

# New Ukiah Courthouse

**Final Environmental Impact Report  
SCH # 2011042089**

**PREPARED FOR:**

Judicial Council of California - Administrative Office of the Courts  
Office of Court Construction & Management  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

April 2012

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April 2012

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# 1 INTRODUCTION

In accordance with §15088 of the State California Environmental Quality Act (CEQA) Guidelines, the Judicial Council of California - Administrative Office of the Courts (AOC), as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) for the New Ukiah Courthouse and has prepared this Final EIR, which includes written responses to the comments received.

On October 31, 2011, the AOC as the lead agency released for public review the Draft EIR for the New Ukiah Courthouse. The Draft EIR was submitted to the State Clearinghouse for review by state agencies. At the request of the community, the AOC extended the Draft EIR public review period and State Clearinghouse review period through January 31, 2012. As required by CEQA Guidelines §15088(b), the AOC provided each public agency that submitted written comments on the Draft EIR with proposed written responses to that public agency's comments at least 10 days prior to certifying the Final EIR.

Chapter 2 of the Final EIR consists of the written comments received on the Draft EIR, and presents responses to environmental issues raised in the comments (as required by the State CEQA Guidelines §15132). The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by Section 15088(c) of the State CEQA Guidelines. Detailed responses are not provided to comments on the merits of the proposed project that do not raise significant environmental issues. However, when a comment is not directed to significant environmental issues, the response indicates that the comment has been noted and that no further response is necessary.

Each comment letter has been reproduced and is followed by the responses to the comments in order of occurrence. For example, the response to the second comment of the second letter would be indicated as Response to Comment 2-2. In some instances, responses to comments may warrant clarifications of the text of the Draft EIR. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, Clarifications and Revisions to the Draft EIR. The text deletions are shown in ~~strikeout~~ and additions are shown in double underline.

This document and the Draft EIR together constitute the Final EIR, which will be considered by the AOC prior to a decision on whether to approve the proposed project. Before deciding whether to approve the proposed project, the AOC, as required by CEQA Guidelines §15090, will certify that the Final EIR was completed in compliance with CEQA's requirements, was reviewed and considered by the AOC's decision-makers, and reflects the AOC's independent judgment and analysis. The AOC will also adopt findings of fact on the disposition of each significant environmental impact, as required by CEQA Guidelines §15091(a); a statement of overriding considerations for any significant unavoidable impacts, as required by CEQA Guidelines §15093; and a Mitigation Monitoring and Reporting Program, as required by CEQA Guidelines §15091(d).

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## 2 COMMENTS AND RESPONSES TO ENVIRONMENTAL ISSUES

This section of the Final Environmental Impact Report (Final EIR) contains comment letters received during the public review period for the Draft EIR, which concluded on January 31, 2012. As previously stated, at the request of the community, the AOC extended the Draft EIR public review period and State Clearinghouse review period through January 31, 2012. This section also addresses comments received during the public hearing for the Draft EIR (held on November 30, 2011) to receive comments on the Draft EIR. In conformance with State CEQA Guidelines §15088(a), written responses to comments on environmental issues received from reviewers of the Draft EIR were prepared.

### 2.1 LIST OF COMMENTS RECEIVED ON THE DRAFT EIR

Comments received on the Draft EIR include the following:

- An email from Hardy Schmidbauer dated November 30, 2011.
- An email from Granville and Melanie Pool dated November 30, 2011.
- A letter from the County of Mendocino Department of Planning and Building Services dated December 6, 2011.
- An email from Granville and Melanie Pool dated December 7, 2011.
- An email from the Mendocino County Library Advisory Board dated December 8, 2011.
- An email from Kent Porter dated December 8, 2011.
- A letter from the California Public Utilities Commission dated December 12, 2011.
- An email from the North Coast Regional Water Quality Control Board dated December 12, 2011. A hard copy of the letter followed in U.S. mail dated December 13, 2011 (identical in content).
- An email from Carole Aleshire dated December 16, 2011.
- An email from Jack Cox dated January 30, 2012.
- An email from Daniel Thomas dated January 30, 2012.
- An email from James Connerton, Jr., dated January 31, 2012.
- An email from Californians for Alternatives to Toxics dated January 31, 2012.
- An email from Friends of Gibson Creek dated January 31, 2012. A hard copy of the email followed in U.S. mail (identical in content; however, scanned hard copy has signature).
- A letter from the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit dated February 1, 2012.
- An email from the City of Ukiah Paths, Open Space, and Creeks Commission dated February 8, 2012.

### 2.2 COMMENTS ON THE DRAFT EIR AND RESPONSES

#### **ORAL COMMENTS**

Oral comments were received during the public hearing for the Draft EIR held on November 30, 2011. The commenters asked questions related to both potential project sites (the Library Site and the Railroad Depot Site), which were answered by the AOC CEQA Project Manager at the meeting. A summary of public hearing questions/comments, in addition to responses, are noted below.

## **Aesthetics**

**Comment: The EIR doesn't seem to understand the strong aesthetics value on the Valley Floor. A three-story building would be seen from a lot of views.**

*Response: The Valley Floor does allow for more expansive views, particularly along Highway 101. However, due to the urban nature of the proposed project area, the existing structures and mature trees significantly limit the views of the proposed project sites from more distant public areas. In many cases, the three story structure could be visible, but large intervening trees screen these views. Section 4.1, Aesthetics, in the Draft EIR, addresses impacts on public views and views from surrounding motorists and pedestrians, and presents appropriate impact avoidance/minimization (mitigation) measures. No additional measures are necessary to preclude significant impacts to aesthetics, and no revisions to the Draft EIR are required.*

**Comment: In mitigation measure(s), express lighting needs in terms of lumens.**

*Response: A footcandle is equal to one lumen per square foot. As part of the Final EIR, Mitigation Measure 4.1-4b has been clarified as follows:*

### **Mitigation Measure 4.1-4b – Railroad Depot Site**

- › *The final courthouse design shall ensure that any exterior lighting does not spill over onto the adjacent uses. The architect shall prepare and submit an Outdoor Lighting Plan to the Administrative Office of the Courts (AOC) for review and approval, prior to construction related ground disturbing activities, that includes a footcandle map illustrating ~~the amount of~~ no light from the Project site ~~at~~ spills over onto adjacent light sensitive receptors. All exterior light fixtures (including street lighting) shall be shielded or directed away from adjoining uses. Landscape lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements shall be anticipated.*

*No further revisions to the Draft EIR are required.*

## **Biological Resources**

**Comment: There are wildlife habitats and species that were not addressed in the EIR (i.e. deer come within two blocks of the existing courthouse, and you can see bluebirds downtown).**

*Response: A number of wildlife species are expected to utilize habitats on either proposed project site. Deer are known to occur very close to the proposed project sites, and could browse on vegetation in the open grassland or along Gibson Creek. Riparian vegetation along Gibson Creek also provides shade for resting during summer. Raccoons and opossums may also inhabit riparian vegetation along Gibson Creek. Pacific treefrogs and fish are present in Gibson Creek, and are likely preyed upon by garter snakes. A variety of migratory birds are observed each spring and summer in downtown Ukiah, and many of these birds could potentially nest in vegetation (e.g., western bluebird, American crow, northern mockingbird, and white-crowned sparrow) or on buildings (e.g., pigeon) on either proposed project site. In addition, various species of waterfowl (e.g., mallard, common merganser, and Canada goose) may forage in Gibson Creek and nest in adjacent riparian vegetation.*

*The proposed project is considered to be in-fill development. By confining development to existing urbanized areas, intact wildlife habitat on the fringes of the city can be maintained. The net result of infill development for wildlife in general is positive. Nonetheless, courthouse construction would alter the existing wildlife habitat on the site and thus alter wildlife usage of the site. Some of the wildlife currently utilizing the Library or Railroad Depot Sites would be displaced to other habitats or, if other habitats are not available, may be eliminated. Project implementation may have no effect on other species, such as certain migratory birds that will continue to nest on either proposed project site in landscape plantings, or could even have a positive benefit for those species*

*best adapted to urban environments (some of which may be considered as nuisance species). Even though the overall effect of the project on individual animals may be negative, project implementation would not jeopardize the continued existence of these species. Therefore, for the purposes of CEQA, impacts on “non-status” (i.e., relatively common) wildlife species are not considered significant. Section 4.3, Biological Resources, in the Draft EIR addresses impacts on sensitive wildlife species as well as other protected wildlife, such as nesting migratory birds, and presents appropriate impact avoidance/minimization (mitigation) measures. No additional measures are necessary to preclude significant impacts to wildlife species, and no revisions to the Draft EIR are required.*

**Comment: The EIR mentions to bring in a biologist if work has to be done during the wet season. I would say a biologist needs to be present during the dry season too, especially for frogs. Bring in a biologist for an assessment before work is started.**

*Response: Gibson Creek is a seasonal stream that generally flows from late fall to late spring or early summer. When water is present, the stream has a high value to wildlife, and can support special-status species such as foothill yellow-legged frog, western pond turtle, and salmonids. As the stream dries, the fish move downstream (or become stranded and die); frogs and turtles may disperse along the stream corridor, or may move overland to other water bodies. In any case, once the stream is dry, the concentration of wildlife it supports in the wet season is no longer present. In recognition of the high value of the stream for fish and wildlife during the wet season, Mitigation Measure 4.3-1 on page 4.3-20 of the Draft EIR calls for a biologist to be present if any in-water work is proposed. However, once the stream is dry, water-dependent wildlife will no longer be present, so there is no need for a monitoring biologist. No revisions to the Draft EIR are required.*

**Comment: I would like to see protection of the existing vegetation along Gibson Creek (along the restoration area).**

*Response: Vegetation on both the Library Site and the Railroad Depot Site has been previously altered from its native condition as a result of prior development; however, as noted on page 3-12 of the Draft EIR, final courthouse design will be based on existing site constraints such as Gibson Creek. At this point in the project development process, a final site design has not been determined. However, the existing vegetation along the Creek will be maintained to the greatest extent feasible based on project design. Should this vegetation be altered, it does not represent a significant impact since, as stated above, the native condition has been previously altered. No revisions to the Draft EIR are required.*

**Comment: Impact 4.3-3: The 20-foot setback from Gibson Creek is grossly inadequate. I think CDFG will require at least a 100-foot setback.**

*Response: The mitigation measure mentioning a 20-foot setback from Gibson Creek on page 2-13 (Executive Summary) of the Draft EIR was an error. Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR does not reflect a specific setback requirement. As applicable, the AOC will respect minimum setback requirements from the Creek, as recommended by the appropriate agency, and as applicable to the work anticipated. This Final EIR provides revised language to the biological resources section, as related to Gibson Creek, in Section 3, Corrections and Revisions to the Draft EIR. The new, corrected language reflects the AOC’s commitment to agency recommended setbacks.*

**Comment: The EIR states that if the proposed project were to be built at the Library Site, approximately 300 feet of the existing underground portion of Gibson Creek within the Library Site would be “day-lighted” and enhanced. Although this is considered a long-term project benefit, approximately 0.4 acre of Gibson Creek would be temporarily impacted by the restoration activities. Please explain this distance, are we talking width, length? Exactly what 0.4 acre of the creek would be affected if it is “day-lighted”?**

*Response: Please refer to the illustration on the following page. The 0.4 acre of disturbance of Gibson Creek would result in approximately 300 linear feet of daylighting. Note, the approximate 300 linear feet of daylighting*

*excludes Smith Street, as the existing Gibson Creek culvert under Smith Street is anticipated to remain for vehicular access. No revisions to the Draft EIR are required.*



NEW UKIAH COURTHOUSE • FEIR  
**Library Site - Potential Gibson Creek Day-Lighting**

**Comment: Sudden oak death is a huge problem in Sonoma County. Please consider sudden oak death protection measures for all the trucks traveling to/from the construction site.**

*Response: Sudden oak death (SOD) is a concern in cool, moist climates, such as that of coastal California. Although SOD is known to occur in Mendocino County, its presence has not been confirmed in the Ukiah Valley; the warmer, drier climate of the valley may discourage entry/spread of SOD locally. Nonetheless, there is a significant potential for SOD to become established in the Ukiah Valley. Long-distance transport of the pathogen responsible for SOD can occur if vehicles or equipment used in an infested area move mud or vegetative debris containing the pathogen to uninfested areas. This is particularly of concern during the rainy season, when the pathogen is actively producing spores.*

*In response to the comment, and based on discussions with CalFire and Mendocino County Department of Agriculture specialists, additional detail/clarification has been incorporated into Mitigation Measure 4.3-1 (on page 4.3-20 of the Draft EIR), as a means to reduce the potential for the spread of SOD into the Ukiah Valley.*

**Mitigation Measure 4.3-1 – Library Site and Railroad Depot Site**

The AOC, or its contractor, shall implement the following measures to reduce impacts on special-status ~~animal~~ species:

- › Construction activities within the bed and/or banks of Gibson Creek shall be restricted to the dry-season when the channel is dry to avoid impacts to the foothill yellow-legged frog, western pond turtle, and salmonids. If work cannot be restricted to the dry season, immediately prior to on-site, in-water construction activities, the AOC, or its project contractor, shall retain a qualified biologist to conduct focused surveys of aquatic sites for these species. If such species are found to be present at the time of the survey, salmonids, turtles, frogs, tadpoles, and/or egg masses shall be relocated to a safe location upstream or downstream to avoid direct impacts.
- › Should construction fleet vehicles and/or equipment necessary for courthouse construction be procured outside of the Ukiah Valley, the following provision shall be included on all final construction documents:
  - All construction vehicles and equipment shall be thoroughly washed at a commercial wash facility prior to entering the Ukiah Valley. Particular care shall be taken to remove mud and debris from the wheel wells, undercarriage, and other areas at which mud and debris may accumulate.

The additional detail/clarification would not result in a substantial increase in the severity of an environmental impact, nor does it change the impact’s significance level. No further revisions to the Draft EIR are required.

**Hazards/Hazardous Materials**

**Comment: It is my understanding that the Depot Site is contaminated. Does a Phase I or Phase II need to be prepared?**

*Response: Yes, the contamination at the Depot Site is a known issue. The city of Ukiah completed an Initial Study/Mitigated Negative Declaration in July of 2011 and a Remedial Action Plan in August 2011 for the cleanup of the Depot Site, and continues to move forward with cleanup/remediation, which is anticipated to start in late spring 2012. A Phase I was already prepared for both potential project sites. The AOC will also be obtaining a Phase II for both sites. No revisions to the Draft EIR are required.*

**Hydrology and Water Quality**

**Comment: Impact 4.7-4: Regarding stormwater runoff, this is a potentially significant impact with no mitigation. I’m concerned about drainage.**

*Response: This was an error in the environmental document, as it should have been labeled a less than significant impact (with no mitigation). The AOC is required by state law to ensure that any runoff is equal to or less than the current/existing runoff at the site. The project will also be constructed to Leadership in Energy and Environmental Design (LEED) Silver standards, and implement best management practices (BMPs) to ensure drainage impacts are less than significant. The less than significant impact (with no mitigation) is reflected in Section 3 of this Final EIR (Corrections and Revisions to the Draft EIR).*

**Noise**

**Comment: I’m concerned about noise because construction starts early in the morning.**

*Response: The AOC, as a state entity, is not subject to local land use controls, including the city’s noise ordinance. However, the AOC will make every effort to use the city’s noise ordinance as a guide during*

construction, where construction would be allowed between 7am and 7pm, Monday through Friday, with discretionary review required for construction on Saturday, and no construction on Sunday. No revisions to the Draft EIR are required.

**Comment: Regarding noise mitigation, infrastructure for the building should be constructed/placed according to the city's noise ordinance and not "as feasible" (i.e. mechanical equipment).**

*Response: As discussed in Section 4.9, Noise, of the Draft EIR, the AOC considers local policies and utilizes them (as applicable) for the development of mitigation measures; however, as a state entity, the AOC is not subject to local land use controls, including the city's noise ordinance. The AOC will make every effort to use the city's noise ordinance as a guide during construction, and as a guide regarding the placement of on-site infrastructure. The impact remains as originally analyzed, including the proposed mitigation measures. No revisions to the Draft EIR are required.*

### **Traffic/Circulation**

**Comment: Traffic will not only be affected by the moving of the courthouse, but by reuse of the former courthouse, the potential moving of the library, and in particular, the relocation of the main post office to South Orchard Avenue. The intersection of Perkins Street and Highway 101 is a horrible situation. The courthouse project may cause the intersection to be deemed so congested that it would prevent other projects from being approved, such as a low-income housing development along Brush Street. I don't see how this has been addressed in the EIR.**

*Response: A traffic impact analysis was prepared for the proposed project that assessed existing and future/cumulative conditions (year 2030). The AOC is aware of the problems with the intersection of Perkins Street and Highway 101. There have been discussions between Caltrans and the city about improvements to the intersection, and if those improvements move forward, the AOC would pay its fair share of those improvements. Should the library be relocated, the county would provide a separate CEQA document, including a traffic analysis and proposed mitigation. No revisions to the Draft EIR are required.*

**Comment: The only hospital is one block away from either proposed site. If there is total gridlock, how are we going to access the hospital?**

*Response: A traffic impact analysis was prepared for the proposed project that assessed existing and future/cumulative conditions (year 2030). According to the traffic impact analysis, and as discussed in Section 4.10, Traffic and Circulation, in the Draft EIR, the Hospital Drive/Perkins Street intersection currently operates at a Level of Service (LOS) A under existing A.M. peak hour intersection operations. At the Library Site, the Hospital Drive/Perkins Street intersection would operate at a LOS A under existing plus project A.M. peak hour intersection operations. At the Railroad Depot Site, the Hospital Drive/Perkins Street intersection would operate at a LOS A under existing plus project A.M. peak hour intersection operations. The proposed project will not specifically create an increase in traffic; however, traffic patterns will change. No revisions to the Draft EIR are required.*

**Comment: As branch manager for the Ukiah library, I want to have the library stay where it is. And regarding traffic, I don't understand how the project increases traffic.**

*Response: Thank you for your comment regarding the location of the library. In terms of traffic, a traffic impact analysis was prepared for the proposed project that calculated existing and future/cumulative conditions (year 2030). The proposed project will not specifically generate an increase in traffic; however, traffic patterns will change with the new location of the courthouse. No revisions to the Draft EIR are required.*

**Comment: As a mitigation recommendation to alleviate traffic, I think it is important to look where the employees are coming from (most likely the Willits/Booneville area in particular), and maybe offer a park and**

**ride to see how many employees would take it up. It would also be nice to investigate whether the courthouse would offer a daycare center.**

*Response: The AOC fully supports alternative modes of transportation such as existing or planned pedestrian facilities, bicycle facilities, and bus transit facilities. The Library Site and Railroad Depot Site are primarily served by the MTA Routes 7 and 9, which provide a stop at Standley Street/Main Street. This bus stop is located directly across from the Library Site, and it is approximately 1,200 feet to the Railroad Depot Site (at the Hospital Drive/Perkins Street intersection). Also refer to Section 4.10, Traffic and Circulation, (specifically Mitigation Measures 4.10-4a through 4.10-4c regarding pedestrian facilities, and Mitigation Measures 4.10-5a and 4.10-5b regarding bicycle facilities). According to the Superior Court of California, County of Mendocino, New Ukiah Courthouse Project Feasibility Report (prepared in November 2009 and revised in January 2011), the new courthouse would include a children's waiting room and play area, though not a regular daycare center for children of court employees and/or members of the public. No revisions to the Draft EIR are required.*

**Impact 4.10-4, specifically for mitigation measure 4.10-4a, I would like the word "unobstructed" added so that it states: "For either proposed project site, continuous unobstructed sidewalks along the project frontage shall be maintained or provided." I would like the sidewalks to be 6 to 10 feet in width.**

*Response: At this point in the project development process, a final site design has not been determined. Therefore, it is unknown whether or not unobstructed sidewalks can be provided. The AOC will comply with the mitigation requirement to provide continuous sidewalks, but whether or not the sidewalks will be unobstructed and the width of the sidewalks will need to be determined after a final site plan is complete, including identified ingress and egress points and consultation with the city of Ukiah. The mitigation measures already in the draft EIR ensure the impact remains less than significant. No revisions to the Draft EIR are required.*

**I would like to see mitigation for wide sidewalks that are walkable and shaded (to make walking habitable). I would also like to see pedestrian access in four directions at the Depot Site.**

*Response: As previously stated, at this point in the project development process, a final site design has not been determined. The AOC will comply with the mitigation requirement to provide continuous sidewalks, which would include pedestrian access points and landscaping, after a final site plan is complete and after consultation with the city of Ukiah. Given these mitigation measures, the impact remains less than significant. No revisions to the Draft EIR are required.*

### **Potential Library Relocation/Site Selection**

*Background: If the Library Site is chosen, the library would most likely have to be relocated as well. However, the AOC does not have the power to force the library to move; therefore, there is no way the proposed project can force the abandonment of the library. Relocation benefits are determined by California Government Code Section 7260-7277, case law interpreting those provisions, and relevant interpretive material such as opinions of the Attorney General. How much the state will pay is yet to be determined, as each relocation will be evaluated by an outside relocation specialist applying California Government Code Section 7260-7277. The state must pay and can only pay what is authorized under the law. It is unknown at this time whether or not the state relocation benefits will cover all of the costs of relocating the potentially affected business.*

**Comment: I like the project and think it's very exciting. I only like the old/historical part of the existing courthouse. Has a study looked at what will happen to the existing building? What if the library were to move to the existing courthouse site?**

*Response: The court does not occupy the entire existing courthouse. It occupies only about 67% of the existing courthouse building. This portion of the courthouse will be vacated after the new courthouse opens. Unless otherwise disposed of, the AOC will retain its equity in the existing courthouse structure, but will pursue options for occupancy of the vacated space including:*

- *Offering the vacated court space to the county; i.e. would the county want to purchase the AOC's equity in the existing building for county administrative space;*
- *The AOC may also offer the county the opportunity to lease all of part of the court space, if an equity buyout is not feasible;*
- *If the county is unable to purchase or lease the vacated space, the AOC may then sell or lease the court space to a third party.*

*From the AOC's perspective, a discussion would need to be started with the county regarding building reuse potential; however, it is not known at this time if the library would use/be relocated to the existing courthouse building. No revisions to the Draft EIR are required.*

**Comment: This is the first meeting I've attended. Are you tearing down the library, Curry's Furniture, etc.?**

*Response: The existing buildings would be demolished if the Library Site is ultimately chosen. However, there is one potential design for the site that has the courthouse being constructed without removing the library (a possible though not ideal configuration). No revisions to the Draft EIR are required.*

**Comment: The EIR should clearly identify what state law requirements are regarding relocation benefits, and how much that the state would pay, in addition to what the city and county would pay.**

*Response: The AOC recognizes that this is not a CEQA-related item, but will address this comment. Relocation benefits are determined by California Government Code Section 7260-7277, case law interpreting those provisions, and relevant interpretive material such as opinions of the Attorney General. How much the state will pay is yet to be determined, as each relocation will be evaluated by an outside relocation specialist applying California Government Code Section 7260-7277. The state must pay and can only pay what is authorized under state law. It is unknown at this time whether or not the state relocation benefits will cover all of the costs of relocating the potentially affected business. No revisions to the Draft EIR are required.*

**Comment: Does the cost of demolition and relocation factor into the decision of which site the AOC selects? Do you have a project budget?**

*Response: The AOC recognizes that this is not a CEQA-related item, but will address this comment. A feasibility study was prepared for the proposed project and can be found on-line at <http://courts.ca.gov/facilities-mendocino.htm>. The factors that go into the decision of which site the proposed project will be built on are varied, and include local input through the Project Advisory Group, cost and constructability, along with other factors. In addition, a project budget has been established and approved by the state legislature, and the AOC needs to stay within the project budget. The project is funded through Senate Bill 1407, using court fees and fines to pay for the costs of this capital program. The State's General Fund will not be used as a project funding source. No revisions to the Draft EIR are required.*

### **Draft EIR Comment Period Extension**

**Comment: Please extend the deadline for the Draft EIR comment period (December 14<sup>th</sup>), by at least another month, given that this time is such a busy season. Also, could the EIR be made easier for people with only dial-up internet service to download?**

*Response: At the request of the community, the AOC project team extended the Draft EIR review and comment period through January 31, 2012 (an additional 48 days). Also, additional printed and electronic copies of the Draft EIR were sent to both the public library and the City of Ukiah Planning and Community Development Department.*

**Comment: The library branch manager said a copy was available at the library, and that she would be happy to check CDs out to people if more were given to her.**

*Response: On December 8, 2011, twenty CDs of the New Ukiah Courthouse Draft EIR and Appendices, and five hard copies of the Draft EIR were sent via FedEx to the library branch manager.*

**Miscellaneous**

**Comment: I'm concerned about the CEQA process since the state is the lead agency. Who checks on what "you" are doing? If it's a state project, legally, you can do what you want.**

*Response: Like any other project undergoing a CEQA review, the state is required to evaluate and disclose anticipated environmental effects in accordance with CEQA, similar to any other proposed local agency or private development project. Governmental entities with discretionary approval authority of some aspect of the proposed project (i.e. a "Responsible Agency") have a prominent role in reviewing the AOC's CEQA review of the proposed project. The public, both individuals and non-governmental entities, have the ability to actively participate in the CEQA review process including the original scoping meeting, the public meeting held during circulation of the Draft EIR, and the public comment and response process of which this is a part. With respect to the proposed project in general, the AOC is advised by a Project Advisory group, made up of local representatives. . For CEQA purposes, this project is being analyzed under a "maximum" project scenario for the purpose of capturing worst case project impacts. No revisions to the Draft EIR are required.*

**WRITTEN COMMENTS**

The written comments received on the Draft EIR and the responses to those comments are provided below. Each written comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

**Comment Letter 1**

**From:** Hardy Schmidbauer [mailto:h\_schmidbauer@yahoo.com]  
**Sent:** Wednesday, November 30, 2011 9:47 AM  
**To:** Sainz, Laura  
**Subject:** Ukiah courthouse

The depot site is in desperate need of clean up and this is probably going to be the only project which will have the opportunity to do so. The current depot site is an eye sore to the community.

1-1

Hardy Schmidbauer

**Comment Letter 1 Response**  
**Hardy Schmidbauer, Resident**  
**November 30, 2011**

- 1-1 The commenter provides opinions regarding the Railroad Depot Site. The contamination at the Railroad Depot Site is a known issue. The city of Ukiah is moving forward with cleanup/remediation of the Railroad Depot Site which is anticipated to start in late spring 2012. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 2**

**From:** Granville [mailto:teacupfarm@comcast.net]  
**Sent:** Wednesday, November 30, 2011 9:18 PM  
**To:** Sainz, Laura  
**Subject:** Ukiah Courthouse Proposed Site Determination

Ms. Sainz,

My wife and I strongly favor the library site for the proposed new courthouse for Ukiah.

I am a retired Facilities Administrator for Mendocino County, am intimately familiar with the existing courthouse, and well aware of the need for a new courthouse. I worked with the then court administrator and AOC on phases of the transition from County to State and on early planning for a replacement facility. I applaud the decision to keep the courthouse downtown and approve of both of the site alternatives. I strongly favor (and my wife concurs), however, the “library” site for these reasons:

- Remove blight of ugly, dated, non-historic library, “Lido” (Perkins Street Grill), Curry’s Furniture, old police department, etc. As far as we are concerned, you could cast a wider net and remove even more blight.
- Keeps courthouse more connected to downtown core than would depot site
- Keeps the less developed depot site—which has little blight to remove and is more transitional to residential areas—for future uses, including possibly a park, which would be very compatible with the historic depot and with the nearby new courthouse (which would then be across Perkins Street, to the north)
- Opens opportunity for a new, updated, and (we hope) much less ugly library

In addition to my time as Facilities Administrator for the County of Mendocino, I served as a Ukiah City Council appointed member of two committees to find ways to preserve historic architectural resources in Ukiah. My wife, my mother, and I were responsible for preserving and renovating several historic properties in Ukiah, including several Victorian houses in the downtown core. My mother is no longer with us but I am confident that she would concur in our choice of site. My wife and I still own a Victorian office building in the downtown area but currently reside in Redwood Valley. Even though we no longer live in Ukiah, we still care a great deal about how its future is shaped and consider this project of vital importance!

Thank you for your time and consideration,

Granville & Melanie Pool

2601 Road I, #0

Redwood Valley, CA 95470

(707) 485-7220 (home)

[teacupfarm@comcast.net](mailto:teacupfarm@comcast.net)

2-1

**Comment Letter 2 Response**  
**Granville & Melanie Pool, Residents**  
**November 30, 2011**

- 2-1 The commenters express their support for the AOC's selection of the Library Site for the proposed courthouse. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

Comment Letter 3



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

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December 6, 2011

Laura Sainz  
Environmental Program Manager  
Office of Court Construction and Management  
Judicial Council of California – Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833  
CERTIFIED MAIL# 7006 2150 0002 5069 7297

**RE: Comments to the Draft Environmental Impact Report (DEIR) for the New Ukiah Courthouse in Mendocino County, California**

Dear Ms. Sainz,

This letter is in response to your Notice of Availability of the Draft Environmental Impact Report (DEIR) for the new Courthouse in the City Ukiah for comments. The Department of Planning and Building Services in consultation with the County Department of Transportation and the General Services Agency have reviewed the DEIR and offer the following comments to the DEIR, dated October 2011, prepared by RBF Consulting.

The proposed project would involve the Administrative Office of the Courts (AOC) to acquire property for and construct a new, approximately 114,000 sq. ft. courthouse housing nine courtrooms for the Superior Court. The DEIR has analyzed two potential sites that include the site of the current County Library and the Railroad Depot site.

**Comments:**

1. Section 2 of the DEIR, Executive Summary and also on page 3-4, under the "Existing Setting" discussion, there is no mention of how the existing library is to be replaced if it is displaced by the new courthouse. Additionally the DEIR does not address how the existing courthouse is to be utilized when vacated. Upon examination, the DEIR only focuses on the two sites but does not fully address the existing courthouse or the library.
2. Section 3, Project Description of the DEIR contains a table (3-1) on page 3-10 that notes that preliminary space allocation needs illustrate that approximately 94,500 sq. ft. of area would be devoted to vehicle/pedestrian circulation area; and 28,454 sq. ft. would be the footprint of the proposed courthouse building.

3-1

3-2

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Both sites would result in varying levels of increased impermeable surface area. According to the DEIR, the project is to comply with all state, federal requirements and would include the implementation of Best Management Practices (BMPs) and low Impact Development (LID) measures which would reduce impacts to a less than significant level.

3-2, Cont.

The DEIR notes that no mitigation is required. However, on both sites there could be substantial grading, excavation and with the library site demolition and earth moving that could result in sediment runoff into nearby Gibson Creek. At minimum mitigation measures should be specified in the EIR to address impacts associated with stormwater runoff instead of relying on whether what BMPs are to be installed.

3. DEIR Section 4.7 hydrology and Water Quality. Pages 4.7-2 and 4.7-3 of the DEIR acknowledge flooding as a result of dam failure (Lake Mendocino), noting that the greatest damage would likely occur south of Calpella, with both project sites located in the area. The DEIR also notes that both sites are considered to be within the 100-year flood area as defined on page 4.7-3 of the DEIR.

3-3

Page 4.7-20, Impact 4.7-8 notes that construction of structures would be located outside of the 100-floodplan, and notes that the impact is less than significant. The DEIR only illustrates the property boundaries of each site on the Flood Insurance Rate Map for the area (page 4.7-4 of the DEIR). The DEIR should clearly illustrate at minimum the footprint of the proposed structures so that the impact can truly be answered as less than significant.

4. Impact 4.7-5 notes that "...the city's stormwater drainage systems are considered to have adequate capacity to accommodate an increase in flows." Further noting that this would be less than significant impact. It should be noted that on numerous occasions over the years during periods of heavy rains, flooding occurs along both sides of East Perkins Street, easterly of both of the proposed sites, which may be further evidence that the city's drainage system does not have sufficient capacity. Verification of capacity should be confirmed before stating a less than significant impact.

3-4

5. Section 4.8 Land Use Planning: This section provides a review of consistency with the City of Ukiah's General Plan; the City's Code; City's Downtown Zoning Code; City's Zoning Code; City's Downtown Master Plan; the City's Redevelopment Agency 5-year Implementation Plan; the City's Municipal Airport Master Plan; and the Mendocino County Airport Comprehensive Land Use Plan. In reviewing the DEIR, there is no mention of the County's recently adopted Ukiah Valley Area Plan (UVAP), August 2011. The UVAP represents a commitment to a comprehensive and long range inter-jurisdictional planning document that represents the vision and foresight of the people who live and work in the Ukiah Valley.

3-5

However, throughout the DEIR, very little to no attention has been given to the UVAP. Although the UVAP is mentioned in one section, it refers to the Draft UVAP of 2010. As written, the DEIR has not performed a consistency analysis of the proposed project with the recently adopted Aug/2011 UVAP.

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6. Section 4.10 Traffic and Circulation: Both sites (Library Site and Depot Site) include a number of intersections and segments that have been identified, noting traffic peaks for arriving staff, lawyers, jurists and judges. The traffic analysis has analyzed several streets/roadways within close proximity of the proposed courthouse sites. However, the analysis did not appear to consider traffic impacts between the existing County jail on Low Gap Road and the two sites being considered. The traffic analysis should consider the transportation of prisoners/individuals from the County jail to the two project sites.

3-6

7. The County Department of Transportation noted that it did not appear that the project will directly impact County Roads. It was noted by the Department of Transportation that the Highway 101 interchange at East Perkins is already identified at a failing "Level of Service – LOS". The Mendocino Council of Governments (MCOG) and the City of Ukiah are working on a \$2 million+/- project that would place traffic signals at the Southbound (SB) and Northbound (NB) Ramp intersections, sidewalk, pedestrian ramps and signal coordination with the existing traffic signal at Orchard Avenue.

3-7

The EIR should analyze their effect and if the existing MCOG/City project so if it needs to be modified an early look could save a "re-do" as the present project looks ahead to 2025 and beyond. The DEIR looks at the Highway 101 interchange at East Perkins and notes "no adverse effect", but the question that needs to be clearly answered is was the future and existing MCOG/City project considered in the analysis?

8. Cumulative Impacts Analysis

Page 5-6, Cumulative Impacts 4.7-11 states that the proposed project could cumulatively contribute to a degradation of the quality of receiving water bodies noting this as a less than significant cumulative impact. Further, the DEIR states in part that compliance with state and federal BMPs and State NPDES requirements, will ensure cumulative impacts to receiving water bodies will be less than significant. It should be noted that pollutants entering storm water runoff have the potential to enter Gibson Creek from either site and eventually enter the Russian River, located in the unincorporated area of the County. The DEIR should at minimum identify appropriate BMPs and NPDES requirements to be utilized and identify these as mitigations.

3-8

Under the discussion of traffic in the cumulative impacts section, the DEIR should address potential traffic patterns for prisoner transports from the existing County jail to the proposed courthouse sites (library and depot sites) and the impacts to Low Gap Road, State Street and Perkins Street.

3-9

It also appears that the DEIR did not analyze intersections beyond the Perkins Street corridor and did not assess cumulative impacts associated with the Brush Street and Orchard Avenue Intersection. This intersection (Brush Street and Orchard Avenue) provides an alternative to Low Gap/State Street/Perkins Street for transport.

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9. Urban Decay

Page 5-8, Section 5.2 – Growth Inducing Impacts notes that the project is a replacement project addressing the deficiencies in the existing courthouse. The DEIR notes that both potential sites are located in close proximity to existing retail and services. The DEIR concluded that the proposed project does not have significant potential to induce secondary employment resulting from creation of jobs to provide goods and services to the facilities and employees, and thus the project would result in a less-than-significant impact related to growth inducement.

3-10

The Mendocino County General Services Agency (GSA) along with Planning and Building Services reviewed the DEIR, and although no growth inducing impacts are anticipated or will be less-than-significant, the DEIR has really only focused on the two potential sites and not on the current courthouse. Regarding the current library site, if this site is chosen, the current library would require relocation.

However, relocation of the library is not fully addressed in the DEIR regarding a new site for the library, including site acquisition, construction, funding, disruption of library services, etc.

Although the DEIR has concluded less-than-significant impacts as it relates to growth inducing impacts, the DEIR did not address urban decay as a result of either relocating the current library or vacating the current courthouse building. The U.S. Postal Services has announced that it is their intent to close the Post Office on Oak Street and consolidate postal services to their Orchard Street facility. The School Street corridor along with other portions of the downtown are current experiencing vacant store fronts, and a vacant courthouse building as well as vacant post office could potentially exacerbate this. Thus the DEIR should address the abandonment of the existing courthouse building and post office downtown as well as the relocation of the existing County library.

10. Relative to the current courthouse building, the current site currently contains an Underground Storage Tank (UST) that may require remediation. This should be addressed as part of the current courthouse abandonment.

3-11

11. Other Court Related Uses

Section 3.6 Project Characteristics: Under this section the DEIR describes the proposed project, including a statement that the new courthouse will replace the court space and functions in the existing courthouse, including court support space for court operations, court administration, criminal/civil/traffic/family law divisions, collaborative court, jury assembly, and jury services, self help, court security operations and holding, and building support space.

3-12

Both Sections 3.6 and 4-10 (Traffic and Circulation) failed to address the existing uses of the District Attorney, Court Collections and Victim Witness Services as uses that would either be relocated into the new courthouse or

Ms. Laura Sainz  
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remain in the existing courthouse building. If these uses are not to be relocated into the new courthouse facility, then the analysis failed to adequately address potential traffic and parking concerns and not considering that the travel by automobile of these uses distances of 2 to 3 blocks. It is unlikely that attorneys needing to carry files, sometimes in boxes would walk from their current location to either of the proposed sites (Library & Railroad Depot sites), especially during inclement weather.

3-12, Cont.

The DEIR did not address other court related uses that are currently located on School Street, such as the Public Defender and the Alternate Defender that would also more than likely need to drive to the new courthouse facility. Therefore, the environmental consultant should include a discussion under Sections 3.6 and 4-10 as to how these court related uses will interface into the new courthouse facility, and include a discussion on potential traffic, circulation and parking impacts and mitigations,

Finally, throughout the DEIR, several issues are identified, but the DEIR concludes that many potential impacts are identified as less than significant. If it is determined that these are significant impacts and If the project is approved without mitigations, these become cumulative impacts that future developers of land in both the unincorporated areas of the County and within the City will need to address, especially as they pertain to traffic impacts.

3-13

Thank you very much for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the new courthouse to be located within the City of Ukiah. If you should have any questions, please do not hesitate to contact me at (707) 463-4281.

Sincerely,



Ignacio Gonzalez, AICP  
Planning and Building Services Director

cc: Board of Supervisors  
CEO

**Comment Letter 3 Response**

**County of Mendocino Planning and Building Services**

**Ignacio Gonzalez, AICP, Planning and Building Services Director**

**December 6, 2011**

- 3-1 The commenter states there is no mention of how the existing library is to be replaced if it is displaced by the new courthouse. As discussed on page 4.11-19 of the Draft EIR, the AOC will provide relocation assistance if the Library Site is ultimately chosen and the library needs to be relocated, as authorized by state law, in accordance with California Government Code Section 7260-7277.

The commenter also states that the Draft EIR does not address how the existing courthouse is to be utilized when vacated. The court occupies about 67% of the existing courthouse and will vacate its portion. The AOC will retain its equity in the building, but will pursue options for its re-use. The County of Mendocino will continue to occupy the remaining space in the existing courthouse. Please also see response given during public meeting, above. No revisions to the Draft EIR are required.

- 3-2 The commenter recommends that mitigation measures be specified in the EIR to address impacts associated with construction debris and runoff instead of relying on BMPs. Pages 3-18 through 3-19 of the Draft EIR provide a list of BMPs that the AOC will use for the proposed project, as part of the project description. Please refer to Responses to Comments 8-2 and 8-7, below, for a discussion regarding the appropriate permits and preparing the appropriate plans, such as a Storm Water Pollution Prevention Plan (SWPPP). Prior to any direct impacts to waters, all required USACE, RWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented. In addition, the proposed project would comply with state and federal requirements and would include the implementation of BMPs and LID measures to reduce potential effects of construction and/or long-term operation of the proposed project. Therefore, with permit regulations and BMPs and LID measures incorporated into the proposed project description, no mitigation measures are required for stormwater runoff. No revisions to the Draft EIR are required.

- 3-3 The commenter recommends clearly illustrating the footprint of the proposed structures in relation to the 100-year floodplain boundaries. The proposed project layouts for either the Library Site or the Railroad Depot Site are not confirmed at this time. As stated on pages 4.7-20 and 4.7-21 of the Draft EIR, building structures and post construction BMPs would be located outside of the floodplain. Figures 3-6a, 3-6b, 3-7a, and 3-7b of the Draft EIR are test fit diagrams which illustrate an up to 3-story courthouse facility outside of the 100-year floodplain on both the Library Site and the Railroad Depot Site. As noted on page 3-12 of the Draft EIR, final courthouse design will be based on existing site constraints such as Gibson Creek. Due to the state's funding process, the AOC's design team cannot begin more detailed and site-specific design of the courthouse until after the AOC completes preliminary due diligence, decides whether or not to approve the proposed project, and after a site is selected and acquired. Therefore, even though no detailed and site-specific design and planning has yet been done, based on the preliminary feasibility studies referenced above, it would be possible to construct the proposed project structures outside of the 100-year floodplain, and the AOC is committed to do so. Impact 4.7-8 remains less than significant. No revisions to the Draft EIR are required.

- 3-4 The commenter notes that the city of Ukiah's drainage system may not have sufficient capacity because over the years, during heavy rains, flooding occurs along both sides of E. Perkins Street, easterly of both of the proposed project sites; therefore, the significance level for Impact 4.7-5 should be further evaluated. Page 4.7-3 of the Draft EIR provides a discussion of the existing storm drain system. As

discussed in the Draft EIR, the Library Site drains through the site and enters the city's existing storm drain system along Mason Street, prior to being discharged into Gibson Creek. The existing storm drain system along Mason Street generally consists of seven inlets varying in size. These inlets are connected via storm drain pipes that convey runoff to Gibson Creek via gravity flow. The Railroad Depot Site slopes from southwest to northeast toward Gibson Creek, which traverses the northern edge of the site. All storm runoff flows to Gibson Creek. No visible signs of storm drainage structures are visible onsite.

Pre- and post-project discharge calculations for the Library Site are provided in the hydrology report, provided in Appendix G, as well as Impact 4.7-4, and Tables 4.7-1 and 4.7-2 on page 4.7-15 of the Draft EIR. The discharge rates at the Library Site are anticipated to be the same pre- and post-construction.

Pre- and post-project discharge calculations for the Railroad Depot Site are also provided in the hydrology report, provided in Appendix G, as well as Impact 4.7-4, and Tables 4.7-3 and 4.7-4 on page 4.7-16 of the Draft EIR. The post-project peak discharge flow rates are anticipated to be higher than the pre-project discharge. This indicates that additional storm drain infrastructure improvements and stormwater retention to prevent peak discharge increases would be necessary as part of the proposed project at the Railroad Depot Site. As stated on page 4.7-17 of the Draft EIR, the Railroad Depot Site would include additional storm drain improvements and/or onsite stormwater retention to prevent peak discharge increases. The Railroad Depot Site would be designed consistent with AOC standards and would comply with the requirements of the NPDES permit to ensure that stormwater quantities are effectively reduced.

Therefore, the proposed project would not cause a substantial effect on the city's existing stormwater drainage system at either the Library Site or the Railroad Depot Site, and impacts remain less than significant. In addition, any flooding mentioned by the commenter on East Perkins Street is an existing condition and because the proposed project would not add to the existing condition, the proposed project is not required to mitigate for existing conditions. With NPDES and proposed project design elements, the AOC would ensure that increase runoff from either the Library Site or the Railroad Depot Site would not occur, and therefore, the proposed project would not increase runoff. Impacts are considered less than significant and the existing stormwater drainage system would continue to operate as it does currently. No revisions to the Draft EIR are required.

- 3-5 The commenter requests that the EIR analyze proposed project consistency with the Ukiah Valley Area Plan adopted in August 2011. As stated on page 1-6 of the August 2011 *Ukiah Valley Area Plan* (UVAP), the city of Ukiah is within the Ukiah Valley Area Plan (UVAP); however, lands within the incorporated city boundaries of the city of Ukiah are governed by the Ukiah City Council, while the UVAP has legal land use authority over the unincorporated lands in the Planning Area governed by the Mendocino County Board of Supervisors.<sup>1</sup> As stated in the *Ukiah Area Valley Plan Draft EIR*, Mendocino County has established the UVAP as an area plan that sets policy guidelines that will guide future Mendocino County land use decisions for the unincorporated Ukiah Valley.<sup>2,3</sup> This excludes the city of Ukiah, which is

<sup>1</sup> Mendocino County Planning and Building Services. 2011. *Ukiah Valley Area Plan*. Adopted August 2, 2011. Accessible at: <http://www.co.mendocino.ca.us/planning/UVAP.htm>. Accessed on January 17, 2012.

<sup>2</sup> Mendocino County Planning and Building Services. 2011. *Draft 2007 Ukiah Valley Area Plan Revised Draft Program Environmental Impact Report, SCH# 2003072038*. Prepared by Leonard Charles and Associates. January 2011. Accessible at: <http://www.co.mendocino.ca.us/planning/UVAP.htm>. Accessed on January 17, 2012.

<sup>3</sup> Mendocino County Planning and Building Services. 2011. *Draft 2007 Ukiah Valley Area Plan Final Program Environmental Impact Report, SCH# 2003072038*. Prepared by Leonard Charles and Associates. July 2011. Accessible at: <http://www.co.mendocino.ca.us/planning/UVAP.htm>. Accessed on January 17, 2012.

governed by the Ukiah City Council, and the adopted city's *General Plan, City Code* (which includes the zoning code), and the *City Downtown Master Plan*. As stated on page 4.1-1 of the Draft EIR, it should be noted that the Ukiah Valley Area Plan only applies to unincorporated Mendocino county lands, which do not include the potential project sites. Therefore, the New Ukiah Courthouse Draft EIR acknowledges the UVAP but it is not required to analyze consistency, because the UVAP does not include the two proposed sites located in the city. However, minor corrections to the Draft EIR text are relevant and are described below:

On page 4.7-2 of the Draft EIR, under the heading, "Flooding as a Result of the Failure of a Levee or Dam", the text has been revised to reflect the August 2011 UVAP, as follows.

According to the ~~Draft Ukiah Valley Area Plan (December, 2010)~~ August, 2011 Health and Safety Section, hypothetically, in the event of a total dam failure when Lake Mendocino is filled to capacity, water would flow north up the Russian River channel to a point north of Highway 20. Between Highway 20 and Calpella, the topography of the channel would keep the water confined between the bluffs and North State Street.

On page 4.7-21, Impact 4.7-9, second paragraph, the text has been revised to reflect the August 2011 UVAP, as follows:

The USACE resource documents associated with Coyote Dam do not indicate the current level of risk associated with a potential dam failure. According to the ~~Draft Ukiah Valley Area Plan (December, 2010)~~ August, 2011 Health and Safety Section, in the hypothetical event of a total dam failure when Lake Mendocino is filled to capacity, water would flow north up the Russian River channel to a point north of Highway 20.

No further revisions to the Draft EIR are required.

- 3-6 The commenter notes that the traffic analysis does not appear to consider traffic impacts between the existing county jail and the two projects sites being considered. The trip generation for the project includes all visitors to the courthouse building, including, but not limited to defendants, family members, friends, accusers, jury members, judges, attorneys, security staff, court administrative staff, police officers, prisoners, wardens, and support staff to the court operations and services. The Traffic Impact Analysis prepared for the proposed project (included under Appendix H of the Draft EIR) states all visitors to the courthouse are included in the trip generation, including defendants coming from the county jail, which, as noted above, have been considered. No revisions to the Draft EIR are required.
- 3-7 The commenter notes that the EIR should analyze whether the future and existing Mendocino Council of Governments (MCOG)/City of Ukiah project (a \$2 million +/- project that would place traffic signals at the Southbound and Northbound Ramp intersections, sidewalk, pedestrian ramps and signal coordination with the existing traffic signal at Orchard Avenue) was considered in the analysis. Section 4.4.2 of the Traffic Impact Analysis (included under Appendix H of the Draft EIR) did analyze all the improvements identified by the City, the MCOG and Caltrans at the ramp terminals of Perkins Street/US-101, and at Orchard Street/Perkins Street. The analysis indicates that the intersections would operate at acceptable conditions with implementation of the improvements. No revisions to the Draft EIR are required.
- 3-8 The commenter requests that the Draft EIR identify specific BMPs and NPDES requirements as mitigation measures regarding cumulative impacts and stormwater runoff, specifically Impact 4.7-11 (on

page 5-6 of the Draft EIR). Please refer to Response to Comment 8-2, below, regarding BMPs, LID measures, and mitigation measures. In response to potential pollutants, the Draft EIR recognizes state and federal programs require BMPs to be implemented by developers, property owners, and public agencies engaged in new development or redevelopment activities. Pages 3-18 through 3-19 of the Draft EIR provide a list of BMPs that the AOC will use for the proposed project, as part of the project description. In addition, the proposed project would be consistent with the requirements of the NCRWQCB by implementing the use of LID measures to treat and retain stormwater runoff on either potential project site. The LID measures may include, but are not limited to, the use of integrated stormwater retention and detention areas, reduction of impervious surfaces, lengthening of flow paths and runoff time, or use of natural vegetation and soil to filter runoff. The proposed project must meet all state and federal requirements that include implementation of BMPs and LID measures that are best suited to maximize reduction of the pollutant of concern. These requirements are specifically designed to protect downstream beneficial uses.

Prior to any direct impacts to waters, all required USACE, RWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented (as discussed throughout the Draft EIR and required in Mitigation Measure 4.3-3). These permits and authorizations include a 401 water quality certification and NPDES permit, General Construction Storm Water Permit, Department of the Army Permit from the USACE, Water Quality Certification from the RWQCB, and a Streambed Alteration Agreement from the CDFG for any work proposed along the bed and/or bank of Gibson Creek. The General Construction Storm Water Permit requires preparation and implementation of a SWPPP. Therefore, with permit regulations and BMPs and LID measures incorporated into the proposed project description, no mitigation measures are required for stormwater runoff and water quality.

The stormwater runoff and water quality impacts are considered less than significant. Thus, the proposed project would not combine with past, present, and reasonably foreseeable projects to provide a cumulative impact to stormwater runoff or degrade water quality. Cumulative impacts remain less than significant and no mitigation is required. No revisions to the Draft EIR are required.

- 3-9 The commenter states that the Draft EIR should address potential cumulative traffic patterns for prisoner transports from the existing jail to the proposed courthouse sites. All visitors to the courthouse are included in the trip generation (including in-custody detainees), and analyzed in Section 4.10, Traffic and Circulation in the Draft EIR. Traffic from the county jail along State Street is thus included in the analysis. State Street is anticipated to be the shortest route to the proposed project sites. Intersections where trip generation is anticipated to be significant have been identified in the Traffic Impact Analysis (included under Appendix H of the Draft EIR). In addition, the study intersections analyzed in the Traffic Impact Analysis have been identified in collaboration with City of Ukiah staff. No revisions to the Draft EIR are required.
- 3-10 The commenter requests that the Draft EIR address the relocation of the courthouse, the relocation of the downtown post office, and the potential relocation of the existing county library. The following responses address the anticipated future use of the existing courthouse facility, the project's urban decay potential associated with the courthouse relocation, and the potential relocations of the county library and downtown post office.

### *Ultimate Disposition of the Existing Courthouse*

The court only occupies about 67% of the existing courthouse building. The county occupies the rest. The court's portion of the courthouse will be vacated after the new courthouse opens. Unless otherwise disposed of, the AOC will retain its equity in the existing courthouse structure, but will pursue options for occupancy including:

- Offering the vacated court space to the county; i.e. would the county want to purchase the AOC's equity in the existing building for county administrative space;
- The AOC may also offer the county the opportunity to lease all of part of the court space, if an equity buyout is not feasible;
- If the county is unable to purchase or lease the vacated space, the AOC may then sell or lease the court space to a third party.

From the AOC's perspective, a discussion needs to be initiated with the county regarding building reuse potential; however, it is not known at this time if the library would use/be relocated to the existing courthouse building. No revisions to the Draft EIR are required.

### *Economic Activity / Urban Decay*

The AOC acknowledges the relocation of court staff, jurors and court visitors could potentially reduce the economic activity of the immediately adjacent businesses and potentially impair occupancy levels in that area. However, various factors counteract the impact to the area immediately surrounding the courthouse, including:

- The existing courthouse will continue to be owned by the county and house county employees;
- Substantial numbers of county employees, city employees, state of California employees, and others will remain in offices near the existing Mendocino County courthouse;
- Both the Library Site and the Railroad Depot Site are located within a less-than-five minute walk to the existing Mendocino County courthouse and the adjacent businesses;
- Due to the close proximity of either site to the existing Mendocino County courthouse, court staff, jurors, and visitors will continue to patronize nearby businesses; and
- All roadway improvements along the project frontage would be designed to ensure adequate access to either site for bicyclists and continuous sidewalks for pedestrians.

The Ukiah Redevelopment Agency's (URA) *Five-Year Implementation Plan, July 2007 to July 2012*, (Plan) describes the URA's focus with regards to enhancing the quality of life for the entire Ukiah community. The URA, along with all redevelopment agencies in California, was dissolved on February 1, 2012 by AB1X 26, the constitutionality of which was affirmed by the California Supreme Court in *California Redevelopment Association et al. v. Ana Matosantos* (December 29, 2011). Thereafter, the city of Ukiah, Successor Agency to the URA, now manages and leads redevelopment efforts within areas overseen by the former URA. It is important to note however, programs identified within the Plan were proposed in part to assist in the alleviation of blight existing in the former Redevelopment Area. Some of the specific projects identified within the Plan period (July 2007 to July 2012) include the following:

- Enhancement of downtown public parking.
- Downtown revitalization improvements along the State Street corridor.
- Revitalization of the Palace Hotel property.

- Retention of the Mendocino County courthouse in the Redevelopment Area.
- Development of the E. Perkins Street Depot property.
- Redwood Business Park Economic Revitalization Project.
- Open space, riparian, and recreational facility development.

As noted in Section 4.8, Land Use and Planning of the Draft EIR, relocation of the existing courthouse to either the Library Site or Railroad Depot Site would result in the county's courthouse remaining within the URA's previously established Redevelopment Area which, depending on the final site selection, satisfies up to two specific undertakings identified in the current *Ukiah Redevelopment Project Five-Year Implementation Plan, July 2007 to July 2012*: 1) retention of the Mendocino County courthouse in the Redevelopment Project Area, and 2) development of the E. Perkins Street Depot property. While redevelopment agencies may no longer exist as legal entities in the State of California, the successor agencies identified by each agency, in this case the city of Ukiah, will be pursuing those original goals. Based on the strong relationship and consistency between the *Ukiah Redevelopment Project Five-Year Implementation Plan, July 2007 to July 2012*, and the factors stated above, most notably, that the new courthouse will be located within a less-than-five minute walk from the existing courthouse site, the AOC does not consider relocation of the existing Mendocino County courthouse to either the Library Site or Railroad Depot Site to cause urban decay within downtown Ukiah. Further, the AOC considers the courthouse relocation, as proposed, to be consistent with the vision of downtown Ukiah, embraces and fulfills the goals, objectives, and strategies of the city's *General Plan*, and will continue to contribute to the economic growth and vitality of the downtown core.

#### *Relocation of the Existing Library*

With respect to the relocation of the county library, should the Library Site be chosen, as discussed on page 4.11-19 of the Draft EIR, the AOC recognizes the importance of the existing library as a public service, and if such relocation efforts are required, the AOC will provide relocation assistance to the extent authorized by state law. This would include negotiations with the county of Mendocino for relocation benefits. Relocation benefits are determined by California Government Code Section 7260-7277, case law interpreting those provisions, and relevant interpretive material such as opinions of the Attorney General. How much the state will pay is yet to be determined, as each relocation will be evaluated by an outside relocation specialist. The state must pay and can only pay what is authorized under state law. It is unknown at this time whether or not the state relocation benefits will cover all of the costs of relocating the potentially affected business. In addition, the physical relocation of the library would be subject to a separate environmental review led by the county to determine any potential environmental impacts. This review cannot be undertaken until a site is chosen, if necessary.

#### *Oak Street U.S. Post Office*

With respect to the potential relocation of the U.S. post office on Oak Street to the facilities on Orchard Street, this is not part of the proposed project nor is it a result of the proposed project. The relocation of the post office is not contingent on the approval of this proposed project. Therefore, the post office relocation is outside of the scope of this proposed project and no analysis is required under this EIR. No revisions to the Draft EIR are required.

- 3-11 The commenter requests that the existing underground storage tank (UST) at the existing courthouse facility be addressed as part of the courthouse "abandonment." Please note: the courthouse will not be abandoned, as it will continue to be owned by the county and will continue to house county functions.

In addition, the UST has already been identified as discussed on page 4.6-8 of the Draft EIR, as well as in the Phase I Environmental Site Assessments prepared for the Library Site and the Railroad Depot Site (Appendix F). The existing courthouse property, 100 North State Street, is listed on the following databases: CA FID UST, SWEEPS UST, HIST CORTESE, and LUST. The property is identified as having an active release impacting groundwater. According to an interview with the Regional Water Quality Control Board (RWQCB), the case is “open-inactive”, meaning more work needs to be completed at the site. A Phase II report was prepared for the case in May 2009. The site is identified on the databases as the Mendocino County Courthouse or the MCDPW Ukiah Courthouse. As previously mentioned, the courthouse will not be abandoned, as it will continue to be owned by the county and will continue to house county functions. In addition, there will not be any demolition, construction, or other physical impacts to the existing courthouse site as part of this proposed project. As such, the proposed project is not responsible for the existing UST. No revisions to the Draft EIR are required.

3-12 The commenter states that the Draft EIR failed to address the future locations of the District Attorney, Court Collections, Victim Witness Services, the Public Defender and the Alternate Public Defender as uses that would either be relocated into the new courthouse or remain in existing facilities. The commenter expressed concerns regarding traffic and parking impacts. Per CEQA Guidelines (Appendix G as amended March 2010), parking capacity is no longer included as a review topic under the CEQA checklist. In terms of traffic, the location of these services are reviewed below:

- The District Attorney will not move to the new courthouse. Any traffic impacts have been identified as the District Attorney is included in the “court visitors” category of the traffic analysis included in the Draft EIR.
- Court Collections is expected to move to the new courthouse. This change in traffic was included in the traffic analysis in the Draft EIR.
- Victim Witness Services will not move to the new courthouse. Any traffic impacts have been identified as Victim Witness Services is included in the “court visitors” category of the traffic analysis.
- The Public Defender will not move to the new courthouse. Any traffic impacts have been identified as Public Defender is included in the “court visitors” category of the traffic analysis.
- The Alternate Public Defender will not move to the new courthouse. Any traffic impacts have been identified as the Alternate Public Defender is included in the “court visitors” category of the traffic analysis.

The trip generation for the courthouse (analyzed in the Section 4.10, Traffic and Circulation in the Draft EIR) includes all facilities that will be provided at the new location. No revisions to the Draft EIR are required.

3-13 The commenter notes that if any potential impacts are identified to have changed in significance level, that this would then change the cumulative impacts and thus be a burden on future developers in the unincorporated county and within the city of Ukiah. The AOC has reviewed the Draft EIR and addressed public comments, as provided in this Final EIR. Impact conclusions remain the same in this Final EIR as they do in the Draft EIR, thus no changes in impact significance levels have occurred. Therefore, no changes to cumulative impacts have occurred as a result of the public comment period, and no revisions to the Draft EIR are required.

**Comment Letter 4**

**From:** Granville [mailto:teacupfarm@comcast.net]  
**Sent:** Wednesday, December 07, 2011 11:19 AM  
**To:** Sainz, Laura  
**Subject:** RE: Ukiah Courthouse Proposed Site Determination

Laura,

We have been hearing some apparent nonsense about “saving” the unfortunate existing library, which I think would not only compromise the courthouse project but also preserve something that should have gone away many years ago. We moved to Ukiah in 1979 and were dismayed then that that old eyesore—painfully dated to an era best forgotten—was still around.

4-1

What makes sense to us is that the library should move to the fine, old part of the existing courthouse, facing School Street, after tearing down the newer (ugly) part of the existing courthouse. Of course, that would require either some sort of new addition to or major remodeling (needed in any case, for seismic reasons, etc.) of the old courthouse, for stairs and elevator for accessibility for the preserved part. The

remainder of the property should then be a park, preserving the existing noble trees and adding additional landscaping. This scenario would be somewhat similar to Lakeport’s park and museum in its vintage courthouse. We would hope that the courthouse project would pay for a great deal of the library relocation.

Where would the library live while this transition takes place? Perhaps the old post office, as that’s apparently about to be abandoned. It might be a bit cramped but surely could do as an interim home in order to have such a fine home ultimately.

Sincerely,

Granville & Melanie Pool

[teacupfarm@comcasrt.net](mailto:teacupfarm@comcasrt.net)

(blind copies to others)

**Comment Letter 4 Response**  
**Granville & Melanie Pool, Residents**  
**December 7, 2011**

- 4-1 The commenters express their support for the AOC's selection of the Library Site for the proposed courthouse. The commenters also provide recommendations as to where the existing library could be relocated, if the Library Site is ultimately chosen to house the new courthouse. Should the Library Site be chosen for development of the new courthouse, it is unknown at this time if the library would use/be relocated to the existing courthouse building. The AOC would need to discuss relocation/reuse potential with the county. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 5**

**Melanie Webber Lightbody**  
**County Librarian**



105 North Main Street  
Ukiah, CA 95482  
(707) 467-2590 - Library Administration  
(707) 463-5472 – Fax  
[www.co.mendocino.ca.us/library](http://www.co.mendocino.ca.us/library)

December 8, 2011

Ms. Laura Sainz  
Environmental Program Manager  
Office of Court Construction & Management  
Judicial Council of California - Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833

E-mail: [Laura.Sainz@jud.ca.gov](mailto:Laura.Sainz@jud.ca.gov)

RE: Ukiah Courthouse EIR.

Ms Sainz,

The Library Advisory Board of Mendocino County Library wishes to comment on the potential impacts of the proposed project. The Ukiah Branch of the Mendocino Library system is proposed for relocation under one option being considered. The Ukiah branch has a circulation of well over 100,000 books per year, and library funding was resoundingly supported by over 75% of the county voters in the last election. The library provides a significant and valued public service.

As such it must be stressed that any relocation of the Ukiah branch must be adequately funded to ensure an equal or superior building for the library is provided, and that disruption to library services be minimal. Libraries have specific needs, including ADA access, sightlines, proper arrangement of workspaces, and a Children's Room arranged where observation can be maintained from the front desk for security reasons. As such, relocation to a new site would require either remodeling or new construction.

Given these facts, we feel that a failure to fully fund any relocation expenses and the cost of a new or renovated facility, or ensure that minimal disruption to library services, must be considered to have a significant adverse effect on the citizens of Ukiah and the County of Mendocino.

Sincerely,

A handwritten signature in cursive script that reads "Lori Hubbart".

Lori Hubbart  
Vice -Chair, Mendocino County Library Advisory Board

5-1

**Comment Letter 5 Response**  
**Mendocino County Library Advisory Board**  
**Lori Hubbard, Vice-Chair**  
**December 8, 2011**

- 5-1 The commenter expresses concern regarding potential relocation of the existing library. As discussed on page 4.11-19 of the Draft EIR, the AOC recognizes the importance of the existing library as a public service, and if such relocation efforts are required, the AOC will provide relocation assistance. This would include negotiations with the county of Mendocino for such relocation benefits as may be authorized by state law. In addition, the physical relocation of the library would be subject to a separate environmental review led by the county to determine any potential environmental impacts and would include library design standards. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 6**

**From:** Kent Porter [mailto:kentporter@mac.com]  
**Sent:** Thursday, December 08, 2011 2:56 PM  
**To:** Sainz, Laura  
**Subject:** Re: New Ukiah Courthouse Draft EIR: Public Review Period Extended

Dear Ms Sainz,

Thank you for your professional, courteous, and thorough public presentation regarding the Draft EIR for the Mendocino County Courthouse project in Ukiah. I am not sure my comments here qualify as community input, but I wanted to put my suggestions in writing to your office. As a long-time resident (36 years), I am delighted that the courthouse project is going forward and that the new facility will be located close to the down-town area. I only hope that the design for the building will be aesthetically appealing and will fit our scenic area. The courts are a focal point of activity for Ukiah, so I think that the project makes sense for either the railroad station lot or where the library currently is.

6-1

The library seems the better of the two locations from my point of view, because that would put the new courthouse just a block or so from where it is now. Furthermore, putting a three-story building right behind the historically important and aesthetically-pleasing railroad station would diminish the look and impact of the old station building. I hope that one day, we will see a return of both freight and passenger trains to our area, and retaining the vacant railroad yard as a future transportation hub for connecting transit would be sensible for planning purposes.

As a side note, I was confused and somewhat surprised at the public meeting when several people in attendance spoke about animals in the library area and the creek. From my perspective, the immediate neighborhood of the library appears to be a concrete jungle interspersed with a few unmatched and ugly buildings. In my 36 years in Ukiah, I have never noticed that the creek even flowed through the area. I believe that it was covered up long before all of the people attending the meeting were even born. So, to me, it seems disingenuous at best to suggest that a courthouse in that area would require mitigation for those reasons. Nevertheless, exposing the creek and actually returning some our community's downtown connection with nature would be a good thing if possible.

6-2

As I said at the public meeting, I hope that funds will be set aside to tear down the newer part of the courthouse (built in the 1950s) and to refurbish the old part of the courthouse building as the new location for the library. If such mitigation is not performed, the current courthouse will become an albatross for local agencies such as the City and the County to either maintain or tear down. Our community doesn't even have the ability or money to deal with the old Palace Hotel building, how can we sensibly add an aging empty facility like the huge courthouse to the mix? As a bonus, turning the rest of the current site into a town square would rejuvenate the entire area and would be a win for our community.

6-3

Finally, as several speakers pointed out the meeting, something will have to be done to improve traffic flow on the Perkins freeway entrance/exit should the project advance in either of the slated locations.

6-4

Please let me know if I need to submit my commits in some other fashion, or whether this email to you will suffice.

Best regards,

Kent Porter

[kentporter@mac.com](mailto:kentporter@mac.com)

<http://www.kentporter.net>

1341 Oak Knoll Rd.

Ukiah, CA 95482

707-462-8548 (home)

707-972-8848 (cell)

707-472-5833 (work)

**Comment Letter 6 Response****Kent Porter, Resident****December 8, 2011**

- 6-1 The commenter expresses support for the proposed project as well as support for the AOC's selection of the Library Site for the proposed courthouse. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 6-2 The commenter expresses opposition to the November 30, 2011 public meeting comments suggesting that the courthouse would require mitigation; however, the commenter expresses support of exposing/day-lighting Gibson Creek. Biological impacts are discussed in the Draft EIR, Section 4.3, Biological Resources. In addition, this Final EIR provides revised language to the biological resources section, as related to Gibson Creek, in Section 3, Corrections and Revisions to the Draft EIR. As discussed on page 4.3-22 of the Draft EIR, approximately 300 feet of the existing underground portion of Gibson Creek within the Library Site would be "day-lighted" and enhanced. No revisions to the Draft EIR are required.
- 6-3 The commenter provides recommendations as to what should happen to the existing courthouse building upon the completion of the proposed project. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required. Please note, the county will remain the owner of the existing courthouse and will continue to use it for administrative/office space.
- 6-4 The commenter expresses concern for the level of service at both US-101 ramp intersections with Perkins Street. These intersections are analyzed in the Draft EIR, Section 4.10, Traffic and Circulation, as well as within the Traffic Impact Analysis, provided in Appendix H of the Draft EIR. The *Ukiah Ramps Improvement Project on US-101 Project Study Report* prepared by Caltrans in September 2008, identifies traffic signals and signal interconnect at the US-101/Perkins Street ramp intersections. In addition, the US-101 southbound ramp/Perkins Street intersection satisfies the peak-hour signal warrant. The AOC expects to participate in the improvement through the contribution of fair share payments toward the signalization and roadway improvements of the US-101 northbound/Perkins Street intersection and the US-101/southbound ramp/Perkins Street intersection (fair share percentages are estimated at 4.5% for the Library Site or 5.1% for the Railroad Depot Site) (refer to Mitigation Measure 4.10-2 on page 4.10-34 of the Draft EIR). Therefore, no revisions to the Draft EIR are required.

Comment Letter 7

STATE OF CALIFORNIA

Edmund G. Brown Jr. Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



December 12, 2011

Ms. Laura Sainz  
Administrative Office of the Courts  
Staff Agency of the judicial Council of CA.  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)  
New Ukiah Courthouse  
SCH# 20101042089

Dear Ms. Sainz:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

7-1

The CPUC concurs with the mitigation measures identified in the DEIR Summary of Environmental Impacts and Mitigation Measures for section 4.10-3 & 4.10-3b which adequately address the CPUC safety concerns for railroad crossings in the project area.

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
180 Promenade Circle, Suite 115  
Sacramento, CA 95834-2939

**Comment Letter 7 Response**  
**State of California Public Utilities Commission**  
**Moses Stites, Rail Corridor Safety Specialist**  
**December 12, 2011**

- 7-1 The California Public Utilities Commission (CPUC) concurs with the mitigation measures identified in the Draft EIR, which adequately address the CPUC safety concerns for railroad crossings in the project area. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 8**

**Email followed by hard copy received in U.S. Mail (identical in content).**

**From:** Mona Dougherty [mailto:MDougherty@waterboards.ca.gov]  
**Sent:** Monday, December 12, 2011 4:25 PM  
**To:** Sainz, Laura  
**Cc:** Michelle Astells; Patti Corsie  
**Subject:** Comments on the New Ukiah Courthouse project

December 12, 2011

Ms. Laura Sainz

Administrative Office of the Courts, Staff Agency of the Judicial Council of California

2860 Gateway Oaks, Suite 400

Sacramento, CA 95833

Dear Ms. Sainz:

**Subject:** Comments on the New Ukiah Courthouse project, SCH No. 2011042089

Thank you for the opportunity to comment on the New Ukiah Courthouse project (the project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters.

The project consists of the construction of a 3-story, 114,000 square-foot courthouse. The Draft Environmental Impact Report (DEIR) considers 2 sites for the proposed project. The first potential site is located near the existing county public library surrounded by E. Perkins Street, N. Main Street, Mason Street, and Smith Street. The second potential site is the old Railroad Depot Site surrounded by E. Perkins Street, Leslie Street, Clay Street, and railroad tracks adjacent to E. Perkins Street.

We have the following comments:

Surface waters and wetlands are located on site at both proposed project site locations for the project. Impacts to surface waters shall first be avoided then mitigated. Both proposed locations for the potential project would include the demolition of existing structures; appropriate offsite disposal practices would need to be implemented. The Regional Water Board understands that we are already working with the lead agency on this project involving the known contamination issues. The project should include the use of Low Impact Development to mitigate potential impacts to water quality from increased storm water runoff. A General Construction Storm Water Permit, a Conditional Waiver of Waste Discharge Requirements, and a Water Quality Certification may be required for this project.

## Surface Waters

Gibson Creek runs through both proposed locations of the proposed project. The Railroad Depot Site is stated to support the Valley Foothill Riparian Forest and Annual Grassland, in addition to Urban and Riverine habitat. At the Railroad Depot site, Gibson Creek and several shallow depressions that pond seasonally occur within the study area. There is no mitigation proposed for impacting these wetlands, riparian areas, or habitats.

Individual stream and wetland systems are part of complete aquatic ecosystems through interaction of surface and subsurface hydrologic connections, healthy systems perform functions that protect and enhance watershed-wide water quality. In addition, surface waters provide habitat that supports a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and

their adjoining environments play critical roles in protecting and enhancing water quality. An important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters.

The Regional Water Board and the United States Environmental Protection Agency (EPA) recommend a *minimum* setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland. The project should delineate buffer zones of at least 100 feet for all perennial and seasonal surface waters. Setbacks should be vegetated and undisturbed or enhanced with native plants. Please be aware that disturbance to waters of the State require permitting from this agency.

-

## Wetlands and Waters of the State

The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated. Impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. All efforts to first avoid and second to minimize impacts to waters of the State must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

### **Offsite disposal/reuse**

Both potential site area construction plans include the demolition of existing structures; no mitigation was provided for the potential impacts of the demolitions in the DEIR. Waste material generated during site preparation and construction proposed for offsite disposal must be fully characterized to ensure that any contaminated material is properly handled and disposed of. The proposed criteria for approval of offsite use/disposal should be made available to regulatory agencies to ensure that contaminated material is not allowed to be dispersed at another location where it may adversely impact human health and/or the environment. Given individual offsite reuse/disposal location site characteristics and the characteristics of the material to be reused/disposed of, more preparation and permitting may be necessary to permit such offsite activities. Onsite disposal and disturbed areas should be promptly stabilized to prevent any potential discharge of sediment.

### **Storm Water and Low Impact Development**

The development of the Library Site or the Railroad Depot Site would result in an increased amount of impervious surfaces and the alteration of drainage patterns on site. The Regional Water Board requires the use of Low Impact Development (LID) and best management practices (BMPs) that treat and retain (infiltrate, capture, evapotranspire and store) storm water runoff on the project site.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of storm water runoff. Other benefits from LID implementation include reducing global warming impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption.

LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the following sizing criteria:

1. The volume of runoff produced from the 85<sup>th</sup> percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or
  
2. The volume of runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or
  
3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

-

**The following permits may be required for this project:**

**Construction General Storm Water Permit:**

Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of Low Impact Development to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml).

**Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs:**

Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project which discharges or threatens to discharge waste to waters of the state. Projects that impact waters of the state (including discharges of post-construction storm water runoff, grading activities within stream courses or wetlands, and removal of riparian vegetation in some cases) require permitting by the Regional Water Board. The Regional Water Board may also require permits for on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resource Control Board website at: [www.swrcb.ca.gov/sbforms/](http://www.swrcb.ca.gov/sbforms/).

**Water Quality Certification (401 Certification):**

Permit issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the state. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a state 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands are present, please contact Mark Neely from our office at (707) 576-2689 for a 401 Permit or other permit action.

If you have any questions or comments, please contact me at (707) 570-3761 or [mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov).

Sincerely,

Mona Dougherty, P.E.  
Senior Water Resource Control Engineer  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd, Suite A  
Santa Rosa, CA 95403  
707-570-3761  
[mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov)  
Fax: 707-523-0135



**Matt Rodriguez**  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**Geoffrey M. Hales, Chairman**

www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



**Edmund G. Brown Jr.**  
Governor

December 13, 2011

Ms. Laura Sainz  
Administrative Office of the Courts,  
Staff Agency of the Judicial Council of California  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833

Dear Ms. Sainz:

**Subject:** Comments on the New Ukiah Courthouse project, SCH No. 2011042089

Thank you for the opportunity to comment on the New Ukiah Courthouse project (the project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters.

8-1

The project consists of the construction of a 3-story, 114,000 square-foot courthouse. The Draft Environmental Impact Report (DEIR) considers 2 sites for the proposed project. The first potential site is located near the existing county public library surrounded by E. Perkins Street, N. Main Street, Mason Street, and Smith Street. The second potential site is the old Railroad Depot Site surrounded by E. Perkins Street, Leslie Street, Clay Street, and railroad tracks adjacent to E. Perkins Street.

**We have the following comments:**

Surface waters and wetlands are located on site at both proposed project site locations for the project. Impacts to surface waters shall first be avoided then mitigated. Both proposed locations for the potential project would include the demolition of existing structures; appropriate offsite disposal practices would need to be implemented. The Regional Water Board understands that we are already working with the lead agency on this project involving the known contamination issues. The project should include the use of Low Impact Development to mitigate potential impacts to water quality from increased storm water runoff. A General Construction Storm Water Permit, a Conditional Waiver of Waste Discharge Requirements, and a Water Quality Certification may be required for this project.

8-2

**California Environmental Protection Agency**

*Recycled Paper*

**Surface Waters**

Gibson Creek runs through both proposed locations of the proposed project. The Railroad Depot Site is stated to support the Valley Foothill Riparian Forest and Annual Grassland, in addition to Urban and Riverine habitat. At the Railroad Depot site, Gibson Creek and several shallow depressions that pond seasonally occur within the study area. There is no mitigation proposed for impacting these wetlands, riparian areas, or habitats.

8-3

Individual stream and wetland systems are part of complete aquatic ecosystems through interaction of surface and subsurface hydrologic connections, healthy systems perform functions that protect and enhance watershed-wide water quality. In addition, surface waters provide habitat that supports a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality. An important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters.

The Regional Water Board and the United States Environmental Protection Agency (EPA) recommend a *minimum* setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland. The project should delineate buffer zones of at least 100 feet for all perennial and seasonal surface waters. Setbacks should be vegetated and undisturbed or enhanced with native plants. Please be aware that disturbance to waters of the State require permitting from this agency.

**Wetlands and Waters of the State**

The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.

8-4

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated. Impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. All efforts to first avoid and second to minimize impacts to waters of the State must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

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**Offsite disposal/reuse**

Both potential site area construction plans include the demolition of existing structures; no mitigation was provided for the potential impacts of the demolitions in the DEIR. Waste material generated during site preparation and construction proposed for offsite disposal must be fully characterized to ensure that any contaminated material is properly handled and disposed of. The proposed criteria for approval of offsite use/disposal should be made available to regulatory agencies to ensure that contaminated material is not allowed to be dispersed at another location where it may adversely impact human health and/or the environment. Given individual offsite reuse/disposal location site characteristics and the characteristics of the material to be reused/disposed of, more preparation and permitting may be necessary to permit such offsite activities. Onsite disposal and disturbed areas should be promptly stabilized to prevent any potential discharge of sediment.

8-5

**Storm Water and Low Impact Development**

The development of the Library Site or the Railroad Depot Site would result in an increased amount of impervious surfaces and the alteration of drainage patterns on site. The Regional Water Board requires the use of Low Impact Development (LID) and best management practices (BMPs) that treat and retain (infiltrate, capture, evapotranspire and store) storm water runoff on the project site.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

8-6

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of storm water runoff. Other benefits from LID implementation include reducing global warming impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption.

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LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the following sizing criteria:

1. The volume of runoff produced from the 85<sup>th</sup> percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or
2. The volume of runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or
3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

8-6, Cont.

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

**The following permits may be required for this project:**

**Construction General Storm Water Permit:**

Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of Low Impact Development to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml).

8-7

**California Environmental Protection Agency**

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Ms. Laura Sainz

-5-

December 13, 2011

**Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs:**

Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project which discharges or threatens to discharge waste to waters of the state. Projects that impact waters of the state (including discharges of post-construction storm water runoff, grading activities within stream courses or wetlands, and removal of riparian vegetation in some cases) require permitting by the Regional Water Board. The Regional Water Board may also require permits for on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resource Control Board website at: [www.swrcb.ca.gov/sbforms/](http://www.swrcb.ca.gov/sbforms/).

**Water Quality Certification (401 Certification):**

Permit issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the state. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a state 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands are present, please contact Mark Neely from our office at (707) 576-2689 for a 401 Permit or other permit action.

If you have any questions or comments, please contact me at (707) 570-3761 or [mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov).

Sincerely,



Mona Dougherty  
Senior Water Resources Control Engineer

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812  
Re: SCH No. 2011042089

8-7, Cont.

**California Environmental Protection Agency**

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**Comment Letter 8 Response**

**North Coast Regional Water Quality Control Board**

**Mona Dougherty, P.E., Senior Water Resource Control Engineer**

**December 12, 2011 (email) / December 13, 2011 (hard copy). Content is identical.**

8-1 The commenter, the North Coast Regional Water Quality Control Board (NCRWQCB), provides a summary of the proposed project and concurs that the NCRWQCB is a responsible agency, with jurisdiction over ground and surface waters. This comment does not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

8-2 The NCRWQCB acknowledges that they are already working with the lead agency regarding the known contamination issues on the Railroad Depot Site. Please note, the AOC is not the lead agency for the referenced "contamination project;" however, the AOC is the lead agency for the New Ukiah Courthouse Project and EIR. The NCRWQCB emphasizes that the proposed project should include the use of Low Impact Development (LID) to mitigate potential impacts to water quality. The NCRWQCB also identifies permits that may be required for the proposed project. Page 4.7-12 of the Draft EIR discusses LID measures to treat and retain stormwater runoff on either potential project site. The proposed project must meet state and federal requirements that include implementation of BMPs (structural and non-structural) and LID measures that are best suited to protect downstream beneficial uses.

Page 1-3 of the Draft EIR identifies the responsible agencies and permits required, including a 401 water quality certification and National Pollutant Discharge Elimination System (NPDES) permit. Page 4.3-11 of the Draft EIR identifies that requirement for the General Construction Storm Water Permit. Mitigation Measure 4.3-3, on page 4.3-23 of the Draft EIR, identifies that all required permits and authorizations from the United States Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and NCRWQCB shall be obtained prior to any direct impacts to jurisdictional waters. Therefore, no revisions to the Draft EIR are required.

8-3 The NCRWQCB recommends a 100-foot buffer zone between the proposed project and surface water, as well as a minimum setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland, and the proposed project. As provided in Impact 4.3-3 and Mitigation Measure 4.3-3 (on pages 4.3-22 and 4.3-23, respectively, of the Draft EIR), the AOC shall develop the proposed project to the best extent feasible to avoid direct impacts to the on-site portion of Gibson Creek, and/or any streams, wetlands, or riparian habitat outside of the Library Site or the Railroad Depot Site. The mitigation measure mentioning a 20-foot setback from Gibson Creek on page 2-13 (Executive Summary) of the Draft EIR was an error. Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR does not reflect a specific setback requirement. As applicable, the AOC will respect minimum setback requirements from the Creek, as recommended by the appropriate agency, and as applicable to the work anticipated. This Final EIR provides revised language to the biological resources section, as related to Gibson Creek, in Section 3, Corrections and Revisions to the Draft EIR.

8-4 The NCRWQCB advises that any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to the proposed project must be fully permitted and mitigated, and that the EIR should always acknowledge not only federal waters but state waters as well. Pages 4.3-11 and 4.3-12 of the Draft EIR provide the existing setting for wetlands at both the Library Site and the Railroad Depot Site. As discussed, no wetlands were identified on the Library Site or the Railroad Depot Site. Gibson Creek, contained by a culvert on the Library Site, is subject to the jurisdiction of the USACE, NCRWQCB,

and CDFG. The Library Site supports Urban and Riverine habitat. The Railroad Depot Site contains Gibson Creek, a seasonal creek, and several shallow depressions that pond water seasonally.

Impact 4.3-3, on page 4.3-22 of the Draft EIR, discusses wetlands and waters in detail, and states that Gibson Creek is subject to the jurisdiction of the USACE, NCRWQCB, and CDFG. The required permits may include a Department of the Army Permit from the USACE, Water Quality Certification from the NCRWQCB, and a Streambed Alteration Agreement from the CDFG for any work proposed along the bed and/or bank of Gibson Creek. Additionally, the shallow depressions on the Railroad Depot Site may require a permit from the NCRWQCB and the U.S. Army Corps of Engineers. As for any project involving more than one acre of surface disturbance, a General Construction Activity Storm Water Permit must be obtained from the State Water Resources Control Board, which requires preparation and implementation of a SWPPP. No revisions to the Draft EIR are required.

- 8-5 The NCRWQCB is concerned with the waste materials from demolition and the disposal of these materials, especially if considered hazardous. The NCRWQCB requests that appropriate preparation and permitting be completed for the proposed project. As stated on page 4.6-19 of the Draft EIR, demolition activities would be subject to all applicable federal and state regulations to minimize potential risks to human health and the environment, and worker and public safeguards would be included in the demolition contract. In addition, the proposed project is subject to the regulatory framework in place that governs the removal and disposal of hazardous items once identified. Mitigation Measure 4.6-1 (on page 4.6-19 of the Draft EIR) includes provisions that require ACMs and LBPs be abated and any remaining hazardous substances and/or waste be removed in compliance with applicable state laws and regulations. Mitigation Measure 4.6-2 (on page 4.6-22 of the Draft EIR) requires the AOC to prepare a Phase II ESA for the chosen site, either the Library Site or the Railroad Depot Site, prior to acquisition and to develop a Hazardous Material Removal and/or Management Plan, prepared by a qualified contractor, accordingly. Therefore, no revisions to the Draft EIR are required.
- 8-6 The NCRWQCB requires the use of LID and BMPs for the proposed project. Please refer to Response to Comment 8-2, above. The proposed project would comply with state and federal requirements and would include the implementation of BMPs and LID measures to reduce potential effects of construction and/or long-term operation of the proposed project. The LID strategies for the proposed project may include the use of integrated stormwater retention and detention areas, reduction of impervious surfaces, lengthening of flow paths and runoff time, or use of natural vegetation and soil to filter runoff, among other methods. Therefore, no revisions to the Draft EIR are required.
- 8-7 The NCRWQCB identifies permits that may be required for the proposed project. As stated on page 4.3-22 of the Draft EIR, the required permits may include a Department of the Army Permit from the USACE, Water Quality Certification from the NCRWQCB, and a Streambed Alteration Agreement from the CDFG for any work proposed along the bed and/or bank of Gibson Creek. Additionally, the shallow depressions on the Railroad Depot Site may require a permit from the NCRWQCB and the USACE. As for any project involving more than one acre of surface disturbance, a General Construction Activity Storm Water Permit must be obtained from the State Water Resources Control Board, which requires preparation and implementation of a SWPPP. The proposed project would comply with state and federal requirements and would include the implementation of BMPs and LID measures to reduce potential effects of construction and/or long-term operation of the proposed project. Prior to any direct impacts to waters of the United States, all required USACE, NCRWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented. The AOC is currently working with the NCRWQCB on this proposed project and

will obtain all necessary permits for the proposed project. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 9**

**From:** "Sainz, Laura" <Laura.Sainz@jud.ca.gov>  
**To:** Jennifer Stewart <JSTEWART@rbf.com>  
**Date:** 12/19/2011 10:05 AM  
**Subject:** FW: Comment on Mendocino County Courthouse Proposed Sites

FYI.

Laura Sainz  
Environmental Compliance Manager  
Office of Court Construction & Management  
Administrative Office of the Courts  
916-263-7992

-----Original Message-----

From: Carole Aleshire [mailto:carolea@pacific.net]  
Sent: Friday, December 16, 2011 9:33 AM  
To: Sainz, Laura  
Subject: Comment on Mendocino County Courthouse Proposed Sites

Having seen the Ukiah Daily Journal article about the extended comment period, I would like to register my comment that it makes no sense to even consider the Mendocino County Library site as a site for a courthouse. In the article, the library at 105 N. Main is listed as a location to view the EIR for the project. What about if the library were torn down to allow for the courthouse--no longer a viewing opportunity? How much would that cost our county? The library is there now, has been for many years, and I've heard of no problems requiring that it be torn down. Now we have hope for library funding to continue, with a sales tax increase passed by the voters for that purpose. In this economic climate, the cost of rebuilding the library somewhere else just so the courthouse can be built there makes absolutely no sense. The depot site makes much more sense for our Ukiah.

Carole Aleshire  
Willits resident

9-1

**Comment Letter 9 Response**

**Carole Aleshire, Resident**

**December 19, 2011**

- 9-1 The commenter expresses support for the AOC's selection of the Railroad Depot Site for the proposed courthouse and opposition to the AOC's selection of the Library Site. The commenter also expresses concern regarding potential relocation of the existing library. Please refer to Response to Comment 5-1, above, regarding the potential relocation of the existing library facilities. No revisions to the Draft EIR are required.

Comment Letter 10

**Jack L. Cox**  
**P. O. Box 1389 (455 E. Gobbi St.) Ukiah, Ca. 95482**  
**Phone (707)462-7573, Fax (707)462-7978**  
**E-mail: [jackcoxassoc@saber.net](mailto:jackcoxassoc@saber.net)**

January 30, 2012

Ms. Laura Sainz  
Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833-3509

Re: Development for the Ukiah Courthouse

Dear Ms. Sainz,

I spoke at the EIR hearing on the courthouse sites being considered several months ago. Now, I would like to preface my remarks by saying that I am a lifelong resident Mendocino county with some experience in development. I have seen a number of mistakes with government and I believe this may be right up there with the biggest.

10-1

I further acknowledge that I am biased due to being an owner of the property in the Brush Street Triangle. I might say was the choice of a prior committee as the best site for the county complex which included the new courthouse.

My review and my understanding of the traffic study under the EIR shows that no credible study has been made with regard to all current and future traffic being considered.

Example not considered or factored:

- If the library site is selected, a new library would have to be developed in the downtown area, causing more traffic than factored.
- Move of Post Office to Orchard Avenue not factored 1800 PO Boxes and 300+ customers per day for stamps, packages, etc. per day. The old Post Office re-use, will create traffic as well.
- Courthouse being vacated will be re-occupied, creating traffic.
- New school district administration building being planned on Orchard Avenue.

10-2

The EIR only considers traffic between 7 and 8 a.m., not 12 noon to 1:30 p.m., or 5:00 p.m. to 6:00 p.m., resulting I believe in traffic at Perkins Street, and Orchard Avenue being at a level causing gridlock. Gobbi Street will be impacted as well with traffic trying to avoid Perkins Street.

10-3

All of this will cause the future development of RCHDC development of 125-130 low-cost housing units to be at risk of being disallowed. All of this could affect the settlement agreement with the affordable housing litigation.

10-4

The entire Brush Street Triangle future development would become economically unfeasible to develop if Perkins Street and Orchard Avenue LOS level become a D, E or F.

At least the State should agree to pay the cost to mitigate the problems created.

Can you imagine the traffic congestion five, ten, twenty years from now if this goes forward?

The termination of re-development districts has got to have a financial impact on the clean up of the sites considered as well as the planned improvements at Perkins and the freeway as well as Perkins and Orchard.

10-4, Cont.

Sincerely,  
  
Jack Cox

**Comment Letter 10 Response****Jack Cox, Resident****January 30, 2012**

- 10-1 The commenter states that he spoke at the Draft EIR adequacy hearing in November, is a lifelong resident of Mendocino County, and is an owner of property in the Brush Street Triangle. This comment does not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 10-2 The commenter states that, based on his review and understanding of the traffic study under the EIR, that no credible study has been made with regard to all current and future traffic being considered. The library traffic is currently on the street network and incorporated in all the traffic volumes for all the development scenarios within the Draft EIR. A new location of the existing library may redistribute some of the traffic, but the changes are not anticipated to be substantial. A new site for the library would require its own California Environmental Quality Act (CEQA) review process, separate from this proposed courthouse project, which should include a traffic analysis appropriate for the site chosen to house the new library.

With respect to the potential relocation of the U.S. post office on Oak Street to the facilities on Orchard Street, this is not part of the proposed project nor is it a result of the proposed project. The relocation of the post office is not contingent on the approval of this proposed project. The post office traffic is currently on the street network and incorporated in all the traffic volumes for all the development scenarios within the Draft EIR. A new location of the post office may redistribute some of the traffic, but the changes are not anticipated to be substantial. A new post office site would require its own CEQA or National Environmental Policy Act (NEPA) review process, separate from this proposed project.

No trip credit was assumed for the relocation of the existing courthouse operations from its existing location. The Draft EIR Traffic Impact Analysis assumed that a similar government use may occupy the existing courthouse and the traffic to and from the existing courthouse will be replaced by the new facility. Thus, the trip generation for the new facility is assumed to be approximately the same compared to the courthouse for the AM peak hour; thus, there is no net addition of traffic added to and from the existing courthouse building. No revisions to the Draft EIR are required.

- 10-3 The commenter notes that the EIR only considers traffic between 7 and 8 a.m., not 12 noon to 1:30 p.m., or 5 to 6 p.m. CEQA requires that the worst case conditions be analyzed for the proposed project. The AM peak hour has the highest trip generation for the courthouse. All staff, visitors, attorneys, and in-custody defendants arrive during the AM peak hour. As hearings are completed during the day, courtrooms gradually empty and staff remains until the PM peak hour, when they go home. The AM peak hour analysis contained in Section 4.10, Traffic and Circulation of the Draft EIR, presents the worst case for traffic conditions and all other potential impacts would be the same or less.

The traffic analysis included in the Draft EIR indicates which intersections will operate at adverse Levels of Service at cumulative conditions. These include the US-101 interchange ramp terminals. The remainder of the intersections will operate at acceptable Levels of Service. Finally, Gobbi Street is not expected to be a primary route for access to the proposed project sites. No revisions to the Draft EIR are required.

- 10-4 The commenter is concerned about the future Rural Communities Housing Development Corporation (RCHDC) low cost housing development and traffic impacts. The RCHDC low cost housing development is a separate project independent of the proposed courthouse project, and will require its own CEQA analysis. The cumulative analysis includes background trips from the city travel demand model, which would include projects similar to the RCHDC development. Improvements have been identified by the city for the Perkins Street and Orchard Avenue intersection as indicated in the traffic study. These improvements would improve the operating conditions of identified intersections to an acceptable level. Finally, the commenter notes the state-wide termination of redevelopment agencies (districts) and the impact on the clean up of the sites considered and future traffic improvements. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 11**

Note: highlighting was part of original submittal

Monday January 30, 2012

Ms. Laura Sainz  
 Environmental Program Manager  
 Office of Court Construction & Management  
 Judicial Council of California – Administration of Courts  
 2860 Gateway Oaks Drive, Suite 400  
 Sacramento, California 95833  
 (916) 263-7992  
[Laura.sainz@jud.ca.gov](mailto:Laura.sainz@jud.ca.gov)

In regards to the Environmental Impact Report dated October 2011 of the Ukiah, California Courthouse. Sent via Email this date Monday January 30, 2012

11-1

Dear Ms. Sainz,

Please find herewith my responses to the Draft Environmental Impact Report regarding the new courthouse proposed for Ukiah, California.

Since I believe that the response period ends Tuesday January 31, 2012, please confirm receipt of this email.

In evaluating the draft EIR, it becomes very apparent to me that there is a massive disconnect between the traffic impacts caused by the project, (specifically at the US 101 north and south bound ramps), and the mitigations proposed by the Administration of Courts (AOC).

Page 4.10-16 of the EIR, basically, sums up my greatest concern. **“Table 4.10-7, Library Site Plus Project – AM Peak Hour Intersection Operations, summarizes intersection LOS results associated with the proposed project. At the US 101 Northbound Ramp/Perkins Street Intersection, the off ramp is operating at a LOS F under Existing Conditions. The additional project traffic would continue to exacerbate unacceptable operations and add 30 Additional seconds of overall delay. At the US 101 Southbound Ramp/ Perkins Street Intersection, the addition of project traffic is estimated to add approximately 20 seconds of delay to side street approaches that are already operating at unacceptable LOS.**

11-2

In both location scenarios, the EIR states, that signalization at the US 101 / Perkins Intersections will mitigate the additional peak AM trips caused by the project as well as bringing up the LOS of both intersections to acceptable levels.

In section 4.10-2, the EIR further states: **“City of Ukiah staff has indicated that the city of Ukiah, Mendocino County, and Caltrans have agreed in principle to contribute 1/3 each towards the construction of signals at the US-101/Perkins Street ramp intersections; however, there is no current funding for this improvement nor any procedures, policies, or traffic impact fee established to collect funding. With an appropriate funding instrument in place, payment of fair share contributions towards these improvements would reduce the impact to less-than-significant levels. However, given the uncertainty of a funding mechanism, timing, and ultimate implementation of the improvements, the impact is considered significant and unavoidable.”**

11-3

**With this project taking 4 years to complete, costing 120 million dollars, being 3 stories high, encompassing close to 192,000 square feet, being occupied on a daily basis by a massive number**

11-4

**of people, and the only real mitigation required to completely satisfy all mitigations is simply some traffic lights at US 101 and Perkins Street, it seems responsible and reasonable for the you folks, to somehow, guarantee this signalization to be completed prior to occupancy.**

11-4,  
Cont.

Surely there is enough time and money to fund and insure that the only mitigation that is left undone be completed.

In another words, its' your project, you are the lead agency, and it is your responsibility to see that 100% of all traffic mitigations are completed, whether with cooperation from other agencies or not.

To that end, it would be reasonable and responsible to demand that the AOC fund 100% of all traffic mitigations and subsequently recover the fair share percentages from the 3 afore mentioned entities. In addition, I believe that the public be entitled to see the base data as to how your fair share of the traffic mitigations were calculated.

I also have some questions as to the base traffic data and the methodology employed in accumulating it.

Based on an analysis within the EIR, the traffic issues occur during the weekday peak AM hour at the intersections of Perkins Street US 101, and that 127 AM Peak trips will be added as a result of the project.

In section 4.10.1 the EIR states that **“For courthouses, traffic peaks in the morning with staff, lawyers, jurists and judges arriving during peak hours. However, the schedule of court activities is such that traffic dissipates throughout the day as trial schedules vary and morning hearings conclude. A courthouse typically generates the highest number of trips during the weekday morning peak hour; therefore only the weekday peak hour was evaluated.”** With the LOS of Perkins and US101 Northbound currently at an unacceptable level of F, it seems to me that a study of the Peak PM hour should be evaluated also. **It seems that some hard data would be very appropriate to back up the assumption that only the peak AM hour should be the only peak period studied!**

11-5

In section 4.10-15 of the EIR, it is stated that an **assumption** is made that 15 % of all trips will be during the AM peak hour, and 25% of employees leave / return the courthouse once during the day. In addition, with 848 total trips and total AM peak hour trips of 114, a simple departure from the 15% or 25% figures assumed would be significant. **Please provide backup for these fairly large assumptions of which only a small change could affect that total daily or AM peak trips.**

11-6

In summation I am a lifelong resident of this valley, and remember the construction of US 101. For 50 years Perkins Street, has been the gate way to our little town. It would be a terrible mistake to not **SOLVE** the traffic issues at the intersection of US 101 / Perkins Street.

11-7

Thank you for your consideration in this matter. For the record this is a good project!  
Sincerely,

Daniel C. Thomas  
[danthomas@pacific.net](mailto:danthomas@pacific.net)  
(707) 462-1425

**Comment Letter 11 Response****Daniel Thomas, Resident****January 30, 2012**

- 11-1 The commenter submitted comments on the Draft Environmental Impact Report for the new courthouse proposed for Ukiah, California, and wanted confirmation that the email was received. This comment does not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 11-2 The commenter is concerned that there is a disconnect between the traffic impacts caused by the project (specifically, at the US-101 north- and southbound ramps) and the mitigations provided, as both US-101 north- and southbound ramps/Perkins Street intersection(s) currently operate at an unacceptable level of service (LOS). These intersections are analyzed in the Draft EIR, Section 4.10, Traffic and Circulation, as well as within the Traffic Impact Analysis, provided in Appendix H of the Draft EIR. The *Ukiah Ramps Improvement Project on US-101 Project Study Report* prepared by Caltrans in September 2008, identifies traffic signals and signal interconnect at the US-101/Perkins Street ramp intersections. In addition, the US-101 southbound ramp/Perkins Street intersection satisfies the peak-hour signal warrant. No revisions to the Draft EIR are required.

The mitigations in the Draft EIR include the AOC paying its fair share contribution towards programmed improvements. The AOC expects to participate in the improvement through the contribution of fair share payments toward the signalization and roadway improvements of the US-101 northbound/Perkins Street intersection and the US-101/southbound ramp/Perkins Street intersection (fair share percentages are estimated at 4.5% for the Library Site or 5.1% for the Railroad Depot Site) (refer to Mitigation Measure 4.10-2 on page 4.10-34 of the Draft EIR). Signalization at the US-101/Perkins Street intersections would mitigate the additional AM project-related traffic and improve the LOS of both intersections to acceptable levels. Therefore, no revisions to the Draft EIR are required.

- 11-3 The commenter provides excerpts from Impact 4.10-2 (Section 4.10, Traffic and Circulation in the Draft EIR), regarding the fact that there is no current funding in place for improvements of the US-101 northbound/Perkins Street intersection and the US-101/southbound ramp/Perkins Street intersection. The Draft EIR considers this a significant and unavoidable impact, given the uncertainty of a funding mechanism, timing, and ultimate implementation of improvements. No revisions to the Draft EIR are required.
- 11-4 The commenter states that it seems "responsible and reasonable" for signalization to be guaranteed prior to occupancy, and that the AOC should fund 100% of all traffic mitigations. The proposed project is not the sole cause of the adverse operating conditions; therefore, the AOC should not be responsible for 100% of the costs. When the improvements are made, the AOC will pay its fair share of the costs (fair share percentages are estimated at 4.5% for the Library Site or 5.1% for the Railroad Depot Site for signalization and roadway improvements of the US-101 northbound/Perkins Street intersection and the US-101/southbound ramp/Perkins Street intersection). However, as mentioned in Response to Comment 11-3, above, there is currently no mechanism in place to collect fair share funding from the proposed project to mitigate its impacts at the study intersections; therefore, the impact is significant and unavoidable.

The commenter also requests the public see the base traffic data as to how fair share mitigations were calculated. Fair share calculations are based on the number of trips contributing to the impact. The

number of trips can be found in the Traffic Impact Analysis, which was included as Appendix H to the Draft EIR. No revisions to the Draft EIR are required.

- 11-5 The commenter has questions regarding the base traffic data and the methodology employed in accumulating the data. Particularly, the commenter is concerned as to why only the peak AM hour was the only peak period studied in the Draft EIR. CEQA requires the worst case conditions to be analyzed for the project. The AM peak hour has the highest trip generation for the courthouse. All staff, visitors, attorneys, and in-custody defendants arrive during the AM peak hour. As hearings are completed during the day, the courtrooms empty out except for staff which remain until the PM peak, when they go home. The AM peak hour analysis presents the worst case for traffic conditions and all other potential impacts would be the same or less, since a courthouse typically generates the highest number of trips during the weekday morning peak hour. Therefore, PM peak hour analysis was not included, and no revisions to the Draft EIR are required.
- 11-6 The commenter requests backup for the assumptions related to AM peak hour trip percentages. These assumptions can be found in the analysis included in the Traffic Impact Analysis, which was included as Appendix H to the Draft EIR. Therefore, no revisions to the Draft EIR are required.
- 11-7 The commenter states that he is a lifelong resident of the Ukiah Valley and would like the traffic issues at the intersection of US-101/Perkins Street solved. He also states that the proposed project is a good project. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

**Comment Letter 12**

**From:** Jamie Connerton [mailto:jamieconnerton@yahoo.com]  
**Sent:** Tuesday, January 31, 2012 4:46 PM  
**To:** Sainz, Laura  
**Subject:** Public Comment on DEIR Ukiah Courthouse Project

906 N. Oak St.  
Ukiah, Ca. 95482  
Jan. 31, 2012

Dear Ms. Sainz:

Please accept this as my comment as an individual citizen of Ukiah, Mendocino County, on the Draft Environmental Impact Report proposed by your office for the Ukiah, California, County Courthouse Project. I recently learned of today's deadline for public comment.

My wife and I have lived in Ukiah for 30 years, raised children in our west side home next to Orr Creek and a few blocks from Gibson Creek. Both are traditional steelhead spawning streams; Gibson, the smaller and closer to downtown, is home to an historic

hatchery, long out of use, in a steep ferny canyon barely a half mile from the present courthouse. Steelhead are still occasionally spotted during spawning season in the Gibson Creek run west of State Street, under which the stream flows; Gibson also runs under streets and buildings in other curving stretches in the blocks east of State St., which area includes both proposed sites for construction of the Mendocino County Courthouse. Orr Creek, larger and with a less obstructed run to the Russian River, offers more steelhead sightings. These two streams originate in springs and rainy season rivulets in the western hills, as do Doolin and Mendocino Creeks in the southern parts of town; all empty into the river.

I'm sure you're aware of Gibson Creek's presence near the proposed courthouse sites; I've described it and its neighboring creeks here to emphasize their integral place in the heart and spirit of our town. And, to appeal to you to lead your courthouse project colleagues in taking the rare opportunity to free and feature a beautiful creek in a small rural town as the center of the new judicial complex.

I believe the letters you have received from Friends of Gibson Creek (FOGC) express specific recommendations and concerns in knowledgeable detail which I can't match - but with which I agree - and with passion that many in Ukiah feel. I refer to FOGC's letter of May 24, 2011, in response to the project Scoping Session; and to their letter of January 2012, as public comment to the DEIR. I believe removal of box culverts - annual deadly traps to upstream-bound steelhead - with imaginative use of deeper setbacks and maximum daylighting wherever possible, would be three great improvements for which your project staff and crews would be thanked profusely by our community. We know these changes represent expenses; we ask that you consider that in a sense, we can't afford not to save - and in fact enhance - such a beautiful force of nature.

Thank you for your attention. Though I write as a private citizen, I have for eight years served with the City of Ukiah Paths, Open Space, and Creeks Commission, which has provided me with opportunities to learn from and work with our city staff and council, individual citizens, local schools, FOGC and other environmentally-oriented organizations, and to more appreciate the beauty of our urban creeks and their wild inhabitants. These experiences, and daily life by a city creek, bring me to appeal to you to help us and our plant and animal communities, by bringing a courthouse project to Ukiah which will celebrate Gibson Creek.

12-1

12-2

12-3

Yours truly,

James P. (Jamie) Connerton, Jr.

P.S. - I would appreciate your acknowledgement of receipt of this message letter. Thank you. - J.P.C.

12-3, Cont.

**Comment Letter 12 Response****James Connerton, Resident****January 31, 2012**

- 12-1 The commenter is a long-term Ukiah resident, and gives some background regarding Gibson Creek and its neighboring creeks. The commenter expresses his appeal to “free and feature” Gibson Creek as the center of the new judicial complex. These comments do not identify a deficiency in the EIR’s analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 12-2 The commenter concurs with the project correspondence from Friends of Gibson Creek (FOGC), specifically FOGC’s May 24, 2011 and January 2012 letters. The commenter further requests that the AOC consider three potential improvements along Gibson Creek: removal of existing box culverts, a provision for deeper setbacks along Gibson Creek, and maximizing Creek daylighting wherever possible. The AOC acknowledges that such improvements at pre-existing locations along Gibson Creek would provide long-term benefits related to improved water flows, water quality, and fish passage, and offers the following responses to these specific recommendations:

*Daylighting Portions of Gibson Creek - Library Site*

The AOC recognizes that the Library Site has culverts that may impede migrating steelhead, as this is an existing condition. As discussed on page 4.3-25 of the Draft EIR, daylighting would allow the Creek to flow generally unimpeded through the property within a natural channel, rather than through this man-made element. With culvert removal, approximately 300 linear feet of daylighting would occur at the Library Site (but not the portion of Gibson Creek under Smith Street). Preliminary estimates indicate that the new daylighted width, including the creek bed, would be approximately 60 feet. This width could be potentially greater depending on final parking and building orientation. Development of final design specifications including construction activities would be completed in strict adherence to conditions required by CDFG, USFWS, Corps, and/or NMFS through the resource agency permitting process (refer to Mitigation Measure 4.3-1 on page 4.3-29 and Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR).

*Removal of Existing Box Culverts - Railroad Depot Site*

With regards to the Railroad Depot Site and the existing downstream box culvert at Leslie Street, CEQA specifically requires mitigation that actually relates to and compensates for impacts caused by the project, but does not require creation of net environmental benefits not related to or compensating for the project. The Leslie Street culvert crossing is considered an existing off-site condition not impacted by the proposed project and so while it may be worthy of consideration on its own merits, the AOC considers its removal to be a generalized public benefit that is unrelated to a specific impact of the project were it to be located at the Railroad Hospital Drive crossing which is mitigated through the implementation of Mitigation Measure 4.3-3 (on page 4.3-23 of the Draft EIR).

*Setbacks from Gibson Creek - Library Site and Railroad Depot Site*

The AOC is requiring project development to be set back a minimum of 20 feet from the stream bank and full avoidance of the dripline of riparian vegetation along the stream bank. Per Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR, as applicable, the AOC will respect minimum setback requirements from the Creek, as recommended by the appropriate agency, and as applicable to the work anticipated. Therefore, no revisions to the Draft EIR are required.

The AOC views the above suggested improvements as beneficial functional enhancements to Gibson Creek bringing value to the community. The AOC is committed to working in a collaborative partnership with the city and other responsible resource agencies to ensure that impacts to Gibson Creek resulting from the proposed courthouse development are minimized to the maximum extent feasible.

- 12-3 The commenter expresses his desire for the AOC to construct the proposed project in a way which will celebrate/help the plant and animal communities of Gibson Creek. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

Comment Letter 13



315 P Street • Eureka, CA • 95501  
707.445.5100 • Fax 707.445.5151  
cats@alt2tox.org  
www.alt2tox.org

January 31, 2012

Laura Sainz  
Environmental Program Manager  
Office of Court Construction & Management  
Judicial Council of California - Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833  
916-263-7992  
[laura.sainz@jud.ca.gov](mailto:laura.sainz@jud.ca.gov)

Regarding: New Ukiah Courthouse  
Draft Environmental Impact Report

Dear Ms Sainz,

I write on behalf of the membership of Californians for Alternatives to Toxics, some of whom live, work, volunteer, shop, eat, do county business, go to church or school, see a doctor or go to the hospital or for many reasons spend time regularly in Ukiah, and for other members throughout California who have an interest in how toxic chemicals are managed in the decision now before the Judicial Council and the Administrative Office of the Courts (Judicial Council) regarding the above described Draft Environmental Impact Report (EIR). Our membership is concerned about toxic chemicals in the environment of northern California due to its reliance on the environment for jobs, health, culture, education and other uses.

13-1

CATs asserts that the Judicial Council has in this case not prepared an EIR that adequately describes and analyzes, and provides mitigations for, significant environmental impacts that would be a direct outcome of the project. Primarily, the Judicial Council must consider impacts relating to the clean-up of toxic material at one of the two alternative sites under consideration for construction of the new Mendocino Courthouse, the Railroad Depot site currently under ownership of the North Coast Rail Authority (NCRA).

The reason that the Judicial Council must undertake this analysis is that the site will not undergo cleanup of toxic chemicals UNLESS, and only IF, the Judicial Council decides to buy the Railroad Depot site for the courthouse construction project. Since the cleanup of that site will be the direct result of the Judicial Council's decision to buy it, the Judicial Council must describe and analyze the impacts of the clean-up. The EIR fails to describe this direct result of a decision to buy the Railroad Depot site and this must be remedied.

I have attached a news article in which Ukiah City Manager Jane Chambers states: "It's (the cleanup) all triggered on if the site (Railroad Depot) is selected (by the Judicial Council),

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Board of Directors: Michelle Smith, President • Jene McCovey, Vice President •  
Portia Bramble, Secretary • Steve Watts, Treasurer •

Chambers said. "Weston (company that would buy the Railroad Depot site from the Redevelopment Agency, which would first buy from NCRA then sell to Weston) would not be under any expectation of cleaning up the site unless they can sell it for a courthouse." (see Ukiah moves a step closer on courthouse project. Published on AllBusiness.com. Attached)

13-1, Cont.

The Ukiah Redevelopment Agency has also entered a lease option agreement with the NCRA for the Railroad Depot site that will be exercised on the sale of the property. As the lease agreement states "The URA also approved the expenditure of approximately \$1.2 million etc in anticipation of sale of a "clean-site" to the AOC." The lease goes on to describe amendments to the lease to "accomplish the potential clean-up and sale of the Depot property to the AOC for the new county courthouse." (Lease agreement NCRA and Ukiah Redevelopment Agency, attached.)

13-2

The analysis the EIR must develop should include the following:

The series of events regarding the sale of the Railroad Depot site to the Ukiah Redevelopment Agency which will then sell to Weston that will be triggered only when and if the Judicial Council decides to build the Mendocino Courthouse on the Railroad Depot site? What will happen with the Railroad Depot site if the decision is made to purchase the Library site instead? Be honest: Nothing.

13-3

Who is the responsible party for the cleanup of toxic chemicals at the Railroad Depot property? As the former owner and operator at the site, Union Pacific has responsibility for at least a portion of the cleanup. Why is there silence on the responsibility and liability of Union Pacific? What is the role of the NCRA in the relationship to Union Pacific? Of the Ukiah Redevelopment Agency?

13-4

What gaps exist in the site investigation and Remedial Action Plan (RAP) developed for the project? Were all potential hazardous contaminants investigated, such as dioxin and pentachlorophenol? The RAP describes no such investigation although highly persistent dioxin is likely a contaminant due to the use of herbicide 2,4,5-T and pentachlorophenol at the site and throughout the NCRA right-of-way.

13-5

What environmental effects will be cumulative impacts when considered in combination with the effects of construction? Such effects would include additional use of motorized heavy equipment, truck traffic and other considerations, including potential effects of off-site movement of contaminated material and other potential significant impacts as yet not described or analyzed in the EIR.

13-6

Please refer to the attached REMEDIAL ACTION PLAN, FORMER UKIAH RAIL YARD. Mendocino County APNs 002-232-12 and 13 and 002-282-18 and 19. NCRWQCB Site ID # 1NMC397

[http://geotracker.waterboards.ca.gov/esi/uploads/geo\\_report/5197541236/T0604593439.PDF](http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/5197541236/T0604593439.PDF)

13-7

The various documents related to the RAP are available at

[http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0604593439&mytab=siteddocuments#siteddocuments](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0604593439&mytab=siteddocuments#siteddocuments)

The RAP cannot replace analysis in the EIR because the cleanup will not be undertaken unless the Judicial Council buys the property.

The EIR needs to describe how the property will be handled since California no longer has redevelopment agencies.

We look forward to seeing answers to our questions in the final Environmental Impact Report.

Sincerely,

Patricia M Clary  
Executive Director

13-7, Cont.

Attachment 1:

Ukiah moves a step closer on courthouse project | Government > Government Bodies & Offices from AllBusiness.com

1/20/12 4:48 PM

The screenshot shows a web page from AllBusiness.com. At the top left is the AllBusiness logo with the tagline 'YOUR SMALL BUSINESS ADVANTAGE'. To the right is a search bar and a 'Sign In | Join | About' link. Below the logo is a navigation menu with categories like NEWS, GETTING STARTED, SALES & MARKETING, FINANCE, STAFFING & HR, OPERATIONS, TECHNOLOGY, FRANCHISING, INDUSTRIES, and RESOURCES. The main content area features an article titled 'Ukiah moves a step closer on courthouse project' published on AllBusiness.com. The article text discusses the Ukiah Redevelopment Agency's progress in securing a site for a new courthouse. To the left of the article is a 'RELATED' sidebar with links to 'City Government', 'Soil Contamination', 'Real Estate Development', 'Cities', and 'California, USA'. To the right of the article is a 'TRENDING NOW' section and a 'NEW ON ALLBUSINESS' section with several short articles. A 'PrintingInABox.com' advertisement is also visible on the right side of the article.

http://www.allbusiness.com/government/government-bodies-offices-regional/14459881-1.html

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Attachment 2:



ITEM NO.: 2a  
MEETING DATE: April 8, 2009

**UKIAH REDEVELOPMENT AGENCY  
AGENDA SUMMARY REPORT**

**SUBJECT: DISCUSSION AND CONSIDERATION OF REDEVELOPMENT IN THE CITY OF UKIAH  
INCLUDING POSSIBLE PROJECTS AND PROGRAMS.**

**Background:** The Ukiah Redevelopment Agency (URA) is preparing for the potential issuance of a bond in order to fund projects that will promote economic revitalization and/or eliminate physical blight within the Project Area. To this end, the URA has conducted a series of workshops that focused on the Agency's financial information, setting goals, establishing project criteria, and laying out the next steps for bonding and project selection. Throughout this process, the URA has utilized the professional advisory services of Public Financial Management (PFM) and Seifel Consulting for specialized RDA fiscal, planning, and project development services.

At the last workshop in January, the Agency reviewed and by consensus agreed to the project criteria that will serve as the evaluation tool by which projects will be discussed and considered. The project criteria matrix and summary explanation is included as Attachment #1 for reference.

**Project Discussion:** The URA has several unique tools to implement a variety of programs for the redevelopment, rehabilitation, and revitalization of blighted conditions and influences affecting the Project Area. Because of the long-term nature of redevelopment and the need to retain flexibility to respond to economic conditions, property owners, developer interests and other opportunities as they arise, the Redevelopment and Implementation Plans for the URA define a process and basic framework within which specific projects can be identified to achieve solutions that will eliminate physical and economic blight.

Specifically in the Implementation Plan, these programs include Business Development, Commercial/Industrial Economic Development, Façade Improvement, Commercial Building Rehabilitation, Streetscape Improvement, and Public Infrastructure/Facility Improvement. The Agency's ability to undertake major development projects amongst any of the programs is dependent upon a number of factors including the amount of funds available from a potential bond issuance and the ability to leverage private participation and investment.

Continued on Page 2

**Recommended Action(s):** Discuss and consider potential redevelopment projects and programs.

**Alternative Council Option(s):** Remand to staff with an alternative direction.

Citizens advised: PFM and Seifel Consulting  
Requested by: Agency Board  
Prepared by: Sage Sangiacomo, Director of Community/General Services and Guy Mills, Project and Grant Administrator  
Coordinated with: Jane Chambers, Executive Director and Cathleen Moller, Economic Development Manager  
Attachments: 1. Project Criteria Matrix and Summary Explanation  
2. Draft Project List  
3. Draft Project Evaluation

Approved:   
Jane Chambers, Executive Director

Attachment #2 outlines a draft list of specific projects that have been identified within the Agency's Redevelopment and Implementation Plans and/or have been proposed by Board Members and/or members of the public.

The attached list is provided only as a foundation to begin the discussion of potential projects and is not presented as a comprehensive list. Staff anticipates that items may be added and/or removed. All of the projects that make a revised list will need to be defined and completely vetted prior to a detailed application of the evaluation criteria.

In order to facilitate a discussion about selection, prioritization, and funding, Seifel Consulting and PFM in consultation with URA staff have prepared a draft evaluation of potential programs and projects which is included as Attachment #3. The summary-level evaluation included provides a mechanism for comparing projects against the goals and strategic criteria developed by the Council and Agency. At this time, staff seeks Agency direction regarding establishing a revised list of projects and methodology for prioritization. Once the list has been vetted, detailed assessments of particular projects will be completed by staff and brought to the Agency for final consideration along with strategies for completing and recommendations for funding.

**Fiscal Impact:**

Budgeted FY 08/09    New Appropriation    Not Applicable    Budget Amendment Required

Attachment #1

**Seifel**  
CONSULTING INC.

## Memorandum

VIA EMAIL

January 12, 2009

221 Main Street  
Suite 420  
San Francisco CA  
94105  
415.618.0700  
fax 415.618.0707  
www.seifel.com

**To:** Jane Chambers, Sage Sangiacomo, Guy Mills, Cathleen Moller, City of Ukiah  
**Cc:** Robert Gamble, Kyle Vinson, PFM  
**From:** Libby Seifel, Jessica Zenk  
**Subject:** Proposed Policy Framework for the Use of Redevelopment Funds

Seifel Consulting Inc. (Seifel) is pleased to deliver this memorandum summarizing the proposed policy framework for the use of redevelopment funds attached. The policy framework outlines key redevelopment requirements, powers and legal constraints, as well as proposed criteria for the use of redevelopment non-housing funds in the City of Ukiah. The framework and memo are organized as follows:

1. Redevelopment Requirements, Powers and Restrictions
2. Criteria for Agency Assistance
  - a. Goals
  - b. Economic Revitalization
  - c. Community Revitalization

### Redevelopment Requirements, Powers and Restrictions

California Community Redevelopment Law (CRL) authorizes redevelopment in the State and contains specific redevelopment powers, processes, requirements and obligations.

The attached framework first summarizes the key requirements for redevelopment activities under the CRL. These include consistency between the activity and the legal documents that govern redevelopment in a particular project area (namely its Redevelopment Plan and current five year Implementation Plan) and that the activity aim to accomplish a fundamental purpose

of redevelopment. Redevelopment's primary purpose is to eliminate blight. Other fundamental purposes are to expand the supply of low and moderate income housing, expand employment opportunities for jobless, underemployed and low income persons, and provide an environment for the social, economic, and psychological growth and well-being of all citizens.<sup>1</sup>

The framework also contains the types of activities redevelopment agencies are authorized to undertake and restrictions on redevelopment activities. Generally, the CRL requires that redevelopment agencies invest in capital projects, rather than normal operations and maintenance, to promote revitalization. The determination of whether a particular expenditure is authorized depends on the analysis of facts specific to the expenditure situation. If City/Agency staff is unclear as to whether tax increment revenue can be spent on a specific project or activity, we recommend that the Agency contact legal counsel and/or Seifel for guidance.

## Criteria for Agency Assistance

The framework proposes criteria by which projects seeking redevelopment funds will be judged and compared, outlining the criteria and how it will be measured. These criteria are separated into three categories: goals, economic revitalization, and community revitalization.

### Goals

All projects undertaken with redevelopment funds should further some or all of the City and Agency's fundamental goals. These goals are based on the original goals in the Redevelopment Plan as well as programs and projects in the Agency's current Implementation Plan. They are in keeping with Ukiah's Strategic Priorities. The goals are:

- Promote economic development in downtown
- Retain and enhance businesses and local jobs
- Improve infrastructure and buildings
- Promote private investment
- Enhance housing opportunities

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<sup>1</sup> The Agency's Low and Moderate Income Housing Fund is dedicated to increasing, improving and preserving affordable housing. Its distinct requirements and obligations will be outlined in a separate Policy Framework for the Use of Redevelopment Housing Funds.

### Economic Revitalization

Major redevelopment agency projects and activities should alleviate blighting conditions by promoting economic revitalization. This strategic approach to redevelopment makes the most effective use of staff and financial resources, leverages outside funding sources and stimulates revitalization to the fullest extent possible. The three major categories of economic revitalization criteria are:

- *Capacity and readiness criteria* designed to evaluate a project's ability to move forward quickly and effectively.
- *Return on investment criteria* to estimate how redevelopment and/or other City investments compare to outside investment and revenues or cost savings resulting from a project.
- *Catalytic potential criteria* intended to assess the impact that a project may have beyond its walls to local revitalization and community and economic development.

### Community Revitalization

While some redevelopment agency projects and activities may not have a high monetary return, they can have significant community value and be critical to fulfilling Agency obligations. These projects include:

- *Joint projects* funded by the Agency's Capital Outlay Funds. As part of its agreement with three local educational taxing entities (the Ukiah School District, Mendocino-Lake Community College District and County Office of Education), the Ukiah Redevelopment Agency must set aside a portion of tax increment revenues in a capital outlay fund, to be used for jointly approved projects. These projects are to be judged on their relative benefit and proposed management and implementation, as well as against relevant economic revitalization criteria.
- *Other community projects* with high transformative ability and the power to positively impact general community, social and long term economic development. These projects include community-based efforts that will promote sustainable development, community cohesion, vitality, unique public places, and other community goals. These projects are often sponsored by non-profit or public entities and may not directly generate tax increment or other tax revenues to Ukiah. As such, to most strategically leverage its limited resources, Ukiah should limit its investments in community projects. Community projects would be judged against the economic revitalization criteria, with an emphasis on "Catalytic Potential," but without consideration of "Tax Increment Generation" and "Return to City," as these projects are likely to have significant community value but may not generate a high monetary return.

**City of Ukiah & Redevelopment Agency  
Proposed Policy Framework for the Use of Redevelopment Funds\***

**A redevelopment activity must**

- 1) Be consistent with the Agency's Redevelopment Plan & current Five Year Implementation Plan.
- 2) Accomplish at least one of the following:
  - Eliminate blighting conditions present in the Redevelopment Project Area.
  - Expand the supply of low & moderate-income housing.\*
  - Expand employment opportunities for jobless, underemployed & low-income persons.
  - Provide an environment for the social, economic, & psychological growth & well-being of all citizens.
- 3) Comply with CRL restrictions on redevelopment projects and funding.

*See California Community Redevelopment Law (CRL) Sections 33070 & 33071.*

\*The Agency's Low & Moderate Income Housing Fund is dedicated to increasing, improving & preserving affordable housing. Its distinct requirements & obligations are outlined in a separate Policy Framework for the Use of Redevelopment Housing Funds.

**Redevelopment agencies have the authority to**

- 1) Improve public facilities
- 2) Prepare sites for improvement
- 3) Combine or assemble property
- 4) Sell or lease property
- 5) Regulate land use
- 6) Encourage private development or rehabilitation by providing:
  - Payment for up-front costs like architectural or engineering work, appraisals or market studies
  - Loans for commercial upgrades
  - Assistance with manufacturing facilities
  - Construction upgrades to conform with earthquake standards
  - Removal or treatment of toxic materials
  - Removal of graffiti
  - Transfer of property when improvement is ready to proceed
  - Sale of land at a low price ("land write-down")
  - Financing for public facilities, roads, utilities & other infrastructure

*See CRL Sections 33020, 33021, 33421, 33445, 33459, & 33678.*

**Redevelopment Restrictions**

The Agency may not spend redevelopment funds on certain activities, including normal operations & maintenance, City Hall/County Administration construction/rehabilitation costs, auto dealerships or big box retailers under certain circumstances, & gambling venues.

**Criteria for Agency Assistance**

Criteria: Goals	Measured by...	Result
Promote economic development in downtown	<ul style="list-style-type: none"> <li>• Is the project located within Downtown?</li> <li>• Will the project promote economic growth?</li> </ul>	Yes/No
Retain and enhance businesses and local jobs	<ul style="list-style-type: none"> <li>• How many existing jobs &amp;/or businesses will the project retain or improve?</li> <li>• How many new jobs &amp;/or businesses will the project create?</li> </ul>	Estimated # of Direct Jobs Yes/Maybe/No
Improve infrastructure and buildings	<ul style="list-style-type: none"> <li>• Will the investment result in new or significant improvements to infrastructure &amp;/or low-income people?</li> </ul>	Yes/No
Promote private investment	<ul style="list-style-type: none"> <li>• Will the project promote or catalyze investment by private businesses &amp;/or citizens?</li> </ul>	Yes/Maybe/No
Enhance housing opportunities	<ul style="list-style-type: none"> <li>• How many housing units are created &amp;/or significantly rehabilitated, particularly for low &amp;/or moderate income households (per CRL definitions)?</li> </ul>	# of Units by Household Type & New/Rehabilitation/Preservation

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Criteria: Economic Revitalization	Measured by...	Result
<b>Capacity &amp; Readiness</b>		
Agency	<ul style="list-style-type: none"> <li>Does the Agency have sufficient resources (staff/consultant time, financial capacity, political will) to see the project through?</li> </ul>	Yes/Potentially/No
Project Partner	<ul style="list-style-type: none"> <li>Does the project proponent have sufficient resources (technical &amp; project management skill, financial capacity) to see the project through?</li> </ul>	Yes/Potentially/No
Project Readiness	<ul style="list-style-type: none"> <li>How soon will the project be ready to proceed?</li> </ul>	# of Years until Project Breaks Ground &/or Program Implementation
<b>Return on Investment</b>		
Tax Increment Generation	<ul style="list-style-type: none"> <li>How much tax increment (TI) is the project likely to generate?</li> <li>How do potential TI revenues compare to Agency/City investment?</li> </ul>	Estimated Amount of Revenue & Ratio to Investment
Return to City	<ul style="list-style-type: none"> <li>How much in sales tax, TOT &amp;/or other General Fund revenue is the project likely to generate?</li> <li>Does the project reduce governmental costs or increase efficiency? If so, what are the estimated cost savings?</li> <li>Is this project likely to require significant new or increased government expenditures?</li> <li>How do potential revenues or cost savings compare to Agency/City investment?</li> </ul>	Estimated Amount of Revenue/Cost Savings & Ratio to Investment
Leverage of Other Funding	<ul style="list-style-type: none"> <li>How much other public or non-profit funding will the project utilize?</li> <li>How much private investment will the project utilize?</li> <li>How does the amount of outside funding leveraged compare to the Agency/City investment?</li> </ul>	Estimated Amount of Other Funding & Ratio to Investment
<b>Catalytic Potential</b>		
Blight Alleviation & Transformation	<ul style="list-style-type: none"> <li>Does the project have the potential to transform blighted properties &amp;/or areas into vital places?</li> </ul>	Yes/Maybe/No
Placemaking	<ul style="list-style-type: none"> <li>Will the project attract visitors (tourists &amp; locals) &amp; increase Ukiah's vibrancy?</li> </ul>	Yes/Maybe/No
Community Benefits	<ul style="list-style-type: none"> <li>Will the project contribute to social, environmental, psychological, &amp; community development? (ie. promoting sustainability, public health &amp; safety, community cohesion, etc.)</li> </ul>	Yes/Maybe/No
Economic Spin-Offs	<ul style="list-style-type: none"> <li>Will the project have broader economic benefits, sparking indirect job &amp;/or business growth?</li> </ul>	Yes/Maybe/No
<b>Criteria: Community Revitalization</b>		
Measured by...		
Joint Projects funded by Capital Outlay Funds	<ul style="list-style-type: none"> <li>How does the project compare to other potential activities of benefit to the joint agency &amp; City?</li> <li>Is there agreement regarding how the joint project will be managed &amp; the specific responsibilities of Ukiah staff?</li> <li>See also Economic Revitalization Criteria.</li> </ul>	Favorably/Comparably/Unfavorably Yes/Potentially/No
Other Community Projects	<ul style="list-style-type: none"> <li>See Economic Revitalization Criteria, without "Tax Increment Generation" or "Return to City" &amp; with an emphasis on "Catalytic Potential," as these projects are likely to have significant community value but may not generate a high monetary return.</li> </ul>	See Above See Above

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**Attachment #2**

**Draft List of Potential Non-Housing Redevelopment Projects**

- Enhancement of downtown public parking (Redevelopment & Implementation Plans)
- Downtown revitalization improvements along the State Street and Main Street corridor (Redevelopment & Implementation Plans)
- Major Thoroughfare Beautification – State, Perkins, Gobbi, and Talmage (Redevelopment Plan)
- Revitalization of the Palace Hotel Property (Redevelopment & Implementation Plans)
- Retention of the Mendocino County Court House in the Project Area (Implementation Plan)
- Development of the Perkins Street Depot property (Implementation Plan)
- Completion of the Alex Rorabaugh Center (URA and Public)
- Waggenseller Neighborhood Improvements (URA and Public)
- Completion of the SPACE Theater (Public)
- Business development and infrastructure improvements at the Redwood Business Park (URA)
- Daylighting of Gibson Creek (Public)
- Bike and Pedestrian Pathway along the Railroad (Public)
- Traffic circulation improvements within the project area (Redevelopment Plan)
- Street drainage improvements and Storm Drains (Redevelopment Plan)
- Open space, riparian, and recreational facility development (Implementation Plan)
- Undergrounding of Public Utilities (URA)
- North State Street Improvement Project (Mendocino College)
- Development of District Office for Ukiah Unified School District (Ukiah Unified School District)
- Rehabilitation of the Ukiah High School Sport Stadium Facility (Ukiah Unified School District)

**Draft List of Potential Housing Redevelopment Projects**

- Cleveland Lane low and moderate senior housing (URA)
- Clara Court RCHDC Project; 32 units of multifamily housing (URA)
- Student housing; Main Street Village (Mendocino College)
- Low and Moderate Housing Committee projects and programs
- First time homebuyer assistance (HOME Program)
- Rehabilitation assistance (HOME Program)



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## Memorandum

VIA EMAIL

**April 2, 2009**

**To:** Jane Chambers, Sage Sangiacomo, Guy Mills, Cathleen Moller, City of Ukiah

**From:** Libby Seifel, Jessica Zenk, Seifel Consulting Inc.  
Robert Gamble, Kyle Vinson, Public Financial Management, Inc.

**Subject:** Draft Evaluation of Potential Programs and Projects

Seifel Consulting Inc. (Seifel) and Public Financial Management (PFM) are pleased to deliver this memorandum summarizing the draft evaluation of potential programs and projects attached. The evaluation is intended to facilitate a discussion about priority programs and projects for the Ukiah Redevelopment Agency (Agency), as well as assess the use of potential bond funds and other tax increment revenues. This material will be presented to the Agency at the upcoming April 8<sup>th</sup> work session.

The memorandum is organized as follows:

1. Program Categories
2. Evaluation Tools
  - a. Non-Housing
  - b. Housing
3. Funding Sources

## Program Categories

The Agency undertakes projects and activities under diverse program categories (see Table 1). As all redevelopment agencies are required to devote resources to affordable housing, these fall into two basic categories, non-housing and housing. The specific program categories are defined below:

### Non-Housing Program Categories

- Economic Revitalization. Projects and activities that further the development of:
  1. Specific opportunity sites and/or
  2. Infrastructure projects that catalyze targeted outside investment.
- Joint Capital Projects. Projects and activities with the Community College District or School District that utilize funds set aside for this purpose by the Agency's pass through agreements.
- Community Enhancement. Projects and activities that are likely to have significant community value but may not generate a high monetary return.

### Housing Program Categories

- New Construction or Substantial Rehabilitation. Significant housing projects that create new or substantially rehabilitate existing housing units.
- Joint Housing Projects. Projects and activities with the Community College District and County of Mendocino that utilize housing set aside funds designated for joint affordable housing projects by the Agency's pass through agreements.
- On-going Housing Programs. Programs and activities that provide affordable housing assistance, potentially including down payment assistance, small rehabilitation or development loans/grants, and/or pre-development assistance to support future new construction or substantial rehabilitation projects.

## Evaluation Tools

The attached evaluation tools are intended to facilitate a discussion about priority programs and projects. The summary-level evaluation included provides a mechanism for comparing projects against the goals and strategic criteria the Council has reviewed, as well as their ability to meet redevelopment requirements. Detailed assessments of particular projects are to be carried out at the staff level and brought to the Council prior to funding a project or activity.

The evaluation uses symbols to indicate whether a project or program satisfies a goal or provides intended benefits:

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- Yes – Definitely meets the goal, criteria or requirement
- Maybe/Somewhat – May or partially meets the goal, criteria or requirement
- No – Will not realize or help meet the goal, criteria or requirement

In some cases, a project or program indirectly meets (or may meet) a goal, criteria or requirement – for example, a façade improvement project that could indirectly increase sales tax revenues by improving business. Diverse symbols are used to indicate this situation:

- Yes – Indirectly meets the goal, criteria or requirement
- Maybe/Somewhat – May or partially meets the goal, criteria or requirement indirectly

### Non-Housing Evaluation Tools

Tables 2 and 3 contain draft evaluations of potential non-housing projects. Table 2 evaluates these projects based on their alignment with Agency goals. Table 3 focuses on:

1. Capacity & Readiness – to evaluate a project’s ability to move forward quickly and effectively.
2. Return on Investment – to estimate how redevelopment and/or other City investments compare to outside investment and revenues or cost savings resulting from a project.
3. Catalytic Potential – to assess the ability of a project to stabilize or enhance parts of the redevelopment project area, provide needed amenities to the community, and promote economic growth.

Table 4 illustrates the way that, by translating symbols into numbers, these evaluations could produce a score to compare and prioritize projects.

### Housing Evaluation Tools

Table 5 contains a draft evaluation of potential housing programs against California Community Redevelopment Law (CRL) requirements and other Agency goals for housing projects.

Table 6 is a tool that could be used to track and evaluate particular affordable housing projects or activities, based on the:

- Amount and type of housing provided,
- Ability to help the Agency meet its housing production, targeting and/or replacement housing requirements,
- Amount of funding requested from the Agency and leveraged from other sources, and
- Project capacity and readiness.

For illustrative purposes, Table 6 is filled in with two hypothetical projects.

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## Funding Sources

This section reviews the types of funding available to the Agency and how to strategically match projects and activities to appropriate funding sources.

Table 7 illustrates the potential funding the Agency has available to support projects and activities. Funds can either come from bond proceeds or “pay-as-you-go” revenues, the net tax increment revenues the Agency has available after completing its pass through obligations, County property tax administration fees, debt service, and project and Agency management costs. As shown in Table 7, these funds are also subdivided into non-housing funds (Agency and Joint Capital) and low and moderate income housing funds (Agency and Joint Housing).

In the case of non-housing funds, bond proceeds are most strategically utilized for major projects that are expected to fuel tax increment growth, as this growth becomes the source of repayment for the bonds. These projects are generally categorized under the Economic Revitalization program category, although some Joint Capital projects may qualify as well. Other Joint Capital and Community Enhancement projects would utilize pay-as-you-go revenues as they typically have smaller funding requirements and cannot be counted on to deliver increased revenues to repay bonds.

Affordable housing projects typically do not directly increase tax increment revenues. That said, bond proceeds may be necessary to fund large development or rehabilitation projects. Smaller housing programs and projects should generally utilize pay-as-you-go housing fund revenues.

**Table 1**  
**Summary of Program Categories**  
**Ukiah Redevelopment Agency**

<b>Non-Housing Program Categories</b>	<b>Housing Program Categories</b>
Economic Revitalization - Opportunity Sites - Infrastructure	New Construction/ Substantial Rehabilitation
Joint Capital	Joint Housing
Community Enhancement	Ongoing Housing Programs
Project and Agency Management	Project and Agency Management

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Table 2  
Goal-Based Evaluation of Potential Non-Housing Projects  
Ukiah Redevelopment Agency

Projects by Program Category	Promote Downtown Economic Development		Promote Infrastructure & Buildings		Promote Housing Opportunities	
	Y	N	Y	N	Y	N
<b>Economic Revitalization</b>						
Opportunity Site Investment	Y		Y			
Montecino County Courthouse	Y		Y			
Palace Hotel Revitalization	Y		Y			
Railroad Depot & Surrounding Area Revitalization	Y		Y			
Railwood Business Park Development	Y		Y			
Other						
<b>Infrastructure Investment</b>						
Downtown Public Parking	Y		Y			
Downtown Streetscape Improvements (State & Main)	Y		Y			
Major Thoroughfare Beautification (Tahoe, Perkins, & Gobbi)	Y		Y			
Public Utility Undergrounding	Y		Y			
Street Drainage & Storm Drain Improvements	Y		Y			
Traffic Circulation Improvements	Y		Y			
Other						
<b>Community Enhancement</b>						
Bike/Pedestrian Pathway along Railway	Y		Y			
Gibson Creek Daylighting	Y		Y			
Open Space, Riparian & Recreational Facilities Development	Y		Y			
Solar Living Incentive Assistance	Y		Y			
SPACE Theater Completion	Y		Y			
Waggeneller Neighborhood Improvements	Y		Y			
Other						
<b>Joint Capital Projects</b>						
Alex Rembaugh Center (ARC) Completion w/ UUSD	Y		Y			
North State Street Improvements w/ Mendocino College	Y		Y			
UUSD District Office	Y		Y			
UUSD Stadium Improvements	Y		Y			
Other						

Key	Y	N
Y	Yes - Direct Benefit	
Y	Yes - Indirect Benefit	
Y	Maybe/Somewhat - Direct Benefit	
Y	Maybe/Somewhat - Indirect Benefit	
N	No	

Table 3  
Criteria-Based Evaluation of Potential Non-Housing Projects  
Ukiah Redevelopment Agency

Projects by Program Category	Capacity & Feasibility			Return on Investment			Catalytic Potential		
	Agency Capacity	Project Partner Capacity	Tax Incentives/Generation Skew to City	Agency Capacity	Project Partner Capacity	Tax Incentives/Generation Skew to City	Agency Capacity	Project Partner Capacity	Tax Incentives/Generation Skew to City
<b>Economic Revitalization</b>									
Opportunity Site Investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mendocino County Courthouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Palace Hotel Revitalization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Railroad Depot & Surrounding Area Revitalization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Redwood Business Park Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other									
<b>Infrastructure Investment</b>									
Downtown Public Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Downtown Streetscape Improvements (State & Main)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Major Thoroughfare Beautification (Jalman, Perkins, & Cobb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Utility Undergrounding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Drainage & Storm Drain Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Circulation Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other									
<b>Community Enhancement</b>									
Bike/Pedestrian Pathway along Railway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gibson Creek Daylighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open Space, Recreational & Recreational Facilities Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solar Living Institute Assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPACE Theater Completion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wagonseller Neighborhood Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other									
<b>Local Capital Projects</b>									
Alex Korbausch Center (ARC) Completion w/ UUSD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North State Street Improvements w/ Mendocino College	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UUSD District Office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UUSD Stadium Improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other									

Key	Yes	Maybe/Somewhat	No	Yes - Direct Benefit	Yes - Indirect Benefit	Maybe/Somewhat - Direct Benefit	Maybe/Somewhat - Indirect Benefit	No	Not Applicable
Agency Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Project Partner Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Tax Incentives/Generation Skew to City	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Agency Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Project Partner Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Tax Incentives/Generation Skew to City	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Agency Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Project Partner Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Tax Incentives/Generation Skew to City	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

\*Capacity & Feasibility criteria

Table 4  
 Potential Non-Housing Projects Score based on Goals & Criteria  
 Ukiah Redevelopment Agency

Projects by Program Category	Goal-based score	Criteria-based Score	Capacity & Resilience	Return on Investment	Criteria-based Score	Community Benefit	Total Score
<b>Economic Revitalization</b>							
Opportunity Site Investment	+	+	+	+	+		
Menocino County Courthouse							
Palace Hotel Revitalization	+	+	+	+	+		
Railroad Depot & Surrounding Area Revitalization	+	+	+	+	+		
Redwood Business Park Development	+	+	+	+	+		
Other							
<b>Infrastructure Investment</b>							
Downtown Public Parking	+	+	+	+	+		
Downtown Streetscape Improvements (State & Main)	+	+	+	+	+		
Major Thoroughfare Beautification (Talmage, Perkins, & Gobbi)	+	+	+	+	+		
Public Utility Undergrounding	+	+	+	+	+		
Street Drainage & Storm Drain Improvements	+	+	+	+	+		
Traffic Circulation Improvements	+	+	+	+	+		
Other							
<b>Community Enhancement</b>							
Bike/Pedestrian Pathway along Railway	+	+	+	+	+		
Gibson Creek Dwelllighting	+	+	+	+	+		
Open Space, Riparian & Recreational Facilities Development	+	+	+	+	+		
Solar Living Institute Assistance	+	+	+	+	+		
SPACE Theater Completion	+	+	+	+	+		
Wagner/Seller Neighborhood Improvements	+	+	+	+	+		
Other							
<b>Urban Capital Projects</b>							
Alex. Rorabough Center (ARC) Completion w/ UUSD	+	+	+	+	+		
North State Street Improvements w/ Mendocino College	+	+	+	+	+		
UUSD District Office	+	+	+	+	+		
UUSD Stadium Improvements	+	+	+	+	+		
Other							

Key	5-10	10	Yes
■	●	○	Yes
○	8	○	Yes - Indirect
□	6	△	Maybe/Somewhat
△	4	○	Maybe/Somewhat - Indirect
	0	○	No

Table 5  
 Potential Housing Programs Evaluated by CRL Requirements and Goals  
 Ukiah Redevelopment Agency

Programs by Program Category	GRL Housing Requirements				Other Goals				
	Increase the Supply of Affordable Housing	Improve the Supply of Affordable Housing	Preserve the Supply of Affordable Housing	Meet Production Goals	Meet Targeting Requirements	Meet Replacement Housing Requirements	Downtown Revitalization	Green Building & Sustainability	Neighborhood Stabilization/Enhancement
<b>New Construction/Substantial Rehabilitation</b>									
New Construction of Affordable Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- Clara Court Family Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- Cleveland Lane Senior Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Substantial Rehabilitation of Affordable Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Ongoing/Housing Programs</b>									
Homebuyer (Mortgage) Assistance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Small Rehabilitation Assistance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pre-development Assistance for New Construction/Substantial Rehab	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Joint Capital Projects</b>									
New Construction Project: Main Street Village Student Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
See also above for other project/program type	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Key</b>	<input checked="" type="checkbox"/>	Yes
	<input type="checkbox"/>	Maybe/Somewhat
	<input type="checkbox"/>	No

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**Table 6**  
**Potential Housing Project Evaluation (Hypothetical Projects)**  
**Ukiah Redevelopment Agency**

	Project A	Project B
<b>Number of Housing Units by Tenure</b>		
Rental	50	
Homeownership		20
<b>Housing Type</b>		
New Construction	X	X
Substantial Rehabilitation		
Other Housing Assistance Program		
<b>Housing Production and Replacement Requirements</b>		
Number of Housing Units for:		
- Very Low Income Households	25	
- Low Income Households	25	
- Moderate Income Households		20
Number of Replacement Housing Units (if applicable)	N/A	N/A
<b>Target Population(s)</b>		
Family		X
Senior	X	
Disabled		
Homeless/Formerly Homeless		
Single Parent Family		
Other		
<b>Funding</b>		
Project Cost		
- Total	\$ 15,000,000	\$ 7,000,000
- Per Unit	\$ 300,000	\$ 350,000
Requested Funding from Agency		
- Total	\$ 1,500,000	\$ 2,000,000
- Per Unit	\$ 30,000	\$ 100,000
Other Funding by Source:		
- Low Income Housing Tax Credits	\$ 12,000,000	\$ -
- Affordable Housing Program (AHP)	\$ 1,500,000	\$ 1,000,000
- Homebuyers	\$ -	\$ 4,000,000
- Other	\$ -	\$ -
- Outstanding Gap	\$ -	\$ -
<b>Capacity &amp; Readiness</b>		
Does the Agency have the resources to support the project?	Yes	Maybe
Does the project proponent have the resources to support the project?	Maybe	Yes
Is the project ready to proceed?	Yes	No

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**Table 7  
Strategic Use of Redevelopment Revenues  
Ukiah Redevelopment Agency**

	Redevelopment Funds (Non-Housing)		Low and Moderate Income Housing Fund	
	Agency	Joint Capital (JC)	Agency	Joint Housing (JH)
<b>Bond Revenues</b>	Economic Revitalization	Targeted, Major JC Projects	New Construction/ Substantial Rehab.	NC/SR JH Projects
<b>Pay As You Go Revenues</b>	Community Enhancement	Other, Smaller JC Projects	Ongoing Housing Programs	Ongoing Joint Housing Programs

Seifel Consulting Inc.

4/2/09

Attachment 3:

50025-02

JH.DTF-MT

3/9/11

**\$5,180,000**  
**UKIAH REDEVELOPMENT AGENCY**  
**UKIAH REDEVELOPMENT PROJECT**  
**Tax Allocation Bonds**  
**2011 SERIES A**

**CERTIFICATE REGARDING USE OF PROCEEDS**

The undersigned is the Executive Director of the Ukiah Redevelopment Agency (the "Agency"), is authorized to execute this certificate on behalf of the Agency, is knowledgeable with respect to the matters set forth herein, and hereby states and certifies as follows:

(1) Issuance of Bonds. Pursuant to an Indenture of Trust, dated as of April 1, 2007, as amended and supplemented by a First Supplement to Indenture of Trust, dated as of March 1, 2011, by and between the Agency and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), the Agency is issuing the bonds captioned above (the "Bonds") on the date of this Certificate.

(2) Project Fund Deposits. Of the proceeds of the Bonds received on the Closing Date, a total of \$4,381,706.70 will be deposited in the following Project Account of the Redevelopment Fund the "Project Fund"):

(3) Description of Project. The proceeds of the Bonds deposited in the Project Fund will be used to finance the capital improvements (collectively, the "Project") more particularly described in Part I of Exhibit A hereto attached and by this reference herein incorporated.

(4) Private Uses of Project. Part II of Exhibit A describes:

(A) each use to be made of the Project by any private person or entity (that is, any entity *other than* (i) the Agency, (ii) other non-federal governmental entities, or (iii) members of the public generally), and

(B) all payments (if any) directly or indirectly in respect of any use to be made of the Project by any private person or entity, which are to be made after the Closing Date.

(5) Expenditure of Project Funds. Part III of Exhibit A contains a schedule of reasonably expected expenditures of proceeds of the Bonds from the Project Fund for costs of the Project.

(6) No Private Loans. No portion of the proceeds of the Bonds will be used, directly or indirectly, to make or finance a loan to any person (other than a State or local government unit).

(7) Expectations Regarding Project Use for Life of Bonds. The Agency reasonably expects to use the Project for the purposes described in Exhibit A or for other governmental purposes of the Agency during the entire term of the Bonds.

(8) Practices and Procedures for Accounting for and Monitoring of Bond Proceeds. The Agency will, after the Closing Date, institute practices and procedures to assure that the proceeds of the Bonds are used in such a manner:

(A) so as not to violate the provisions of the Internal Revenue Code of 1986, as amended, under which interest on the Bonds is excluded from federal income taxation, and

(B) to comply with State and local legal requirements regarding the valid incurrence of debt and permitted uses of the proceeds of the Bonds.

These practices and procedures generally will account for and monitor (i) the expenditure and investment of Bond proceeds, (ii) the use of the Project financed with the proceeds of the Bonds, and (iii) any changes in the underlying structure of the Bond financing. These practices and procedures will include (but not be limited to) the items set forth in Exhibit B hereto.

The Agency will retain its records of all accounting and monitoring it carries out with respect to the Bonds for at least 3 years after the Bonds mature or are redeemed (whichever is earlier); however, if the Bonds are redeemed and refunded, the Agency will retain its records of accounting and monitoring at least 3 years after the earlier of the maturity or redemption of the bonds which refunded the Bonds.

The Agency acknowledges that the list in Exhibit B is not exclusive and covenants to comply with all tax limitations and requirements imposed with respect to the Bonds after the Closing Date. Unless otherwise set forth in the practices and procedures of the Agency, Public Financial Management, Inc. will initially undertake post-issuance compliance relating to the Bonds.

(9) Investment of Bond Proceeds. The proceeds of Bonds excluding amounts in the reserve account, shall be invested in tax exempt municipal bonds, which may include non-AMT money market bonds.

(10) Certifications.

(a) The above statements are made on the basis of the facts, estimates and circumstances in existence on the date hereof and the undersigned has exercised due diligence to assure that all material facts, estimates and circumstances relating to the above statements were made available to the undersigned and reviewed by the undersigned.

(b) To the best knowledge of the undersigned, the above statements are reasonable and there are no other facts, estimates or circumstances, other than those set forth herein, that would materially affect the statements made herein.

(c) The undersigned is aware that Jones Hall, A Professional Law Corporation, is rendering an opinion on the date hereof substantially to the effect that the interest on the Bonds is excluded from gross income for federal income tax purposes and in rendering such opinion is relying upon the statements made in this Certificate and in the Exhibits attached to this Certificate.

IN WITNESS WHEREOF, I have hereunto set my name this 8th day of March, 2011

  
Jane Chambers  
Executive Director

**EXHIBIT A**

**PART I. Detailed Description of Project**

The Bonds are being issued to finance redevelopment activities of benefit to the Agency's Ukiah Redevelopment Project (the "Project Area"). The Project Area is approximately 1,369 acres, and consists of mostly residential and commercial development. The Project Area is generally located on the west side of State Highway 101 and generally the Project Area encompasses the main commercial area of the City. The Agency has various redevelopment projects which it wishes to complete and which may be financed in whole or in part from Bond proceeds. At this time the Agency anticipates that Bond proceeds will be used in part to assist redevelopment activities which are a part of the Redwood Business Park Economic Revitalization Project, the Downtown Streetscape Project and the Perkins Railroad Depot site redevelopment, however actual projects to be financed will be determined by the Agency based upon various considerations to be made by the Agency.

**PART II. Description of Any Private Use of Project**

A. Describe each use to be made of the Project by any private person or entity (that is, any entity *other than* (i) the Agency, (ii) other non-federal governmental entities, or (iii) members of the public generally). For this purpose, "use" includes, without limitation, sales, leases or other use agreements with respect to the Project with private, nongovernmental entities. "Use" of the Project *does not include* uses by members of the general public within the meaning of §1.141-3© of the Treasury Regulations (the "Regulations").

None.

B. Payments to be made on or after date hereof in respect of above uses.

None.

Exhibit A

**EXHIBIT A (continued)**

**PART III. Schedule of Expected Expenditures of Proceeds of the Bonds**

List all reasonably expected expenditures of the Bond proceeds deposited in the Project Fund (including earnings thereon to the extent those earnings remain on deposit in the Project Fund). Dates may be shown as monthly or quarterly dates.

All Bond proceeds should be expected to be spent within 3 years after the date the Bonds are issued.

<u>Expenditure Date</u>	<u>Expenditure Amount</u>
September 30, 2011	\$ 220,000
March 31, 2012	\$ 220,000
September 30, 2012	\$1,638,375
March 31, 2013	\$1,638,375
September 30, 2013	\$ 326,125
March 31, 2014	\$ 349,413
<b>Total:</b>	<b>\$4,392,288</b>

Exhibit A

**EXHIBIT B**

**POST ISSUANCE COMPLIANCE**

**General**

The Agency will take all appropriate action to assure that (i) no use of the proceeds of the Bonds, and no other event or action, will cause the Bonds to violate federal income tax limitations with respect to the exclusion of interest on the Bonds from federal income taxation, and (ii) all uses of proceeds of the Bonds comply with State and local legal requirements regarding the valid incurrence of debt and permitted uses of proceeds of the Bonds.

Without limiting the generality of the foregoing, the Agency will take the following actions to account for and monitor (i) the expenditure and investment of Bond proceeds, (ii) the use of the Project financed with the proceeds of the Bonds, and (iii) any changes in the underlying structure of the Bond financing.

**Non-governmental Uses of the Bond-Financed Facilities**

1. Monitor and document sales, leases or other use agreements with respect to the Project with nongovernmental entities, not including uses by members of the general public within the meaning of §1.141-3(c) of the Regulations. Compute the percent of private business use or private payments or private security with respect to those nongovernmental uses.
2. Monitor and document management contracts (see e.g., Rev. Proc. 97-13) with nongovernmental entities.
3. Monitor and document other special legal entitlements with respect to the Bond-financed property (e.g., licenses, use agreements, easements, etc.).

**Allocation of Bond Proceeds to Expenditures**

1. Allocate proceeds of Bonds to expenditures subject to §1.148-6(d) and §1.141-6(a) of the Regulations by 18 months after the later of the date the expenditure was made or the date the project was placed in service, but not later than the earlier of 5 years after the Bonds were issued or 60 days after the issue is retired. Document this allocation.
2. Monitor and document reimbursement of expenditures paid from non-Bond proceeds prior to the date of issue of the Bonds and verify compliance with §1.150-2 of the Regulations.

**Arbitrage**

1. Hire a rebate calculation agent or perform rebate calculations internally.
2. Rebate payments:

Exhibit B

- a. The first installment is due 60 days after the end of 5th bond year.
  - b. Succeeding installments are due 60 days after end of every 5th bond year thereafter.
  - c. The final installment is due 60 days after retirement of the last bond of the issue.
3. Monitor expenditures of Bond proceeds for qualification for rebate expenditure exceptions: 6-month exception, 18-month exception or 24-month exception.
  4. Monitor expenditures of Bond proceeds against date of issuance expectations regarding 3-year or 5-year temporary periods and 5-year hedge bond limitations.

**Record Retention**

1. Retain records of all accounting and monitoring the Agency carries out with respect to the Bonds for at least 3 years after the Bonds mature or are redeemed (whichever is earlier); however, if the Bonds are redeemed and refunded, the Agency will retain its records of accounting and monitoring at least 3 years after the earlier of the maturity or redemption of the bonds which refunded the Bonds.
2. Maintain special records required by the safe harbor for investment contracts or defeasance escrows under §1.148-5 of the Regulations.
3. Maintain a record of the identification on the Agency's books and records of any "qualified hedge" contract under §1.148-4(h)(2)(viii) and §1.148-11A(i)(3) of the Regulations.
4. Maintain a record of any election not to take depreciation on property required to be owned by a governmental unit which is leased to a nongovernmental entity as required by §1.103(n)-2T Q/A7 of the Regulations.
5. Maintain records of accounting for rebate for a period of at least 3 years after the earlier of the maturity or redemption of the Bonds.

**Reissuance**

A significant modification of the Bond documents may result in the Bonds being deemed refunded or "reissued". Such an event will require, among other things, the filing of new information returns with the federal government and the execution of a new arbitrage certificate. Qualified bond counsel should be consulted in the event of modification of the Bond documents.

Exhibit B

Attachment 4:



**To:** NCRA Board of Directors  
**From:** Executive Director Mitch Stogner  
**Date:** August 24, 2011  
**Subject:** **Item F.6 - Consideration of City of Ukiah Request for Time Extension of Option Agreement - Ukiah Depot Property**

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In May 2010, the NCRA Board approved an option agreement with the Ukiah Redevelopment Agency (URA) for purchase of the Ukiah Depot property (See attachment # 1 “Option Agreement for Purchase of Real Property”). This property consists of approximately 11 acres at the eastern “gateway” to the city, bordered by Perkins Street on the north and Leslie Street on the east.

Approximately 5 acres is owned by NCRA in fee, while NCRA has a surface easement over the remaining acreage pending Union Pacific (UP) remediation of this portion of the property (confined to the southeastern 6 acres). The Union Pacific (UP) is responsible for the cost of the remediation, and once the North Coast Regional Water Quality Control Board (NCRWQCB) determines that the clean-up is complete, UP is obligated to convey fee title to this portion of the property to NCRA.

The recently restored Depot Building sits on the northwestern border of the property with a metal warehouse building, a metal auto shop building and a coffee kiosk also located on the property.

The Ukiah Redevelopment Agency entered into the option agreement with NCRA with the goal of purchasing the Depot site from NCRA, and selling a portion of the property to the Administrative Office of the Courts (AOC) for the construction of a new county courthouse. The option agreement approved by the NCRA Board and the Ukiah City Council last May includes the following provisions:

- For a nominal fee (\$1.00), the Ukiah Redevelopment Agency (URA) is granted the option to purchase the Ukiah Depot Property for Fair Market Value. This option is effective until May 14, 2012;

- During the option period, NCRA grants the URA and its authorized agents access to the property to develop a plan to remediate any contamination on the property. URA indemnifies NCRA against any damage to the property in connection with the work being performed, and indemnifies the NCRA against any claim by a third party for damages or personal injury in performing under this agreement;
- NCRA is required to use its best efforts to obtain approval from CalTrans, the CTC, and FHWA for sale of the Depot site to the URA;
- Within 30 days of the time URA notifies NCRA of its intention to exercise the option, NCRA must provide the URA with written evidence that the UP will convey fee title to NCRA for that portion of the property currently subject to the surface easement;
- To exercise the option to purchase the property, the URA is required to pay the "Fair Market Value," which is defined as the appraised value at the time the option is exercised. The cost to remediate and obtain regulatory closure on the property is subtracted from the "Fair Market Value" of a "clean-site" when URA makes payment to NCRA for purchase of the property.

#### RECENT DEVELOPMENTS

Several significant developments have occurred since the NCRA Board's May 2010 approval of the option agreement with the Ukiah Redevelopment Agency:

- URA retained a company, Weston Solutions, which specializes in acquiring, cleaning-up, and developing "brown fields." Weston has completed a Remedial Action Plan (RAP) for the Depot site that was approved by the NCRWQCB on August 8;
- On August 12, the State Public Works Board officially indentified the Perkins Street Depot property as a potential site for the new courthouse for Mendocino County;
- On August 17, the Ukiah Redevelopment Agency (URA) authorized its Executive Director to negotiate and execute a professional services agreement with Weston Solutions to manage the implementation of the Remedial Action Plan (RAP);
- The URA also approved the expenditure of approximately \$1.2 million in URA funds to develop the RAP and competitively bid the clean-up of the site in anticipation of sale of a "clean-site" to the AOC for development of the county courthouse.

To accomplish the potential clean-up and sale of the Depot property to the AOC for the county courthouse, the Ukiah Redevelopment Agency (IRA) requests changes to the May

14, 2010 option agreement between the NCRA and URA as follows (see attachment 2 “First Amendment to Option Agreement”):

- An extension of the agreement by 2 years to May 14, 2014;
- In addition , the option remains in effect after May 14, 2014, unless NCRA decides to opt out for the purposes of sale to another party, in which case NCRA would be required to use proceeds from the sale to repay URA for all its costs related to remediation of the property.

**Staff Recommendation:**

Approve the “First Amendment to Option Agreement” approved by the Board of Directors on May 12, 2010.

When recorded return to:

Ukiah Redevelopment Agency  
Ukiah Civic Center  
300 Seminary Avenue  
Ukiah, CA. 95482

### **FIRST AMENDMENT TO OPTION AGREEMENT**

This Agreement effective as of August \_\_, 2011 (“Effective Date”) amends the Option Agreement to Purchase Real Property (the “Option Agreement”) between the North Coast Railroad Authority (“NCRA”) and the Ukiah Redevelopment Agency (“Agency”), dated May 14, 2010. This is the first amendment to the Option Agreement. Except as expressly amended herein, all other provisions of the Option Agreement remain in full force and effect. All terms defined in the Option Agreement have the same meaning in this amendment. Collectively, NCRA and the Agency may be referred to herein as “the Parties.”

### **RECITALS**

A. Under the Option Agreement, the Agency has the right to purchase the Property from NCRA.

B. Simultaneously with the execution of the Option Agreement, the Agency contracted with Weston Solutions, Inc. (“Weston”), a company that develops contaminated properties, to assist in the development and sale of the NCRA property.

C. The initial goal of that agreement is to prepare a portion of the Property for sale to the Administrative Office of the Courts (“AOC”) as the site for a new courthouse for Mendocino County.

D. The AOC takes the position that it will not purchase property for a courthouse site that has known contamination, such as the portion of the Property southeast of the depot building. (See Recital E in the Option Agreement.)

E. The Agency has entered several addenda to its agreement with Weston to investigate the extent of the contamination on the Property and to develop a Remedial Action Plan (“RAP”) for approval by the North Coast Regional Water Quality Control Board (“WQCB”). The RAP has been submitted to the WQCB which is receiving public comments on the proposed RAP before taking action to approve it.

F. To date, the Agency has encumbered \$311,062.68 of which \$269,407.16 has been expended to investigate the Property (including contamination and the floodplain) and to submit the RAP for WQCB approval.

G. The Agency estimates that if the RAP is approved, it will expend in excess of \$1,000,000 to remediate contamination on the Property in accordance with the RAP and to obtain a no further action determination from the WQCB.

H. When the Parties entered the Option Agreement, they did not anticipate that the Agency would incur expenses of this magnitude. Accordingly, the Parties have agreed to amend the Option Agreement to assure the Agency that it will be reimbursed for its expenses in preparing the Property for sale, if for any reason it is unable to exercise its option to purchase the Property.

### **AGREEMENT AMENDMENTS**

#### **1. Paragraph 1 of the Option Agreement is amended to read as follows:<sup>1</sup>**

1. **Option.** For the period of four (4) years (the "Option Period"), beginning on the Effective Date, and continuing until May 14, 2014, NCRA hereby grants to Agency an irrevocable option ("Option"), as defined herein, to purchase the Property for Fair Market Value (as defined below) ("the Purchase Price") and other commercially reasonable terms and conditions upon which the parties will agree as provided in Section 2.4 below.

On and after May 14, 2014, the Option shall continue in full force and effect, provided, however, that NCRA may terminate the option after said date by paying the Agency for its costs to remediate the contamination on the Property and obtain a no further action determination from the WQCB. These costs will include the Agency's actual expenditures, as documented to NCRA's reasonable satisfaction, to investigate the contamination of the Property, prepare and obtain WQCB approval for the RAP, remediate contamination on the Property in accordance with the RAP and obtain a no further action determination from the WQCB. As of the Effective Date, those costs total \$269,407.16. Agency shall comply with applicable procurement requirements in contracting for necessary additional clean-up work to obtain a no action determination from the WQCB and shall provide NCRA's General Manager with requests for bids and proposed contracts before incurring additional clean-up costs.

For the Option, Agency shall pay NCRA one dollar (\$1.00), which together with Agency's efforts to develop and implement a plan for the development and rehabilitation of the Property, the Parties agree is reasonable nominal consideration under the circumstances, an objective of NCRA being the facilitation of the Agency's goals and objectives. During the Option Period:

#### **2. Paragraph 1.2.a of the Option agreement is amended to read as follows:**

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<sup>1</sup> Changes underlined.

a. NCRA hereby grants the Agency and its authorized agents and contractors a right of access and use and authorizes the Agency or its agents or contractors to enter the Property in order to investigate, develop a plan to remediate and to clean-up the contamination on the Property and obtain a no further action determination from WOCB. Authorized site work includes, but is not limited to, surface and subsurface site investigation, monitoring well construction, survey, collection and analysis of soil and groundwater samples, and reporting.

**3. A new subparagraph 6) is added to paragraph 2.1 to read as follows:**

6) The cost to demolish the existing buildings on the Property, if demolition is required in order to sell the Property to the AOC and NCRA does not elect to perform the demolition itself within the time required by the AOC.

Entered on the Effective Date.

**AGENCY**

**NCRA**

Ukiah Redevelopment Agency

NORTH COAST RAILROAD

**AUTHORITY**

By: \_\_\_\_\_  
Jane Chambers,  
Executive Director

By: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Linda Brown, City Clerk

Approved as to form:

Approved as to form:

\_\_\_\_\_  
David J. Rapport, City Attorney

\_\_\_\_\_  
Christopher J. Neary

**NOTARY ACKNOWLEDGMENT**

When recorded return to:

Ukiah Redevelopment Agency  
Ukiah Civic Center  
300 Seminary Avenue  
Ukiah, CA. 95482

**OPTION AGREEMENT TO PURCHASE REAL PROPERTY**

This Option Agreement to Purchase Real Property (the "Option Agreement") is made and entered on May 14, 2010 ("Effective Date"), in Ukiah, California by and between North Coast Railroad Authority ("NCRA"), a public authority created by the North Coast Railroad Authority Act (Cal Gov't Code §93000 et seq.) and the Ukiah Redevelopment Agency ("Agency"), a public body, corporate and politic. Collectively, NCRA and Agency are called "the Parties" in this Agreement.

**RECITALS**

A. NCRA owns and/or has the right to acquire fee title to certain real property in the City of Ukiah ("City"), Mendocino County, California, commonly known as the Ukiah Railroad Depot Property, consisting of approximately 11 acres more or less, known as Mendocino County Assessor's Parcel Numbers 002-232-12, 13 and 002-282-18, 19, located South of East Perkins and West of Leslie Streets in Ukiah, California ("the Property"), as more particularly described in the attached Exhibit A.

B. Agency is a California Redevelopment Agency which has adopted a Redevelopment Plan ("Plan") for the area that includes the Property. The Plan includes provisions calling for the redevelopment and enhancement of the "gateway" streets providing access to the City from U.S. Highway 101, including Perkins Street, and the historic downtown area of the City which the Property borders.

C. The NCRA was established by the California Legislature for ensuring rail service along the Northwestern Pacific Railroad corridor. (Cal. Gov't Code §93001.)

D. The Property was used by Southern Pacific Railroad and its successors as a rail yard and depot. The Property currently consists of the Depot Building (recently restored by the City with Redevelopment funds and a state grant and leased to the City), rail right of way to the west of the Depot Building, a metal warehouse building, a metal auto shop building and a coffee/restaurant kiosk.

May 13, 2010

E. A portion of the Property to the southeast of the depot building is undeveloped and contaminated with toxic or hazardous waste from when the Property was operated as part of the Southern Pacific Railroad by the Southern Pacific Railroad Company. NCRA acquired from Southern Pacific fee title to approximately five acres of the Property that includes the Depot Building and a surface easement for the remainder, easterly portion of the Property. The purchase agreement obligates Union Pacific, as the successor to Southern Pacific, to clean-up the contamination to the approval of the North Coast Regional Water Quality Control Board and convey to NCRA fee title to the remaining portion of the Property thereafter.

F. NCRA desires to cooperate in the efforts of the Agency to facilitate the selection of the Property as the location for the construction of a new Ukiah courthouse ("the Courthouse") being proposed by the Administrative Office of the Courts and enters into this agreement for that purpose and otherwise to promote the Plan and the development of the Property.

G. Agency is interested in purchasing the Property from NCRA to facilitate the rehabilitation and redevelopment of the Property to further the goals of the Plan and NCRA is willing to sell the Property to Agency or its assigns for fair market value as further provided below.

**AGREEMENTS**

In consideration of the above-recited facts and the terms and conditions as further stated herein the parties hereby agree as follows:

1. **Option.** For the period of two (2) years (the "Option Period"), beginning on the Effective Date, and continuing until May 14, 2012, NCRA hereby grants to Agency an irrevocable option ("Option"), as defined herein, to purchase the Property for Fair Market Value (as defined below) ("the Purchase Price") and other commercially reasonable terms and conditions upon which the parties will agree as provided in Section 2.4 below. For the Option, Agency shall pay NCRA one dollar (\$1.00), which together with Agency's efforts to develop and implement a plan for the development and rehabilitation of the Property, the Parties agree is reasonable nominal consideration under the circumstances, an objective of NCRA being the facilitation of the Agency's goals and objectives. During the Option Period:

1.1. NCRA shall not offer the Property or any interest therein for sale and shall not accept any offers to purchase the Property. Further, NCRA shall not convey title to the Property or any interest therein and/or cause Union Pacific to convey title to the Property or an interest therein except to NCRA. NCRA shall not make any changes to the Property that would affect the use or value of the Property without the prior written consent of Agency;

1.2. NCRA shall provide Agency a right of access to the Property as provided below:

a. NCRA hereby grants the Agency and its authorized agents and contractors a right of access and use and authorizes the Agency or its agents or contractors to enter the

May 13, 2010

Property in order to investigate and to develop a plan to remediate the contamination on the Property. Authorized site work includes, but is not limited to, surface and subsurface site investigation, monitoring well construction, survey, collection and analysis of soil and groundwater samples, and reporting.

b. In exercising its right of access, Agency or its authorized agents or contractors will comply with all applicable laws, statutes, regulations, ordinances, or directives of whatever nature with respect to the work authorized herein, including, without limitation, all health, safety, and environmental laws, directives, ordinances, regulations, or statutes applicable to the work.

c. Agency or its authorized agents or contractors shall use their commercially practicable efforts to avoid interfering with the use of the Property by NCRA or its lessees. Upon completion of any and all activities authorized by this right of access, Agency or its authorized agents or contractors shall repair and restore all affected areas of the Property to their original condition existing before commencement of the work, or as close thereto as is reasonably possible.

d. Agency will indemnify the NCRA for any damage to the Property caused by them while performing work pursuant to this Agreement. Agency will indemnify and defend the NCRA against any claim by a third party against NCRA for damages or personal injuries, including death, which damages are proximately caused by the negligent or willfully wrongful act or omission of Agency or its authorized agents or contractors in performing under this Agreement. Agency agrees to keep the Property free of liens for both labor and materials. If such a lien is recorded against the Property in connection with the performance of the work authorized herein by Agency or its authorized agents or contractors, Agency or its agents or contractors shall immediately obtain a release of the lien by posting bond or other means authorized by law. In the event that Agency assigns this agreement, its assignee shall assume Agency's obligations under this Section 1.2(d) for any events occurring on or after such assignment, and Agency shall be released from any obligation to indemnify NCRA for any such events.

e. Agency shall require third parties admitted to the Property to provide Agency with evidence of insurance in amounts deemed satisfactory by Agency prior to admission to the Property.

1.3. NCRA shall utilize its absolute best efforts to obtain any required approvals for the sale of the Property to Agency or its assigns from the California Department of Transportation, the California Transportation Commission and/or the Federal Highway Administration, or otherwise acquire equivalent consents from such agencies to such transaction.

2. **Terms of Purchase of the Property.** To validly exercise the Option, Agency shall, prior to the expiration of the Option Period, give NCRA written notice that Agency is exercising its Option to purchase the Property in accordance with the terms of this paragraph 2 ("Option Notice"). The date when the notice is given shall be called in this Agreement "the Option Notice Date."

May 13, 2010

3

**2.1. Purchase Price:** NCRA agrees to accept from Agency and Agency agrees to pay to NCRA Fair Market Value (as defined below) for the purchase of the Property. Unless the parties agree to another method of determining Fair Market Value, "Fair Market Value" shall be the appraised fair market value of the Property on the Option Notice Date, based on appropriate appraisal methods<sup>1</sup> taking into account the existing contamination of the Property, and the costs associated with addressing that contamination as agreed upon by NCRA and Agency, including:

- 1) The cost to further investigate the southeast portion of the property as requested by the Department of Toxic Substances Control ("DTSC") as to potential contamination issues on a specific area of the Property,
- 2) The cost to remediate and obtain regulatory closure on the Property (including, but not limited to, any longer term monitoring costs required to be escrowed),

<sup>1</sup> An appraisal in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation shall be made by an appraiser approved by Agency and NCRA. The appraisal shall be performed in accordance with the following instructions and any additional instructions mutual agreed upon by the Parties. The appraisal shall be based on: (1) the highest and best use of the Property; (2) all three of the following valuation methods shall be used by the appraiser to determine an appraised value of the Property: Income Capitalization approach, Sales Comparison Approach, and Cost Approach; and (3) the Property condition "*as if remediated to the standards required by DTSC or the California State and/or North Coast Regional Water Quality Control Board*" (whomever has jurisdiction over the remediation and closure of the environmental issues related to the property). ). In the event that the option is exercised by the Agency, or its assignee, based, in whole or in part, on a commitment from the AOC to construct the Courthouse on any portion of the Property, the appraisal report shall assume the existence of the Courthouse in valuing any portion of the Property that is reasonably anticipated not to be used for the Courthouse project and that will remain available to the Agency to develop for other uses.

Each party shall pay one-half (1/2) of the appraisal fee. The appraisal report shall be completed and submitted to the Parties within thirty (30) days of the Option Notice Date. If the Parties fail to agree on a single appraiser within ten (10) days after the Option Notice Date, each party shall retain an appraiser at its own expense. The two appraisals shall be completed and submitted to the Parties within fifty (50) days of the Option Notice Date. If the appraised fair market values determined by the two appraisals are within 10% of each other, the fair market value shall be the average of the two appraisals. Otherwise, the two appraisers shall select a third appraiser to review both appraisals and decide which is the more accurate which appraisal shall be the final value. The opinion and report of the third appraisal shall be submitted to the Parties within fifteen (15) days after the first two appraisals were submitted to the Parties. The party whose appraisal is found less accurate shall pay the fee of the third appraiser.

- 3) The cost of appropriate environmental insurance policies (e.g., Pollution Legal Liability Insurance and Cost Cap Insurance),
  - 4) The cost of an Environmental Liability Transfer premium which will allow the Agency (or its assigns) the ability to indemnify NCRA for environmental closure liability, and
  - 5) The cost of any additional environmental liability premiums.
- These cost estimates will be available to NCRA for review but will remain under the sole ownership of the Agency under a separate Confidentiality Agreement.

The Purchase Price shall be calculated by deducting from the appraised value of the Property the total of the costs outlined above, as approved by the Parties, each party acting in good faith on the basis of information equally available to both Parties, each Party's approval not to be unreasonably withheld..

**2.2. Condition of Title:** NCRA shall possess fee simple title to the entire Property which shall be free and clear of all liens, except for any property taxes not yet due, and all leases, liens, easements and encumbrances not approved by Agency prior to the close of the escrow established pursuant to paragraph 2.3, below. Within thirty (30) days of the Option Notice Date, NCRA shall provide Agency with written evidence satisfactory to Agency that Union Pacific will, prior to Close of Escrow, convey fee title to NCRA to that portion of the Property currently subject to NCRA's surface easement.

**2.3. Escrow:** Agency shall open escrow with a title company ("Title Company") approved by the Parties within five (5) days from the Option Notice Date. The parties shall deliver escrow instructions to the escrow agent within fourteen (14) days from the Option Notice Date, which shall include the following:

a. **Closing date:** Escrow for the acquisition of the Property shall close ("Close of Escrow") ninety (90) days from the Option Notice Date, unless otherwise extended by the mutual consent of Agency and NCRA, which shall not be unreasonably withheld by either party.

b. **Preliminary title report and title insurance:** Agency shall have thirty (30) days from the receipt of a preliminary report to approve the preliminary title report. If Agency disapproves the report, it must provide written notice of such disapproval to NCRA within thirty (30) days of receipt of the preliminary title report. Agency shall have no further obligations under this Agreement and shall be entitled to the return from NCRA of any money or documents deposited with the escrow agent, if it gives NCRA timely written notice that it disapproves of title as set forth in a preliminary title report. If Agency fails to provide such timely written notice, it shall be deemed to have waived all objections to title. The Title Company must issue prior to closing title insurance in the amount of the total purchase price, listing only those exceptions approved by Agency as provided in paragraph 1.2.a, above.

May 13, 2010

**c. NCRA Disclosures:** NCRA discloses and agrees to provide to Agency and/or cooperate with Agency on the following information concerning the condition of the Property:

(1) **Information:** To provide the Agency with copies of all documents, reports, data, field notes and other information relating to the condition of the Property in NCRA's possession or within its control as Agency may reasonably request.

(2) **Presence of Underground Utilities:** To provide the Agency copies of documents and other information in NCRA's possession or available to NCRA regarding the location or construction of underground utilities on the Property.

(3) **Offsite Approvals:** To cooperate with the Agency prior to closing in obtaining any necessary approvals from off-site property owners for implementation and maintenance of the Investigation and Remediation.

**d. Closing costs:** Agency and NCRA shall agree on the appropriate allocation between them of all closing, escrow and title insurance costs of said conveyance. Assessments and insurance premiums, if any, shall be prorated between the parties from the date the deed is recorded in the official records of Mendocino County. All pro-rations shall be made on the basis of a 365 day year or thirty (30) day month as applicable.

**e. Payment of purchase:** Agency shall deposit the Purchase Price (if required) with the Title Company by certified check or electronic funds transfer on or before the date established for the Close of Escrow.

**f. Right of Possession:** Agency's right of possession shall commence upon Close of Escrow on the purchase of the Property.

**g. Environmental Liability Transfer Agreement:** At Closing, Agency shall provide NCRA with an environmental liability transfer agreement for the Property from a party reasonably acceptable to NCRA on terms reasonably acceptable to NCRA.

2.4. Upon Agency's request, the Parties shall negotiate in good faith a purchase and sale agreement consistent with this option agreement for the Property on terms and conditions reasonably acceptable to the Parties, the terms and conditions of which shall be commercially reasonable and commonly included in an agreement for the purchase of similar, contaminated commercial real property in the State of California. If the Parties agree upon such a purchase and sale agreement, the Parties shall execute such agreement simultaneously with the exercise of the Option. In the event of any disagreement between the terms of the purchase and sale agreement and this Option Agreement, the terms of the purchase and sale agreement shall control.

### 3. Miscellaneous provisions.

May 13, 2010

**3.1. Notices.** Except as otherwise expressly provided herein, any written notice required by this Option Agreement shall be deemed given and received when personally served by personal delivery, overnight delivery or fax or forty-eight (48) hours after being placed in the United States mail, with proper first class postage prepaid, and addressed as follows:

To Agency:  
Attention: Executive Director  
Ukiah Civic Center  
300 Seminary Ave.  
Ukiah, CA. 95482

To NCRA:  
Executive Director  
415 Talmage Road, Ste. M  
Ukiah, CA. 95482  
FAX: (707) 463-3282

FAX: (707) 462-6204

Any party hereto may give notice of an address change under the provisions of this paragraph and thereafter all notices shall be given to that address.

**3.2. Waivers.** No waiver of any breach of any covenant or provision contained herein will be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision contained herein. No extension of time for performance of any obligation or act will be deemed an extension of time for performance of any other obligation or act except those of the waiving party, which will be extended by a period of time equal to the period of the delay.

**3.3. Successors and Assigns.** Agency shall have the right to assign its interest in this Option Agreement to such third parties as Agency shall determine in its reasonable discretion. This Option Agreement is binding upon and inures to the benefit of the Parties' successor and assigns.

**3.4. Entire Agreement.** This Option Agreement (including all Exhibits attached hereto) constitutes the entire contract between the parties hereto and may not be modified except by an instrument in writing signed by the party to be charged.

**3.5. Time of Essence.** Agency and Agency hereby acknowledge and agree that time is strictly of the essence with respect to each and every term, condition, obligation, and provision hereof.

**3.6. Construction.** The Parties agree and their respective advisors believe that this Agreement is the product of all of their efforts, that it expresses their agreement and that it should not be interpreted in favor of or against either party.

**3.7. Governing Law.** The Parties expressly agree that this Option Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California. The Parties mutually consent to jurisdiction and venue in the courts of Mendocino County and waive any objections to the jurisdiction or venue of such courts.

**3.8. Paragraph Headings.** The paragraph headings contained herein are for

May 13, 2010

convenience and reference only and are not intended to define or limit the scope of this Option Agreement.

3.9. **Recordation.** Each party shall have the signature of its authorized representative signing this Option Agreement notarized and the Title Company shall record the original agreement in the Official Records of Mendocino County.

3.10. **Third Party Beneficiaries.** This agreement is for the sole and exclusive benefit of the Parties and their successors and assigns. No other person or entity, private or public, has any rights under this Agreement or any standing to enforce the terms thereof.

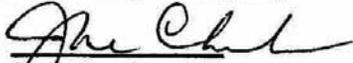
Entered on the Effective Date.

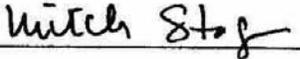
**AGENCY**

**NCRA**

Ukiah Redevelopment Agency

NORTH COAST RAILROAD AUTHORITY

By:   
Jane Chambers,  
Executive Director

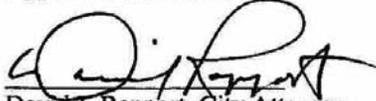
By: 

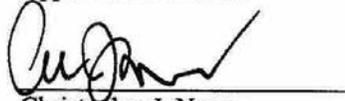
**ATTEST:**

  
Linda Brown, City Clerk

Approved as to form:

Approved as to form:

  
David J. Rapport, City Attorney

  
Christopher J. Neary

**NOTARY ACKNOWLEDGMENT**

May 13, 2010

Title No. 10-230104404-DP  
Locate No. CAFNT0923-0923-0001-0230104404

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

The land referred to herein is situated in the State of California, County of Mendocino, City of Ukiah, and is described as follows:

**PARCEL ONE:**

All that portion as described in the Deed to the Cloverdale and Ukiah Railroad Company by Deed recorded April 14, 1888 in Book 43 of Deeds at Page 420, Mendocino County Records.

Excepting therefrom that portion thereof described as follows:

Beginning at the intersection of the Southerly line of Perkins Street, 50 feet wide, with the Southerly prolongation of the Easterly line of land described in Parcel 8 of deed recorded November 16, 1892 in Book 57 of Deeds at Page 58, Mendocino County Records; thence Easterly along said Southerly line of Perkins Street, 362 feet to the Northeast corner of the land described in said deed recorded in Book 43 of Deeds at Page 420; thence Southerly along the Easterly line of the last said land, 1089 feet to the Southeast corner thereof; thence Westerly along the Southerly line thereof to a line distance 225 feet parallel with said Easterly line thereof; thence Northerly along last said parallel line, 800 feet; thence Northwesterly in a direct line 280 feet to the point of beginning.

**PARCEL TWO:**

All that portion as described in Deed to the Cloverdale and Ukiah Railroad Company by deed recorded April 14, 1888 in Book 43 of Deeds at Page 420, Mendocino County Records described as follows:

Beginning at the intersection of the Southerly line of Perkins Street, 50 feet wide, with the Southerly prolongation of the Easterly line of land described in Parcel 8 of deed recorded November 16, 1892 in Book 57 of Deeds at Page 58, Mendocino County Records; thence Easterly along said Southerly line of Perkins Street, 362 feet to the Northeast of the land described in said deed recorded in Book 43 of Deeds at Page 420; thence Southerly along the Easterly line of the last said land, 1089 feet to the Southeast corner thereof; thence Westerly along the Southerly line to a line distance 225 feet parallel with said Easterly line thereof; thence Northerly along said parallel line, 800 feet; thence Northwesterly in a direct line 280 feet to the point of beginning.

Attachment 5:

**RESOLUTION NO. 2012-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH, SERVING AS THE SUCCESSOR AGENCY TO THE DISSOLVED COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UKIAH, APPROVING AND ADOPTING AN INITIAL DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)**

**WHEREAS**, pursuant to Health and Safety Code Section 34173(d), the City of Ukiah ("Successor Agency") elected to become the successor agency to the Community Redevelopment Agency of the City of Ukiah by Resolution No. 2012-04 on January 9, 2012; and

**WHEREAS**, Health and Safety Code Section 34177(l)(2), as modified by the Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, requires the Successor Agency to prepare an initial draft of the recognized obligation payment schedule ("ROPS") by March 1, 2012, covering the period from February 1, 2012 through June 30, 2012; and

**WHEREAS**, Health and Safety Code Section 34177(l)(2) requires the Successor Agency to submit the initial draft of the ROPS to an external auditor, either the Mendocino County Auditor-Controller or its designee, for the auditor's review and certification as to its accuracy; and

**WHEREAS**, Health and Safety Code Section 34177(l)(2) requires the Successor Agency to submit the ROPS certified by the external auditor ("Certified ROPS") to the Successor Agency's oversight board for its approval, and upon such approval, the Successor Agency is required to submit a copy of the approved ROPS ("Approved ROPS") to the Mendocino County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and post the Approved ROPS on the Successor Agency's website; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UKIAH, SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UKIAH, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. CEQA Compliance.** The approval of the initial draft of the ROPS through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

**Section 3. Approval of Initial Draft of the ROPS.** The Successor Agency hereby approves and adopts the initial draft of the ROPS, in substantially the form attached to this Resolution as Exhibit A, as required by Health and Safety Code Section 34177.

82661.00001\7323922.1

**Section 4. Transmittal of Initial Draft of the ROPS.** The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the initial draft of the ROPS, including submitting the initial draft of the ROPS to the Mendocino County Auditor-Controller, or its designee, the submission of the Certified ROPS to the Successor Agency's oversight board, upon the oversight board's formation, the submission of the Approved ROPS to the Mendocino County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the Approved ROPS on the Successor Agency's website.

**Section 5. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

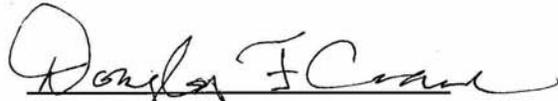
**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City of Ukiah, serving as the successor agency to the Community Redevelopment Agency of the City of Ukiah, on the 29<sup>th</sup> day of February, 2012, by the following vote:

AYES: Councilmembers Thomas, Rodin, Baldwin, and Vice Mayor Crane

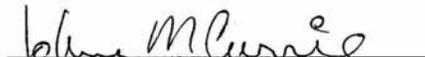
NOES: None

ABSTAIN: None

ABSENT: Mayor Landis

  
Vice Mayor Douglas F. Crane

ATTEST:

  
Anne Currie, City Clerk

Name of Successor Agency: City of Ukiah as Successor Agency to the City of Ukiah Redevelopment Agency  
 Project Area(s): RDA Project Area All  
 DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
 Per AB 26 - Section 34177 (b)(2)(A)

Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	*** Funding Source	Payments by month					Total	
							Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012		
1) Series A Non-Housing Bond Projects	Various	For the purpose of aiding in the redevelopment project in accordance with the indentures of trust, including the Parkwood Business Park Economic Revitalization Project, the Downtown Redevelopment Project, and the Redevelopment of the Perkins Railroad Depot Property.	Eastside	4,392,988.35	1,600,000.00	RPTTF		50,000.00	50,000.00	500,000.00	1,000,000.00	\$ 1,600,000.00	
2) Protection of Successor Agency assets	Various	Maintenance of assets until disposition is complete.	Eastside	262,500.00	12,500.00	RPTTF	2,500.00		2,500.00	2,500.00		2,500.00	\$ 12,500.00
3) NCRA Option and Western Development Agreement	Various	For the purpose of aiding in the redevelopment and remediation of the Perkins Street Railroad Depot property cleanup.	Eastside	1,070,788.00	1,070,788.00	RPTTF	350,000.00		350,000.00			20,788.00	\$ 1,070,788.00
4) Non-Housing Bonds	BNY Mellon, Trustee	2011 Series A Bonds - Non-Housing Tax Allocation Bonds	Eastside	8,031,181.67	763,450.00	RPTTF			129,225.00			634,225.00	\$ 763,450.00
5) Housing Bonds	BNY Mellon, Trustee	2011 Series B Bonds - Tax Allocation	Eastside	6,054,875.90	203,393.75	RPTTF						203,393.75	\$ 203,393.75
6) Tax Allocation Refunding Bonds, Series 2007	BNY Mellon, Trustee	Tax Allocation Refunding Bonds, Series 2007	Eastside	5,992,235.00	468,085.00	RPTTF			96,542.50			371,542.50	\$ 468,085.00
7) Audit services	BNY Mellon, Trustee	Trustee services for Tax allocation bonds	Eastside	153,388.00	10,156.00	RPTTF	408.00			9,748.00			\$ 10,156.00
8) Legal services 040530	To be determined	Legal services	Eastside	114,000.00	0.00	RPTTF							\$ -
9) Legal services	David Rapoport	Trustee services for Tax allocation bonds	Eastside	570,000.00	29,350.40	RPTTF	2,185.60	5,664.80	5,500.00	5,500.00		5,500.00	\$ 24,350.40
10) Legal services	Best, Best, & Krueger	Legal services	Eastside	175,000.00	24,010.32	RPTTF	2,010.32	4,000.00	3,800.00	3,800.00		7,000.00	\$ 24,010.32
11) Fiscal consulting	PFM Inc	Financial analysis and advice	Eastside	70,000.00	19,459.00	RPTTF	4,000.00	3,800.00	3,800.00	3,800.00		4,059.00	\$ 19,459.00
12) Series A Non-Housing Bond	City of Ukiah staff	Bond project management	Eastside	98,000.00	98,000.00	RPTTF	19,600.00	19,600.00	19,600.00	19,600.00		19,600.00	\$ 98,000.00
13) NCRA Option and Western	City of Ukiah staff	NCRA Project management	Eastside	87,000.00	14,500.00	RPTTF	2,900.00	2,900.00	2,900.00	2,900.00		2,900.00	\$ 14,500.00
14)													\$ -
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31)													\$ -
Totals - This Page (RPTTF Funding)													
Totals - Page 2 (Other Funding - LMIHF, Bonds, Reserve balances, and other sources)													
Totals - Page 3 (Administrative Cost Allowance)													
Totals - Page 4 (Pass Thru Payments)													
Grand total - All Pages													
* The Preliminary Bond Recognized Obligation Payment Schedule (BOPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.													
** All totals due during fiscal year and payment amounts are projected.													
*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012).													
RPTTF - Redevelopment Property Tax Trust Fund													
LMIHF - Low and Moderate Income Housing Fund													
Admin - Successor Agency Administrative Allowance													
Reserve - Reserve balances													
Other - reserves, rents, interest earnings, etc													

Name of Successor Agency: City of Uklah as Successor Agency to the City of Uklah Redevelopment Agency  
 Project Area(s): RDA Project Area All  
 DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
 Per AB 26 - Section 94177 (l)(2)(A)

Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	Funding Source ***	Payable from Other Revenue Sources					Total
							Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	
1) Grant Admin 036982	Community Development	Grant administration	Eastside	2,950.00	2,950.00	Reserve		2,950.00				\$ 2,950.00
2) Facade renovation 06-04 040000	Katharine L Elliott	Facade renovations	Eastside	10,341.50	10,341.50	Reserve		10,341.50				\$ 10,341.50
3) LOMR preparation 040052	Winzler & Kelly/GHD	Infrastructure planning	Eastside	945.10	945.10	Reserve		945.10				\$ 945.10
4) Airport Park Improvements	Winzler & Kelly/GHD	Infrastructure Improvement Design	Eastside	102,233.36	91,071.36	Reserve	40,001.36	51,070.00				\$ 91,071.36
5) Airport Park Storm Water Permit	Rau & Associates	Permit application preparation	Eastside	1,115.38	1,115.38	Reserve		1,115.38				\$ 1,115.38
6) Railroad property reclamation	Weston Solutions	Environmental characterization	Eastside	1,184.90	1,184.90	Reserve		1,184.90				\$ 1,184.90
7) Railroad property reclamation	Weston Solutions	Floodplain analysis	Eastside	901.45	901.45	Reserve		901.45				\$ 901.45
8) Railroad property reclamation	Weston Solutions	Remedial action plan	Eastside	24,331.66	24,331.66	Reserve		24,331.66				\$ 24,331.66
9) Railroad property reclamation	Weston Solutions	Supplemental site survey	Eastside	7,214.61	7,214.61	Reserve		7,214.61				\$ 7,214.61
10) Business improvement planning	Edgeline Investments	Business improvement 108 W Standley	Eastside	80,559.74	80,559.74	Reserve		80,559.74				\$ 80,559.74
11) Costco Development Project	Various	For the purpose of the construction obligation for the development of infrastructure projects that will improve traffic, drainage, and utility services, necessary for the complete build-out of the Business Park.	Eastside	4,694,950.00	2,050,000.00	Bonds			350,000.00	1,700,000.00		\$ 2,050,000.00
12) Costco Development Project	Various	For the purpose of the construction obligation for the development of infrastructure projects that will improve traffic, drainage, and utility services, necessary for the complete build-out of the Business Park.	Eastside	2,337,212.00	0.00	Other						\$ -
13) Series B Housing Bond Projects	Various	For the purpose of aiding in the redevelopment project in accordance with the indentures of trust, including the development of low and moderate income housing; Mendocino College Student Housing; Grace Hudson-Cleveland Lane Housing; and Trinity Housing Project.	Eastside	2,731,155.00	0.00	Bonds						\$ -
14) FRP Project	City of Uklah staff	FRP Project management	Eastside	24,500.00	3,500.00	Reserve	700.00	700.00	700.00	700.00		\$ 3,500.00
15) Costco Development Project	City of Uklah staff	Costco project management	Eastside	654,500.00	95,500.00	Bonds	18,700.00	18,700.00	18,700.00	18,700.00		\$ 93,500.00
16) Series B Housing Bond Projects	City of Uklah staff	Costco project management	Eastside	80,500.00	11,500.00	Bonds	2,300.00	2,300.00	2,300.00	2,300.00		\$ 11,500.00
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Totals - LMHF				\$ 8,161,105.00	\$ 2,155,000.00		\$ 21,000.00	\$ 21,000.00	\$ 21,000.00	\$ 371,000.00	\$ 1,721,000.00	\$ 2,155,000.00
Totals - Bonds				\$ 2,337,212.00	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Reserve				\$ 2,356,277.00	\$ 224,115.70		\$ 40,701.36	\$ 181,314.34	\$ 700.00	\$ 700.00	\$ 700.00	\$ 224,115.70
Grand total - This Page				\$ 10,754,594.00	\$ 2,379,115.70		\$ 61,701.36	\$ 202,314.34	\$ 21,700.00	\$ 371,700.00	\$ 1,721,700.00	\$ 2,379,115.70

\*\* All total due during fiscal year amounts are subject to change.  
 \*\*\* Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)  
 RPTTF - Redevelopment Property Tax Trust Fund  
 LMHF - Low and Moderate Income Housing Fund  
 Admin - Successor Agency Administrative Allowance  
 Reserve - Reserve balances  
 Bonds - Bond proceeds

Name of Successor Agency: City of Ukiah as Successor Agency to the City of Ukiah Redevelopment Agency  
 Project Area(s): RDA Project Area All  
 DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
 Per AG 26 - Section 34177 (0)(2)(A)

Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	Funding Source**	Payable from the Administrative Allowance Allocation						
							Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total	
1) Successor Agency allowable	Successor Agency	Administration of Successor Agency	Eastside	4,750,000.00	250,000.00	RPTTF	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	250,000.00
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<b>Totals - This Page</b>				<b>\$ 4,750,000.00</b>	<b>\$ 250,000.00</b>		<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ 50,000.00</b>	<b>\$ 250,000.00</b>

\* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.  
 \*\* All total due during fiscal year and payment amounts are projected.  
 \*\*\* Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)  
 RPTTF - Redevelopment Property Tax Trust Fund  
 LMHF - Low and Moderate Income Housing Fund  
 Admin - Successor Agency Administrative Allowance  
 Bonds - Bond proceeds  
 Reserve - Reserve balances  
 Other - reserves, rents, interest earnings, etc

Exhibit 'A'

Name of Successor Agency: City of Ukiiah as Successor Agency to the City of Ukiiah Redevelopment Agency  
 Project Area(s): RDA Project Area All  
 OTHER OBLIGATION PAYMENT SCHEDULE  
 Per AB 26 - Section 34177 (0)(2)(A)

Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	Source of Funding***	Payments by month					Total	
							Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012		
1) Pass Through	Ukiah Unified School District	Pass-through contracts with local School entities	Eastside	515,127.26	515,127.26	Reserve						515,127.26	\$
2) Pass Through	Mendocino County Office of Education	Pass-through contracts with local School entities	Eastside	62,041.24	62,041.24	Reserve						62,041.24	\$
3) Pass Through	Mendocino College	Pass-through contracts with local School entities	Eastside	694,991.56	694,991.56	Reserve						694,991.56	\$
4) Pass Through	City of Ukiah	Payments per CRL 33607.5 and .7	Eastside	14,164,818.13	217,056.26	RPTTF				217,056.26		217,056.26	\$
5) Pass Through	County of Mendocino	Payments per former CRL 93401	Eastside	39,364,218.91	567,879.64	RPTTF				567,879.64		567,879.64	\$
6) Pass Through	Russian River Cemetery District	Payments per CRL 33607.5 and .7	Eastside	1,112,827.24	17,052.54	RPTTF				17,052.54		17,052.54	\$
7) Pass Through	Mendocino County Flood Control & County Water Agency	Payments per CRL 33607.5 and .7	Eastside	183,825.42	2,816.87	RPTTF				2,816.87		2,816.87	\$
8) Pass Through	Russian River Flood Control & County Water Agency	Payments per CRL 33607.5 and .7	Eastside	213,892.37	3,277.60	RPTTF				3,277.60		3,277.60	\$
9) Pass Through	Ukiah Valley Sanitation District	Payments per CRL 33607.5 and .7	Eastside	163,726.47	2,508.88	RPTTF				2,508.88		2,508.88	\$
10) Pass Through	Ukiah Unified School District	Pass-through contracts with local School entities	Eastside	16,089,082.00	538,550.00	RPTTF				538,550.00		538,550.00	\$
11) Pass Through	Mendocino County Office of Education	Pass-through contracts with local School entities	Eastside	1,937,750.00	64,862.00	RPTTF				64,862.00		64,862.00	\$
12) Pass Through	Mendocino College	Pass-through contracts with local School entities	Eastside	3,013,672.00	100,877.00	RPTTF				100,877.00		100,877.00	\$
13)													\$
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30)													\$
<b>Totals - Other Obligations</b>				<b>\$ 76,515,972.60</b>	<b>\$ 2,807,039.85</b>					<b>\$ 890,990.79</b>		<b>\$ 1,976,449.06</b>	<b>\$ 2,807,039.85</b>

\* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.  
 \*\* All total due during fiscal year and payment amounts are projected.  
 \*\*\* Funding sources from the successor agency: (for fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)  
 RPTTF - Recognized Obligation Payment Schedule  
 B - Bonds  
 R - Reserves  
 Admin - Successor Agency Administrative Allowances  
 Other - reserves, rents, interest earnings, etc

**Comment Letter 13 Response**  
**Californians for Alternatives to Toxics**  
**Patricia Clary, Executive Director**  
**January 31, 2012**

13-1 The commenter expresses concerns regarding the Draft EIR for the New Ukiah Courthouse, on behalf of the membership of Californians for Alternatives to Toxics (CAT). CAT is concerned about toxic chemicals in the environment of northern California due to its reliance on the environment for jobs, health, culture, education and other uses. CAT is concerned that the Judicial Council has not prepared an EIR that adequately considers impacts relating to the clean-up of toxic material at the Railroad Depot Site. CAT also provided a PDF of an article published on AllBusiness.com, dated May 17, 2010, titled "Ukiah Moves a Step Closer on Courthouse Project" (refer to Attachment 1, above, provided by CAT). CAT asserts that analysis in the Draft EIR is inadequate because "the site will not undergo cleanup of toxic chemicals UNLESS, and only IF, the Judicial Council decides to buy the Railroad Depot site for the courthouse construction project." CAT's position is noted. As explained below, however, environmental review of the potential effects related to clean-up of the Railroad Depot Site was previously completed by the Ukiah Redevelopment Agency (refer to Response to Comment 13-6, below). Clean-up of the site, moreover, is not a reasonably foreseeable consequence of the proposed courthouse project. The clean-up, rather, has "independent utility" from the proposed project because the Railroad Depot Site must be cleaned up to be used in the future for any viable institutional or commercial use. Thus, the Draft EIR does not improperly "piecemeal" or "segment" its analysis under CEQA as alluded to by the commenter. (See *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712, 732-733 [upholding EIR that treated as the "project" at issue one freeway segment within a long-term, multi-segment regional plan to expand the freeway system throughout San Diego County because the segment would serve a viable purpose even if the later segments were never built, thus having "independent utility"]).

The independent nature of the Railroad Depot Site clean-up was established as early as 2007 when the Ukiah Redevelopment Agency (URA) initiated clean-up of the Railroad Depot Site; long before the AOC considered the site as an option for the proposed project. As stated in the *Ukiah Redevelopment Project Five-Year Implementation Plan, July 2007 to July 2012* (adopted first in August 2007 and amended in August 2010), the "Retention of the Mendocino County Court House in the Project Area" and the "Development of the Perkins Street Depot Property" (Railroad Depot Site) are listed as independent projects (*Ukiah Redevelopment Project Five-Year Implementation Plan, July 2007 to July 2012*)<sup>4</sup>. Therefore, the retention of the courthouse in the downtown area of Ukiah is, and has been, contemplated and pursued independently of the remediation/development of the Railroad Depot Site. Stated differently, the proposed project does not cause the need for clean-up of the Railroad Depot Site, and is therefore not part of the "whole of the project."

In April 2009, the URA considered potential redevelopment projects and programs (refer to Attachment 2, above, *Ukiah Redevelopment Agency Agenda Summary Report, Attachment #2, Draft List of Potential Non-Housing Redevelopment Projects*) for a potential bond issuance. Again, the "Retention of the County Courthouse in the Project Area" and the "Development of the Perkins Street Depot property" are listed as two separate projects.<sup>5</sup>

<sup>4</sup> Available at:  
[http://www.cityofukiah.com/pdf/economic\\_development/URA%20Final%20Implementation%20Plan%20August%202007%20Amended%208-18-10.pdf](http://www.cityofukiah.com/pdf/economic_development/URA%20Final%20Implementation%20Plan%20August%202007%20Amended%208-18-10.pdf)

<sup>5</sup> Email correspondence with Mr. Sage Sangiacomo, Assistant City Manager for the City of Ukiah, February 8, 2012.

Also, in a November 17, 2010, URA staff report (written to request authorization to bond), the two projects were listed separately as “Facilitate and support a downtown site for the relocation of the Mendocino County Courthouse” and “Remediation and development of the 11-acre Brownfield at the Perkins Street Rail property.” The “Perkins Railroad Site Redevelopment Project” is separately referenced in the URA’s bond documents (refer to Attachment 3, above, Exhibit A, Part I of the *Certificate Regarding Use of Proceeds*) which does not mention the courthouse project. Again, the remediation/clean-up of the Railroad Depot Site is an independent activity to the relocation of the courthouse, and the URA Board approved the bond issuance knowing these two were considered independent projects.

Finally, in May 2011, the URA Board considered and approved an Option to Purchase the Railroad Depot Site (refer to Attachment 4, above, *Option Agreement to Purchase Real Property*, provided by CAT). This Option between the North Coast Railroad Authority (NCRA) and the URA identified the potential sale of the site to the URA for redevelopment purposes. The Option was independent of any AOC action on a new courthouse and included property that was not part of the new courthouse project. Since the independent efforts on these two projects began, the AOC approached the city of Ukiah to investigate the possibility of locating the new courthouse on the Railroad Depot Site. Although the potential to locate the courthouse on the Railroad Depot Site may have accelerated clean-up efforts, it did not start those efforts.

In August 2011, a First Amendment to the Option Agreement went into effect that stated the following: “Recital C The initial goal of that agreement is to prepare a portion of the Property for sale to the Administrative Office of the Courts (“AOC”) as the site for a new courthouse for Mendocino County;” and “Recital D: The AOC takes the position that it will not purchase property for a courthouse site that has known contamination, such as the portion of the Property southeast of the depot building.” Therefore, the AOC acknowledges that since the initiation of the two separate projects, the potential for the AOC to purchase the property has accelerated clean-up efforts.

The URA, along with all redevelopment agencies in California, was dissolved on February 1, 2012 by AB1X 26, the constitutionality of which was affirmed by the California Supreme Court in *California Redevelopment Association et al. v. Ana Matosantos* (December 29, 2011). Thereafter, the city of Ukiah, as the successor agency to the URA, is leading efforts to remediate the Railroad Depot Site.

Finally, based on correspondence with the city of Ukiah on February 8, 2012,<sup>6</sup> the city of Ukiah as the successor agency to the URA has, and will continue to, seek clean-up of the Railroad Depot Site with or without the new courthouse being located to this site. It should be noted that, clean-up activities are anticipated to begin in late spring 2012, well before a final site is approved by the State Public Works Board for the new courthouse.

The remediation of the Railroad Depot Site has been and continues to be independent of the relocation of the courthouse. The potential of the courthouse to be located on the Railroad Depot Site has accelerated and is being associated with the clean-up efforts, but the clean-up remains an independent project. No revisions to the Draft EIR are required.

- 13-2 The commenter discusses what is referred to as a “lease option agreement” between the North Coast Rail Authority (NCRA) and the Ukiah Redevelopment Agency, entered into in 2011, and provides a PDF copy of the agreement between NCRA and the Ukiah Redevelopment Agency (refer to Attachment 4,

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<sup>6</sup> Email correspondence with Mr. Sage Sangiacomo, Assistant City Manager for the City of Ukiah, February 8, 2012.

above, provided by CAT). The agreement discussed by the commenter and attached to its letter is actually entitled "Option Agreement to Purchase Real Property." (See also First Amendment to Option Agreement.) As explained in the Option Agreement and the First Amendment, the initial goal of the Option Agreement was to prepare a portion of the Railroad Depot Site for sale to the AOC by taking clean-up actions. The Option Agreement with the NCRA for the purchase of the Perkins Street Depot Property is not contingent on the development of the AOC courthouse at the Railroad Depot Site.

As described in Response to Comment 13-1, above, the Option Agreement was originally approved by the URA and the city of Ukiah in May 2011. Although development of the new courthouse on the Railroad Depot Site is referenced as a desirable outcome, exercising the option to purchase is not contingent on the State purchasing the Railroad Depot Site for the future courthouse. Clean-up of the site and preparation of the Remedial Action Plan (RAP), not the AOC project, was the main reason for the contemplated expenditures memorialized in the Option Agreement and the First Amendment to the Option Agreement. No revisions to the Draft EIR are required.

- 13-3 The commenter would like additional description regarding the sale of the Railroad Depot Site to the URA (now City of Ukiah, as successor agency to the URA), the role of Weston Solutions, and the effect on the remediation of the Railroad Depot Site if the Library Site is chosen for the new courthouse. The AOC notes the real estate negotiations between the NCRA, URA/city of Ukiah and Weston Solutions are not part of the AOC's project description and therefore are not considered a CEQA issue for the proposed project, but will clarify the transaction based on existing documents. As noted in Response to Comments 13-1 and 13-2 above, the URA/city of Ukiah and NCRA entered into an Option Agreement for the purchase of the Railroad Depot Site.

In August 2010, the URA retained Weston Solutions, a company specializing in acquiring, cleaning-up and developing "brown fields" (refer to Attachment 4, above, provided by CAT). Weston Solutions was retained by the URA to develop a Remedial Action Plan (RAP) for the clean-up of the Railroad Depot Site. In addition, the URA approved the expenditure of approximately \$1.2 million to develop the RAP and bid the clean-up of the site. Finally, in August 2011, the URA amended the option agreement with NCRA to extend the agreement by two years (May 2014) and clarify the option remains in effect after 2014 unless NCRA has another buyer for the property. The commenter's opinion that the series of events regarding the sale of the Railroad Depot site to the URA will only be triggered by the AOC's decision to locate the new courthouse on the Railroad Depot Site is noted; however, there is no language in the Option Agreement suggesting clean-up is contingent on the AOC's decision to locate the new courthouse. In addition, the AOC has no knowledge about what might happen with clean-up of the Railroad Depot Site if the Library Site is chosen for the proposed project. As demonstrated by the City Council's approval of the Initial Draft of the Recognized Obligation Payment Schedule (ROPS) (Resolution No. 2012-11), under ABX1 26, certain future activities related to the Railroad property reclamation and the NCRA Option and Weston's efforts are included as part of the Draft ROPS, evidencing an intent not to abandon the clean-up efforts (refer to Attachment 5, above, Resolution No. 2012-11). No revisions to the Draft EIR are required.

- 13-4 The commenter questions who is the responsible party for the cleanup of the Railroad Depot Site. The AOC acknowledges that this comment is not CEQA related, but will attempt to clarify the issue based on public documents. The option agreement between the NCRA and the URA/City of Ukiah references Union Pacific (UP) as the responsible party for the cleanup of the Railroad Depot Site. The Draft EIR does not speak to the responsibility and liability of Union Pacific because that is not considered a CEQA issue for the purposes of the proposed project. The naming of a "responsible party" does not require CEQA review. In addition, the role of the NCRA in the relationship to Union Pacific and/or the URA is

unknown to the AOC at this time, and is not relevant for purposes of the proposed project. No revisions to the Draft EIR are required.

13-5 The commenter questions if any information gaps exist in the site investigation and RAP developed for the project, and whether all potential hazardous contaminants were investigated. A Remedial Action Plan (RAP) for the Railroad Depot Site was prepared by Weston Solutions and finalized in August 2011. The development of the RAP included standard public noticing and the public circulation of the draft document. The lead agency for the clean-up of the Railroad Depot Site is the North Coast Regional Water Quality Control Board (NCRWQCB). The NCRWQCB reviewed the RAP and approved it on August 8, 2011. The AOC has no knowledge as to whether or not all potential hazardous contaminants were investigated, and will rely on the approval of the NCRWQCB as the lead expert agency. In addition, the AOC will be completing an independent Phase II investigation of whichever site is ultimately chosen for the proposed project, prior to the acquisition of the site. No revisions to the Draft EIR are required.

13-6 The commenter expresses concern regarding cumulative environmental impacts, specifically, what related environmental effects could occur from clean-up of the Railroad Depot Site, if chosen, that would need to be considered under CEQA in addition to construction related impacts of the project. The remediation/ clean-up activities would be temporary in nature and would occur *prior* to site acquisition by AOC since the AOC will not purchase the property unless it has been cleaned up to state standards, as required by the State Public Works Board, which must approve the acquisition. Thus, clean-up would be complete by the time construction begins on the site (should the site be chosen) and therefore is not a reasonably foreseeable future related impact required as part of the cumulative impacts analysis.

In addition, on September 21, 2011 the city of Ukiah adopted a resolution approving an Initial Study/Mitigated Negative Declaration (MND) for the Railroad Depot Site acquisition/sale and remediation project (note, the MND is included on the CD that is inserted inside the front cover of this Final EIR; it can also be accessed online at <http://courts.ca.gov/facilities-mendocino.htm>, as an appendix to the Final EIR. The MND, approved by the City of Ukiah (September 2011), reviewed the potential environmental impacts of the clean-up of the entire Railroad Depot Site and identified the following potential significant impacts:

- Air quality;
- Biological resources;
- Hazards/hazardous substances;
- Cultural resources; and
- Traffic.

Feasible and reasonable mitigation measures were identified that eliminated or reduced those impacts to less-than-significant levels. The MND was publicly noticed and made available for public review between July 18, 2011 and August 18, 2011 and was also submitted to the California State Clearinghouse for distribution to state agencies. One written comment letter was submitted from the North Coast California Regional Water Quality Control Board (NCRWQCB) that agreed with the conclusion that the project, as mitigated, would not have a significant adverse impact on the environment. No legal challenge was filed and the applicable statute of limitations period has since expired. The NCRWQCB remains the lead agency overseeing the clean-up efforts of the Railroad Depot Site. No revisions to the Draft EIR are required.

- 13-7 The commenter provided a PDF of the Remedial Action Plan, Former Ukiah Rail Yard, dated August 2011, prepared by Weston Solutions, in addition to website links containing various documents related to the RAP. Due to its voluminous nature, the RAP is included on the CD that is inserted inside the front cover of this Final EIR; it can also be accessed online at <http://courts.ca.gov/facilities-mendocino.htm>, as an appendix to the Final EIR. The commenter asserts that the RAP cannot replace analysis in the EIR because the cleanup will not be undertaken unless the Judicial Council buys the Perkins Street Depot Property. Section 4.6, Hazards and Hazardous Materials, in the Draft EIR, identifies and addresses the August 2011 Remedial Action Plan (RAP) that was prepared for the Railroad Depot Site. In addition, Mitigation Measure 4.6-2 requires that the AOC prepare a Phase II Environmental Site Assessment for either site that is ultimately chosen for the courthouse relocation prior to its acquisition, ensuring that additional site investigation will be completed prior to site acquisition.

As previously stated in Response to Comments above, the city of Ukiah is currently leading efforts to remediate the Railroad Depot Site. This is an independent activity to the relocation of the courthouse. Based on correspondence with the city of Ukiah on February 8, 2012,<sup>7</sup> the city has and will continue to seek clean-up of the property with or without the courthouse being relocated to this site. The commenter requests the EIR describe how the property will be handled since California no longer has redevelopment agencies. As discussed in Response to Comment 13-1 above, the URA along with all redevelopment agencies in California, was dissolved on February 1, 2012 by AB1X 26, the constitutionality of which was affirmed by the California Supreme Court in *California Redevelopment Association et al. v. Ana Matosantos* (December 29, 2011). Thereafter, the city of Ukiah, as the successor agency to the URA, is leading efforts to remediate the Railroad Depot Site. The AOC has no additional knowledge regarding the treatment of the Railroad Depot site beyond what has been communicated by the city and information that is otherwise available to the public such as the City's Draft ROPS (refer to Attachment 5, above, Resolution No. 2012-11). No revisions to the Draft EIR are required.

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<sup>7</sup> Email correspondence with Mr. Sage Sangiacomo, Assistant City Manager for the City of Ukiah, February 8, 2012.

**Comment Letter 14**

**Email followed by hard copy received in U.S. Mail (identical in content; however, scanned hard copy has signature).**

January 31, 2012

Ms. Laura Sainz  
Judicial Council of California  
Administrative Office of the Courts  
2860 Gateway Oaks  
Ste 400  
Sacramento, CA 95883-3509

RE: Ukiah Courthouse Public Comment Letter on DEIR

Dear Ms. Sainz,

On behalf of Friends of Gibson Creek I appreciate this opportunity to respond to the Draft Environmental Impact Report dated October 2011.

The Library location with a daylighted creek is the superior site for enhancing Gibson Creek and improving fish habitat for special status species. The "Library Site-Test Fit Diagram A, Figure 3-6A by RBF Consulting is the most prominent downtown location, pedestrian-oriented and the most biologically beneficial option for siting the courthouse in the City of Ukiah.

Thankfully, the DEIR authors accept documented evidence from California Department of Fish and Game that supports the existence of special status species and their potential use of Gibson Creek at both stream segments at the two sites being proposed for courthouse development.

"... the Central California coast coho salmon, Central California coast steelhead, and California coastal Chinook salmon have the potential to utilize the segments of Gibson Creek that traverse both potential project sites. The CDFG documented steelhead trout in Gibson Creek in 2001, and recommended that Gibson Creek be managed as an anadromous, natural production stream due to its potential to provide spawning and/or rearing habitat for anadromous fish (CDFG, 2006)."

The siting of the courthouse and its construction is to be managed with the understanding that this project is a natural production stream supporting anadromous fish which are protected by state and federal law. Friends of Gibson Creek agree with the DEIR mitigation measures to protect special status species and their habitat with one exception.

Both the Library and Depot sites have culverts that trap and harm migrating steelhead, a federally recognized threatened species. The removal of the box culverts between Main and Mason Streets and restoring the creek bed and banks to a natural state at this site is an incredible opportunity for improving the stream channel, reducing barriers to allow steelhead access to their historic spawning pools in the upper reaches of Gibson Creek as well as creating a public amenity in an economically depressed area. A riparian greenway at this location will provide a public space to a community affected by the displacement of a public library and the loss of mature shade trees in the adjacent parking lot.

In our last correspondence to Ms. Sainz related to the EIR Scoping Session dated May 21, 2011, Friends of Gibson Creek (FOGC) recommended a 100' buffer zone from any structure or parking lot located from the creek bank to avoid soil compaction; allow for stormwater pollution treatment; allow for a natural creek corridor; and allow for adequate room for a walk way.

Last year, the County adopted the Ukiah Valley Area Plan (UVAP) as part of the Mendocino County's General Plan process which took twenty years of public review and testimony. The UVAP requires basic riparian protections of 100' buffer zones along the Russian River and 50' buffer zones for tributaries within the Ukiah Valley. The County acknowledged that buffer zones were needed for environmental protection against sedimentation from development and other land use impacts from logging and agricultural practices that have led to an impaired Russian River Upper Basin watershed.

FOGC agrees with the following DEIR statement,

"Implementation of BMPs, combined with the associated monitoring to ensure BMP effectiveness throughout the duration of construction, would ensure that sediment/pollutant transport to Gibson Creek is avoided, thereby precluding potential indirect impacts to special status salmonids and critical habitat designated for Central California coast coho salmon."

Proposed parking lots should have water-permeable surfaces to avoid storm water runoff and sedimentation, have sizable (one car site), curbside wells for shade trees to mitigate the built or paved-over areas especially at the depot site.

Although we agree with the rationale for mitigation measure 4.3.1 in the DEIR, we disagree with the setback distance.

"Additionally, the AOC shall require all development to be set back 20 feet from the stream bank to further minimize potential indirect impacts, combined with the CDFG requirement that any development near Gibson Creek avoid the dripline of riparian vegetation along the stream bank."

The 100' setbacks along streams is a recommendation from the California Department of Fish and Game (CDFG) for improving riparian habitat. While we acknowledge site constraints may exist at either site, the 20' setback proposed as a mitigation measure is woefully inadequate. The DEIR recommendation of a 20' setback from Gibson Creek does not allow enough area for riparian planting and shade cover, safeguards for soil compaction, treatment from water pollution and ADA approved pedestrian paths. The 20' setback must be expanded to accomplish riparian functionality and beneficial habitat for anadromous fish. FOGC looks forward to a biological opinion about the minimum setback required for improving aquatic habitat at either site.

The DEIR clarifies that it is not required to follow local policies and ordinances and states,

“the Administrative Office of the Courts (AOC) is not subject to local plans, policies, or regulations, and therefore would not be required to conform to adopted measures for land development activities within the city; however, construction of the new courthouse at either site would be subject to applicable federal and state requirements intended for the protection of biological resources.”

The authors to their credit cite excerpts from the City of Ukiah’s General Plan of 1995 and 2004 for improving and protecting streams and fisheries and the *Gibson Creek Habitat Enhancement and Public Access Study, September 2000*, and we find the following statement from the DEIR encouraging,

“In an effort to ensure that migratory patterns of fish populations within the Creek are protected and maintained for the long term, a number of organizations and agencies have made recommendations for improvements to the Creek channel. Such improvements may include culvert removal, restoring the Creek bed and banks to a natural state, and other cleanup efforts intended to enhance and restore the Creek as a natural and recreational amenity within the community. Additionally, the *Gibson Creek Enhancement and Public Access Study* was prepared by LSA Associates, Inc. (LSA, 2000) for the city of Ukiah to evaluate potential constraints and opportunities for improving flows within Gibson Creek. Specific to the Library Site, a comment was made during the scoping period to daylight the Creek to improve flows and maximize the potential for the migration of fish within the Creek. Daylighting the Creek would involve removing the onsite culvert and allowing the Creek to flow through the property within a natural channel, rather than through a manmade element. The AOC will consider these comments and will continue to work with the city and other affected agencies to ensure that impacts on flows within Gibson Creek resulting from the proposed courthouse development are minimized to the maximum extent feasible. As the proposed project design is further developed, the AOC will consider the appropriateness and feasibility of daylighting the Creek.”

Depot Site: Thank you for incorporating our request for including in the design recommendations outlined by the California Department of Fish and Game’s resource, “FISH PASSAGE DESIGN AND IMPLEMENTATION XII-1 April 2009” as mitigation measure 4.3.3. The removal of the culvert at Leslie Street and replacing it with a small foot bridge; provides for a reasonable mitigation measure for extending Hospital Drive across Gibson Creek. This of course will improve aquatic habitat but will also improve a neighborhood directly affected by a new courthouse and the associated traffic impacts. It also will serve as a traffic calming measure by allowing for foot traffic only at Leslie between Gibson Creek and Perkins Street, thereby enhancing this dangerous section of Leslie Street and providing a safer pedestrian access to the area. If the Depot site is selected we recommend that the architects and planners refer to the Cleveland Drainage Study as part of site development and planning.

We look forward to reviewing the Final EIR and your responses to public comments and agency comments received about the environmental impacts associated with the courthouse

development project located near Gibson Creek. I am e-mailing this letter today and the signed letter is forthcoming.

Sincere regards,

/lss/

Linda Sanders  
Friends of Gibson Creek  
PO Box 1631  
Ukiah, CA 95482  
(707) 463-2721

cc:Rona G. Rothenberg, FAIA

January 31, 2012

Ms. Laura Sainz  
Judicial Council of California  
Administrative Office of the Courts  
2860 Gateway Oaks  
Ste 400  
Sacramento, CA 95883-3509

RE: Ukiah Courthouse Public Comment Letter on DEIR

Dear Ms. Sainz,

On behalf of Friends of Gibson Creek I appreciate this opportunity to respond to the Draft Environmental Impact Report dated October 2011.

The Library location with a daylighted creek is the superior site for enhancing Gibson Creek and improving fish habitat for special status species. The "Library Site-Test Fit Diagram A, Figure 3-6A by RBF Consulting is the most prominent downtown location, pedestrian-oriented and the most biologically beneficial option for siting the courthouse in the City of Ukiah.

14-1

Thankfully, the DEIR authors accept documented evidence from California Department of Fish and Game that supports the existence of special status species and their potential use of Gibson Creek at both stream segments at the two sites being proposed for courthouse development.

"... the Central California coast coho salmon, Central California coast steelhead, and California coastal Chinook salmon have the potential to utilize the segments of Gibson Creek that traverse both potential project sites. The CDFG documented steelhead trout in Gibson Creek in 2001, and recommended that Gibson Creek be managed as an anadromous, natural production stream due to its potential to provide spawning and/or rearing habitat for anadromous fish (CDFG, 2006)."

The siting of the courthouse and its construction is to be managed with the understanding that this project is a natural production stream supporting anadromous fish which are protected by state and federal law. Friends of Gibson Creek agree with the DEIR mitigation measures to protect special status species and their habitat with one exception.

Both the Library and Depot sites have culverts that trap and harm migrating steelhead, a federally recognized threatened species. The removal of the box culverts between Main and Mason Streets and restoring the creek bed and banks to a natural state at this site is an incredible opportunity for improving the stream channel, reducing barriers to allow steelhead access to their historic spawning pools in the upper reaches of Gibson Creek as well as creating a public amenity in an economically depressed area. A riparian greenway at this location will provide a public space to a community affected by the displacement of a public library and the loss of mature shade trees in the adjacent parking lot.

14-2

In our last correspondence to Ms. Sainz related to the EIR Scoping Session dated May 21, 2011, Friends of Gibson Creek (FOGC) recommended a 100' buffer zone from any structure or parking lot located from the creek bank to avoid soil compaction; allow for stormwater pollution treatment; allow for a natural creek corridor; and allow for adequate room for a walk way.

Last year, the County adopted the Ukiah Valley Area Plan (UVAP) as part of the Mendocino County's General Plan process which took twenty years of public review and testimony. The UVAP requires basic riparian protections of 100' buffer zones along the Russian River and 50' buffer zones for tributaries within the Ukiah Valley. The County acknowledged that buffer zones were needed for environmental protection against sedimentation from development and other land use impacts from logging and agricultural practices that have led to an impaired Russian River Upper Basin watershed.

FOGC agrees with the following DEIR statement,

"Implementation of BMPs, combined with the associated monitoring to ensure BMP effectiveness throughout the duration of construction, would ensure that sediment/pollutant transport to Gibson Creek is avoided, thereby precluding potential indirect impacts to special status salmonids and critical habitat designated for Central California coast coho salmon."

Proposed parking lots should have water-permeable surfaces to avoid storm water runoff and sedimentation, have sizable (one car site), curbless wells for shade trees to mitigate the built or paved-over areas especially at the depot site.

Although we agree with the rationale for mitigation measure 4.3.1 in the DEIR, we disagree with the setback distance.

"Additionally, the AOC shall require all development to be set back 20 feet from the stream bank to further minimize potential indirect impacts, combined with the CDFG requirement that any development near Gibson Creek avoid the dripline of riparian vegetation along the stream bank."

The 100' setbacks along streams is a recommendation from the California Department of Fish and Game (CDFG) for improving riparian habitat. While we acknowledge site constraints may exist at either site, the 20' setback proposed as a mitigation measure is woefully inadequate. The DEIR recommendation of a 20' setback from Gibson Creek does not allow enough area for riparian planting and shade cover, safeguards for soil compaction, treatment from water pollution and ADA approved pedestrian paths. The 20' setback must be expanded to accomplish riparian functionality and beneficial habitat for anadromous fish. FOGC looks forward to a biological opinion about the minimum setback required for improving aquatic habitat at either site.

14-2, Cont.

The DEIR clarifies that it is not required to follow local policies and ordinances and states,

"the Administrative Office of the Courts (AOC) is not subject to local plans, policies, or regulations, and therefore would not be required to conform to adopted measures for land development activities within the city; however, construction of the new courthouse at either site would be subject to applicable federal and state requirements intended for the protection of biological resources."

The authors to their credit cite excerpts from the City of Ukiah's General Plan of 1995 and 2004 for improving and protecting streams and fisheries and the *Gibson Creek Habitat Enhancement and Public Access Study, September 2000*, and we find the following statement from the DEIR encouraging,

"In an effort to ensure that migratory patterns of fish populations within the Creek are protected and maintained for the long term, a number of organizations and agencies have made recommendations for improvements to the Creek channel. Such improvements may include culvert removal, restoring the Creek bed and banks to a natural state, and other cleanup efforts intended to enhance and restore the Creek as a natural and recreational amenity within the community. Additionally, the *Gibson Creek Enhancement and Public Access Study* was prepared by LSA Associates, Inc. (LSA, 2000) for the city of Ukiah to evaluate potential constraints and opportunities for improving flows within Gibson Creek. Specific to the Library Site, a comment was made during the scoping period to daylight the Creek to improve flows and maximize the potential for the migration of fish within the Creek. Daylighting the Creek would involve removing the onsite culvert and allowing the Creek to flow through the property within a natural channel, rather than through a manmade element. The AOC will consider these comments and will continue to work with the city and other affected agencies to ensure that impacts on flows within Gibson Creek resulting from the proposed courthouse development are minimized to the maximum extent feasible. As the proposed project design is further developed, the AOC will consider the appropriateness and feasibility of daylighting the Creek."

14-3

Depot Site: Thank you for incorporating our request for including in the design recommendations outlined by the California Department of Fish and Game's resource, "FISH PASSAGE DESIGN AND IMPLEMENTATION XII-1 April 2009" as mitigation measure 4.3.3. The removal of the culvert at Leslie Street and replacing it with a small foot bridge; provides for a reasonable mitigation measure for extending Hospital Drive across Gibson Creek. This of course will improve aquatic habitat but will also improve a neighborhood directly affected by a new courthouse and the associated traffic impacts. It also will serve as a traffic calming measure by allowing for foot traffic only at Leslie between Gibson Creek and Perkins Street, thereby enhancing this dangerous section of Leslie Street and providing a safer pedestrian access to the area. If the Depot site is selected we recommend that the architects and planners refer to the Cleveland Drainage Study as part of site development and planning.

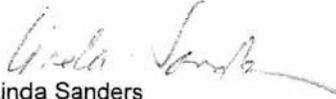
14-4

We look forward to reviewing the Final EIR and your responses to public comments and agency comments received about the environmental impacts associated with the courthouse

development project located near Gibson Creek. I am e-mailing this letter today and the signed letter is forthcoming.

14-4, Cont.

Sincere regards,



Linda Sanders  
Friends of Gibson Creek  
PO Box 1631  
Ukiah, CA 95482  
(707) 463-2721

cc:Rona G. Rothenberg, FAIA

**Comment Letter 14 Response**

**Friends of Gibson Creek**

**Linda Sanders**

**January 31, 2012**

- 14-1 The commenter provides comments on the Draft Environmental Impact Report, on behalf of Friends of Gibson Creek (FOGC). The commenter expresses support for the AOC's selection of the Library Site with a daylighted creek for enhancing Gibson Creek and improving fish habitat and special status species. The siting of the courthouse and its construction will be managed with the understanding that the proposed project is in the vicinity of a natural production stream supporting anadromous fish which are to be protected by state and federal law. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 14-2 The commenter states that both the Library Site and Railroad Depot Site have culverts that trap and harm migrating steelhead, a federally recognized threatened species, and suggests the removal of box culverts between Main and Mason Streets. The AOC acknowledges that such improvements at pre-existing locations along Gibson Creek would provide long-term benefits related to improved water flows, water quality, and fish passage, and offers the following responses to these specific recommendations provided by FOGC:

*Daylighting Portions of Gibson Creek - Library Site*

The AOC recognizes that the Library Site has culverts that may impede migrating steelhead, as this is an existing condition. As discussed on page 4.3-25 of the Draft EIR, daylighting would allow the Creek to flow generally unimpeded through the property within a natural channel, rather than through this man-made element. With culvert removal, approximately 300 linear feet of daylighting would occur at the Library Site (but not the portion of Gibson Creek under Smith Street). Preliminary estimates indicate that the new daylighted width, including the creek bed, would be approximately 60 feet. This width could be potentially greater depending on final parking and building orientation. Development of final design specifications including construction activities would be completed in strict adherence to conditions required by CDFG, USFWS, Corps, and/or NMFS through the resource agency permitting process (refer to Mitigation Measure 4.3-1 on page 4.3-29, and Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR).

*Removal of Existing Box Culverts - Railroad Depot Site*

With regards to the Railroad Depot Site and the existing downstream box culvert at Leslie Street, CEQA specifically requires mitigation that actually relates to and compensates for impacts caused by the project, but does not require creation of net environmental benefits not related to or compensating for the project. The Leslie Street culvert crossing is considered an existing off-site condition not impacted by the proposed project and so while it may be worthy of consideration on its own merits, the AOC considers its removal to be a generalized public benefit that is unrelated to the impact of the project were it to be located at the Railroad Hospital Drive crossing which is mitigated through the implementation of Mitigation Measure 4.3-3 (on page 4.3-23 of the Draft EIR).

The AOC views the above suggested improvements as beneficial functional enhancements to Gibson Creek bringing value the community. The AOC is committed to working in a collaborative partnership

with the city and other responsible resource agencies to ensure that impacts to Gibson Creek resulting from the proposed courthouse development are minimized to the maximum extent feasible.

The commenter states that in May 21, 2011 correspondence, FOGC recommended a 100' buffer zone from any structure or parking lot located from the Gibson Creek bank to avoid soil compaction; allow for stormwater pollution treatment; allow for a natural creek corridor; and allow for adequate room for a walk way. The mitigation measure mentioning a 20-foot setback from Gibson Creek on page 2-13 (Executive Summary) of the Draft EIR was an error. Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR does not reflect a specific setback requirement. As applicable, the AOC will respect minimum setback requirements, as recommended by the appropriate agency, and as applicable to the work anticipated. This Final EIR provides revised language to the biological resources section, as related to Gibson Creek, in Section 3, Corrections and Revisions to the Draft EIR.

Impact 4.3-3, on page 4.3-22 of the Draft EIR, discusses wetlands and waters in detail, and states that Gibson Creek is subject to the jurisdiction of the USACE, RWQCB, and CDFG. The required permits may include a Department of the Army Permit from the USACE, Water Quality Certification from the RWQCB, and a Streambed Alteration Agreement from the CDFG for any work proposed along the bed and/or bank of Gibson Creek. The AOC will respect minimum setback requirements from Gibson Creek. Therefore, no revisions to the Draft EIR are required.

- 14-3 The commenter provides excerpts from the city's General Plan and *Gibson Creek Enhancement and Public Access Study* (from page 4.3-25 of the Draft EIR) regarding the potential daylighting of the creek, which FOGC finds encouraging. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 14-4 The commenter acknowledges that the Draft EIR included FOGCs request to consider design recommendations outlined by the California Department of Fish and Game's resource, "Fish Passage Design and Implementation XII-1 April 2009" as a mitigation measure. FOGC also recommends if the Railroad Depot Site is chosen for development of the proposed project, the architects and planners should refer to the Cleveland Drainage Study as part of site development and planning. As noted on page 3-12 of the Draft EIR, final courthouse design will be based on existing site constraints such as Gibson Creek. The architect will begin more detailed and site-specific design of the courthouse after the AOC completes due diligence, decides whether or not to approve the proposed project, and after a site is selected and acquired. The AOC thanks FOGC for the recommendation. No revisions to the Draft EIR are required.

Comment Letter 15



Edmund G. Brown Jr.  
Governor

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



Ken Alex  
Director

February 1, 2012

Ms. Laura Sainz  
Administrative Office of the Courts  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833-3509

Subject: New Ukiah Courthouse  
SCH#: 2011042089

Dear Ms. Laura Sainz:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 31, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

15-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011042089  
**Project Title** New Ukiah Courthouse  
**Lead Agency** Administrative Office of the Courts

**Type** EIR Draft EIR

**Description** Note: Extended review period.

1. Library Site (near the existing county public library, bounded by E. Perkins Street, N. Main Street, Mason Street, and including properties fronting Smith Street): This site is comprised of 14 parcels within the immediate downtown area of Ukiah. The site is approximately six acres in size and is bounded by E. Perkins Street on the south, N. Main Street on the west, and Mason Street on the east. The Mendocino County Assessor Parcel No. include: 002-191-20, -21, -22, -23, 002-192-1, -2, -3, -11, -14, -17, -18, -22, -24, -25. The city of Ukiah owns six of the 14 parcels; the remaining parcels are privately-owned. Gibson Creek flows through the northeastern portion of the site; however, the Creek is contained by a culvert and is situated primarily underground. The site is currently improved with a number of structures.

2. Railroad Depot Site (bounded by E. Perkins Street, Leslie Street, Clay Street, and railroad tracks, located adjacent to 309 E. Perkins Street): This site was utilized as the former Ukiah rail yard. The approximately 10-acre site is located south of E. Perkins Street and west of Leslie Street. The Mendocino County APNs for the site include 002-232-12, -13, and 002-282-18 and -19. The site is owned by the North Coast Railroad Authority, which is located in Ukiah. Inactive railroad tracks from the western boundary of the site. Gibson Creek flows through the northeastern portion of the site. The site is no longer an active rail yard, and is primarily vacant, with the exception of a historic train depot (which would not be removed), and two small warehouses.

The proposed project includes the construction of a three-story (maximum), approximately 114,000 s.f. courthouse with a basement, and nine courtrooms.

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report  
State Clearinghouse Data Base**

**Lead Agency Contact**

**Name** Ms. Laura Sainz  
**Agency** Administrative Office of the Courts  
**Phone** 916 263-7992 **Fax**  
**email**  
**Address** 2860 Gateway Oaks, Suite 400  
  
**City** Sacramento **State** CA **Zip** 95833-3509

**Project Location**

**County** Mendocino  
**City** Ukiah  
**Region**  
**Lat / Long**  
**Cross Streets** Library Site: Perkins Street, Main Street, Mason Street/Railroad Depot site: 309 Perkins Street  
**Parcel No.**  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** Hwy 101  
**Airports**  
**Railways** Ukiah Municipal  
**Waterways** Gibson Creek  
**Schools**  
**Land Use** GPDLU: Both potential sites is C (Commercial). The Library Site has a city ZD: of C1 (Community Commercial), and the Railroad Depot Site has a ZD: of C1 (Community Commercial) and C2 (Heavy Commercial)

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 1E; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Regional Water Quality Control Board, Region 1; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 10/31/2011 **Start of Review** 10/31/2011 **End of Review** 01/31/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA

Edmund G. Brown Jr. Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



December 12, 2011



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Ms. Laura Sainz  
Administrative Office of the Courts  
Staff Agency of the judicial Council of CA.  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)  
New Ukiah Courthouse  
SCH# ~~20101042089~~  
2011042089

Dear Ms. Sainz:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The CPUC concurs with the mitigation measures identified in the DEIR Summary of Environmental Impacts and Mitigation Measures for section 4.10-3 & 4.10-3b which adequately address the CPUC safety concerns for railroad crossings in the project area.

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
180 Promenade Circle, Suite 115  
Sacramento, CA 95834-2939



Matt Rodriguez  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
North Coast Region  
Geoffrey M. Hales, Chairman**

www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Edmund G. Brown Jr.  
Governor

December 13, 2011

Ms. Laura Sainz  
Administrative Office of the Courts,  
Staff Agency of the Judicial Council of California  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833

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Dear Ms. Sainz:

**Subject:** Comments on the New Ukiah Courthouse project, SCH No. 2011042089

Thank you for the opportunity to comment on the New Ukiah Courthouse project (the project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters.

The project consists of the construction of a 3-story, 114,000 square-foot courthouse. The Draft Environmental Impact Report (DEIR) considers 2 sites for the proposed project. The first potential site is located near the existing county public library surrounded by E. Perkins Street, N. Main Street, Mason Street, and Smith Street. The second potential site is the old Railroad Depot Site surrounded by E. Perkins Street, Leslie Street, Clay Street, and railroad tracks adjacent to E. Perkins Street.

**We have the following comments:**

Surface waters and wetlands are located on site at both proposed project site locations for the project. Impacts to surface waters shall first be avoided then mitigated. Both proposed locations for the potential project would include the demolition of existing structures; appropriate offsite disposal practices would need to be implemented. The Regional Water Board understands that we are already working with the lead agency on this project involving the known contamination issues. The project should include the use of Low Impact Development to mitigate potential impacts to water quality from increased storm water runoff. A General Construction Storm Water Permit, a Conditional Waiver of Waste Discharge Requirements, and a Water Quality Certification may be required for this project.

**California Environmental Protection Agency**

Recycled Paper

Ms. Laura Sainz

-2-

December 13, 2011

**Surface Waters**

Gibson Creek runs through both proposed locations of the proposed project. The Railroad Depot Site is stated to support the Valley Foothill Riparian Forest and Annual Grassland, in addition to Urban and Riverine habitat. At the Railroad Depot site, Gibson Creek and several shallow depressions that pond seasonally occur within the study area. There is no mitigation proposed for impacting these wetlands, riparian areas, or habitats.

Individual stream and wetland systems are part of complete aquatic ecosystems through interaction of surface and subsurface hydrologic connections, healthy systems perform functions that protect and enhance watershed-wide water quality. In addition, surface waters provide habitat that supports a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality. An important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters.

The Regional Water Board and the United States Environmental Protection Agency (EPA) recommend a *minimum* setback of 100 feet from the top of bank of a stream, watercourse or the edge of a wetland. The project should delineate buffer zones of at least 100 feet for all perennial and seasonal surface waters. Setbacks should be vegetated and undisturbed or enhanced with native plants. Please be aware that disturbance to waters of the State require permitting from this agency.

**Wetlands and Waters of the State**

The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated. Impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. All efforts to first avoid and second to minimize impacts to waters of the State must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

**California Environmental Protection Agency**

Recycled Paper

**Offsite disposal/reuse**

Both potential site area construction plans include the demolition of existing structures; no mitigation was provided for the potential impacts of the demolitions in the DEIR. Waste material generated during site preparation and construction proposed for offsite disposal must be fully characterized to ensure that any contaminated material is properly handled and disposed of. The proposed criteria for approval of offsite use/disposal should be made available to regulatory agencies to ensure that contaminated material is not allowed to be dispersed at another location where it may adversely impact human health and/or the environment. Given individual offsite reuse/disposal location site characteristics and the characteristics of the material to be reused/disposed of, more preparation and permitting may be necessary to permit such offsite activities. Onsite disposal and disturbed areas should be promptly stabilized to prevent any potential discharge of sediment.

**Storm Water and Low Impact Development**

The development of the Library Site or the Railroad Depot Site would result in an increased amount of impervious surfaces and the alteration of drainage patterns on site. The Regional Water Board requires the use of Low Impact Development (LID) and best management practices (BMPs) that treat and retain (infiltrate, capture, evapotranspire and store) storm water runoff on the project site.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of storm water runoff. Other benefits from LID implementation include reducing global warming impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption.

**California Environmental Protection Agency**

*Recycled Paper*

Ms. Laura Sainz

-4-

December 13, 2011

LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the following sizing criteria:

1. The volume of runoff produced from the 85<sup>th</sup> percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or
2. The volume of runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or
3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

**The following permits may be required for this project:**

**Construction General Storm Water Permit:**

Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of Low Impact Development to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml).

**California Environmental Protection Agency**

*Recycled Paper*

Ms. Laura Sainz

5

December 13, 2011

**Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs:**

Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project which discharges or threatens to discharge waste to waters of the state. Projects that impact waters of the state (including discharges of post-construction storm water runoff, grading activities within stream courses or wetlands, and removal of riparian vegetation in some cases) require permitting by the Regional Water Board. The Regional Water Board may also require permits for on-site septic systems accepting 1,500 gallons or more per day. An application may be printed from the State Water Resource Control Board website at: [www.swrcb.ca.gov/sbforms/](http://www.swrcb.ca.gov/sbforms/).

**Water Quality Certification (401 Certification):**

Permit issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the state. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a state 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands are present, please contact Mark Neely from our office at (707) 576-2689 for a 401 Permit or other permit action.

If you have any questions or comments, please contact me at (707) 570-3761 or [mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov).

Sincerely,



Mona Dougherty  
Senior Water Resources Control Engineer

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812  
Re: SCH No. 2011042089

**California Environmental Protection Agency**

*Recycled Paper*

**Comment Letter 15 Response**

**State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

**Scott Morgan, Director, State Clearinghouse**

**February 1, 2012**

- 15-1 The commenter provided a list of agencies that reviewed the Draft EIR. This information is included in the record as evidence that the Draft EIR was circulated for the mandatory 45-day review to the State Clearinghouse, pursuant to the California Environmental Quality Act. The commenter also provided copies of the comment letter from the State of California Public Utilities Commission and the North Coast Regional Water Quality Control Board, which include comments on the Draft EIR. Responses to comments contained within these two letters are presented in Comment Letter 7 and Comment Letter 8, respectively (above). These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.

Comment Letter 16

City of Ukiah Paths, Open Space, and Creeks Commission (POSCC)

February 8, 2012

Dear Ukiah City Council:

POSCC recently received the attached letter from Ukiah's Friends of Gibson Creek regarding the ~~Draft Environmental Impact Report for the Ukiah Courthouse Project~~. We think several of their points bear further study and would like to bring them to your attention.

16-1

There appear to be several opportunities through the new construction to address fish barrier and aquatic habitat issues that, if fixed, would both improve the natural resources and make the City of Ukiah more livable for residents and attractive to tourists. Removing the box culverts, removing the Leslie Street culvert, and restoring the creek banks and bed between Main and Mason Streets, all seem like once-in-a-generation opportunities. While we are not qualified to speak to the details, we believe the City should take a good long look at how these could be incorporated into project design, whether as essential design elements or as mitigation for other unavoidable impacts. True, the price tag may be high, but what is the dollar value of steelhead returning to upstream spawning beds, to our grandkids pointing at the fry in the clean streams?

16-2

POSCC also agrees with FOGC that having state of the art systems like permeable paving, large tree wells, and setbacks greater than 20 feet from creeks offer both low cost water treatment and an opportunity to build Ukiah's civic reputation. In addition, setbacks greater than 20 feet could provide opportunities to incorporate green ways and pedestrian-friendly transportation routes, thereby greening our image and helping Ukiah to provide a high quality of life to its residents - human and wildlife.

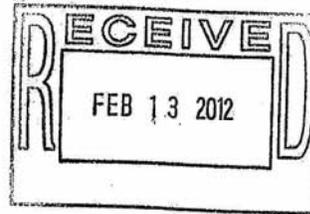
16-3

We ask that you incorporate these design elements into your continuing communications with the state. We are, of course, open to your questions and responses regarding our recommendations. Thanks for your attention.

Sincerely,

*Beth Lang*

Beth Lang, POSCC Chairperson  
For the Commission



Cc: Jane Chambers, City Manager, City of Ukiah  
Charley Stump, Planning Director and POSCC Staff Liaison, City of Ukiah

December 6, 2011

Paths, Open Space and Creeks Commission  
City of Ukiah  
300 Seminary Way  
Ukiah, CA 95482

Dear Commissioners,

On behalf of Friends of Gibson Creek, I am requesting that the Commission submit their comments on the Draft Environmental Impact Report as proposed by the Administrative Office of the Courts and the Judicial Council of California for the Ukiah Courthouse Project. Fortunately, the DEIR public comment period was extended beyond December 14, 2011 to January 31, 2012 following public feedback received during the November 30, 2011 hearing.

The extension is good news because it gives the Commission an opportunity to respond in writing to the relevant issues within POSC's purview such as the minimum stream setback of 20' for Gibson Creek and the redesign of the Leslie Street culvert currently being considered.

On May 24, 2011, Friends of Gibson Creek sent a letter in response to the Ukiah Courthouse Scoping Session with the following recommendations:

1. Removal of the box culverts to allow free fish passage to spawning pools in the upper reaches of the Gibson Creek canyon.
  - a) Depot site: Removal of the Leslie Street culvert and replacement with a small footbridge; as a mitigation measure for extending Hospital Drive across Gibson Creek. This measure would improve aquatic habitat and provide traffic calming for the neighborhood by allowing for foot traffic only on Leslie Street, one more step in making Ukiah more walkable, an official goal for some time.
  - b) Library site: Removal of culverts between Main and Mason Streets and restoring creek bed and banks to a natural state are important mitigation measures for the loss of the existing parking lot shade trees.
  - c) The project should be required to follow the recommendations outlined by the California Department of Fish and Games' *Fish Passage Design and Implementation XII-1, April 2009*.
2. All parking lots should have water permeable surfaces to reduce storm-water runoff pollution and sedimentation associated from construction. Design curb-less tree wells for shade trees that are at least the size of a car stall. Design 100' riparian buffers from the creek bank from any structure or parking lot to minimize compaction and allow for a natural creek corridor and room for a walkway.
3. Both, the Railroad Depot site and the Library site must be required to disclose the extent of toxic contamination and its affect on Gibson Creek and the ground water.

Mona Dougherty, Water Resources Control Engineer, with the California Regional Water Quality Control Board for the North Coast Region, wrote in her six-page letter to the Administrative Office of the Courts, dated May 25, 2011, about the project's impacts. She identified five points of concern, hazardous

materials and cleanup activities; storm water and low impact development; permitting and impacts to wetlands and waters of the state; and surface water concerns. She wrote the following:

“Surface waters, including wetlands, provide habitat that support a variety of plant and animal life for rare and endemic species. Riparian areas between streams and wetlands and their adjoining environments play critical roles in protecting and enhancing water quality.

An important tool for reducing and avoiding impacts to surface waters is the implementation of a buffer area of native and riparian vegetation between any construction activities or structures and surface waters. The Regional Water Board and the United States Environmental Protection Agency (EPA) recommended a *minimum* setback of 100 feet from top of bank of a stream, watercourse or the edge of a wetland. The project should delineate buffer zones of at least 100 feet for all perennial and seasonal surface waters. Setbacks should be vegetated and undisturbed or enhanced with native plants.”

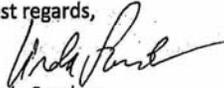
I am not sure how the distance of 20' was determined in the EIR but the EPA, the RWQB and FOGC disagree with the recommendation. A 20' setback is environmentally inadequate. In August 2011, the Board of Supervisors of Mendocino County adopted minimum riparian buffer zones with 50' for streams and 100' for the Russian River for all development projects within the Ukiah Valley Area Plan. This was an important land use and water quality policy and an historic event for Mendocino County given its long resistance to implementing a grading ordinance.

I hope that the POSC Commissioners share Friends of Gibson Creek's sense of urgency and value in expressing views about a future courthouse inhabiting a riparian corridor frequented by wildlife. A letter supporting a greater distance than 20' recommended in the DEIR is necessary for establishing a minimum riparian buffer zone that is biologically adequate for aquatic species, avian and other wildlife. It is also extremely important for improving the riparian corridor by removing the boxed-culverts that have for decades impeded fish passage.

The draft EIR can be downloaded from the following website <http://www.courts.ca.gov/facilities-mendocino.htm> and written comments should be mailed to Laura Sainz, Environmental Program Manager, Office of Court Construction & Management, Judicial Council of California-AOC, 2860 Gateway Oaks Dr, Ste 400, Sacramento, CA 95833 (916) 263-7992 or [laura.sainz@jud.ca.gov](mailto:laura.sainz@jud.ca.gov)

Thank you for the time each of you devote to the community every month by serving on this Commission. Friends of Gibson Creek and the citizens of Ukiah appreciate your activities and stewardship of our creeks, walking paths and wild areas.

Best regards,



Linda Sanders  
Friends of Gibson Creek

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**Comment Letter 16 Response****City of Ukiah Paths, Open Space, and Creeks Commission (POSCC)****Beth Lang, POSCC Chairperson for the Commission****February 8, 2012**

- 16-1 The commenter, on behalf of the City of Ukiah Paths, Open Space, and Creeks Commission (POSCC), mentioned receipt of a letter from Friends of Gibson Creek (FOGC) regarding the Draft EIR for the New Ukiah Courthouse. The POSCC wanted to reiterate some of FOGC's concerns. These comments do not identify a deficiency in the EIR's analysis of environmental impacts; therefore, no revisions to the Draft EIR are required.
- 16-2 The commenter expressed the importance of project design and the removal of box culverts to address fish barrier and aquatic habitat issues that, if fixed, would improve the natural resources and make the city of Ukiah more livable for residents and attractive to tourists. Please refer to Response to Comment 14-2, above. No revisions to the Draft EIR are required.
- 16-3 The commenter mentioned agreement with FOGC's recommendations regarding the use of permeable paving, large tree wells, and setbacks greater than 20 feet from creeks. At this point in the project development process, a final site design (including landscaping elements) has not been determined; however, the project will be constructed to LEED Silver standards to ensure drainage/runoff impacts are less than significant. In addition, the North Coast Regional Water Quality Control Board requires the use of Low Impact Development (LID) and Best Management Practices (BMPs) for the proposed project. The proposed project would comply with state and federal requirements and would include the implementation of BMPs and LID measures to reduce potential effects of construction and/or long-term operation of the proposed project. The LID strategies for the proposed project may include the use of integrated stormwater retention and detention areas, reduction of impervious surfaces, lengthening of flow paths and runoff time, or use of natural vegetation and soil to filter runoff, among other methods. The mitigation measure mentioning a 20-foot setback from Gibson Creek on page 2-13 (Executive Summary) of the Draft EIR was an error. Mitigation Measure 4.3-3 on page 4.3-23 of the Draft EIR does not reflect a specific setback requirement. As applicable, the AOC will respect minimum setback requirements from the creek, as recommended by the appropriate agency, and as applicable to the work anticipated. This Final EIR provides revised language to the biological resources section, as related to Gibson Creek, in Section 3, Corrections and Revisions to the Draft EIR.

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## 3 CORRECTIONS AND REVISIONS TO THE DRAFT EIR

This section contains changes to the text of the Draft EIR that are being made based upon agency and public comments received and responded to in Chapter 2 of this Final EIR. The changes are presented in the order in which they appear in the Draft EIR and are identified by Draft EIR page number. Text deletions are shown in ~~strikeout~~ and additions are shown in double underline. These minor changes do not affect the Draft EIR's analysis and do not change any conclusions of the Draft EIR.

### Page 2-10 of the Draft EIR is revised as follows:

#### Impact 4.2-3. Operational Emissions.

**Library Site.** Operational emissions at the Library Site ~~and~~ or the Railroad Depot Site would not exceed MCAQMD's significance thresholds for criteria pollutants and, thus, would not contribute to pollutant concentrations that exceed the NAAQS or CAAQS. Therefore, this is a **less than significant** impact.

#### Mitigation Measure 4.2-4 – Library Site and Railroad Depot Site

Refer to Mitigation Measure 4.10-1 ~~through~~ and 4.10-3 in Chapter 4.10, Traffic and Circulation.

### Page 2-11 of the Draft EIR is revised as follows:

#### Impact 4.3-2. Potential Impacts on Riparian Habitat or Other Sensitive Natural Community.

**Library Site.** The Library Site is disturbed and supports existing development; however, Gibson Creek runs through the property. ~~No wetlands or other sensitive habitat were identified on site that would be potentially impacted by the proposed project.~~ The site supports Urban and Riverine habitat. Impacts would be **less than significant**.

### Page 2-12 of the Draft EIR is revised as follows:

#### Mitigation Measure 4.3-3 – Library Site and Railroad Depot Site

The AOC shall implement the following measures to reduce potential impacts on Gibson Creek:

- › The AOC shall develop the proposed project to the best extent feasible to avoid direct impacts to the on-site portion of Gibson Creek, and/or any streams, wetlands, or riparian habitat outside of the Library Site or the Railroad Depot Site. Fencing and signage shall be implemented as necessary to avoid unintentional disturbance to on-site or off-site wetlands or streams. The following shall be implemented by the AOC in the event site development requires in-channel disturbance to Gibson Creek:
  - Activities related to the day-lighting of Gibson Creek at the Library Site ~~under either Library Site design scenario~~ shall require AOC consultation with the United States Army Corps of Engineers, (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG), including requisition of all necessary permits and authorizations, prior to in-channel disturbance.
  - The Hospital Drive extension over Gibson Creek contemplated for ~~both the~~ the Railroad Depot Site ~~design scenarios~~ shall be designed and constructed in accordance with applicable requirements set forth in CDFG's Fish Passage Design and Implementation XII-1 (April 2009) to promote efficient and safe fish passage.

**Page 2-13 of the Draft EIR is revised as follows:**

- › The AOC shall design the proposed project in a manner that minimizes impacts to waters of the United States to the degree feasible. Any necessary direct impacts (i.e., discharge of dredged or fill material) to waters of the United States shall be limited to the minimum area necessary to accomplish project objectives. Prior to any direct impacts to waters of the United States, all required USACE, RWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented. As applicable, the AOC will respect minimum setback requirements from the Creek, as recommended by the appropriate agency, and as applicable to the work anticipated. ~~This includes a 20-foot setback from the Gibson Creek, which shall be required by the AOC.~~

**Page 2-14 of the Draft EIR is revised as follows:**

**Mitigation Measure 4.3-4 – Library Site and Railroad Depot Site**

The AOC shall implement Mitigation Measure 4.3-1a to reduce potential impacts on the Central California coast coho salmon, Central California coast steelhead, California coastal Chinook salmon, foothill yellow-legged frog, and western pond turtle.

In addition, the AOC, or its contractor, shall implement the following measures to reduce impacts on migratory bird populations:

- › If feasible, vegetation and/or building removal on the Library Site or Railroad Depot Site shall be conducted between August 1 and February 28. If vegetation and/or building removal must be conducted between March 1 and July 31, a nesting bird survey shall be conducted within two weeks prior to initiation of work; if active nests are present, work within 500 feet of the nest(s) shall be postponed until the young have fledged, unless a smaller nest buffer zone is previously authorized by the California Department of Fish and Game.

**Page 2-16 of the Draft EIR is revised as follows:**

**Mitigation Measure 4.4-1a – Library Site**

The AOC, or its contractor, shall implement the following measures to reduce impacts on potential historic resources:

- › Should the Library Site be selected for construction of the proposed project, the potential eligibility for listing in the CRHR of onsite structures shall be determined by a qualified architectural historian, prior to building disturbance or demolition of existing buildings, and forms shall be filed as appropriate. If the buildings are determined to be eligible either alone or as a district by either a qualified architectural historian or SHPO, the AOC, following consultation with SHPO, shall implement ~~be required to provide~~ additional mitigation for project impacts. Mitigation measures may include ~~such actions as~~ the requirement to prepare a complete recording and photo documentation of the structures; reuse of building elements in new construction; ~~installation of a commemorative plaque; and/or construction~~ the installation of an interpretive diorama element of the original buildings ~~that would to~~ be displayed in ~~the lobby~~ a prominent location of the new courthouse. Appropriate mitigation measures would be determined through SHPO consultation at the time when the buildings are determined to be eligible.

**Mitigation Measure 4.4-1b – Railroad Depot Site**

The AOC, or its contractor, shall implement the following measures to reduce impacts on potential historic resources:

- › Should the Railroad Depot Site be selected for construction of the proposed project, site records shall be updated and SHPO concurrence obtained regarding the eligibility determinations for the four historic resources identified within the site. If the on-site resources are determined to be eligible for listing, and disturbance or demolition of one or more of the resources cannot be avoided, the AOC shall be required to provide additional mitigation for project impacts. Mitigation measures may include ~~such actions as~~ the requirement to prepare a complete recording and photo documentation of the ~~affected resources~~ structures; reuse of building structural elements in new construction; ~~installation of a commemorative plaque;~~ and/or the installation of an interpretive diorama element of the original buildings ~~that would to be displayed in the lobby~~ a prominent location of the new courthouse. Appropriate mitigation measures would be determined through SHPO consultation at the time when the resources are determined to be eligible.

**Page 2-17 of the Draft EIR is revised as follows:**

**Mitigation Measure 4.4-2 – Library Site and Railroad Depot Site**

The AOC, or its contractor, shall implement the following measures to reduce impacts on potential archaeological resources:

- › In the event that unanticipated previously unevaluated archaeological resources are discovered (i.e., burnt animal bone, midden soils, projectile points or other humanly-modified lithics, historic artifacts, etc.) all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary.

**Mitigation Measure 4.4-3 – Library Site and Railroad Depot Site**

The AOC, or its contractor, shall implement the following measures to reduce impacts on potential paleontological resources:

- › During ground-disturbing construction activities, in the event that fossils are discovered, all ground disturbing activities shall cease within a 100-foot radius of the find. A qualified paleontologist (an individual with an M.S. or Ph. D. in paleontology or geology, who is familiar with paleontological procedures and techniques,) shall ~~then be consulted to development~~ and oversee the implementation of a recovery plan that would remove the fossils.

**Mitigation Measure 4.4-4 – Library Site and Railroad Depot Site**

In the event that unanticipated human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of human remains shall be required. The following details the procedures to be followed in the event that new human remains are discovered.

**Page 2-25 of the Draft EIR is revised as follows:**

**Impact 4.7-4. Substantial Alteration of Existing Drainage Patterns or that Would Substantially Increase the Rate or Amount of Surface Water Runoff in a Manner that Would Result in Flooding Onsite or Offsite.**

Development of the Library Site or the Railroad Depot Site with the proposed 114,000 square-foot courthouse and associated improvements would have the potential to alter onsite drainage patterns, thereby changing runoff rates or volumes that could ultimately result in flooding. However, the proposed project would be designed consistent with AOC standards and would comply with the requirements of the NPDES permit to ensure that stormwater quantities are effectively reduced and properly treated to reduce impacts to a less than significant level. ~~This would be a significant impact.~~

**Page 2-33 of the Draft EIR is revised as follows:**

**Impact 4.10-3. Site Access.** ~~The project will introduce new driveways connecting to existing or approved roadway facilities.~~

The proposed project will introduce new driveways connecting to existing or approved roadway facilities. The two access alternatives for the Library Site would involve road closures which would alter the traffic patterns in the vicinity and could result in increased traffic on other roadway segments. In addition, the at-grade rail crossing and new access points for both the Library and Railroad Depot Sites could result in increased hazard due to operational features. This impact is considered **potentially significant**.

**Page 2-35 of the Draft EIR is revised as follows:**

**Mitigation Measure 4.10-4c – Railroad Depot Site**

For the Railroad Depot Site, should the railroad become operational prior to the completion of construction, the AOC shall ~~work~~ coordinate with the CPUC and the NWPRA to determine the specific pedestrian safety requirements for the at-grade rail crossing on Perkins Street.

**Page 4.1-37 of the Draft EIR is revised as follows:**

**Mitigation Measure 4.1-4b – Railroad Depot Site**

› *The final courthouse design shall ensure that any exterior lighting does not spill over onto the adjacent uses. The architect shall prepare and submit an Outdoor Lighting Plan to the Administrative Office of the Courts (AOC) for review and approval, prior to construction related ground disturbing activities, that includes a footcandle map illustrating ~~the amount of~~ no light from the Project site ~~at~~ spills over onto adjacent light sensitive receptors. All exterior light fixtures (including street lighting) shall be shielded or directed away from adjoining uses. Landscape lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements shall be anticipated.*

**Page 4.3-20 of the Draft EIR is revised as follows:**

Implementation of BMPs, combined with the associated monitoring to ensure BMP effectiveness throughout the duration of construction, would ensure that sediment/pollutant transport to Gibson Creek is avoided, thereby precluding potential indirect impacts to special-status salmonids and critical habitat designated for Central California coast coho salmon. Additionally, the AOC will respect minimum setback requirements ~~shall require all development to be set back 20 feet~~ from the stream bank to further minimize potential indirect impacts, combined with the CDFG requirement that any development near Gibson Creek avoid the dripline of riparian vegetation along the stream bank. However, potential direct impacts resulting from disturbance of the species (if present) or of associated habitat during in-water work conducted during the construction phase would be considered a **potentially significant** impact.

**Mitigation Measure 4.3-1 – Library Site and Railroad Depot Site**

*The AOC, or its contractor, shall implement the following measures to reduce impacts on special-status ~~animal~~ species:*

› *Construction activities within the bed and/or banks of Gibson Creek shall be restricted to the dry-season when the channel is dry to avoid impacts to the foothill yellow-legged frog, western pond turtle, and salmonids. If work cannot be restricted to the dry season, immediately prior to on-site, in-water*

*construction activities, the AOC, or its project contractor, shall retain a qualified biologist to conduct focused surveys of aquatic sites for these species. If such species are found to be present at the time of the survey, salmonids, turtles, frogs, tadpoles, and/or egg masses shall be relocated to a safe location upstream or downstream to avoid direct impacts.*

- › Should construction fleet vehicles and/or equipment necessary for courthouse construction be procured outside of the Ukiah Valley, the following provision shall be included on all final construction documents:
  - All construction vehicles and equipment shall be thoroughly washed at a commercial wash facility prior to entering the Ukiah Valley. Particular care shall be taken to remove mud and debris from the wheel wells, undercarriage, and other areas at which mud and debris may accumulate.

**Page 4.7-2 of the Draft EIR is revised as follows:**

**Flooding as a Result of the Failure of a Levee or Dam**

According to the ~~Draft Ukiah Valley Area Plan (December, 2010~~ August, 2011) Health and Safety Section, hypothetically, in the event of a total dam failure when Lake Mendocino is filled to capacity, water would flow north up the Russian River channel to a point north of Highway 20. Between Highway 20 and Calpella, the topography of the channel would keep the water confined between the bluffs and North State Street.

**Page 4.7-14 of the Draft EIR is revised as follows:**

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<b>Impact 4.7-4</b>	<b>Substantial Alteration of Existing Drainage Patterns or that Would Substantially Increase the Rate or Amount of Surface Water Runoff in a Manner that Would Result in Flooding Onsite or Offsite.</b> Development of the Library Site or the Railroad Depot Site with the proposed 114,000 square-foot courthouse and associated improvements would have the potential to alter onsite drainage patterns, thereby changing runoff rates or volumes that could ultimately result in flooding. <u>However, the proposed project would be designed consistent with AOC standards and would comply with the requirements of the NPDES permit to ensure that stormwater quantities are effectively reduced and properly treated to reduce impacts to a less than significant level.</u> This would be a <del>significant</del> impact.
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**Page 4.7-21 of the Draft EIR is revised as follows:**

**Impact 4.7-9. Exposure of 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.**

The USACE resource documents associated with Coyote Dam do not indicate the current level of risk associated with a potential dam failure. According to the ~~Draft Ukiah Valley Area Plan (December, 2010~~ August, 2011) Health and Safety Section, in the hypothetical event of a total dam failure when Lake Mendocino is filled to capacity, water would flow north up the Russian River channel to a point north of Highway 20.

**Page 4.10-36 of the Draft EIR is revised as follows:**

**Significance after Mitigation**

With Mitigation Measures 4.10-3a and 4.10-3b, the impact of the increased hazards due to operational facilities, such as new driveway access points, is **less than significant**.

**Page 4.10-38 of the Draft EIR is revised as follows:**

**Significance after Mitigation**

With Mitigation Measures 4.10-5a and 4.10-5b, the potential impact to bicycle facilities would be **less than significant**.