007, the estimated start of the Design Development phase for the new courthouse.
- Adjacent off-site utilities to be in place by/before June 1, 2009.

Site Condition:

- City to deliver New Courthouse Site in clear condition by/before May, 2008, in time for the State's estimated construction bid walk-through, which includes:
 - a. City to relocate and remove all utilities on/under New Courthouse Site at City's expense.
 - b. All buildings (5 structures on land currently owned by City of Pittsburg and Pittsburg Unified School District) to be demolished and asphalt pavement to be demolished and removed down to dirt; trees and shrubs to remain. Costs to be borne by City.

Street Condition:

- City to have completed construction/connection of a 2-way Victory extension west of Railroad Avenue to City Hall Drive to be opened/dedicated for public use.
- City to have completed construction/connection of a 2-way Power (Center) Drive west of Railroad Avenue to City Hall Drive to be opened/dedicated for public use.
- City to extend City Hall Drive to Power (Center) Drive; City Hall Drive shall be wide enough for Sheriff's Department buses to access the Courthouse sally port.
- City Hall Drive and Power (Center) Drive extensions to be completed by/before September 1, 2009.
- Victory Street extension shall be completed within approximately three months of the demolition of the existing courthouse building.

Parking:

- The New Courthouse Site will require a minimum of 280 parking stalls for a 7 courtroom facility as of January, 2010; and 400 parking stalls will be required for a (future) 10 courtroom facility (3 courtroom expansion.) City agrees to provide parking to the State equal to the difference between the State's required minimum and the number of stalls that can be constructed on the New Courthouse Site.
- State expects to construct (+/-) 200 parking stalls on New Courthouse Site as of December, 2009; City shall provide sufficient reserved parking stalls (+/- 80 spaces) for 7 courtroom courthouse as of ~~December, 2009~~ on a suitable adjacent

JANUARY, 2010

Mr. R. Starbuck
December 18, 2006
Page 3 of 4

site. In the event that the 100 car parking lot north of the new courthouse must be phased, City to provide the difference between the required and actual parking stalls until such time as the state parking can be constructed. This could result in the City providing up to 180 reserved parking stalls for a period of time until the State completes their on-site parking areas.

- Parking stalls provided by the City shall be (1) be located directly adjacent to New Courthouse Site with unimpeded paved pedestrian access to the New Courthouse's Public Entrance path(s); (2) at no cost to the state; (3) designated "Court Use Only"; (4) free to public unless state decides to charge fee for parking in future. If state receives revenue from parking, then state to take responsibility for ongoing maintenance of Court designated stalls from the City.
- Initially, City to provide parking in surface parking lots. When parking stalls are provided to State in parking structures, City shall grant these spaces in perpetuity.
- In future, when State constructs 3 courtroom expansion to New Courthouse, City to provide an additional 150 stalls to the number they are already providing for the 7 courtroom courthouse. This parking to be located in parking areas directly adjacent to New Courthouse Site.

Title:

- City to provide clear title to New Courthouse Site subject to those existing exceptions/encumbrances which are acceptable to the state; existing utility easements to be removed.
- State to provide clear title to Existing Courthouse Site (subject to those existing exceptions/encumbrances which are acceptable to the City).

Real Estate Brokers:

- State to be responsible for compensating its real estate broker: Cushman & Wakefield of California. The City does not have outside real estate broker and is not responsible for real estate broker compensation

Escrow/Title Fees:

- Each party to be responsible for own (escrow; title insurance; etc.)

Transfer of Title:

- City to transfer title to New Courthouse Site upon above terms and conditions to the State by or before May, 2008.

Mr. R. Starbuck
 December 18, 2006
 Page 4 of 4

- State to transfer title of Existing Courthouse Site to City of Pittsburg Redevelopment agency upon completion of new courthouse and demolition of existing courthouse, estimated for February, 2010.

Existing Courthouse Site Condition:

- State to demolish Existing Courthouse prior to transfer of title. Parking lot at Existing Courthouse site (45 Civic Drive) to remain in place.

This Letter of Intent is intended only to outline an understanding between the AOC and the City, and the AOC and the City agree to work diligently toward a mutually acceptable agreement. This Letter of Intent is not and shall not be construed as an offer, acceptance of any offer, or a binding and legally enforceable contractual relationship between the parties.

This letter is intended to be an expression of interest by the parties to the potential transaction herein and shall in no event be deemed to be or constitute a binding agreement or other legally enforceable obligation between the AOC and the City as to such matters.

Sincerely,



Burt Hirschfeld
 Assistant Division Director
 Real Estate and Asset Management
 Office of Court Construction and Management
 Judicial Council of California - Administrative Office of the Courts

Accepted and agreed to.
 City of Pittsburg

December 19, 2006

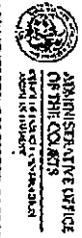
By:

Name:

Title:

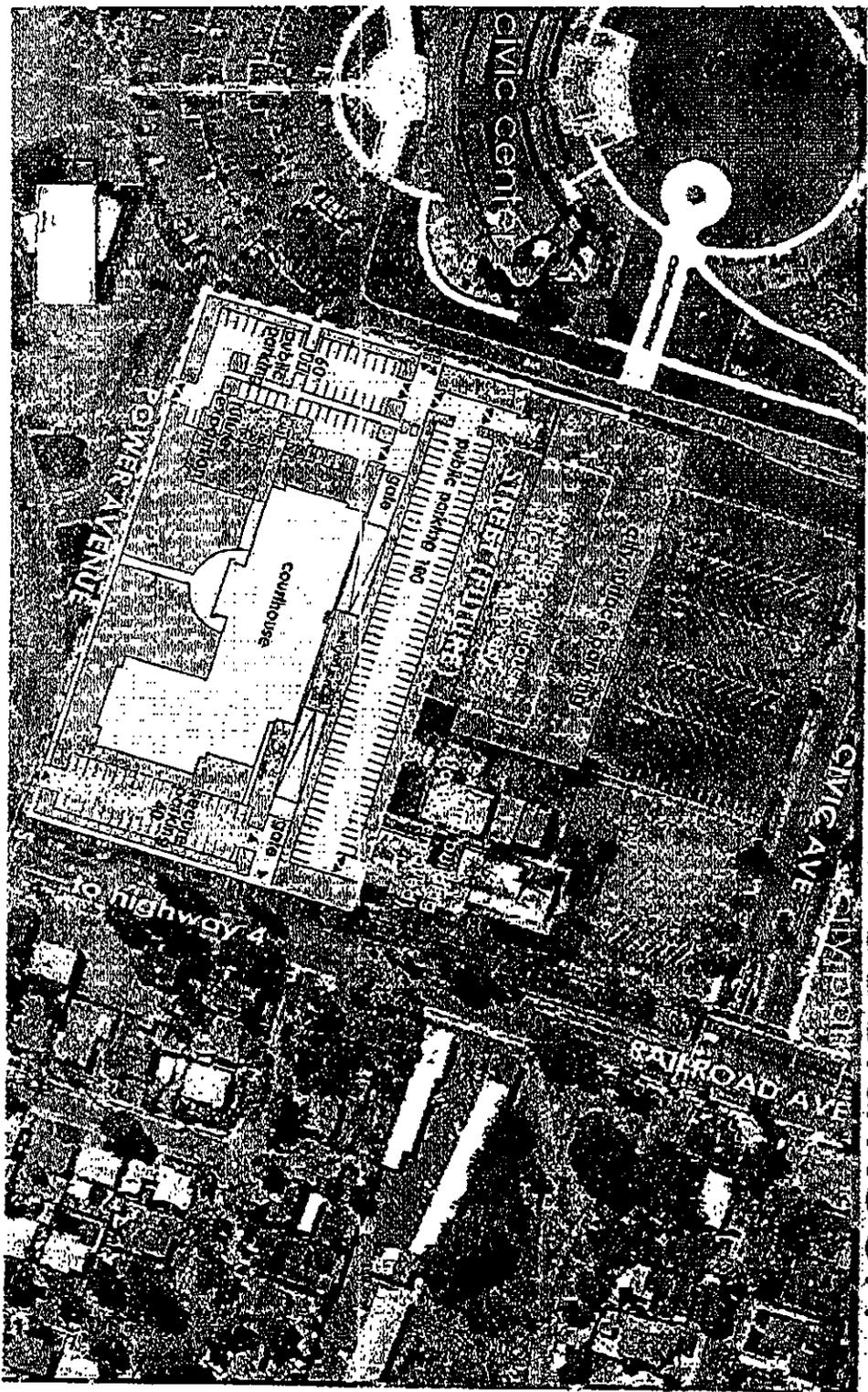
Randy H. Starbuck
Director of Redevelopment

cc: Marc Grisham, City of Pittsburg, Manger
 Kerry Lyman, City of Pittsburg, Project Manager

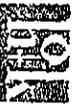
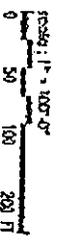


EAST CONTRA COSTA COURTHOUSE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

7 COURTROOM

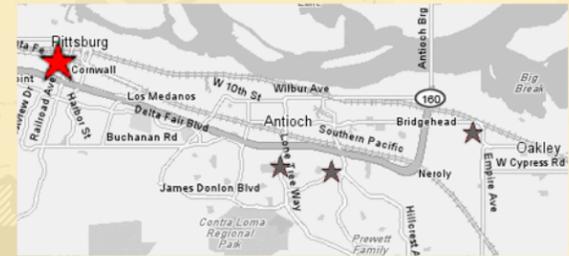


CURRENT COURTHOUSE SITE PITTSBURG, CA HELMUTH OBATA + KASSABUM INC.



EAST CONTRA COSTA COURTHOUSE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA



7 COURTROOM

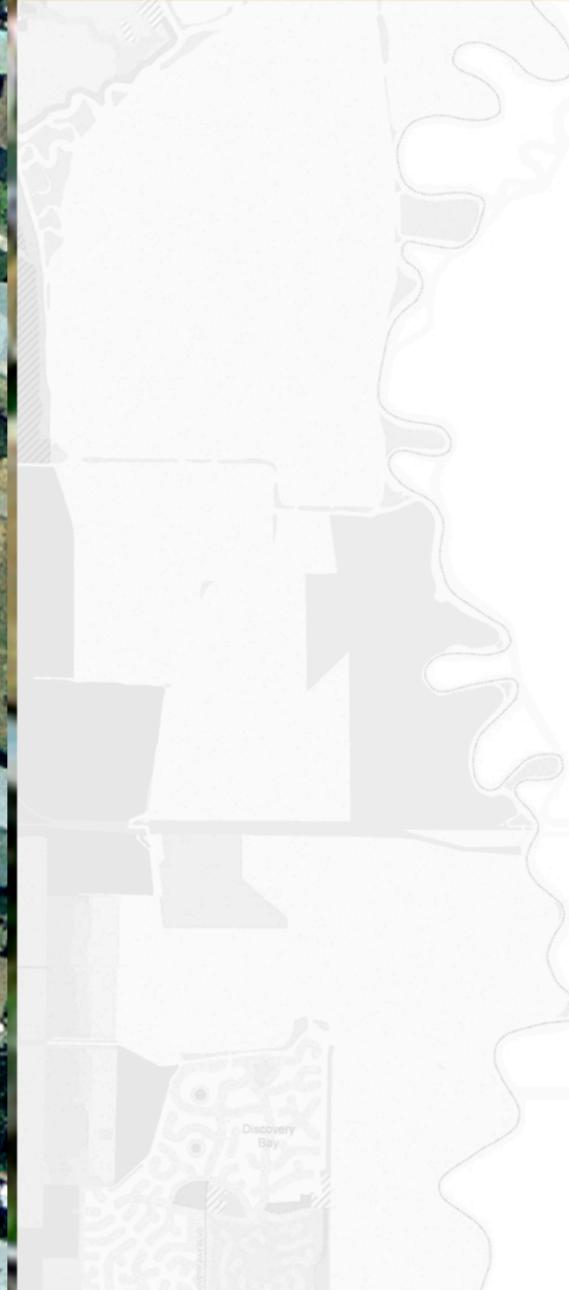


EXHIBIT B

scale : 1" = 100'-0"
0 50 100 200 FT



TRANSFER PARCELS

A PORTION OF RANCHO LOS MEDANOS
CITY OF PITTSBURG
CONTRA COSTA COUNTY CALIFORNIA
JANUARY, 2007

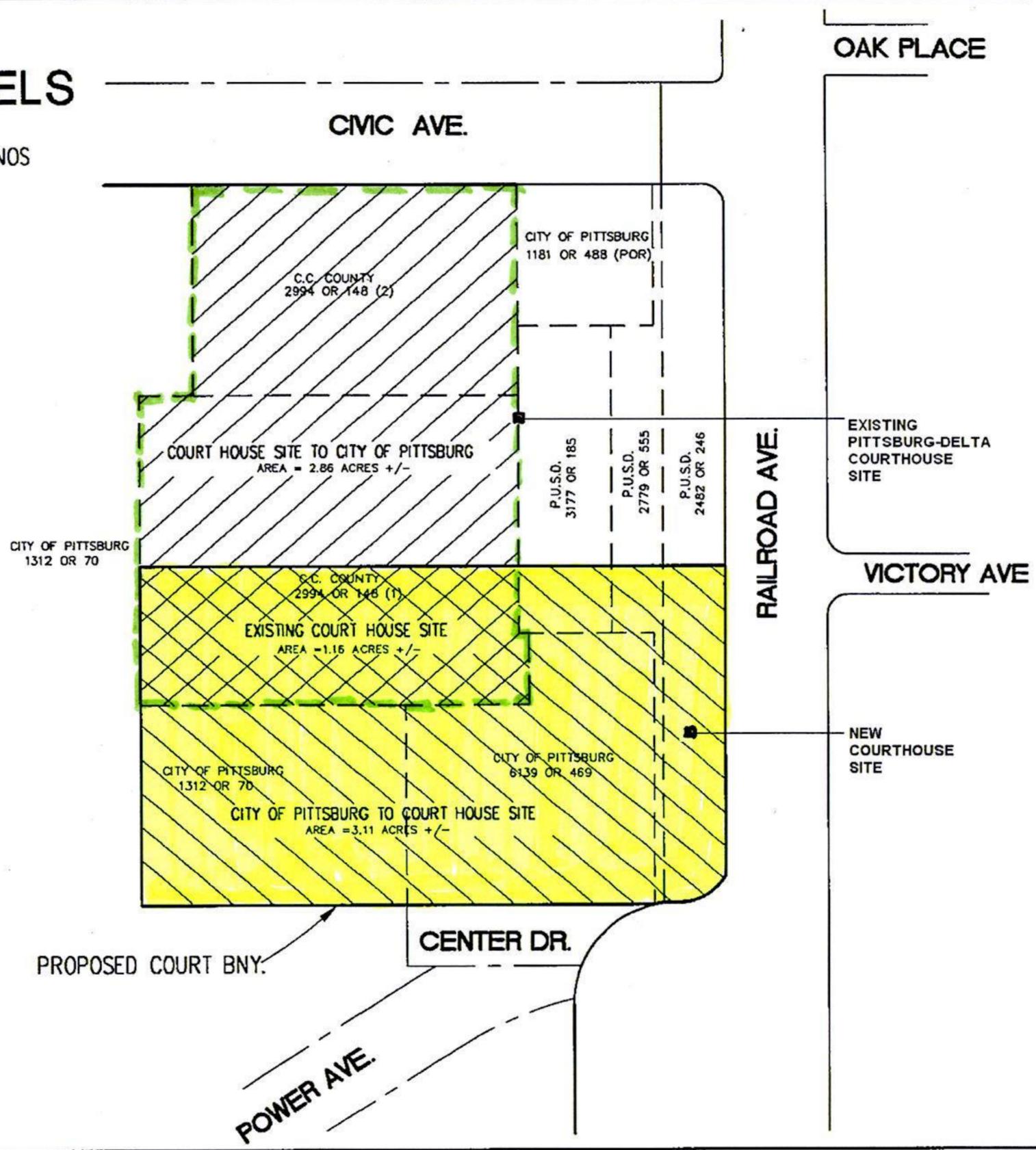


EXHIBIT D

JUDICIAL COUNCIL OF CALIFORNIA

**RESOLUTION AUTHORIZING ADOPTION OF A MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE CONTRA
COSTA COUNTY-NEW ANTIOCH AREA COURTHOUSE
(EAST CONTRA COSTA COURT)**

WHEREAS the Judicial Council of California (“Judicial Council”) proposes to construct a new courthouse for the Superior Court of California, County of Contra Costa in the City of Pittsburg (“Project”);

WHEREAS the Judicial Council seeks to comply with the California Environmental Quality Act (“CEQA”) before commencement of the Project;

WHEREAS the Judicial Council retained ERM, Inc. to prepare an initial study for the Project (“Initial Study”) to evaluate whether the Project may have significant effects on the environment;

WHEREAS the Draft Initial Study indicated that the Project with its mitigation measures would have no significant impacts and Judicial Council staff determined that a Mitigated Negative Declaration was appropriate for the Project;

WHEREAS the Final Mitigated Negative Declaration, attached and incorporated as Attachment “A,” describes the scope of the Project;

WHEREAS the Judicial Council, the lead agency for the Project, provided copies of the Initial Study/Mitigated Negative Declaration to the public for review and comment under Public Resources Code sections 21091 and 21092;

WHEREAS the Judicial Council received, considered, and responded to comments received from the public and interested agencies regarding the Draft Initial Study/Mitigated Negative Declaration (Exhibit G);

WHEREAS the Judicial Council has carefully reviewed the Final Initial Study/Mitigated Negative Declaration for the Project (Exhibit E), the Initial Study/Mitigated Negative Declaration, comments from the public and interested agencies (Exhibit G), all other relevant information contained in the record for the Project, and the Mitigation Monitoring Program (Exhibit F) for the Project; and

WHEREAS all other legal prerequisites to the adoption of this Resolution have occurred,

THEREFORE, the Judicial Council hereby finds, determines, declares, orders, and resolves that:

1. **Recitals.** All the recitals stated above are true and correct.
2. **Compliance with CEQA.** The Judicial Council reviewed and considered the information contained in the Final Mitigated Negative Declaration (Attachment A). The Judicial Council makes the following specific findings with respect to the Final Mitigated Negative Declaration:
 - a. that the Final Initial Study and Mitigated Negative Declaration (Exhibit E) prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project;
 - b. that the Final Mitigated Negative Declaration (Attachment A) is in accordance with CEQA and the State CEQA Guidelines;
 - c. that the Project will not result in a significant effect on the environment because the mitigation measures described in the Mitigation Monitoring Program (Exhibit F) have been added to the Project;
 - d. that there is no substantial evidence in the record supporting a fair argument that the Project may cause significant impacts to the environment;
 - e. that the Final Mitigated Negative Declaration (Attachment A) reflects the independent judgment of the Judicial Council; and
 - f. that any changes to mitigation measures after the circulation of the Draft Initial Study and Mitigated Negative Declaration provide equally effective mitigation of potential significant environmental impacts than the prior proposed mitigation measures, and that the change of the mitigation measures will not cause any potentially significant effect on the environment...
3. **Location and Custodian of Records.** The location and custodian of records with respect to all the relevant documents and any other material that constitutes the administrative record for the Mitigated Negative Declaration is:

Mr. Jerome Ripperda, Environmental Analyst
Office of Court Construction and Management
Administrative Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

4. **Wildlife Findings.** The proposed Project will have no adverse impacts on wildlife as defined in Fish and Game Code section 711.2, nor will it adversely impact the resources governed by the State Department of Fish and Game.

5. **Adoption of Final Mitigated Negative Declaration and Mitigation Monitoring Program.** The Judicial Council hereby adopts the Final Mitigated Negative Declaration and the Mitigation Monitoring Program including all the mitigation measures stated in the Mitigation Monitoring Program.
6. **Approval of Project.** The Judicial Council hereby approves the Project as identified and evaluated in the Final Mitigated Negative Declaration and authorizes the Administrative Director of the Courts, or his authorized designee, to take all steps necessary to proceed with the Project.
7. **Notice of Determination.** The Judicial Council hereby directs the staff of the Administrative Office of the Courts to file a Notice of Determination within five working days after the Judicial Council's adoption of the Final Mitigated Negative Declaration.

APPROVED, PASSED, AND ADOPTED by the Judicial Council on the 23rd of February, 2007.

William C. Vickrey, Secretary
Judicial Council of California

ATTACHMENT A

FINAL MITIGATED NEGATIVE DECLARATION

Project Name. Contra Costa County-New Antioch Area Courthouse (East Contra Costa Court).

Project Location. The approximately 4-acre project site is located immediately south of the existing Pittsburg-Delta Courthouse in Pittsburg, CA; it is on the north side of Center Drive and Power Avenue on the northeast corner of the intersection of Railroad Avenue/Power Avenue. The site is approximately 0.2 miles north of State Route 4 and 0.1 miles southeast of the City of Pittsburg’s Civic Center.

Project Description. The Judicial Council of California proposes to construct a new courthouse in Pittsburg. The courthouse will be on Center Drive directly south of the existing courthouse and will face south towards Center Drive. The project site will cover approximately four acres. The proposed new courthouse will be two stories tall, have approximately 71,000 square-feet of space for seven courtrooms and other Court-related facilities, and will have approximately 200 parking spaces. The City of Pittsburg will provide additional parking spaces for the courthouse. Approximately 60 employees will work at the facility. The new courthouse will improve Contra Costa residents’ access to judicial facilities, provide courthouse facilities that meet current building standards for public use; provide facilities to support new judicial services and additional judges; and provide improved security for visitors, judges, and courthouse staff. After completion of the new courthouse, the AOC will demolish the existing courthouse.

Findings. Based on the information contained in the Final Initial Study/Mitigated Negative Declaration, the Judicial Council determines that the project will have no significant adverse effect on the environment.

Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the Final Initial Study/Mitigated Negative Declaration (Exhibit E), and this Final Mitigated Negative Declaration fully incorporates the attached document and makes it part of this Final Mitigated Negative Declaration. The Judicial Council agrees to implement each of the identified mitigation measures as part of the Mitigation Monitoring Program (Exhibit F).

Date: _____

JUDICIAL COUNCIL OF CALIFORNIA

By: _____

Name: _____

Its: _____

EXHIBIT E

CONTRA COSTA COUNTY-NEW ANTIOCH AREA COURTHOUSE (EAST CONTRA COSTA COURT) FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Introduction

The Administrative Office of the Courts (AOC) filed a Draft Initial Study/Mitigated Negative Declaration (State Clearinghouse # 2006122065) for Judicial Council on December 18, 2006. After receiving comments, the AOC revised the document. A copy of the January 2007 Final Initial Study/Mitigated Negative Declaration is provided on a CD.

EXHIBIT F

CONTRA COSTA COUNTY-NEW ANTIOCH AREA COURTHOUSE (EAST CONTRA COSTA COURT)—MITIGATION MONITORING PROGRAM

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a Mitigated Negative Declaration or specified environmental findings related to an Environmental Impact Report.

This Mitigation Monitoring Plan has been prepared for the East Contra Costa County Courthouse project. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the required mitigation measures to reduce or avoid significant environmental impacts. Mitigation measures identified in this Mitigation Monitoring Plan were developed in the Initial Study prepared for the proposed project. This Mitigation Monitoring Plan is intended to be used by AOC Site Representatives and other responsible parties to ensure compliance with mitigation measures during project implementation.

The following table provides a summary of all mitigation and monitoring that will be conducted for the project. It also identifies the responsible monitoring party and implementation phase.

Impact	Mitigation Measure	Monitoring Agency	Implementation Phase
AIR QUALITY			
Impacts related to Air Quality	Air Quality 1-3: Develop and implement measures to ensure compliance with all of the following requirements. <ol style="list-style-type: none">1. During conditions when substantial dust is present, water all exposed soil or apply soil stabilizers to construction areas, parking areas, and staging areas to eliminate substantial dust generation. Locate the staging area away from sensitive receptors (such as the park, homes across Railroad Avenue, and school).2. Cover any trucks hauling soil, sand, and other loose materials or require any trucks to maintain at least two feet of freeboard.3. If construction operations carry visible soil materials to paved areas or adjacent streets, sweep the affected paved areas at least once per day	AOC Site Representative	Prior to issuance of a building permit and initiation of construction activities.

Impact	Mitigation Measure	Monitoring Agency	Implementation Phase
CULTURAL RESOURCES			
Impacts related to archaeological and paleontological resources.	<p>Cultural Resources 1:</p> <p>If cultural resources are exposed during construction of the proposed project, the AOC’s contractor will halt construction in that area of the site until a qualified archaeologist performs an evaluation of the find. If the archaeologist determines the find to be significant, the area of discovery shall be protected from disturbance to allow qualified archaeologists and appropriate officials, in consultation with the SHPO, to determine appropriate measures for conserving the resources.</p>	AOC Site Representative	During construction
Impacts related to disturbance of human remains	<p>Cultural Resources 2:</p> <p>If human remains are exposed during construction, all construction activities shall halt in the area of the discovery. No further disturbance shall occur to the area until the County Coroner determines the origin and disposition of the remains and appropriate consultation and treatment are conducted.</p>	AOC Site Representative	Prior to issuance of a building permit and prior to commencement of any grading
NOISE			
Impacts related to Noise	<p>Noise 1-3:</p> <p>Develop and implement measures to ensure that all of the following requirements are complied with.</p> <ol style="list-style-type: none"> 1. Limit construction activities that generate loud noises to the hours from 8 AM to 5 PM. 2. Locate staging area and stationary equipment as far as possible from sensitive receptors (such as the park, the homes across Railroad Avenue, and school). 3. Ensure all construction equipment is properly maintained and operated and are equipped with mufflers. 	AOC Site Representative	Prior to issuance of building permit and initiation of construction activities

EXHIBIT G

CONTRA COSTA COUNTY-NEW ANTIOCH AREA COURTHOUSE (EAST CONTRA COSTA COURT)—PUBLIC COMMENTS AND RESPONSES TO COMMENTS

Introduction

The Judicial Council made the Draft Initial Study/Mitigated Negative Declaration (State Clearinghouse # 2006122065) available to the public for a 30-day public review period from December 18, 2006 through January 17, 2007. The Administrative Office of the Courts (AOC) published a public notice in the *Contra Costa Times* on January 4, 5, 6, 7, and 8, 2007, and it provided public copies of the Draft Initial Study/Mitigated Negative Declaration at the Contra Costa Library branches in Pittsburg, Antioch, Brentwood, and Martinez. It also made the document available for downloading from an AOC website. The AOC also mailed the document to local and state agencies within the vicinity of the project site and distributed a notice of the document to property owners within a 300-foot radius of the project site.

Following the public review period, the Administrative Office of the Courts received a comment letter from the City of Pittsburg Planning Department. The AOC received no other comments. A copy of the City of Pittsburg comment letter is provided below, and responses to comments are provided after the comment letter.



City of Pittsburg

Planning Department
Civic Center - 65 Civic Avenue, Pittsburg, CA 94565

RCVD '07 JAN 17

Telephone (925) 252-4920 • FAX: (925) 252-4814

January 16, 2007

Mr. Jerry Ripperda
Administrative Office of the Courts
Northern/Central Regional Office
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

Mr. Jerry Ripperda:

This letter is in response to the AOC's Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study that was submitted to the City of Pittsburg Planning Department on December 22, 2006. I understand that the comment period ends on January 17, 2007 therefore these comments should be filed with the AOC within the allotted time period. The following comments are organized by page number, section and paragraph.

Page 9 – Proposed Project – First Paragraph 1

The project site is described as being four acres; however, on Page 34 (paragraph 1), the site is described as a five-acre site. Please confirm and check consistency throughout the document.

Page 9 – Proposed Project – Bullet 1

AOC expects to locate a certain number of parking spaces on parcel 086-010-018, which will be owned by the City of Pittsburg. Please clarify the total number of parking spaces that will be required to meet expected Courthouse parking demand on that parcel considering the total number of on-site and on-street parking spaces along Civic Avenue (mentioned in bullet point no. five on page 68).

Page 30 & 31 – 4.3.a – Air Quality (Last Paragraph)

This section notes that the new building would total about 20,000 additional square feet above the current facility however, the current facility is estimated at 23,900 square feet (page 5), and the new facility is estimated at 73,500 square feet (page 9) for a total additional gross floor area of 49,600 square feet. This section assumes that the courthouse "overall increase is small" with an "associated small increase in vehicle

Response to AOC's Notice of Intent
To Adopt A Mitigated Negative Declaration & Initial Study
January 11, 2007

trips." The total increase in vehicle trips and associated impacts on air quality should be disclosed in the Initial Study in order to make a determination if the impact is potentially significant or not.

Page 31 – 4.3.b – Air Quality (Last Paragraph)

This section states that additional vehicles and potential congestion could increase local CO concentrations at nearby intersections; however, without citing an Air Quality study or additional findings, the paragraph concludes that "Additional vehicles, however, would not have a significant impact on congestion or delay on nearby roadways. Therefore, any CO concentration increase is anticipated to be less than significant." Please provide the evidence that led to this conclusion.

Page 44 – 4.7.c – Hazards and Hazardous Materials (First Paragraph)

Pittsburg High School is located at 250 School Street, approximately 1,100 feet from the proposed site.

Page 47 – 4.8.a – Hydrology and Water Quality (First Paragraph)

As of August 15, 2006, all projects that result in the creation of over 10,000 square feet of impervious surface must show treatment source control measures as set forth in the C.3 Guidebook.

The following comments pertain to Section 4.15 Transportation and Traffic:

Page 59 – First Paragraph

California Avenue should be added to the list of primary roadways serving the courthouse, and bullets should be added for the intersections of California Avenue/SR4 WB off-ramp and California Avenue/Harbor Street. Motorists traveling WB on SR4 must travel on/through these facilities to access the courthouse.

Page 63 – Second Paragraph

Incorrectly states that the City's standard (i.e. threshold) for traffic impact analysis is the same as CCTA's (100-pk.hr.trips). In fact the City's General Plan (GP) Policy 3-P-9 requires a "City-lead traffic impact study for all development projects expected to generate more than 50 peak-hour vehicle trips." However, a General Plan amendment increasing the standard to more than 100 peak-hour trips, which is consistent with CCTA standards, will be considered by the end of January 2007.

Page 63 – Third Paragraph

Incorrectly states that Railroad Ave./ SR 4 ramp intersections have LOS E as the poorest acceptable peak hour operation allowed by Pittsburg General Plan policy (page 7-7) and Measure C. The poorest LOS allowed at these intersections is D or better (< 85% capacity) per Measure C requirements.

Response to AOC's Notice of Intent
To Adopt A Mitigated Negative Declaration & Initial Study
January 11, 2007

Page 64 – Last Paragraph

The document states that the project would generate, at most, a 30% increase in courthouse traffic, yet the new courthouse's GFA is proposed to be more than triple the existing courthouse.

The courthouse expansion development project is expected to increase the existing courthouse gross floor area by 49,600 sf (73,500 sf – 23,900 sf). ITE's published trip generation rate for Land Use Code 730, Govt. Office Bldg., is 5.88 peak hour trips per 1000 square feet GFA (weekday a.m. peak hour of adjacent street traffic). Using this rate, the courthouse expansion is projected to generate 292 net new peak hour trips (5.88 x 49.6), and a traffic impact study is necessary to meet City and Measure C requirements.

Assuming a 30% increase in trips due to the courthouse expansion is appropriate for analyzing traffic impacts; then, using Table 4.15-2, Traffic Counts of Courthouse Traffic, there would be $211 + 83 = 294$ trips generated in the peak hour of the project, from 8 a.m. to 9 a.m.

Please note that any Traffic Study prepared for the project must follow CCTA protocol and format. Please contact Martin Englemann or Brad Beck at CCTA at 925-407-0121 to obtain more information to ensure that the Traffic Study meets CCTA standards. We look forward to seeing these issues corrected and addressed in any future documents pertaining to this project. If you have any questions or issues that you would like to discuss in regard to the comments above, please contact me at 925-252-4015 or via email at lschmidt@ci.pittsburg.ca.us.

Sincerely,


Leigha Schmidt
Assistant Planner

cc. Melissa Ayres, Planning Director
Paul Reinders, Senior Traffic Engineer
Kerry Lyman, Redevelopment Project Manager

RESPONSES TO COMMENTS

Following are the responses to the City of Pittsburg comment letter received on the Draft Initial Study. In each case, the individual comments in the letter are provided in their entirety prior to providing the response. Some responses include revisions to the text in the Draft Initial Study. In these responses, the text from the Draft Initial Study has been deleted and replaced by the revised text, which is underlined.

1. Comment: Page 9 – Proposed Project – First Paragraph 1

The project site is described as being four acres; however, on Page 34 (paragraph 1), the site is described as a five-acre site. Please confirm and check consistency throughout the document.

The project site is 4.16 acres. The subject sentence on Page 34 has been changed as follows:
The proposed 4-acre site is located in a developed area zoned as a GQ District.

On page 55, the first sentence of Response 4.12(a) has been changed as follows:
The project proposes to construct a new courthouse on a 4-acre site.

2. Comment: Page 9 – Proposed Project – Bullet 1

AOC expects to locate a certain number of parking spaces on parcel 086-010-018, which will be owned by the City of Pittsburg. Please clarify the total number of parking spaces that will be required to meet expected Courthouse parking demand on that parcel considering the total number of on-site and on-street parking spaces along Civic Avenue (mentioned in bullet point no. five on page 68).

Page 9's first bullet now states that the State will transfer only a portion of parcel 86-010-018 to the City of Pittsburg. In addition, text for the fourth bullet on page 18 states that although the AOC intends to construct up to approximately 200 parking spaces for the new courthouse and that the City of Pittsburg will provide additional parking near the new courthouse on City of Pittsburg property so that the sum of the new courthouse's parking spaces and City of Pittsburg's courthouse-dedicated spaces equals 280 parking spaces.

3. Comment: Page 30 & 31 – 4.3.a – Air Quality (Last Paragraph)

This section notes that the new building would total about 20,000 additional square feet above the current facility however, the current facility is estimated at 23,900 square feet (page 5), and the new facility is estimated at 73,500 square feet (page 9) for a total additional gross floor area of 49,600 square feet. This section assumes that the courthouse “overall increase is small” with an “associated small increase in vehicle trips.” The total increase in vehicle trips and associated impacts on air quality should be disclosed in the Initial Study in order to make a determination if the impact is potentially significant or not.

The text on Page 31 incorrectly identifies the increase in square footage. However, the conclusion does not change. The BAAQMD CEQA Guidelines specifies that the project is considered significant if emissions are greater than 80 pounds per day for ROG, NOx, and PM (each). Using the URBEMIS model, emissions from a Government Civic Center was estimated

based on the increase in square footage from 23,900 to 73,500 square feet. The increase in emissions of ROG, NOx, and PM would be less than 9 pounds per day for each pollutant. Therefore, the impact from ROG, NOx, and PM emissions would be less than significant.

The subject sentence on Page 31 has been changed as follows:

As part of the proposed project, the number of court rooms would increase from four to seven, and the new building would have about 50,000 additional square feet.

4. Comment: Page 31 – 4.3b – Air Quality (Last Paragraph)

This section states that additional vehicles and potential congestion could increase local CO concentrations at nearby intersections; however, without citing an Air Quality study or additional findings, the paragraph concludes that “Additional vehicles, however, would not have a significant impact on congestion or delay on nearby roadways. Therefore, any CO concentration increase is anticipated to be less than significant.” Please provide the evidence that led to this conclusion.

The state CO ambient air quality standard is 9.0 ppm for the 8-hour standard and 20 ppm for the 1-hour standard. A nearby monitoring station (583 W. 10th St, Pittsburg) has measured a maximum 8-hour concentration of 2.5 ppm and a maximum 1-hour concentration of 6.2 ppm over the past 3 years. If we treat these concentrations as the representative background concentrations, the proposed project would have to increase 8-hour and 1-hour CO concentrations by 6.5 ppm and 13.8 ppm, respectively, to exceed the state standards.

The BAAQMD CEQA Guidelines provide an example calculation of CO concentration at a fictitious intersection. The intersection has an hour traffic volume of 6,100 vehicles per hour. This results in an increase in 8-hour concentration of 2.2 ppm and increase in 1-hour concentration of 3.1 ppm over background levels. The intersections studied for the proposed project are expected to have peak AM traffic volumes below 5,000 vehicles per hour (existing plus project). If we assume conservatively, however, that the analyzed intersections would generate CO concentrations equal to the example in the BAAQMD CEQA Guidelines, the total predicted CO concentration (background plus project) would be 4.7 ppm for the 8-hour average and 9.3 ppm for the 1-hour average. This is well under the 8-hour and 1-hour state CO ambient air quality standard of 9.0 ppm and 20 ppm, respectively.

5. Comment: Page 44 – 4.7.c. – Hazards and Hazardous Materials (First Paragraph)

Pittsburg High School is located at 250 School Street, approximately 1,100 feet from the proposed site.

The subject sentence on Page 44 has been changed as follows:

Pittsburg High School, located at 250 School Street, is within one-quarter mile of the project site.

6. Comment: Page 47 – 4.8.a – Hydrology and Water Quality (First Paragraph)

As of August 15, 2006, all projects that result in the creation of over 10,000 square feet of impervious surface must show treatment source control measures as set forth in the C.3 Guidebook.

The following sentence has been added to the subject paragraph:

All projects that result in the creation of over 10,000 square feet of impervious surface must show treatment source control measures as set forth in the Stormwater C.3 Guidebook, such as producing a Stormwater Control Plan. The plan must show how drainage from each impervious area is captured and directed to an on-site treatment device. The plan should also outline how the treatment device will be operated and maintained.

The following sentence has been added to the second paragraph in the subject section:

In addition, as the proposed project creates more than 10,000 square feet of impervious surface, it will comply with the source control measures as set forth in the Stormwater C.3 Guidebook.

7. Comment: Section 4.15 Transportation and Traffic – Page 59 – First Paragraph California Avenue should be added to the list of primary roadways serving the courthouse, and bullets should be added for the intersections of California Avenue/SR4 WB off-ramp and California Avenue/Harbor Street. Motorists traveling WB on SR4 must travel on/through these facilities to access the courthouse.

The subject sentence on page 59 has been changed as follows:

Roadways and Intersections: S.R. 4, Railroad Avenue, Power Avenue, California Avenue, and Civic Avenue are the primary roadways serving the courthouse. The major intersections affected by traffic traveling to and from the courthouse are as follows:

- Civic Avenue/Railroad Avenue
- Power Avenue/Railroad Avenue
- Railroad Avenue/ S.R. 4 Freeway Interchange Westbound Ramps
- Railroad Avenue/S.R. 4 Freeway Interchange Eastbound Ramps
- California Avenue/SR4 Westbound Off-Ramp
- California Avenue/Harbor Street

Motorists traveling WB on SR4 must travel on/through these facilities to access the courthouse.

8. Comment: Section 4.15 Transportation and Traffic – Page 63 – Second Paragraph

Incorrectly states that the City’s standard (i.e. threshold) for traffic impact analysis is the same as CCTA’s (100-pk.hr.trips). In fact the City’s General Plan (GP) Policy 3-P-9 requires a “City-lead traffic impact study for all development projects expected to generate more than 50 peak-hour vehicle trips.” However, a General Plan amendment increasing

the standard to more than 100 peak-hour trips, which is consistent with CCTA standards, will be considered by the end of January 2007.

The Initial Study (page 63, third paragraph) states that the City's threshold is currently "50 project trips." However, according to the City's response to this Initial Study, the City is currently considering adopting the threshold of 100 peak hour trips consistent with the Measure C (CCTA) threshold for traffic impact studies. See item # 10.

9. Comment: Section 4.15 Transportation and Traffic – Page 63 – Third Paragraph Incorrectly states that Railroad Ave./ SR 4 ramp intersections have LOS E as the poorest acceptable peak hour operation allowed by Pittsburg General Plan policy (page 7-7) and Measure C. The poorest LOS allowed at these intersections is D or better (< 85% capacity) per Measure C requirements.

The subject sentence on page 63 has been changed as follows:

The City of Pittsburg General Plan includes a policy that requires that signalized intersection LOS standards comply with requirements of Countywide Transportation Measure C, which indicates that LOS D is the poorest acceptable peak hour operation at the Railroad Avenue intersections with S.R. 4 ramps and that midrange LOS D (Traffic Volume/Roadway Capacity is greater than 0.85) is the poorest acceptable operation at signalized intersections along Railroad Avenue.

10. Comment: Section 4.15 Transportation and Traffic – Page 64 – Last Paragraph The document states that the project would generate, at most, a 30% increase in courthouse traffic, yet the new courthouse's GFA is proposed to be more than triple the existing courthouse.

The courthouse expansion development project is expected to increase the existing courthouse gross floor area by 49,600 sf (73,500 sf – 23,900 sf). ITE's published trip generation rate for Land Use Code 730, Govt. Office Bldg., is 5.88 peak hour trips per 1000 square feet GFA (weekday a.m. peak hour of adjacent street traffic). Using this rate, the courthouse expansion is projected to generate 292 net new peak hour trips (5.88 x 49.6), and a traffic impact study is necessary to meet City and Measure C requirements.

Assuming a 30% increase in trips due to the courthouse expansion is appropriate for analyzing traffic impacts; then, using Table 4.15-2, Traffic Counts of Courthouse Traffic, there would be 211 + 83 = 294 trips generated in the peak hour of the project, from 8 a.m. to 9 a.m.

Please note that any Traffic Study prepared for the project must follow CCTA protocol and format.

The City's suggested square-foot- based approach to determining trip generation is found incorrect because:

- (a) The current building is over-crowded and much of the new building's square-footage alleviates the current over-crowding without increasing traffic; and
- (b) Equating a courthouse to a "Government Office Building" is not valid because courthouses contain substantial areas (such as holding cells and separate public/judicial staff/in-custody detainee circulation areas) that do not generate automobile traffic.

The City does not reject the Initial Study's 30% projection; however, it presumes that 30% x 211 trips equals 83 new trips. The 83 new trip result is incorrect; 30% x 211 is only 63 new trips. Both 83 (an incorrect calculation) or 63 (correct calculation) new trips fall below the CCTA's 100 vehicle trip threshold for traffic studies.

The suggested contact with the CCTA has been made, and the most current CCTA Traffic Impact Guidelines (July 19, 2006) have been reviewed. According to these Guidelines, the project would result in generating fewer than 100 peak hour trips, thus, would not be required to prepare a Traffic Impact Study.