

JUDICIAL COUNCIL OF CALIFORNIA
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Report

TO: Members of the Judicial Council

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DATE: May 17, 2005

SUBJECT: Facilities: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for a New Building in Santa Ana, for the Court of Appeal, Fourth Appellate District, Under California Code of Regulations, Title 14, Sections 15025 and 15074 (Action Required)

Issue Statement

In accordance with rule 6.183 of the California Rules of Court, the Office of Court Construction and Management (OCCM) of the Administrative Office of the Courts (AOC) commissioned an initial environmental study of the proposed new building on the civic center site in Santa Ana for the Court of Appeal, Fourth Appellate District, Division Three, in Orange County. Based on the information contained in the initial environmental study (Initial Study)¹ of the proposed development on this site, the environmental consultant recommended adoption of a mitigated negative declaration under the California Environmental Quality Act (CEQA).²

¹ The purposes of the Initial Study are to: (1) identify environmental impacts; (2) provide the lead agency with information to use as the basis for deciding whether to prepare an environmental impact report (EIR) or a negative declaration; (3) enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is required to be prepared; (4) facilitate environmental assessment early in the design of the project; (5) provide documentation of the factual basis for finding in a negative declaration that a project would have no significant environmental effect; (6) eliminate needless EIRs; (7) determine whether a previously prepared EIR could be used for the project; and (8) assist in the preparation of an EIR, if required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant.

² A mitigated negative declaration under CEQA is a written statement by the lead agency briefly stating why a project will have no significant effect on the environment and stating that the project's adverse effects have been mitigated by measures incorporated into the project.

Although there is some ambiguity about whether CEQA applies to the judicial branch and the Judicial Council, the council must comply with the California Public Works Board's procedures for property acquisitions, and these procedures require CEQA compliance.³ Under Government Code section 69204, the Judicial Council has the full responsibility and authority of an owner with respect to appellate court facilities, including acquisition and development of such facilities. Accordingly, it is appropriate that the Judicial Council act as the lead agency under CEQA regulations for obtaining CEQA compliance.

Under those regulations, a lead agency's decision-making body must make the final decision whether to deny or approve a mitigated negative declaration. The decision-making body may delegate the duties of conducting the initial study, making the initial determination of whether to prepare a negative declaration, and preparing a negative declaration, but it may not delegate responsibility for reviewing and considering the final negative declaration. Therefore, the Judicial Council itself must consider adopting the mitigated negative declaration and making the required findings. (Cal. Code Regs., tit. 14, §§ 15025, 15074.)

Background

The approximately 2-acre project site is located on the north side of West Santa Ana Boulevard, immediately south of Santa Ana City Hall at 23 Civic Center Plaza. The Judicial Council of California proposes to construct a new Court of Appeal, Fourth Appellate District, Division Three in the City of Santa Ana. The proposed project would be developed in one phase. At build-out, the development would result in the construction of one, three-level building, totaling 55,000 square feet, with a maximum height of approximately 54 feet. Approximately 80 staff members will be at the new courthouse. The project site also includes a three-level parking structure that includes 300 parking spaces. However, this structure will be built as a separate action before the construction of the proposed project. Although the parking structure is not part of the proposed project, approximately 70 parking spaces would be allocated for courthouse staff. The proposed new courthouse would operate between the hours of 8 a.m. and 4 p.m. Monday through Friday, and would be closed on weekends.

Recommendation

In accordance with rule 6.183(b)(1) of the California Rules of Court, the OCCM staff recommends that the Judicial Council, effective immediately, approve the attached resolution adopting a mitigated negative declaration and mitigation monitoring and reporting plan for the Court of Appeal, Fourth Appellate District, Division Three, in Orange County.

³ Government Code section 69202 subjects Judicial Council facility acquisitions to the California Property Acquisition Law (Gov. Code, § 15850 et seq.), which in turn requires that acquisitions of real property by the state be approved by the Public Works Board (Gov. Code, § 15853(c)). Although the CEQA regulations appear to exclude the court and the judicial branch from CEQA coverage (Cal. Code Regs., tit. 14, §§ 15379, 15383), the Public Works Board requires CEQA compliance before it will approve acceptance of title to newly acquired real property by the state.

Rationale for Recommendation

OCCM commissioned a professional environmental consultant in June 2004 to prepare an Initial Study, including a traffic analysis of the project on this site. The study was completed in October 2004. The Initial Study, dated October 26, 2004, was submitted for public comment under CEQA regulations. The comments, and responses to them, were incorporated into the Initial Study. Mitigation measures with a monitoring and reporting program were also prepared and incorporated into the Initial Study.

The Initial Study determined that the project would not have a significant impact on the environment with the inclusion of mitigation measures, and a Mitigated Negative Declaration has been prepared in accordance with section 15070 of the State of California Environmental Quality Act (CEQA) Guidelines. In support of the findings, a Traffic Impact Analysis, Air Quality Impact modeling, Phase 1 Environmental Site Assessment, and traffic noise modeling were conducted and included as appendices to the Initial Study. The Initial Study also analyzed each of the environmental issue areas as required by the CEQA Guidelines. Issues that were determined to be significant unless mitigated included: Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, and Utilities and Service Systems. Mitigation measures contained within the Mitigation Monitoring and Reporting Program have been determined to reduce these impacts to a less than significant level.

The OCCM staff has reviewed the Initial Study, the public comments, and the proposed mitigation measures; staff considers and has determined that the proposed mitigation measures are normal and customary, and consistent with the proposed project development.

On April 15, 2005, the Judicial Council approved the selection of the Santa Ana Civic Center site for the new Court of Appeal building. The council directed staff to complete the property acquisition agreement. Adoption of the mitigated negative declaration is one of the necessary actions to complete acquisition of the property.

Under the CEQA regulations, the Judicial Council must review and consider the entire environmental document that is contained in the attached exhibits B, C, and D. Attached are the following reference materials:

- Exhibit A is the Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program.
- Exhibit B is the Initial Study/Mitigated Negative Declaration for the Court of Appeal, Fourth Appellate District, Division Three, Replacement Project, prepared by RBF Consulting, dated October 26, 2004. Included is a CD containing the appendixes to the Initial Study.

- Exhibit C consists of the public comments received during the public comment period, together with responses to each comment.
- Exhibit D is the Mitigation Monitoring Program, and the Mitigation Monitoring and Reporting Checklist.

Alternative Actions Considered

An alternative action would be to find that the new Court of Appeal building on the site in the Santa Ana Civic Center may have a significant effect on the environment and that an Environmental Impact Report is required.

Comments From Interested Parties

In accordance with CEQA regulations, the Initial Study was submitted for public review and comment between October 26, 2004, and November 24, 2004. Notices were published in the local newspaper, on-site, and at the County Clerk. Additionally, adjacent property owners and surrounding cities were notified. Comments were received from the Governor's Office of Planning and Research, California Department of Transportation, the City of Fullerton, and the City of Santa Ana. Aside from minor clarifications to the Project Description, the majority of the comments dealt with clarifying the implementation action and party responsible for the mitigation measures and clarifying the scope of the Traffic Impact Analysis methodology. During the scope of the responses, no new impacts were identified that would warrant recirculation of the Initial Study/Mitigated Negative Declaration.

Public comments and responses are contained in attached Exhibit C.

Implementation Requirements and Costs

The mitigation measures described in the Initial Study and incorporated into the mitigation monitoring program are typical for the development of buildings on similar sites in California; the cost of the mitigation measures would be consistent with the project budget.

In accordance with CEQA regulations, the resolution adopting the mitigated negative declaration and mitigation monitoring program, as well as the notice of determination, will be filed with the appropriate state agency. Filing of the notice of determination triggers the 30-day statute of limitations during which a lawsuit challenging the project for failure to comply with CEQA must be filed.

Evidence that the 30-day limitations period has elapsed without filing of a CEQA lawsuit must be presented to staff of the State Public Works Board (SPWB) by July 20, 2005, before the SPWB considers and approves the property purchase agreement at its August 12, 2005, meeting. The SPWB will then purchase and hold title to the property for the benefit of the Judicial Council.

Exhibits

EXHIBIT A

JUDICIAL COUNCIL OF CALIFORNIA

RESOLUTION AUTHORIZING ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION THREE, REPLACEMENT PROJECT

WHEREAS the Judicial Council of California (“Judicial Council”) proposes to construct a new Appellate Courthouse for the Court of Appeal, Fourth Appellate District, Division Three, in the City of Santa Ana (“Project”);

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

WHEREAS the Judicial Council retained RBF Consulting to prepare an initial study for the Project (“Initial Study”) to ascertain whether the Project may have significant effects on the environment;

WHEREAS, on the basis of the Initial Study that indicated that the Project, with mitigation measures, would have no significant impacts, Judicial Council staff determined that a Mitigated Negative Declaration should be prepared for the Project;

WHEREAS the scope of the Project is further described in the Final Mitigated Negative Declaration, a copy of which is attached hereto as Attachment “A” and incorporated herein;

WHEREAS the Judicial Council, as 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 Initial Study/Mitigated Negative Declaration;

WHEREAS the Judicial Council has carefully reviewed the Final Mitigated Negative Declaration for the Project, the Initial Study/Mitigated Negative Declaration, comments from the public and interested agencies, and all other relevant information contained in the record for the Project, as well as the Mitigation Monitoring Program for the Project (a copy of which is attached hereto as Attachment “B” and incorporated herein); and

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

NOW, 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. The Judicial Council makes the following specific findings with respect to the Final Mitigated Negative Declaration:

a. that the Final Mitigated Negative Declaration 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 has been completed 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 have been added to the Project;

d. that there is no substantial evidence in the record supporting a fair argument that the Project may result in significant impacts to the environment;

e. that the Final Mitigated Negative Declaration reflects the independent judgment of the Judicial Council;

f. that additional mitigated measures added (“Additional Mitigation Measures”) to the Final Mitigated Negative Declaration subsequent to the circulation of the Initial Study/Mitigated Negative Declaration either are minor changes to the Project or do not result in a fundamental reorganization of the Mitigated Negative Declaration; that the purpose of the Additional Mitigation Measures is to reduce effects on the environment previously identified in the Initial Study/Mitigated Negative Declaration as insignificant; and that the Additional Mitigation Measures lack the potential to have a significant impact on the environment; and

g. that any Additional Mitigation Measures that have been changed or substituted after the circulation of the Initial Study/Mitigated Negative Declaration are equivalent to or more effective in mitigating the environmental impacts than the prior proposed mitigation measures, and that the change or substitution of such mitigation measures will not themselves 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 as follows:

Lynne Rodrian, Senior Environmental Planner
Department of General Services
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Sacramento, CA 95605

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, or cause to be filed, 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 24th of June, 2005.

William C. Vickrey, Secretary
Judicial Council of California

FINAL MITIGATED NEGATIVE DECLARATION

Project Name. Court of Appeal, Fourth Appellate District, Division Three Replacement Project.

Project Location. The approximately 2-acre project site is located on the north side of West Santa Ana Boulevard, immediately south of Santa Ana City Hall, at 23 Civic Center Plaza, in the City of Santa Ana, County of Orange. The site is approximately two miles south of the Garden Grove Freeway (State Route 22) and approximately two miles west of the Golden State Freeway (Interstate 5).

Project Description. The project applicant, Judicial Council of California, proposes to construct a new Court of Appeal, Fourth Appellate District, Division Three, in the City of Santa Ana. The proposed project would be developed in one phase, and would consist of one, three-level building, totaling 55,000 square feet with a maximum height of approximately 54 feet. Approximately 80 staff members will work at the new Appellate Courthouse. Adjacent to the project site is a three-level parking structure that includes 300 parking spaces; this structure will be built as a separate action prior to the construction of the proposed project. Although the parking structure is not part of the proposed project, approximately 70 parking spaces in the parking structure would be allocated for Appellate Courthouse staff. The proposed new Appellate Courthouse would operate between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday.

Findings. The Council hereby determines that, based on the information contained in the attached Initial Study/Mitigated Negative Declaration, the project would have no significant adverse effect on the environment.

Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the attached Initial Study/Mitigated Negative Declaration, which is hereby incorporated in and fully made part of this Final Mitigated Negative Declaration. The Judicial Council has agreed to implement each of the identified mitigation measures, which will be adopted as part of the Mitigation Monitoring Program.

Date: _____

JUDICIAL COUNCIL OF CALIFORNIA

By: _____

Name: _____

Its: _____

Exhibit B

Initial Study/Mitigated Negative Declaration

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**Court of Appeal, Fourth Appellate District,
Division Three Replacement Project**

LEAD AGENCY:

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October 26, 2004

JN 10-103787

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LIST OF ACRONYMS

AAQS	Ambient Air Quality Standards
ACOE	U.S. Army Corps of Engineers
ADA	Americans with Disabilities Act
AQMP	Air Quality Management Plan
ASTM	American Society for Testing and Materials
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
CAAQS	California Ambient Air Quality Standards
CADD	Computer-Aided Design and Drafting
Cal-EPA	California Environmental Protection Agency
Cal-OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CRHR	California Register of Historical Resources
CWA	Clean Water Act
DAMP	Drainage Area Management Plan
dB	Decibel
dBA	A-Weighted Decibel
DFG	California Department of Fish and Game
DO	Dissolved Oxygen
DTSC	Department of Toxic Substances
EDR	Environmental Data Resources
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
FCAA	Federal Clean Air Act
FHWA	Federal Highway Administration
GC	Government Center
GMP	Growth Management Plan
gpd	Gallons per day
gpm	Gallons per minute
gsf	Gross square feet
IS	Initial Study
ITE	Institute of Transportation Engineers
Ldn	Day-Night Noise Level
Leq	Equivalent Sound Level
LIP	Local Implementation Plan
LOS	Level of Service
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NB	Northbound
NEPA	National Environmental Policy Act
NO ₂	Nitrogen dioxide
NOP	Notice of Preparation

NO _x	Oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPS	Non-Point Source
NRHP	National Register of Historic Places
OCFA	Orange County Fire Authority
OCWD	Orange County Water District
O ₃	Ozone
PA	Planning Area
Pb	Lead
PCBs	Polychlorinated biphenyls
PGA	Peak ground acceleration
pH	Hydrogen ion concentration
PM ₁₀	Particulate matter less than 10 microns in diameter
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
ppm	Parts per million
ppt	Parts per thousand
RCPG	Regional Comprehensive Plan and Guide
RCRA	Resource Conservation and Recovery Act
RMP	Regional Mobility Program
ROC	Reactive organic compounds
ROG	Reactive organic gas(es)
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCP	Source Control Program
s.f.	Square feet
SIP	State Implementation Plan
SO ₂	Sulfur dioxide
SO _x	Sulfur oxide
SR	State Route
SRA	Source/receptor areas
SUSMP	Standard Urban Storm Water Mitigation Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
V/C	Volume-to-capacity
VOC	Volatile organic compound(s)
WQMP	Water Quality Management Plan



1.0 INTRODUCTION

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the Judicial Council of California, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration for that project. Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Section 21080(c), Public Resources Code).

The environmental documentation, which is ultimately approved and/or certified by the Judicial Council of California in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

The environmental documentation and supporting analysis is subject to a public review period. During this review, public agency comments on the document relative to environmental issues should be addressed to the Judicial Council of California. Following review of any comments received, the Judicial Council of California will consider these comments as a part of the project's environmental review and include them with the Initial Study documentation for consideration by the Judicial Council of California.

1.2 PURPOSE

The purposes of the Initial Study are to: (1) identify environmental impacts; (2) provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration; (3) enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is required to be prepared; (4) facilitate environmental assessment early in the design of the project; (5) provide documentation of the factual basis for the finding in a Negative Declaration that a project would not have a significant environmental effect; (6) eliminate needless EIRs; (7) determine whether a previously prepared EIR could be used for the project; and (8) assist in the preparation of an EIR, if required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant.

Section 15063 of the State CEQA Guidelines identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include: (1) a description of the project, including the location of the project; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries; (4) a discussion of ways to mitigate significant effects identified, if any; (5) an examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and (6) the name of the person or persons who prepared or participated in the preparation of the Initial Study.



1.3 INCORPORATION BY REFERENCE

Pertinent documents relating to this Initial Study/Mitigated Negative Declaration have been cited and incorporated, in accordance with Sections 15148 and 15150 of the State CEQA Guidelines, to eliminate the need for inclusion of voluminous engineering and technical reports within the Initial Study. Of particular relevance are those previous EIRs that present information regarding descriptions of environmental settings, future development-related growth and cumulative impacts. This Initial Study/ Mitigated Negative Declaration has incorporated by reference the *City of Santa Ana General Plan, One Broadway Plaza Draft EIR, and Santa Ana General Plan EIR*. These document were utilized throughout this Initial Study/Mitigated Negative Declaration and are available for review at the City of Santa Ana.

Santa Ana General Plan

The City of Santa Ana last updated its General Plan in 1982. However, various elements of the general plan were most recently updated in 1998, which included: land use; circulation; economic development, and urban design. Other elements of the general plan that were also updated include: airport environs in 1987, education in 1988, growth management in 1991, and housing in 2000. The General Plan is intended to be a guide for the City's future growth and each element in the Plan addresses the City's philosophy and approach toward different components of City development. The General Plan focuses on conservation, maintenance, and rehabilitation of existing properties while maintaining sensitivity to new development and redevelopment opportunities since the City of Santa Ana is almost fully developed.

- Goal LU-1 of the Land Use Element states that the City should "Promote a balance of land uses to address basic community needs."
- Goal LU-2 of the Land Use Element states that the City should "Promote land uses which enhance the City's economic and fiscal viability."
- Goal LU-3 of the Land Use Element states that the City should "Preserve and improve the character and integrity of neighborhoods."
- Goal LU-4 of the Land Use Element states that the City should "Protect and enhance development sites and districts which are unique community assets that enhance the quality of life."
- Goal LU-5 of the Land Use Element states that the City should "Ensure that the impacts of development are mitigated."
- Goal LU-6 of the Land Use Element further states that the City should "Reduce residential overcrowding to promote public health and safety."



2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

Regionally, the project site is located in the City of Santa Ana County of Orange. The site is approximately two miles south of the Garden Grove Freeway (State Route 22) and approximately two miles west of the Golden State Freeway (Interstate 5). Refer to Exhibit 1, *Regional Vicinity*. Locally, the approximately 2-acre project site is located on the north side of West Santa Ana Boulevard, immediately south of Santa Ana City Hall at 23 Civic Center Plaza. Refer to Exhibit 2, *Local Vicinity*.

2.2 ENVIRONMENTAL SETTING

2.2.1 Existing Land Uses

The project site is approximately 2-acres and is developed with a surface parking lot with 230 parking spaces and one structure that the Santa Ana Winds Marching Band occupies as a storage facility (refer to Exhibit 3a, *On-Site Photographs*). The structure was formerly occupied by the Orange County Juvenile Detention Center annex until June 2002. The existing surface parking lot, which is located at the eastern side of the property, will be demolished as part of a separate action.

2.2.2 Surrounding Land Uses

The project site is bounded by the uses identified in the following paragraphs. The project site is located within the boundaries of the Downtown Redevelopment Plan, and the Enterprise Zone as defined in the Santa Ana General Plan Land Use Element (refer to Exhibit 3b, *Off-Site Photographs*).

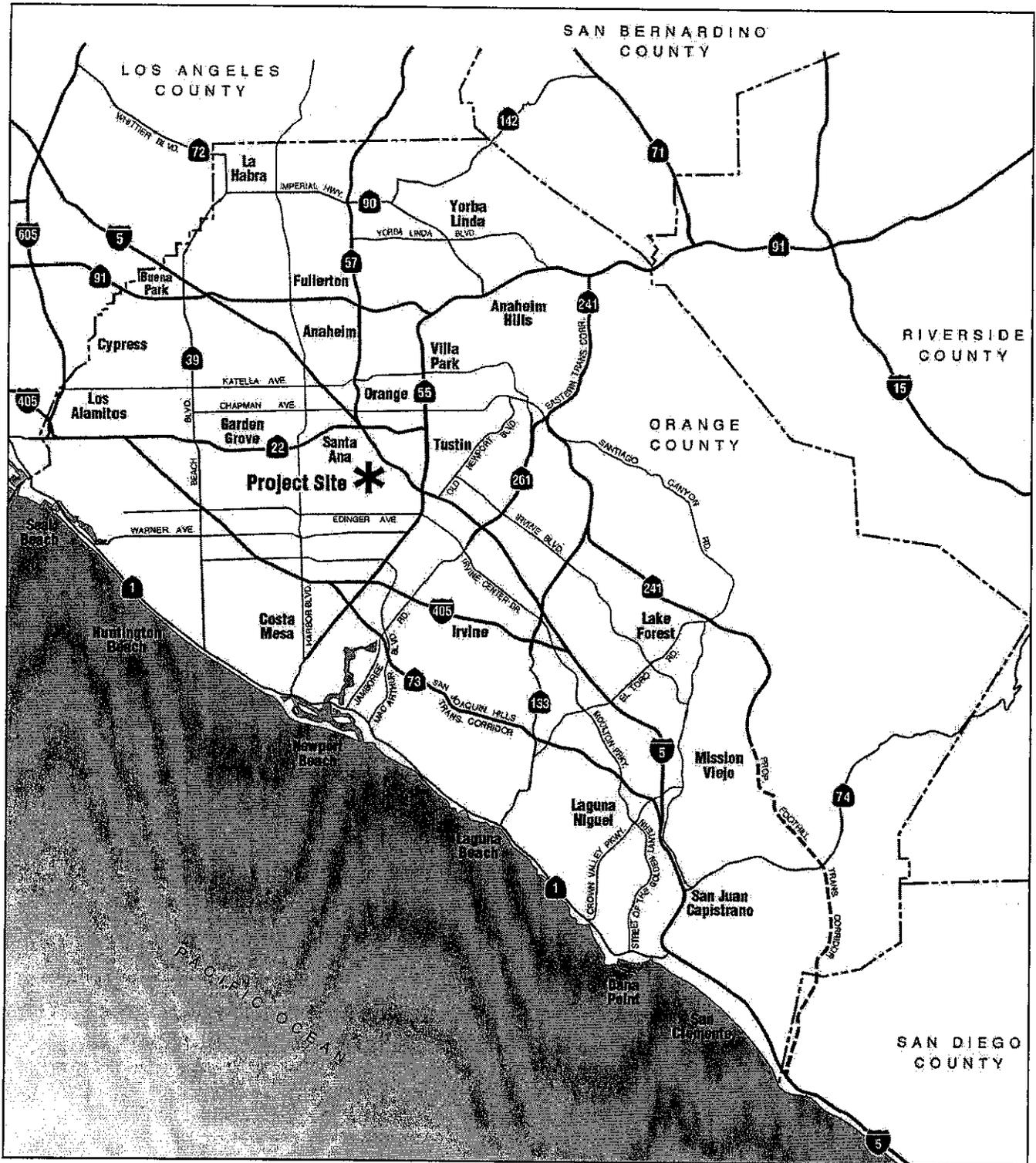
- *North:* Santa Ana City Hall is located northwest of the project site, while the Ross Annex is located directly north.
- *South:* Sasser Park, Angels Community Park and Birch Park are located south of the project site, across West Santa Ana Boulevard.
- *East:* The Orange County Transportation Authority's (OCTA) Santa Ana Transit Center.
- *West:* The City of Santa Ana, as part of a separate action, is proposing a three level parking structure with approximately 406 parking spaces on the western side of the property. The parking structure is scheduled for completion prior to construction of the Appellate Courthouse.

2.3 EXISTING ZONING AND GENERAL PLAN

The General Plan Land Use Policy Map designates the project site as Institutional, while the zoning on the site is Government Center (GC).

2.4 PROJECT BACKGROUND

The Court of Appeal, Fourth Appellate District, Division Three (Appellate Courthouse) is currently located at 925 North Spurgeon Street and additional Appellate Courthouse uses are located at 500 West Santa Ana Boulevard, in the City of Santa Ana. The need to consolidate the Appellate Courthouse for larger, more adequate facilities has prompted the need for a new Appellate Courthouse at 230 Civic Center Plaza. Approximately 80 total staff members are employed with the Court of Appeal, Fourth Appellate District, Division Three.



Not to Scale

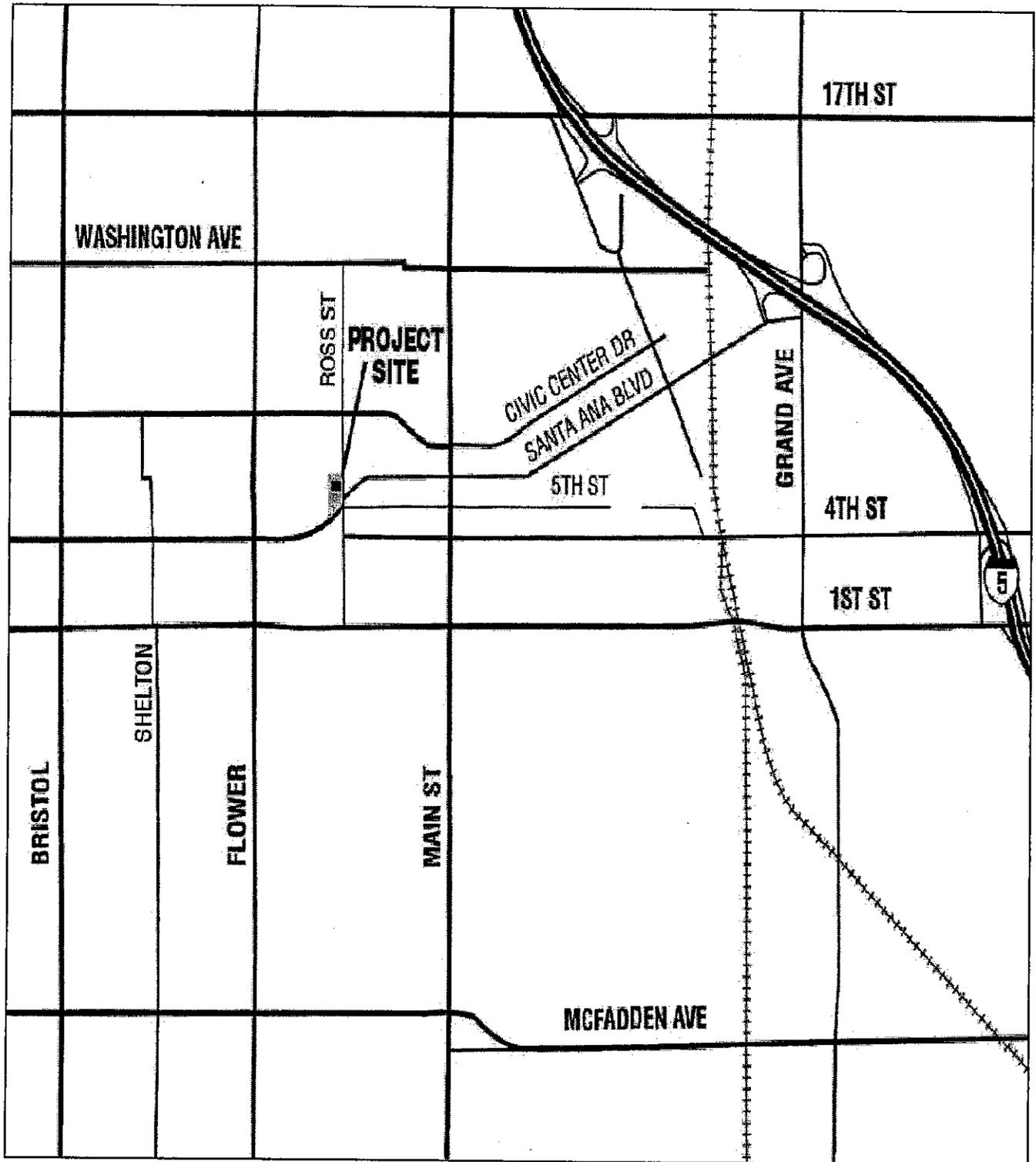
RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

10/04

JN 10-103787

COURT OF APPEAL, 4TH APPELLATE DISTRICT
DIVISION THREE REPLACEMENT PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Regional Location



Not to Scale

RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

10/04

JN 10-103787

COURT OF APPEAL, 4TH APPELLATE DISTRICT
DIVISION THREE REPLACEMENT PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Local Vicinity

Exhibit 2



Exhibit 3a, On-Site Photographs



Exhibit 3b, Off-Site Photographs



The new Appellate Courthouse would relocate to the project site, which was formerly occupied by the Orange County Juvenile Detention Center annex at 23 Civic Center Plaza. The Orange County Juvenile Detention Center relocated to 501 The City Drive in the City of Orange in June 2002. Currently, the Santa Ana Winds Marching Band occupies the former Orange County Juvenile Detention Center as a Storage Facility.

2.5 PROJECT OBJECTIVES

The project applicant, the Judicial Council of California, is seeking to construct a new courthouse in the City of Santa Ana. The project site is less than one mile from the Appellate Courthouse's current sites, has good access and visibility from a major arterial (Santa Ana Boulevard), and has available infrastructure to the site. The site's approximately 2 acres are large enough to accommodate both present and anticipated future needs of the Court system, including sufficient on-site parking.

The project site is located to serve the County of Orange residents as a State level court system. The new facility is intended to continually implement the State of California Judicial Branch program and law. The design of the proposed project would blend with the environmental of the community and the site, while reflecting an identity unique to the purpose of a government facility.

2.6 PROJECT CHARACTERISTICS

The project applicant, Judicial Council of California, proposes to construct a new Court of Appeal, Fourth Appellate District, Division Three in the City of Santa Ana. The proposed project is located on an approximately 2-acre site on the north side of West Santa Ana Boulevard, immediately south of Santa Ana City Hall at 23 Civic Center Plaza. The existing 26,686 square foot Appellate Courthouse facility is located at 925 North Spurgeon Street. Additionally, there is an 8,063 square foot Appellate Courthouse conference facility at 500 West Santa Ana Boulevard in the City of Santa Ana. Both of these existing facilities are less than one mile from the project site. Thus, the need to consolidate the Appellate Courthouse for larger, more adequate facilities has prompted the construction of a new Appellate Courthouse.

The proposed project would be developed in one phase. At build-out, the development would result in the construction of one, three level building, totaling 55,000 square feet with a maximum height of approximately 54 feet (refer to Exhibit 4, *Site Plan*). Approximately 80 staff members will be at the new Appellate Courthouse. The project site also includes a three level parking structure that includes 406 parking spaces. However, this structure will be built as a separate action prior to the construction of the proposed project.¹ Although the parking structure is not part of the proposed project, approximately 100 parking spaces would be allocated for the Appellate Courthouse staff. The proposed new Appellate Courthouse would operate between the hours of 8:00 AM to 4:00 PM Monday through Friday, and closed during weekends.

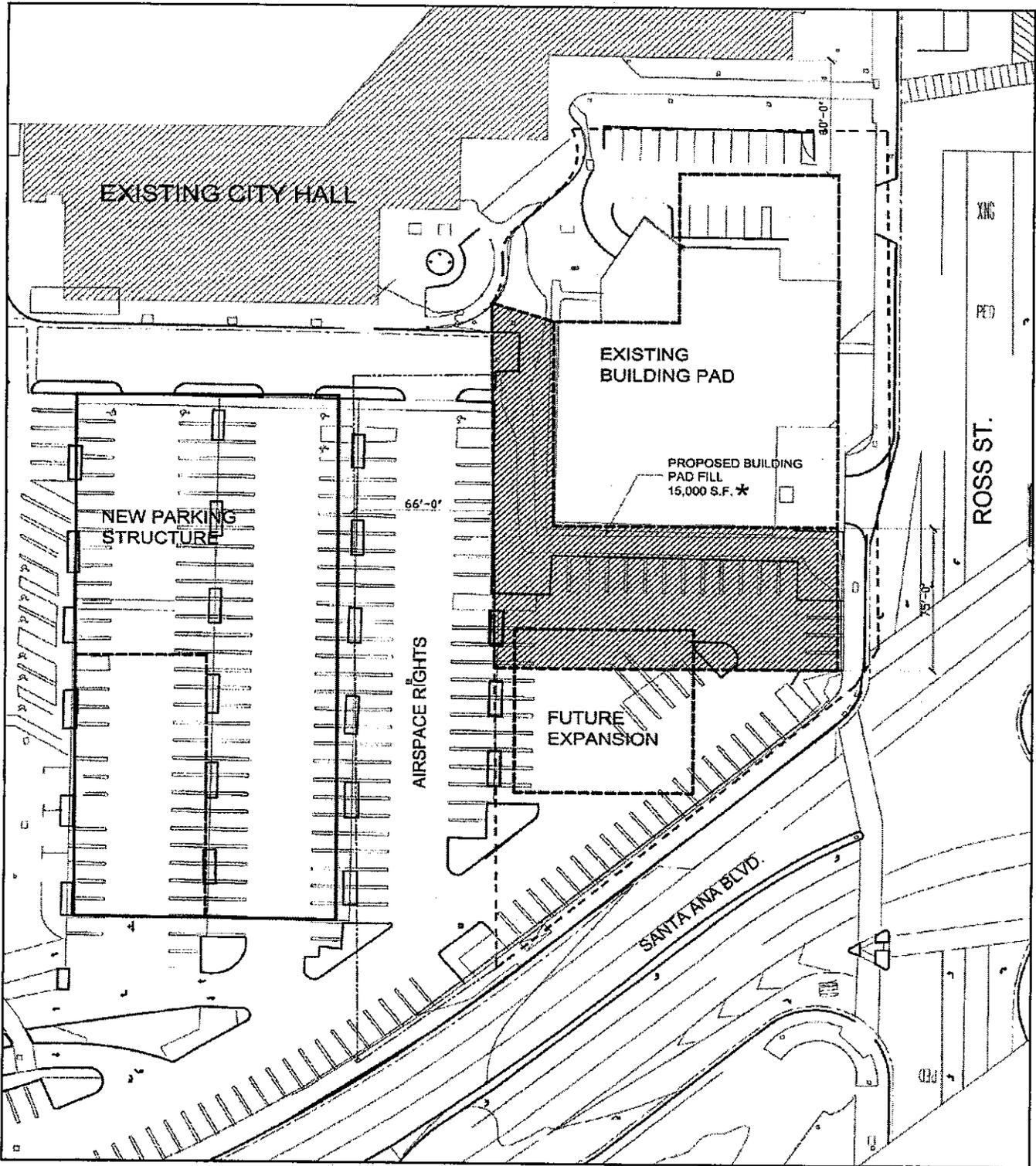
2.7 PHASING

The proposed project would be developed in one phase over an approximately eighteen-month period. Construction is to commence during the 1st quarter of 2006 and is anticipated to be complete during the 3rd quarter of 2007. The parking structure, as part of a separate action, would be completed prior to construction of the proposed project.

2.8 PROJECT APPROVALS

The General Plan Land Use Map designates the site as Institutional, while zoning is Government Center (GC). Therefore, the Appellate Courthouse use is permitted since the project is consistent with the surrounding land uses and their land use designations.

¹ The City of Santa Ana prepared a Mitigated Negative Declaration (State Clearinghouse # 2002051091) on May 13, 2002 to address impacts associated with the construction of the parking structure and demolition of the existing Orange County Juvenile Detention Center. Per an agreement between the City and the Judicial Council of California, approximately 100 parking spaces would be reserved for the Appellate Court.



Source: Carrier Johnson Architects, August 2004.

*Note: The placing of engineered fill is part of a separate action/parking structure development by the City of Santa Ana. It should be noted that the placement of fill material has not been finalized by the City.



Not to Scale

RBF CONSULTING
 PLANNING ■ DESIGN ■ CONSTRUCTION
 10/04 JN 10-103787

COURT OF APPEAL, 4TH APPELLATE DISTRICT
 DIVISION THREE REPLACEMENT PROJECT
 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Site Plan



3.0 INITIAL STUDY CHECKLIST

3.1 BACKGROUND

1.	Project Title: Court of Appeal, Fourth Appellate District, Division Three Replacement Project
2.	Lead Agency Name and Address: Judicial Council of California Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, Ca 94102 Contact: Mr. Clifford Ham, Senior Project Manager 415-865-7550
3.	Contact Person and Phone Number: State of California Real Estate Services Division Professional Services Branch 707 Third Street, 3 rd Floor West Sacramento, Ca 95606 Contact: Ms. Lynne Rodrian, Senior Environmental Planner 916-376-1609
4.	Project Location: The project site is located south of Santa Ana City Hall at 23 Civic Center Drive.
5.	Project Sponsor's Name and Address: Judicial Council of California Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, Ca 94102
6.	General Plan Designation: Institutional
7.	Zoning: Government Center (GC)
8.	Description of the Project: (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary support or off-site features necessary for its implementation.) Refer to Section 2.6, <i>Project Characteristics</i> .
9.	Surrounding Land Uses and Setting: The site is bounded by the following uses: <i>North:</i> Santa Ana City Hall is located northwest of the project site, while the Ross Annex is located directly north. <i>South:</i> Sasscer Park, Angels Community Park and Birch Park are located south of the project site, across West Santa Ana Boulevard. <i>East:</i> The Orange County Transportation Authority's (OCTA) Santa Ana Transit Center. <i>West:</i> The City of Santa Ana, as part of a separate action, is proposing a three level parking structure on the western side of the property. This structure, which is proposed as a 406-space facility, is scheduled for completion prior to construction of the Appellate Courthouse.
10.	Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement). None needed at this time.



3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Impact Unless Mitigated," as indicated by the checklist on the following pages.

	Aesthetics		Land Use and Planning
	Agriculture Resources		Mineral Resources
✓	Air Quality	✓	Noise
	Biological Resources		Population and Housing
✓	Cultural Resources	✓	Public Services
✓	Geology and Soils		Recreation
✓	Hazards & Hazardous Materials		Transportation/Traffic
✓	Hydrology & Water Quality	✓	Utilities & Service Systems
	Mandatory Findings of Significance		

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the CEQA Guidelines and used by the City of Santa Ana in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- **Potentially Significant Impact Unless Mitigated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.



- **Potentially Significant Impact.** The development will have impacts, which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.





	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
1. AESTHETICS. <i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?				✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE RESOURCES. <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓
3. AIR QUALITY. <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?		✓		
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓		
d. Expose sensitive receptors to substantial pollutant concentrations?		✓		
e. Create objectionable odors affecting a substantial number of people?			✓	
4. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native				✓



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
5. CULTURAL RESOURCES. <i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		✓		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d. Disturb any human remains, including those interred outside of formal cemeteries?		✓		
6. GEOLOGY AND SOILS. <i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?		✓		
3) Seismic-related ground failure, including liquefaction?		✓		
4) Landslides?				✓
b. Result in substantial soil erosion or the loss of topsoil?		✓		
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		✓		
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		✓		
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
7. HAZARDS AND HAZARDOUS MATERIALS: <i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		✓		
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓		



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	
8. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?		✓		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f. Otherwise substantially degrade water quality?		✓		
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
j. Inundation by seiche, tsunami, or mudflow?				✓
9. LAND USE AND PLANNING. <i>Would the project:</i>				
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
10. MINERAL RESOURCES. <i>Would the project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓
11. NOISE. <i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
12. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
13. PUBLIC SERVICES.				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to				



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?		✓		
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?			✓	
14. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	
15. TRANSPORTATION/TRAFFIC. <i>Would the project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			✓	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			✓	
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e. Result in inadequate emergency access?			✓	
f. Result in inadequate parking capacity?			✓	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	
16. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		✓		
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing			✓	



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
commitments?				
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓	
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	



4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in Section 3.0, *Initial Study Checklist*. Explanations are provided for each item.

For purposes of the environmental analysis in this section of the Initial Study/Mitigated Negative Declaration, a worst-case scenario for the new Appellate Courthouse project was assumed. The worst-case scenario is defined as full buildout, which includes the parking spaces from the separate project as well as the proposed project, which would result in one building (totaling approximately 55,000 square feet) and 100 parking spaces.

4.1 AESTHETICS. *Would the proposal:*

a) *Have a substantial adverse effect on a scenic vista?*

No Impact. The project site is not located within or in proximity to a scenic vista. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact. The project site is not located along a scenic highway and no scenic resources exist on-site. Thus, no impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Less Than Significant Impact. The proposed project is a three level building with a maximum height of approximately 54 feet. The proposed Appellate Courthouse would be compatible with the institutional and government uses located in the immediate vicinity as well as former governmental uses at the project site.

Short-term aesthetic nuisances associated with construction activities of the proposed project may exist. Exposed surfaces, construction debris, equipment and truck traffic may temporarily impact views adjacent to the site. These short-term impacts would cease upon project completion, and therefore are not considered significant.

Long-term implementation of the proposed project would alter existing views onto the site; however, the change in visual character is not anticipated to be significant given that the adjacent sites are presently developed with multi level buildings. Furthermore, project design would conform to all applicable development standards of the Santa Ana Zoning Ordinance. No additional impacts to the visual character of the site or the surrounding area are anticipated given the built out nature of the surrounding area.

Mitigation Measures: No mitigation measures are required.



- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

Less Than Significant Impact. Light spill is typically defined as unwanted illumination from light fixtures on adjacent areas. The use of shields along with a landscape buffer would contribute to the elimination of light spill. Development of the proposed Appellate Courthouse would create limited light sources such as: building exterior and interior lighting as well as security lighting. The site and structure would be lit through the evening and early morning hours. Surrounding land uses that generate light include institutional/government uses to the west, east, north and south. There are no residences or commercial uses within the project vicinity. Due to existing development on the project site, light sources already exist and the proposed Appellate Courthouse would not contribute to the addition of significant light sources. Therefore, no new sources of substantial light or glare would adversely affect day or nighttime views in the area.

Mitigation Measures: No mitigation measures are required.

4.2 AGRICULTURE RESOURCES. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:*

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No Impact. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Furthermore, the project site is developed as a surface parking lot and one structure, formerly occupied by the Orange County Juvenile Detention Center annex. Thus, project implementation would not result in the conversion of farmland to non-agricultural uses. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. The project site is designated as Institutional in the Santa Ana General Plan and zoned Government Center (GC). The GC zoning is not a zoning designation for agricultural uses in the City. In addition, the project site is not in a Williamson Act Contract. Thus, implementation of the proposed project would not result in any conflicts with existing zoning for agricultural use or with any Williamson Act contracts. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- c) *Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

No Impact. As previously stated, the subject site is not used for agricultural use or production. Agricultural operations do not occur within the immediate vicinity. Thus, implementation of the proposed project would not result in changes to the environment that would result in the conversion or loss of farmland to a non-agricultural use. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.



4.3 AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

Potentially Significant Impact Unless Mitigated. A potentially significant impact to air quality would occur if the project would conflict with or obstruct the implementation of the applicable air quality plan. Although the project would represent an incremental negative impact to air quality in the South Coast Air Basin (SCAB), of primary concern is that project-related impacts have been properly anticipated in the regional air quality planning process and reduced whenever feasible. Therefore, it is necessary to assess the proposed project's consistency with the South Coast Air Quality Management Plan (AQMP).

According to the SCAQMD's *CEQA Handbook* (SCAQMD, updated November 1993), the purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus if it would interfere with the region's ability to comply with Federal and State Ambient Air Quality Standards (AAQS). If the project is inconsistent, local governments need to consider project modifications or inclusion of mitigation to eliminate the inconsistency. It is important to note that even if a project is found consistent, it could still have a significant impact on air quality under CEQA. Growth assumptions within the AQMP are based the growth assumptions and land use designations included within local general plans. Therefore, consistency with the AQMP is analyzed in regards to the project's consistency with the local general plan.

The project site is zoned Institutional, which identifies properties to be developed with public uses other than street rights-of-way, such as civic centers and government facilities. Therefore, the proposed project is consistent with the City of Santa Ana General Plan and thus, the proposed project is consistent with the AQMP. No significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

Potentially Significant Impact Unless Mitigated.

CONSTRUCTION IMPACTS

Equipment Exhausts and Related Construction Activities

Construction activities produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, asphalt paving and motor vehicles transporting the construction crew. Exhaust emissions from construction activities envisioned on-site would vary daily as construction activity levels change. The use of construction equipment on-site would result in localized exhaust emissions. Demolition activities involving the existing Orange County Juvenile Hall Annex have been previously analyzed and determined to be less than significant².

It is anticipated that grading of the building pad and site would take approximately two months. Equipment required includes one excavator, two off-highway trucks, one scraper, and one signal board, as shown in Table 4-1, *Total Daily Construction Emissions*. In addition, it is assumed there would be 30 workers working on the site, each traveling a 50-mile roundtrip to the site.

² City of Santa Ana, *Civic Center Parking Structure Negative Declaration* (SCH # 2002051091), May 13, 2002.



**Table 4-1
TOTAL DAILY CONSTRUCTION EMISSIONS**

Emission Source	Pollutant (lbs/day) ¹			
	ROG	NO _x	CO	PM ₁₀
Unmitigated Construction Emissions	14.51	94.44	120.91	8.96
Mitigated Construction Emissions ²	14.51	94.44	120.91	6.42
SCAQMD Threshold	75	100	550	150
Is Threshold Exceeded?	No	No	No	No
Notes:				
ROG = Reactive Organic Gasses NO _x = Nitrogen Oxides CO = Carbon Monoxide PM ₁₀ = Particulate Matter				
1 - Emissions calculated using the URBEMIS2002 Computer Model as recommended by the SCAQMD. Refer to the worksheets in Appendix A, <i>Air Quality Modeling Output</i> , for detailed assumptions.				
2 - Mitigation includes practices normally imposed by the SCAQMD Rule 403 (replace groundcover in disturbed areas quickly, water exposed surfaces twice daily and cover all stockpiles with tarps).				

Fugitive Dust

Fugitive dust is generally associated with land clearing, exposure and cut and fill operations. Dust generated daily during construction would vary substantially, depending on the level of activity, the specific operations and weather conditions. Nearby uses and on-site workers may be exposed to blowing dust, depending upon prevailing wind conditions. Fugitive dust would also be generated as construction equipment or trucks travel on unpaved roads on the construction-site.

Architectural Coatings

Architectural coatings contain volatile organic compounds (VOCs) that are similar to ROG and are considered O₃ precursors. Review of the site plans shows that there would be new building space at the proposed Appellate Courthouse that could be coated. An emissions estimate for architectural coatings is not provided in this analysis. Emissions associated with architectural coatings could be reduced by using pre-coated/natural colored building materials, using water-based or low-VOC coating and using coating transfer or spray equipment with high transfer efficiency. In addition, compliance with the SCAQMD Rules and Regulations on the use of architectural coatings would be sufficient to mitigate air emissions from architectural coatings to a less than significant level.

LONG-TERM PROJECT-RELATED EMISSIONS

Long-term air emission impacts are those associated with stationary sources and mobile sources related to the proposed project. The proposed Appellate Courthouse would result in both stationary and mobile sources. The stationary source emissions would come from their consumption of natural gas and/or consumer products. Based on the traffic study prepared for the proposed project (RBF Consulting, October 2004), the Appellate Courthouse would generate a total of 378 trips a day. Currently, the existing building on the site is used by the Santa Ana Winds marching band for a storage facility and does not generate any trips. However, the current Appellate Courthouse facility is located at 925 North Spurgeon Street and additional Appellate Courthouse uses are located at 500 West Santa Ana Boulevard, in the City of Santa Ana. Both of the current facilities are located within one mile of the replacement site. However, in an effort to be conservative, the Traffic Impact Study assumed that the new facility would be producing new trips, and did not discount the trips from the existing facilities. Therefore, implementation of the proposed Appellate Courthouse project would generate 378 daily trips.

Emissions from the proposed Appellate Courthouse are shown in Table 4.2, *Total Daily Project Emissions*. As shown in Tables 4.2, emissions resulting from the implementation of the proposed project would not



exceed the daily emissions thresholds in the SCAQMD *CEQA Handbook*. Therefore, no significant long-term operational air quality impacts would occur as a result of the proposed project.

Table 4-2
TOTAL DAILY PROJECT EMISSIONS

Emission Source	Emissions (lbs/day)			
	ROG	NO _x	CO	PM ₁₀
Area Source Emissions	0.08	0.37	0.58	0.00
Mobile Source Emissions	3.49	3.56	37.40	3.43
Total Emissions	3.57	3.93	37.98	3.43
SCAQMD Thresholds	55	55	550	150
Thresholds Exceeded?	No	No	No	No
Notes:				
1. Refer to the worksheets in Appendix A, <i>Air Quality Modeling Output</i> , for detailed assumptions.				
Source: Modeling performed utilizing the URBEMIS2002.				

LONG-TERM MICROSCALE (CO HOT SPOT) ANALYSIS

Vehicular trips associated with the proposed project would potentially contribute to the congestion at intersections and along roadway segments in the project vicinity. Localized air quality effects would occur when emissions from vehicular traffic increase in local areas as a result of the proposed project. The primary mobile source pollutant of local concern is CO, which is a direct function of vehicle idling time and, thus, traffic flow conditions. CO transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations proximate to a congested roadway or intersection may reach unhealthful levels affecting local sensitive receptors (residents, school children, the elderly, hospital patients, etc). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentration, modeling is recommended to determine a project's effect on local CO levels.

An impact is potentially significant if the project produces emissions levels that exceed the State or Federal AAQS. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. Areas of vehicle congestion have the potential to create "pockets" of CO called "hot spots". These pockets have the potential to exceed the State 1-hour standard of 20.0 ppm and/or the 8-hour standard to 9.0 ppm. Note that federal levels are based on 1- and 8-hour standards of 35.0 and 9.0 ppm respectively. To identify CO hotspots, the SCAQMD criterion recommends performing a CO hotspot analysis when a project increases the volume to capacity ratio (also called the intersection capacity utilization) by 0.02 (2 percent) for any intersection with an existing level of service (LOS) D or worse. Because traffic congestion is highest at intersections where vehicles queue and are subject to reduced speeds, these hot spots are typically produced at intersection locations. Typically, the level of service (LOS) at an intersection producing a hot spot is at D or worse during the peak hour. The intersections within the study area that operate at an LOS of D or worse have been analyzed for the potential to create a CO hotspot. Since intersections within the study area are currently operating at an LOS B or better, any intersection within the study area that would operate at an LOS E or worse were modeled to determine whether a CO hotspot would occur under Year 2025 conditions.

The intersection vehicle turning volumes were used in Caltrans CALINE4 model to evaluate local CO concentrations at intersections most affected by project traffic (refer to Appendix A, *Air Quality Modeling Output*). As recommended by the SCAQMD, the highest recorded one-hour CO concentration at the Anaheim station in the past five years, 8.3 ppm was used as the background levels. The City of Santa Ana provided two long-range traffic scenarios for use in the Traffic Impact Study; the first scenario does not



assume the proposed CenterLine Light Rail System (CenterLine) while the other scenario assumes buildout of the CenterLine running past the project site and reducing vehicular capacity on the surrounding roadway network (refer to Section 4.15, *Transportation/Traffic*).

Year 2025 With Project Without the CenterLine Light Rail System

Under this condition, the Flower Street/Civic Center Drive intersection would operate at an LOS E during the AM peak hour, with and without the proposed Appellate Courthouse. Table 4-3, *Year 2025 With Project Without CenterLine*, shows that this intersection would not exceed either the one-hour or the eight-hour CO concentration exceeding Federal and State standards. Therefore, the proposed project would not have a significant impact on local air quality for CO emissions.

**Table 4-3
YEAR 2025 WITH PROJECT WITHOUT CENTERLINE**

Intersection	1-Hour CO (ppm)		8-Hour CO (ppm)	
	1-Hour Standard	Future + Project	8-Hour Standard	Future + Project
YEAR 2025 WITH PROJECT WITHOUT CENTERLINE				
Flower Street/Civic Center Drive	20 ppm	9.0 ppm	9 ppm	6.4 ppm
Notes:				
1. As measured at a distance of 10 feet from the corner of the intersection predicting the highest value. Presented 1-hour CO concentrations include a background concentration of 8.3 ppm. Eight-hour concentrations are based on a persistence of 0.7 of the 1-hour concentration.				
2. The State 1-hour standard is 20 ppm. The Federal standard is 35 ppm. The most stringent standard is reflected in the Table.				
3. The State 8-hour and Federal 8-hour standard is 9 ppm.				

Year 2025 With Project With the CenterLine Light Rail System

Under this scenario, the CenterLine would travel past the project site and cause additional intersections in the study area to operate at an LOS E (Flower Street/Civic Center Drive, Ross Street/Civic Center Drive and Broadway/Civic Center Drive). Table 4-4, *Year 2025 With Project With CenterLine*, shows that under buildout conditions, none of the intersections analyzed would exceed the one-hour or the eight-hour CO concentration for federal and State standards. Therefore, the proposed project would not have a significant impact on local air quality for CO.

**Table 4-4
YEAR 2025 WITH PROJECT WITH CENTERLINE**

Intersection	1-Hour CO (ppm)		8-Hour CO (ppm)	
	1-Hour Standard	Future + Project	8-Hour Standard	Future + Project
YEAR 2025 WITH PROJECT WITH CENTERLINE				
Flower Street/Civic Center Drive	20 ppm	9.1 ppm	9 ppm	6.4 ppm
Ross Street/Civic Center Drive	20 ppm	8.8 ppm	9 ppm	6.2 ppm
Broadway/Civic Center Drive	20 ppm	8.9 ppm	9 ppm	6.2 ppm
Notes:				
1. As measured at a distance of 10 feet from the corner of the intersection predicting the highest value. Presented 1-hour CO concentrations include a background concentration of 8.3 ppm. Eight-hour concentrations are based on a persistence of 0.7 of the 1-hour concentration.				
2. The State 1-hour standard is 20 ppm. The Federal standard is 35 ppm. The most stringent standard is reflected in the Table.				
3. The State 8-hour and Federal 8-hour standard is 9 ppm.				



Mitigation Measures:

- AQ1 The following dust suppression measures in the SCAQMD CEQA Handbook, shall be included as part of the project's construction.
- ◆ Revegetate disturbed areas as quickly as possible;
 - ◆ All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph;
 - ◆ All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water);
 - ◆ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip;
 - ◆ All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized; and
 - ◆ The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.
- AQ2 The Administrative Office of the Courts shall ensure that the Construction Contractor selects construction equipment based on low emission factors and high energy efficiency. The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AQ3 The Administrative Office of the Courts shall ensure that the Construction Contractor utilizes electric or diesel powered equipment in lieu of gasoline powered engines where feasible.
- AQ4 The Administrative Office of the Courts shall ensure that the Construction Contractor times the construction activities so as to not interfere with peak-hour traffic and minimizes obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.
- AQ5 The Construction Contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- AQ6 The Administrative Office of the Courts shall ensure that the Construction Contractor uses pre-coated/natural colored building materials, water-based or low-VOC coating, and coating transfer or spray equipment with high transfer efficiency whenever feasible.
- AQ7 Energy conservation practices, as required by the Subdivision Map Act, Building Energy Efficiency Standards (California Energy Commission, 1988) and state and local laws, shall be incorporated into the design of the project to have the secondary effect of limiting stationary source pollutants.
- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Potentially Significant Impact Unless Mitigated. Both the State of California and the Federal government have established health based ambient air quality standards (AAQS) for six criteria air pollutants. Currently, O₃ and PM₁₀ are designated by the California Air Resources Board (CARB) as non-attainment in Orange County.



As illustrated in Tables 4-1 through 4-4, construction and operational emissions associated with the proposed project would not exceed SCAQMD thresholds. Furthermore, the population growth attributed to the proposed project is consistent with the projected population growth in the City's General Plan. Therefore, less than significant impacts would occur in this regard. Additionally, project construction-related emissions would be further reduced with implementation of the recommended mitigation measures, which are not required to reduce impacts below a level of significance. Also, refer to Response 4.3a.

Mitigation Measures: Refer to Mitigation Measures AQ1 through AQ6. No additional mitigation measures are required.

d) *Expose sensitive receptors to substantial pollutant concentrations?*

Potentially Significant Impact Unless Mitigated. Existing sensitive receptor uses (parks) are located to the south of the project site, across West Santa Ana Boulevard. Although, these land uses may be temporarily exposed to pollutants created during construction and demolition activities, impacts would be less than significant. Project construction-related emissions would be further reduced with implementation of the recommended mitigation measures, which are not required to reduce impacts below a level of significance. Also, refer to Response 4.3a.

Mitigation Measures: Refer to Mitigation Measures AQ1 through AQ6. No additional mitigation measures are required.

e) *Create objectionable odors affecting a substantial number of people?*

Less Than Significant Impact. Construction activity associated with the proposed project may generate detectable odors from heavy-duty equipment exhaust. Any impacts to existing adjacent land uses would be short-term and considered less than significant given the project size. Thus, significant long-term odor impacts are not anticipated to occur from the activities proposed on-site.

Mitigation Measures: No mitigation measures are required.

4.4 **BIOLOGICAL RESOURCES. *Would the project:***

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. No sensitive or special status species or their habitats have been previously identified in the City of Santa Ana. The current on-site conditions do not include any native habitat. Thus, the proposed project would not affect any sensitive or special status species or their habitats. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. There are no riparian habitats or sensitive natural communities present on-site. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.



- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. There are no wetlands present on the proposed project site. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. No wildlife corridors or native wildlife nurseries are known to exist in the project area. Thus, implementation of the proposed project would not result in any impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. No biological resources that involve local policies or ordinances protecting biological resources are known to exist in the project area. Thus, implementation of the proposed project would not result in any impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. As previously stated, there are no known habitats or natural communities present on-site. As such, no adopted conservation plan, natural community conservation plan or other approved local, regional, or state habitat conservation plans exist. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

4.5 CULTURAL RESOURCES. *Would the project:*

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines in §15064.5?*

No Impact. Project implementation would not cause a substantial adverse change in the significance of a historical resource, as none are known to exist in the project area. According to the *Santa Ana General Plan Land Use Element*, there are no structures on site, which are listed as a Federal, State or local historical resource. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?*

Potentially Significant Impact Unless Mitigated. Cultural resources analyses completed for previous environmental documents on or immediately surrounding the project site, including the *Santa Ana General*



Plan Land Use Element, and the *Civic Center Parking Structure Negative Declaration* stated that no archaeological resources are known to exist within the project site boundaries. The project site is currently developed; therefore, the possibility of discovering unknown archaeological resources is not anticipated. However, the following mitigation measure is recommended to ensure cultural resource impacts remain at or below existing levels.

Mitigation Measures:

CUL1 If cultural materials are exposed during construction of the proposed project, construction will be diverted in that area until a qualified archaeologist can evaluate the nature and significance of the find. If the find is determined by archaeologists to require further treatment, the area of the discovery will be protected from disturbance while qualified archaeologists and appropriate officials, in consultation with the State Historic Preservation Officer (SHPO), determine an appropriate treatment plan.

c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No Impact. Cultural resources analyses completed for previous environmental documents on or immediately surrounding the project site identified that no paleontological resources are known to exist within the project site boundaries. Additionally, the project site is located on relatively flat, previously disturbed, developed land. Thus, no impacts are anticipated to occur in this regard.

Mitigation Measures: No mitigation measures are required.

d) *Disturb any human remains, including those interred outside of formal cemeteries?*

Potentially Significant Impact Unless Mitigated. As previously stated in Responses 4.5a, 4.5b and 4.5c, no cultural resources have been found on the project site. Therefore, implementation of the proposed project would not cause any impacts in this regard. However, the following mitigation measure is recommended to ensure cultural resource impacts remain at or below existing levels.

Mitigation Measures:

CUL2 If human remains are exposed during construction, California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. Construction will be halted in the area of the discovery of human remains, the area will be protected, and consultation and treatment will occur as prescribed by law.

4.6 GEOLOGY AND SOILS. *Would the project:*

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

1) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. There are no known earthquake faults in the City and Santa Ana is not on the most recent Alquist-Priolo Earthquake Fault Zoning Map. Thus, surface ruptures resulting from earthquakes are unlikely to occur in Santa Ana. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.



2) *Strong seismic ground shaking?*

Potentially Significant Impact Unless Mitigated. While no active or potentially active faults are located within the City of Santa Ana, the entire Southern California region is considered to be seismically active. The Newport-Inglewood fault is anticipated to generate the most destructive ground shaking at this site (7.0 plus magnitude maximum credible earthquake). Four additional faults are located in proximity to Santa Ana: Norwalk, El Modena, Whittier Elsinore and Elysian Park. The degree of shaking an earthquake would have on Santa Ana depends on several factors such as fault location, distance from the source (epicenter), magnitude of the earthquake, and characteristics of the soils and geology of the area. The following mitigation measure is recommended to ensure seismic impacts remain at or below existing levels.

Mitigation Measures:

GEO1 All structures shall be designed as confirmed during the building design plan checking, to withstand anticipated groundshaking caused by future earthquakes within an acceptable level of risk (i.e., high-risk zone), as designated by the City's latest adopted edition of the Uniform Building Code (UBC).

3) *Seismic-related ground failure, including liquefaction?*

Potentially Significant Impact Unless Mitigated. Liquefaction occurs when dynamic loading of a saturated sand or silt causes pore-water pressures to increase to levels where grain-to-grain contact is lost and material temporarily behaves as a fluid. Liquefaction can cause settlement of the ground surface, settlement and tilting of engineering structures, flotation of buoyant buried structures and cracking of the ground surface. A common manifestation of liquefaction is the formation of sand boils, which are short-lived fountains of soil and water that emerge from fissures or vents and leave freshly deposited mounds of sand or silt on the ground surface.

The soil and geologic structure underlying Santa Ana and the project site includes Holocene alluvium deposits underlain by Pleistocene alluvium and lower Pleistocene marine deposits. Under the alluvium are tertiary sedimentary rocks and upper Cretaceous sedimentary rocks.³

According to the Orange County Safety Element, Santa Ana, like most of Orange County, is located in an area of with a high groundwater depth ranging from 5 to 50 feet. The project site has low susceptibility to liquefaction potential because the water table in this area is deeper than 50 feet. Thus, according to the Santa Ana General Plan Land Use Element the project site is located in an area of low liquefaction potential⁴.

Mitigation Measures:

GEO2 Prior to the issuance of a grading permit, a site specific geologic and soils report shall be prepared by a registered geologist or soils engineer. The report shall specify design parameters necessary to remediate any soil and geologic hazards.

GEO3 All grading, landform modifications and construction shall be in conformance with state-of-the-practice design and construction parameters. Typical standard minimum guidelines regarding regulations to control excavations, grading, earthwork construction, including fills and embankments and provisions for approval of plans and inspection of grading construction are set from the latest version of the Uniform Building Code. Compliance with these standards shall be evident on grading and structural plans.

³ U.S. Department of Agriculture, Soil Conservation Service, *General Soils Map, Orange County California*, 1978.

⁴ City of Santa Ana, *Santa Ana General Plan Land Use Element*, Exhibit A-7, Liquefaction Hazards



4) *Landslides?*

No Impact. Landslides have not been recorded within the City boundaries and are not anticipated based on the area's flat terrain. The subject site is located in an existing urban area. The property is flat and surrounding properties are flat, with no unusual geographic features, and therefore, do not have the potential to slide, or experience sliding from adjacent areas. Thus, there would be no impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Result in substantial soil erosion or the loss of topsoil?*

Potentially Significant Impact Unless Mitigated. Clearing and grading operations would be required for construction and would expose soils to erosion potential. However, the flat terrain and the type of soil present, which are classified as Mocho Loam and consist of loam, clay loam, and similar soil types, would result in only a slight erosion hazard. Erosion control measures would mitigate any impacts as a result of the proposed project to less than significant levels.

Mitigation Measures:

GEO4 Precise grading plans shall include an Erosion, Siltation and Dust Control Plan to be prepared in accordance with Best Management Practices. The Plan's provisions may include sedimentation basins, sand bagging, soil compaction, revegetation, temporary irrigation, scheduling and time limits on grading activities, and construction equipment restrictions on-site. This plan shall also demonstrate compliance with South Coast Air Quality Management District Rule 403, which regulates fugitive dust control.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Potentially Significant Impact Unless Mitigated. Refer to Response 4.6a-3.

Mitigation Measures: Refer to Mitigation Measure GEO2 and GEO3.

d) *Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?*

Potentially Significant Impact Unless Mitigated. Soils within this area are classified as "Mocho Loam" in the soil survey of Orange County published by the U.S. Department of Agriculture. This soil type is formed in alluvium from sedimentary rocks, which has low shrink-swell potential. Therefore, these soils are not susceptible to expansivity. Impacts in this regard would be reduced to a less than significant level with implementation of Mitigation Measures GEO2.

Mitigation Measures: Refer to Mitigation Measure GEO2. No additional mitigation measures are required.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waster water?*

No Impact. The proposed project does not propose the use of septic tanks. The proposed project would be required to connect to the existing City sewer system for wastewater disposal. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.



4.7 HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Potentially Significant Impact Unless Mitigated. The project proposes an Appellate Courthouse facility on the project site. Hazardous materials are not typically associated with this type of land use. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are the extent of materials used and applicable here.

Development plans for the project would also be reviewed by the Orange County Fire Authority (OCFA) for hazardous material use, safe handling and storage, as appropriate. The OCFA would require that conditions of approval be applied to the project applicant to reduce hazardous material impacts. In addition, implementation of the recommended mitigation measure would ensure all impacts regarding hazardous materials would be reduced to a less than significant level.

Mitigation Measures:

HAZ1 Any hazardous waste that is generated on-site shall be transported to an appropriate disposal facility by a licensed hauler in accordance with the appropriate State and Federal laws.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Potentially Significant Impact Unless Mitigated. Refer to Response 4.7a.

Mitigation Measures: Refer to Mitigation Measure HAZ1. No additional mitigation measures are required.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. Storybook Preschool, located at 1032 North Ross Street, is located within ¼-mile of the proposed project site. As previously stated in Response 4.7a above, the proposed project would involve the use, storage, transport, and/or disposal of hazardous materials. Household chemical and pesticides would be utilized on an as needed basis. However, as previously stated in Response 4.7a, the proposed project would not involve the use, storage, transport, and/or disposal of hazardous materials. Therefore, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. The project site is not included on a list of hazardous materials sites that create a significant hazard to the public or the environment.⁵ Additionally, Environmental Data Resources (EDR) provided a recent database search on June 9, 2004, for the subject site (refer to Appendix B, *Phase 1 Environmental Site Assessment*). The subject site is not listed in any of the databases searched by EDR. There has been no notice of violation, cease and desist order, or the like issued with respect to the subject site. No corrective action, restoration, or remediation has been planned, is currently taking place, or has been completed on the subject site. The subject site has not been under investigation for violation of any

⁵ Per the U.S. Environmental Protection Agency website, <http://www.epa.gov/enviro/>.



environmental laws, regulations, or standards as identified in the databases. Thus, implementation of the proposed project would not result in impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The project site is not located within two miles of a public or private use airport. Thus, the project site is not anticipated to experience any safety hazards in this regard.

Mitigation Measures: No mitigation measures are required.

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The project site is not located near a private airstrip. Thus, implementation of the proposed project would not result in any safety hazards.

Mitigation Measures: No mitigation measures are required.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. The project site is not located along an emergency evacuation route. Thus, implementation of the proposed project would not interfere with the adopted emergency response plan and/or the emergency evacuation plan. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Less Than Significant Impact. The proposed project would introduce ornamental landscaping, which is not anticipated to create hazardous conditions associated with brush fires. Individuals would not be subject to a high fire hazard, as the subject site is not in a high fire hazard area and the proposed structures would be constructed to meet or exceed current fire codes. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.8 **HYDROLOGY AND WATER QUALITY. *Would the project:***

- a) *Violate any water quality standards or waste discharge requirements?*

Potentially Significant Impact Unless Mitigated. In the City of Santa Ana, the Santa Ana Regional Water Quality Control Board (RWQCB), under the authority of the State Water Resources Control Board, has the authority for permitting waste discharges to land or surface waters through a National Pollution Discharge Elimination System (NPDES) program and also formulates and adopts a Basin Plan for the Santa Ana Region that defines water quality objectives and beneficial uses. The Santa Ana Basin plan sets narrative and numerical objectives that must be attained (or maintained) and describes implementation programs to protect all waters in the region. The NPDES storm water management program also calls for



the implementation of Best Management Practices (BMPs) to the "maximum extent practicable" (MEP) in providing control for non-point source pollution and urban runoff. BMPs are construction devices, procedures, rules or methods which when implemented and followed, should reduce and/or eliminate the specific source of pollution of which the BMP is targeted.

On January 18, 2002, the Santa Ana RWQCB adopted the Orange County Municipal NPDES Storm Water Permit for the northern portion of Orange County (San Diego RWQCB jurisdiction covers the remaining portion of Orange County). The new permit updates water quality standards for new development, which are applicable to the proposed project. These updated standards include numerical sizing criteria for water treatment and proper monitoring and maintenance of storm water facilities. Numerical sizing criteria specifically state that a certain quantity of first flush runoff shall be treated to remove the pollutants of concern (those introduced by the project) to the MEP. The permit supports the use of infiltration landscaping and structural BMP devices as means for meeting the MEP and best available technology (BAT) requirements.

To comply with the requirements of the RWQCB, each city in Orange County is required to prepare and adopt a Storm Water Local Implementation Plan (LIP), which would require new development and significant redevelopment projects to address the quality and quantity of storm water runoff through the incorporation of permanent (post-construction) BMPs in project design. As part of the City's LIP, a project specific Water Quality Management Plan (Project WQMP) is required for all private and public projects regardless of project size. Project WQMPs must address:

- Site Design BMPs;
- Routine structural and non-structural Source Control BMPs;
- Treatment Control BMPs, including consideration of a regional or wastewater approach; and
- The mechanism(s) by which long-term operation and maintenance of all structural BMPs will be provided.

The NPDES program also allows authorized states to issue NPDES General Construction Permits for various activities that result in the release of potentially contaminated water into surface or groundwater. In 1990, the United States Environmental Protection Agency (EPA) mandated that NPDES permits are required for large construction activities disturbing five acres or more of land and that Municipal Permits be prepared by counties and larger cities. In 1992, the RWQCB adopted a NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction Activities General Permit) for projects greater than five acres in size. The General Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that specifies BMPs that would prevent construction pollutants from contacting storm run-off.

The County of Orange has prepared a Drainage Area Management Plan (DAMP) to identify small scale development source pollution prevention and treatment measures, referred to as "Best Management Practices" (BMPs), that would be incorporated into new development approvals. The Plan primarily provides a list of BMPs proposed to prevent storm water impacts, as well as guidelines in the preparation of a WQMP.

WATER QUALITY

Impacts to water quality would range over three different periods: 1) during the earthwork and construction phase, when the potential for erosion, siltation and sedimentation would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impact related to sedimentation would decrease markedly, however, those associated with urban runoff would increase.



Storm water quality is generally affected by the length of time since last rainfall, intensity, urban uses of the area, and the quantity of transported sediment. The potential storm water or urban runoff pollutants reasonably expected to be associated with the proposed project include:

- Sediment. Sediment is generally produced by unstabilized (non-planted) slopes or unlined channels with high velocities.
- Trash and Debris. From urban uses.
- Organic Compounds. These compounds can be expected to be derived from automotive fluids, pesticides, and fertilizers.
- Nutrients. Nutrients, including nitrogen, phosphorus, and other compounds can be anticipated to be generated by or found in organic litter, fertilizers, food waste, sewage and sediment.
- Metals. Potential sources of trace metals (copper, lead, cadmium, chromium, nickel and zinc) include motor vehicles, re-roofing and hardscape/construction materials, and chemicals.
- Bacteria and Viruses. Anticipated sources include animal excrement (found in areas where pets are often walked), sanitary sewer overflow, and trash container handling areas.
- Oil and Grease. Potential sources of oil and grease include motor vehicles.

Short-Term Project Impacts

Short-term water quality impacts could occur during the construction phase of the proposed project. The proposed project would be consistent with the site's current use. Existing on-site uses would be removed in preparation of grading and construction for the proposed project. This could expose loose soil to potential wind and water erosion. If not controlled, the transport of these materials to local waterways would temporarily increase suspended sediment concentrations and release pollutants attached to sediment particles into local waterways.

Since the proposed project is greater than one acre in size, coverage under the Construction Activities General Permit would be required. This General Permit would require the preparation of a SWPPP prior to construction of the proposed project. The SWPPP would identify sources of sediments and pollutants that would affect storm water quality, designate use of appropriate BMPs at the project's site, and implement storm water pollution prevention measures that would reduce water pollution associated with construction activities. There are many BMPs available for achieving the best possible water quality. Common BMPs include structural controls, as well as non-structural controls. Site-specific BMPs would not be established until the proposed project is reviewed by the City of Santa Ana's Department of Public Works. Increased surface water runoff and storm drainage associated with construction activities would be considered a less than significant impact with implementation of the required mitigation measures.

Long-Term Project Impacts

The proposed land use would introduce additional impervious surfaces and would change the absorption and drainage rates. The City's infrastructure plans have anticipated development of this area. Appropriate drainage shall be provided on-site as part of the design and is subject to review and approval by the Santa Ana Public Works Department.

A WQMP would need to be prepared for the proposed project, which would identify, at minimum, the measures specified in the Countywide WQMP and NPDES Drainage Area Management Plan (DAMP), the



assignment of long-term maintenance responsibilities (specifying the developer, parcel, owner, maintenance association, lessee, etc.), and the location(s) of all structural BMPs.

Implementation of the recommended mitigation measures would ensure that potentially significant impacts are reduced to less than significant levels in the regard.

Mitigation Measures:

HYD1 The applicant shall obtain a Notice of Intent from the State of California Regional Water Quality Control Board, as the proposed project site would result in the disturbance of one acre or more. A copy of the Notice of Intent acknowledgement from the State of California Regional Water Quality Control Board must be submitted to the City of Santa Ana Department of Public Works before issuance of grading permits.

HYD2 Prior to the issuance of building permits, the applicant shall submit for approval of the City of Santa Ana Department of Public Works, a Water Quality Management Plan (WQMP) pursuant to the County of Orange Drainage Area Management Plan and the City of Santa Ana local implementation plan, specifically identifying BMPs that shall be used on-site to control predictable pollutant runoff.

HYD3 Prior to issuance of grading permits, Best Management Practices (BMPs) shall be developed in compliance with Orange County's municipal NPDES permit program. Specific measures shall include:

- Siltation of drainage devices shall be handled through a maintenance program to remove silt/dirt from channels and parking areas.
- Surplus or waste materials from construction shall not be placed in drainage ways or within the 100-year floodplain surface waters.
- All loose piles of soil, silt, clay, sand, debris, or other earthen materials shall be protected in a reasonable manner to eliminate any discharge to waters of the State.
- During construction, temporary gravel or sandbag dikes shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.
- Stabilizing agents such as straw, wood chips and/or soil sealant/dust retardant shall be used during the interim period after grading in order to strengthen exposed soil until permanent solutions are implemented.
- Revegetated areas shall be continually maintained in order to assure adequate growth and root development.

HYD4 Prior to the issuance of grading permits, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), which identifies construction and post construction BMPs.

b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*



Less Than Significant Impact. According to the *Santa Ana General Plan Land Use Element*, the water needs of future development in the City and impacts on groundwater sources have been accounted for by the City of Santa Ana and the Orange County Water District (OCWD).⁶ Also, the proposed project is in an existing developed area that does not contribute significantly to the depletion or the recharge of underground water supplies. Thus, the proposed land use would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Furthermore, project implementation would not intercept an aquifer, and would not substantially decrease the City's overall water supply through increased withdrawals from groundwater.

Mitigation Measures: No mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?*

No Impact. No streams or rivers are located near the project site. Furthermore, the proposed project would not alter existing drainage patterns at the site since the project site is a developed, previously disturbed area. Thus, no impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant Impact. There are no existing natural water bodies in the vicinity of the project area. The site currently drains into surface gutters located along North Ross Street, North Flower Street and West Santa Ana Boulevard. The development would not significantly affect courses or increase the rate or amount of surface runoff that would result in flooding on- or off-site since the site is currently developed with a surface parking lot and a structure.

Mitigation Measures: No mitigation measures are required.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant Impact. The project site and surrounding uses have existing drainage facilities. Development of the proposed project would not alter the direction of existing drainage patterns on site. Additionally, the Appellate Courthouse operations are not expected to significantly increase the existing rates of surface runoff since the project site is already developed. Prevention of polluted runoff is addressed in Response 4.8a. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- f) *Otherwise substantially degrade water quality?*

Potentially Significant Impact Unless Mitigated. As stated in Response 4.8a, appropriate drainage shall be provided on-site as part of the design and is subject to review and approval by the Santa Ana Public Works Department. Construction and post-development surface runoff would occur as a result of the proposed project on-site. However, the proposed project is not anticipated to create any additional impacts that would degrade water quality beyond those previously identified.

⁶ City of Santa Ana, *Santa Ana General Plan Land Use Element*, pg A-49.



Mitigation Measures: Refer to Mitigation Measures HYD1 through HYD4. No additional mitigation measures are required.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No Impact. The proposed project does not include the development or placement of houses in the project area. Furthermore, the project site is not located within a 100-year flood hazard⁷. As no residential uses are proposed for the project and the project does not reside in a 100-year flood hazard, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

No Impact. According to the Santa Ana General Plan Land Use Element, the project site is not located within a 100-year flood hazard area.⁸ Therefore, development of the proposed project would not result in any impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

Less Than Significant Impact. As stated on page 3-43 of the Santa Ana General Plan Land Use Element, major drainage features of the City include the Santa Ana River and Santiago Creek. The Santa Ana River, located approximately 2-miles west of the site, traverses the City from north to south and empties into the Pacific Ocean. Santiago Creek, which is 1.5 miles north of the project site, is a tributary, which flows into the Santa Ana River. Overflows from the Santa Ana River could lead to flooding of over 100,000 acres in Orange County, with average depths of 3 to 7 feet during a severe storm.

As stated on page A-38 of the Santa Ana General Plan Land Use Element, flood threats to the project site are posed by 500-year floods. According to Flood Insurance Rate Map No. 0602320029F, the project site is not located within a 100-Year Flood Zone. The potential for flood threats is remote; however, the City's emergency evacuation plans would be implemented if the dams were susceptible to rupture during heavy rains. Thus, potential impacts from flooding, including flooding as a result of the failure of a dam, are considered to be less than significant.

Mitigation Measures: No mitigation measures are required.

- j) *Inundation by seiche, tsunami, or mudflow?*

No Impact. No significant water features have been identified in the project area. Thus, the project site is not anticipated to experience any impacts from inundation resulting from seiches, tsunamis or mudflows.

Mitigation Measures: No mitigation measures are required.

⁷ Federal Emergency Management Agency, *FIRM Flood Insurance Rate Map Community Panel Number No. 0602320029F*

⁸ City of Santa Ana, *Santa Ana General Plan Land Use Element*. Exhibit A-9, *Flood Hazards*.



4.9 LAND USE AND PLANNING. *Would the project:*

- a) *Physically divide an established community?*

No Impact. The project site is a developed surface parking lot with one existing structure occupied by the Santa Ana Winds Marching Band Storage Facility, formerly occupied by the Orange County Juvenile Detention Center annex. The proposed project includes constructing a new Appellate Courthouse along with 100 parking spaces in a parking structure, which is part of a separate action. The project site is not located in a neighborhood of special consideration based on income and ethnicity. The proposed project would be consistent with existing institutional and government uses surrounding the project site. Thus, implementation of the proposed project would not result in dividing an established community.

Mitigation Measures: No mitigation measures are required.

- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Less Than Significant Impact. General Plan and Zoning Designations: The proposed project is consistent with existing General Plan and Zoning Designations. The existing zoning designation for the site is Government Center (GC). The General Plan Land Use Map designates the project site as Institutional. The Government Center/Institutional designation allows for civic facilities and courthouses. Therefore, no impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. The project site is not located in a habitat conservation plan area or natural community conservation plan area. Thus, no impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.10 MINERAL RESOURCES. *Would the project:*

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

No Impact. As indicated by the geologic map of Orange County, dated 1981, the project site does not contain mines, mineral deposits or other mineral resources. Thus, no impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. Refer to Response 4.10a.

Mitigation Measures: No mitigation measures are required.



4.11 NOISE. *Would the project result in:*

Noise Standards

Article VI of the City of Santa Ana Municipal Code identifies the following noise standards, as shown in Table 4-5, *Noise Standards*.

**Table 4-5
NOISE STANDARDS**

Noise level that cannot be exceeded for a cumulative period of more than...	Exterior		Interior	
	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
30 minutes in any hour	55 dB(A)	50 dB(A)	-	-
15 minutes in any hour	60 dB(A)	55 dB(A)	-	-
5 minutes in any hour	65 dB(A)	60 dB(A)	55 dB(A)	45 dB(A)
1 minute in any hour	70 dB(A)	65 dB(A)	60 dB(A)	50 dB(A)
Any time	75 dB(A)	70 dB(A)	65 dB(A)	55 dB(A)

Source: City of Santa Ana General Plan, Noise Element.

In the event the noise consists entirely of impact noise (i.e., noise with a duration of one second or less; for example, a car door slam), a simple tone (i.e., noise that is concentrated at one or more frequencies), speech, music or any combination thereof, each of the above noise level standards is reduced by 5 dB.

Additionally, the City sets the following operational significance thresholds:

- Projects which would create noise levels that exceed 75 dBA CNEL at outdoor usable areas at commercial, retail, industrial and outdoor sports uses;
- Non-residential projects proposed to abut an existing residential use should not exceed 65 CNEL at the property line. Although the noise level could be consistent with the City's Noise Standards, a noise level above the standard at the residential property line could be considered a significant environmental impact.
- Noise sources associated with the maintenance of real property that take place between 7:00 a.m. and 8:00 p.m. on any day except Sunday or a Federal holiday, would be considered to produce a significant impact.

It is also stated in the City's Noise Ordinance that all construction, maintenance, or demolition activities within the City's boundary shall be limited to the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturday. No construction activity should occur on Sundays and federal holidays.

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Potentially Significant Impact Unless Mitigated. No sensitive noise receptors such as residences, schools, or health facilities are located along Santa Ana Boulevard or Ross Street in the immediate vicinity of the proposed project site. However, three parks, Sasscer, Birch and Angels Community Parks are sensitive noise receptors located south of the project site. A minimal increase in traffic would occur with implementation of the proposed project. Therefore, no long-term noise-related impacts would occur.



Short-Term Construction

Short-term noise impacts would be associated with excavation, grading, and erecting of buildings on-site during construction of the proposed project. Construction related short-term noise levels would be higher than existing ambient noise levels in the project area during construction, but would no longer occur once construction of the project is completed.

Two types of short-term noise impacts could occur during construction of the proposed project. First, construction crew commutes and the transport of construction equipment and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Although there would be a relatively high single-event noise exposure potential causing intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 87 dBA), the effect on long term (hourly or daily) ambient noise levels would be small. Therefore, short-term construction related impacts associated with worker commute and equipment transport to the project site would be less than significant.

The second type of short-term noise impact would be noise generated during excavation, grading, and construction of buildings on the project site. Construction is completed in discrete steps, each of which has its own mix of equipment, and consequently, its own noise characteristics. These various sequential phases would change the character of noise generated on the site, and therefore the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 4-6, *Typical Construction Equipment Noise Levels*, lists typical construction equipment noise levels based on a distance of 50 feet between the equipment and a noise receptor. Typical noise levels range up to 91 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve one or two of full-power operation followed by three or four minutes at lower power settings.

Construction of the proposed project is expected to require the use of earthmoving, bulldozers, and water and pickup trucks. Base on the information in Table 4-6, the maximum noise level generated by each earthmover on the project is assumed to be 88 dBA L_{max} at 50 feet from the earthmover. Each bulldozer would also generate 88 dBA L_{max} at 50 feet. The maximum noise level generated by water and pickup trucks is approximately 86 dBA L_{max} at 50 feet from these vehicles. Each doubling of the sound source with equal strength, increase the noise level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, the worst-case combined noise levels during this phase of construction would be 91 dBA L_{max} at 50 feet from the active construction area.

The actual construction-related noise levels are dependent primarily on the location of the equipment on the site and the actual number and type of equipment used during construction. However, this construction noise would be temporary and would occur during the hours of 8:00am to 7:00pm (Monday through Saturday). Construction activities shall not be permitted on Sundays or Federal Holidays. These guidelines of construction hours would be followed to mitigate the increased noise levels associated with short-term construction activities and would be reduced to less than significant impacts. However, it is noted that the City's noise ordinance standards do not apply to noise intrusion onto Institutional or Government Center properties.

Construction noise levels from the proposed project are considered to be a less than significant impact due to the limited duration, construction being restricted to daytime hours, and the distance to any sensitive receptors. Once completed the project would not involve any facilities or activities that would result in substantial long-term increases in noise levels.



**Table 4-6
TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS**

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Pile Drivers, 12,000 to 18,000 ft-lb/blow	81 to 96	93
Rock Drills	83 to 99	96
Jack Hammers	75 to 85	82
Pneumatic Tools	78 to 88	85
Pumps	74 to 84	80
Dozers	77 to 90	85
Scrapers	83 to 91	87
Haul Trucks	83 to 94	88
Cranes	79 to 86	82
Portable Generators	71 to 87	80
Rollers	75 to 82	80
Tractors	77 to 82	80
Front-End Loaders	77 to 90	86
Hydraulic Backhoe	81 to 90	86
Hydraulic Excavators	81 to 90	86
Graders	79 to 89	86
Air Compressors	76 to 89	86
Trucks	81 to 87	86

Source: Noise Control for Buildings and Manufacturing Plants, Bolt, Beranek & Newman 1987.

Mitigation Measures:

- N1 During all project site excavation and grading, the Administrative Office of the Courts shall ensure that the Construction Contractor equips all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- N2 The Administrative Office of the Courts shall ensure that the Construction Contractor places all stationary construction equipment in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.
- N3 The Administrative Office of the Courts shall ensure that the Construction Contractor locates equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- N4 The Administrative Office of the Courts shall ensure that the Construction Contractor limits the on-site construction activities to the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. No construction activity should occur on Sundays and federal holidays.

b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Less Than Significant Impact. The closest sensitive noise receptors include Sasser Park, Birch Park and Angels Community Park located south of the project site. Minimal groundborne vibrations or noise would be created by the proposed project. However, no excessive groundborne vibration or noise would be created by the proposed project. Excessive groundborne vibration is typically caused by activities such as blasting used in mining operations, or the use of pile drivers during construction. The proposed project would not require any blasting and pile driving is anticipated. Additionally, the existing Orange County Juvenile Hall Annex will be demolished by the City of Santa Ana as a separate action prior to the Judicial Council taking



title to the land.⁹ Thus, the grading and construction of infrastructure and buildings is not anticipated to generate excessive groundborne vibration or groundborne noise levels that would negatively impact the parks located south of the project site. Thus, less than significant impacts would occur in the regard.

Mitigation Measures: No mitigation measures are required.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less Than Significant Impact.

LONG-TERM ON-SITE STATIONARY NOISE IMPACTS

Mechanical equipment noise associated with on-site buildings would conform to the City's Noise Ordinance requirements. In the project vicinity, this range of noise would be below the traffic noise associated with Santa Ana Boulevard and Ross Street. No significant stationary noise impact from the proposed project would occur in this regard.

LONG-TERM TRAFFIC NOISE IMPACTS

The FHWA highway traffic noise prediction model (FHWA-RD-77-108) was used to evaluate highway traffic related noise conditions along Santa Ana Boulevard, Ross Street and other street segments in the project vicinity. Standard vehicle mix for Orange County roadways was used for traffic on arterial streets (refer to Appendix C, *Noise Data*). The City of Santa Ana provided two long-range traffic scenarios for use in the Traffic Impact Study; the first scenario does not assume the proposed CenterLine Light Rail System (CenterLine) while the other scenario assumes buildout of the CenterLine running past the project site and reducing vehicular capacity on the surrounding roadway network (refer to Section 4.15, *Transportation/Traffic*). The modeled 24-hour CNEL levels are shown in Table 4-7, *Traffic Noise Levels Without the CenterLine* and Table 4-8, *Traffic Noise Levels With the CenterLine*. These noise levels represent the worst-case scenario, which assumes no shielding is provided between the traffic and the location where the noise contours are drawn.

Off-Site Impacts

Tables 4.7 and 4-8 show that traffic noise along roadway segments in the project vicinity under the future no project scenarios would continue to be moderate to high, except along Parton Street and 5th Street. Tables 4.7 and 4-8 show that project-related traffic noise level increases would be mostly small (0.5 dBA or less), except along Parton Street, where project-related traffic noise level increase would be 3.7 dBA, for both conditions. However, the 65 dBA CNEL noise contour would be confined within the roadway right-of-way along this segment of the road both conditions. Therefore, no significant traffic noise impacts would occur to off-site land uses.

⁹ City of Santa Ana, *Civic Center Parking Structure Negative Declaration* (SCH # 2002051091), May 13, 2002.



**Table 4-7
TRAFFIC NOISE LEVELS WITHOUT THE CENTERLINE**

Roadway Segment	2025 Without Project					2025 Plus Project					Difference in DBA @100 Feet from Roadway
	ADT	DBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	DBA @ 100 feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Flower Street											
North of Civic Center Dr.	19,995	61.9	171	54	17	20,050	61.9	172	54	17	0.0
Btwn Civic Center Dr. and Santa Ana Blvd	21,343	62.2	183	58	18	21,513	62.2	185	58	18	0.0
South of Santa Ana Blvd	18,555	61.6	159	50	16	18,595	61.6	159	50	16	0.0
Parton Street											
North of Santa Ana Blvd	1,270	50.1	11	3	1	2,980	53.8	26	8	3	3.7
South of Santa Ana Blvd	2,340	52.8	20	6	2	2,340	52.8	20	6	2	0.0
Ross Street											
North of Civic Center Dr.	7,115	60.5	123	39	12	7,115	60.5	123	39	12	0.0
Btwn Civic Center Dr. and Santa Ana Blvd	7,640	60.8	132	42	13	7,088	60.5	122	39	12	-0.3
South of Santa Ana Blvd	6,808	60.3	117	37	12	7,640	60.8	132	42	13	0.5
Broadway											
North of Civic Center Dr.	17,420	65.5	408	129	41	17,510	65.6	410	130	41	0.1
Btwn Civic Center Dr. and Santa Ana Blvd	16,005	65.2	375	119	38	16,005	65.2	375	119	38	0.0
South of Santa Ana Blvd	14,560	64.8	341	108	34	14,575	64.8	342	108	34	0.0
Civic Center Drive											
West of Flower St.	19,760	64.8	340	108	34	19,825	64.8	342	108	34	0.0
Btwn Flower St. and Ross St.	19,760	64.8	340	108	34	19,760	64.8	340	108	34	0.0
Btwn Ross St. and Broadway	18,980	64.6	327	104	33	19,260	64.6	332	105	33	0.0
East of Broadway	16,310	63.9	281	89	28	16,500	64.0	284	90	28	0.1
Santa Ana Boulevard											
West of Flower St.	15,140	62.3	187	59	19	15,655	62.4	193	61	19	0.1
Btwn Flower St. and Parton St.	13,558	61.6	167	53	17	14,280	61.8	176	56	18	0.2
Btwn Parton St. and Ross St.	14,375	61.8	177	56	18	15,370	62.1	190	60	19	0.3
Btwn Ross St. and Broadway	6,305	58.7	78	25	8	6,550	58.8	81	26	8	0.1
East of Broadway	8,655	60.0	107	34	11	8,905	60.2	110	35	11	0.2
5th Street											
East of Ross St.	6,305	57.0	54	17	5	6,550	57.1	56	18	6	0.1

Note: Traffic modeling based upon data contained within the Project Traffic Report prepared by RBF Consulting on October 2004.



**Table 4-8
TRAFFIC NOISE LEVELS WITH THE CENTERLINE**

2025 Centerline Without Project						2025 Centerline Plus Project					Difference in DBA @100 Feet from Roadway
Roadway Segment	ADT	DBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	DBA @ 100 feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Flower Street											
North of Civic Center Dr.	18,625	61.6	160	51	16	18,725	61.6	161	51	16	0.0
Btwn Civic Center Dr. and Santa Ana Blvd	24,090	62.7	207	65	21	24,260	62.7	208	66	21	0.0
South of Santa Ana Blvd	18,945	61.6	162	51	16	18,985	61.7	163	51	16	0.1
Parton Street											
North of Santa Ana Blvd	1,270	50.1	11	3	1	2,980	53.8	26	8	3	3.7
South of Santa Ana Blvd	2,340	52.8	20	6	2	2,340	52.8	20	6	2	0.0
Ross Street											
North of Civic Center Dr.	4,715	58.7	81	26	8	4,715	58.7	81	26	8	0.0
Btwn Civic Center Dr. and Santa Ana Blvd	1,630	54.1	28	9	3	1,735	54.4	30	9	3	0.3
South of Santa Ana Blvd	5,080	59.0	88	28	9	5,080	59.0	88	28	9	0.0
Broadway											
North of Civic Center Dr.	17,415	65.5	408	129	41	17,505	65.6	410	130	41	0.1
Btwn Civic Center Dr. and Santa Ana Blvd	14,658	64.8	344	109	34	14,833	64.8	348	110	35	0.0
South of Santa Ana Blvd	12,320	64.0	289	91	29	12,510	64.1	293	93	29	0.1
Civic Center Drive											
West of Flower St.	19,760	64.8	340	108	34	19,825	64.8	342	108	34	0.0
Btwn Flower St. and Ross St.	19,308	64.7	333	105	33	19,308	64.7	333	105	33	0.0
Btwn Ross St. and Broadway	19,725	64.8	340	108	34	19,830	64.8	342	108	34	0.0
East of Broadway	17,210	64.2	296	94	30	17,400	64.2	300	95	30	0.0
Santa Ana Boulevard											
West of Flower St.	13,905	61.9	172	54	17	12,720	61.5	157	50	16	-0.4
Btwn Flower St. and Parton St.	10,688	60.5	132	42	13	11,410	60.8	141	45	14	0.3
Btwn Parton St. and Ross St.	11,725	60.9	145	46	14	12,720	61.3	157	50	16	0.4
Btwn Ross St. and Broadway	5,578	58.1	69	22	7	5,866	58.4	72	23	7	0.3
East of Broadway	8,010	59.7	99	31	10	8,260	59.8	102	32	10	0.1
5th Street											
East of Ross St.	5,578	56.4	48	15	5	5,866	56.7	50	16	5	0.3

Note: Traffic modeling based upon data contained within the Project Traffic Report prepared by RBF Consulting on October 2004.

On-Site Impacts

Based on the project's site plan, there would be no outdoor activity areas directly exposed to high traffic noise levels from Ross Street, Santa Ana Boulevard or other local street segments. Because traffic noise levels under the "With CenterLine" scenario are the highest, potential noise impacts are evaluated using traffic noise levels presented in Table 4-8. The following lists the distance from the proposed on-site structures to the centerline of the roadway links directly adjacent to the project site and discusses potential traffic noise impacts on on-site uses.



Santa Ana Boulevard

The 70, 65, and 60 dBA CNEL contours would primarily remain confined within the roadway right-of-way along Santa Ana Boulevard west of Parton Street. At its closest point, the proposed Appellate Courthouse would be at least 100 feet from the centerline along Santa Ana Boulevard.

None of the proposed on-site structures would be impacted by traffic noise exceeding 61 dBA CNEL. Typical sound level reduction of buildings in a warm climate such as southern California is 12 dBA with windows open and 24 dBA with windows closed (Protective Noise Levels, EPA 550/9-79-100, November 1978). With windows closed, interior noise level at these buildings would be reduced to 37 dBA CNEL. Therefore, no building facade upgrades, such as double-paned windows with STC ratings higher than standard construction, are required.

Ross Street

The 70, 65, and 60 dBA CNEL contours would remain confined within the roadway right-of-way along Ross Street north of Santa Ana Boulevard. At its closest point, the proposed Appellate Courthouse would be approximately 50 feet from the centerline along Ross Street.

None of the proposed on-site structures would be impacted by traffic noise exceeding 63 dBA CNEL. Typical sound level reduction of buildings in a warm climate such as southern California is 12 dBA with windows open and 24 dBA with windows closed (Protective Noise Levels, EPA 550/9-79-100, November 1978). With windows closed, interior noise level at these buildings would be reduced to 39 dBA CNEL. Therefore, no building facade upgrades, such as double-paned windows with STC ratings higher than standard construction, are required.

It should be noted that the project in and of itself does not have the capacity to result in a permanent increase in ambient noise levels within the project vicinity given that the Appellate Courthouse is consolidating and relocating less than one mile from current facilities and no additional staff is anticipated at the proposed project site. As stated in Response 4.11a above, potentially significant impacts related to noise generation are likely to occur as a result of construction activities and daily activities associated with the proposed project.

Mitigation Measures: No mitigation measures are required.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Potentially Significant Impact Unless Mitigated. Construction activities may result in short-term noise impacts to surrounding uses. Refer to Response 4.11a.

Mitigation Measures: Refer to Mitigation Measures N1 through N4. No additional mitigation measures are required.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The project site is not located within two miles of a public or private use airport. Thus, the project site is not anticipated to experience any noise impacts in this regard.

Mitigation Measures: No mitigation measures are required.



- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. There are no private airstrips located on or within the vicinity of the project site. Thus, no impacts would occur in this regard.

Mitigation Measures. No mitigation measures are required.

4.12 POPULATION AND HOUSING. *Would the project:*

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less Than Significant Impact. The project proposes to construct an Appellate Courthouse on the 2-acre project site. Approximately 80 staff members will be employed at the proposed Appellate Courthouse, which is the current number of employees and the project site is less than one mile from the existing Appellate Courthouse locations. Implementation of the new Appellate Courthouse would not result in the development of additional homes or result in a significant employment increase in the area. Therefore, implementation of the project would not induce substantial population growth within the City of Santa Ana either directly or indirectly, resulting in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The project proposes to construct an Appellate Courthouse on the 2-acre project site, which is currently occupied by a 203 space surface parking lot and a structure that is occupied by the Santa Ana Winds Marching Band Storage Facility, formerly used by the Orange County Juvenile Detention Center annex. Thus, replacement housing would not occur. No impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. Refer to Response 4.12b.

Mitigation Measures: No mitigation measures are required.

4.13 PUBLIC SERVICES.

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

- 1) *Fire protection?*

Potentially Significant Impact Unless Mitigated. The City of Santa Ana has an Insurance Service Office (ISO) rating of 1, which indicates an excellent fire risk classification. The City provides its own fire and emergency response personnel, as well as its own hazardous materials team. The Fire Department maintains an average response time (from the time of dispatch) of 4.8 minutes on 80 percent of the calls for



service. There are ten fire stations located within the City, and 249 sworn fire fighters. The nearest fire station to the project site is Station 1 located at 1029 West 17th Street, which is approximately 0.82 mile from the project site.

A new Appellate Courthouse facility would not result in significant emergency service impacts. The overall project design shall be required to provide adequate access for emergency vehicle access. The OCFA would review and comment on the site plan prior to project approval. In addition to project plan review by the OCFA, the following mitigation measures would be implemented in order to ensure all impacts regarding fire protection would be less than significant.

Mitigation Measures:

- PS1 All structures shall be designed to include automatic fire sprinkler systems.
- PS2 All structures shall be designed to include a supervised fire alarm system located in an accessible location with an annunciator per the requirements of the California Fire Code.
- PS3 The project plans shall be designed so that access to and around structures shall meet all OCFA and California Fire Code requirements.
- PS4 The project plans shall be designed so that all rooms and buildings shall be clearly marked with addresses and a site directory shall be posted at the front entrance to the facility.

2) *Police protection?*

Less Than Significant Impact. The City of Santa Ana Police Department would provide police protection services to the project site. The Department's headquarters are located at 60 Civic Center Plaza, which is approximately .01 mile from the project site. Additionally, the California Highway Patrol Protective Services Division, Office of Court Services would provide security and bailiff services for the State Appellate Court. The overall need for police services would increase beyond existing conditions as a result of the proposed project. However, this increase would not significantly impact the ability of the Santa Ana Police Department to provide service to the residents and businesses of the community.

Mitigation Measures: No mitigation measures are required.

3) *Schools?*

Less Than Significant Impact. As no residential uses are proposed for the site and the development would not induce new housing in the nearby vicinity, no significant impacts are anticipated to public school facilities attended by Santa Ana students. However, the development would be required to pay fees as required by State law, to offset any cumulative effects of the children of the future employees who may attend the public schools in Santa Ana.

Mitigation Measures: No mitigation measures are required.

4) *Parks?*

Less Than Significant Impact. There are no residential uses proposed for the site and the development would not induce substantial new housing in the nearby vicinity. Therefore, no significant impacts to Santa Ana parks are anticipated.

Mitigation Measures: No mitigation measures are required.



5) *Other public facilities?*

Less Than Significant Impact. Due to the size and scope of the proposed project, the project would not significantly affect other governmental agencies or facilities. No significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.14 RECREATION.

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less Than Significant Impact. The proposed Appellate Courthouse would relocate less than one mile from its existing location and would have the same number of employees, 80. The demand for neighborhood and regional parks or other recreational facilities would not be impacted to a significant level due to the government institute nature of the proposed land use.

Mitigation Measures: No mitigation measures are required.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Less Than Significant Impact. The project proposes a new Appellate Courthouse, which includes an employee courtyard. This area is wholly contained within the project development limits, and would not pose any adverse environmental impacts. As previously stated in 4.14a, the new Appellate Courthouse is relocating less than one mile from its current location. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.15 TRANSPORTATION/TRAFFIC. *Would the project:*

The traffic impact analysis prepared by RBF Consulting, dated October 2004, is reproduced in its entirety as Appendix D, *Traffic Impact Study*.

The analysis was prepared in accordance with direction provided by both the City of Santa Ana Public Works Departments. The traffic analysis satisfies the traffic impact requirements of the County of Orange Congestion Management Program (County of Orange CMP), and analyzes the proposed project's consistency with the City of Santa Ana General Plan and associated EIR.

The traffic analysis provides an evaluation of operations for the following scenarios:

- Existing Conditions;
- Year 2025 Without CenterLine – (With and Without the proposed Appellate Courthouse);
- Year 2025 With CenterLine – (With and Without the proposed Appellate Courthouse).

A description of each of the future scenarios is provided below.

Year 2025 Without CenterLine represents forecasted conditions to Year 2025 (peak hour traffic from Approved and Related Projects in the City of Santa Ana). Project related traffic volumes were added for the "With Project" scenario.



Year 2025 With CenterLine represents forecasted conditions to Year 2025 (peak hour traffic from Approved and Related Projects in the City of Santa Ana). Project related traffic volumes were added for the "With Project" scenario. This analysis also addresses the development of the CenterLine Light Rail (CenterLine) system, which is the first segment of the Orange County Transportation Authority's (OCTA) countywide 90-mile Rail Master Plan. The CenterLine is a state-of-the-art light rail system designed to integrate with the existing transportation network here in Orange County and throughout Southern California. The initial segment of the CenterLine is 9.3 miles long and travels from The Depot at Santa Ana to John Wayne Airport in Irvine. Along the way it passes through three major hubs of commerce in Orange County, as well as the South Coast Metro arts and entertainment district and major transportation connections. Sixteen stations are currently planned along the starter segment. The CenterLine would travel at grade (street level) for approximately 60 percent of its 9.3 miles. Forty percent of the system is elevated and there is a short one-way underpass at Avenue of the Arts in Costa Mesa. The Federal Transportation Administration (FTA) has given the CenterLine a "Recommended" rating. This rating for CenterLine indicates that it is technically and financially sound and is recommended to Congress for federal funding. A project must receive at least a recommended rating to advance to a Full Funding Grant Agreement (FFGA) to receive federal funding to build the project. Construction on the CenterLine could begin by 2006 and be completed by 2009.

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Less Than Significant Impact.

Intersection Capacity Evaluation

Level of service (LOS) is commonly used as a qualitative description of intersection operation and is based on the capacity of the intersection and the volume of traffic using the intersection. The Intersection Capacity Utilization (ICU) analysis method is utilized in this study to determine the operating LOS of the project site intersections locations. The ICU analysis methodology describes the operation of an intersection using a range of LOS from LOS A (free-flow conditions) to LOS F (severely congested conditions), based on corresponding Volume/Capacity (V/C) ratios shown in Table 4-9, *Level of Service*.

**Table 4-9
LEVEL OF SERVICE**

Intersection Capacity Utilization	Corresponding Level of Service
0.00 – 0.60	LOS A
0.61 – 0.70	LOS B
0.71 – 0.80	LOS C
0.81 – 0.90	LOS D
0.91 – 1.00	LOS E
Greater than 1.00	LOS F

Source: RBF Consulting, Court of Appeal, Fourth Appellate District, Division Three Replacement Project Traffic Impact Study, October 14, 2004.

To determine whether the addition of project trips results in a significant impact at a study intersection, the City of Santa Ana utilizes the following threshold of significance:

- A significant project impact occurs at a signalized intersection when a proposed project causes the intersection level of service to be LOS E or F, or if it worsens LOS E or LOS F by an increase in the volume/capacity (V/C) ratio of 0.01 or more.

The analysis focuses on project trip generation, as well as addressing the project's impact on the following 7 area intersections:



- Flower Street/Civic Center Drive;
- Flower Street/Santa Ana Boulevard;
- Parton Street/Santa Ana Boulevard;
- Ross Street/Civic Center Drive;
- Ross Street/Santa Ana Boulevard-5th Street;
- Broadway/Civic Center Drive; and
- Broadway/Santa Ana Boulevard.

The proposed project involves the development of a 55,000 square foot Appellate Courthouse facility. According to the project's *Traffic Impact Study*, the project would generate approximately 378 trips per day, on average, including 127 AM and 215 PM peak hour trips. All intersections analyzed as part of the *Traffic Impact Study* would continue to operate at an acceptable level of service (level of service [LOS] D) under year 2025 "with project" conditions, with the exception of one intersection: Flower Street/Civic Center Drive (refer to Table 4-10, *Traffic Levels Without the CenterLine*). Under the "With CenterLine Plus project" condition, all intersections would continue to operate at an acceptable level of service (level of service [LOS] D) under year 2025 conditions, with the exception of three intersections: Flower Street/Civic Center Drive, Ross Street/Civic Center Drive and Broadway/Civic Center Drive (refer to Table 4-11, *Traffic Levels With the CenterLine*). However, as discussed in the project's *Traffic Impact Study*, the delay times would not increase the volume to capacity ratio by 0.01. In fact, the volume to capacity ratio would not increase at all. The number of daily trips generated from the proposed development of the site, and associated intersection impacts, would not be considered significant, based on City of Santa Ana traffic impact significance criteria. As such, the project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, and overall traffic impacts associated with implementation of the proposed project would be less than significant.

**Table 4-10
TRAFFIC LEVELS WITHOUT THE CENTERLINE**

Study Intersection	Forecast Year 2025 Without Project		Forecast Year 2025 With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	V/C - LOS	V/C - LOS	V/C - LOS	V/C - LOS	
Flower St/Civic Center Dr	0.91 - E	0.77 - C	0.91 - E	0.78 - C	No
Flower St/Santa Ana Blvd	0.60 - B	0.66 - B	0.61 - B	0.67 - B	No
Parton St/Santa Ana Blvd	0.25 - A	0.27 - A	0.30 - A	0.35 - A	No
Ross St/Civic Center Dr	0.52 - A	0.69 - B	0.52 - A	0.69 - B	No
Ross St/Santa Ana Blvd-5th St	0.43 - A	0.48 - A	0.44 - A	0.51 - A	No
Broadway/Civic Center Dr	0.70 - B	0.67 - B	0.70 - C	0.68 - B	No
Broadway/Santa Ana Blvd	0.50 - A	0.51 - A	0.51 - A	0.52 - A	No

Source: RBF Consulting, *Court of Appeal, Fourth Appellate District, Division Three Replacement Project Traffic Impact Study*, October 14, 2004.

**Table 4-11
TRAFFIC LEVELS WITH THE CENTERLINE**

Study Intersection	Forecast Year 2025 With CenterLine Without Project		Forecast Year 2025 With CenterLine With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	V/C - LOS	V/C - LOS	V/C - LOS	V/C - LOS	
Flower St/Civic Center Dr	0.98 - E	0.79 - C	0.98 - E	0.79 - C	No
Flower St/Santa Ana Blvd	0.78 - C	0.84 - D	0.80 - C	0.87 - D	No
Parton St/Santa Ana Blvd	0.22 - A	0.26 - A	0.27 - A	0.33 - A	No
Ross St/Civic Center Dr	0.82 - D	0.99 - E	0.82 - D	0.99 - E	No
Ross St/Santa Ana Blvd-5th St	0.81 - D	0.83 - D	0.85 - D	0.85 - D	No
Broadway/Civic Center Dr	0.83 - D	0.99 - E	0.84 - D	0.99 - E	No
Broadway/Santa Ana Blvd	0.52 - A	0.60 - B	0.53 - A	0.61 - B	No

Source: RBF Consulting, *Court of Appeal, Fourth Appellate District, Division Three Replacement Project Traffic Impact Study*, October 14, 2004.



Mitigation Measures: No mitigation measures are required.

- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

Less Than Significant Impact. The Orange County Congestion Management Program (CMP) was established in 1991, to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects. The CMP designates certain roadways as Smart Streets with potential improvements including traffic signal synchronization, re-striping/widening to increase the number of travel lanes, intersection grade separations, bus turnouts, removal of on-street parking and intersection improvements.

The Orange County CMP states that "a TIA will be required for CMP purposes for all proposed developments generating 2,400 or more daily trips," and that "for developments which will directly access a CMP Highway System link, the threshold for requiring a TIA should be reduced to 1,600 or more trips per day."

The study area for a CMP analysis is defined by a measure of the project's significant impact on the roadway links. Significant impact is defined as links impacted by three percent or more of their LOS "E" capacity. The CMP states that, "If a TIA is required only for CMP purposes, the study area would end when traffic falls below three percent of capacity on individual roadway links." If the TIA is also required for other purposes, additional analysis can be required by the local jurisdiction based on engineering judgment or local regulation as applicable. The proposed project is estimated to generate a total of 378 daily trips, and would take access directly onto Santa Ana Boulevard, which is not designated as a Smart Street in the CMP network. As such, the proposed project is not required to comply with the CMP Traffic Impact Study guidelines.

Mitigation Measures: No mitigation measures are required.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

Less Than Significant Impact. The project site is not located within two miles of a public or private use airport. Thus, the project site is not anticipated to experience any impacts in this regard.

Mitigation Measures: No mitigation measures are required.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less Than Significant Impact. The proposed project would be compatible with surrounding commercial, institutional and governmental uses that are located along, and utilize, Santa Ana Boulevard and Ross Street. Nonetheless, the project would be subject to review and approval by the City of Santa Ana, which would preclude the possibility of hazardous conditions related to traffic. No impacts are expected in this regard.

Mitigation Measures: No mitigation measures are required.



- e) *Result in inadequate emergency access?*

Less Than Significant Impact. The project would take access directly to Santa Ana Boulevard via one full-movement, signalized driveway. The site plan must satisfy all City of Santa Ana design standards related to emergency access. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- f) *Result in inadequate parking capacity?*

Less Than Significant Impact.

There would be 100 spaces available in the parking structure or on court owned land adjacent to the structure for court. However, number of parking spaces does not represent the parking demand of the proposed Appellate Courthouse, as the entire court staff is currently composed of approximately 80 people. It should be noted that the Appellate Courthouse project is not subject to city zoning or planning regulations regarding the number of parking spaces required.

Public parking is not part of the 100 spaces, as the public would park in the non-allocated spaces within the City parking structure or in surrounding parking lots. Current estimates show that public visitation includes approximately 40 cars per day on one week each month - during oral arguments, other times public visitation is less than 10 cars per day. Typically the public visits the court for less than two hours at a time, and as such 5 spaces per day are usually sufficient.

Mitigation Measures: No mitigation measures are required.

- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Less Than Significant Impact. Based on the City of Santa Ana *Bikeway Master Plan*, a Class II Bike Lane exists along Santa Ana Boulevard adjacent to the project site. Additionally, there are numerous bus turnouts along Santa Ana Boulevard and Ross Street. The project site would not alter or conflict with the City's Goals and Policies related to alternative transportation, and would not alter or reconfigure either Santa Ana Boulevard or Ross Street.

Mitigation Measures: No mitigation measures are required.

4.16 UTILITIES AND SERVICE SYSTEMS. *Would the project:*

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Less Than Significant Impact. Although the proposed project would increase the amount of wastewater generated from the project site, the proposed project can be served by the capacity of the existing system along North Main Street and Santa Ana Boulevard. Thus, implementation of the proposed project would not exceed wastewater treatment requirements. Thus, no significant impacts are anticipated in this regard.

Also, refer to Response 4.16b.

Mitigation Measures: No mitigation measures are required.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*



Less Than Significant Impact. The Orange County Sanitation District (OCSD) is responsible for the provision of wastewater treatment facilities that serve the project site. Based on OCSD generation factors, office uses generate 200 gallons of wastewater per 1,000 square feet gross floor area.¹⁰ Therefore, the proposed project (55,000 gross square feet) would generate approximately 11,000 gallons of wastewater per day. However, these numbers are a conservative worst case, since these projections are based on a high intensity office use.

The project proposes to connect to the existing sewer mains located along North Main Street and Santa Ana Boulevard. Sufficient capacity in these sewer lines would be acceptable based on wastewater generated from the proposed project. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Potentially Significant Impact Unless Mitigated. The project site is currently developed with a 203 space surface parking lot and a structure that is occupied by the Santa Ana Winds Marching Band Storage Facility, which was formerly used by the Orange County Juvenile Detention Center annex. The new Appellate Courthouse would be relocating less than one mile from its current locations and the 80 employees would also remain the same.

Stormwater runoff from the project site flows into the existing storm drain system along North Main Street and Santa Ana Boulevard. Although the 2-acre site would be mostly impervious surfaces, the proposed project is anticipated to generate similar amounts of stormwater runoff as the existing site. Thus, no significant impacts to the existing storm drain system would result from project implementation. Furthermore, the proposed project would be subject to requirements of the National Pollutant Discharge System (NPDES) that would reduce impacts to the storm water drainage systems. Also, project storm drain improvements shall be subject to City review and approval. The following mitigation measures are recommended to ensure storm water drainage impacts remain at or below existing levels.

Mitigation Measures: Refer to Mitigation Measure HYD3. No additional mitigation measures are required.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less Than Significant Impact. According to the Santa Ana General Plan Land Use Element, the water needs of future development in the City and impacts on groundwater sources have been accounted for by the City of Santa Ana and the Orange County water district (OCWD).¹¹ Thus, the proposed land use would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Furthermore, project implementation would not intercept an aquifer, and would not substantially decrease the City's overall water supply through increased withdrawals from groundwater.

Mitigation Measures: No mitigation measures are required.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

¹⁰ Wastewater generation rates based on *Draft Environmental Impact Report for the Proposed Santa Ana General Plan Land Use Element*, August 1997.

¹¹ City of Santa Ana, *Santa Ana General Plan Land Use Element*, pg A-49.



Less Than Significant Impact. As stated in Response 4.16b, the Orange County Sanitation District (OCSD) is responsible for the provisions of wastewater treatment facilities that serve the project site. OCSD provides wastewater collection and treatment services for 2.1 million residents and businesses in Orange County. Sewage from Orange County goes to one of the following facilities operated by OCSD: Reclamation Plant No. 1 or Treatment Plant No. 2. All of the sewage from the City of Santa Ana is diverted to Reclamation Plant No. 1 located in the City of Fountain Valley. Plant No. 1 has a capacity of 108 million gallons per day (mgd), but is running under capacity at approximately 75 mgd.

Based on OCSD generation factors, office uses generate 200 gallons of wastewater per 1,000 square feet gross floor area.¹² Therefore, the proposed project (55,000 gross square feet) would generate approximately 11,000 gallons of wastewater per day. The above referenced numbers is a worst-case scenario since these projections are based on a high intensity office use.

The project proposes connection to the existing sewer mains located along North Main Street and Santa Ana Boulevard. There is sufficient capacity in these sewer lines to accept the wastewater that would be generated from the proposed project. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Less Than Significant Impact. Great Western Reclamation would provide solid waste collection and disposal services for the project site. The solid waste would then be transported to the Sunset Environmental Service Transfer Station in Irvine and the CVT Transfer Station in Anaheim. The non-recyclable waste would then be transported to the Frank Bowerman and Brea Olinda/Alpha Olinda landfills for ultimate disposal. The Frank Bowerman Landfill is anticipated to have the capacity to provide waste disposal until the year 2024, and the Brea Olinda/Alpha Olinda Landfill is expected to have capacity until the year 2013.

To minimize the proposed projects potential impacts on Orange County's landfills, the following betterment measures are proposed:

1. Recycling programs shall be included in the design and development of the project through the inclusion of space for and designation of facilities to support recycling, such as adequate storage areas and access by collection vehicles.
2. The projects landscaping shall incorporate drought resistant plant materials, which have minimum maintenance requirements and generate less yard waste for disposal at County landfills.
3. Project occupants shall be encouraged to recycle, at a minimum, newspapers, glass bottles, aluminum and metal cans.

If hazardous materials are identified, the project developer(s) shall undertake the treatment and/or disposal of these wastes in a manner consistent with the California Code of Regulations, the rules and regulations of the State Department of Health Services, the Orange County Sanitation District and the South Coast Air Quality Management District, including but not limited to, any and all permitting and licensing requirements associated therewith. Thus, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

¹² Wastewater generation rates based on *Draft Environmental Impact Report for the Proposed Santa Ana General Plan Land Use Element*, August 1997.



- g) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Less Than Significant Impact. Refer to Response 4.16f.

Mitigation Measures: No mitigation measures are required.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

No Impact. The project site does not contain any threatened or endangered species, sensitive habitats or cultural or historical resources. The proposed project does not have the potential to degrade the environment in this regard.

It is hereby found that the proposed project involves no potential for any adverse impact, either individually or cumulatively, on wildlife resources.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less Than Significant Impact. There would be no impact that would be individually limited, but cumulatively considerable beyond those previously analyzed in the *Santa Ana General Plan EIR*, for the environmental issues analyzed in this Initial Study/Environmental Checklist. Therefore, the proposed project would not result in a significant impact in this regard.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact. Previous sections of this Initial Study/Environmental Checklist reviewed the proposed project's potential impacts related to air pollution, noise, public health and safety, traffic and other issues. As explained in these previous sections, the proposed project would not cause substantial adverse effects on human beings.



5.0 REFERENCES

The following references were utilized during preparation of this Initial Study/Environmental Checklist.

California Air Resources Board, *Area Designations for State and National Ambient Air Quality Standards*, November 1999.

California Department of Conservation - Divisions of Mines and Geology, *Fault Activity Map of California and Adjacent Area*, 1994.

California Environmental Resources Evaluation System website, <http://ceres.ca.gov/>

Carrier Johnson, *Preliminary Site Plan*, August 2004.

City of Santa Ana, *Civic Center Parking Structure Negative Declaration*, May 13, 2002.

City of Santa Ana, *Santa Ana General Plan Circulation Element*, February 1998.

City of Santa Ana, *Santa Ana General Plan Land Use Element*, October 1997.

County of Orange, Flood Control District, *Drainage Area Master Plan*, July 1, 2003.

Federal Emergency Management Agency, *FIRM Flood Insurance Rate Map Community Panel Number No. 0602320029F*.

Orange County Transportation Authority, *Supplemental Draft Environmental Impact Statement and Revised Draft Environmental Impact Report for the CenterLine Light Rail System*, October 2003.

P&D Consultants, *One Broadway Plaza Draft Environmental Impact Report*, July 2003.

RBF Consulting, *Court of Appeal, Fourth Appellate District, Division Three Replacement Project Phase 1 Environmental Site Assessment Update*, June 15, 2004.

RBF Consulting, *Court of Appeal, Fourth Appellate District, Division Three Replacement Project Traffic Impact Study*, October 14, 2004.

South Coast Air Quality Management District, *CEQA Handbook*, November 1993.

South Coast Air Quality Management District, *Final Air Quality Management Plan*, August 2003.

Southern California Earthquake Center Website, *Faults of Southern California*, <http://www.scecdc.scec.org/faultmap.html>.

Thomas Guide, *Los Angeles and Orange Counties*, Map Page 829, 2001 Edition.

United States Department of Agriculture, *Orange County General Soils Map*, September 1978.

United States Geological Service, *Ground Water Levels for California*, <http://www.water.usgs.gov>.



6.0 REPORT PREPARATION PERSONNEL

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, Ca 94102

Clifford Ham, Senior Project Manager
Scott Shin, Project Manager

State of California
Department of General Services – Professional Services Branch
707 Third Street, 3rd Floor
Sacramento, Ca 95605
916/376-1600

Lynne Rodrian, Senior Environmental Planner

RBF Consulting (Environmental)
14725 Alton Parkway
Irvine, California 92618
949/472-3505

Kevin Thomas, CEP, Environmental Services Manager
Eddie Torres, INCE, Project Manager
Richard Beck, Regulatory Analyst
Stephanie Melton, Environmental Analyst
Stacey Brenner, Environmental Analyst
Josias Gonzalez, Environmental Analyst
Bob Matson, Transportation Planner
Paul Martin, PE, Transportation Planner
Deepak Kaushik, Transportation Planner

Carrier Johnson (Architect)
275 B McCormick Avenue
Costa Mesa, California 92626
714/432-8756

Gary Mangham, Architect



7.0 INVENTORY OF MITIGATION MEASURES

Air Quality

- AQ1 The following dust suppression measures in the SCAQMD *CEQA Handbook*, shall be included as part of the project's construction.
- Revegetate disturbed areas as quickly as possible;
 - All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph;
 - All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water);
 - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip;
 - All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized; and
 - The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.
- AQ2 The Administrative Office of the Courts shall ensure that the Construction Contractor selects construction equipment based on low emission factors and high energy efficiency. The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AQ3 The Administrative Office of the Courts shall ensure that the Construction Contractor utilizes electric or diesel powered equipment in lieu of gasoline powered engines where feasible.
- AQ4 The Administrative Office of the Courts shall ensure that the Construction Contractor times the construction activities so as to not interfere with peak-hour traffic and minimizes obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.
- AQ5 The Construction Contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- AQ6 The Administrative Office of the Courts shall ensure that the Construction Contractor uses pre-coated/natural colored building materials, water-based or low-VOC coating, and coating transfer or spray equipment with high transfer efficiency whenever feasible.
- AQ7 Energy conservation practices, as required by the Subdivision Map Act, Building Energy Efficiency Standards (California Energy Commission, 1988) and state and local laws, shall be incorporated into the design of the project to have the secondary effect of limiting stationary source pollutants.

Cultural Resources

- CUL1 If cultural materials are exposed during construction of the proposed project, construction will be diverted in that area until a qualified archaeologist can evaluate the nature and significance of the find. If the find is determined by archaeologists to require further treatment, the area of the discovery will be protected from disturbance while qualified archaeologists and appropriate officials, in



consultation with the State Historic Preservation Officer (SHPO), determine an appropriate treatment plan.

- CUL2 If human remains are exposed during construction, California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. Construction will be halted in the area of the discovery of human remains, the area will be protected, and consultation and treatment will occur as prescribed by law.

Geology and Soils

- GEO1 All structures shall be designed as confirmed during the building design plan checking, to withstand anticipated groundshaking caused by future earthquakes within an acceptable level of risk (i.e., high-risk zone), as designated by the City's latest adopted edition of the Uniform Building Code (UBC).
- GEO2 Prior to the issuance of a grading permit, a site specific geologic and soils report shall be prepared by a registered geologist or soils engineer. The report shall specify design parameters necessary to remediate any soil and geologic hazards.
- GEO3 All grading, landform modifications and construction shall be in conformance with state-of-the-practice design and construction parameters. Typical standard minimum guidelines regarding regulations to control excavations, grading, earthwork construction, including fills and embankments and provisions for approval of plans and inspection of grading construction are set from the latest version of the Uniform Building Code. Compliance with these standards shall be evident on grading and structural plans.
- GEO4 Precise grading plans shall include an Erosion, Siltation and Dust Control Plan to be prepared in accordance with Best Management Practices. The Plan's provisions may include sedimentation basins, sand bagging, soil compaction, revegetation, temporary irrigation, scheduling and time limits on grading activities, and construction equipment restrictions on-site. This plan shall also demonstrate compliance with South Coast Air Quality Management District Rule 403, which regulates fugitive dust control.

Hazards and Hazardous Materials

- HAZ1 Any hazardous waste that is generated on-site shall be transported to an appropriate disposal facility by a licensed hauler in accordance with the appropriate State and Federal laws.

Hydrology and Water Quality

- HYD1 The applicant shall obtain a Notice of Intent from the State of California Regional Water Quality Control Board, as the proposed project site would result in the disturbance of one acre or more. A copy of the Notice of Intent acknowledgement from the State of California Regional Water Quality Control Board must be submitted to the City of Santa Ana Department of Public Works before issuance of grading permits.
- HYD2 Prior to the issuance of building permits, the applicant shall submit for approval of the City of Santa Ana Department of Public Works, a Water Quality Management Plan (WQMP) pursuant to the County of Orange Drainage Area Management Plan and the City of Santa Ana local implementation plan, specifically identifying BMPs that shall be used on-site to control predictable pollutant runoff.



- HYD3 Prior to issuance of grading permits, Best Management Practices (BMPs) shall be developed in compliance with Orange County's municipal NPDES permit program. Specific measures shall include:
- Siltation of drainage devices shall be handled through a maintenance program to remove silt/dirt from channels and parking areas.
 - Surplus or waste materials from construction shall not be placed in drainage ways or within the 100-year floodplain surface waters.
 - All loose piles of soil, silt, clay, sand, debris, or other earthen materials shall be protected in a reasonable manner to eliminate any discharge to waters of the State.
 - During construction, temporary gravel or sandbag dikes shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.
 - Stabilizing agents such as straw, wood chips and/or soil sealant/dust retardant shall be used during the interim period after grading in order to strengthen exposed soil until permanent solutions are implemented.
 - Revegetated areas shall be continually maintained in order to assure adequate growth and root development.

HYD4 Prior to the issuance of grading permits, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), which identifies construction and post construction BMPs.

Noise

- N1 During all project site excavation and grading, the Administrative Office of the Courts shall ensure that the Construction Contractor equips all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- N2 The Administrative Office of the Courts shall ensure that the Construction Contractor places all stationary construction equipment in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.
- N3 The Administrative Office of the Courts shall ensure that the Construction Contractor locates equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- N4 The Administrative Office of the Courts shall ensure that the Construction Contractor limits the on-site construction activities to the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. No construction activity should occur on Sundays and federal holidays.

Public Services and Utilities

- PS1 All structures shall be designed to include automatic fire sprinkler systems.
- PS2 All structures shall be designed to include a supervised fire alarm system located in an accessible location with an annunciator per the requirements of the California Fire Code.



- PS3 The project plans shall be designed so that access to and around structures shall meet all OCFA and California Fire Code requirements.
- PS4 The project plans shall be designed so that all rooms and buildings shall be clearly marked with addresses and a site directory shall be posted at the front entrance to the facility.



8.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in the Initial Study/Environmental Checklist, we recommend that the Judicial Council of California prepare a Mitigated Negative Declaration for the Court of Appeal, Fourth Appellate District, Division Three Replacement Project. We find that the proposed project could have a significant effect on a number of environmental issues, but that mitigation measures have been identified that reduce such impacts to a less than significant level. We recommend that the second category be selected for determination (See Section 9.0, Lead Agency Determination).

10/6/04

Date

Eddie Torres, INCE
Project Manager, Environmental Services
RBF CONSULTING



9.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 8.0 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

California Department of General Services
Professional Services Branch
Environmental Services Section
(Lead Agency Representative)

Signature
Lynne Rodrian
Senior Environmental Planner
Printed Name/Title

Agency
10/26/04
Date: October 26, 2004



Section B: Public Review/Distribution Documents

SCAQMD

Attn: Steve Smith
Program Supervisory/ CEQA Section
21865 E. Copley Drive
Diamond Bar, CA 91765

CALTRANS - District 12

Attn: Robert Joseph
3347 Michaelson Drive, Suite 100
Irvine, CA 92612

**Santa Ana Regional Water
Quality Control Board**

Attn: Mark Smythe
3737 Main Street, Suite 500
Riverside, CA 92501

City of Santa Ana Public Works

Attn: David Biondolillo
Project Manager
101 West Fourth Street
Santa Ana, CA 92702

City of Santa Ana

Attn: Ruth Smith, PE
Senior Traffic Engineer
20 Civic Center Plaza, M-43
Santa Ana, CA 92701

City of Santa Ana Planning Department

Attn: Dan Bott
Environmental Coordinator
20 Civic Center Plaza, M20
Santa Ana, CA 92701

City of Fullerton Planning Department

Attn: Joel Rosen
Chief Planner
303 W. Commonwealth
Fullerton, CA 92832

City of Orange**Community Development Department**

Attn: Alice Angus
Community Development Director
300 East Chapman Avenue
Orange, CA 92866

**City of Garden Grove Community Development
Department**

Attn: Matthew J. Fertal
Community Development Director
11222 Acacia Parkway
Garden Grove, CA 92866

**City of Cypress Community Development
Department**

Attn: David Belmer
Community Development Director
5275 Orange Avenue
Cypress, CA 90630

City of Tustin Planning Department

Attn: Planning Department
300 Centennial Way
Tustin, CA 92780

Fountain Valley Planning Department

Attn: Mr. Andrew Perea
10200 Slater Ave
Fountain Valley CA 92708

Westminster Planning Department

Attn: Brian Fisk
8200 Westminster Blvd.
Westminster, CA 92683

Anaheim Planning Department

Attn: Sheri Vander Dussen
300 South Anaheim Blvd
Anaheim, CA 92805

Orange County Transportation Authority

Attn: Dave Elbaum
Director of Strategic Planning
550 S. Main Street
Orange, CA 92866

**Orange County Planning & Development
Services**

Attn: Ron Tippets
300 North Flower Street
Santa Ana, CA 92653

Santa Ana City Library

Attn: Head Librarian
26 Civic Center Plaza
Santa Ana CA 92703

County Law Library

Attn: Building Manager
515 N Flower St
Santa Ana CA 92703

Federal Building

Attn: Building Manager
34 Civic Center Plaza
Santa Ana CA 92703

Howie-Waffle House

120 Civic Center Plaza
Santa Ana CA 92703

Ronald Reagan Federal Building

Attn: Building Manager
411 West Fourth St.
Santa Ana CA 92703

Thomas Hall of Administration

Attn: Building Manager
10 Civic Center Plaza
Santa Ana CA 92703

State Building

Attn: Building Manager
28 Civic Center Plaza
Santa Ana CA 92703

Santa Ana Winds

845 North Broadway
Santa Ana, Ca 92703

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Garden Grove Community Development Department

Attn: Matthew J. Fertal
Community Development Director
11222 Acacia Parkway
Garden Grove, CA 92866

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2380

PS Form 3811, August 2001

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 [Signature] Agent
 Addressee

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1. Article Addressed to:

Thomas Hall of Administration

Attn: Building Manager
10 Civic Center Plaza
Santa Ana CA 92703

2. Article Number

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7004 1160 0000 3001 2519

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PREPARE 10/26/04

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1. Article Addressed to:

City of Fullerton Planning Department

Attn: Joel Rosen
Chief Planner
303 W. Commonwealth
Fullerton, CA 92832

2. Article Number

(Transfer from service label)

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 Addressee

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3. Service Type

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4. Restricted Delivery? (Extra Fee) Yes

OCT 27 2004

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1. Article Addressed to:		B. Received by (Printed Name) <i>Van Lam</i>	C. Date of Delivery <i>10-26</i>
Santa Ana City Library Attn: Head Librarian 26 Civic Center Plaza Santa Ana CA 92703		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2465	
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1. Article Addressed to:		B. Received by (Printed Name) <i>ES</i>	C. Date of Delivery <i>10/27/04</i>
Westminster Planning Department Attn: Brian Fisk 8200 Westminster Blvd. Westminster, CA 92683		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2427	
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1. Article Addressed to:		B. Received by (Printed Name) <i>Dave Preece</i>	C. Date of Delivery <i>10-27-04</i>
Fountain Valley Planning Department Attn: Mr. Andrew Perea 10200 Slater Ave Fountain Valley CA 92708		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2410	
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1. Article Addressed to:

State Building
Attn: Building Manager
28 Civic Center Plaza
Santa Ana CA 92703

2. Article Number

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7004 1160 0000 3001 2526

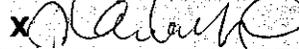
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A. Signature

 Agent Addressee

B. Received by (Printed Name)

NEANTO

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D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

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 Yes**SENDER: COMPLETE THIS SECTION**

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1. Article Addressed to:

Ronald Reagan Federal Building
Attn: Building Manager
411 West Fourth St.
Santa Ana CA 92703

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2502

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A. Signature

 Agent Addressee

B. Received by (Printed Name)

PRPARK

C. Date of Delivery

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D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Cypress Community Development
Department
Attn: David Belmer
Community Development Director
5275 Orange Avenue
Cypress, CA 90630

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2397

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Addressee

B. Received by (Printed Name)

Kat Houch

C. Date of Delivery

10-27-04

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <p style="text-align: center;">Orange County Planning & Development Services Attn: Ron Tippets 300 North Flower Street Santa Ana, CA 92653</p>		B. Received by (Printed Name) C. Date of Delivery 10/16	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2458	
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1. Article Addressed to: <p style="text-align: center;">Orange County Transportation Authority Attn: Dave Elbaum Director of Strategic Planning 550 S. Main Street Orange, CA 92866</p>		B. Received by (Printed Name) C. Date of Delivery 27 2004	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2441	
Form 3811, August 2001		Domestic Return Receipt	
		102595-02-M-1540	

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1. Article Addressed to: <p style="text-align: center;">City of Orange Community Development Department Attn: Alice Angus Community Development Director 300 East Chapman Avenue Orange, CA 92866</p>		B. Received by (Printed Name) C. Date of Delivery 11/15/04	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7004 1160 0000 3001 2373	
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		102595-02-M-1540	

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1. Article Addressed to:

SQAQMD
 Attn: Steve Smith
 Program Supervisory/ CEQA Section
 21865 E. Copley Drive
 Diamond Bar, CA 91765

COMPLETE THIS SECTION ON DELIVERY

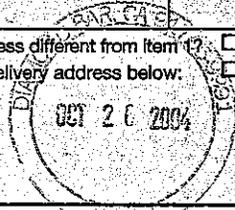
A. Signature Agent Addressee
 X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



2. Article Number (Transfer from service label) **7004 1160 0000 2996 5536**

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CALTRANS - District 12
 Attn: Robert Joseph
 3347 Michaelson Drive, Suite 100
 Irvine, CA 92612

COMPLETE THIS SECTION ON DELIVERY

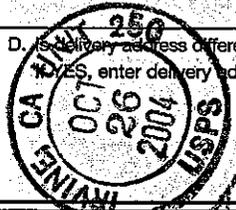
A. Signature Agent Addressee
 X *Charles Kaiser*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



2. Article Number (Transfer from service label) **7004 1160 0000 3001 2311**

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Santa Ana Regional Water Quality Control Board
 Attn: Mark Smythe
 3737 Main Street, Suite 500
 Riverside, CA 92501

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery
 10-26-04

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7004 1160 0000 3001 2328**

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name) <i>WELLS</i>	C. Date of Delivery
City of Santa Ana Public Works Attn: David Biondolillo Project Manager 101 West Fourth Street Santa Ana, CA 92702		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type	
7004 1160 0000 3001 2335		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name) <i>Kor Warden</i>	C. Date of Delivery <i>10/26/04</i>
City of Tustin Planning Department Attn: Planning Department 300 Centennial Way Tustin, CA 92780		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type	
7004 1160 0000 3001 2403		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery <i>10-29-04</i>
County Law Library Attn: Building Manager 515 N Flower St Santa Ana CA 92703		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type	
7004 1160 0000 3001 2472		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Santa Ana
Attn: Ruth Smith, PE
Senior Traffic Engineer
20 Civic Center Plaza, M-43
Santa Ana, CA 92701

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2342

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Anaheim Planning Department
Attn: Sheri Vander Dussen
200 South Anaheim Blvd
Anaheim, CA 92805

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2434

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Santa Ana Planning Department
Attn: Dan Bott
Environmental Coordinator
20 Civic Center Plaza, M20
Santa Ana, CA 92701

2. Article Number

(Transfer from service label)

7004 1160 0000 3001 2359

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

**Notice of Completion and Environmental
Document Transmittal Form**

Mail to: State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814 -- 916/445-0613

See NOTE below

SCH # _____

1. Project Title Court of Appeal, Fourth Appellate District, Division Three Replacement Project
2. Lead Agency Judicial Council of California
- 3a. Street Address 455 Golden Gate Avenue
- 3c. County San Francisco
3. Contact Person Mr. Clifford Ham
- 3b. City: San Francisco
- 3e. Phone 415-865-7550

Project Location

4. County Orange
- 4a. City/Community Santa Ana
- 4b. Assessor's Parcel No. Portions of 008-067-033, 027 and 040
- 4c. Section NA Twp. NA Range NA
- 5a. Cross Streets Ross Street/Santa Ana Boulevard
- 5b. For Rural, Nearest Community N/A
6. Within 2 miles: 6a. State Hwy # Interstate 5 and State Route 22
- 6b. Airports John Wayne Airport (SNA)
- 6c. Railways OCTA Metrolink
- 6d. Waterways Kern River/Cross Vailey Canal

7. Document Type

- CEQA: 01. NOP 05. Supplement/Subsequent EIR NEPA: 09. NOI OTHER: 13. Joint Document
02. Early Cons (Prior SCH No.: _____) 10. FONSI 14. Final Document
03. Neg Dec 06. NOE 11. Draft EIS 15. Other _____
04. Draft EIR 07. NOC 12. EA
08. NOD

8. Local Action Type

01. General Plan Update 05. Annexation 09. Rezone 12. Waste Mgmt Plan
02. New Element 06. Specific Plan 10. Land Division (Subdivision, Parcel Map, Tract Map, etc.) 13. Cancel Ag Preserve
03. General Plan Amendment 07. Community Plan 11. Use Permit 14. Other Circulation
04. Master Plan 08. Redevelopment

9. Development Type

01. Residential: Units _____ Acres _____ 07. Mining: Mineral _____
02. Office: Sq.ft. _____ Acres _____ Employees _____ 08. Power: Type _____ Watts _____
03. Shopping/Commercial: Sq.ft. _____ Acres _____ Employees _____ 09. Waste Treatment: Type _____
04. Industrial: Sq.ft. _____ Acres _____ Employees _____ 10. OCS Related
05. Water Facilities: MGD _____ 11. Other: Appellate Courthouse - 55,000 sq. ft.
06. Transportation: Type _____

10. Total Acres 2
11. Total Jobs Created N/A

12. Project Issues Discussed in Document

01. Aesthetics/Visual 09. Geologic/Seismic 17. Social 25. Wetland/Riparian
02. Agricultural Land 10. Jobs/Housing Balance 18. Soil Erosion 26. Wildlife
03. Air Quality 11. Minerals 19. Solid Waste 27. Growth Inducing
04. Archaeological/Historical 12. Noise 20. Toxic/Hazardous 28. Incompatible Land Use
05. Coastal Zone 13. Public Services 21. Traffic/Circulation 29. Cumulative Effects
06. Economic 14. Schools 22. Vegetation 30. Other _____
07. Fire Hazard 15. Septic Systems 23. Water Quality
08. Flooding/Drainage 16. Sewer Capacity 24. Water Supply

13. Funding (approx.) Federal \$ N/A State \$ \$17,500,000 Total \$ N/A

14. Present Land Use and Zoning: Government Center (GC)/Institutional

15. Project Description: The project applicant, Judicial Council of California, proposes to construct a new Court of Appeal, Fourth Appellate District, Division Three in the City of Santa Ana. The proposed project would be developed in one phase. At build-out, the development would result in the construction of one, three level building, totaling 55,000 square feet with a maximum height of approximately 54 feet. Approximately 80 staff members will be at the new Courthouse. The project site also includes a three level parking structure that includes 406 parking spaces. However, this structure will be built as a separate action prior to the construction of the proposed project. Although the parking structure is not part of the proposed project, approximately 100 parking spaces would be allocated for Courthouse staff. The proposed new Courthouse would operate between the hours of 8:00 AM to 4:00 PM Monday through Friday, and closed during weekends.

16. Signature of Lead Agency Representative  Date 10/26/04
- Lynne Rodrian, Lead Agency Representative
October 26, 2004

Note: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.



RECEIVED
DEC 13 2004
RBF CONSULTING

Tom Daly
County Clerk-Recorder
12 Civic Center Plaza, Rm 106
PO Box 238
Santa Ana, CA 92702

RBF
14725 ALTON PKWY
IRVINE CA 92619

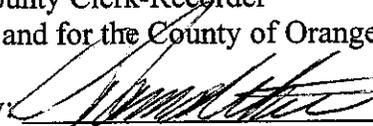
Office of the Orange County Clerk-Recorder

Memorandum

SUBJECT: Environment Impact Reports
Amendment of "Public Resources Code, Section 21092.3"

The attached notice was received, filed and a copy was posted on 10/27/2004
It remained posted for 30 (THIRTY) days.

Tom Daly
County Clerk-Recorder
In and for the County of Orange

By:  Deputy

Public Resource Code 21092.3

The notices required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county in which the project will be located and shall remain for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resources Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted within 24 hours of receipt in the office of the County clerk. Each notice shall remain posted for a period of 30 days. Thereafter, the clerk shall return the notice to the local agency with a notation of the period it was posted. The local agency shall retain the notice for not less than nine months.



POSTED

OCT 26 2004

Judicial Council of California

TOM DALY, CLERK-RECORDER

ADMINISTRATIVE OFFICE OF THE COURTS

By _____

DEPUTY

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205 · TDD 415-865-4272

**NOTICE OF INTENT
TO ADOPT MITIGATED NEGATIVE DECLARATION**

In compliance with Section 15072 of the California Environmental Quality Act Guidelines, notification is hereby given to responsible agencies, trustee agencies, interest groups and the general public, that the Judicial Council of California proposes to adopt a Mitigated Negative Declaration for the Court of Appeal, Fourth Appellate District, Division Three Replacement Project.

The Mitigated Negative Declaration (MND) and supporting attachments are available for review by the general public at the City of Santa Ana City Hall, and the City of Santa Ana Library, 26 Civic Center Plaza, Santa Ana, Ca 92702.

The proposed MND will undergo a 30-day public review period during which time comments will be received, starting October 26, 2004 and ending November 24, 2004. Comments responding to the adequacy and appropriateness of the MND should be sent to:

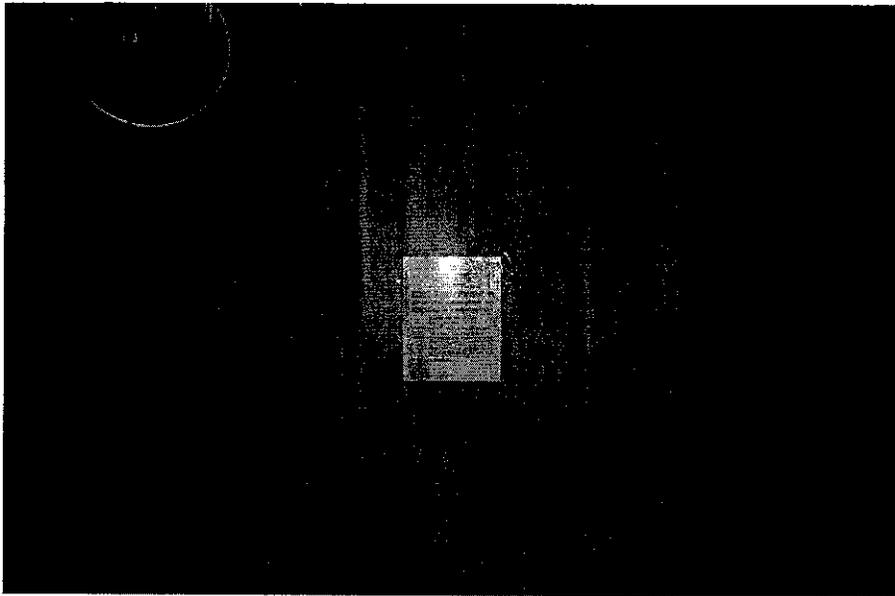
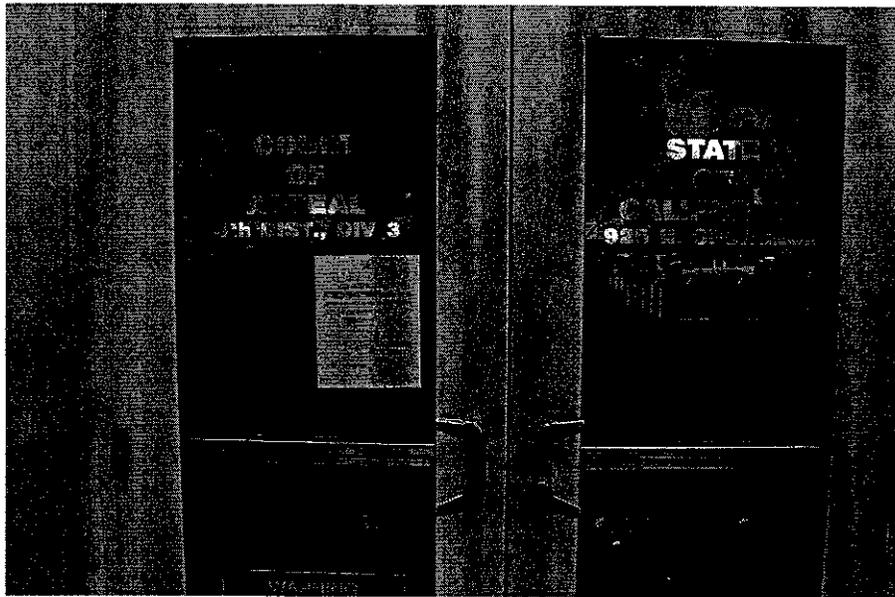
Ms. Lynne Rodrian
California Department of General Services
Professional Services Branch
P.O. Box 989052
West Sacramento, California 95798-9052
FAX: 916-376-1606

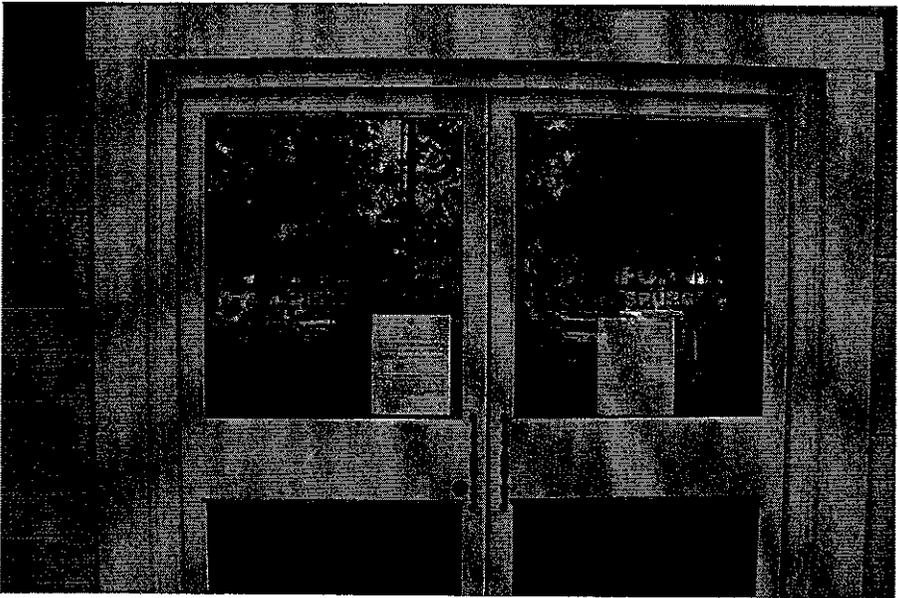
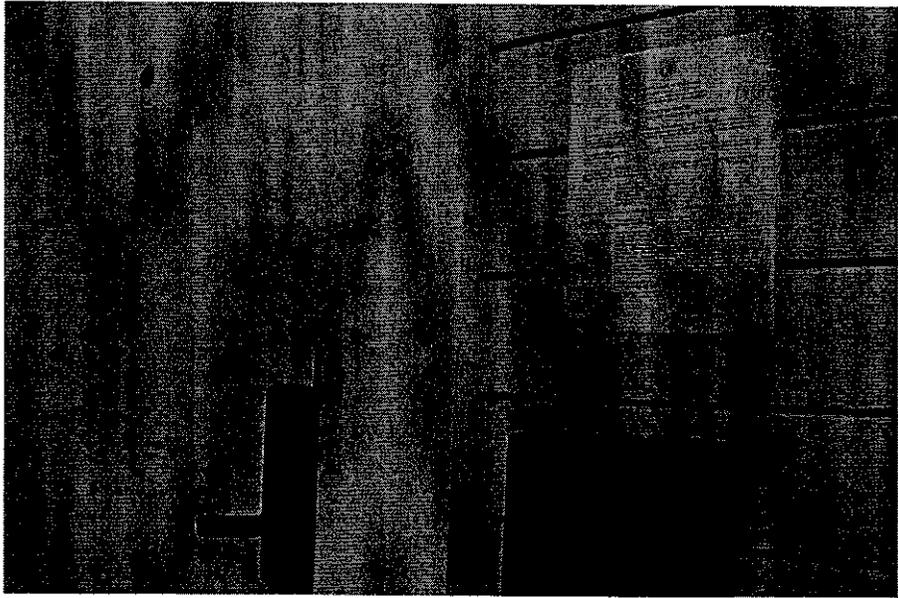
Commentors wishing to *appeal* the decision to prepare a MND must specifically state this intention in their letter.

Project Location: The approximately 2-acre project site is located on the north side of West Santa Ana Boulevard, immediately south of Santa Ana City Hall at 23 Civic Center Plaza

Project Description: The project applicant, Judicial Council of California, proposes to construct a new Court of Appeal, Fourth Appellate District, Division Three in the City of Santa Ana. The proposed project would be developed in one phase. At build-out, the development would result in the construction of one, three level building, totaling 55,000 square feet with a maximum height of approximately 54 feet. Approximately 80 staff members will be at the new Courthouse. The project site also includes a three level parking structure that includes 406 parking spaces. However, this structure will be built as a separate action prior to the construction of the proposed project. Although the parking structure is not part of the proposed project, approximately 100 parking spaces would be allocated for Courthouse staff. The proposed new Courthouse would operate between the hours of 8:00 AM to 4:00 PM Monday through Friday, and closed during weekends.

Project Contact Scott Shin at 818-558-3116
CEQA Contact Lynne Rodrian 916-376-1609





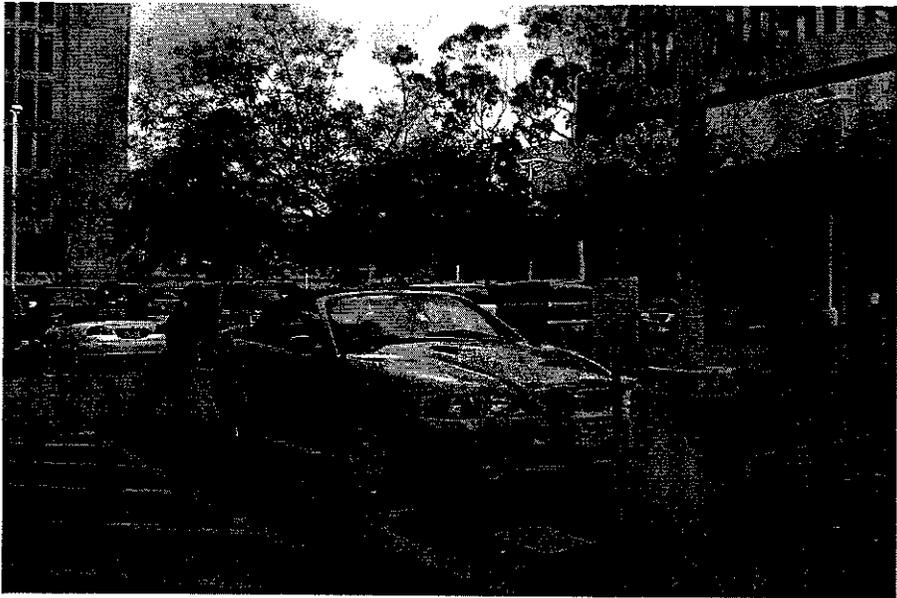




Exhibit C

Response to Comments



10.0 COMMENTS AND RESPONSES

10.1 INTRODUCTION

The Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) (see Public Resources Code Sections 21082, 21082.1, 21091, 21092, 21092.2, 21093, and 21094), as well as the State CEQA Guidelines (see Title 14 of the California Code of Regulations, Sections 15070, 15071, 15072, 15073, and 15074).

The IS/MND was made available for public review and comment pursuant to State CEQA Guidelines Section 15070. The public review period commenced on October 26, 2004 and expired on November 24, 2004. In addition, copies of the IS/MND were made available for public review at the City of Santa Ana City Hall, located at 26 Civic Center Plaza.

During the public review period, comments were received on the IS/MND from certain interested public agencies. No comments were received from the public. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

- A. City of Fullerton, dated November 16, 2004 and received on November 22, 2004 (attached as Letter A);
- B. City of Santa Ana, dated November 22, 2004 and received on November 29, 2004 (attached as Letter B);
- C. California Department of Transportation – District 12, dated November 17, 2004 and received on November 16, 2004 (attached as Letter C); and
- D. Governor's Office of Planning and Research – State Clearinghouse and Planning Unit, dated November 24, 2004 and received on November 29, 2004 (attached as Letter D).

Even though CEQA and the State CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on a negative declaration, as contrasted with a Draft Environmental Impact Report (see State CEQA Guidelines Section 15088), and even though Letter B was not timely submitted, the Judicial Council of California has elected to prepare the following written responses in the spirit and with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. Following each comment letter in Letters A, B, C and D are responses to the environmental issues raised in the letters. The letter-number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

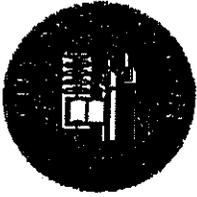
State CEQA Guidelines Section 15074 (b) states:

"Prior to approving a project, the decision making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process..."

In accordance with State CEQA Guidelines Section 15074, the Judicial Council of California, acting as Lead Agency, hereby evaluates comments on environmental issues received from the persons, firms, or agencies that reviewed the IS/MND.

10.2 COMMENTS AND RESPONSES

LETTER A



CITY OF FULLERTON

Development Services Department

November 16, 2004

Ms. Lynne Rodrian
California Department of General Services
-- Professional Services Branch
PO Box 989052
West Sacramento, CA 95798-9052

RECEIVED

NOV 22 2004

**GENERAL SERVICES
REAL ESTATE SERVICES DIVISION**

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration / Initial Study for the Court of Appeal, Fourth Appellate District, Division Three Replacement Project

Dear Ms. Rodrian:

The City of Fullerton has reviewed the Initial Study for the above mentioned project submitted by your agency for our review and comment. The project appears to have no significant environmental impacts to the City of Fullerton at this time, and no comments are being forwarded.

Thank you for giving us the opportunity to review the documents and to comment on potential issues that may affect the City of Fullerton. If you should have questions regarding this response, please call me at (714) 738-6884.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Sowers".

Heather Sowers
Assistant Planner

A1

Fullerton: 100 Years of Community Pride

303 West Commonwealth Avenue, Fullerton, California 92832-1775
(714) 738-6540 • Fax (714) 738-3110 • Web Site: www.ci.fullerton.ca.us



A. RESPONSES TO COMMENTS FROM HEATHER SOWERS, ASSISTANT PLANNER, CITY OF FULLERTON DEVELOPMENT SERVICES DEPARTMENT, DATED NOVEMBER 16, 2004 AND RECEIVED ON NOVEMBER 22, 2004.

- A1. Comment acknowledged. No specific environmental issues are raised in this comment, thus no further response is necessary.

LETTER B

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Brett E. Franklin
COUNCILMEMBERS
Claudia C. Alvarez
Lisa Blal
Alberta D. Christy
Mike Garcia
Jose Solorio



CITY OF SANTA ANA
PLANNING & BUILDING AGENCY
20 Civic Center Plaza (M-20)
P.O. BOX 1988 • Santa Ana, California 92702
www.santa-ana.org

CITY MANAGER
David N. Ream
CITY ATTORNEY
Joseph W. Fletcher
CLERK OF THE COUNCIL
Patricia E. Healy

November 22, 2004

Ms. Lynne Rodrian
California Department of General Services
Professional Services Branch
P.O. Box 989052
West Sacramento, California 95798

Dear Ms. Rodrian,

The City of Santa Ana appreciates the opportunity to review the Mitigated Negative Declaration for the proposed Court of Appeal, Fourth Appellate District Division Three Replacement Project. Attached is a listing of the City's comments. If you have any questions regarding our comments please feel free to contact me at (714) 667-2719.

B1

Sincerely,

A handwritten signature in black ink that reads "Dan Bott". The signature is stylized and includes a large, sweeping flourish that extends to the right.

Dan Bott
City of Santa Ana
Environmental Coordinator

RECEIVED

NOV 29 2004

**GENERAL SERVICES
REAL ESTATE SERVICES DIVISION**

1. Notice of Intent to Adopt Mitigated Negative Declaration

Revise the project description to reflect 300 parking spaces in the proposed parking structure.

B2

2. Page 3, Section 2.2.1, Existing Land Uses

Revise the existing land use discussion to reflect 115 parking spaces within the existing surface parking lot.

B3

3. Page 3, Section 2.2.1, Surrounding Land Uses

South: Replace Angels Community Park and Birch Park with Civic Center Professional Plaza Building.

B4

West: Replace 406 parking spaces with 300 parking spaces.

4. Page 8, Section 2.6, Project Characteristics

Revise discussion to reflect that proposed parking structure would provide 300 parking spaces.

B5

5. Page 9, Site Plan

Please reflect that the placement of fill material has not been finalized by the City of Santa Ana.

B6

6. Page 10, Section 3.0, Initial Study Checklist

Under the surrounding land use and setting to the south, please replace Angels Community Park and Birch Park with Civic Center Professional Plaza Building.

B7

7. Page 19, Aesthetics (c)

The City's Urban Design Element indicates that the project site is included with the Downtown Design District and is designated a Destination Node. According to the Urban Design Element land uses proposed within a Design District should exhibit high quality design and should incorporate design elements that are proportional and aesthetically related to the District setting. The Initial Study/Mitigated Negative Declaration states that the proposed project would be compatible with institutional and government uses in the vicinity. However, the Initial Study/Mitigated Negative Declaration does not include any renderings or elevations to reflect the architectural design and building materials for the proposed project. Additionally, the Initial Study/Mitigated Negative declaration does not demonstrate how the project conforms to the Santa Ana Zoning Ordinance.

B8

8. Page 23, Long-Term Micro scale (CO Hot Spot) Analysis

The Initial Study/Mitigated Negative Declaration indicates that the opening year of the project would be 2007. Per the City of Santa Ana Methodology, a 1.0 percent growth rate per year with cumulative develop projects shall be applied between the years traffic counts are taken and the opening year of the project to determine background traffic. The CO analysis should be revised under a 2007 condition.

B9

9. Page 27, Cultural Resources (a)

The Initial Study/Mitigated negative declaration should consult and source the City of Santa Ana Local Register of Historical Resources and the Federal Register of Historical Resources.

B10

10. Page 29, Mitigation Measure GEO2

Delete "prior to issuance of a grading permit". Since this is a State project, the City of Santa Ana does not review the grading plan, unless the State needs a permit to construct a parkway culvert or connect to the City's storm drain system.

B11

11. Page 31, Hazards (a)

The Santa Ana Fire Department would be responsible for reviewing project plans for hazardous material use and storage. Please include the following mitigation measure.

- The project applicant shall submit a hazardous materials business plan with the Santa Ana Fire Department that addresses use, handling and storage of any hazardous materials

B12

12. Page 33, Hydrology/Water Quality

Since the proposed project would not be subject to plan check review by the City of Santa Ana, please identify what agency will review the project for NPDES Permit compliance. Additionally please revise discussion to reflect that projects greater than one in size requires preparation of a Storm Water Pollution Prevention Plan.

B13

13. Page 34, Short Term Project Impact

Since the proposed project would not be subject to plan check review by the City of Santa Ana, please identify what agency will review the projects BMPs and drainage plan.

B14

14. Page 35, Mitigation Measures HYD1, HYD4

Remove statement that grading permit will be issued by the City of Santa Ana.

B15

15. Page 36, Hydrology (d)

Please revise the discussion to add that the project site also drains into Civic center parking lot, which is 10' to 12' below the street grade.

B16

16. Page 41, Noise (b)

The short-term construction analysis identifies that pile-driving activities are anticipated. Please identify the potential noise and vibration impacts associated with the pile driving activities.

Please include the following mitigation measure to mitigate pile driving noise impacts.

- All pile driving equipment shall be enclosed on all sides with an acoustical blanket barrier that provides a minimum sound transmission class (STC) rating of 30. The height of the blanket enclosure shall be at least 20-feet. With the exception of points of access to the enclosure area, there shall be no openings or gaps in the enclosure and all points of access are to remain closed during pile driving activities.

B17

17. Page 42, Noise (c)

The long-term traffic noise discussion should identify the City's threshold to determine potentially significant noise impacts. The threshold is presented below.

B18

Project would increase the CNEL at any noise sensitive receptor by an audible amount of three dBA or more when the CNEL is 65 dB or greater.

18. Page 46, Population/Housing (b)

Revise the discussion to indicate that the existing surface parking lot has 115 parking spaces.

B19

19. Page 47 Public Services, Fire Protection

Revise discuss to indicate that Santa Ana Fire depart would review and comment on the site. Please include the following mitigation measure.

B20

- The project shall coordinate with the Santa Ana Fire Department on proposed life saving safety systems for the project.

20. Page 47, Public Services, Police Department

Please include the following mitigation measure

B21

- The applicant shall coordinate with the Santa Ana Police Department on the project's compliance with the City's Building Security Ordinance.

B21
Cont.

21. Page 48, Transportation/Traffic

The project description indicates the project would be in operation in 2007. The traffic analysis should evaluate potential traffic impacts at 2007. A 1 percent ambient growth rate per year should be applied to the existing condition traffic volumes to establish the 2007 baseline traffic conditions. Additionally, planned or approved cumulative projects anticipated top open before 2007 should be included in the 2007 scenario.

B22

22. Page 53, Utilities/Service Systems (b)

Revise the discussion to reflect that the project will connect to City of Santa Ana sewer lines. Sewer flows will ultimately be conveyed to OCSD truck lines and then to the OCSD treatment facility in the City of Fountain Valley. Incorporate City of Santa Ana Water Department generation rates to determine sewer and water demands for project.

B23

Please include the following mitigation measure.

- The applicant shall coordinate with the City of Santa Ana Water department on project connections to the City's sewer system.

23. Page 53, Utilities/Service Systems (c)

Revise discussion to indicate that existing surface parking lot has 115 parking spaces.

B24

24. Page 53, Utilities/Service Systems (d)

The water demand and water supply analysis should focus on the City's Urban Water Management Plan, which is revised every 5 years. Please include the following mitigation measure.

B25

- The applicant shall coordinate with the City of Santa Ana Water Department on project connections to the City's water system.



B. RESPONSES TO COMMENTS FROM DAN BOTT, ENVIRONMENTAL COORDINATOR, CITY SANTA ANA, DATED NOVEMBER 22, 2004 AND RECEIVED ON NOVEMBER 29, 2004.

- B1.** Comment acknowledged. No specific environmental issues are raised in this comment, thus no further response is necessary.
- B2.** Future public notices regarding the proposed project will include the reference to the 300 spaces within the parking structure.
- B3.** Section 2.2.1, *Existing Land Uses* in the Final Initial Study/Mitigated Negative Declaration will be modified as follows:

The project site is approximately 2-acres and is developed with a surface parking lot with ~~230~~ 115 parking spaces and one structure that the Santa Ana Winds Marching Band occupies as a storage facility (refer to Exhibit 3a, *On-Site Photographs*). The structure was formerly occupied by the Orange County Juvenile Detention Center annex until June 2002. The existing surface parking lot, which is located at the eastern side of the property, will be demolished as part of a separate action.

- B4.** Section 2.2.1, *Surrounding Land Uses* in the Final Initial Study/Mitigated Negative Declaration will be modified as follows:

The project site is bounded by the uses identified in the following paragraphs. The project site is located within the boundaries of the Downtown Redevelopment Plan, and the Enterprise Zone as defined in the Santa Ana General Plan Land Use Element (refer to Exhibit 3b, *Off-Site Photographs*).

- *North:* Santa Ana City Hall is located northwest of the project site, while the Ross Annex is located directly north.
- *South:* ~~Sasscer Park, Angels Community Park and Birch Park~~ and the Civic center Professional Plaza Building are located south of the project site, across West Santa Ana Boulevard.
- *East:* The Orange County Transportation Authority's (OCTA) Santa Ana Transit Center.
- *West:* The City of Santa Ana, as part of a separate action, is proposing a three level parking structure with approximately ~~406~~ 300 parking spaces on the western side of the property. The parking structure is scheduled for completion prior to construction of the Appellate Courthouse.

- B5.** The second paragraph in Section 2.6, *Project Characteristics* in the Final Initial Study/Mitigated Negative Declaration will be modified as follows:

The proposed project would be developed in one phase. At build-out, the development would result in the construction of one, three level building, totaling 55,000~~0~~ square feet with a maximum height of approximately 54 feet (refer to Exhibit 4, *Site Plan*). Approximately 80 staff members will be at the new Appellate Courthouse. The project site also includes a three level parking structure that includes ~~406~~ 300 parking spaces. However, this structure will be built as a separate action prior to the construction of the proposed project.¹ Although the parking structure is not part of the proposed project, approximately 100 parking spaces would be allocated for the Appellate Courthouse staff. The proposed new Appellate Courthouse would operate between the hours of 8:00 AM to 4:00 PM Monday through Friday, and closed during weekends.



- B6. Exhibit 4, Site Plan will be revised to reflect that the City of Santa Ana has not yet finalized the placement of fill material.
- B7. Item 9 within Section 3.1, *Background* in the Final Initial Study/Mitigated Negative Declaration will be modified as follows:

9. Surrounding Land Uses and Setting:

The site is bounded by the following uses:

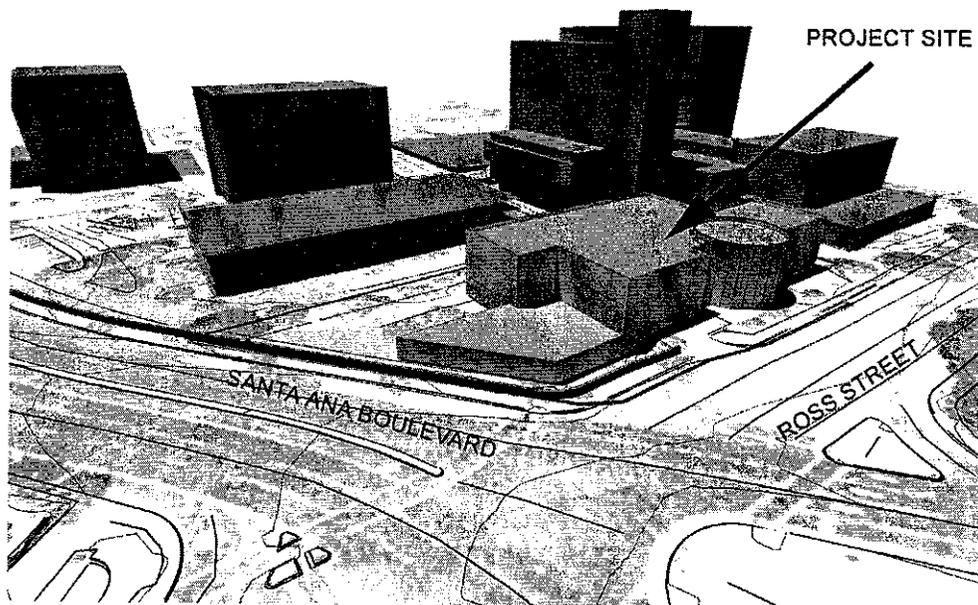
North: Santa Ana City Hall is located northwest of the project site, while the Ross Annex is located directly north.

South: ~~South: Sasser Park, Angelo Community Park and Birch Park~~ and the Civic center Professional Plaza Building are located south of the project site, across West Santa Ana Boulevard.

East: The Orange County Transportation Authority's (OCTA) Santa Ana Transit Center.

West: The City of Santa Ana, as part of a separate action, is proposing a three level parking structure with approximately ~~406~~ 300 parking spaces on the western side of the property. The parking structure is scheduled for completion prior to construction of the Appellate Courthouse.

- B8. The project site is currently in the preliminary design stage. Thus detailed elevation drawings or renderings have not been developed for the subject site. The architectural style would be designed to be visually harmonious with the surrounding buildings and to meet the intent of the City's Downtown Design District/Destination Node designation. The following is a conceptual diagram illustrating the proposed Project's exterior architectural characteristics.





B9. The traffic forecast year was developed in consultation with George Alvarez of the City of Santa Ana Traffic Engineering Department in August 2004. Year 2025 was selected over year 2007 to satisfy the City's concern over including the CenterLine Rail Project in the background projects list. In addition to including the CenterLine and One Broadway Plaza projects as background trip generators, a one percent per year growth rate factor was assumed. The traffic scenario utilized in the Traffic Impact Analysis is highly conservative and analyzes full project level impacts at the forecast year.

B10. The project site is currently developed and occupied by an existing facility. It should also be noted that the City of Santa Ana examined cultural/archaeological impacts for the subject site in the *Civic Center Parking Structure Negative Declaration*, dated May 13, 2002. The implementation of Mitigation Measure CUL1 would eliminate the potential adverse disturbance of cultural materials should they be excavated on-site.

B11. Mitigation Measure GEO2 has been modified as follows:

GEO2 ~~Prior to the issuance of a grading permit, a~~ A site specific geologic and soils report shall be prepared by a registered geologist or soils engineer. The report shall specify design parameters necessary to remediate any soil and geologic hazards.

B12. The following Mitigation Measure will be incorporated into the Final Initial Study/Mitigated Negative Declaration:

HAZ2 The project applicant shall submit a hazardous materials business plan with the Santa Ana Fire Department that addresses use, handling and storage of any hazardous materials.

B13. The Administrative Office of the Courts Construction Manager shall ensure NPDES permit compliance and BMPs/drainage efficiency. The plans will be consistent with current regulatory standards and treat the appropriate amount of run-off generated on-site.

As noted under Section 4.8(a), under *Short-Term Impacts*, the discussion describes projects greater than one acre in size as requiring a Storm Water Pollution Prevention Plan.

B14. Please refer to Response B13.

B15. Mitigation Measures HYD1 and HYD4 have been modified as follows:

HYD1 The applicant shall obtain a Notice of Intent from the State of California Regional Water Quality Control Board, as the proposed project site would result in the disturbance of one acre or more. ~~A copy of the Notice of Intent acknowledgement from the State of California Regional Water Quality Control Board must be submitted to the City of Santa Ana Department of Public Works before issuance of grading permits.~~

HYD4 ~~Prior to the issuance of grading permits, the~~ The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), which identifies construction and post construction BMPs.



B16. Section 4.8(d) shall be modified as follows:

There are no existing natural water bodies in the vicinity of the project area. The site currently drains into surface gutters located along North Ross Street, North Flower Street and West Santa Ana Boulevard. Additionally, the project site drains into the Civic Center parking lot, which is 10 to 12 feet below street grade. The development would not significantly affect courses or increase the rate or amount of surface runoff that would result in flooding on- or off-site since the site is currently developed with a surface parking lot and a structure.

B17. Construction of the proposed Courthouse may require pile driving for the foundation piles. Pile driving noise is greater than normal construction noise characteristics. Pile driving noise is described as a very loud impulsive sound, resulting from a large hammer dropping on reinforced concrete piles. The impact of the pile driver is short in duration (under one second). However, the impacts are repetitive, occurring approximately once every two seconds. Typical pile drivers are driven by a diesel engine and produce a maximum hammer energy of 55,000 feet to pound per hit (ft-lb/blow).

Typical noise levels associated with pile driving activities are illustrated below in Table 1, *Measured Pile Drive Noise Levels*. Although, the pile driving activities would be temporary, noise from the use would be noticeable in the residential areas located approximately 0.4 miles (approximately 2,100 feet) from the sight. By using the inverse square law of propagation for a noise source, the C weighted L_{max} at 2,100 feet would be approximately 74.5 dB.¹ However, due to the distance from where the pile driving would occur to the nearest residential area (0.4 miles), the noise levels illustrated in Table 1 would be reduced by 30 dBA, to an approximate noise level of 64 dBA, resulting in a less than significant impact.

Table 1
MEASURED PILE DRIVE NOISE LEVELS
(At 100-Feet)

Activity	L _{pk}	A-L _{max}	A-SEL	C-L _{max}	C-SEL
Tapping	107 - 113	95 - 99	87 - 91	96 - 101	90 - 95
Driving	115 - 118	95 - 99	88 - 92	99 - 101	92 - 95

Notes: Noise levels are indicative of noise levels experienced 100 feet from the source.
Source: Brown-Buntin Associates, Inc.

Construction-related noise activities have the potential to temporarily exceed noise standards. The nearest existing noise sensitive receptors to future construction activity are the office uses surrounding the subject site. However, to ensure that vibration related impacts would be reduced to maximum extent feasible, the following mitigation measure would be incorporated into the Final Initial Study/Mitigated negative Declaration:

N5 All pile driving equipment shall be enclosed on all sides with an acoustical blanket barrier that provides a minimum sound transmission class (STC) rating of 30. The height of the blanket enclosure shall be at least 20 feet. With the exception of points of access to the enclosure area, there shall be no openings or gaps in the enclosure and all points of access are to remain closed during pile driving activities.

B18. The following text shall be added to the Noise Standards discussion under Section 4.11:

A significant impact would occur if the project would increase the CNEL at any noise sensitive receptor by an audible amount of three dBA or more when the CNEL is 65 dBA or greater.

¹ The inverse square law for the change in noise between any two distances due to spherical spreading can be calculated as follows: dB2= dB1 + 20 Log10 (D1/D2). For this equation, dB1 is the noise level at distance D1, and dB2 is the noise level at distance D2.



Per the abovementioned threshold, a significant impact would not occur, as there is only one roadway segment which experiences a noise increase of 3 dBA or greater under the "Without Centerline" and "With Centerline" scenario (i.e., Parton Street, North of Santa Ana Boulevard). Under both scenarios, the without project noise level is below 65 dBA CNEL. Thus, a less than significant impact would occur.

B19. Section 4.12(b) shall be modified as follows:

The project proposes to construct an Appellate Courthouse on the 2-acre project site, which is currently occupied by a ~~203~~ 115 space surface parking lot and a structure that is occupied by the Santa Ana Winds Marching Band Storage Facility, formerly used by the Orange County Juvenile Detention Center annex. Thus, replacement housing would not occur. No impacts are anticipated in this regard.

B20. The following Mitigation Measure will be incorporated into the Final Initial Study/Mitigated Negative Declaration:

PS5 The project shall coordinate with the Santa Ana Fire Department on proposed life saving systems for the project.

B21. The following Mitigation Measure will be incorporated into the Final Initial Study/Mitigated Negative Declaration:

PS6 The applicant shall coordinate with the Santa Ana Police Department on the project's compliance with the City's Building Security Ordinance.

B22. Please refer to Response B9.

B23. Mr. Ray Burke with the City of Santa Ana Water Engineering Department confirmed that the OCSD wastewater generation rates are more current than the City's rates. Additionally, he indicated that on a conservative basis, the project would use 1.2 times as much water as it generates in wastewater. Section 4.16(b) shall be modified as follows:

Potentially Significant Impact Unless Mitigated. ~~Less Than Significant Impact~~ The Orange County Sanitation District (OCSD) is responsible for the provision of wastewater treatment facilities that serve the project site. Based on OCSD generation factors, office uses generate 200 gallons of wastewater per 1,000 square feet gross floor area. Therefore, the proposed project (55,000 gross square feet) would generate approximately 11,000 gallons of wastewater per day. Per the City of Santa Ana Staff, the proposed facility would require 1.2 times as much potable water as it generates for wastewater. Thus the project would require 13,200 gallons of water per day. However, these numbers are a conservative worst case, since these projections are based on a high intensity office use.

The project proposes to connect to the existing City of Santa Ana sewer lines sewer mains located along North Main Street and Santa Ana Boulevard. Sewer flows would ultimately be conveyed to the OCSD trunk lines and then to the OCSD treatment facility in the City of Fountain Valley. Sufficient capacity in these sewer lines would be acceptable based on wastewater generated from the proposed project. Thus, no significant impacts are anticipated in this regard.

The following Mitigation Measure will be incorporated into the Final Initial Study/Mitigated Negative Declaration:

UTIL1 The applicant shall coordinate with the City of Santa Ana water Department on project connections to the City's sewer system.



B24. The first paragraph of Section 4.16(c) shall be modified as follows:

The project site is currently developed with a ~~203~~ 115 space surface parking lot and a structure that is occupied by the Santa Ana Winds Marching Band Storage Facility, which was formerly used by the Orange County Juvenile Detention Center annex. The new Appellate Courthouse would be relocating less than one mile from its current locations and the 80 employees would also remain the same.

B25. Section 4.16(d) shall be modified as follows:

Potentially Significant Impact Unless Mitigated. ~~Less Than Significant Impact.~~ According to the Santa Ana General Plan Land Use Element, the water needs of future development in the City and impacts on groundwater sources have been accounted for by the City of Santa Ana and the Orange County water district (OCWD). Thus, the proposed land use would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Furthermore, project implementation would not intercept an aquifer, and would not substantially decrease the City's overall water supply through increased withdrawals from groundwater.

The following Mitigation Measure will be incorporated into the Final Initial Study/Mitigated Negative Declaration:

UTIL2 The applicant shall coordinate with the City of Santa Ana Water Department on project connections to the City's water system.

LETTER C

DEPARTMENT OF TRANSPORTATION:
 District 12
 3337 Michelson Drive, Suite 380
 Irvine, CA 92612-8894
 949-724-2000

Post-It [®] Fax Note	7671	Date	11-16-04	# of Pages	one
To	Lynne Rodrian	From	Becky Shumway		
Co./Dept.	Gen Services	Co.	Caltrans - Irvine		
Phone #	916-376-1609	Phone #	949-440-4461		
Fax #	916-376-1606	Fax #			



70 West
 Tolent

November 17, 2004

Ms. Lynne Rodrian
 Calif Dept of General Services
 Professional Services Branch
 P.O. Box 989052
 West Sacramento, CA 95798-9052

File: IGR/CEQA
 SCH#: (None)
 Log #: 1476
 SR # 22 & I-5

Subject: Court of Appeal, Fourth Appellate District, Division Three Replacement Project Initial Study/Mitigated Negative Declaration (MND)

Dear Ms. Rodrian;

Thank you for the opportunity to review and comment on the MND for the above-cited project dated October 2004. This project located in the city of Santa Ana proposes to construct a new appellate courthouse at 230 Civic Center Plaza. The nearest State transportation facilities are Interstate-5 and State Route 22.

Caltrans District 12 status is a reviewing agency on this project and we have the following comment(s). Traffic Operations Branch does not agree with the Transportation /Traffic Section 4.15 a) & b) pages 48 51 due to the following reasons:

1. Caltrans does not accept analyses using the UICI method; the Highway Capacity Method (HCM) is required;
2. Distribution of traffic must be included in the traffic study in order to determine the peak volume affecting State transportation facilities;
3. The traffic study does not include the effects/impacts to State transportation facilities such as major traffic access to Santa Ana Blvd and the I-5.

| C1
 | C2
 | C3

Until the above items are included in your traffic study, we are unable to determine if the project will have an impact.

Please continue to keep us informed of any future developments, which could potentially impact the transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Becky Shumway at (949) 440-4461.

Sincerely,

ROBERT F. JOSEPH
 Chief of Advanced Planning Branch
 District 12



C. RESPONSES TO COMMENTS FROM ROBERT JOSEPH, CHIEF OF ADVANCED PLANNING BRANCH, CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT 12, DATED NOVEMBER 17, 2004 AND RECEIVED ON NOVEMBER 16, 2004.

C1. Typically, the Highway Capacity Manual (HCM) is not used for local collector roadways. Additionally, the City of Santa Ana thresholds of significance are given in terms of the Intersection Capacity Utilization (ICU) methodology. As illustrated below in Tables 2 through 5, the application of the HCM method to the traffic impact analysis would not result in a significant impact.

**Table 2
Forecast Year 2025 With Project Peak Hour LOS – HCM Method**

Study Intersection	Forecast Year 2025 Without Project		Forecast Year 2025 With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	Delay - LOS	Delay - LOS	Delay - LOS	Delay - LOS	
Flower St/Civic Center Dr	36.8 - D	32.3 - C	37.0 - D	32.4 - C	No
Flower St/Santa Ana Blvd	15.5 - B	17.8 - B	15.7 - B	18.2 - B	No
Parton St/Santa Ana Blvd	3.6 - A	9.4 - A	4.9 - A	14.4 - B	No
Ross St/Civic Center Dr	11.2 - B	16.2 - B	11.2 - B	16.2 - B	No
Ross St/Santa Ana Blvd-5th St	21.1 - C	20.6 - C	21.2 - C	21.2 - C	No
Broadway/Civic Center Dr	17.9 - B	18.6 - B	18.0 - B	18.7 - B	No
Broadway/Santa Ana Blvd	15.8 - B	16.7 - B	16.0 - B	16.7 - B	No

**Table 3
Forecast Year 2025 With Project Peak Hour LOS – ICU Method**

Study Intersection	Forecast Year 2025 Without Project		Forecast Year 2025 With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	VIC - LOS	VIC - LOS	VIC - LOS	VIC - LOS	
Flower St/Civic Center Dr	0.91 - E	0.77 - C	0.91 - E	0.78 - C	No
Flower St/Santa Ana Blvd	0.60 - B	0.66 - B	0.61 - B	0.67 - B	No
Parton St/Santa Ana Blvd	0.25 - A	0.27 - A	0.30 - A	0.35 - A	No
Ross St/Civic Center Dr	0.52 - A	0.69 - B	0.52 - A	0.69 - B	No
Ross St/Santa Ana Blvd-5th St	0.43 - A	0.48 - A	0.44 - A	0.51 - A	No
Broadway/Civic Center Dr	0.70 - B	0.67 - B	0.70 - B	0.68 - B	No
Broadway/Santa Ana Blvd	0.50 - A	0.51 - A	0.51 - A	0.52 - A	No

**Table 4
Forecast Year 2025 With Centerline With Project Peak Hour LOS – HCM Method**

Study Intersection	Forecast Year 2025 With Centerline Without Project		Forecast Year 2025 With Centerline With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	Delay - LOS	Delay - LOS	Delay - LOS	Delay - LOS	
Flower St/Civic Center Dr	41.1 - D	32.2 - C	41.4 - D	32.3 - C	No
Flower St/Santa Ana Blvd	25.6 - C	33.6 - C	26.4 - C	35.4 - D	No
Parton St/Santa Ana Blvd	4.4 - A	10.3 - B	5.9 - A	15.0 - B	No
Ross St/Civic Center Dr	31.1 - C	43.3 - D	31.3 - C	45.6 - D	No
Ross St/Santa Ana Blvd-5th St	30.5 - C	23.6 - C	34.0 - C	25.1 - C	No
Broadway/Civic Center Dr	31.9 - C	56.0 - E	32.1 - C	58.2 - E	No
Broadway/Santa Ana Blvd	18.7 - B	20.3 - C	18.9 - B	20.4 - C	No



Table 5
Forecast Year 2025 With Centerline With Project Peak Hour LOS – ICU Method

Study Intersection	Forecast Year 2025 With Centerline Without Project		Forecast Year 2025 With Centerline With Project		Significant Impact?
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	V/C - LOS	V/C - LOS	V/C - LOS	V/C - LOS	
Flower St/Civic Center Dr	0.98 - E	0.79 - C	0.98 - E	0.79 - C	No
Flower St/Santa Ana Blvd	0.78 - C	0.84 - D	0.80 - C	0.87 - D	No
Parton St/Santa Ana Blvd	0.22 - A	0.26 - A	0.27 - A	0.33 - A	No
Ross St/Civic Center Dr	0.82 - D	0.99 - E	0.82 - D	0.99 - E	No
Ross St/Santa Ana Blvd-5th St	0.81 - D	0.83 - D	0.85 - D	0.85 - D	No
Broadway/Civic Center Dr	0.83 - D	0.99 - E	0.84 - D	0.99 - E	No
Broadway/Santa Ana Blvd	0.52 - A	0.60 - B	0.53 - A	0.61 - B	No

C2. Please refer to the following exhibits within Appendix D – Traffic Impact Analysis:

- Exhibit 8 – Forecast Project Inbound trip Percent Distribution
- Exhibit 9 – Forecast project Outbound trip Percent Distribution
- Exhibit 10 – Forecast Project-Generated AM/PM Peak Hour Trip Assignment

C3. Please refer to Appendix D – Traffic Impact Analysis and Sections 4.15 (a), (b), (d), (e) and (g) for a discussion of the impacts/effects of direct access onto Santa Ana Boulevard. The site is approximately two miles south of the Garden Grove Freeway (State Route 22) and approximately two miles west of the Golden State Freeway (Interstate 5). Additionally, per the Traffic Impact Analysis, an insignificant portion of project generated traffic accesses these freeways. Thus a less than significant impact is expected to result to the I-5 and SR-22.

LETTER D



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

November 24, 2004

REC'D NOV 29 2004

Clifford Ham
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94107

Subject: Court of Appeal, Fourth Appellate District, Division Three Replacement Project
SCH#: 2004101096

Dear Clifford Ham:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on November 23, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

D1



D. RESPONSES TO COMMENTS FROM TERRY ROBERTS, DIRECTOR, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH – STATE CLEARINGHOUSE, DATED NOVEMBER 24, 2004 AND RECEIVED ON NOVEMBER 29, 2004.

- D1. Comment acknowledged. No specific environmental issues are raised in this comment, thus no further response is necessary.

Exhibit D

Mitigation Monitoring Program, and the Mitigation Monitoring and Reporting Checklist

**JUDICIAL COUNCIL OF CALIFORNIA
COURT OF APPEAL, FOURTH APPELATE DISTRICT, DIVISION THREE
REPLACEMENT PROJECT
MITIGATION MONITORING PROGRAM**

BACKGROUND

The legal basis for the development and implementation of mitigation measures lies in the California Environmental Quality Act (CEQA). Pursuant to Section 21002 of CEQA, public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. Subsection 21002.1 further requires that each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so.

Assembly Bill (AB) 3180 was enacted to ensure that required mitigation measures and project alternatives were implemented. AB 3180 specifies the public agency's responsibility to adopt a mitigation monitoring and reporting program:

- SECTION I. Section 21081.6 is added to the Public Resources Code, to read: 21081.6. When making the findings required by subdivision (a) of Section 21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21081, the public agency shall adopt a reporting or monitoring program for the changes to the Project which it has adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during Project implementation. For those changes which have been required or incorporated into the Project at the request of an agency having jurisdiction by law over natural resources affected by the Project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

The reporting or monitoring program must be adopted when a public agency makes its findings under CEQA so that the program can be made a condition of Project approval in order to mitigate significant effects on the environment.

PURPOSE

This Mitigation Monitoring Program is designed to serve as a tool for the evaluation of Project compliance with mitigation measures accepted from the environmental document. The basic objectives of the Mitigation Monitoring Program are to achieve the following:

- To report to the Lead Agency and the public, information regarding compliance with the mitigation measures; and
- To provide assurance and documentation that the actions called for in the mitigation measures are being performed as planned.

ADMINISTRATION

The Lead Agency (Judicial Council of California) shall appoint an Environmental Review Officer who will be responsible for overall implementation and administration of the Mitigation and Monitoring Program. In order to carry out the mitigation monitoring program, the Lead Agency will designate a staff person to serve as coordinator among the various agencies and

departments. This person (Coordinator) will ensure that each mitigation measure is implemented to the standards specified in the Initial Study/Mitigated Negative Declaration (IS/MND) and is completed in a timely manner. If current staffing within the department cannot absorb the work demand to implement the program, a private contractor will be hired to manage and coordinate the mitigation monitoring and reporting program. The contractor will serve under the direction of the Director.

Administration of the Mitigation and Monitoring Program will include the following:

- Documentation of permit approvals by other agencies;
- Compliance with conditions of Project approval;
- Routine inspections and reporting activities;
- Plan checks;
- Coordination of activities of consultants hired by the Lead Agency when such expertise and qualifications are necessary;
- Coordination with applicable agencies that have mitigation monitoring and reporting responsibilities (if any);
- Follow-up and response to citizens' complaints;
- Development of a work plan and schedule for monitoring activities;
- Maintenance of a mitigation monitoring checklist or other suitable mitigation compliance summary;
- Implementation of corrective actions or enforcement measures, as needed;
- Preparation of reports of the status of implementation and monitoring of mitigation measures; and
- Monitoring of financial resources associated with the program.

IMPLEMENTATION

Each responsible individual or agency listed as a "Responsible Person" in the Mitigation and Monitoring Program will be responsible for determining whether the mitigation measures contained within the monitoring program have been implemented. The "Responsible Person" may submit a verification report to the Coordinator that documents compliance with each of the mitigation measures for which they are responsible. Based on the information provided by the reports, the Coordinator will maintain a mitigation and monitoring checklist that documents the completion status of all required mitigation measures. Prior to issuance of grading or building permits, the Coordinator will review the mitigation monitoring program checklist to ensure that the Project design is in compliance with all mitigation measures that are required to be implemented as a condition of the permit.

APPROVAL AND CHANGES

This Mitigation and Monitoring Program is adopted in conjunction with the Final IS/MND and Project approvals for the Court of Appeal, Fourth Appellate District Division Three Replacement Project. The Director may approve subject changes to the Mitigation and Monitoring Program if the changes meet the criteria for minor modifications, and if deemed to meet the intent of said mitigation.

**Court of Appeal, Fourth Appellate District, Division Three Replacement Project
MITIGATION MONITORING AND REPORTING CHECKLIST**

Mitigation No.	Mitigation Measure/Conditions of Approval	Monitoring Milestone	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
				Initials	Date
AIR QUALITY					
AQ1	<p>The following dust suppression measures in the SCAQMD CEQA Handbook, shall be included as part of the project's construction.</p> <ul style="list-style-type: none"> ▪ Revegetate disturbed areas as quickly as possible; ▪ All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph; ▪ All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water); ▪ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip; ▪ All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized; and ▪ The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times. 	<p>Prior to Issuance of Each Grading/Building/Construction Document</p> <p>During Grading and Construction</p>	Administrative Office of the Courts		
AQ2	<p>The Administrative Office of the Courts shall ensure that the Construction Contractor selects construction equipment based on low emission factors and high energy efficiency. The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.</p>	<p>Prior to Issuance of Each Grading/Building/Construction Document</p> <p>During Grading and Construction</p>	Administrative Office of the Courts		
AQ3	<p>The Administrative Office of the Courts shall ensure that the Construction Contractor utilizes electric or diesel powered equipment in lieu of gasoline powered engines where feasible.</p>	<p>Prior to Issuance of Each Grading/Building/Construction Document</p> <p>During Grading and Construction</p>	Administrative Office of the Courts		
AQ4	<p>The Administrative Office of the Courts shall ensure that the Construction Contractor times the construction activities so as to not interfere with peak-hour traffic and minimizes obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.</p>	<p>Prior to Issuance of Each Grading/Building/Construction Document</p> <p>During Grading and Construction</p>	Administrative Office of the Courts		

**Court of Appeal, Fourth Appellate District, Division Three Replacement Project
MITIGATION MONITORING AND REPORTING CHECKLIST**

Mitigation No.	Mitigation Measure/Conditions of Approval	Monitoring Milestone	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
				Initials	Date	
Remarks						
AQ5	The Construction Contractor shall support and encourage ridesharing and transit incentives for the construction crew.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
AQ6	The Administrative Office of the Courts shall ensure that the Construction Contractor uses precast/natural colored building materials, water-based or low-VOC coating, and coating transfer or spray equipment with high transfer efficiency whenever feasible.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
AQ7	Energy conservation practices, as required by the Subdivision Map Act, Building Energy Efficiency Standards (California Energy Commission, 1988), shall be incorporated into the design of the project to have the secondary effect of limiting stationary source pollutants.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
CULTURAL RESOURCES						
CUL1	If cultural materials are exposed during construction of the proposed project, construction will be diverted in that area until a qualified archaeologist can evaluate the nature and significance of the find. If the find is determined by archaeologists to require further treatment, the area of the discovery will be protected from disturbance while qualified archaeologists and appropriate officials, in consultation with the State Historic Preservation Officer (SHPO), determine an appropriate treatment plan.	Prior to Issuance of Each Grading/Building/Construction Document	Administrative Office of the Courts			
CUL2	If human remains are exposed during construction, California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. Construction will be halted in the area of the discovery of human remains, the area will be protected, and consultation and treatment will occur as prescribed by law.	Prior to Issuance of Each Grading/Building/Construction Document	Administrative Office of the Courts			

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REMARKS					
GEOLOGY AND SOILS					
GEO1	All structures shall be designed as confirmed during the building design plan checking, to withstand anticipated groundshaking caused by future earthquakes within an acceptable level of risk (i.e., high-risk zone), as designated by the latest adopted edition of the California Uniform Building Code (CUBC) at the time of commencement of design.	Prior to Development of final Site Plan	Administrative Office of the Courts		
GEO2	A site specific geologic and soils report shall be prepared by a registered geologist or soils engineer. The report shall specify design parameters necessary to remediate any soil and geologic hazards.	Prior to Issuance of Each Grading Document	Administrative Office of the Courts		
GEO3	All grading, landform modifications and construction shall be in conformance with state-of-the-practice design and construction parameters. Typical standard minimum guidelines regarding regulations to control excavations, grading, earthwork construction, including fills and embankments and provisions for approval of plans and inspection of grading construction are set from the latest adopted edition of the California Uniform Building Code (CUBC) at the time of commencement of design. Compliance with these standards shall be evident on grading and structural plans.	Prior to Issuance of Each Grading Document	Administrative Office of the Courts		
GEO5	Precise grading plans shall include an Erosion, Siltation and Dust Control Plan to be prepared in accordance with Best Management Practices. The Plan's provisions may include sedimentation basins, sand bagging, soil compaction, revegetation, temporary irrigation, scheduling and time limits on grading activities, and construction equipment restrictions on-site. This plan shall also demonstrate compliance with South Coast Air Quality Management District Rule 403, which regulates fugitive dust control.	Prior to Development of final Site Plan	Administrative Office of the Courts		
HAZARDS AND HAZARDOUS MATERIALS					
HAZ1	Any hazardous waste that is generated on-site shall be transported to an appropriate disposal facility by a licensed hauler in accordance with the appropriate State and Federal laws.	Ongoing During Operation of Facility	Orange County Health Department		
HAZ2	The project applicant shall submit a hazardous materials business plan with the Santa Ana Fire Department that addresses use, handling and storage of any hazardous materials.	Prior to Development of final Site Plan			
HYDROLOGY/WATER QUALITY					
HYD1	The applicant shall obtain a Notice of Intent from the State of California Regional Water Quality Control Board, as the proposed project site would result in the disturbance of one acre or more.	Prior to Development of final Site Plan	Administrative Office of the Courts		

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HYD2	<p>Prior to the issuance of building permits, the applicant shall submit for approval of the City of Santa Ana Department of Public Works, a Water Quality Management Plan (WQMP) pursuant to the County of Orange Drainage Area Management Plan and the City of Santa Ana local implementation plan, specifically identifying BMPs that shall be used on-site to control predictable pollutant runoff.</p> <p>Prior to issuance of grading permits, Best Management Practices (BMPs) shall be developed in compliance with Orange County's municipal NPDES permit program. Specific measures shall include:</p> <ul style="list-style-type: none"> ▪ Siltation of drainage devices shall be handled through a maintenance program to remove silt/dirt from channels and parking areas. ▪ Surplus or waste materials from construction shall not be placed in drainage ways or within the 100-year floodplain surface waters. ▪ All loose piles of soil, silt, clay, sand, debris, or other earthen materials shall be protected in a reasonable manner to eliminate any discharge to waters of the State. ▪ During construction, temporary gravel or sandbag dikes shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff. ▪ Stabilizing agents such as straw, wood chips and/or soil sealant/dust retardant shall be used during the interim period after grading in order to strengthen exposed soil until permanent solutions are implemented. • Revegetated areas shall be continually maintained in order to assure adequate growth and root development. 	Prior to Development of final Site Plan	Administrative Office of the Courts			
HYD3	<p>The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), which identifies construction and post construction BMPs.</p>	Prior to issuance of Each Grading/Building/Construction Document	Administrative Office of the Courts			
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NOISE						
N1	During all project site excavation and grading, the Administrative Office of the Courts shall ensure that the Construction Contractor equips all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
N2	The Administrative Office of the Courts shall ensure that the Construction Contractor places all stationary construction equipment in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
N3	The Administrative Office of the Courts shall ensure that the Construction Contractor locates equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
N4	The Administrative Office of the Courts shall ensure that the Construction Contractor limits the on-site construction activities to the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. No construction activity should occur on Sundays and federal holidays.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			
N5	All pile driving equipment shall be enclosed on all sides with an acoustical blanket barrier that provides a minimum sound transmission class (STC) rating of 30. The height of the blanket enclosure shall be at least 20 feet. With the exception of points of access to the enclosure area, there shall be no openings or gaps in the enclosure and all points of access are to remain closed during pile driving activities.	Prior to Issuance of Each Grading/Building/Construction Document During Grading and Construction	Administrative Office of the Courts			

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REMARKS					
PS1	All structures shall be designed to include automatic fire sprinkler systems.	Prior to Development of final Site Plan	Administrative Office of the Courts State Fire Marshal		
PS2	All structures shall be designed to include a supervised fire alarm system located in an accessible location with an annunciator per the requirements of the California Fire Code.	Prior to Development of final Site Plan	Administrative Office of the Courts Santa Ana Fire Department		
PS3	The project plans shall be designed so that access to and around structures shall meet all Santa Ana Fire Department and California Fire Code requirements	Prior to Development of final Site Plan	Administrative Office of the Courts Santa Ana Fire Department		
PS4	The project plans shall be designed so that all rooms and buildings shall be clearly marked with addresses and a site directory shall be posted at the front entrance to the facility.	Prior to Development of final Site Plan	Administrative Office of the Courts Santa Ana Fire Department		
PS5	The project shall coordinate with the Santa Ana Fire Department on proposed life saving systems for the project.	Prior to Development of final Site Plan	Administrative Office of the Courts Santa Ana Fire Department		

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PS6	The applicant shall coordinate with the Santa Ana Police Department on the project's compliance with the City's Building Security Ordinance.	Prior to Development of final Site Plan	Administrative Office of the Courts Santa Ana Police Department		
UTILITIES AND SERVICE SYSTEMS					
UTIL1	The applicant shall coordinate with the City of Santa Ana Water Department on project connections to the City's sewer system.	Prior to Development of final Site Plan	Administrative Office of the Courts		
UTIL2	The applicant shall coordinate with the City of Santa Ana Water Department on project connections to the City's water system.	Prior to Development of final Site Plan	Administrative Office of the Courts		