



New Fort Ord Courthouse

Draft Environmental Impact Report

Prepared for:
Judicial Council of California

APRIL 6, 2023

This page intentionally left blank

Prepared for:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Contact:

Kim Bobic
Sr. Project Manager
Phone: 805-249-0911
Kim.Bobic-T@jud.ca.gov

Prepared by:

AECOM
2020 L Street, Suite 300
Sacramento, CA 95811

Contact:

Matthew Gerken
Principal-in-Charge
Phone: 510-593-3600
matthew.gerken@aecom.com

Printed on environmentally responsible paper. Made from 100% recycled post-consumer waste.

This page intentionally left blank

Table of Contents

EXECUTIVE SUMMARY	ES-1
Introduction	ES-1
Project Summary	ES-1
Project Description	ES-1
Project Objectives	ES-2
Required Lead Agency Approvals.....	ES-2
Summary of Impacts and Mitigation Measures	ES-2
Alternatives to the Project.....	ES-2
No Project Alternative	ES-2
Alternative 1, Renovation of Existing Courthouses	ES-3
Alternative 2, Reduced New Courthouse Size and Partial Renovation of Existing Facilities	ES-3
Environmentally Superior Alternative	ES-4
Potential Areas of Concern and Issues to be Resolved	ES-4
Activities Outside the Scope of the Proposed Project.....	ES-5
Public Review of the Draft EIR	ES-6
1 INTRODUCTION	1-1
1.1 Project Overview.....	1-1
1.2 Intended Uses and Purpose of the EIR	1-1
1.3 Lead, Responsible, and Trustee Agencies	1-2
1.3.1 Lead Agency	1-2
1.3.2 Responsible Agencies.....	1-2
1.3.3 Trustee Agencies	1-3
1.4 Scoping of Environmental Issues	1-3
1.4.1 Notice of Preparation and Scoping Meeting	1-3
1.4.2 Public Review of the Draft EIR	1-3
1.4.3 Responses to Comments Document and Final EIR	1-4
1.4.4 Mitigation Monitoring and Reporting Program	1-4
1.5 Document Organization	1-4
2 PROJECT DESCRIPTION	2-1
2.1 Project Location, Zoning, and Surrounding Land Uses	2-1
2.1.1 Project Location	2-1
2.1.2 Project Site History	2-1
2.1.3 Project Site Zoning and Surrounding Land Uses	2-4
2.2 Project Purpose and Objectives	2-4
2.3 Proposed Project Characteristics	2-5
2.3.1 Courthouse and Parking	2-5
2.3.2 Site Access	2-6
2.3.3 Supporting Infrastructure	2-6
2.4 Construction and Staging	2-7
2.5 Project Approvals.....	2-9
3 IMPACTS FOUND NOT TO BE SIGNIFICANT	3-1
3.1 Agriculture and Forestry Resources	3.1-1

3.2	Energy.....	3.2-1
3.3	Geology, Soils, and Paleontological Resources	3.3-1
	3.3.1 Geology and Soils.....	3.3-1
	3.3.2 Paleontological Resources	3.3-4
3.4	Land Use and Planning	3.4-1
3.5	Mineral Resources.....	3.5-1
3.6	Population and Housing.....	3.6-1
3.7	Public Services	3.7-1
3.8	Recreation.....	3.8-1
3.9	Utilities and Service Systems	3.9-1
	3.9.1 Water Supply.....	3.9-1
	3.9.2 Wastewater Facilities	3.9-1
	3.9.3 Stormwater Drainage	3.9-1
	3.9.4 Electrical Service	3.9-1
	3.9.5 Natural Gas.....	3.9-1
	3.9.6 Conclusion	3.9-1
3.10	Wildfire	3.10-1
4	ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES.....	4-1
4.0	Approach to the Analysis	4-1
	4.0.1 Introduction	4-1
	4.0.2 Format and Content.....	4-1
	4.0.3 Terminology used to Describe Impacts.....	4-2
4.1	Aesthetics	4.1-1
	4.1.1 Existing Conditions	4.1-1
	4.1.2 Regulatory Setting	4.1-10
	4.1.3 Impacts Analysis	4.1-11
4.2	Air Quality	4.2-1
	4.2.1 Existing Conditions	4.2-1
	4.2.2 Regulatory Setting	4.2-6
	4.2.3 Impact Analysis	4.2-12
4.3	Biological Resources	4.3-1
	4.3.1 Existing Conditions	4.3-1
	4.3.2 Regulatory Setting	4.3-14
	4.3.3 Impact Analysis	4.3-17
4.4	Cultural Resources	4.4-1
	4.4.1 Existing Conditions	4.4-1
	4.4.2 Regulatory Setting	4.4-2
	4.4.3 Impact Analysis	4.4-6
4.5	Greenhouse Gas.....	4.5-1
	4.5.1 Existing Conditions	4.5-1
	4.5.2 Regulatory Setting	4.5-6
	4.5.3 Impact Analysis	4.5-12
4.6	Hazards and Hazardous Materials	4.6-1
	4.6.1 Existing Conditions	4.6-1
	4.6.2 Regulatory Setting	4.6-5
	4.6.3 Impact Analysis	4.6-8
4.7	Hydrology and Water Quality.....	4.7-1
	4.7.1 Existing Conditions	4.7-1

4.7.2	Regulatory Setting	4.7-7
4.7.3	Impact Analysis	4.7-12
4.8	Noise and Vibration.....	4.8-1
4.8.1	Existing Conditions	4.8-1
4.8.2	Regulatory Setting	4.8-11
4.8.3	Impact Analysis	4.8-18
4.9	Transportation	4.9-1
4.9.1	Introduction	4.9-1
4.9.2	Environmental Setting.....	4.9-1
4.9.3	Regulatory Setting	4.9-4
4.9.4	Impact Analysis	4.9-9
4.10	Tribal Cultural Resources	4.10-1
4.10.1	Existing Conditions	4.10-1
4.10.2	Regulatory Setting	4.10-4
4.10.3	Impact Analysis	4.10-5
5	CUMULATIVE IMPACTS	5-1
5.1	Introduction	5-1
5.2	Cumulative Context.....	5-4
5.3	Projects Contributing to Potential Cumulative Impacts.....	5-4
5.4	Analysis of Cumulative Impacts.....	5-5
5.4.1	Aesthetics	5-5
5.4.2	Air Quality	5-6
5.4.3	Biological Resources	5-7
5.4.4	Cultural Resources	5-7
5.4.5	Energy.....	5-8
5.4.6	Geology and Soils.....	5-8
5.4.7	Greenhouse Gas.....	5-9
5.4.8	Hazards and Hazardous Materials	5-10
5.4.9	Hydrology and Water Quality	5-10
5.4.10	Public Services	5-11
5.4.11	Noise and Vibration.....	5-12
5.4.12	Transportation	5-13
5.4.13	Tribal Cultural Resources	5-17
5.4.14	Utilities and Service Systems	5-17
6	OTHER CEQA REQUIREMENTS.....	6-1
6.1	Growth-Inducing Impacts.....	6-1
6.1.1	Introduction to Growth-Inducing Impacts.....	6-1
6.1.2	Growth-Inducing Impacts of the Proposed Project.....	6-1
6.2	Significant and Unavoidable Impacts.....	6-2
6.2.1	Project-Level Significant and Unavoidable Impacts	6-2
6.2.2	Cumulatively Significant and Unavoidable Impacts.....	6-4
7	ALTERNATIVES.....	7-1
7.1	Introduction	7-1
7.1.1	CEQA Requirements for Alternatives Analysis	7-1
7.1.2	Project Objectives	7-2
7.1.3	Project Significant Impacts.....	7-2
7.2	Alternatives Considered but Rejected for Detailed Analysis in this EIR.....	7-3

7.2.1 Alternative Courthouse Locations.....7-3

7.3 Alternatives Analyzed in this EIR..... 7-6

7.3.1 No Project Alternative7-6

7.3.2 Alternative 1, Renovation of Existing Courthouses7-6

7.3.3 Alternative 2, Reduced New Courthouse Size and Partial Renovation of Existing Facilities7-8

7.4 Alternatives Analysis..... 7-8

7.4.1 Aesthetics7-8

7.4.2 Air Quality7-10

7.4.3 Biological Resources7-13

7.4.4 Cultural Resources7-13

7.4.5 Energy.....7-15

7.4.6 Geology, Soils, and Paleontological Resources7-16

7.4.7 Greenhouse Gas.....7-18

7.4.8 Hazards and Hazardous Materials7-19

7.4.9 Hydrology and Water Quality7-21

7.4.10 Noise and Vibration.....7-23

7.4.11 Public Services7-24

7.4.12 Transportation7-25

7.4.13 Tribal Cultural Resources7-27

7.4.14 Utilities and Service Systems7-28

7.5 Environmentally Superior Alternative..... 7-30

8 REFERENCES 8-1

9 LIST OF PREPARERS..... 9-1

Appendices

Appendix A Notice of Preparation and Scoping Comment Letters

Appendix B Preliminary Geotechnical Investigation Report

Appendix C Tree Resource Assessment Forest Management Plan

Appendix D Air Quality and Greenhouse Gas Emissions Calculations

Appendix E Biological Resources Survey Report

Appendix F Cultural Resources Survey Report and Supporting Information

Appendix G Phase 1 Environmental Site Assessment and Soil Sampling Results

Appendix H Site Remediation Review Memorandum

Appendix I Noise Measurements and Calculations

Appendix J Transportation Technical Report

Appendices are available upon request at the attention of Kim Bobic, Senior Project Manager; Judicial Council of California, Facilities Services; 455 Golden Gate Avenue, San Francisco, CA 94102-3688. E-mail: Kim.Bobic-T@jud.ca.gov.

Appendices may also be viewed as hard copies at the following locations:

Judicial Council of California, 3rd Floor Reception Desk
 455 Golden Gate Avenue, San Francisco, CA 94102-3688
 Normal business hours: 9:00 a.m. through 4:30 p.m.

City of Seaside Branch Public Library
 440 Harcourt Avenue, Seaside, CA 93955
 Regular business hours (varies by weekday)

Exhibits

Exhibit 2-1	Project Location	2-2
Exhibit 2-2	Conceptual Site Plan	2-3
Exhibit 2-3	Existing Utilities	2-8
Exhibit 4.1-1	Key Observation Points	4.1-2
Exhibit 4.3-1	Land Cover Types	4.3-3
Exhibit 4.3-2	CNDDDB Special-status Plant Species Occurrences	4.3-6
Exhibit 4.3-3	CNDDDB Special-status Wildlife Species Occurrences.....	4.3-11
Exhibit 4.5-1	2019 California Greenhouse Gas Emissions Inventory by Sector.....	4.5-5
Exhibit 4.5-2	Trends in California Greenhouse Gas Emissions (Years 2000 to 2019)	4.5-5
Exhibit 4.7-1	Watersheds	4.7-2
Exhibit 4.7-2	Flood Hazard Zones.....	4.7-4
Exhibit 4.7-3	Sources of Groundwater Contamination in the Monterey Subbasin.....	4.7-6
Exhibit 4.8-1	Typical Noise Levels	4.8-3
Exhibit 4.8-2	Noise Monitoring Locations Map.....	4.8-10
Exhibit 4.9-1	Project Site and Sight Distances.....	4.9-16
Exhibit 7-1	Alternative Site Locations	7-4

Tables

Table ES-1	Summary of Impacts and Mitigation Measures.....	ES-7
Table 3.9-1	Existing and Projected MCWD Water Demand, 2020-2040	3.9-3
Table 4.2-1	National and California Ambient Air Quality Standards.....	4.2-8
Table 4.2-2	Attainment Status for Federal and State Ambient Air Quality Standards.....	4.2-9
Table 4.2-3	Summary of Construction-Related Emissions of Criteria Air Pollutants and Precursors.....	4.2-16
Table 4.2-4	Summary of Operational Emissions of Criteria Air Pollutants and Precursors	4.2-17
Table 4.3-1	Natural Communities and Other Land Cover Types	4.3-2
Table 4.3-2	Special-Status Plant Species Present or with Moderate to High Potential to Occur in the BSA.....	4.3-8
Table 4.3-3	Special-Status Wildlife Species with Moderate to High Potential to Occur in the BSA	4.3-12
Table 4.5-1	Local Greenhouse Gas Efficiency Threshold.....	4.5-16
Table 4.5-2	Proposed Project Construction-Related GHG Emissions.....	4.5-18
Table 4.5-3	Proposed Project GHG Efficiency in the Years 2028 and 2050.....	4.5-18
Table 4.5-4	Project GHG Efficiency in the Years 2028 and 2050 with Mitigation	4.5-22
Table 4.8-1	Subjective Reaction to Changes in Noise Levels of Similar Sources.....	4.8-2
Table 4.8-2	Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels.....	4.8-8
Table 4.8-3	Summary of Measured Ambient Noise Levels.....	4.8-9
Table 4.8-4	Summary of Modeled Levels of Existing Traffic Noise and Distance from Roadway Centerline to L _{dn} Contour	4.8-9
Table 4.8-5	Land Use Noise Compatibility Guidelines, Community Noise Exposure	4.8-13
Table 4.8-6	Structural Responses to Vibration Levels, Peak Vibration Threshold	4.8-13

Table 4.8-7	Interior and Exterior Noise Standards.....	4.8-14
Table 4.8-8	Noise/Land Use Compatibility Matrix - Noise Contours and Noise Impact Areas.....	4.8-15
Table 4.8-9	City of Marina - Maximum Exterior and Interior Acceptable Ambient Noise Levels.....	4.8-17
Table 4.8-10	Maximum Allowable Noise Standards for Stationary Noise Sources	4.8-17
Table 4.8-11	Construction Equipment Noise Emission Levels	4.8-20
Table 4.8-12	Existing Ambient Noise and Maximum Construction Noise at Noise-Sensitive Uses	4.8-21
Table 4.8-13	FTA Construction Vibration Annoyance Criteria.....	4.8-22
Table 4.8-14	Summary of Modeled Levels of Existing plus Project Traffic Noise and Distance from Roadway Centerline to L _{dn} Contour.....	4.8-23
Table 4.8-15	Traffic Noise—Existing Condition and Existing plus Project Condition.....	4.8-24
Table 4.9-1	Vehicular Travel Demand.....	4.9-14
Table 5.1-1	Projects Contributing to Cumulative Impact.....	5-2
Table 5.2-1	Geographic Scope	5-4
Table 5.4-1	Traffic Noise—Cumulative Condition and Cumulative plus Project Condition.....	5-13
Table 7.2-1	Alternative Site Location Dismissal Summary	7-3

Acronyms and Abbreviations

°C	degrees Celsius
°F	Fahrenheit
2017 Focused WWSA Study	M1W 2017 Focused Wastewater Service Area Study
2018 SIP Updates	<i>California State Implementation Plan</i>
AB	Assembly Bill
ADT	Average Daily Traffic
AEP	annual exceedance probability
AFY	acre-feet per year
Alquist-Priolo Act	Alquist-Priolo Earthquake Fault Zoning Act
AMBAG	Association of Monterey Bay Area Governments
amsl	above mean sea level
ANSI	American National Standards Institute
APCD	Air Pollution Control District
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ASHRAE	American Society of Heating, Refrigerating, and Air Conditioning Engineers
ASTM	American Society of Testing and Materials
ATCMs	Air Toxic Control Measures
B.P.	Before Present
BACT	best available control technology for toxics
Base	Fort Ord Army Base
Basin Plan	<i>Water Quality Control Plan for the Central Coast Basin</i>
bgs	below ground surface
BMPs	best management practices
BRT	Bus Rapid Transit
BSA	biological study area
CAA	federal Clean Air Act
CAAQS	California ambient air quality standards
CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	California State Office of Emergency Services
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
California State Parks	California Department of Parks and Recreation
CalNAGPRA	California Native American Graves Protection and Repatriation Act
CalOSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CALVENO	California Vehicle Noise
CAPCOA	California Air Pollution Control Officers Association

CASGEM	California Statewide Groundwater Elevation Monitoring
CASQA	California Stormwater Quality Association
CBC	California Building Standards Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CEQA Guide	<i>CEQA Air Quality Guidelines</i>
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERFA	Community Environmental Response Facilitation Act
CESA	California Endangered Species Act
CFCs	chlorofluorocarbons
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	Methane
CHABA	Committee of Hearing, Bio Acoustics, and Bio Mechanics
CHP	California Highway Patrol
City	City of Seaside
CLOMR	Conditional Letters of Map Revision
CMP	Congestion Management Program
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ equivalence
Construction General Permit	General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities
CRG	Regional Commercial
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSUMB	California State University Monterey Bay
CUPA	Certified Unified Program Agency
CWA	Clean Water Act of 1972
dB	decibels
dba	A-weighted decibels
dba/DD	A-weighted decibels per doubling of distance
DEIR	Draft Environmental Impact Report
DGS	California Department of General Services
DNA	deoxyribonucleic acid
DOC	California Department of Conservation
DoD	U.S. Department of Defense

DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
Dunes Specific Plan	University Villages (The Dunes at Monterey Bay) Specific Plan
DWR	California Department of Water Resources
ECP	Environmental Condition of Property
EDS	Early Development Services
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EO	executive orders
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
ESLs	Environmental Screening Levels
ETMC	Esselen Tribe of Monterey County
Facilities Standards	<i>California Trial Court Facilities Standards</i>
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FF	finish floor elevation of the proposed building
FHWA	Federal Highway Administration
FHWA-RD-77-108	Federal Highway Administration Highway Traffic Noise Prediction Model
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FORA	Ford Ord Reuse Authority
FORTAG	Fort Ord Regional Trail and Greenway
FOST	Finding of Suitability to Transfer
ft	feet
FTA	Federal Transit Administration
g	Gravity
GHG	greenhouse gas
GNA/SNA	global/State rank not applicable
gpd	gallons per day
GSF	gross square footage of the building footprint
GSP	Groundwater Sustainability Plan
GWP	Global Warming Potential
H ₂ S	hydrogen sulfide
HAPs	hazardous air pollutants
HASP	Health and Safety Plan
HCFCs	Hydrochlorofluorocarbons
HCP	Habitat Conservation Plan
HFCs	Hydrofluorocarbons
High GWP	High Global Warming Potential
HMMS	Hazardous Materials Management Services
HMP	Habitat Management Plan

HUC	Hydrologic Unit Code
HVAC	heating, ventilation and air conditioning
Hz	hertz
IA	Interim Action
ID	Identification
in	inches
in/sec	inches per second
IPaC	Information, Planning, and Conservation System
IPCC	Intergovernmental Panel on Climate Change
ITP	incidental take permit
Judicial Council	Judicial Council of California
KaKoon	KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria
KOP	key observations point
lb/day	pounds per day
LCCA	Life cycle cost analysis
LDL	Larson Davis Laboratories
L _{dn}	Day-Night Noise Level
LED	light-emitting diode
LEED	Leadership in Energy and Environmental Design
L _{eq}	Equivalent Noise Level
LEV	Low Emission Vehicle
LID	low impact development
L _{max}	Maximum Noise Level
L _{min}	Minimum Noise Level
LOMR	Letters of Map Revision
LOS	level of service
LRAs	local responsibility areas
m	meter
MACT	maximum available control technology for toxics
Master Plan	CSUMB Master Plan
MBARD	Monterey Bay Air Resources District
MBTA	Migratory Bird Treaty Act
MCWD	Marina Coast Water District
GSA	Groundwater Sustainability Agency
MEP	maximum extent practicable
mg/kg	milligrams per kilogram
mg/m ³	milligrams per cubic meter
mgd	million gallons per day
MLD	most likely descendant
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
MOU	memorandum of understanding
mph	mile-per-hour

MPOs	Metropolitan Planning Organizations
MRSWMP	<i>Monterey County Regional Storm Water Management Program</i>
MRZ	Mineral Resource Zone
MS4s	municipal separate storm water systems
MST	Monterey-Salinas Transit
MT	metric tons
MTP	Metropolitan Transportation Plan
N ₂ O	Nitrous Oxide
NAAQS	national ambient air quality standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NCCAB	North Central Coast Air Basin
NCSC	National Center for State Courts
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NOA	naturally occurring asbestos
NOP	Notice of Preparation
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPS	National Parks Service
NRCS	U.S. Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O ₃	ozone
OCP	Organochlorine pesticide
OES	Office of Emergency Services
OHP	California Office of Historic Preservation
OPR	Governor Office of Planning and Research
OSHA	Occupational Health and Safety Administration
PAG	Project Advisory Group
PFCs	Perfluorinated Chemicals
PG&E	Pacific Gas & Electric Company
Plan	TAMC 2022 Monterey County Regional Transportation Plan
PM	particulate matter
PM ₁₀	particulate matter equal to or less than 10 micrometers in diameter
PM _{2.5}	particulate matter equal to or less than 2.5 micrometers in diameter
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code

Project	New Fort Ord Courthouse
proposed Project	New Fort Ord Courthouse Project
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Conditions
Regional Treatment Plant	Monterey One Water Regional Treatment Plant
Register	National Register of Historic Places
Reuse Plan	Fort Ord Base Reuse Plan
RGC	Regional Commercial
RLS	Low Density Single Family Residential
RMS	root mean square
ROD	Beach Trainfire Ranges report
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
Rumš'en	Rumš'en Am:á Tur:ataj Ohlone
RWD	Reports of Waste Discharge
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
Scoping Plan	Climate Change Scoping Plan
SCS	Sustainable Communities Strategy
SELS	Sound Exposure Levels
SENL	Single-Event [Impulsive] Noise Level
SF ₆	Sulfur hexafluoride
SFD	Seaside Fire Department
SGMA	Sustainable Groundwater Management Act
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
Small MS4	Small Municipal Separate Storm Sewer Systems
SMARA	Surface Mining and Reclamation Act
SO ²	sulfur dioxide
SO _x	oxides of sulfur
Specific Plan	Main Gate Specific Plan
Specific Plan	Projects at Main Gate Specific Plan
SR	State Route
SRAs	State Responsibility Areas
ST	short-term
State	State of California
State SIP Strategy	<i>2016 State Strategy for the State Implementation Plan</i>
SURF! Project	SURF! Busway and Bus Rapid Transit Project
Sustainability Plan	<i>Sustainability Plan for Trial Court Facilities</i>
SUVs	sport utility vehicles

SVB	Salinas Valley Basin
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TAMC	Transportation Agency for Monterey County
TCMs	transportation control measures
TCRs	tribal cultural resources
The Dunes	Dunes on Monterey Bay
TMDLs	total maximum daily loads
tpd	ton per day
TPH-d	total petroleum hydrocarbon for the carbon ranges for diesel
TPH-mo	total petroleum hydrocarbon for motor-oil
Transit Project	Busway and Bus Rapid Transit Project
U.S.C.	United States (U.S.) Code
UCMP	U.C. Berkeley Museum of Paleontology
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
USTs	underground storage tanks
UWMP	Urban Water Management Plan
VdB	vibration decibels
VMT	Vehicle Miles Traveled
VOCs	volatile organic compounds
VRP	Visibility Reducing Particles
VWH	V.W. Housen & Associates
WDRs	waste discharge requirements
WEAP	Worker Environmental Awareness Program
ZEV	zero emission vehicles
$\mu\text{g}/\text{m}^3$	micrograms per cubic meter
$\mu\text{in}/\text{sec}$	microinch per second

This page intentionally left blank

Executive Summary

Introduction

This Environmental Impact Report (EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the New Fort Ord Courthouse Project (proposed Project or Project). This document is prepared in conformance with CEQA (California Public Resources Code section 21000, *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14 section 15000, *et seq.*).

As required by CEQA Guidelines section 15123(a), “[a]n EIR shall contain a brief summary of the proposed action and its consequences.” This executive summary includes (1) a summary description of the proposed Project, (2) a synopsis of environmental impacts (including significant and unavoidable impacts) and recommended mitigation measures (Table ES-1), (3) identification of the alternatives evaluated, and (4) a discussion of the areas of controversy associated with the proposed Project.

Project Summary

Project Description

The New Fort Ord Courthouse Project (Project) has been designated as an Immediate and Critical Need courthouse project by the Judicial Council of California (Judicial Council). The Judicial Council is proposing to develop a new, approximately 83,000-square-foot, three-story courthouse with associated surface parking and landscaping on an approximately 5-acre parcel of land. The proposed Project site is situated in northern Monterey County, at the northern end of the city of Seaside (City), southwest of the intersection of Divarty Street and 2nd Avenue. The proposed Project site is part of a larger approximately 49-acre parcel that was conveyed by the U.S. Department of Defense to the City, after the former Fort Ord Army Base was closed in 1994 under the federal government’s Defense Base Closure and Realignment Act.

The proposed Project includes acquisition of real property and construction of a new courthouse for the Monterey County Superior Court. The proposed new courthouse would consolidate most family law, probate, and civil operations into one central location to both enhance the public’s access to justice, optimize the use of court facilities and relieve the current space shortfall while replacing inadequate and obsolete buildings in Monterey County¹. Specifically, operations and staff at the existing Monterey Courthouse would be relocated to the new courthouse together with juvenile dependency from the Salinas Courthouse and child support case load from the Marina Courthouse. This consolidation then allows offices and self-help services that are currently operating at the Gabilan Annex (118 W. Gabilan Street, Salinas) to backfill the vacated space in the Salinas Courthouse, and juvenile delinquency case load currently operating at the Juvenile Courthouse (1422 Natividad Road, Salinas), to shift to the Marina Courthouse (3180 Del Monte Blvd, Marina). Criminal matters would continue to be handled at the Salinas Courthouse (240 Church Street, Salinas) and are not planned to be relocated to the proposed Project site.

¹ Presently, the Monterey County Superior Court houses five courtrooms which support eight judicial officers. This space shortfall results in operational constraints that would be alleviated by the proposed Project, which proposes construction of seven courtrooms.

Project Objectives

The Judicial Council has identified the following proposed Project Objectives to guide planning in combination with the principles of *California Trial Court Facility Standards* (Judicial Council 2020) for the proposed Project, as well as the analysis included within this EIR:

- Improve the public’s access to justice and enhance public services and courthouse operational efficiency by consolidating most family law and civil operations in one location.
- Relieve the current court space shortfall, improve security, and replace inadequate and obsolete buildings in Monterey County.
- Provide a new, modern and secure courthouse, replacing operations at antiquated non-State-owned facilities.
- Replace the Monterey Courthouse, which is rated as a Federal Emergency Management Agency (FEMA) P-154-rated Very-High-Risk seismically deficient building.
- Avoid future deferred maintenance expenditures associated with the ongoing use of older facilities.
- Consolidate case load types and optimize the use of other court facilities within Monterey County.

Required Lead Agency Approvals

As the CEQA lead agency, the Judicial Council has the responsibility for, among other things, preparing and certifying an EIR that addresses the potential environmental impacts of the proposed Project; identifying feasible mitigation measures that could avoid or minimize significant environmental impacts; evaluating a reasonable range of feasible alternatives; adopting findings with regard to each significant environmental impact; providing a statement of overriding considerations for all environmental impacts that cannot be mitigated to a less-than-significant level; and adopting a Mitigation Monitoring and Reporting Program to ensure that all required mitigation measures are implemented.

The Judicial Council may approve the proposed Project only after consideration and certification of the Final EIR and making appropriate findings. Because the Judicial Council is the lead agency and is acting as the judicial branch of State government, local government land use planning and zoning regulations would not apply to the proposed Project. However, the Judicial Council has considered State and local policies and guidelines in the preparation of this EIR.

Summary of Impacts and Mitigation Measures

Table ES-1 summarizes the environmental impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed Project. The table is intended to provide an overview. Narrative discussions for the issue areas are included in the corresponding topic area sections in Chapters 3 and 4 of this EIR.

Alternatives to the Project

The CEQA Guidelines (Section 15126.6) require that an EIR describe a range of reasonable alternatives to the proposed Project that could feasibly attain the basic objectives of the proposed Project and avoid and/or lessen the environmental effects of the Project. Below is a summary of the alternatives to the proposed Project, which are considered in Chapter 7, “Alternatives,” of this EIR.

No Project Alternative

Under the No Project Alternative, courthouse services would continue at their respective buildings (e.g., Salinas Courthouse would house juvenile dependency case load, Marina Courthouse would house child support case load, the Monterey County Courthouse would house family law, probate, and civil case types, the Juvenile Courthouse would continue to operate juvenile delinquency case load, and

administrative offices would remain at the Gabilan Annex). The No Project Alternative does not include seismic or facility upgrades and/or renovations at existing Monterey Courthouse or other facilities. The No Project Alternative does not meet the basic project objectives.

Although the proposed Project would not be developed, the No Project Alternative assumes that the proposed Project site would be developed with approved urban uses consistent with the Projects at Main Gate Specific Plan (Specific Plan), which was adopted by the City of Seaside in 2010 (Denise Duffy & Associates 2010). The Specific Plan indicates the proposed Project site would be primarily developed as a paved surface parking lot with associated urban landscaping to support a hotel and spa on the southern portion of the proposed Project site and extending into the adjacent parcel. The City of Seaside intends to develop the proposed Project site consistent with the Specific Plan.

Alternative 1, Renovation of Existing Courthouses

Under Alternative 1, the Monterey Courthouse and the Juvenile Courthouse would be renovated and reconfigured, to the extent feasible, to come closer to meeting the programmatic needs of the Monterey County Superior Court. The Monterey Courthouse would receive a seismic retrofit to correct identified seismic deficiencies to improve its seismic risk rating of V and FEMA P-154 rating as a Very-High-Risk seismically deficient building. The aging infrastructure and building systems at the Monterey Courthouse will also be replaced and upgraded to meet current California Building Standards Code (CBC) requirements. Due to the extensive nature of the renovation and seismic upgrade at the Monterey Courthouse, all existing court services and some county operations would be impacted by construction, resulting in the need for 'swing space,' or space that would temporarily house court operations and services during construction. Swing space development may require construction of temporary facilities at an unknown location. The Juvenile Courthouse would be reorganized, to the extent feasible, to provide separate paths of circulation for in-custody defendants, public, judges and staff, and would receive various facility upgrades (e.g., roof replacement) and modernizations.

Both the Monterey Courthouse and Juvenile Courthouse are located in joint use County-owned and managed facilities, making capital improvement projects at these sites particularly challenging because the Judicial Council has no right to renovate or expand these properties without the cooperation, collaboration and compensation of the County.

Under Alternative 1, no renovation or reconfiguration of the Gabilan Annex would occur. The Gabilan Annex would continue to be used solely for administrative space and the court self-help center. No manner of renovation would render the Gabilan Annex capable of being safely and effectively utilized for Salinas court proceedings.

Pursuant to CEQA Guidelines section 15126.6(e), under the No Project Alternative, the Judicial Council has presented conditions that would be "reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Inclusion of foreseeable conditions is a specific recommendation in the CEQA Guidelines that only pertains to the No Project Alternative, and not other types of alternatives. Since the City has a Specific Plan that contemplates development of the Project site and surrounding lands, the Judicial Council created a scenario consistent with this Specific Plan to represent what is reasonably foreseeable and has included this scenario in the analysis of the relative impacts of the No Project Alternative. Rather than repeating the scenario presented under the No Project Alternative, and rather than developing another scenario for development of the Project site if the proposed Project is not approved, analysis of the Alternative 1 scenario focuses on the renovations to existing courthouses.

Alternative 2, Reduced New Courthouse Size and Partial Renovation of Existing Facilities

Alternative 2 would involve reducing the size of the new courthouse at the proposed Project site, such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms which support eight judicial officers) and as such would not address the existing operational constraint that results from a

space shortfall (e.g., seven courtrooms are needed to support the existing eight judicial officers). Alternative 2 would not replace or consolidate services presently located at the Gabilan Annex, the Marina Courthouse (child support caseload), the Salinas Courthouse (juvenile dependency case load), or the Juvenile Courthouse. Instead, the Juvenile Courthouse would be renovated. As discussed above in Alternative 1, it is not feasible to renovate the Gabilan Annex. In addition, the Juvenile Courthouse lacks separate paths of circulation for in-custody defendants, members of the public, judges and staff, as well as physical deficiencies (Judicial Council 2021).

Under Alternative 2, the new (smaller) courthouse at the proposed Project site would be two stories tall with a total height of 44 feet (as compared to three stories at a total height of 60 feet under the proposed Project). Note that the reduced courthouse size would involve a reduced building height and slightly reduced parking requirements and not a reduced ground floor building footprint. The total acreage of disturbed area at the proposed Project, including the total number of trees required to be removed, would be marginally reduced as compared to the proposed Project.

Environmentally Superior Alternative

An EIR is required to provide a basis for the identification of an environmentally superior alternative from among the range of reasonable alternatives that are evaluated (CEQA Guidelines section 15126.6). From the alternatives evaluated in this EIR, the environmentally superior alternative would be Alternative 2 (Reduced New Courthouse Size and Partial Renovation of Existing Facilities Alternative). As compared to the proposed Project, Alternative 2 was determined to result in slightly reduced adverse impacts for several environmental resource topics, including reductions in impacts to aesthetics, long-term operational emissions (air quality), transportation, and energy. As compared to the proposed Project, Alternative 2 would result in greater impacts to geology, soils, and paleontological resources, and impacts related to noise. All other environmental resource topic areas were determined to have a similar level of impact, as compared to the proposed Project.

While Alternative 2 is the environmentally superior alternative and would meet some of the project objectives, including those related to improving security to the extent feasible, replacing inadequate and obsolete building infrastructure, and upgrading facilities (the Monterey Courthouse) to relieve seismic deficiencies. Alternative 2 would not meet objectives related to improving the public's access to justice, enhancement of public service and courthouse operational efficiency by consolidating family law and civil operations, relieving current court space shortfalls and overcrowding, replacing operations at non-State-owned facilities, and/or consolidation of case load types or optimization for the use of other Monterey County court facilities.

For more details related to the analysis of alternatives and the identification of the environmentally superior alternative, refer to Chapter 7, "Alternatives."

Potential Areas of Concern and Issues to be Resolved

CEQA Guidelines section 15123 requires that the summary of an EIR identify areas of controversy known to the lead agency, including issues raised by agencies and the public. Based on public comments and input received to date, areas of interest that are related to potential adverse physical environmental effects consist of:

- transportation impacts and mitigation measures that require the Judicial Council to pay a fair share of the costs for necessary improvements;
- aesthetic impacts;
- consistency with existing and proposed surrounding land uses;
- relationship between development in the vicinity of the proposed Project site and the planned Fort Ord Regional Trail and Greenway (FORTAG);
- water supply and groundwater sustainability;

- noise and air quality impacts on nearby sensitive receptors;
- provision of utility services and mitigation measures that require the Judicial Council to pay a fair share of the costs for necessary improvements;
- use of VMT to identify transportation impacts per Senate Bill 743;
- tribal cultural resources impacts and Native American Tribal consultation;
- biological resources impacts and permits;
- cumulative impacts; and
- suggestions for alternatives.

Each potential area of concern is analyzed in this EIR.

Activities Outside the Scope of the Proposed Project

The proposed Project, as analyzed in the Draft EIR, includes the construction and operation of a new courthouse at the proposed Project site. The Project does not propose actions related to the following:

- **Fort Ord Regional Trail and Greenway.** The FORTAG trail is a proposed 30-mile regional network of paved recreational trails and greenways connecting Monterey Bay communities to open space (Transportation Agency for Monterey County [TAMC] 2020). FORTAG would involve the phased construction of trails in northwestern Monterey County, generally encircling the cities of Seaside, Del Rey Oaks, Monterey, and Marina and the California State University, Monterey Bay (CSUMB) campus. The proposed alignment includes approximately 28 miles of new paved trail, primarily on the inland side of State Route 1 (SR-1). TAMC is the lead agency for the FORTAG project.

As discussed in the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020), Facilities Standards Section 1.D., "Sustainable Design," all new courthouse projects are designed in compliance with the California Green Building Standards Code (California Code of Regulations [CCR] Title 24, Part 11), as well as the current version of the California Energy Code (CCR Title 24, Part 6). Sustainable design compliance requirements include seeking opportunities to develop links to public transit, and creating strategies for pedestrian-friendly, mixed-use communities. While the Judicial Council's Facilities Standards for design generally align with the FORTAG's purpose and objectives to provide a safe, accessible, and separated alternative for regional transportation, the proposed Project does not propose development of the FORTAG, nor does the Judicial Council have regulatory authority for the jurisdictional approval of the alignment design, construction, or implementation of the FORTAG. While the FORTAG Project has not secured property or easements within the proposed Project site, the proposed Project does not foreclose the possibility of TAMC locating the FORTAG trail somewhere in the vicinity of the proposed Project site. The Judicial Council would be guided by the Facilities Standards as design and construction details are known, including connections to future bicycle and pedestrian facilities. The FORTAG trail is considered, as appropriate, within this EIR, though not as a part of the proposed actions.

- **Monterey County Superior Court Criminal Division Cases.** The Monterey County Superior Court Criminal Division has jurisdiction over adult felony and misdemeanor cases and these cases are processed in the Salinas Division. Criminal cases processed include cases resulting from a criminal offense committed in the following locations: Carmel (Includes Carmel-by-the-Sea), Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, California State University – Monterey Bay, Presidio of Monterey, areas of Big Sur, Carmel Valley and west of Arroyo Seco, South Monterey County including Chualar, Gonzales, Soledad, Greenfield, King City, areas south of King City to the San Luis Obispo county Line, including Bradley, Lockwood (San Antonio Lake), San Ardo, and San Lucas, North Monterey County including the areas of Castroville, Aromas, Moss Landing, Prunedale, Pajaro, and Spreckels. The processing of criminal cases is not planned at the proposed Project courthouse.

- Reuse of Vacated Court Facilities.** The proposed Project involves construction and operation of a new courthouse, which would consolidate most family law, probate, and civil operations associated with the Monterey County Superior Court at the proposed Project site. After completion of the new courthouse, the Monterey Courthouse and the Gabilan Annex would be vacated by the Judicial Council. Specifically, operations and staff at the existing Monterey Courthouse, the juvenile dependency caseload at the Salinas Courthouse, and the child support caseload at the Marina Courthouse would be relocated to the new courthouse, allowing employees and services provided at the Gabilan Annex office and self-help services to backfill the vacated space in the Salinas Courthouse and juvenile delinquency/detention case load to backfill space at the Marina Courthouse. Neither the existing Monterey Courthouse, the Gabilan Annex or the Juvenile Courthouse are owned by the Judicial Council; they are either owned by Monterey County or a private property owner. Therefore, the Judicial Council does not have the authority to decide the future reuse of these three facilities after they are vacated. For purposes of CEQA, it would be speculative to attempt to define the potential reuse scenarios of these facilities.

Public Review of the Draft EIR

This Draft EIR is available for review on the Judicial Council's website at:

<https://www.courts.ca.gov/facilities-monterey.htm>. Technical appendices are available upon request (at the attention of Kim Bobic, Senior Project Manager, see address and email listed below). Hard copies of the Draft EIR and technical appendices are available for review at:

Judicial Council of California
 455 Golden Gate Avenue, San Francisco, CA 94102-3688
 By appointment during regular business hours: 8:00 a.m. through 4:30 p.m.

City of Seaside Branch Public Library
 440 Harcourt Avenue, Seaside, CA 93955
 Regular business hours (varies by weekday)

The Judicial Council has circulated the Draft EIR to the public, public agencies, responsible agencies, other public and private organizations, developers, and other interested individuals.

Comments on the Draft EIR are invited in writing, either via hard copy or via email to:

Kim Bobic, Senior Project Manager
 Judicial Council of California; Facilities Services
 455 Golden Gate Avenue, San Francisco, CA 94102-3688
 805-249-0911
 Kim.Bobic-T@jud.ca.gov

Comments should be focused on the adequacy and completeness of the EIR, or should address questions about the environmental consequences of project implementation. "Adequacy" is defined as the thoroughness of the EIR in addressing significant adverse physical environmental effects, identifying mitigation measures for those impacts, and supplying enough information for public officials to make decisions about the merits of the project (CEQA Guidelines section 15151).

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.1 Aesthetics			
Impact 4.1-1. Substantially degrade the existing visual character or conflict with applicable zoning and other regulations governing scenic quality?	PS	<p>Mitigation Measure 4.1-1: Implement Tree Resource Assessment Forest Management Plan Recommendations.</p> <p>The Judicial Council shall implement the recommendations in the Tree Resource Assessment Forest Management Plan (Ono Consulting 2023) related to tree removal and re-planting, best management practices, tree protection standards, and tree pruning guidelines.</p> <p>Mitigation Measure 4.1-2: Pay Fees for New City Park Adjacent to West Side of Project Site.</p> <p>The Judicial Council shall make a one-time fee payment to the City of Seaside for City development of a park area immediately adjacent to, and west of the Project site. This park area would include retention of the existing mature trees on the west side of the Project site, which would screen the new building from the SR-1 and 1st Avenue viewsheds. The park would be developed and maintained by the City.</p>	SU
Impact 4.1-2. Substantially damage scenic resources within a designated scenic highway?	PS	<p>Mitigation Measure 4.1-3: Implement Mitigation Measure 4.1-1 (Prepare and Implement a Tree Removal and Replacement Plan).</p> <p>Mitigation Measure 4.1-4: Implement Mitigation Measure 4.1-2 (Pay Fees for New City Park Adjacent to West Side of Project Site.)</p>	LTS
Impact 4.1-3. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LTS	No mitigation measure is required.	LTS
4.2 Air Quality			
Impact 4.2-1. Conflict with or obstruct implementation of the applicable air quality plan.	LTS	No mitigation measure is required.	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>Impact 4.2-2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard</p>	LTS	No mitigation measure is required.	LTS
<p>Impact 4.2-3. Expose sensitive receptors to substantial pollutant concentrations.</p>	LTS	No mitigation measure is required.	LTS
<p>Impact 4.2-4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</p>	LTS	No mitigation measure is required.	LTS
<p>4.3 Biological Resources</p>			
<p>Impact 4.3-1. Adverse Effects on Special-Status Species.</p>	PS	<p>Mitigation Measure 4.3-1a: Conduct Worker Environmental Awareness Program and Environmental Monitoring</p> <p>Prior to the initiation of any Project construction activities (e.g., prior to staging and ground-disturbing activities, such as vegetation and tree removal and grading), the Judicial Council and their contractor/s shall retain a qualified biologist to conduct a Worker Environmental Awareness Program (WEAP) training for the personnel carrying out the activities. A qualified biologist shall meet with the personnel at the site at the onset of the activities to educate the personnel on the following: 1) a review of the Project boundaries including staging areas and access routes; 2) the special-status-species that may be present, their habitat, and proper identification; 3) the specific best management practices, avoidance and minimization measures, and mitigation measures that will be incorporated into the</p>	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>construction effort; 4) the general provisions and protections afforded by the USFWS and the CDFW; and 5) the proper procedures if a special-status species is encountered within the Project site.</p> <p>Staff working onsite for the initial staging and ground-disturbing activities (e.g., vegetation and tree removal and grading) shall attend the WEAP training prior to commencing onsite work. Staff that attend the training shall fill out a sign-in sheet indicating that they completed the training.</p> <p>A qualified biologist shall conduct a biological survey sweep prior to the start of construction activities and be on-site during initial ground-disturbing and vegetation removal activities to protect any special-status species encountered. The qualified biologist shall identify and explain the protection methods during the WEAP. These methods could include, but are not limited to, stopping work in the area where a special-status wildlife species is encountered until it has moved on its own outside of the site or moving individuals outside of the site to adjacent appropriate habitat (see discussion below regarding special-status wildlife). Handling individuals may require additional coordination with CDFW and/or USFWS and the acquisitions of appropriate permits from CDFW and/or USFWS. Biologists shall be familiar with all special-status species that have the potential to occur within the BSA and be given stop work authority to halt any construction activity that may cause unnecessary impact to plants or animals.</p> <p>Mitigation Measure 4.3-1b: Avoid Impacts to Special-Status Plant Species</p> <p>Judicial Council and its contractor(s) shall implement the following measures prior to construction to avoid adverse effects on special-status plant species.</p> <ul style="list-style-type: none"> Judicial Council shall retain a qualified biologist to conduct a focused special-status plant survey, following protocols described by CDFW in their Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018) and the CNPS Botanical Survey Guidelines (CNPS 2001) of the proposed Project site. Prior to surveying, at least one member of the survey team shall visit a nearby reference site (i.e., a known occurrence of listed or special-status plant species with potential to occur on the site) to familiarize themselves with the target species and to ensure that target species are identifiable and thus the survey would be timed correctly. The focused special-status plant survey shall cover the entire Project site, unless a portion has been identified as clearly unsuitable or will not be disturbed during project implementation. Surveys shall be conducted during the flowering period for listed or special-status plant species. The qualified biologist(s) shall walk parallel transects spaced 15 to 30 feet apart. If any occurrences of special-status plant species are found, their locations shall be clearly marked in the field with brightly colored pin flags and their location and extent shall be recorded using Global Positioning System. Occurrence data 	

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>shall be collected on CNDDDB forms and the biologists shall take representative photographs of the population and general habitat.</p> <ul style="list-style-type: none"> If any listed or special-status plants are identified within the Project site and may be adversely affected by construction activities, a Special-status Plant Mitigation Plan shall be developed in coordination with CDFW and/or USFWS, based on the listing status of the species. The Special-status Plant Mitigation Plan shall include avoidance measures that accurately quantifies impacts to special-status plants, and outlines methods, such as plant salvage, translocation to suitable habitat, or seed collection and planting. The Special-status Plant Mitigation Plan shall also include details on required monitoring and reporting to document the success of the species. The report shall be reviewed by the appropriate agencies, and comments received from these agencies shall be incorporated into the Special-status Plant Mitigation Plan. Once finalized, the Special-status Plant Mitigation Plan shall be implemented by the Project. <p>Mitigation Measure 4.3-1c: Avoid Impacts on Special-Status and Common Nesting Migratory Birds</p> <p>Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to special-status nesting birds and common nesting birds.</p> <ul style="list-style-type: none"> To the extent feasible, construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) anticipated to have potential effects on special-status nesting birds and/or common nesting birds shall be scheduled to occur outside of the nesting season. The nesting season for Ferruginous hawk is mid-April to mid-May and the nesting season for common nesting birds (e.g., raptors, passerines) is February 1 to September 15. If construction activities are completed outside of these nesting seasons, no additional measures are required to avoid adverse effects on nesting birds. When construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) must occur during the nesting season, pre-construction nesting bird surveys shall be performed by a qualified biologist within those areas where construction is anticipated to have potential effects on special-status and/or common nesting birds. Additionally, surveys shall be extended to include a 500-foot buffer (or larger, as determined by CDFW established survey protocol) surrounding these areas. Pre-construction nesting bird surveys shall include surveys for short-eared owls and white-tailed kites and other nesting birds (e.g., raptor and passerine nest surveys). The qualified biologist shall complete preconstruction surveys no more than 7 days prior of the start of construction activities. Preconstruction surveys shall be repeated if 	

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>construction activities lapse for more than 7 days. If no nesting birds are detected during preconstruction surveys, no additional measures are required.</p> <ul style="list-style-type: none"> • If nesting birds are detected, a qualified biologist shall establish suitable avoidance buffers from the active nest within and/or adjacent to construction areas. The buffer distance shall typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Avoidance buffers shall be marked on plans and specifications and in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. • Construction activities shall not occur within the avoidance buffer unless the qualified biologist determines that such construction activities would not adversely affect nesting activities. If it is determined that construction activities that have potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist shall be empowered to stop construction activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on nesting birds (e.g., nest abandonment). Avoidance buffers shall be maintained until there is no longer a threat of disturbance to the nesting bird (e.g., young have fledged, individuals have moved out of the area), as determined by a qualified biologist. <p>Mitigation Measure 4.3-1d: Avoid Impacts on Burrowing Owls Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to burrowing owls.</p> <ul style="list-style-type: none"> • Within suitable habitat for burrowing owl, a qualified biologist shall conduct pre-construction surveys for burrowing owls in conformance with CDFW protocols, and no more than 30 days prior to the initiation of any ground-disturbing activities (including vegetation removal). If no burrowing owls are located during these surveys, no further mitigation is required. However, if breeding or resident owls are located on or immediately adjacent to the area potentially affected by the activity, the following mitigation measures shall be implemented. • A 250-foot buffer, within which no new activity is permissible, shall be maintained between ground-disturbing activities and nesting burrowing owls. The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted 	

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>pending evaluation and approval of eviction plans from the CDFW authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).</p> <p>Mitigation Measure 4.3-1e: Avoid Impacts to Special-Status Bat Species Judicial Council and its contractor(s) shall schedule the removal of mature trees that are determined to be suitable roosting habitat for special-status bat species (e.g., Monterey cypress and other trees) to occur prior to ground-disturbing activities and during the non-wintering hibernation period for special-status bats (March 1 – October 31).</p> <p>Mitigation Measure 4.3-1f: Avoid Impacts to Smith’s Blue Butterfly Judicial Council and its contractor(s) shall implement the following measures prior to construction activities to avoid adverse effects on Smith’s blue butterfly.</p> <ul style="list-style-type: none"> • Pre-construction surveys shall be required at the Project site prior to any equipment/material staging and/or ground disturbance. The Designated Biologist shall survey the entire Project site, recording the location and extent of any buckwheat plants. The pre-construction surveys shall be conducted no more than 30 days prior to Project commencement. • If no buckwheat plants are observed at the Project site, no further mitigation is required. • If any buckwheat plants are observed, a presence/absence survey for Smith’s blue butterfly shall be conducted. If any Smith’s blue butterfly life stages are observed, salvage of these plants shall be required and shall be implemented in close coordination with USFWS. If no live stages are observed during the focused survey, the results shall be documented in a short memorandum to be submitted to the USFWS, buckwheat plants shall be removed, and no further mitigation is required. 	
Impact 4.3-2. Conflict with local policies or ordinances protecting biological resources.	LTS	No mitigation measure is required.	LTS
Impact 4.3-3. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State	NI	No mitigation measure is required.	NI

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
habitat conservation plan?			
4.4 Cultural Resources			
Impact 4.4-1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	NI	No mitigation measure is required.	NI
Impact 4.4-2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	PS	<p>Mitigation Measure 4.4-2: Inadvertent Discovery Protocols.</p> <p>A. Prior to the start of ground disturbing activities, the Judicial Council shall retain a qualified archaeologist that meets the Secretary of the Interior’s Professional Qualification Standards for archaeology to implement archaeological awareness training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried cultural resources, the appearance and types of resources likely to be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work, and shall be documented in training records.</p> <p>B. In the event that precontact or historic-age resources (or suspected resources) are encountered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council’s Project Manager shall be notified, and a qualified archaeologist shall be retained by the Judicial Council to examine the find. Project personnel shall not collect or move any historic material. The archaeologist shall evaluate the find(s) within 48 hours to determine if it meets the definition of a historical or unique archaeological resource and follow the procedures outlined below:</p> <ul style="list-style-type: none"> i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation. ii. If the find(s) does meet the definition of a historical resource or unique archaeological resource, then it shall be avoided by Project activities and preserved in place. If 	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>avoidance is not feasible, as determined by the Judicial Council, the qualified archaeologist shall make appropriate recommendations regarding the treatment and disposition of such find(s), and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist prior to resuming construction activities within the 50-foot radius.</p> <p>iii. If the find(s) does meet the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with Mitigation Measures 4.10-1B and 4.10-1C.</p> <p>C. Recommendations for treatment and disposition of find(s) could include, but are not limited to, archaeological monitoring, collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to NWIC.</p> <p>i. In the event that archaeological resource(s) are discovered during Project implementation, an archaeological monitor shall be retained to monitor all ground-disturbing activities in the vicinity (e.g., within 50 feet) of the find.</p> <p>Archaeological monitors have the authority, upon the finding of a potential resource, to request that work be slowed, diverted, or stopped if archaeological resources are identified within the direct impact area.</p> <p>If the resource is determined by an archaeologist to be a historical or unique archaeological resource, the archaeologist shall prepare a treatment plan, that includes measures to avoid or reduce impacts to the resource. The treatment plan measures may include, but not be limited to, avoidance and preservation in place (the preferred method if feasible), capping, incorporation of the site within a park or other open space, or data recovery. If the resource is also a tribal cultural resource, then Tribal Representatives from the Kakoon and/or Rumsen shall make appropriate recommendations regarding the treatment and disposition of such find(s) in accordance with Mitigation Measure 4.10-1B.ii and these recommendations shall be incorporated into the treatment plan.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.</p> <p>D. All fill soils imported and used for this Project must be clean, engineered fill.</p>	
<p>Impact 4.4-3. Disturb any human remains, including those</p>	<p>PS</p>	<p>Mitigation Measure 4.4-3: Stop Work If Human Remains Are Uncovered.</p> <p>If human remains are found during Project implementation, the State of California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the</p>	<p>LTS</p>

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
interred outside of dedicated cemeteries?		county coroner has made a determination of origin and disposition pursuant to Public Resources Code section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American they shall be treated in accordance with Mitigation Measure 4.10-2.	
4.5 Greenhouse Gas			
Impact 4.5-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	CC	<p>Mitigation Measure 4.5-1a: Prohibit the inclusion of natural gas infrastructure. The Judicial Council shall not include natural gas infrastructure to or within the Project site and Project operations shall not use natural gas.</p> <p>Mitigation Measure 4.5-1b: Reduce Mobile-Source Greenhouse Gas (GHG) Emissions Through Travel Demand Reduction Measures The Judicial Council shall include, at a minimum, the following travel demand reducing measures:</p> <ul style="list-style-type: none"> • Offer and promote telecommuting and alternative work schedules. • Include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the project design and operational maintenance. <p>Mitigation Measure 4.5-1c: Generate On-site Solar Energy The Judicial Council shall incorporate solar power generating infrastructure over at least 150 of the parking spaces, along with a corresponding battery energy storage system.</p>	less than CC
4.6 Hazards and Hazardous Materials			
Impact 4.6-1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	LTS	No mitigation measure is required.	LTS
Impact 4.6-2. Create a significant hazard to the public or the environment through reasonably	PS	Mitigation Measure 4.6-2: Prepare and Implement a Health and Safety Plan. To protect the health of construction workers and the environment, the Judicial Council shall prepare and implement a site-specific Health and Safety Plan (HASp) as described below:	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		<ul style="list-style-type: none"> • The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120) and approved by a certified industrial hygienist. Copies of the HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings. The HASP shall identify potential hazards (including stained or odiferous soils at any location where earthmoving activities would occur within the proposed development area), chemicals of concern (i.e., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. • The HASP shall state that if stained or odiferous soil is discovered during project-related construction activities, Judicial Council shall retain a licensed environmental professional to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis. Recommendations contained in the Phase II Environmental Site Assessment to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas. • The HASP shall also require notification of the appropriate federal, State, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the Regional Water Quality Control Board (RWQCB), Department of Toxic Substance Control, the Monterey County Environmental Health Bureau Hazardous Materials Management Services (i.e., designated Certified Unified Program Agency for the county), and/or other appropriate federal or State regulatory agencies. 	
Impact 4.6-3. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LTS	No mitigation measure is required.	LTS
4.7 Hydrology and Water Quality			
Impact 4.7-1. Violate any water quality standards or waste	LTS	No mitigation measure is required.	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
discharge requirements or otherwise substantially degrade surface or ground water quality.			
Impact 4.7-2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	LTS	No mitigation measure is required.	LTS
Impact 4.7-3. Substantially alter drainage patterns or add impervious surfaces resulting in increased erosion or siltation.	LTS	No mitigation measure is required.	LTS
Impact 4.7-4. Substantially alter drainage patterns or add impervious surfaces that would exceed storm drainage systems, provide substantial additional sources of polluted runoff, or	PS	<p>Mitigation Measure 4.7-4: Perform a Hydrologic Study, Incorporate On-Site Drainage Features as Necessary, and prepare a Stormwater Control Plan.</p> <p>Prior to initiating site preparation activities, the Judicial Council shall:</p> <ul style="list-style-type: none"> Engage the services of a registered engineer to prepare a Hydrologic Study. The study shall include hydrologic modeling related to the need for on-site stormwater retention of projected stormwater runoff and biofiltration for stormwater treatment generated by the proposed Project. Modeling shall be performed in accordance with common civil engineering industry standard and shall comply with the standards contained in the contained <i>Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast</i> (Central Coast RWQCB 2013) and/or the <i>Stormwater</i> 	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
result in increased flooding.		<p><i>Technical Guide for Low Impact Development</i> (City of Seaside 2020). Both of these documents contain specific requirements that address the following:</p> <ul style="list-style-type: none"> – Hydraulic sizing criteria for low impact development (LID) treatment systems, which includes modeling to determine the volume of runoff that would be generated by the project’s impervious surfaces resulting from the design storm event; – Biofiltration treatment system standards, including modeling to determine the maximum surface loading rate appropriate to prevent erosion, scour and channeling, and the minimum surface reservoir volume; – Minimum planting medium depth necessary to sustain the biofiltration plantings and which maximizes runoff retention and pollutant removal; and – Proper plant selection as suited to the Central Coast climate.² <ul style="list-style-type: none"> • Based on modeling results, the study shall identify the sizing, type, number, and on-site location of biofiltration basins that would provide for adequate detention of stormwater, water quality treatment, and compliance with operational National Pollutant Discharge Elimination System requirements (stormwater quality best management practices and LID features in compliance with the regional Small municipal separate storm water systems Permit). • The hydrologic study shall also demonstrate that the proposed on-site biofiltration basins would appropriately retain stormwater runoff from new Project-related impervious surfaces to prevent on-site and off-site flooding. <p>Prior to the start of project operation, the Judicial Council of California shall:</p> <ul style="list-style-type: none"> • Engage the services of a registered engineer to prepare an operational Stormwater Control Plan that includes the components required in <i>Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast</i> and/or the City of Seaside (as required). The Stormwater Control Plan shall be submitted to the Central Coast RWQCB and/or the City (as required) for approval prior to operation of the new courthouse. 	
Impact 4.7-5. Conflict with or obstruct implementation of a water quality control plan or sustainable	LTS	No mitigation measure is required.	LTS

² Technical guidance for designing bioretention facilities is available from the Central Coast LID Initiative. The guidance includes design specifications and plant lists appropriate for the Central Coast climate. (<https://www.centralcoastlidi.org/projects.php>)

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
groundwater management plan?			
4.8 Noise and Vibration			
Impact 4.8-1. Short-term noise levels from construction activities.	PS	<p>Mitigation Measure 4.8-1: Implement Construction-Related Noise Reduction Strategies. The Judicial Council shall require the selected contractor to implement the following noise-reduction and noise-control measures during construction activities:</p> <ul style="list-style-type: none"> • Construction equipment shall be properly maintained per manufacturers' specifications and fitted with feasible noise suppression devices (e.g., mufflers, silencers, wraps). • All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded. • Construction equipment shall be shut down when not in use and shall not idle for extended periods of time near noise-sensitive receptors. • Fixed/stationary equipment (e.g., generators, compressors, cement mixers) shall be located as far as practicable from noise-sensitive receptors. • Restrict the use of bells, whistles, alarms, and horns for safety-warning purposes. • Construction worker trips and truck trips shall be distributed along the area roadways to minimize impacts along each entry to the proposed Project site. 	LTS
Impact 4.8-2. Short-term groundborne vibration from construction.	LTS	No mitigation measure is required.	LTS
Impact 4.8-3. Long-term operational traffic noise.	LTS	No mitigation measure is required.	LTS
Impact 4.8-4. Long-term operational non-transportation noise levels.	LTS	No mitigation measure is required.	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.9 Transportation			
Impact 4.9-1. The project would be consistent with programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	LTS	No mitigation measure is required.	LTS
Impact 4.9-2. Consistency with CEQA Guidelines Section 15064.3(b).	PS	Mitigation Measure 4.9-2: Implement Mitigation Measure 4.5-1b.	SU
Impact 4.9-3. The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	PS	Mitigation Measure 4.9-3: Remove and Manage Vegetation along Divarty Street. Prior to occupancy, the Judicial Council and its contractor(s) shall remove trees and other vegetation on the Project site that would be in the line of sight between vehicles using proposed Project driveways and vehicles using Divarty Road. Following occupancy, sight distance of 155 feet to the west and 190 feet to the east shall be maintained.	LTS
Impact 4.9-4. The Project would not result in inadequate emergency access.	LTS	No mitigation measure is required.	LTS

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.10 Tribal Cultural Resources			
<p>Impact 4.10-1. Cause a substantial adverse change in the significance of a tribal cultural resource.</p>	<p>PS</p>	<p>Mitigation Measure 4.10-1: Inadvertent/ Unanticipated Tribal Cultural Resource Discoveries Protocols</p> <p>The Judicial Council shall require the following steps to be taken, including as a part of all contracts related to construction of the Project, as applicable:</p> <p>A. Prior to the start of ground disturbing activities, the Judicial Council shall retain a representative from the KaKoon, and/or the Rumšen, if available to implement Tribal Cultural Resources Sensitivity Training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried tribal cultural resources, the appearance and types of tribal cultural resources that could potentially be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed tribal cultural resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work, and shall be documented in training records.</p> <p>B. If tribal cultural resources or potential tribal cultural resources are discovered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council’s Project Manager shall be notified, and Tribal Representatives from both the KaKoon and Rumšen shall be immediately notified. The Tribal Representative(s) shall evaluate the find(s) within 48 hours to determine if it meets the definition of a tribal cultural resource (Public Resources code [PRC] section 21074) and follow the procedures outlined below:</p> <p>i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource, or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation.</p> <p>ii. If the find(s) does meet the definition of a tribal cultural resource, then it shall be avoided by Project activities and preserved in place. The contractor shall implement any measures deemed by the Judicial Council to be necessary and feasible to preserve in place, avoid, or minimize impacts to the tribal cultural resource. If avoidance is not feasible, as determined by the Judicial Council, Tribal Representatives from the KaKoon, and Rumšen if available shall make recommendations regarding the culturally appropriate treatment and disposition of such find(s) and significant impacts to such tribal cultural resources shall be</p>	<p>LTS</p>

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>mitigated in accordance with the recommendations of the KaKoon, and Rumšen if they are available, prior to resuming construction activities within the 50-foot radius.</p> <p>iii. If the find meets the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with the measures described in Section C. below.</p> <p>C. Culturally appropriate treatment may include, but is not limited to, minimal processing of materials for reburial, minimizing handling of tribal cultural resources objects, leaving objects in place within the landscape, or returning tribal cultural resources objects to a location within the Project area where they would not be subject to future disturbance. No cultural soil may be removed from the Project site. Permanent curation, testing, or data collection of tribal cultural resources will not take place unless requested in writing by either the KaKoon or Rumšen.</p> <p>D. All fill soils imported and used for this Project must be clean, engineered fill.</p> <p>E. The Judicial Council shall enter into a tribal monitoring agreement with the KaKoon prior to the start of ground disturbing activities. The tribal monitoring agreement shall form the terms and compensation for the tribal monitoring with the KaKoon and be utilized in combination with the tribal cultural resources treatment. Tribal Monitors have the authority to identify sites or objects of cultural significance and to request, upon the finding of a potential tribal cultural resource, that work be slowed, diverted, or stopped if such sites or objects are identified within the direct impact area. Only the consulting tribe(s) can recommend culturally appropriate treatment of such sites or objects, via their Tribal Monitor. Work within 50 feet of the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the tribal monitoring agreement have been implemented.</p>	
<p>Impact 4.10-2: Disturb any human remains, including those interred outside of dedicated cemeteries.</p>	<p>PS</p>	<p>Mitigation Measure 4.10-2: Stop Work If Human Remains Are Uncovered.</p> <p>If human remains are found during Project implementation, the State of California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American, the coroner is required to notify the Native American Heritage Commission, which would determine and notify a most likely descendant (MLD) within 24 hours. The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of Native American human remains and items associated with Native American burials.</p>	<p>LTS</p>

CC = Cumulatively Considerable

LTS = Less than Significant

NI = No Impact

PS = Potentially Significant

SU = Significant and Unavoidable

1 Introduction

This environmental impact report (EIR) for the proposed New Fort Ord Courthouse Project (proposed Project or Project) has been prepared in accordance with, and complies with the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code [PRC] section 21000 *et seq.*) and State CEQA Guidelines (California Code of Regulations [CCR], title 14, section 15000 *et seq.*). Per Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the Judicial Council of California (Judicial Council) is the lead agency under whose authority this document has been prepared. As an informational document, this EIR is intended for use by the Judicial Council decision makers and members of the general public in evaluating the potential environmental effects of the proposed Project.

1.1 Project Overview

The Judicial Council is the administrative arm of the California Court System. The Judicial Council's responsibility includes implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State of California (State). Following the Trial Court Facilities Act of 2002, the Judicial Council conducted a survey to assess the physical condition of California's courthouses. The survey showed that 90 percent of the courthouses need improvements to protect the safety and security of the public, litigants, jurors, and families who are served by California Courts. In October 2008, the Judicial Council identified "Immediate and Critical Need" courthouse projects, in an effort to prioritize future courthouse construction and renovation. The Immediate and Critical Need projects were located in 34 counties across the State.

The proposed Project is one of the Immediate and Critical Need courthouse projects identified by the Judicial Council. The proposed Project would involve construction of a new approximately 83,000 square foot, three-story modern and secure courthouse which would consolidate most family law, probate, and civil operations into one central location, increasing access to justice and optimizing the use of court facilities within Monterey County. Primarily, the proposed Project would replace the existing Monterey Courthouse that has been evaluated and rated at a seismic risk level V, defining the courthouse as a Federal Emergency Management Agency (FEMA) P-154 rating of Very-High-Risk seismically deficient building. Through consolidation of family law and civil operations, the new courthouse would additionally include juvenile dependency, allowing the current juvenile dependency space in the Salinas Courthouse to be vacated and utilized to consolidate administrative and self help offices that are currently operating in the Gabilan Annex. Similarly, the child support case load from the Marina Courthouse would move to the new courthouse, vacating space to be repurposed for juvenile delinquency case load, currently operating at the Juvenile Courthouse. Through the implementation of the proposed Project, three non-state-owned facilities: the Monterey Courthouse, the Gabilan Annex, and the Juvenile Courthouse would be vacated. The proposed Project site is approximately 5-acres of land south of Divarty Street in the City of Seaside and would require acquisition of the land from the City of Seaside.

1.2 Intended Uses and Purpose of the EIR

An EIR is an informational document used by a lead agency (in this case, the Judicial Council) when considering approval of a project. The purpose of an EIR is to provide public agencies and members of the general public with detailed information concerning the environmental effects associated with the implementation of a project, prior to taking action on a project.

An EIR should analyze the environmental consequences of a project, identify ways to reduce or avoid potential environmental effects resulting from the project, and identify alternatives to the project that are capable of avoiding or reducing impacts. CEQA requires that all State and local government agencies consider the environmental consequences of projects over which they have discretionary authority. This

EIR provides information to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project.

Prior to approval of the proposed Project, the Judicial Council, as lead agency and the decision-making entity, is required to certify that the EIR has been completed in compliance with CEQA, that the information in this EIR has been considered, and that the EIR reflects the independent judgment of the Judicial Council. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental consequences. If environmental impacts are identified as significant and unavoidable, the lead agency may still approve the project if it finds that social, economic, legal, technological or other benefits outweigh the unavoidable impacts. The lead agency would then be required to state in writing the specific reasons for approving a project, based on information in the EIR and other information sources in the administrative record. This reasoning is called a “statement of overriding considerations” (PRC section 21081 and State CEQA Guidelines section 15093). The EIR will be used by the Judicial Council during its consideration and potential approval of the proposed Project.

In addition, the Judicial Council as lead agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) describing the mitigation measures that will avoid or reduce significant effects on the environment (PRC section 21081.6; State CEQA Guidelines section 15097). The MMRP is adopted at the time of project approval and is designed to ensure compliance with the project description and mitigation measures of the EIR during and after project implementation. If the Judicial Council decides to approve the proposed Project, it will be responsible for verifying implementation of the MMRP.

The Judicial Council has adopted facilities standards to guide the development of trial court facilities in California. The *California Trial Court Facilities Standards* (Facilities Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities. The Facilities Standards are intended to “promote buildings that are functional, durable, maintainable, efficient, and provide long-term value to the public, to the judicial branch, to the courthouse occupants, to the community in which they reside, and to the court users and taxpayers of California...to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction costs and the long-term life cycle costs of owning and operating institutional buildings” (Judicial Council 2020).

The Facilities Standards have been used by the Judicial Council to formulate the proposed Project Description used to inform the public regarding the Judicial Council’s intent for the proposed Project, and to inform the analysis included throughout this EIR. However, there are also design and engineering details, construction documents, and other details that would continue to be developed during and following the preparation of this EIR. One important purpose of this EIR is to provide enough information about the proposed Project to allow responsible agencies, stakeholders, and the public meaningful evaluation of potential environmental impacts, but early enough to allow CEQA to inform later design, engineering, architectural, and construction details.

1.3 Lead, Responsible, and Trustee Agencies

1.3.1 Lead Agency

In conformance with Sections 15050 and 15367 of the State CEQA Guidelines, the Judicial Council is the “lead agency” for the proposed Project, defined as the “public agency which has the principal responsibility for carrying out or disapproving a project.” The Judicial Council, as lead agency, is responsible for scoping the analysis, preparing the EIR, responding to comments received on the Draft EIR, and all other required aspects of the CEQA process.

1.3.2 Responsible Agencies

Responsible agencies are State and local public agencies other than the lead agency that have authority to carry out or approve a project or that are required to approve a portion of a project for which a lead

agency is preparing or has prepared an EIR. The following agencies could be required to act as responsible agencies for the proposed Project:

- Office of the State Fire Marshal—approvals to construct and occupy.
- City of Seaside—Fire Department review of emergency access and fire flow.
- City of Marina—encroachment permits.
- Monterey Bay Air Resources District—authority to construct/permit to operate emergency generator/s.
- Marina Coast Water District—domestic water supply, recycled water, and fire flow.
- Marina Coast Water District—sewer connections and conveyance.

1.3.3 Trustee Agencies

Trustee agencies under CEQA are specific public agencies with legal jurisdiction over natural resources that are held in trust for the people of California and that would be affected by a project, whether or not the agencies have authority to approve or implement the project. The California Department of Fish and Wildlife (CDFW) could act as a trustee agency for the proposed Project.

1.4 Scoping of Environmental Issues

Consistent with CEQA Guidelines Sections 15080 to 15097, the CEQA process has multiple phases, many of which require notification to, and opportunity for comments from, the public. The main steps in this process are described below.

1.4.1 Notice of Preparation and Scoping Meeting

To initiate preparation of this EIR, in accordance with the CEQA Guidelines (14 CCR 15082[a], 15103, and 15375), a Notice of Preparation (NOP) for this Draft EIR was circulated to inform agencies and the general public that an EIR was being prepared and invite comments on the scope and content of the document. The NOP was circulated to the public; State Clearinghouse; responsible, trustee and other relevant local, State, and Federal agencies; and to the Monterey County Clerk. The scoping period began on July 18, 2022 and ended on August 17, 2022. The NOP for this Draft EIR and comments received in response to the NOP are included in Appendix A. To provide an additional opportunity for input, the Judicial Council held a public scoping meeting in the City of Seaside on September 7, 2022, and shared information about the proposed Project, how to access proposed Project documents, and how to participate in the public review process. The Judicial Council considered comments submitted in response to the NOP and offered at the scoping meeting during preparation of this Draft EIR.

1.4.2 Public Review of the Draft EIR

Consistent with the requirements of CEQA, a good-faith effort has been made during the preparation of the EIR to contact all responsible and trustee agencies; organizations; persons who may have an interest in the proposed Project; and all government agencies, including the Governor’s Office of Planning and Research’s State Clearinghouse.

The Judicial Council filed a Notice of Completion with the State Clearinghouse, indicating that this Draft EIR has been completed and is available for review. A Notice of Availability of the EIR has been published concurrently with distribution of this document. This Draft EIR is being circulated for a 45-day public review and comment period, commencing on Thursday, April 6, 2023 and concluding at 5 p.m. on Monday, May 22, 2023.

During this period, comments from the general public, organizations, and agencies regarding environmental issues identified in the EIR and the EIR’s accuracy and completeness may be submitted to the lead agency at the following address:

Kim Bobic, Senior Project Manager
 Judicial Council of California; Facilities Services
 455 Golden Gate Avenue, San Francisco, CA 94102-3688
 805-249-0911
 Kim.Bobic-T@jud.ca.gov

The Draft EIR is available for review online at: <https://www.courts.ca.gov/facilities-monterey.htm>. Technical appendices are available upon request (at the attention of Kim Bobic, Senior Project Manager, see address and email above). Hard copies of the Draft EIR and technical appendices are available for review at:

Judicial Council of California, 3rd Floor Reception Desk
 455 Golden Gate Avenue, San Francisco, CA 94102-3688
 By appointment during regular business hours: 8:00 a.m. through 4:30 p.m.

City of Seaside Branch Public Library
 440 Harcourt Avenue, Seaside, CA 93955
 Regular business hours (varies by weekday)

1.4.3 Responses to Comments Document and Final EIR

Upon completion of the public review and comment period for the Draft EIR, the Judicial Council will prepare a Response to Comments document that addresses substantive comments received on the Draft EIR and identifies text revisions to the Draft EIR as a result of those responses or other changes initiated by the Judicial Council. This Response to Comments document, together with the Draft EIR, will constitute the Final EIR. The Judicial Council will consider the adequacy of the Final EIR in accordance with the requirements of CEQA when it considers the proposed Project during a public meeting.

The Judicial Council must certify the Final EIR before making a decision to approve the proposed Project. Prior to approval of a project that would have a significant environmental effect, CEQA requires the adoption of certain findings (PRC section 21081; CEQA Guidelines sections 15091 through 15093). If the Final EIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels, the findings must include a Statement of Overriding Considerations for those impacts (CEQA Guidelines section 15093(b)).

1.4.4 Mitigation Monitoring and Reporting Program

Throughout this EIR, mitigation measures have been recommended in a format that will facilitate preparation of a Mitigation Monitoring and Reporting Program. As required under CEQA (see CEQA Guidelines section 15097), a Mitigation Monitoring and Reporting Program will be prepared at the time of certification of the Final EIR for the proposed Project and will identify the specific timing and roles and responsibilities for implementation of adopted mitigation measures if the proposed Project is approved.

1.5 Document Organization

This Draft EIR is organized as follows:

- **Chapter ES, “Executive Summary,”** provides an overview of the findings, conclusions, and any recommended mitigation measures in the Draft EIR; a summary of the issues to be resolved and areas of controversy; and a summary of the alternatives considered in the Draft EIR.
- **Chapter 1, “Introduction,”** describes the proposed Project, intended uses and purpose of the EIR, scoping of environmental issues, and type of EIR and organization.
- **Chapter 2, “Project Description,”** describes the proposed Project location, zoning, and surrounding land uses, Project purpose and objectives, proposed Project characteristics, construction and staging, proposed Project approvals and intended uses of the EIR, and references.

- **Chapter 3, “Impacts Found Not To Be Significant,”** presents a brief discussion, at a lesser level of detail, of topics areas where the proposed Project would clearly result in less-than-significant impacts or where no impact would occur.
- **Chapter 4, “Environmental Setting, Impacts, and Mitigation Measures,”** describes the approach to the environmental impact analysis and contains individual sections that reflect the CEQA Appendix G recommended environmental resource areas and describe existing conditions, detail the regulatory framework, and assess the potential environmental impacts of the proposed Project. When the analysis identifies potentially significant effects, mitigation measures are presented to lessen the impacts. Implementing these measures would reduce potentially significant impacts to less-than-significant levels whenever feasible.
- **Chapter 5, “Cumulative Impacts,”** describes the significant impacts of implementing the proposed Project in combination with the impacts of related past, present, and reasonably foreseeable future projects.
- **Chapter 6, “Other CEQA Requirements,”** describes the significant and unavoidable environmental impacts of the proposed Project, as well as the significant irreversible environmental changes that would result from proposed Project implementation.
- **Chapter 7, “Alternatives,”** describes a reasonable range of alternatives to the proposed Project, evaluates the extent to which those alternatives could substantially lessen the proposed Project’s significant impacts while attaining most of the proposed Project objectives, and compares the effects of the alternatives to those of the proposed Project. This section also identifies the environmentally superior alternative, as required by CEQA.
- **Chapter 8, “References,”** lists the sources of information cited throughout the Draft EIR.
- **Chapter 9, “Preparers,”** lists the individuals who contributed to preparation of the Draft EIR.
- **Appendices** provide background and technical information.

This page intentionally left blank

2 Project Description

This chapter presents a description of the proposed Project, including the proposed Project location; site history, zoning, and surrounding land uses; purpose and objectives; and the elements of the proposed Project.

2.1 Project Location, Zoning, and Surrounding Land Uses

2.1.1 Project Location

The proposed Project site is situated in northern Monterey County, at the northern end of the city of Seaside (City) (Exhibit 2-1). The approximately 5-acre proposed Project site is on the south side of Divarty Street, between 1st and 2nd Avenues closest to the intersection of 2nd Avenue and Divarty Street. (Exhibit 2-2).

2.1.2 Project Site History

The 5-acre proposed Project site is part of a larger approximately 49-acre parcel that was conveyed by the U.S. Department of Defense to the City, acting as the Local Redevelopment Authority for the former Fort Ord Army Base (Base). The Base was closed in 1994 under the federal government's Defense Base Closure and Realignment Act. The Base has been identified as a National Priority List site under the national Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Although hazardous materials were formerly stored on the Base, investigations conducted by the Department of Defense under CERCLA found that materials storage was conducted in a manner that did not pose a threat to human health or the environment; therefore, properties within the Base were found suitable for transfer to the City for future reuse and redevelopment. The specific parcel proposed for the Project is located in an area that was an entry point for Fort Ord and used for recreation on the Base and this area was not used for hazardous materials storage. This site has been developed with underground and overhead utility conveyance.

The approximately 5-acre proposed Project site is located within the area considered by the Projects at Main Gate Specific Plan (Specific Plan), which outlines a plan for future development of the 49-acre parcel on the former Base. Adopted in 2010, the Specific Plan is a planning framework document intended to set forth the land uses, circulation, site planning, conceptual building, landscaping, architectural design, and specific development standards and design guidelines for the Specific Plan Area. While the Judicial Council of California is not subject to the City's Specific Plan or other local land use regulations, the proposed Project is consistent with the Specific Plan.



Exhibit 2-1. Project Location

2.1.3 Project Site Zoning and Surrounding Land Uses

While the Judicial Council of California is not subject to local land use regulations¹ the use of the property for the proposed Project is consistent with the City's General Plan (Gov. Code § 65402(a)). The General Plan designates the proposed Project site as Regional Commercial ("CRG"), which is a zoning district that permits hotels, "big-box" retail, movie theaters, and business parks. A Courthouse is consistent with many of the uses identified in the Specific Plan, such as an office or business park.² Under the Specific Plan, the Project site is proposed for development as a paved parking lot to support a planned nine-story hotel and spa at the southern portion of the site and extending into the adjacent parcel. The maximum floor area ratio (FAR) for office space is 1.0. While neither the City's General Plan nor Zoning Code define a "business park," typically, cities use this term to mean office uses in a setting that includes large parking fields and landscaped areas. The CRG zone is intended to implement the City's Regional Commercial ("RGC") land use designation of the General Plan, which has the same set of allowable uses as the CRG zoning district. As noted above, the Judicial Council is not subject to local land use regulations, and the above information regarding the City's General Plan, Specific Plan, and zoning is presented for context.

The previously disturbed proposed Project site is currently vacant and consists of a mixture of California Native plants, grasses, and trees. Overhead electrical lines, supported by existing utility poles, run along the northern edge of the property. The southern boundary of the city of Marina, and abandoned military housing associated with the Base, are immediately north of the Project site.³ State Route (SR) 1 and the Fort Ord Dunes State Park are approximately 940 feet and 1,200 feet, respectfully, west of the Project site, and the Pacific Ocean is approximately 0.8 mile west of the Project site. The land immediately east of the Project site, and west of 2nd Avenue, is owned by California State University Monterey Bay and establishes control and access from 2nd Avenue directly into the larger Specific Plan property. 2nd Avenue and the property east of 2nd Avenue is land that was also formerly part of the Base and has been redeveloped as the California State University's Monterey Bay campus. South of the Project site is undeveloped and previously disturbed land, also associated with the former Base.⁴

2.2 Project Purpose and Objectives

The Monterey County Superior Court is currently decentralized with operations in six facilities: the Salinas Courthouse (Main), Monterey Courthouse, Gabilan Annex, Juvenile Courthouse, Marina Courthouse, and King City Courthouse. The Court assigns cases to facilities based on case type and in some instances where courtrooms are available. The Salinas Courthouse (240 Church Street, Salinas) functions as the main courthouse. The Salinas Courthouse houses the court administration and criminal, prison, collaborative court, and juvenile dependency case types are handled there. The Gabilan Annex (118 West Gabilan Street, Salinas) is a leased building and houses self-help center services and court offices. Juvenile delinquency and detention cases are handled at the Juvenile Courthouse (1422 Natividad Road, Salinas). The Marina Courthouse (3180 Del Monte Boulevard, Marina) handles traffic, child support, and small claims cases, and the Monterey Courthouse (1200 Aguajito Road, Monterey) handles restraining orders, family law, probate, and civil case types. The King City Courthouse (250 Franciscan Way, King City) provides self-help and traffic counter services, and handles traffic cases two-days a month. The

¹ A state agency is immune from local regulations unless the Legislature expressly waives immunity in a statute or the California Constitution. (*City of Malibu v. Santa Monica Mountains Conservancy* (2002) 98 Cal.App.4th 1379, 1383.)

² Adopted in 2010, the Specific Plan is a planning framework document intended to set forth the land uses, circulation, site planning, conceptual building, landscaping, architectural design, and specific development standards and design guidelines for the Specific Plan Area.

³ Existing abandoned military housing is slated for demolition and replacement with new housing and commercial infrastructure as part of the Dunes on Monterey Bay Site 5 Project. Exact construction schedule and phasing for the Dunes on Monterey Bay Site 5 Project is unknown, however it is reasonable to assume that construction schedule may overlap with construction of the proposed Project. The draft EIR will address direct and reasonably foreseeable indirect cumulative impacts of the proposed Project.

⁴ Undeveloped land south of Lightfighter Drive has been approved for housing and commercial development as part of the Campus Town Project. This Project involves development of a mixed-use urban neighborhood with approximately 1,485 housing units; hotels; 150,00 square feet of retail, restaurants, and entertainment; as well as light industrial space. Exact construction schedule and phasing for the Campus Town Project is unknown, however it is reasonable to assume that construction may overlap with construction of the proposed Project. The EIR will address direct and reasonably foreseeable indirect cumulative impacts of the proposed Project.

Greenfield Civic Center (599 El Camino Real, Greenfield) was utilized before the Covid-19 pandemic to provide the same services currently provided in King City and is currently closed. The County of Monterey holds title to the Salinas Courthouse, the Monterey Courthouse, and the Juvenile Courthouse. The Judicial Council holds title to the Marina Courthouse.

The purpose of the proposed Project is to consolidate most family law, probate, and civil operations into one central location and increase access to justice in the community. After completion of the new Fort Ord Courthouse at the proposed Project site, the three existing non-State-owned facilities: the Monterey Courthouse, the Gabilan Annex, and the Juvenile Courthouse will be vacated. Existing employees at the Monterey Courthouse will be transferred to the consolidated New Fort Ord Courthouse. Court operations will be optimized by moving the Salinas Courthouse's juvenile dependency case load and the Marina Courthouse's child support case load into the new Fort Ord Courthouse, allowing employees and self-help services at the Gabilan Annex to backfill the vacated juvenile dependency space in the Salinas Courthouse and the delinquency case load to backfill into the Marina Courthouse. The new courthouse would be staffed by approximately 80 existing full-time court employees on a daily basis, no new employees are generated by this Project.

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires that the project description contain a clearly written statement of objectives, including the underlying purpose of the project. The Judicial Council has identified the following objectives for the proposed Project:

- Improve the public's access to justice and enhance public services and courthouse operational efficiency by consolidating most family law and civil operations in one location.
- Relieve the current court space shortfall, improve security, and replace inadequate and obsolete buildings in Monterey County.
- Provide a new, modern and secure courthouse, replacing operations at antiquated non-state-owned facilities.
- Replace the Monterey Courthouse, which is rated as a Federal Emergency Management Agency ("FEMA") P-154-rated Very-High-Risk seismically deficient building.
- Avoid future deferred maintenance expenditures associated with the ongoing use of older facilities.
- Consolidate case load types and optimize the use of other court facilities within Monterey County.

The Judicial Council's proposed courthouse design would be required to conform to the principles of the *California Trial Court Facilities Standards* (Judicial Council 2020). These principals include:

- Court buildings shall reflect the dignity of the law and the stability of the judicial system.
- Court buildings shall be responsive to local context, geography, climate and setting.
- Court building shall be a reflection of the importance of the activities within the courthouse, with adequate spaces that are planned and designed to be adaptable with changes in judicial practice.
- Court buildings shall be designed and constructed in consideration of the economics of its operation and maintenance.
- Court building shall provide a sustainable, health, safe and accessible environment; and
- Court buildings shall be designed and constructed utilizing technical excellence in building systems.

2.3 Proposed Project Characteristics

2.3.1 Courthouse and Parking

The Judicial Council is proposing to construct and operate a new courthouse on approximately 5-acres of land south of Divarty Street in the City. The proposed Project would require the acquisition of approximately 5-acres of land from the City.

The proposed approximately 83,000 square foot, courthouse would include seven multi-purpose courtrooms, chambers, central holding, jury assembly, self-help, and administrative support areas. The courthouse would be staffed by approximately 80 full-time employees on a daily basis. The building would have three floors and a shielded mechanical area on the roof. The top of the third floor would be approximately 52 feet in height from the ground surface and the top of the shielded mechanical area on the roof would be set back from the perimeter building edge and approximately 60 feet in height.

The Courthouse would be constructed near the center of the 5-acre parcel, flanked by parking to the east and the west. The proposed Project includes approximately 280 surface parking spaces for staff and the public, including jury parking and a secured parking area for judicial officers. Solar power generation will be planned over 150 of the parking spaces together with a corresponding battery energy storage system.

The proposed Project would implement sustainable elements throughout its design, construction, operation and maintenance. Pursuant to the *California Trial Court Facility Standards* (Judicial Council 2020), the proposed Project would be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED) Silver certified rating.⁵

2.3.2 Site Access

The proposed Project site would be accessed from two locations along Divarty Street: the westernmost access driveway would be controlled for use by court staff only and the easternmost access driveway would be used for public/jury parking. Service deliveries and a limited number of in-custody detainees being transported to and from court hearings would access the rear of the building from the parking area(s). The main entry to the courthouse would be located along Divarty Street. Retaining walls may be necessary at the east, south, and/or west sides of the property. California Native and climate-appropriate, drought-tolerant plants and trees would be installed in landscape areas around the courthouse perimeter consistent with the Judicial Council's Water Conservation Policy of June 2015.

2.3.3 Supporting Infrastructure

Stormwater Drainage

Stormwater runoff would be detained through the use of bioretention basins that would collect the stormwater until it percolates into soils on-site (see Exhibit 2-2). Bioretention basins, which are a standard Low Impact Development (LID) technique, would protect water quality of nearby waterbodies by reducing the discharge of pollutants found in stormwater resulting from the proposed development to the maximum extent practicable, and by reducing increased flows from impervious surfaces that could cause erosion and degrade habitat. The proposed Project would implement stormwater drainage that is designed to mitigate post-development flows to a level that is no greater than existing conditions.

Potable and Recycled Water

Potable water would be supplied by the Marina Coast Water District (MCWD) via a new connection to an existing water line that is located along 2nd Avenue (see Exhibit 2-3). On-site pipelines for water supply, such as pipelines required for landscape irrigation, would also be installed at the time of construction. Additionally, the proposed Project intends to provide a recycled water point of connection to allow future connection to recycled water service for irrigation use when MCWD makes the service available via 2nd Avenue. To the extent that recycled water becomes available in the future, select operations, such as landscape irrigation, may utilize recycled water in lieu of potable water.⁶

⁵ LEED Silver Certification is a standardized green building certification that quantifies building practices through a point system established by the Green Building Council. In order to achieve certification building designers may focus on reducing energy consumption and waste, managing resources efficiently and reducing operating costs.

⁶ Although recycled water is not currently available to meet the Project's landscaping needs, MCWD is receiving treated recycled water through the Pure Water Monterey Project. The amount of recycled water available for use in the MCWD service area is expected to increase to 600 acre-feet per year (AFY) by 2025 and 1,359 AFY by 2030 (Schaaf & Wheeler 2021).

In order to help reduce the amount of Project-related landscape water that would be used, the following best management practices (BMPs) would be implemented consistent with the Judicial Council's Water Conservation Policy (June 2015):

- Turf or grass would not be installed at the proposed Project site.
- Landscaped areas would include California native and climate appropriate, drought-tolerant plants and trees, if feasible.
- The majority of landscape irrigation would be point-source drip with the use of high-efficiency low precipitation-rate sprays in the bioretention areas.
- The on-site bioretention basins would recharge groundwater through natural percolation with plantings installed to prevent surface erosion and provide stormwater treatment by removing pollutants through filtration. To ensure the filtration process is effective, irrigation would be used to maintain the health of plant material. Plant material in the bioretention areas would be maintained with a limited amount of water, where irrigation would support with establishment of the plants. Once established, irrigation would be cut back to minimize water use, as appropriate. During the winter rainy season, irrigation in the bioretention plantings could be shut down, but would be available for use in low precipitation seasons.

Wastewater

It is anticipated that wastewater collected from the proposed Project site would be piped westward and connected to an existing 12- or 18-inch sewer line, both of which run north-south between the Project site and 1st Avenue. Wastewater would be conveyed north to Monterey One Water's Regional Treatment Plant.

Electricity

Electrical service would be provided by Pacific Gas & Electric Company (PG&E), via existing overhead electrical lines along the northern property boundary that would be relocated underground.

2.4 Construction and Staging

All construction equipment and vehicles would be staged on the proposed Project site. Construction will be phased in alignment with the Office of the State Fire Marshal's permitting. Phase 1 construction (site preparation work, undergrounding of utilities, and foundations) is anticipated to start May 2025. Phase 2 construction (building construction) is anticipated to start June 2026 with construction completion by July 2028.

Construction equipment and activities would involve access via multiple routes depending on the activities (e.g., material and equipment source(s), material or equipment point of departure and/or point of destination, etc.) The following SRs, major and minor arterial roads may be utilized by construction equipment and vehicles: SR-101, SR-156, SR-183, SR-68, SR-1, South Davis Road, Blanco Road, Reservation Road, Imjin Parkway, Lightfighter Drive, 2nd Avenue, 1st Avenue, and Divarty Street.

The proposed Project would involve tree and vegetation removal. Site preparation would involve grading (approximately 5 feet for the building structure location and fills of up to 10 feet for the parking lot areas) (Kleinfelder 2022). Grading would generally be followed by trenching, building construction, architectural coatings, paving, and finishing.



Source: Dreyfuss+Blackford Architecture 2022; adapted by AECOM 2022

Exhibit 2-3. Existing Utilities

2.5 Project Approvals

Since the Judicial Council is the lead agency for the proposed Project, and is acting for the State of California, local government land use planning and zoning regulations do not apply to the proposed Project. However, the Judicial Council considers county and/or city policies and guidelines, as appropriate to ensure the proposed Project would be consistent with the site's character and surroundings.

The Judicial Council is responsible for certifying the CEQA document and approving the proposed Project. The State of California, Public Works Board must also approve acquisition of the site for the proposed Project.

The proposed Project would disturb an area greater than one acre. Therefore, a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board (RWQCB) and preparation of a Storm Water Pollution Prevention Plan (SWPPP) will be required.

This page intentionally left blank

3 Impacts Found Not To Be Significant

The topic areas listed below were analyzed in accordance with Appendix G of the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations (CCR) section 15000 *et seq.*). As presented in the sections that follow, the analysis determined that the proposed Project would result in no impacts or less-than-significant impacts on the environment for the following resource topics.

- Agriculture and Forestry Resources
- Energy
- Geology, Soils, and Paleontological Resources
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

This page intentionally left blank

3.1 Agriculture and Forestry Resources

Based on Appendix G of the CEQA Guidelines, an impact related to agriculture and forestry resources is considered significant if the proposed Project would do any of the following:

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

The proposed Project site is currently vacant and consists of disturbed coastal dune habitat, which includes a mixture of mats of low-growing ice plant, grasses, and trees. The proposed Project site is located on previously disturbed land that is part of the former Fort Ord Army Base. Based on a review of the 2018 Important Farmland Map for Monterey County, produced by the California Department of Conservation (DOC) under the Farmland Mapping and Monitoring Program (FMMP), the project site is classified as Other Land (DOC 2018). There is no Farmland at the project site; thus, the proposed Project would not result in conversion of Farmland to a non-agricultural use, and there would be **no impact**.

2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project site is zoned by the City of Seaside as Regional Commercial (CRG). Furthermore, because the proposed Project site is part of the former Fort Ord Army Base, there are no Williamson Act contracts at the site. Therefore, the proposed Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and there would be **no impact**.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

As described above, the proposed Project site is part of the former Fort Ord Army Base and is zoned and designated for Regional Commercial uses (City of Seaside 2004). The Project site is not zoned as forest land, timberland, or a Timberland Production Zone; thus, there would be **no impact**.

4. Result in the loss of forest land or conversion of forest land to non-forest use?

The proposed Project site is part of the former Fort Ord Army Base, which was developed in 1917. The proposed Project site is zoned and designated for Regional Commercial uses (City of Seaside 2004). As part of a former military base, there are no agricultural or forest land uses or operations within the proposed Project site, which consists of previously disturbed coastal dune habitat. The small stands of Monterey pine and Monterey cypress at the proposed Project site are not within the home range for these species and are non-native (AECOM 2022). Thus, the proposed Project would not result in the loss of forest land or conversion of forest land to a non-forest use, so there would be **no impact**.

5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed Project site and the surrounding area are part of the former Fort Ord Army Base, thus there is no Farmland either within or adjacent to the Project site. Furthermore, the proposed Project site and the surrounding area to the north and south are planned for redevelopment as part of the Projects at Main Gate Specific Plan (e.g., retail, commercial, office, and lodging uses) and The Dunes on Monterey Bay (e.g., office, business park, residential, and lodging uses). Therefore, the proposed development at the proposed Project site would not result in off-site conversion of Farmland or forest land to other uses. Thus, there would be **no impact**.

This page intentionally left blank

3.2 Energy

Based on Appendix G of the CEQA Guidelines, an impact related to energy is considered significant if the proposed Project would do any of the following:

1. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction activities would include site preparation work, grading, trenching for undergrounding of utilities, laying of foundations, building construction, paving, and application of architectural coatings. Such activities would result in the consumption of energy for the duration of construction, primarily in the form of fossil fuels (e.g., gasoline, diesel fuel) to power construction equipment and vehicles delivering equipment and supplies to the site and construction workers driving to and from the site. However, energy demands during construction would be minimized due to the access to existing, adjacent utilities and transportation infrastructure. In addition, the proposed Project does not include unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at a comparable construction site. Therefore, it is expected that construction fuel consumption associated with the proposed Project would not be inefficient, wasteful, or unnecessary.

As further detailed below in Section 3.4, “Land Use and Planning,” the Judicial Council has adopted facilities standards to guide the provision of trial court facilities in California. The *California Trial Court Facilities Standards* (Judicial Council 2020) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities. As required by the Judicial Council’s *California Trial Court Facilities Standards* (Judicial Council 2020), Facilities Standards Section 1.D., “Sustainable Design,” all new courthouse projects are designed in compliance with the California Green Building Standards Code (CALGreen) (CCR Title 24, Part 11), as well as the current version of the California Energy Code (CCR Title 24, Part 6). Furthermore, the Judicial Council would seek Leadership in Energy and Environmental Design (LEED) Silver certification in accordance with Executive Order S-20-04.¹ In addition, energy efficiency requirements for new construction have increased over time and older buildings tend to decrease in energy efficiency as infrastructure begins to degrade with time. Therefore, the space heating and cooling, lighting, and other operational-related energy uses for the new courthouse would be more efficient than the existing Monterey Courthouse, Gabilan Annex, and Juvenile Courthouse. In addition, solar power generation is proposed over 150 of the parking spaces with a battery energy storage system.

Additionally, the proposed new courthouse would be staffed by existing Judicial Council employees from the Monterey Courthouse, the Salinas Courthouse (dependency case load), and the Marina Courthouse (child support case load), vacating the Gabilan Annex and Juvenile Courthouse with the backfill of self-help and offices into the Salinas Courthouse and delinquency caseload into the Marina Courthouse. Therefore, while it would result in new trips specifically to and from the proposed project site, those same workers would no longer be travelling to and from the previously utilized individual facilities. As transportation is by far the largest energy consuming sector in California, it is important to understand that the proposed Project would result in a shift of existing trips from one location to another, and not new trips and associated fuel consumption (U.S. Energy Information Administration 2022). As further detailed below in Section 3.4, “Land Use and Planning,” the proposed Project site is also within one half mile of the SURF! Busway and Bus Rapid Transit Project, a project planned for completion in 2027 included in the 2022 Monterey County Regional Transportation Plan to help reduce vehicle miles travelled (VMT), as well as proximate to part of the Fort Ord Regional Trail and Greenway project (Transportation Agency for Monterey County 2022). While these projects are not designed in detail, the Judicial Council will be guided by the Facilities Standards as design and construction details are developed, including connections to future bicycle and pedestrian facilities and the intent to “[d]evelop links to public transit,” as

¹ LEED Silver Certification is a standardized green building certification that quantifies building practices through a point system established by the Green Building Council. In order to achieve certification, building designers may focus on reducing energy consumption and waste, managing resources efficiently and reducing operating costs.

the details of such future facilities become known, further supporting reduced VMT and related operational transportation energy consumption associated with long term operations.

Therefore, the proposed Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources; this impact is **less than significant**.

2. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

State plans adopted for the purpose of promoting energy efficiency include the California Renewable Portfolio Standard, the Clean Energy and Pollution Reduction Act of 2015 (Senate Bill [SB] 350), the California Energy Efficiency Standards for Nonresidential Buildings, and the CALGreen Code. Construction activities under the proposed Project would be conducted in accordance with all applicable laws and regulations, including applicable federal, State, and local laws that are intended to promote efficient utilization of resources and minimize environmental impacts. In addition, and as noted above, the Judicial Council would seek LEED Silver certification, for which building designers would focus on reducing energy consumption and waste, and would also comply with applicable guidelines from the Judicial Council's *Guidelines for Energy Conservation in Trial Court Facilities* (Judicial Council 2017) Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020), Facilities Standards Section 1.D., "Sustainable Design," further detailed in the Energy impact "1" discussion above. Many actions in support of LEED Silver certification and identified within these Judicial Council Standards and Guidelines align with State plans for energy efficiency. The proposed Project would not conflict with a State plan for renewable energy, and there are no local plans for renewable energy or energy efficiency relevant and applicable to the proposed Project. Therefore, there would be **no impact**.

3.3 Geology, Soils, and Paleontological Resources

3.3.1 Geology and Soils

Based on Appendix G of the CEQA Guidelines, an impact related to geology and soils is considered significant if the proposed Project would do any of the following:

1. **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:**
 - (i) **Rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

Geologists have determined that the greatest potential for surface fault rupture and strong seismic ground shaking is from active faults; that is, faults with evidence of activity during the Holocene epoch (i.e., the last 11,700 years). Surface rupture is the actual cracking or breaking of the ground surface along a fault during an earthquake, which is generally limited to a linear zone that is only a few yards wide. If surface fault rupture occurs, structures that are located across the fault trace can be torn apart, and pipelines can rupture. The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (California Public Resources Code sections 2621–2630) was created to help reduce the loss of life and property from an earthquake by prohibiting the construction of structures designed for human occupancy across the traces of active faults.

The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone or within or immediately adjacent to the trace of any other known fault (California Geological Survey [CGS] 2022, Jennings and Bryant 2010). The nearest fault zoned under the Alquist-Priolo Act is the San Andreas Fault Zone, which is approximately 20 miles northeast of the proposed Project site (CGS 2022). Thus, there would be **no impact** related to surface fault rupture.

(ii) **Strong seismic ground shaking?**

Ground shaking—motion that occurs as a result of energy released during faulting—could potentially result in the damage or collapse of buildings and other structures, depending on the magnitude of the earthquake, the distance to the epicenter, and the character and duration of the ground motion. Other important factors to be considered are the characteristics of the underlying soil and rock and, where structures exist, the building materials used and the workmanship of the structures.

The proposed Project site is located in a seismically active area. The U.S. Geological Survey (USGS) indicates that the estimated probability of one or more magnitude 6.7 earthquakes occurring during the period 2014–2043 in the San Francisco Bay Area (including the Monterey Bay area) is 72 percent (Aagaard et al. 2016). In the proposed Project region, the faults with the highest estimated probability of generating damaging earthquakes are the Calaveras (25 miles to the northeast), San Andreas (20 miles to the northeast), and San Gregorio Faults (15 miles to the west). During the period 2014–2043, the probability of an earthquake occurrence of magnitude 6.7 or larger is 26 percent along the Calaveras Fault, 22 percent along the San Andreas Fault, and 6 percent along the San Gregorio Fault (Aagaard et al. 2016).

In addition, there are several faults in the proposed Project vicinity where the age of last known activity occurred during the last 1.6 million years (i.e., mid to late Quaternary Period). Although these faults are not classified as “active,” they may still be capable of strong seismic ground shaking. For example, the Reliz Fault and the Chupines Fault Zone, which are approximately 2.1 miles northeast and 2.2 miles southwest of the proposed Project site, respectively, have exhibited evidence of movement during the Late Quaternary (i.e., the last 700,000 years) (Jennings and Bryant 2010, USGS 2001).

Peak horizontal ground acceleration, which is a measure of the projected intensity of ground shaking from seismic events, can be estimated using a computer model. As part of the Preliminary Geotechnical Investigation Report prepared for the proposed Project site, Kleinfelder (2022) determined that a peak ground acceleration of 0.702g (g = gravity) would be appropriate for use in seismic-related design and engineering. This indicates that a strong level of seismic ground shaking would be anticipated for the proposed Project site.

The proposed Project is required by law to comply with seismic safety standards of the California Building Standards Code (CBC). The CBC requires an evaluation of seismic design that is focused on “collapse prevention,” meaning that structures are designed for prevention of collapse for the maximum level of ground shaking that could reasonably be expected to occur at a site. Based on the seismic design category, the CBC requires an analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also requires that measures to reduce damage from seismic effects be incorporated in structural design. Measures may include ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures.

Kleinfelder (2022) was retained to prepare a preliminary geotechnical report for the proposed Project site, which included soil borings. The geotechnical report contains a seismic hazards analysis according to current CBC requirements, including calculations related to the site-specific seismic design response spectrum from strong seismic ground shaking. Based on the CBC seismic criteria, Kleinfelder determined that the proposed Project site should be classified as Seismic Risk Category D. Kleinfelder determined that the proposed cuts in native soil, along with properly compacted engineered fill, would be capable of supporting the proposed structures and pavements with the appropriate foundations, footings, and supports as recommended in the geotechnical report. The geotechnical report includes site-specific recommendations related to potential settlement, lateral loads, slabs-on-grade, basement walls, seismic lateral earth pressure, drainage, and pavements.

Recommendations contained in the preliminary and final geotechnical reports would be incorporated into the proposed Project design in order to comply with the CBC. Furthermore, because the new courthouse would be engineered to better withstand the effects of strong seismic ground shaking based on current building code requirements, the proposed project would represent a benefit in terms of seismic safety as compared to the existing older courthouses (in particular, the existing Monterey Courthouse, which is rated as a Federal Emergency Management Agency “Very-High-Risk seismically deficient building”). Therefore, the impact from strong seismic ground shaking would be **less than significant (beneficial)**.

(iii) Seismic-related ground failure, including liquefaction?

As part of the preliminary geotechnical report, Kleinfelder (2022) concluded that because groundwater was not encountered in proposed Project site soil borings obtained from a maximum depth of 51 feet below the ground surface, and because of the medium density of soil deposits at greater depths, liquefaction is unlikely to occur. Because there are no creeks or open bodies of water within or immediately adjacent to the proposed Project site, and because of the low probability for liquefaction, lateral spreading is also unlikely to occur. Thus, there would be **no impact** from seismic-related ground failure including liquefaction.

(iv) Landslides?

The topography at the proposed Project site slopes gently to the south and west, from a relatively large flat area in the north at approximately 185 feet above mean sea level, transitioning to an area with a slightly steeper gradient in the south and west to approximately 175 feet above mean sea level. The surrounding topography is of a similar nature, ranging from nearly flat to gently rolling. There are no steep slopes that would represent a landslide hazard either within or adjacent to the proposed Project site. Thus, there would be **no impact** from landslides.

2. Result in substantial soil erosion or the loss of topsoil?

Based on a review of U.S. Natural Resources Conservation Service ([NRCS] 2021) soil data, the proposed Project site soil consists of Oceano loamy sand, 2 to 15 percent slopes. This soil type has a high water permeability rate, and therefore the water erosion hazard is rated as low. However, due to the sandy nature of the soil, the wind erosion hazard is rated as high (NRCS 2021). Based on the results of site-specific soil borings, soils at the project site consist of poorly graded sand, fine to medium grained, and weakly consolidated (Kleinfelder 2022).

Project-related construction would involve earthmoving activities, including excavating (cuts and fills), trenching, and grading. Soil disturbance during construction activities would increase the potential for wind erosion during the summer months and water erosion during the winter rainy season. However, because the proposed Project would disturb more than 1 acre of land, the Judicial Council is required by law to prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement site-specific Best Management Practices (BMPs) that are specifically designed to prevent erosion and downstream sedimentation, and to protect water quality. A Notice of Intent, along with a SWPPP and BMPs, must be submitted to the Central Coast Regional Water Quality Control Board for approval, in compliance with the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order WQ 2022-0057-DWQ). The Construction General Permit also includes post-construction stormwater performance standards that address water quality and hydromodification protection. Examples of the types of BMPs that could be implemented to reduce construction-related erosion include watering the soil during earthmoving activities, silt fences, staked straw bales/wattles, geofabric, trench plugs, terraces, water bars, soil stabilizers, mulching, and revegetation of disturbed areas. Construction techniques that could be implemented to reduce the potential for stormwater runoff include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup.

Because the Judicial Council would prepare a SWPPP and implement BMPs designed to control construction-related stormwater runoff and reduce erosion, the impact from construction of the proposed Project on soil erosion or loss of topsoil would be **less than significant**. (Long-term impacts from proposed Project operation related to soil erosion are evaluated in Section 4.7, "Hydrology and Water Quality," of this Environmental Impact Report [EIR].)

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

As described above, the proposed Project site is not located in a landslide hazard area, and also is not subject to hazards from liquefaction or lateral spreading (Kleinfelder 2022).

As presented in the Preliminary Geotechnical Investigation Report (Kleinfelder 2022), the proposed Project site is composed of Pleistocene-age Dune Sand deposits to a depth of at least 51 feet below the ground surface. These deposits are loose to medium dense and are weakly consolidated, resulting in an unstable base material with low bearing strength, which cannot be used to support the proposed building and parking areas. Therefore, engineered fill material would be imported to the proposed Project site, as recommended in the geotechnical report, to support the proposed foundations, concrete slab-on-grade floors, and parking areas. The amount of engineered fill to be imported would be dictated by site-specific detailed design and engineering coordinated by the Project's civil and geotechnical engineers. At this time, the amount of imported fill is estimated to be approximately 22,500 cubic yards.

Dry, loose sands could experience some settlement or subsidence when subjected to ground shaking from nearby seismic events. Given the subsurface conditions encountered at the site, Kleinfelder (2022) estimated that up to 1 inch of total settlement may occur. The Preliminary Geotechnical Investigation Report contains recommendations to be implemented by the engineers and construction contractors during Project engineering and construction to reduce the potential for settlement (see Appendix B). One of the most common methods to reduce settlement (particularly in loose granular soils) is dynamic

compaction, whereby a heavy weight is repeatedly lifted and dropped from a specified height, thereby impacting the ground surface with a readily calculated energy.

The Judicial Council is required to comply with the CBC, which includes requirements to implement findings from a site-specific geotechnical report to avoid risks to structures and people from construction in unstable soil, such as those included in the Preliminary Geotechnical Investigation Report (Kleinfelder 2022). Therefore, with implementation of the recommendations contained in the Preliminary Geotechnical Investigation Report, the impact from construction in unstable soil would be **less than significant**.

4. Be located on expansive soil, creating substantial direct or indirect risks to life or property?

Expansive soils are composed largely of clays, which greatly increase in volume when saturated with water and shrink when dried (referred to as “shrink-swell” potential). Soils with a moderate to high expansion potential can result in cracked foundations, structural distortions, and warping of doors and windows. Underground pipelines can also be damaged.

Based on the results of soil borings obtained for the Preliminary Geotechnical Investigation Report soils at the proposed Project site are composed of Dune Sand deposits, which are not expansive (Kleinfelder 2022). Thus, there would be **no impact** from construction in expansive soil.

5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The proposed Project site is located within an area served by a municipal wastewater system. As described in Chapter 2, “Project Description,” wastewater generated by the proposed Project would be conveyed off site to Monterey One Water’s Regional Treatment Plant for treatment. Because the proposed Project would not require installation of a septic system or alternative wastewater disposal system, there would be **no impact** related to soil suitability for septic tanks or alternative wastewater disposal systems.

6. Directly or indirectly destroy a unique geologic feature?

A unique geologic feature consists of a major natural element that stands out in the landscape, such as a large and scenic river, gorge, waterfall, volcanic cinder cone, lava field, or glacier. These features are considered outstanding examples that are regarded as the best of their kind. The proposed Project site and the immediately adjacent land are generally flat and are planned for development with urban uses. There are no unique geologic features at the proposed Project site or within the Project viewshed. Thus, there would be **no impact** related to destruction of a unique geologic feature.

3.3.2 Paleontological Resources

Based on Appendix G of the CEQA Guidelines, an impact related to paleontological resources is considered significant if the proposed Project would do the following.

1. Directly or indirectly destroy a unique paleontological resource or site?

Paleontological Sensitivity Assessment Criteria

A “unique paleontological resource or site” is one that is considered significant under the following professional paleontological standards.

An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved, and it meets one of the following criteria:

- a type specimen (i.e., the individual from which a species or subspecies has been described);

- a member of a rare species;
- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).

The value or importance of different fossil groups varies, depending on several factors: the age and depositional environment of the rock unit that contains the fossils; their rarity; the extent to which they have already been identified and documented; and the ability to recover similar materials under more controlled conditions (such as for a research project). Marine invertebrates generally are common, the fossil record is well developed and well documented, and they would generally not be considered a unique paleontological resource. Identifiable vertebrate marine and terrestrial fossils generally are considered scientifically important because they are relatively rare.

A paleontologically sensitive geologic formation is one that is rated high for potential paleontological productivity (i.e., the recorded abundance and types of fossil specimens, and the number of previously recorded fossil sites) and is known to have produced unique, scientifically important fossils. Exposures of a specific geologic formation at any given project site are most likely to yield fossil remains representing particular species or quantities similar to those previously recorded from that geologic formation in other locations. Therefore, the paleontological sensitivity determination of a rock formation is based primarily on the types and numbers of fossils that have been previously recorded from that formation.

In its standard guidelines for assessment and mitigation of adverse impacts on paleontological resources, the Society of Vertebrate Paleontology (SVP 2010) established four categories of sensitivity for paleontological resources: high, low, no, and undetermined. Areas where fossils have been previously found are considered to have a high sensitivity and a high potential to produce fossils. Areas that are not sedimentary in origin and that have not been known to produce fossils in the past typically are considered to have low sensitivity. Areas consisting of high-grade metamorphic rocks (e.g., gneisses and schists) and plutonic igneous rocks (e.g., granites and diorites) are considered to have no sensitivity. Areas that have not had any previous paleontological resource surveys or fossil finds are considered to be of undetermined sensitivity until surveys are performed. After reconnaissance surveys, a qualified paleontologist can determine whether the area of undetermined sensitivity should be categorized as having high, low, or no sensitivity. In keeping with the SVP significance criteria, all vertebrate fossils are generally categorized as being of potentially significant scientific value.

Regional and Local Geologic Formations

The proposed Project site is approximately 0.8 mile east of Monterey Bay, within the Coast Ranges Geomorphic Province. This province is comprised of a discontinuous series of northwest–southeast trending mountain ranges, ridges, and intervening valleys. The geologic structure within the Coast Ranges Province is primarily controlled by the San Andreas Fault System. The proposed Project site is located within the Salinian Block, one of the distinct continental terranes of the central Coast Ranges located west of the San Andreas Fault System. The basement rock of the Salinian Block is composed of Jurassic-age (approximately 200 to 145 million years Before Present [B.P.]) metamorphic rocks and Cretaceous-age (approximately 145 to 65 million years B.P.) granitic rocks. Overlying the Salinian Block basement rocks are Cretaceous- and Tertiary-age (approximately 65 to 2.6 million years B.P.) marine and continental sedimentary rocks along with occasional Tertiary-age volcanic rocks. In the proposed Project region, the bedrock is overlain by Quaternary-age (approximately 2.6 million years B.P. to Present Day) beach sand, dune sand, terrace deposits, alluvial fan deposits, basin deposits, and flood plain overbank deposits (Kleinfelder 2022).

Based on geologic mapping prepared by Wagner et al. (2002) and Dibblee and Minch (2007), the proposed Project site is underlain by Pleistocene-age (i.e., 2.6 million years B.P. to 11,700 years B.P.) Dune Sand deposits. These deposits are formed when wind-blown sand accumulates as mounds or

ridges. Soil borings at the proposed Project site conducted by Kleinfelder in 2022 confirmed that the site is composed of loose to medium dense sand to depths of up to 51 feet below the ground surface (Kleinfelder 2022).

Paleontological Sensitivity Assessment

As noted above, the proposed Project site is underlain by Pleistocene-age unconsolidated Dune Sand deposits. A records search of the U.C. Berkeley Museum of Paleontology (UCMP) was performed by AECOM in September 2022; there are no recorded fossil localities within or near the proposed Project site (UCMP 2022). Based on the results of the UCMP records search and a geologic and paleontological literature search, there are no recorded vertebrate fossil localities in Pleistocene-age Dune Sand deposits from anywhere in the Monterey Bay area (i.e., Monterey or Santa Cruz Counties) (Addicott 1966, Hay 1927, Jefferson 1991a and 1991b, Rosenberg and Clark 2001, UCMP 2022, Wagner et al. 2022). Although a variety of marine vertebrate fossils have been recovered from several localities in the Monterey Bay area, the rock formations that contain these fossils are more consolidated (such as sandstone) and are older than the Dune Sand found at the proposed Project site (i.e., Miocene and Pliocene age [23 to 2.6 million years B.P.]) (UCMP 2022). Therefore, the Dune Sand deposits at the proposed Project site are not paleontologically sensitive.

Impact Analysis

As described above, the Pleistocene-age unconsolidated Dune Sand deposits at the proposed Project site are not paleontologically sensitive. Furthermore, site-specific soil borings (Kleinfelder 2022) confirmed that these deposits extend to a depth of at least 51 feet below the ground surface. Project-related excavation (including cuts and fills) would range from 5 to 10 feet below the ground surface, and therefore would be confined to the Dune Sand deposits. Thus, Project-related earthmoving activities would not encounter or potentially damage or destroy unique paleontological resources, and there would be **no impact**.

3.4 Land Use and Planning

Based on Appendix G of the CEQA Guidelines, an impact related to land use and planning is considered significant if the proposed Project would do any of the following:

1. Physically divide an established community?

As detailed in Chapter 2 of this EIR, “Project Description,” the proposed Project site is vacant, and is currently part of a larger legal parcel that is also vacant apart from minor infrastructure remnants. The proposed Project site is a part of the Fort Ord Army Base and is a part of the Projects at Main Gate Specific Plan, which the City of Seaside adopted in 2010 to guide redevelopment of the area (City of Seaside 2010). East of the proposed Project site and 2nd Avenue is property that was also formerly part of the Fort Ord Army Base that has been redeveloped as the California State University Monterey Bay (CSUMB) campus. South and west of the proposed Project site is land that is undeveloped and previously disturbed. North of the proposed Project site and north of Divarty Street are former military barracks (now abandoned) in an area planned by the City of Marina for redevelopment (City of Marina 2005). There is no established community that would be adversely affected or divided by the proposed Project. There is **no impact**.

2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Judicial Council has adopted facilities standards to guide the provision of trial court facilities in California. The *California Trial Court Facilities Standards* (Facilities Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities. The Facilities Standards are intended to “promote buildings that are functional, durable, maintainable, efficient, and provide long-term value to the public, to the judicial branch, to the courthouse occupants, to the community in which they reside, and to the court users and taxpayers of California...to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction costs and the long-term life cycle costs of owning and operating institutional buildings” (Judicial Council 2020).

As discussed in Chapter 1, “Introduction,” the Facilities Standards have been used by the Judicial Council to formulate the Project Description used to inform the public regarding the Judicial Council’s intent for the proposed Project, and to inform the analysis included throughout this EIR. However, there are also design and engineering details, construction documents, and other details that would continue to be developed during and following the preparation of this EIR. The intent is to conduct this CEQA review after there is enough information about the proposed Project to allow responsible agencies, stakeholders, and the public meaningful evaluation of potential environmental impacts, and also early enough to allow CEQA to inform later design, engineering, architectural, and construction details.

The Facilities Standards are also used during and after the environmental review process. The Facilities Standards “shall be utilized with professional care as set forth in the service agreements between the Council and consultants retained for specific projects, and shall be used in conjunction with applicable code and project requirements as the basis of design for new court facilities in California” (Judicial Council 2020). The EIR and the Facilities Standards, in other words, are used to finalize the design, construction documents, and other details. Each courthouse has its own specific needs, and each site for a courthouse is different, and requires tailored design solutions. The Facilities Standards are intended to “provide a basic understanding of the programmatic, design, and operational concerns common to court facilities [but] do not describe the only acceptable solutions [and] designers have flexibility to propose solutions that are appropriate to specific project requirements” (Judicial Council 2020).

Section 1.D of the Facilities Standards establishes the objectives, design criteria, and performance goals for the planning and design of sustainable trial court buildings in California, including:

1. Objectives

- a. Architects and engineers shall focus on proven design approaches and building elements that improve court facilities for building occupants and result in cost-effective, sustainable buildings.
- b. All new courthouse projects shall be designed in conformance with the Non-residential Mandatory Measures of the current version of the California Green Building Standards Code (CALGreen) (Cal. Code Regs., tit. 24, pt. 11), as well as the current version of the California Energy Code (Cal. Code Regs., tit. 24, pt. 6).
- c. Implementation of CALGreen Tier 1 Non-residential Voluntary Measures will depend on a positive net present value result of the Tier 1 [life cycle cost analysis] LCCA design options or Judicial Council LCCA procedure-based design against a code-compliant design.
- d. Additionally, all new courthouse projects shall be designed for sustainability to receive certification of the building to the current LEED Silver rating or higher without an increase in the authorized project budget or long-term operating costs.

2. Design Criteria and Performance Goals

2.1 Compliance Requirements and Goals

- e. Use natural strategies to protect and restore water resources. Limit disruption to existing vegetated areas. To purify runoff and promote groundwater recharge, use natural storm water treatment systems such as bioretention, bioswales, and permeable paving.
- f. Improve energy efficiency and provide thermal comfort. Optimize the building envelope and develop passive solar strategies. Design energy-efficient [heating, ventilation and air conditioning] HVAC systems. In addition to complying with CALGreen, use whole-building energy model analysis to refine the design so that whole-building energy consumption is permissible for [American Society of Heating, Refrigerating, and Air Conditioning Engineers] ASHRAE 90.1–compliant court buildings. Whole-building energy models must be optimized to comply with the location-specific California Building Climate Zone.
- g. Promote occupant health and well-being in the indoor environment. Provide a connection to natural daylight, optimal lighting and acoustics, and good indoor air quality. Coordinate daylighting with high-efficiency electric lighting and programmable controls.
- h. Plan for recycling of materials during construction, demolition, and occupancy. Develop specifications for construction recycling; require contractors to develop a construction waste management plan that identifies companies licensed to recycle materials. Provide collection bins for recyclable materials on each floor and a staging area for materials collection.

2.2 Best Practices

- a. Conserve water. Install building-level water meters to allow for the management of water use during occupancy, including detection of leaks. Use low-flow plumbing fixtures that meet the current State of California regulations and water-efficient appliances; eliminate any designs with single-pass cooling, and optimize cooling tower operations through the use of pH conductivity controllers. Where feasible, request connection to the utility nonpotable water main for use in irrigation and evaporative cooling systems. Use energy-efficient HVAC equipment.
- b. Use environmentally preferable building materials. Evaluate the life cycle environmental impacts such as embodied carbon, resource efficiency, and performance of building materials. Seek out nontoxic materials from local, renewable, and sustainably acquired resources that minimize waste and pollution from manufacturing, installation, and maintenance. Do not use tropical hardwoods.
- c. Use appropriate plant materials. Reduce maintenance and irrigation requirements by giving preference to native plant species. Explore opportunities to provide habitat for wildlife, including protection and promotion of pollinator habitat, and to restore degraded site areas.

- d. Seek opportunities to redevelop existing sites. Develop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities.
- e. Install HVAC, refrigeration, and fire suppression equipment that does not contain the ozone-depleting gases regulated by the Montreal Protocol, specifically chlorofluorocarbons (CFCs) or halons. Specify low global warming potential refrigerants for use in HVAC, refrigeration, and fire suppression systems, as defined in the Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources, California Air Resources Board: (1) any refrigerant with a global warming potential value lower than 150, or (2) any refrigerant that is not an ozone-depleting substance (Cal. Code Regs., tit. 17, § 95382). For systems containing fluorinated greenhouse gases equivalent to more than 500 metric tons of [carbon dioxide] CO₂, the design should incorporate an automatic leak detection system. The leak-detection system must alert building maintenance staff, or a service company responsible for maintaining the relevant equipment, if a leak is detected.

Section 16.C of the Facilities Standards establishes exterior lighting strategies applicable to this resource topic, including:

16.C LIGHTING STRATEGIES

- 1.c. Exterior lighting shall not contribute to light pollution or trespass by emitting light beyond the property. Minimize glare and unwanted light for neighbors. The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) for Building Design and Construction (Sustainable Sites credit category: Light Pollution Reduction) shall be used as a guideline for developing the exterior lighting plan, as shall the code-required light pollution reduction measures in the California Green Building Standards Code (CALGreen; Cal. Code Regs., tit. 24, pt. 11). Designers should consider specifying [light-emitting diode] LED light fixtures compliant with the International Dark-Sky Association requirements—specifically, a correlated color temperature of 3,000 kelvin.
- 1.d. Outdoor lighting shall have photo sensors or an astronomical time clock for control. Exterior luminaires should be specified to minimize the opportunity for vandalism. For example, in-grade landscape lighting with vandal-resistant hardware is preferred over above-grade adjustable landscape accent lights.
- 1.g. Designers shall use LED sources in parking lot luminaires.
- 1.h. Exterior lighting levels shall be reduced rather than turned off during night time hours of inactive periods in compliance with CALGreen. Lighting required for emergency lighting or night time security shall be exempt.

The implementation of many aspects of the Facilities Standards will have environmental benefits for Judicial Council projects. As noted, the guidance for Sustainable Design, along with the balance of the Facilities Standards are used to guide the Judicial Council, design consultants, and construction contractors in the development of court facilities, including the proposed Project.

The Judicial Council is not subject to local land use regulations. However, the use of the property for the proposed Project is consistent with the City of Seaside's General Plan. The General Plan designates the proposed Project site as Regional Commercial (RGC) (City of Seaside 2004). This land use designation allows a variety of non-residential land uses, including offices uses, similar to the proposed Project, at a maximum floor area ratio of 1.0. The proposed floor area ratio would be approximately 0.4.

As noted in response to the EIR Notice of Preparation for the proposed Project, the Transportation Agency for Monterey County (TAMC) has prepared plans for the Fort Ord Regional Trail and Greenway (FORTAG) Project. Figure 2-3 of the Final EIR for the FORTAG Project shows this facility in the vicinity of the proposed Project site (Transportation Agency for Monterey County 2020). This map is intended to show this facility at a regional scale, but the alignment appears to be either in the southern portion of the Project site or south of the Project site, and then continuing to the east through the CSUMB campus roughly 600 feet south of the Divarty Street alignment near an existing access point into the campus. In

addition to the proposed alignment, Figure 2-6 of the FORTAG Final EIR shows a broader area around the proposed alignment called a “study area,” including in the vicinity of the proposed Project site. The study area is intended to “allow for a construction buffer and flexibility at later stages of design” (Transportation Agency for Monterey County 2020, pages 2-7 through 2-9).

The FORTAG trail is a proposed approximately 30-mile regional network of paved recreational trails and greenways connecting Monterey Bay communities to open space. Among the objectives included in the EIR for the FORTAG Project is, to “[f]unction as an active transportation artery for commuting and recreation, providing a safe, accessible, and separated alternative to motorized travel that reduces vehicle trips and associated emissions.” There is no easement, right-of-way, or other instrument in place that would facilitate construction of a trail on the [FORTAG] Project site, though the Transportation Agency for Monterey County intends to “...encourage the incorporation of the Trail into planning and future development.”

The City of Seaside is in the process of updating its General Plan – a project that began in early 2016 and resumed in spring of 2022 (City of Seaside 2022). Figure 36 shows FORTAG (as it is called in the draft Parks, Open Space + Conservation Element) as planned in the vicinity of the proposed Project site. Though developed to show the proposed facility at a regional scale, this map appears to show the future trail and greenway in the vicinity of Divarty Street in the vicinity of the proposed Project site and continuing this alignment to the east in the CSUMB campus.

TAMC developed the 2022 Monterey County Regional Transportation Plan to guide transportation mobility, safety, access, environmental quality, and economic considerations for Monterey County. The FORTAG is included as a part of the Regional Transportation Plan Integrated Funding Plan, Regional Projects (Transportation Agency for Monterey County 2022).

As required by the Judicial Council’s *California Trial Court Facilities Standards* (Judicial Council 2020), Facilities Standards Section 1.D., “Sustainable Design,” all new courthouse projects are designed in compliance with CALGreen (CCR Title 24, Part 11)11), as well as the current version of the California Energy Code (CCR Title 24, Part 6). Judicial Council Standards Best Practices include the intent to, “[d]evelop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities.” While the FORTAG Project has not secured property or easements on the proposed Project site, and while the FORTAG Project is not designed in detail, the proposed Project does not foreclose on the possibility of the trail being located somewhere in the vicinity of the proposed Project site, and the Judicial Council will be guided by the Facilities Standards as design and construction details are developed, including connections to future bicycle and pedestrian facilities, as the details of such future facilities become known.

Also included in the Regional Transportation Plan as a project to help reduce VMT is the SURF! Busway and Bus Rapid Transit Project (Transit Project). This Transit Project includes a dedicated busway and new transit station at the corner of 1st Avenue and 5th Street, roughly a half mile from the proposed Project site that, once completed in 2027, would provide bus service every 15 minutes (Monterey-Salinas Transit 2022). As required by the Judicial Council’s *California Trial Court Facilities Standards* (Judicial Council 2020), Facilities Standards Section 1.C., “Design Principles,” the proposed Project design will be required to “[d]evelop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities” as a best practice for the proposed Project. Though the Regional Transportation Plan is a transportation plan that focuses on the planning, funding, and implementation of transportation improvements, it requires supportive development patterns, including development of destinations that can be accessed through transit. The proposed Project’s location within walking distance of the SURF! new transit station is consistent with, and supportive of the Regional Transportation Plan. As noted in the Regional Transportation Plan, “[i]ncluded in the scope of the SURF! Busway and Bus Rapid Transit project, the 5th Street Station will function as a new multimodal transit facility in the former Fort Ord adjacent to planned transit-oriented development” (Transportation Agency for Monterey County 2022, page 59).

In addition to the city and regional planning documents that guide development subject to local entitlement review, the Fort Ord Reuse Plan also was developed with the intent of guiding the redevelopment of this area. The Fort Ord Reuse Authority (FORA) was dissolved by operation of law on

June 30, 2020, pursuant to the repeal of former Government Code section 67700, subdivision (a) (Monterey County 2020). Accordingly, the Fort Ord Reuse Plan and companion documents, such as the Highway 1 Design Corridor Design Guidelines and Regional Urban Design Guidelines no longer apply. However, the Regional Urban Design Guidelines are similar to certain components of the Judicial Council's Facilities Standards, so similar elements will ultimately be incorporated into the proposed Project. For example, though not related to adverse environmental impacts that are the focus of this EIR, the former Regional Urban Design Guidelines Design Principle 1, "Create a unique identity for the community around the educational institutions" and Principle 2, "Reinforce the natural landscape setting consistent with Peninsula character," would be supported by Judicial Council Facilities Standards, including: 1. Reflection of the dignity of the law and the stability of the judicial system; and 2. Responsiveness to local context, geography, climate, and setting. The former Regional Urban Design Guidelines Design Principle 5, "Encourage sustainable practices and environmental conservation" would be supported by Judicial Council Facilities Standards that require energy efficiency and other sustainable practices in site design and architecture, as mentioned above.

In summary, the Judicial Council has adopted Facilities Standards that include environmental considerations, and which will be incorporated into future architectural and design details, construction documents, as applicable, and other details required for implementing the project, and while local policies and plans do not apply to the proposed Project, there are no significant adverse environmental effects attributable to the Project that are the result of any inconsistency with local plans and policies. There is **no impact**.

This page intentionally left blank

3.5 Mineral Resources

Based on Appendix G of the CEQA Guidelines, an impact related to mineral resources is considered significant if the proposed Project would do any of the following:

1. Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the State?

Under the Surface Mining and Reclamation Act (SMARA), the State Mining and Geology Board may designate certain mineral deposits as being regionally significant to satisfy future needs. The Board's decision to designate an area is based on a classification report prepared by the CGS and on input from agencies and the public. The proposed Project site lies within the designated Monterey Bay Production-Consumption Region for Portland cement concrete aggregate. CGS has classified the entire project site as Mineral Resource Zone (MRZ)-3: areas containing mineral deposits, the significance of which cannot be evaluated from existing data (Stinson, Manson, and Plappert 1987). The Project site is not located in a designated State or regionally important area of known mineral resources (i.e., MRZ-2). Thus, there would be **no impact**.

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

According to the Monterey County General Plan, the geological formations in the County contain useful minerals, but the complex geology caused by extensive faulting and deformation makes mineral investigation difficult and inconclusive (Monterey County 2010). There are no locally important mineral resources designated in the Monterey County General Plan at the proposed Project site. The City of Seaside General Plan does not address mineral resources because no locally-important resources are known to occur within the City's planning area (City of Seaside 2004). Thus, there would be **no impact**.

This page intentionally left blank

3.6 Population and Housing

Based on Appendix G of the CEQA Guidelines, an impact related to population and housing is considered significant if the proposed Project would do any of the following:

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

The purpose of the proposed Project is to consolidate most family law, probate, and civil operations of the Monterey County Superior Court into one central location and increase access to justice in the community. The new courthouse would include seven multi-purpose courtrooms, chambers, central holding, jury assembly, self-help, and administrative support areas. As a result of the proposed Project, existing employees will be transferred from the Monterey Courthouse, the Salinas Courthouse (dependency case load), and the Marina Courthouse (child support case load) to the new courthouse, vacating the Gabilan Annex and Juvenile Courthouse with the backfill of self-help and offices into the Salinas Courthouse and delinquency caseload into the Marina Courthouse. The new courthouse would be staffed by approximately 80 full-time employees on a daily basis. The proposed Project does not include a residential component and no new homes would be built at the Project site.

The proposed Project would modify and improve existing on-site utilities, including a new connection to an existing water line to access potable water located along 2nd Avenue, a recycled water point of connection will be provided to allow future connection when Marina Coast Water District (MCWD) makes the service available, and the existing overhead electrical lines along the northern property boundary would be relocated underground. These utility extensions would be sized only to serve the needs of the proposed Project, and would not serve any other development. The proposed Project does not include access from 2nd Avenue, and the Project site access from Divarty Street would not require the construction of additional lanes that could increase the roadway carrying capacity for future off-site development. The proposed Project does not include an extension of roads or other infrastructure that would induce population growth, would not increase the population in the area, and would not contribute to population growth in the area. Therefore, the proposed Project would have **no impact**.

- 2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The Project site consists of vacant and previously disturbed land that was part of the former Fort Ord Army Base. No homes would be displaced and because no homes would be displaced, people would also not be displaced and no replacement housing would be necessary. Thus, there would be **no impact**.

This page intentionally left blank

3.7 Public Services

Based on Appendix G of the CEQA Guidelines, an impact related to public services is considered significant if the proposed Project would do any of the following:

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

Fire protection?

The proposed new courthouse would increase the demand for local fire protection services. The proposed Project would be serviced by the Seaside Fire Department, which provides emergency response and fire prevention services to the communities of Seaside and Del Rey Oaks from one station located at 1635 Broadway Avenue, approximately 4 miles southwest of the Project site (Seaside Fire Department 2022).

The proposed Project site is located outside of the Seaside Fire Department's target travel time of 4 minutes, based on the existing station at 1635 Broadway Avenue. Response times to the proposed Project site would be in excess of 15 minutes. The Seaside Fire Department has indicated that an additional fire station and corresponding personnel and equipment are needed in order to accommodate projected growth within north Seaside, including the proposed Project site and other surrounding development (Denise Duffy & Associates 2008). In March of 2022, the Seaside City Council approved conceptual designs for a new fire station at the corner of Gigling Road and 1st Avenue, approximately 2,000 feet south of the proposed Project site (Monterey County Weekly 2022). Construction of a new fire station at this location would provide appropriate response times, personnel, and equipment to serve the proposed Project and development in the surrounding area. The Judicial Council is required to incorporate California Fire Code, California Health and Safety Code, and federal Occupational Health and Safety Administration (OSHA) requirements into the proposed Project design to address emergency access and finished surfaces for firefighting equipment; fire hydrant placement and sufficiency of fire hydrants; and fire flow availability. Finally, the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020) include requirements related to courthouse design, including emergency access and fire suppression systems inside courthouse buildings. Incorporation of all California Fire Code standards and Judicial Council Facilities Standards would reduce the dependence on fire department equipment and personnel by reducing fire hazards.

With incorporation of State and federal fire code requirements into the proposed Project design, along with Judicial Council Facilities Standards, and the new fire station south of the Project site, the impact on fire protection related to the Project's increased need for fire protection services and response times would be **less than significant**.

Police protection?

The proposed Project would not increase the population as a result of new housing; therefore, the proposed Project would not require additional police department staffing to maintain its officer-to-population service ratio. The new courthouse at the proposed Project site does not anticipate the processing of criminal cases, which would continue at the Salinas Courthouse (240 Church Street, Salinas). In addition, the new courthouse would be staffed with Judicial Council security personnel and sheriff deputies. In the rare event additional police protection services are required, the California Highway Patrol (CHP) would respond. Thus, operation of the proposed Project would not affect police protection performance objectives and would not require the construction of new or expanded police protection facilities that could result in a physical environmental effect. There would be **no impact**.

Schools?

The proposed Project consists of a new courthouse and does not include a housing component that would require school facilities or services. As discussed above in Section 3.6, "Population and Housing," the proposed Project would not result in population growth in the project area, and therefore would not contribute to a change in the number of students served by schools in the area. The proposed Project would not generate students, nor the need for expanded or new school facilities, the construction of which could result in an environmental effect. Therefore, there would be **no impact**.

Parks?

See analysis presented in Section 3.8, "Recreation," below.

Other public facilities?

The proposed Project involves development of the Project site with a new courthouse and associated parking and landscaping. The new courthouse would be staffed by existing Judicial Council employees from the Monterey Courthouse, the Salinas Courthouse (dependency case load), and the Marina Courthouse (child support case load), vacating the Gabilan Annex and Juvenile Courthouse with the backfill of self-help and offices into the Salinas Courthouse and delinquency caseload into the Marina Courthouse. The proposed Project would not require other public services or facilities, the construction of which could have a significant environmental effect. Accordingly, there would be **no impact**.

3.8 Recreation

Based on Appendix G of the CEQA Guidelines, an impact related to recreation is considered significant if the proposed Project would do any of the following:

- 1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

The proposed Project consists of a new courthouse with associated parking and landscaping. As noted in Chapter 2, "Project Description," the existing approximately 80 employees from the Monterey Courthouse, the Salinas Courthouse (dependency case load), and the Marina Courthouse (child support case load) would be relocated to the new courthouse. The proposed Project does not include new housing that would in turn increase the long-term use of nearby recreational facilities. It is possible that the relocated courthouse employees could occasionally use nearby recreational facilities on a break during their workday or before or after work. The nearest public recreational facility to the Project site is Fort Ord Dunes State Park, which is approximately 0.25 miles west. The State Park can be accessed from the west end of Divarty Street, which travels underneath State Route (SR-)1 and connects with Beach Range Road and the Fort Ord Dunes Trail. The approximately 979-acre State Park provides opportunities for hiking, jogging, bicycling, and walking along the beach. Occasional use of State Park trails by the relocated courthouse employees would not increase the level of usage such that substantial physical deterioration would occur or be accelerated. Therefore, the proposed Project would have **no impact**.

- 2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

The proposed Project consists of a new courthouse with associated parking and landscaping. Recreational facilities are not proposed as part of the Project.

As described above in Section 3.4, "Land Use and Planning," TAMC developed the *2022 Monterey County Regional Transportation Plan* to guide transportation mobility, safety, access, environmental quality, and economic considerations for Monterey County. FORTAG is included as a part of the Regional Transportation Plan Integrated Funding Plan, Regional Projects (Transportation Agency for Monterey County 2022). The FORTAG trail is a proposed approximately 30-mile regional network of paved recreational trails and greenways connecting Monterey Bay communities to open space. Among the objectives included in the EIR for the FORTAG Project is, "[f]unction as an active transportation artery for commuting and recreation, providing a safe, accessible, and separated alternative to motorized travel that reduces vehicle trips and associated emissions." There is no easement, right-of-way, or other instrument in place that would facilitate construction of a trail on the proposed Project site, though TAMC intends to "...encourage the incorporation of the Trail into planning and future development" (Transportation Agency for Monterey County 2022). Figure 2-3 of the Final EIR for the FORTAG Project shows this facility in the vicinity of the proposed Project site (Transportation Agency for Monterey County 2020). This map is intended to show this facility at a regional scale, but the alignment appears to be either in the southern portion of the Project site or south of the Project site, and then continuing to the east through the CSUMB campus roughly 600 feet south of the Divarty Street alignment near an existing access point into the campus. In addition to the proposed alignment, Figure 2-6 of the Final EIR shows a broader area around the proposed alignment called a "study area," including in the vicinity of the proposed Project site. The study area is intended to "allow for a construction buffer and flexibility at later stages of design" (Transportation Agency for Monterey County 2020, pages 2-7 through 2-9).

While the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020), which include requirements related to courthouse design, generally align with the FORTAG Project's purpose and objectives to provide a safe, accessible, and separated alternative for regional transportation, the proposed Project does not include development of the trail, nor does the Judicial Council have regulatory authority to implement the trail, and there is no easement, right-of-way, or other instrument in place that would require construction of a trail on the proposed Project site. Because the proposed Project does not

include new recreational facilities or require the construction or expansion of recreational facilities that could have a physical effect on the environment, there would be **no impact**.

3.9 Utilities and Service Systems

Based on Appendix G of the CEQA Guidelines, an impact related to utilities and service systems is considered significant if the proposed Project would do any of the following:

- 1. Require or result in the relocation or construction of new or expanded water, wastewater treatment facilities, or storm water drainage, electrical power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects.**

The proposed Project would include new development that requires new or expanded municipal water, wastewater treatment, storm water drainage, and electrical service. Further discussion of stormwater management facilities are addressed in Section 4.7, “Hydrology and Water Quality.”

The following discussion identifies utilities and service systems required to serve buildout of the proposed Project and the potential for construction of new or expanded systems to cause significant environmental effects.

3.9.1 Water Supply

Potable water would be supplied by the MCWD via a new connection to an existing water line that is located along 2nd Avenue (see Question 2 below for further discussion of water supply). On-site pipelines for water supply, such as pipelines required for landscape irrigation, would also be installed at the time of construction. Additionally, the proposed Project intends to provide a recycled water point of connection to allow future connection to recycled water service for irrigation use when MCWD makes the service available in 2nd Avenue. See Question 2 below for further discussion of water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

3.9.2 Wastewater Facilities

It is anticipated that wastewater collected from the proposed Project site would be piped westward and connected to an existing MCWD 12- or 18-inch sewer line located west of the Project site. Wastewater would be conveyed to the Monterey One Water’s Regional Treatment Plant for treatment (see Question 3 below for further discussion of wastewater treatment) (Monterey One Water 2022b).

3.9.3 Stormwater Drainage

As discussed in Section 4.7, “Hydrology and Water Quality,” stormwater runoff would be collected on-site through the use of bioretention basins that would detain the stormwater until it percolates into soils on-site.

3.9.4 Electrical Service

Electrical service would be provided by Pacific Gas & Electric Company (PG&E), via existing overhead electrical lines along the northern property boundary that would be relocated underground.

3.9.5 Natural Gas

Natural gas service is not included as part of the proposed Project.

3.9.6 Conclusion

Construction and expansion of water supply, wastewater, stormwater drainage, and electrical facilities would result in physical environmental impacts that are addressed in each technical section of this EIR, as appropriate. Where development of the proposed Project would result in potentially significant or

significant environmental impacts, mitigation measures are identified to reduce those impacts. There are no additional potentially significant or significant impacts associated with construction of the proposed Project beyond those comprehensively considered throughout the other sections of this EIR. Therefore, impacts related to relocation of existing utility infrastructure, or construction of new or expanded utility infrastructure, would be **less than significant**.

2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Within the former Fort Ord Army Base, MCWD has been designated as the exclusive (1) water service provider and (2) developer and implementer of all new water supplies for all non-Federal lands. MCWD obtains all of its water for supply throughout its service area from groundwater wells. Water for the former Fort Ord area comes from wells located generally along Reservation Road in the City of Marina and unincorporated Monterey County (Denise Duffy & Associates 2017). These wells obtain water from the 400-Foot Aquifer and the Deep Aquifer (Schaaf & Wheeler 2021). Under a U.S. Army agreement with the Monterey County Water Resources Agency executed in 2001, the entirety of the former Fort Ord Army Base was transferred to MCWD and annexed into Zones 2/2A of the Salinas Valley Groundwater Basin, Monterey Subbasin (Schaaf & Wheeler 2021).

The proposed Project is estimated to require approximately 339,600 gallons per year for potable water use and 394,110 gallons per year for landscape irrigation, for a total of 733,710 gallons per year (which equates to 2.25 acre-feet per year [AFY]) (Judicial Council 2022). As discussed in Chapter 2, “Project Description,” BMPs, such as the use of point-source drip irrigation, high-efficiency low precipitation-rate sprays in the bioretention areas, and low-water use, climate-appropriate drought-resistant California native plant materials, would be implemented to reduce the amount of Project-related landscape water. In addition, the Judicial Council would install a separate “purple pipe” system for landscape irrigation so that recycled water can be used in the future (when such water supply becomes available).² The Judicial Council would be required to implement all 2022 CALGreen Code requirements related to indoor and outdoor water use (Section 5.303 and Section 5.304, respectively). Furthermore, the proposed Project would seek LEED Silver certification, which may include the implementation of design features that further reduce indoor water use, such as low flow plumbing fixtures and the installation of meters to ensure projects can monitor and control water use and identify opportunities for water savings.

MCWD’s 2020 Urban Water Management Plan (UWMP), which was adopted by the MCWD Board of Directors on June 21, 2021, addresses water supply and demand issues, water supply reliability, water conservation, water shortage contingencies, and recycled water use within the MCWD service area (Schaaf & Wheeler 2021). Future water demands were estimated based on development projections provided by the jurisdictions served by MCWD. The water demands for redevelopment of the former Fort Ord area, including the proposed Project site, were accounted for in water demand projections contained in MCWD’s UWMP (Schaaf & Wheeler 2021). Table 3.9-1 summarizes MCWD’s existing and future water demands over the UWMP’s 20-year planning period (i.e., 2020 to 2040) during normal, single-dry, and multiple-dry water years. As shown on Table 3.9-1, water demand is projected to decline under a multiple-year drought as a result of aggressive water conservation measures (Schaaf & Wheeler 2021).

The Monterey Subbasin is not in a condition of critical overdraft. As described in the Section 4.7, “Hydrology and Water Quality,” modelled water budget results for the Monterey Subbasin support the conclusion that 9,870 AFY can be pumped from the Marina-Ord Management Area (which includes the proposed Project site) within the Monterey Subbasin with no long-term loss in storage. This analysis also supports the conclusion that the Marina-Ord Management Area will not be in overdraft in the future—if adjacent subbasins are managed sustainably. (See Section 4.7 for a detailed discussion of groundwater sustainability and recharge in the Monterey Subbasin).

² Although recycled water is not currently available to meet the Project’s landscaping needs, MCWD is receiving treated recycled water through the Pure Water Monterey Project. The amount of recycled water available for use in the MCWD service area is expected to increase to 600 AFY by 2025 and 1,359 AFY by 2030 (Schaaf & Wheeler 2021).

Table 3.9-1. Existing and Projected MCWD Water Demand (AFY), 2020-2040

Water Year	2020	2025	2030	2035	2040
Average	3,367	5,991	7,792	8,869	9,574
Single Dry	3,434	6,111	7,948	9,046	9,765
Multiple Dry (Year 1)	3,434	6,111	7,948	9,046	9,765
Multiple Dry (Year 2)	3,030	5,392	7,013	7,982	8,616
Multiple Dry (Year 3)	2,660	4,733	6,156	7,006	7,563

Note: AFY = acre-feet per year; MCWD = Marina Coast Water District

Source: Schaaf & Wheeler 2021

Because the demand is projected to decline under a multiple-year drought and the available groundwater storage greatly exceeds even a five-year demand, MCWD's UWMP determined the available groundwater water supply is considered reliable in all years (Schaaf & Wheeler 2021). In addition, MCWD has undertaken specific measures to ensure its ability to supply water in the event that groundwater production is impaired by mechanical failure or any other potential problem, including water quality impairment from seawater intrusion or groundwater contamination, by providing system redundancy, installing larger water tanks and a booster pump station, and adding new wells. As stated previously, future water demands were estimated based on development projections provided by the jurisdictions served by MCWD; therefore, redevelopment of the former Fort Ord area, which includes the proposed Project site, was accounted for in the MCWD UWMP (Schaaf & Wheeler 2021). Thus, sufficient water supplies to serve the proposed Project, in addition to existing and planned development, would be available under normal, single-dry, and multiple-dry years, and this impact would be **less than significant**.

3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments.

According to the MCWD Sewer Master Plan, non-residential land uses return approximately 85 percent of the water demand to the sewer system (AKEL Engineering Group 2020). As stated previously, the proposed Project is estimated to require approximately 339,600 gallons per year (929.8 gallons per day [gpd]) for potable water use (Judicial Council 2022). Based on an estimated indoor water demand of 929.8 gpd, the proposed Project would generate an estimated 790.33 gpd, or 0.001 million gallons per day (mgd) of average dry-weather flow.³

Wastewater generated by the proposed Project would be conveyed off site via existing off-site infrastructure to Monterey One Water's Regional Treatment Plant for treatment (Monterey One Water 2022b). Monterey One currently provides services to: the cities of Monterey, Pacific Grove, Del Rey Oaks, Sand City, Marina, and Salinas; the Seaside County Sanitation District; the Castroville, Moss Landing and Boronda Community Service Districts; and former Fort Ord lands (Monterey One Water 2019).

In January 2017, Monterey One contracted with V.W. Housen & Associates (VWH) to review and update the assumptions, findings, and recommendations from previous wastewater service area studies (i.e., 2003, 2010, and 2015); this study is referred to as the M1W 2017 Focused Wastewater Service Area Study (2017 Focused WWSA Study). The 2017 Focused WWSA Study reviewed and consolidated information from prior reports related to wastewater infrastructure needs, priorities, and preliminary costing for potential service area expansion. The 2017 Focused WWSA Study determined sufficient capacity is available at its Regional Treatment Plant to serve existing and planned development within its

³ Average dry-weather flow is calculated as follows: 929.8 gpd of indoor water demand * 0.85 return to sewer ratio = 790.33 gpd (0.00079 mgd).

service area and has surplus capacity to provide treatment to eight potential service areas (Monterey One Water 2019).

The Regional Treatment Plant has a maximum average dry-weather design treatment capacity of 29.6 mgd and the current average dry weather flow is approximately 17 mgd (Monterey One Water 2022a, 2022b). The proposed Project-related wastewater flows (0.001 mgd) would not result in an increase in wastewater flows that exceed the current disposal capacity of 29.6 mgd average dry-weather flow. As stated above, Monterey One has determined that its Regional Treatment Plant has capacity to serve existing and planned development within its service area. Therefore, Monterey One Water's Regional Treatment Plant would have adequate capacity to serve the proposed Project's projected demand, in addition to its existing commitments. This impact would be **less than significant**.

4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Construction of the proposed Project would result in site clearing and generation of various construction-related waste, cardboard, wood pallets, scrap metal, and common trash. Grading and cuts-and-fills would generate approximately 5,000 cubic yards of soil material that would be reused at the proposed Project site.

The construction contractor would be required to comply with the CALGreen Code. The standards included in the CALGreen Code (Title 24, Part 11 of the California Code of Regulations) became effective on January 1, 2023. The CALGreen Code requires all construction contractors to reduce construction waste and demolition debris by at least 65 percent.⁴ CALGreen Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on-site or mixed; and identifying diversion facilities where the materials collected will be taken. The CALGreen Code also specifies that the amount of materials diverted should be calculated by weight or volume, but not by both. In addition, CALGreen Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing be reused or recycled. Compliance with the CALGreen Code would support the attainment of solid waste reductions.

The courthouse would be staffed by approximately 80 full-time employees on a daily basis (Judicial Council of California 2022). The California Department of Resources Recycling and Recovery (CalRecycle) estimated Seaside had a 2020 solid-waste disposal generation rate of 25.2 pounds per employee per day (CalRecycle 2020). Based on this generation rate, the proposed Project could generate 1.0 additional tons of solid waste per day (above existing conditions).⁵ This estimate is conservative (high) because recycling and waste diversion reduces this amount and is likely to increasingly reduce the waste stream that is sent to landfills in the future as more restrictive regulations require diversion of larger fractions of the waste stream.

Nearly all solid waste generated in Seaside is transported to and disposed of at the Monterey Peninsula Landfill and Materials Recovery Facility located at 14201 Del Monte Boulevard in Marina. The Monterey Peninsula Landfill is classified as a Class III municipal solid waste landfill facility and is permitted to accept general residential, commercial, and industrial refuse for disposal, including municipal solid waste, construction and demolition debris, green materials, and other non-hazardous designated debris (CalRecycle 2022).

⁴ The most recent standards included California Green Building Standards Code (CALGreen Code) (Title 24, Part 11 of the California Code of Regulations) became effective on January 1, 2023. The CALGreen Code was developed to enhance the design and construction of buildings, and the use of sustainable construction practices, through planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality (California Building Standards Commission 2022).

⁵ Based on CalRecycle's estimated 2020 annual per capita disposal rate of 25.2 pounds per employee per day and an estimated 80 employees, approximately 2,016 pound per day of solid waste would be generated per day, which equates to 1.0 tpd (CalRecycle 2020).

According to CalRecycle, the Monterey Peninsula Landfill has a maximum permitted throughput of 3,500 tons per day (tpd) and has a total maximum permitted capacity of 49.7 million cubic yards (CalRecycle 2022). The Monterey Peninsula Landfill has a remaining capacity of approximately 48.6 million cubic yards and an anticipated closure date of February 28, 2107 (CalRecycle 2022). The Monterey Peninsula Landfill has sufficient existing remaining capacity to accept the anticipated increase in solid waste generated by the proposed Project (1.0 tpd, or 0.71 cubic yards per day), and the proposed Project would not exceed the total maximum throughput (3,500 tpd). The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals or other federal, State, and local management and reduction status and regulations. Therefore, impacts related to increased generation of solid waste would be **less than significant**.

5. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

As discussed above under Item 4, the proposed Project would comply with all applicable solid waste statutes and regulations, including CALGreen. **No impact** would occur.

This page intentionally left blank

3.10 Wildfire

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact related to wildfire if it would be located in or near State Responsibility Areas (SRAs)⁶ or lands classified as very high fire hazard severity zones and would do any of the following:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed Project site is not within an SRA or a Very High Fire Hazard Severity Zone. Section 4.6, “Hazards and Hazardous Materials,” provides additional discussion on the potential for Project-related construction activities to substantially impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed Project would have **no impact** related to impairment of an adopted emergency response plan or emergency evacuation plan for areas within an SRA or a Very High Fire Hazard Severity Zone.

2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Fire prevention areas considered to be under State jurisdiction are referred to as “State Responsibility Areas” or SRAs, and the California Department of Forestry and Fire Protection (CAL FIRE) is responsible for vegetation fires within SRA lands. Public Resources Code sections 4201–4204 and Government Code sections 51175–51189 require identification of fire hazard severity zones within the State of California. In SRAs, CAL FIRE is required to delineate three wildfire hazard ranges: moderate, high, and very high.

The proposed Project site is not in an SRA. The closest SRA lands are east and south of SR 68, approximately 11 miles south of the proposed Project site; these lands are rated as Very High, High, and Moderate Fire Hazard Severity Zones (CAL FIRE 2007, 2022).

CAL FIRE identifies very high fire hazard severity zones in “local responsibility areas,” (LRAs) which are areas under the jurisdiction of local entities (e.g., cities and counties). The proposed Project site is not located within an LRA designated by CAL FIRE as a Very High Fire Hazard Severity Zone (CAL FIRE 2008, 2022). The City of Seaside provides fire protection services to the proposed Project site (see Section 3.7, “Public Services,” for further discussion) (City of Seaside 2010). The closest very high fire severity zone is approximately 6 miles southeast of the proposed Project site, adjacent to and south of Reservation Road.

Because the proposed Project is not located within SRA lands nor located within an LRA designated by CAL FIRE as a Very High Fire Hazard Severity Zone, the proposed Project would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and **no impact** would occur.

3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Because the proposed Project is not located within SRA lands nor located within an LRA designated by CAL FIRE as a Very High Fire Hazard Severity Zone, the proposed Project would not install or maintain infrastructure that could exacerbate fire risks within an SRA or a Very High Fire Hazard Severity Zone, and **no impact** would occur.

⁶ California Public Resources Code sections 4125–4127 define a State Responsibility Area as lands in which the financial responsibility for preventing and suppressing wildland fire resides with the State of California.

4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Because the proposed Project is not located within SRA lands nor located within an LRA designated by CAL FIRE as a Very High Fire Hazard Severity Zone, the proposed Project would not expose people or structures to significant risks from downstream flooding, landslides, slope instability, or drainage changes, and **no impact** would occur.

4 Environmental Setting, Impacts, and Mitigation Measures

4.0 Approach to the Analysis

4.0.1 Introduction

Consistent with California Environmental Quality Act (CEQA) Guidelines section 15126.2, Chapter 4 of this Environmental Impact Report (EIR) is focused on an evaluation of topic areas where significant impacts on the physical environment associated with the proposed Project may occur, and identifies feasible mitigation for those impacts, where necessary. These topic areas consist of the following: aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and vibration, transportation, and tribal cultural resources.¹

The following discussion addresses the existing conditions, regulatory setting, impact analysis, and mitigation measures for each of the environmental issue areas in Chapter 4 and explains the terminology used in the analysis. The reader is referred to the individual topic area sections regarding specific assumptions, methodology, and significance criteria (thresholds of significance) used in the analysis and determination of significance of impacts.

4.0.2 Format and Content

The topic area analyses in Sections 4.1 through 4.10 are organized in the following format.

1. The **Existing Conditions** subsection provides an overview of the current (2022) baseline physical environmental conditions (i.e., the environmental baseline), in accordance with the CEQA Guidelines (14 California Code of Regulations [CCR] section 15125(a)(1)). The existing conditions are the environmental baseline against which the proposed Project's impacts are analysed.
2. The **Regulatory Setting** subsection identifies the plans, policies, laws, regulations, and ordinances that are relevant to each topical section based on current (2022) conditions. As the judicial branch of the State of California, the Judicial Council is subject to federal and state law. In addition, regional and/or local laws may apply where they implement applicable federal and state law. Otherwise, local government, land use planning and zoning regulations would not apply to this proposed Project.
3. The **Impact Analysis** subsection identifies the significant effects on the proposed Project on the environment in accordance with the CEQA Guidelines (CCR Sections 15125 and 15143). This subsection is organized as follows:
 - **Methodology** describes the methods, process, procedures, and/or assumptions used to formulate and conduct the impact analysis.
 - **Thresholds of Significance** provide criteria to define the level at which an impact would be considered significant in accordance with CEQA. Thresholds may be quantitative or qualitative; they may be based on examples found in CEQA regulations or the CEQA Guidelines; scientific and factual data legislative or regulatory performance standards relevant to the impact analysis; or other factors. Generally, however, the thresholds of significance used are derived from

¹ Chapter 3 of this EIR contains brief discussions, at a lesser level of detail, of topic areas where impacts on the physical environment from implementing the proposed Project are clearly less than significant or no impact would occur. The following topic areas are discussed in Chapter 3: agriculture and forestry resources; energy; geology, soils, and paleontological resources; land use and planning; mineral resources; population and housing; public services; recreation, utilities and service systems, and wildfire.

Appendix G of the CEQA Guidelines, as amended; factual or scientific information and data; and applicable law.

- **Environmental Impacts** describes potential adverse physical environmental effects associated with implementation of the proposed Project. The impact analysis specifies why impacts are found to be significant and unavoidable, significant or potentially significant, or less than significant, or why there is no environmental impact, based on the identified thresholds of significance. The impacts are listed numerically and sequentially throughout each section.
- **Mitigation Measures** to avoid, minimize, rectify, reduce, or compensate for significant and potentially significant impacts of the proposed Project, in accordance with the CEQA Guidelines (14 CCR Sections 15370, 15002(a)(3), 15021(a)(2), and 15091(a)(1)), where feasible, are recommended for each significant and potentially significant impact. If implementation of feasible mitigation measures is not sufficient to reduce an impact to a “less-than-significant” level, or no feasible mitigation measures are available, the impacts are described as “significant and unavoidable.”

4.0.3 Terminology used to Describe Impacts

Impact Levels

This EIR uses the following terminology to denote the significance of each identified environmental impact.

- **No impact** indicates that the construction, operation, and maintenance of the proposed Project would not have any direct or indirect effects on the environment. It means no change from existing conditions. This impact level does not need mitigation.
- A **less-than-significant impact** is one that would not result in a substantial or potentially substantial adverse change in the physical environment. This impact level does not require mitigation, even if feasible, under CEQA.
- A **significant impact** is defined by CEQA section 21068 as one that would cause “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” Levels of significance can vary by project, based on the change in the existing physical condition. Under CEQA, mitigation measures or alternatives to the proposed Project must be included to reduce significant impacts to less than significant, to the extent feasible.
- A **potentially significant impact** is one that, if it were to occur, would be considered a significant impact as described above before the application of mitigation measures. For CEQA purposes, a potentially significant impact is treated as if it were a significant impact.
- A **significant and unavoidable impact** is one that would result in a substantial or potentially substantial adverse effect on the environment, and that could not be reduced to a less-than-significant level even with feasible mitigation measures incorporated. Under CEQA, a project with significant and unavoidable impacts may proceed, but the lead agency is required to prepare a “statement of overriding considerations” in accordance with CEQA Guidelines Section 15093, explaining why specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed Project outweigh the unavoidable adverse environmental effects.
- A **beneficial impact** is an impact that is considered to cause a positive change or improvement in the environment and for which no mitigation measures are required.

4.1 Aesthetics

This section provides a description of existing viewsheds, existing visual character, and the existing visual quality of the Project site and surrounding Project area. The term “Project site” refers to the 5-acre parcel that would be permanently affected by construction and operation of the proposed courthouse, while the term “Project area” refers to all areas where the proposed new courthouse may be visible, including areas in the vicinity of the Project site and further away from the Project site. It also discusses existing scenic roadways and existing light and glare in the Project area. Next, a brief description of laws, regulations, and ordinances pertinent to the proposed Project is presented. The analysis describes impacts related to degradation of visual character and quality, damage to scenic resources within the viewshed of scenic roadways, and light and glare effects. Feasible mitigation measures are recommended, where necessary.

4.1.1 Existing Conditions

Visual Resource Evaluation Concepts and Terminology

Aesthetic resources consist of the objects (artificial and natural, moving, and stationary) and features (e.g., landforms and waterbodies) that are visible on a landscape. These resources add to or detract from the visual appeal of the landscape. A visual change can be perceived by an individual or group as either positive or negative, depending on a variety of factors or conditions (e.g., type of viewer, sensitivity to visual change, distance from the visual change, or seasonal conditions).

Visual character is a description of the landscape components and is defined by the relationships between the existing visible natural and built landscape features. These relationships are considered in terms of dominance, scale, diversity, and continuity. Visual character-defining resources and features include landforms, vegetation, buildings, transportation facilities, open space, water bodies, geologic features, historic structures, downtown skylines, and apparent upkeep and maintenance of property. The basic elements that comprise the visual character of landscape features are form, line, color, and texture. The appearance of the landscape is described in terms of the dominance of each of these elements.

Viewer groups within the Project areas represent such people as motorists and rail commuters, residents, business employees, and recreationists. Sensitivity to visual change varies among viewer types. Sensitivity to views, along with the degree of Project visibility or visual exposure, affects the viewer response. Generally, as a viewer group, residents and recreationists are highly sensitive viewers. Viewers are defined by their relationship to the study area, their visual preferences, and their sensitivity to changes associated with the proposed Project improvements. Visual preferences, or what viewers like and dislike about the study area’s visual character, factor into an area’s *visual quality*. Visual quality serves as the baseline for determining the degree of visual impacts and whether a Project’s visual impacts would be adverse, beneficial, or neutral. The viewer’s distance from landscape elements plays an important role in the determination of an area’s visual quality. Landscape elements are considered higher or lower in visual importance based on their proximity to the viewer. Generally, the closer a resource is to the viewer, the more dominant, and therefore visually important, it is to the viewer.

Visual quality is an assessment of the composition of the character-defining features of the landscape. Visual quality is determined by evaluating the viewshed characteristics in terms of vividness, intactness, and unity (which are defined below). Visual quality is rated as low, moderate, or high. Several sets of criteria have been developed for defining and evaluating visual quality. The criteria developed by the Federal Highway Administration (FHWA) (FHWA 1988) and the U.S. Forest Service (USFS) (USFS 1995), which are used in this analysis, include the concepts of vividness, intactness, and unity. According to these criteria, none of these is itself equivalent to visual quality; all three must be considered high to indicate high quality visual resources. These terms are defined below.

- “Vividness” is the visual power or memorability of landscape components as they combine in striking and distinctive visual patterns.

- “Intactness” is the visual integrity of the natural and human-built landscape and its freedom from encroaching elements.
- “Unity” is the visual coherence and compositional harmony of the landscape considered as a whole.

Photographic exhibits showing the local landscape character at key locations where the proposed new courthouse may be visible (i.e., key observations point [KOP]) are provided below. Unless otherwise noted, the source for all photographs is Google Earth (2019). Exhibit 4.1-1 shows the location of each KOP in relation to the Project site. These photographs are representative of the types of visual resources that are present under existing conditions within the Project viewshed. They have also been selected based on existing viewer groups, which are primarily motorists, recreationists, and California State University Monterey Bay (CSUMB) campus students, faculty, and staff. Brief descriptions of the foreground, middleground, and background characteristics of each KOP are presented.



Source: AECOM 2022

Exhibit 4.1-1. Key Observation Points

Existing Visual Character and Quality

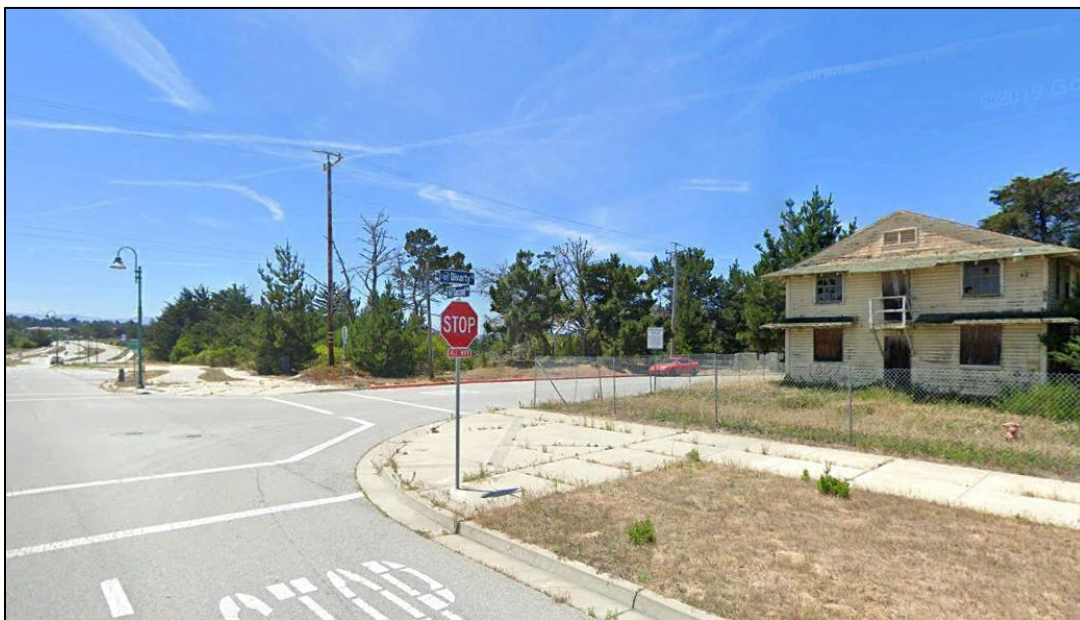
The approximately 5-acre Project site is undeveloped and consists of low-growing groundcover (ice plant), shrubs, and stands of evergreen Monterey cypress and Monterey pine (see KOP 1). The topography at the Project site slopes gently to the south and west, from a relatively large flat area in the north at approximately 185 feet above mean sea level (amsl), transitioning to an area with a slightly steeper gradient in the south and west to approximately 175 feet amsl. The site has been previously disturbed resulting from activities associated with the former Fort Ord military base (Base). This viewshed is dominated by the conical, upright forms of the evergreen trees on the Project site. The low-growing ice plants exhibits a similar degree of coarse texture as the nearby trees. KOP 1 exhibits a low degree of vividness, and a moderate degree of intactness and unity. The overall visual quality is considered moderate.



Source: AECOM 2022

KOP 1: View of the Project Site Interior. Looking northeast from an adjacent property that is west of the Project site. Groundcover (ice plant) and a dirt road are visible in the foreground. Evergreen trees and shrubs on the Project site, and a power pole along Divarty Street, are visible in the middleground.

Divarty Street borders the Project site to the north. Divarty Street also forms the boundary between the city of Marina to the north and the city of Seaside (City) to the south. Former military barracks (now abandoned) line the north side of Divarty Street immediately north of the Project site (see KOP 2). The rectangular form of the white abandoned military barracks contrasts strongly with the dark green evergreen trees at the Project site and the landscaped roadway and bicycle pathway, sidewalks and light standards along 2nd Avenue. This viewshed contains a variety of disparate textures, forms, and colors. The view from KOP 2 exhibits a low degree of vividness, intactness, and unity. The overall visual quality is considered low.

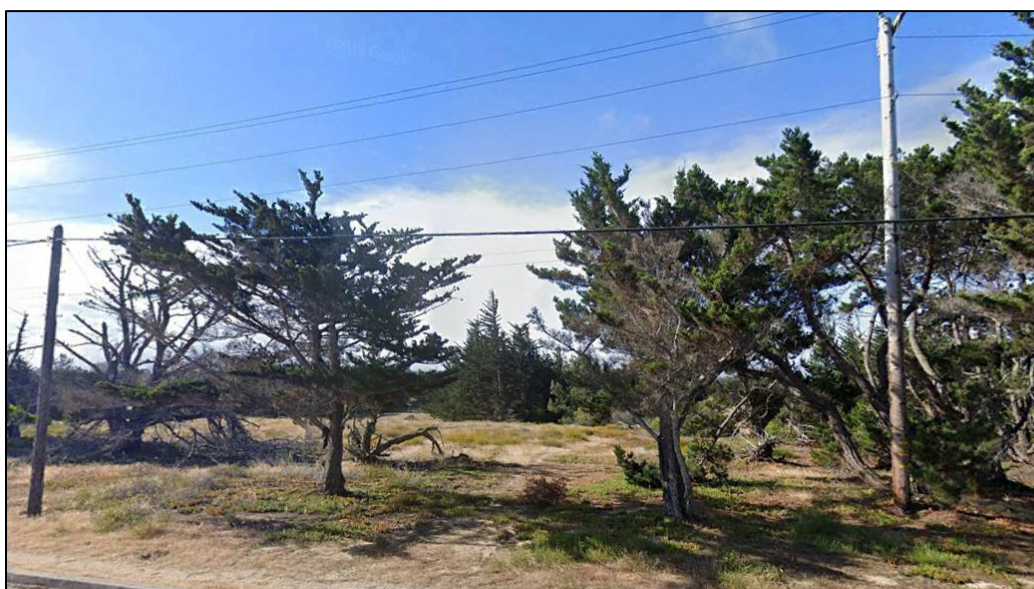


KOP 2: View of the Northeast Corner of the Project Site. Looking southwest from 2nd Avenue. Former Fort Ord military barracks (now abandoned) with associated exclusionary fencing, north of the Project site, are visible in the foreground to the right. The 2nd Avenue/Divarty Street intersection, pavement, signage, street lights, power poles, and overhead electrical lines are also visible in the foreground. Evergreen trees and shrubs along the northern border of the Project site are present near the red vehicle parked along Divarty Street. The northbound and southbound lanes of 2nd Avenue, and evergreen trees farther south and east of the Project site, are visible in the background.

A stand of evergreen Monterey cypress and Monterey pine along with lower-growing evergreen shrubs is present along the northern property boundary (see KOP 3), which screens most views of the Project site from Divarty Street and the former military barracks to the north. An opening in the trees at the northwest corner of the Project site provides the only source of interior site views from the north (see KOP 4). Both of these viewpoints are dominated by the tall conical shape of the green conifers. Where visible, the open areas of the Project site (vegetated with ice plant and grasses) provide a pleasing contrast to the conifers along the Project boundaries, some of which are in poor health and are dying. The textures are uniformly coarse. The view from KOP 3 exhibits a moderate degree of vividness and unity, and a low degree of intactness. The overall visual quality is considered moderate. The view from KOP 4 exhibits a low degree of vividness, intactness, and unity; therefore, the overall visual quality is considered low.



KOP 3: View of the Project Site from 1010 Divarty Street. Looking south. Evergreen trees and shrubs, grasses, and a wood power pole and overhead electrical lines are visible in the foreground.



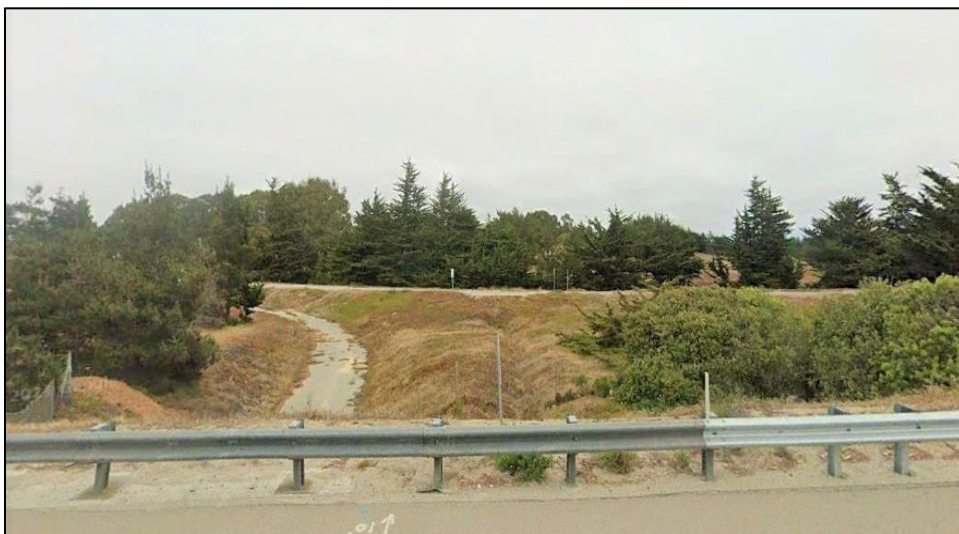
KOP 4: View of the Project Site from 1012 Divarty Street. Looking south. Power poles with overhead electrical lines, scattered grasses, and partially dead evergreen trees are visible in the foreground. Grasses and evergreen trees on the Project site are visible in the middle ground. Tall evergreen trees south and east of the Project site are visible in the background.

1st Avenue, which is a local roadway that consists of two southbound-only lanes, is approximately 650 feet west of the Project site at the closest point. South of the Project site, 1st Avenue curves slightly to the east before its intersection with Lightfighter Drive. Single and double rows of evergreen Monterey pines and Monterey cypress trees are present along the east and west sides of 1st Avenue (see KOP 5). The viewshed in KOP 5 has been previously disturbed resulting from activities associated with the Base. The low-growing ice plant displays a similar coarse texture as the nearby trees. Where visible, the open areas of the Project site (in the background) and other property to the west (in the middle ground) provide a pleasing contrast in both form and color to the conifers along 1st Avenue. Furthermore, 1st Avenue south of the Project site includes few intruding visual elements along the roadway. KOP 5 exhibits a moderate degree of vividness, and a high degree of intactness and unity. The overall visual quality is considered moderate.



KOP 5: View of the Project Site from 1st Avenue. Looking northeast. Ice plant, grasses, and tall evergreen trees along 1st Avenue are visible in the foreground. An open area west of the Project site filled with grasses and ice plant is visible in the middleground. Tall evergreen trees on the Project site and southeast of the Project site are visible in the background.

The northbound and southbound lanes of State Route (SR-)1 are approximately 940 and 1,000 feet west of the Project site, respectively. As mentioned previously, a row of evergreen Monterey pines and Monterey cypress trees is present along the east and west sides of 1st Avenue, between SR-1 and the Project site. An opening in the line of trees along 1st Avenue affords a brief view of the Project site from the SR-1 northbound and southbound lanes directly west of the site (see KOPs 6 and 7). The viewsheds in KOPs 6 and 7 are dominated by the paved northbound and southbound lanes of SR-1, with associated guardrails, signage, and overhead lighting. Low growing grasses (green in the spring but brown throughout the rest of the year) and ice plant contrast strongly with the upright conical forms of the evergreen trees. KOPs 6 and 7 exhibit a moderate degree of vividness and unity, and a low degree of intactness; therefore, the visual quality is considered moderate.



KOP 6: View 2 from SR-1 Northbound Directly West of Project Site. Looking east. Pavement and a metal guard rail along the east side of SR-1 are visible in the foreground. Grasses, shrubs, and evergreen trees, and an area of pavement leading to a former Fort Ord stormwater drainage structure are also visible in the foreground. 1st Avenue with an associated row of tall evergreen Monterey pines and Monterey cypress trees, and an open area associated with property west of the Project site, are visible in the middleground. Tall evergreen trees at the Project site and south of the site are visible in the background.



KOP 7: View from SR-1 Southbound Northwest of Project Site. Looking east. Pavement and metal guard rails, along with grasses and highway signage along the southbound and northbound lanes of SR-1 are visible in the foreground. Pavement along Divarty Street and 1st Avenue, and evergreen shrubs and trees are visible in the middleground. Tall evergreen trees south of the Project site are visible in the background.

Lightfighter Drive is a divided, four-lane arterial roadway approximately 1,500 feet (0.3 mile) south of the Project site. As with 1st Avenue, a row of tall evergreen Monterey pines and Monterey cypress trees is present along the north side of Lightfighter Drive, curving gently towards the north at the west end (see KOP 8). The vertical evergreen trees, which exhibit a conical form and coarse texture, north of the roadway provide a pleasing contrast with the horizontal nature, grey color, and smooth texture of the pavement along Lightfighter Drive. KOP 8 exhibits a low degree of vividness, and a moderate degree of intactness and unity; therefore, the visual quality is considered moderate.



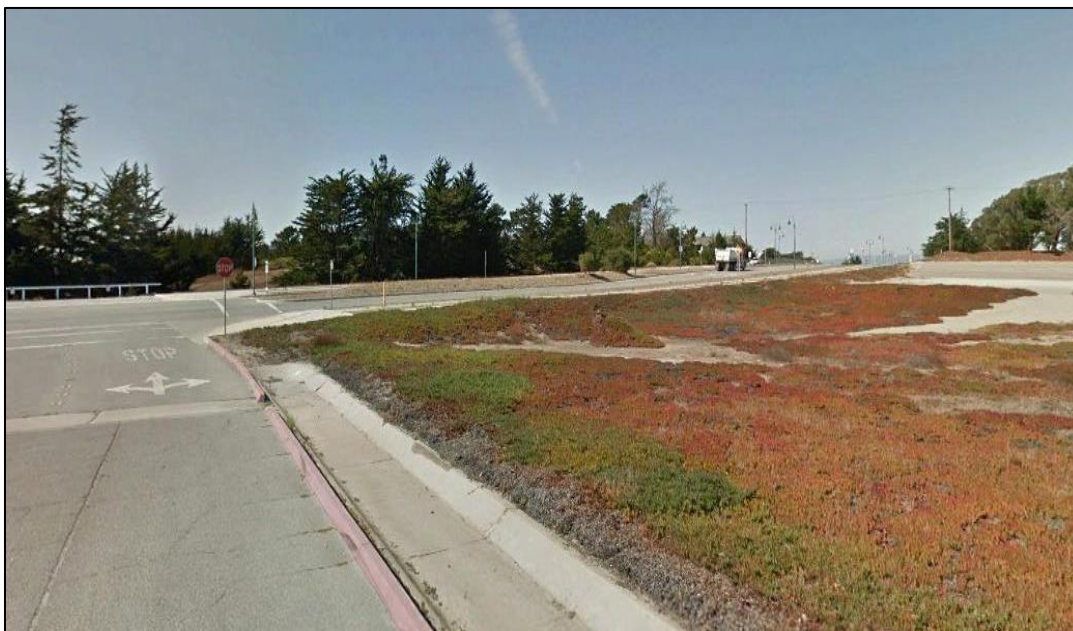
KOP 8: View from Lightfighter Drive. Looking north. Pavement, grasses, and roadway median, along with shrubs and tall evergreen trees north of Lightfighter Drive are visible in the foreground.

2nd Avenue is a divided, four-lane arterial roadway that is immediately adjacent to and east of the Project site. 2nd Avenue runs north–south between Lightfighter Drive and Divarty Street. Off-street bicycle paths and sidewalks are present along the east and west sides of 2nd Avenue, along with a grassy central

median and decorative metal overhead light fixtures. The west side of the CSUMB campus is immediately adjacent to, and east of, 2nd Avenue. A small, narrow strip of undeveloped land owned by CSUMB is immediately adjacent to the east side of the Project site, on the west side of 2nd Avenue. The CSUMB outdoor grass soccer fields are approximately 700 feet southeast of the Project site (see KOP 9). 2nd Avenue is a divided roadway with grassy medians and grass borders along the off-street bicycle paths and sidewalks. The grass (green in the spring but brown during the remainder of the year) provides a pleasing and smooth horizontal contrast with the upright conical forms and coarse texture of the evergreen trees on both sides of the roadway. The “historic” nature of the overhead light standards contributes to the aesthetic feel. KOP 9 has a moderate degree of vividness, and a high degree of intactness and unity; therefore, the visual quality is considered high. The western edge of the developed CSUMB campus is approximately 233 feet directly east of the Project site at the closest point (see KOP 10). The viewshed in KOP 10 is dominated by the horizontal forms of low-growing ice plant, bare dirt, and paved parking and roadways. KOP 10 has a low degree of vividness, intactness, and unity; therefore, the visual quality is considered low.



KOP 9: View 2 from 2nd Avenue. Looking north. Pavement, grasses in the roadway median, Class II pedestrian/bicycle lanes, metal overhead street lighting, wood power poles with overhead electrical lines, evergreen shrubs and trees, and high-mast lighting for the CSUMB soccer fields are visible in the foreground. Shrubs and tall evergreen trees on the CSUMB campus to the east, the western edge of CSUMB-owned property, immediately east of the Project site, and a portion of the Projects at Main Gate Specific Plan are visible in the middleground. Tall evergreen trees on the Project site to the northwest, and on the north side of Divarty Street to the northeast, are visible in the background.



KOP 10: View 2 from CSUMB West Entry at 2nd Avenue. Looking northwest. Pavement along a stormwater gutter and the CSUMB entry road and 2nd Avenue, ice plant, roadway signage, roadway guard rail, Class II pedestrian/bicycle lanes, metal overhead Street lighting, wood power poles with overhead electrical lines, and evergreen shrubs and trees are visible in the foreground, middleground, and background. Tall evergreen trees at the northeast corner of the Project site, along with military barracks from the former Fort Ord north of the site, are also visible in the middleground and background.

Scenic Highways

The nearest federally designated Scenic Byway is the “Route 1 – Big Sur Coast Highway,” which runs along SR-1 from the Carmel River at the north end to the Ragged Point Scenic Overlook at the south end (FHWA 2022). The north end of this federal Scenic Byway is approximately 9.7 miles southwest of the Project site.

A portion of SR-1, which is approximately 940 feet west of the Project site, traverses the east side of Monterey Bay in Monterey and Santa Cruz Counties. SR-1 around Monterey Bay is not a State-designated scenic highway; however, it is eligible for designation (Caltrans 2019). The nearest officially designated State Scenic Highway is SR-1 from its intersection with SR-68 south to a point near San Luis Obispo (Caltrans 2019), approximately 5 miles southwest of the Project site.

The Monterey County *Scenic Highway Corridors & Visual Sensitivity Map* for the Greater Monterey Peninsula (Monterey County 2010) notes that SR-1 is a proposed scenic highway. However, the Project site, along with the Cities of Seaside and Marina (except for the Fort Ord Dunes State Park), are not within a County-designated sensitive, highly sensitive, or critical viewshed. The Ford Ord Dunes State Park, which is approximately 1,200 feet west of the Project site, is designated by the County as a “highly sensitive” viewshed (Monterey County 2010).

Existing Light and Glare

There are no existing sources of light or glare within the Project site. Nighttime lighting is present along 2nd Avenue to the east. High-mast, nighttime lighting for outdoor sporting events at the CSUMB campus soccer fields, along with the CSUMB outdoor stadium and baseball fields, is present approximately 700 feet, 1,200 feet, and 1,500 feet southeast of the Project site, respectively. Overhead nighttime lighting is also present along SR-1 to the west.

4.1.2 Regulatory Setting

California Trial Court Facilities Standards

In November 2020, the Judicial Council adopted its updated *California Trial Court Facilities Standards* (Facilities Standards) (Judicial Council 2020). The Facilities Standards are intended to promote buildings that are functional, durable, maintainable, and efficient that provide long-term value to the public, the judicial branch, courthouse occupants, the community in which they reside, and court users and taxpayers of California. The Facilities Standards attempt to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction costs and the long-term life cycle costs of owning and operating institutional buildings. Section 1.C.4, Design Excellence, states design excellence principles will be implemented as outlined by the Judicial Council's Facilities Services office in its Project Procedure A-14: Quality Management Plan. The following elements are evaluated in measuring design quality:

1. Reflection of the dignity of the law and the stability of the judicial system.
2. Responsiveness to local context, geography, climate, and setting (including culture, history, and community enrichment).
3. Reflection of the importance of the activities within the courthouse, with adequate spaces that are planned and designed to be adaptable to change.
4. Consideration of the economics of operation and maintenance, including controlling long-term ownership costs.
5. A sustainable, healthy, safe, and accessible environment.
6. Technical excellence in building systems (including architecture).

In addition, Facilities Standards Section 1.D., Sustainable Design, requires that all new courthouse projects be designed in compliance with the California Green Building Standards Code (CALGreen) (California Code of Regulations [CCR] Title 24, Part 11), as well as the current version of the California Energy Code (CCR Title 24, Part 6). All new courthouse projects must be designed for sustainability to receive a Leadership in Energy and Environmental Design (LEED) Silver rating or higher. Sustainable design compliance requirements and Best Management Practices (BMPs) include (among others):

- Use natural strategies to protect and restore water resources. Limit disruption to existing vegetated areas. To purify runoff and promote groundwater recharge, use natural storm water treatment systems such as bioretention, bioswales, and permeable paving.
- Use appropriate plant materials. Reduce maintenance and irrigation requirements by giving preference to native plant species. Explore opportunities to provide habitat for wildlife, including protection and promotion of pollinator habitat, and to restore degraded site areas.
- Seek opportunities to redevelop existing sites. Develop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities.

The Facilities Standards include specific requirements related to interior layouts within the courthouse, siting and sizing of parking areas, site access circulation, and site design. Section 3.D.2, Orientation, states:

- Orient the buildings along an east-west axis for longer north- and south-facing façades.
- Maximize solar orientation for outdoor seating and to cool the buildings. In hot climates, position the building on the site to minimize the solar exposure on façades enclosing permanently occupied space.
- Consider orientation for purposes relating to daylighting, glare, solar gain, and passive solar heating.

- Orient buildings to take advantage of views; conversely, in new buildings, do not block major view corridors. Orientation for views should not compromise optimal solar orientation.

Facilities Standards Section 3.D.3, Massing, notes that building shape, size, and scale contribute to a facility's architectural and visual character. Massing and scale of all-new construction must be considered during planning and design.

3.D.3.b. Detail of architectural elements of large buildings should maintain a sense of scale and sensitivity to the neighborhood context. Consider the visual and environmental effects that new and existing structures will have on the neighborhood and on existing buildings located in the sphere of influence caused by shading or reflectance, changes in airflow, and views to and from existing buildings.

Facilities Standards Chapter 16 contains detailed specifications relating to interior and exterior lighting standards.

State Plans, Policies, Regulations, and Laws

State Scenic Highway Program

California's Scenic Highway Program was created by the Legislature in 1963, to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The State laws governing the Scenic Highway Program are found in the California Streets and Highways Code, sections 260 through 263. A highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the travelers' enjoyment of the view. An eligible State highway becomes officially designated through a process in which the local governing body applies to California Department of Transportation (Caltrans) for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated as a State Scenic Highway by the Caltrans Director.

When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. Scenic corridors are defined as corridors that possess highly scenic and natural features, as viewed from the highway. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. The Corridor Protection Program summarizes the city or county ordinances, and zoning and/or planning policies (collectively called "visual quality protection measures") that preserve the scenic quality of the corridor.

Development within a designated scenic highway corridor is not precluded. However, the Corridor Protection Program, approved by Caltrans and enforced by the applicable local government(s), ensures that development activities within the scenic corridor are compatible with scenic resource protection and community values. Because the segment of SR-1 that parallels Monterey Bay is not an officially designated State Scenic Highway, there is no Corridor Protection Program.

Regional and Local Plans, Policies, Regulations, and Ordinances

There are no regional or local plans, policies, regulations, or ordinances related to aesthetics that apply to the proposed Project.

4.1.3 Impacts Analysis

Methodology

The aesthetic value of an area is a measure of the variety and contrast of the area's visual features, the character and quality of those features, and the scope and scale of the scene, combined with the anticipated viewer response. The analysis of aesthetics impacts for this Project uses a qualitative approach for characterizing and evaluating the visual resources of the areas that could be affected by the proposed Project. This approach was based on the following three steps:

1. An objective inventory of the visual features or visual resources that comprise the landscape.
2. An assessment of the character and quality of the visual resources in the context of the overall character of the regional visual landscape.
3. Consideration of the importance to viewers, or sensitivity of the viewers, to the identified visual resources in the landscape.

The above factors were considered in combination with the proposed Project elements that would be visible during Project operation, and the type and duration of anticipated construction activities.

Thresholds of Significance

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact related to aesthetics if it would:

- have a substantial adverse effect on a scenic vista;
- except as provided in Public Resources Code section 21099, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings, within a state scenic highway; or
- create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Topics Not Addressed Further

Substantial Adverse Effect on a Scenic Vista—Scenic vistas consist of outstanding examples of the natural environment, or the built environment considering the surrounding context and setting. Scenic vistas exhibit the highest degree of vividness, intactness, and unity, and consist of outstanding examples that are often regarded as “the best of its kind.” There are no designated scenic vistas in the Project area, and the Project site is not within a designated sensitive, highly sensitive, or critical viewshed (Monterey County 2010). As shown in KOPs 1, 3, and 4, the Project site does not represent a scenic vista, and does not afford views of the coast or the Pacific Ocean. As shown in KOPs 6, 7, 9, and 10, background views of the Project site looking east from SR-1, and middleground and background views of the Project site looking west from the CSUMB campus, also do not constitute scenic vistas. Thus, there would be no impact, and this topic is not evaluated further in this Environmental Impact Report (EIR).

Environmental Impacts

Impact 4.1-1. Substantially degrade the existing visual character or conflict with applicable zoning and other regulations governing scenic quality.

The Project site consists of an approximately 5-acre rectangular parcel that is oriented east-west. The site is part of the former Base, and therefore provides an opportunity for reuse of a previously disturbed site. Aside from a small (approximately 10 by 10 foot) concrete pad in the north, the site does not contain any buildings or structures. The Project site does not afford views of the coast or the Pacific Ocean.

As shown in KOPs 1, 2, and 3 the site is composed of groundcover (ice plant), scattered shrubs, and stands of evergreen Monterey cypress and Monterey pines that are primarily located along the northern and western property boundaries. As indicated in the *Tree Resource Assessment Forest Management Plan* (Ono Consulting 2022) (Appendix C), of the 154 trees inventoried at the Project site, as many as 114 trees may need to be removed to accommodate the proposed development; however, the Project intends to utilize the *Tree Resource Assessment Forest Management Plan* to inform the final design and reduce the number of trees required for removal to the greatest extent possible. The trees suggested for removal

consist of the following: 1 coast live oak, 64 Monterey cypress, 47 Monterey pine (of which 11 are dead and 3 are in poor condition), and 2 Torrey pine.

The proposed Project would include landscaped biofiltration basins scattered throughout the Project site and parking areas, which would provide visual interest (in addition to stormwater retention and pre-treatment).

The Project site is situated in the northeast corner of the Projects at Main Gate Specific Plan (Specific Plan) area, which includes the entire approximately 49-acre area bounded by Divarty Street on the north, SR-1 on the west, Lightfighter Drive on the south, and 2nd Avenue on the east. An EIR for the Specific Plan was certified by the City and was adopted in 2010 (Denise Duffy & Associates, Inc. 2010). Under the Specific Plan, the approximately 49-acre property is planned for urban uses and the 5-acre Project site is proposed for development as a paved parking lot interspersed with new urban landscape trees to support a planned nine-story hotel (up to 108 feet tall with 225,000 square feet) and a spa at the southern portion of the Project site and extending into the adjacent parcel. A retail center surrounded by paved parking is planned for the remaining Specific Plan area south and west of the Project site (Denise Duffy & Associates 2010: Figure 3-4). The planned retail center south of the Project site would consist of two- and three-story buildings surrounded by parking.

As shown in KOP 2, the Project site is immediately south of the former Fort Ord military barracks, which have been abandoned. The existing visual quality in this area along Divarty Street and 2nd Avenue is low due to the nature of the abandoned two-story buildings which have graffiti, broken windows, and holes on the siding and roofs. However, this area north of Divarty Street and west of 2nd Avenue is planned for redevelopment as The Dunes on Monterey Bay (The Dunes) project, wherein the existing abandoned military barracks would be demolished and replaced with approximately 26 acres of business park and 17 acres of residential uses in a new mixed-use 300-acre community. Additional development proposed as part of The Dunes community further to the west and north includes lodging and retail uses. The new courthouse would be clearly visible to motorists traveling southbound on 2nd Avenue north of Divarty Street, and from within the business park development in The Dunes directly north of the Project site.

Under existing conditions, motorists on 1st Avenue (which is approximately 650 feet west of the Project site), both north and south of Divarty Street, would have views of the third floor and the shielded mechanical area on the roof of the new courthouse; views of the lower floors would mostly be blocked by the line of tall evergreen Monterey cypress and Monterey pine trees on the east side of the roadway, except near the intersection of 1st Avenue and Divarty Street. The visual quality in this area is moderate. However, at full buildout of the Specific Plan, 1st Avenue south of the Project site would be eliminated and would become part of the parking area for the proposed retail center (Denise Duffy & Associates 2010: Figure 3-4).

The visual character and quality of the Project site as viewed from SR-1 (see KOPs 6 and 7) is discussed in detail and evaluated below in Impact 4.1-2. As compared to the baseline (existing) conditions, the new courthouse at the Project site would be approximately 940 feet east of the SR-1 northbound lanes and the lower floors would be shielded from view by existing intervening stands of tall evergreen trees along the east and west sides of 1st Avenue. However, the shielded mechanical equipment on the roof and potentially the upper floor of the courthouse would be visible. As shown in visual simulations prepared for the Specific Plan EIR (Denise Duffy & Associates 2010: Figures 4.1-5 and 4.1-6), the planned retail center immediately south of the Project site (comprising 49 acres of the Specific Plan area) would consist of two- and three-story retail/commercial buildings east of SR-1 (set back from SR-1 by proposed parking) that would be clearly visible to motorists traveling in both the northbound and southbound lanes. The Specific Plan includes removal of the existing row of tall trees on the east side of 1st Avenue, along with the existing tall mature trees immediately west of the Project site. If the retail center development proposed under the Specific Plan is constructed, views of the new courthouse from the northbound lanes of SR-1 to the east (as shown in KOP 6) would likely be partially blocked by one of the planned retail/commercial buildings. However, from the SR-1 southbound lanes (shown in KOP 7), the new courthouse would be briefly visible to motorists on SR-1 looking east.

Ford Ord Dunes State Park, which is approximately 1,200 feet west of the Project site, is designated by the County as a “highly sensitive” viewshed (Monterey County 2010). Beach Range Road, west of the Project site in the Fort Ord Dunes State Park (see Exhibit 4.1-1), is situated at an elevation of approximately 108 feet amsl. The topography within the state park further to the west, northwest, and southwest, continues to decrease in elevation. The elevated intervening railroad embankment to the east and SR-1 northbound and southbound lanes (approximately 145 feet amsl), and the line of approximately 20-foot-tall evergreen trees along 1st Avenue, would block most views of the courthouse from the state park. However, the third floor and the shielded mechanical area on the roof of the courthouse likely would be visible to recreationists at the eastern edge of the state park. The two- and three-story retail/commercial development proposed in the Specific Plan area on the east side of SR-1 would be 1,000 feet closer to recreationists at the eastern edge of the state park as compared to the proposed Project, and would be clearly visible to recreationists (Denise Duffy & Associates 2010: Figures 4.1-5 and 4.1-6).

Lightfighter Drive, which is oriented east to west, is approximately 1,500 feet (0.3 mile) south of the Project site at a similar elevation as compared to the Project site. As shown in KOP 8, a row of tall evergreen Monterey cypress and Monterey pine trees is present along the north side of Lightfighter Drive, and additional stands of these same species of trees are present for another 400 feet to the north. Due to the intervening distance and vegetation, it is unlikely that the new courthouse would be visible to motorists traveling on Lightfighter Drive. However, the courthouse would be visible to motorists at the corner of Lightfighter Drive and 2nd Avenue, due a dip in the topography partway north towards the Project site and the lack of intervening vegetation from this location.

2nd Avenue, which is oriented north to south, is immediately adjacent to the Project site to the east (see KOP 9), and the proposed courthouse would be clearly visible to motorists traveling northbound and southbound on 2nd Avenue. The visual quality in this area is high. The western edge of the developed portion of the CSUMB campus is approximately 200 feet east of the Project site (at the closest point). This area of the campus consists of over 14 acres of flat concrete surfaces (from former Fort Ord land uses) which are now used as parking for the CSUMB outdoor sports stadium; swim center; and soccer, baseball, and softball fields. KOP 10 shows a view of the Project site from the CSUMB west entry, approximately 300 feet to the southeast; the visual quality in the viewshed of KOP 10 is low. The CSUMB stadium is approximately 1,200 feet southeast of the Project site, with a two-story fieldhouse at the east side of the stadium. The new courthouse would be visible to CSUMB staff and students in the parking areas, around the swim center, and at the outdoor soccer fields. Views of the courthouse from the outdoor stadium would be partially blocked by the existing two-story Field House on the west side of the stadium. Furthermore, the stadium bleachers are oriented to face north-south (away from the Project site). The new courthouse would be visible in the background from the CSUMB outdoor baseball fields, approximately 1,500 feet (0.3 mile) southwest of the Project site.

Project implementation would change the existing visual character of the Project site from undeveloped land with mature Monterey cypress and Monterey pines, to a three-story courthouse with a shielded mechanical area on the roof (approximately 60 feet tall) flanked by paved parking. The new courthouse would be designed in accordance with Judicial Council Facilities Standards (Judicial Council 2020), which contain specific requirements related to interior layouts within the courthouse, siting and sizing of parking areas, site access and interior site circulation, and site design. Judicial Council Facilities Standards Section 3.D.3, Massing, requires that building shape, size, and scale be considered during planning and design, and requires that the detail of architectural elements of large buildings maintain a sense of scale and sensitivity to the neighborhood context. Judicial Council building design is required to consider the visual and environmental effects that new and existing structures will have on the neighborhood and on existing buildings located in the sphere of influence caused by views to and from existing buildings (Judicial Council 2020). The Judicial Council and the Superior Court of Monterey County intend the design to be fundamentally consistent with the character and elements representative of the Monterey Revival style, including clean lines, simple forms and long windows and incorporation of warm colors and natural materials and tones. A modern expression of the style and community values of the Monterey area are expected to inform the final design of the courthouse. Representative photographs illustrating the type of architectural character that may be employed for the proposed new courthouse at the Project site are provided below.



The Judicial Council is not subject to the City's General Plan policies or municipal code requirements related to visual quality. Even though the Judicial Council is not subject to local land use regulations, the proposed Project is nonetheless consistent with the City's General Plan.¹ (Gov. Code § 65402(a)) The General Plan designates the Project site as Regional Commercial (CRG), which is a zoning district that permits hotels, "big-box" retail, movie theaters, and business parks. A courthouse is consistent with many of the uses identified in the Specific Plan, such as an office or business park. The maximum floor area ratio (FAR) for office space is 1.0. While neither the City's General Plan nor Zoning Code define a "business park," typically, cities use this term to mean office uses in a setting that includes large parking fields and landscaped areas. The CRG zone is intended to implement the City's Regional Commercial (RGC) land use designation of the General Plan, which has the same set of allowable uses as the CRG zoning district. Based on the foregoing, the proposed Project would not conflict with applicable zoning as related to visual quality.

All of the surrounding area between the Project site and SR-1, to the north and south, is planned for development with business park, retail, commercial, and residential land uses. Development at the Project site is consistent with land uses envisioned in the adopted Specific Plan. Nevertheless, because the change in visual character at the Project site as viewed from existing surrounding land uses would be substantial, this impact is considered **potentially significant**.

Mitigation Measure 4.1-1: Implement Tree Resource Assessment Forest Management Plan Recommendations.

The Judicial Council shall implement the recommendations in the Tree Resource Assessment Forest Management Plan (Ono Consulting 2022) related to tree removal and re-planting, best management practices, tree protection standards, and tree pruning guidelines.

¹ A state agency is immune from local regulations unless the Legislature expressly waives immunity in a statute or the California Constitution. (*City of Malibu v. Santa Monica Mountains Conservancy* [2002] 98 Cal.App.4th 1379, 1383.)

Mitigation Measure 4.1-2: Pay Fees for New City Park Adjacent to West Side of Project Site.

The Judicial Council shall make a one-time fee payment to the City of Seaside for City development of a park area immediately adjacent to, and west of the Project site. This park area would include retention of the existing mature trees on the west side of the Project site, which would screen the new building from the SR-1 and 1st Avenue viewsheds. The park would be developed and maintained by the City.

Significance after Mitigation

Implementation of Mitigation Measure 4.1-1 would reduce the Project's impact from changes to visual character, because trees at the Project site would be retained to the maximum extent feasible and maintained as directed in the Project's Forest Management Plan. Furthermore, as explained above, the courthouse would be designed according to Judicial Council Facilities Standards. Nevertheless, the proposed Project would represent a substantial change in the visual character of the Project site as viewed from surrounding key viewsheds, and the new courthouse building would stand out in the landscape due to the proposed height. Reasonable people can disagree as to whether a change from open space to well-designed building represents a degradation of visual character or quality. In order to be conservative, this analysis assumes that, even with implementation of the design principles embodied in the Judicial Council's Facilities Standards, some viewers would consider the change from the existing open space to the proposed courthouse and parking at the proposed Project site to represent a degradation of the existing visual character and quality. Implementation of Mitigation Measure 4.1-2 would reduce the visual impacts of the proposed Project because the Judicial Council would contribute to the establishment of a City park area that would facilitate preservation of existing mature trees west of the proposed Project site, and these trees would block views of the new courthouse from SR-1 and 1st Avenue. Nevertheless, the proposed Project would represent a substantial change in the visual character of the proposed Project site as viewed from surrounding key viewsheds, and the new courthouse building would stand out in the landscape due to the proposed height. Because no other feasible mitigation measures are available, this impact is considered **significant and unavoidable**.

Impact 4.1-2. Substantially damage scenic resources within a designated scenic highway.

Federal Scenic Byways

As described in subsection 4.7.1, "Environmental Setting," the nearest federally-designated Scenic Byway is approximately 9.7 miles southwest of the Project site. Due to the intervening distance, topography, and vegetation, the Project site is not visible from this Scenic Byway, and thus there would be **no impact**.

State and County Scenic Highways

The stretch of SR-1 which parallels Monterey Bay is not an officially designated State Scenic Highway or a Monterey County designated scenic highway. However, it is eligible for designation (Caltrans 2019, Monterey County 2010). The process by which an "eligible" roadway becomes "officially designated" as a State Scenic Highway is described in detail above in subsection 4.1.2, "Regulatory Setting." The official designation process includes local agency preparation of, and approval by Caltrans for, a Corridor Protection Program for the roadway segment to be designated. Because the segment of SR-1 which parallels Monterey Bay is not an officially designated State Scenic Highway, there is no Corridor Protection Program at the State or County level. It should also be noted that Ford Ord Reuse Authority's (FORA) *Highway 1 Design Corridor Design Guidelines* (FORA 2005) no longer apply.² FORA was dissolved by operation of law on June 30, 2020, pursuant to the repeal of former Government Code section 67700, subdivision (a). Therefore, due to the repeal of the state statute(s) FORA no longer determines the consistency of development projects with the Fort Ord Reuse Plan, and there is no current requirement that development projects proposed for the former Fort Ord area be consistent with the Fort Ord Reuse Plan or the subsequent Highway 1 Design Corridor Design Guidelines. However, because

² The FORA Highway 1 Design Corridor extended 1,000 feet east from the centerline of the northbound SR-1 lanes. This distance would include the western 0.4 acre of the Project site. The remaining 4.6 acres of the Project site, including the proposed courthouse building itself, are outside of the former FORA Highway 1 Design Corridor.

SR-1 is classified as “eligible” for designation at both the State and County level, this analysis considers potential impacts to the viewshed looking east from SR-1.

As noted previously, the northbound and southbound lanes of SR-1 are approximately 940 and 1,000 feet, respectively, west of the Project site at the closest point. The proposed building would have three floors with a shielded mechanical area on the roof. The top of the third floor would be approximately 52 feet in height from the ground surface and the top of the shielded mechanical equipment area on the roof would be set back from the perimeter building edge and approximately 60 feet in height. Multiple rows of evergreen trees are present along the east and west sides of 1st Avenue, immediately east of SR-1. These trees are approximately 20 feet tall. As part of the City of Seaside’s Project at Main Gate Specific Plan, the row of trees along the east side of 1st Avenue would be removed. The elevation of the travel lanes that comprise SR-1 is approximately 145 feet amsl, which is approximately 20–30 feet lower than the existing grades at the Project site. The proposed Project would include approximately 5–10 feet of cuts and fills in order to level the site, with an ultimate grade of approximately 180 feet amsl. Therefore, most views of the first and second floors of the new courthouse from SR-1 would be blocked by the intervening topography and trees. As shown in KOPs 6 and 7, there are two locations west and northwest of the Project site from which the new courthouse would be briefly visible from both the northbound and southbound lanes of SR-1. The visual quality of the viewshed to the east from KOPs 6 and 7 is considered moderate. The new courthouse would be constructed in a style designed to blend with existing Monterey Bay structures (see Impact 4.1-2), and would be designed according to the Judicial Council’s “Design Excellence” standards as established in the California Trial Court Facility Standards (Judicial Council 2020) described in subsection 4.1.2, “Regulatory Setting,” and Impact 4.1-1 above. Views of the courthouse from KOPs 6 and 7 would only be available to motorists on SR-1 for a few seconds, but partial views would be visible to northbound and southbound motorists on SR-1 to the west and northwest, respectively. All of the surrounding area between the Project site and SR-1, to the north and south, is planned for development with business park, retail, commercial, and residential land uses. Nevertheless, the new courthouse would become visible in the landscape in views to the east from SR-1 and would change the visual character of these views. SR-1 is listed as a scenic highway that is “eligible” for designation because of the surrounding open space views, and the proposed Project would change the existing view of open space to views of urban development. Therefore, this impact is considered **potentially significant**.

Mitigation Measure 4.1-3: Implement Mitigation Measure 4.1-1 (Implement Tree Resource Assessment Forest Management Plan Recommendations).

Mitigation Measure 4.1-4: Implement Mitigation Measure 4.1-2 (Pay Fees for New City Park Adjacent to West Side of Project Site).

Significance after Mitigation

SR-1 in the vicinity of the proposed Project site is not a State-designated Scenic Highway. Implementation of Mitigation Measure 4.1-3 would reduce the Project’s impact related to changes to visual character within a State and County “eligible” scenic highway, because trees at the Project site would be retained to the maximum extent feasible and maintained as directed in the Project’s Forest Management Plan. Furthermore, as explained above, the courthouse would be designed according to Judicial Council Facilities Standards. Nevertheless, the proposed Project would represent a substantial change in the visual character of the Project site as viewed from SR-1, and the new courthouse building would stand out in the landscape due to the proposed height. Implementation of Mitigation Measure 4.1-4 would further reduce the visual impacts of the proposed Project because the Judicial Council would contribute to the establishment of a City park area that would facilitate preservation of existing mature trees west of the proposed Project site, and these trees would screen views of the new courthouse from SR-1 and 1st Avenue. Therefore, implementation of Mitigation Measures 4.1-3 and 4.1-4, and adherence to Judicial Council Facilities Standards related to design, would reduce this impact to a **less-than-significant level**.

Impact 4.1-3. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The upper floors of the new courthouse would not be equipped with exterior nighttime lighting. Minimal nighttime security lighting would be present around the first floor of the courthouse, at the entry gates, and within the parking areas. Nighttime lighting would also be provided for a flag pole, which would be installed at ground level.

As described previously, there are no existing sources of light or glare within the Project site. Overhead nighttime lighting is present along 2nd Avenue to the east and along SR-1 to the west. High-mast nighttime lighting for outdoor sporting events at the CSUMB campus soccer fields, along with the CSUMB outdoor stadium and baseball fields, is present approximately 700 feet, 1,200 feet, and 1,500 feet southeast of the Project site, respectively.

The Judicial Council Facilities Standards (Judicial Council 2020) state that light-emitting diode (LED) is the preferred type of lighting, and require that fluorescent, incandescent, halogen, induction, and high- and low-pressure sodium lighting sources not be used. Facilities Standards Chapter 16, Table 16.2, contains recommended exterior lighting standards, including horizontal and vertical levels of illumination for all types of exterior courthouse spaces (i.e., parking garages, open parking lots, stairways, building entries, and pedestrian pathways). Facilities Standards Chapter 16, Table 16.4 provides exterior LED lighting system standards, including maximum lumens and colors. Facilities Standards Section 16.B.6, Lighting Criteria, requires that luminaires be selected and located to minimize direct or reflected glare. When multiple luminaires are specified, the luminaires must meet equivalent performance standards. Finally, Facilities Standards Section 16.C, Lighting Strategies, requires the following:

- Exterior lighting must not contribute to light pollution or trespass by emitting light beyond the property. Glare and unwanted light for neighbors must be minimized. The LEED standards for Building Design and Construction (Sustainable Sites credit category: Light Pollution Reduction) must be used as a guideline for developing the exterior lighting plan, along with the code-required light pollution reduction measures in the CALGreen Code. Furthermore, Designers should consider specifying LED light fixtures compliant with the International Dark-Sky Association requirements—specifically, a correlated color temperature of 3,000 kelvin.
- Outdoor lighting shall have photo sensors or an astronomical time clock for control.
- Exterior luminaires should be specified to minimize the opportunity for vandalism. For example, in-grade landscape lighting with vandal-resistant hardware is preferred over above-grade adjustable landscape accent lights.
- Light bollards are not recommended because of potential damage and maintenance issues.
- Light fixtures shall be provided for all flagpoles.
- LED sources shall be used in parking lot luminaires.
- Exterior lighting levels shall be reduced rather than turned off during nighttime hours of inactive periods in compliance with CALGreen. Lighting required for emergency lighting or nighttime security shall be exempt.
- Provide a comprehensive nighttime security lighting scheme, to be discussed with the Judicial Council's Emergency Planning and Security Coordination unit and coordinated with the architectural design team, to satisfy both security needs and the architectural design intent establishing the nighttime civic presence of the facility.
- Provide a written lighting control intent narrative that explains the lighting control systems in common language, for client review and response during each design phase, and revised for submittal as part of the contract documents.

The proposed Project would introduce an additional source of nighttime lighting at the courthouse and the parking areas. However, implementation of the Judicial Council's Facilities Standards described above would provide for appropriate nighttime illumination that would be shielded, generally directed downward

(except for the flag pole illumination), would be of appropriate lumens, and would minimize nighttime light and glare spillover as part of a site-specific lighting plan. Therefore, the proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, and this impact is considered **less than significant**.

This page intentionally left blank.

4.2 Air Quality

This section analyzes the potential short-term and long-term air quality effects associated with the proposed Project. This section describes existing local and regional air quality conditions; summarizes applicable air quality regulations at the federal, State, and local levels; and includes an evaluation of direct impacts, as well as cumulative effects given the nature of criteria air pollutant emissions impacts.

4.2.1 Existing Conditions

The proposed Project site is located in the North Central Coast Air Basin (NCCAB) which includes the counties of Monterey, Santa Cruz and San Benito. The NCCAB climate is characterized by warm, dry summers and mild, rainy winters.

The proposed Project site is in the central portion of the NCCAB. The northwest portion of the basin is dominated by the Santa Cruz Mountains. The Diablo Range marks the northeastern boundary and, together with the southern extent of the Santa Cruz Mountains, forms the Santa Clara Valley, which extends into the northeastern tip of the NCCAB. Farther south, the Santa Clara Valley merges into the San Benito Valley, which extends northwest to southeast, and has the Gabilan Range as its western boundary. To the west of the Gabilan Range is the Salinas Valley, which extends from Salinas at the northwest end to King City at the southeastern end. The western side of the Salinas Valley is formed by the Sierra de Salinas, which also forms the eastern side of the smaller Carmel Valley. The coastal Santa Lucia Range defines the western side of the valley (MBARD 2008). In the summer, the high-pressure cell in the eastern Pacific causes persistent west and northwest winds across the California coast. During the winter, northwest winds are still dominant, however easterly flow is also frequent. On-shore air currents and insulation from the mountain ranges running northwest to southeast along the basin result in low intrusion of pollution from nearby areas and in general good air quality along the coastal regions within the basin.

Individual air pollutants at certain concentrations may adversely affect human or animal health, reduce visibility, damage property, and reduce the productivity or vigor of crops and natural vegetation. Six air pollutants have been identified by the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) as being of concern both on a nationwide and statewide level: ozone; carbon monoxide (CO); nitrogen dioxide (NO₂); sulfur dioxide (SO₂); lead; and particulate matter (PM), which is subdivided into two classes based on particle size – PM equal to or less than 10 micrometers in diameter (PM₁₀) and PM equal to or less than 2.5 micrometers in diameter (PM_{2.5}).

Health-based air quality standards have been established for these pollutants by EPA at the national level and by ARB at the State level. These standards are referred to as the national ambient air quality standards (NAAQS) and the California ambient air quality standards (CAAQS), respectively. The NAAQS and CAAQS were established to protect the public with a margin of safety from adverse health impacts caused by exposure to air pollution. Both EPA and ARB designate areas of California as “attainment,” “nonattainment,” “maintenance,” or “unclassified” for the various pollutant standards according to the federal Clean Air Act (CAA) and the California CAA (CCAA), respectively. Because the air quality standards for these air pollutants are regulated using human and environment health-based criteria, they are commonly referred to as “criteria air pollutants.”

Within the NCCAB, the Monterey Bay Air Resources District (MBARD) is responsible for ensuring that emission standards are not violated. With respect to regional air quality, the MBARD region, including Monterey County, is currently designated as nonattainment for the CAAQS for PM₁₀, as shown in Table 4.2-2 in the Regulatory Setting section below.

Ozone

Ozone is the most common component of smog and is toxic and colorless with a pungent odor. In high concentrations, ozone and other photochemical oxidants are directly detrimental to humans by causing respiratory irritation and possible alterations in the functioning of the lungs. Ozone and other oxidants can

also enter the leaves of plants and reduce photosynthesis, which is the process that plants use to convert sunlight to energy to live and grow.

Ozone is not emitted directly into the air but is formed through a series of reactions involving reactive organic gases (ROG) and nitrogen oxides (NO_x) in the presence of sunlight. These chemicals are considered to be precursors of ozone, as their reaction leads to its formation. ROG emissions result primarily from incomplete combustion and the evaporation of chemical solvents and fuels. NO_x includes various combinations of nitrogen and oxygen, including nitric oxide, NO₂, and others, typically resulting from the combustion of fuels.

Emissions of both ROG and NO_x are considered critical to ozone formation; therefore, either ROG or NO_x can limit the rate of ozone production. When the production rate of NO_x is lower, indicating that NO_x is scarce, the rate of ozone production is NO_x-limited. Under these circumstances, ozone levels could be most effectively reduced by lowering current and future NO_x emissions (from fuel combustion), rather than by lowering ROG emissions. Rural areas tend to be NO_x-limited, while areas with dense urban populations tend to be ROG-limited. The NCCAB, which includes Monterey County, is in the NO_x-limited regime; therefore, NO_x reductions are more effective than ROG reductions on a tonnage basis (MBARD 2017).

Ozone concentrations reflect an interplay of emissions of ozone precursors, transport, meteorology, and atmospheric chemistry. Meteorology and terrain play a major role in ozone formation. Generally, low wind speeds or stagnant air, coupled with warm temperatures and clear skies provide the optimum conditions for formation. As a result, summer is generally the peak ozone season. Because of the reaction time involved, peak ozone concentrations often occur far downwind of the precursor emissions. Therefore, ozone is a regional pollutant that often affects large areas.

Individuals exercising outdoors, children, and people with lung disease, such as asthma and chronic pulmonary lung disease, are the most susceptible subgroups for ozone effects. Short-term ozone exposure (lasting for a few hours) can result in changes in breathing patterns, reductions in breathing capacity, increased susceptibility to infections, inflammation of lung tissue, and some immunological changes. A correlation has also been reported between elevated ambient ozone levels and increases in daily hospital admission rates and mortality (EPA 2022a). An increased risk of asthma has been found in children who participate in multiple sports and live within communities with high ozone levels.

Emissions of the ozone precursors ROG and NO_x have decreased in the past several years. According to the most recently published edition of ARB *California Almanac of Emissions and Air Quality*, NO_x, and ROG emissions levels in California are projected to continue to decrease through 2035, largely because of more stringent motor vehicle standards and cleaner burning fuels, as well as rules for controlling ROG emissions from industrial coating and solvent operations (ARB 2013).

Carbon Monoxide

CO is a colorless and odorless gas that is primarily produced by the incomplete burning of carbon in fuels such as natural gas, gasoline, and wood, and is emitted by a wide variety of combustion sources, including on-road and non-road mobile sources, wood-burning stoves, incinerators, industrial sources, and wildfires. On-road and non-road mobile sources account for approximately 53 percent and 29 percent, respectively, of all anthropogenic CO emissions nationwide (EPA 2019). Relatively high concentrations are typically found near crowded intersections and along heavily used roadways carrying slow-moving traffic. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations within a relatively short distance (300 to 600 feet) of heavily traveled roadways. Vehicle traffic emissions can cause localized CO impacts, and severe vehicle congestion at major signalized intersections can generate elevated CO levels, called “hot spots,” which can be hazardous to human receptors adjacent to the intersections.

Adverse health effects associated with exposure to high CO concentrations, typically only attainable indoors or within similarly enclosed spaces, include dizziness, headaches, and fatigue. CO exposure is especially harmful to people with anemia or with a history of heart disease (EPA 2022b).

Nitrogen Dioxide

NO₂ is one of a group of highly reactive gases known as oxides of nitrogen, or NO_x. NO₂ is formed when ozone reacts with nitric oxide (i.e., NO) in the atmosphere and is listed as a criteria pollutant because NO₂ is more toxic than nitric oxide. The major human-made sources of NO₂ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. The combined emissions of nitric oxide and NO₂ are referred to as NO_x and reported as equivalent NO₂. Because NO₂ is formed and depleted by reactions associated with ozone, the NO₂ concentration in a geographical area may not be representative of local NO_x emission sources. NO_x also reacts with water, oxygen, and other chemicals to form nitric acids, contributing to the formation of acid rain.

Inhalation is the most common route of exposure to NO₂. Breathing air with a high concentration of NO₂ can lead to respiratory illness. Short-term exposure can aggravate respiratory diseases, particularly asthma, resulting in respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of NO₂ may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. Larger decreases in lung functions are observed in individuals with asthma or chronic obstructive pulmonary disease (e.g., chronic bronchitis, emphysema) than in healthy individuals, indicating a greater susceptibility of these subgroups (EPA 2022c).

Sulfur Dioxide

SO₂ is one component of the larger group of gaseous oxides of sulfur (SO_x). SO₂ is used as the indicator for the larger group of SO_x, as it is the component of greatest concern and found in the atmosphere at much higher concentrations than other gaseous SO_x. SO₂ is typically produced by such stationary sources as coal and oil combustion facilities, steel mills, refineries, and pulp and paper mills. The major adverse health effects associated with SO₂ exposure pertain to the upper respiratory tract. On contact with the moist mucous membranes, SO₂ produces sulfurous acid, a direct irritant. Concentration rather than duration of exposure is an important determinant of respiratory effects. Children and those who suffer from asthma are particularly sensitive to effects of SO₂ (EPA 2022d).

SO₂ also reacts with water, oxygen, and other chemicals to form sulfuric acids, contributing to the formation of acid rain. SO₂ emissions that lead to high concentrations of SO₂ in the air generally also lead to the formation of other SO_x, which can react with other compounds in the atmosphere to form small particles, contributing to particulate matter pollution, which can have health effects of its own.

Particulate Matter

PM refers to a complex mixture of small solid matter and fine droplets (aerosols) made up of several components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. The major area-wide sources of PM_{2.5} and PM₁₀ are fugitive dust, especially from roadways, agricultural operations, and construction and demolition. Other sources of PM₁₀ include crushing or grinding operations. PM sources also include all types of combustion, including motor vehicles, power plants, residential wood burning, forest fires, agricultural burning, and some industrial processes. Exhaust emissions from mobile sources contribute only a very small portion of directly emitted PM_{2.5} and PM₁₀ emissions. However, they are a major source of ROG and NO_x, which undergo reactions in the atmosphere to form PM, known as secondary particles. These secondary particles make up the majority of PM pollution.

The size of PM is directly linked to its potential for causing health problems. EPA is concerned about particles that are 10 micrometers in diameter or smaller, because these particles generally pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects, even death. The adverse health effects of PM₁₀ depend on the specific composition of the particulate matter. For example, health effects may be associated with metals, polycyclic aromatic hydrocarbons, and other toxic substances adsorbed onto fine PM (referred to as the “piggybacking effect”), or with fine dust particles of silica or asbestos. Effects from short- and long-term

exposure to elevated concentrations of PM₁₀ include respiratory symptoms, aggravation of respiratory and cardiovascular diseases, a weakened immune system, and cancer (World Health Organization 2021).

PM_{2.5} poses an increased health risk because these very small particles can be inhaled deep in the lungs and may contain substances that are particularly harmful to human health. Direct emissions of PM_{2.5} in California decreased or were projected to decrease between 2000 and 2020 but are projected to increase very slightly between 2020 and 2035. Emissions of diesel particulate matter (DPM) decreased or were projected to decrease from 2000 through 2020 because of reduced exhaust emissions from diesel mobile sources and are anticipated to continue to decline in future years (ARB 2013).

Lead

Lead is a highly toxic metal that may cause a range of human health effects. Lead is found naturally in the environment and is used in manufactured products. Previously, the lead used in gasoline anti-knock additives represented a major source of lead emissions to the atmosphere. Soon after its inception, EPA began working to reduce lead emissions, issuing the first reduction standards in 1973. Lead emissions decreased substantially after the near elimination of leaded gasoline use. Metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Although the ambient lead standards are no longer violated, lead emissions from stationary sources still pose “hot spot” problems in some areas. As a result, ARB has identified lead as a toxic air contaminant (TAC).

Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to even low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, hearing problems, and lower intelligence quotients. In adults, increased lead levels are associated with increased reproductive problems, decreased kidney function and cardiovascular issues (EPA 2022e). Lead poisoning can cause anemia, lethargy, seizures, and death, although it appears that lead does not directly affect the respiratory system.

Toxic Air Contaminants

TACs are a set of airborne pollutants that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. Hazardous air pollutants (HAPs) are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage; or short-term acute effects such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches.

Public exposure to TACs can result from emissions from normal operations, as well as accidental releases. Stationary sources of TACs include gasoline stations, dry cleaners, and diesel backup generators. On-road motor vehicles and off-road sources, such as construction equipment and trains, are also common sources of TACs. According to the California Almanac of Emissions and Air Quality (ARB 2013), most of the estimated health risk from TACs can be attributed to relatively few compounds, the most important being DPM. Other TACs for which data are available that currently pose the greatest ambient risk in California are benzene, formaldehyde, hexavalent chromium, 1,3-butadiene and acetaldehyde.

DPM differs from other TACs because it is not a single substance, but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, type of lubricating oil, and presence or absence of an emission control system. Unlike the other TACs, no ambient monitoring data are available for DPM because no routine measurement method currently exists. However, emissions of DPM are forecasted to decline; it is estimated that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects (ARB 2013).

Another concern related to air quality is naturally occurring asbestos (NOA). Asbestos is a term used for several types of naturally occurring fibrous minerals found in many parts of California. When rock containing asbestos is broken or crushed, such as through construction-related ground disturbance or rock quarrying activities where NOA is present, asbestos fibers may be released and become airborne. Exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease which causes scarring of the lungs). Because asbestos is a known carcinogen, NOA is considered a TAC. NOA is typically associated with fault zones, and areas containing serpentinite or contacts between serpentinite and other types of rocks. According to the MBARD Particulate Matter Implementation Plan (MBARD 2005), the proposed Project site is located within a region known to contain elevated levels of NOA.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others, because of the types of population groups or activities involved. Children, pregnant women, the elderly, those with existing health conditions, and athletes or others who engage in frequent exercise are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered sensitive receptors include schools, daycare centers, parks and playgrounds, and medical facilities.

Residential areas are considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to the pollutants present. Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation. Industrial and commercial areas are considered the least sensitive to air pollution. Exposure periods are relatively short and intermittent as the majority of the workers tend to stay indoors most of the time.

The proposed Project site is surrounded by a mix of previously developed but now vacant land, and recreational, residential, and educational uses. To the west and past SR-1 is the Fort Ord Dunes State Park, which is situated on the Pacific coast. Directly to the north of the proposed Project site is abandoned military barracks in an area planned by the City of Marina for redevelopment (City of Marina 2005). Athletic facilities associated with California State University Monterey Bay (CSUMB), campus are located to the east. The nearest sensitive land use to the proposed Project site is a preschool approximately 900 feet to the northeast. The nearest residential land uses are single-family residences more than 0.5 mile to the south on the opposite side of Gigling Road and approximately 0.6 mile to the north at and beyond 8th Avenue.

Odors

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population. In addition, people may have different reactions to the same odor – an odor that is offensive to one person may be perfectly acceptable to another. An unfamiliar odor is more easily detected and is more likely to result in complaints than a familiar one.¹

Quality and intensity are two properties present in any odor.² Odor intensity depends on the odorant concentration in the air. When an odorous sample is progressively diluted, the odorant concentration

¹ This is due to a phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity.

² The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as “flowery” or “sweet,” then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word “strong” to describe the intensity of an odor.

decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult.³

Examples of common land use types that generate substantial odors include wastewater treatment plants, landfills, composting/green waste facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting/coating operations, rendering plants, and food packaging plants. In addition, agricultural activities in the area can cause odors, such as dairy operations; horse, cattle, or sheep (livestock) grazing; fertilizer use; and aerial crop spraying.

4.2.2 Regulatory Setting

The proposed Project site is within in the NCCAB, in the northwestern portion of the MBARD's jurisdictional boundary. The EPA, ARB, and MBARD are responsible for regulating air quality in the vicinity of the proposed Project site. Each agency develops rules, regulations, policies, and/or goals to comply with applicable legislation. Although EPA regulations may not be superseded, in general, both State and local regulations may be more stringent. The regulatory frameworks for criteria air pollutants, TACs, and other emissions are described below.

Federal Plans, Policies, Regulations, and Laws

The primary legislation that governs federal air quality regulations is the CAA, enacted in 1970 and amended by Congress most recently in 1990. The CAA delegates primary responsibility for clean air to EPA. EPA develops rules and regulations to preserve and improve air quality and delegates specific responsibilities to State and local agencies. Permitting under the CAA is the shared responsibility of the EPA, California Air Resources Board (ARB), its 35 air pollution control agencies, such as MBARD, and EPA Region 9 (EPA 2022f). More detailed information regarding each the ARB and MBARD plans, policies, regulations and laws is provided below under the respective subheadings.

Criteria Air Pollutants

Under the CAA, EPA has established the NAAQS for seven criteria air pollutants discussed previously: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. The purpose of the NAAQS is two-tiered: primarily to protect public health, and secondarily to prevent degradation to the environment (i.e., impairment of visibility, damage to vegetation and property). The current primary and secondary NAAQS are shown in Table 4.2-1. These health-based pollutant standards are reviewed with a legally prescribed frequency and are revised as warranted by new data on health and welfare effects. Each standard is based on a specific averaging time over which the concentration is measured. Different averaging times are based on protection from short-term, high-dosage effects or longer term, low-dosage effects.

The CAA requires EPA to determine if areas of the country meet the NAAQS for each criteria air pollutant. Areas are designated according to the following basic designation categories:

- **Attainment:** This designation signifies that pollutant concentrations in the area do not exceed the established standard. In most cases, a maintenance plan is required for a region after it has attained an air quality standard and is designated as an attainment or maintenance area after previously being designated as nonattainment. Maintenance plans are designed to ensure continued compliance with the standard.
- **Nonattainment:** This designation indicates that a pollutant concentration has exceeded the established standard. Nonattainment may differ in severity. To identify the severity of the problem and the extent of planning and actions required to meet the standard, nonattainment areas are assigned a classification that is commensurate with the severity of their air quality problem (e.g., moderate, serious, severe, extreme).

³ At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

- **Unclassifiable:** This designation indicates that insufficient data exist to determine attainment or nonattainment. For regulatory purposes, an unclassified area is generally treated the same as an attainment area.

As shown in Table 4.2-2, the MBARD meets the NAAQS for all criteria air pollutants and is in attainment for all State pollutant standards with the exception of PM₁₀. The CAA requires each State to prepare an air quality control plan, referred to as a State Implementation Plan (SIP) to demonstrate how attainment standards will be achieved for any pollutants for which the region is not in attainment.⁴

Toxic Air Contaminants

Air quality regulations also focus on HAPs, referred to at the State level as TACs. HAPs can be separated into carcinogens (cancer-causing) and non-carcinogens, based on the nature of the effects associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts would not occur. Non-carcinogens differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. EPA regulates HAPs through statutes and regulations that generally require the use of the maximum or best available control technology for toxics (MACT and BACT) to limit emissions.

The CAA requires EPA to identify and set national emissions standards for HAPs to protect public health and welfare. Emissions standards are set for what are called “major sources” and “area sources.”⁵ The CAA also requires EPA to issue vehicle or fuel standards containing reasonable requirements that control toxic emissions of, at a minimum, benzene and formaldehyde. Performance criteria are established to limit mobile-source emissions of toxics.

State Plans, Policies, Regulations, and Laws

ARB is responsible for coordination and oversight of State and local air pollution control programs in California and for implementing the CCAA.

Criteria Air Pollutants

The CCAA, adopted in 1988, required ARB to establish CAAQS (as shown above in Table 4.2-2. ARB has also established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particulate matter, in addition to the above-mentioned criteria air pollutants regulated by EPA. The CCAA requires that all air districts in the State endeavor to achieve and maintain the CAAQS by the earliest practicable date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and areawide emission sources and provides districts with the authority to regulate indirect sources. ARB also maintains air quality monitoring stations throughout the State in conjunction with air districts. ARB uses the data collected at these stations to classify air basins as being in attainment or nonattainment with respect to each pollutant and to monitor progress in attaining air quality standards.

ARB is the lead agency for developing the SIPs in California.⁶ Local air districts and other agencies prepare SIP elements and submit them to ARB for review and approval. ARB forwards SIP revisions to the EPA for approval and publication in the Federal Register. Most recently, in March 2017, ARB adopted the *2016 State Strategy for the State Implementation Plan* (State SIP Strategy), and in October 2018,

⁴ The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and to determine whether implementing them will achieve ambient air quality standards. If EPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area.

⁵ Major sources have the potential to emit more than 10 tons per year of any HAP or more than 25 tons per year of any combination of HAPs; all other sources are considered area sources. There are two types of emissions standards: those that require application of MACT and BACT, and those that are health-risk based and deemed necessary to address the risks that remain after implementation of MACT or BACT. For area sources, the MACT or BACT standards may be different because of differences in generally available control technology.

⁶ SIPs are not single documents. They are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. Many of California's SIPs rely on the same core set of control strategies, including emission standards for cars and heavy trucks, fuel regulations, and limits on emissions from consumer products.

Table 4.2-1. National and California Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS ¹	NAAQS ^{2,3} Primary	NAAQS ^{2,3} Secondary
CO	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	NA
CO	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	NA
NO ₂	1 hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	NA
NO ₂	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as Primary
Ozone	1 hour	0.09 ppm (180 µg/m ³)	NA ⁵	NA
Ozone	8 hour	0.070 ppm (137 µg/m ³) ⁸	0.070 ppm (137 µg/m ³) ⁴	Same as Primary
PM ₁₀	24 hour	50 µg/m ³	150 µg/m ³	Same as Primary
PM ₁₀	Annual Arithmetic Mean	20 µg/m ³ ⁶	NA	NA
PM _{2.5}	24 hour	NA	35 µg/m ³	Same as Primary
PM _{2.5}	Annual Arithmetic Mean	12 µg/m ³ ⁶	12 µg/m ³ ¹⁰	15.0 µg/m ³
SO ₂	1 hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)	NA
SO ₂	24 hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)	NA
SO ₂	Annual Arithmetic Mean	NA	0.030 ppm (80 µg/m ³)	NA
Sulfates	24 hour	25 µg/m ³	NA	NA
H ₂ S	1 hour	0.03 ppm (42 µg/m ³)	NA	NA
Lead	30-day Average	1.5 µg/m ³	NA	NA
Lead	Calendar quarter	NA	1.5 µg/m ³	Same as Primary
Lead	Rolling 3-month Average	NA	0.15 µg/m ³ ⁹	
Vinyl Chloride	24 hour	0.01 ppm (26 µg/m ³)	NA	NA
Visibility-Reducing Particles	8 hour	See Note 7	NA	NA

Source: ARB 2016

Key: µg/m³ = micrograms per cubic meter; CO = carbon monoxide; EPA = U.S. Environmental Protection Agency; H₂S = hydrogen sulfide; mg/m³ = milligrams per cubic meter; NA = not applicable; NO₂ = nitrogen dioxide; O₃ = ozone; PM₁₀ = particulate matter 10 microns in diameter or less; PM_{2.5} = particulate matter 2.5 microns in diameter or less; ppb = parts per billion; ppm = parts per million; SO₂ = sulfur dioxide

¹ California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter – PM₁₀, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. In particular, measurements are excluded that ARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

² National standards shown are the “primary standards” designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m³. The 24-hour PM_{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM₁₀ is met if the 3-year average falls below the standard at every site. The annual PM_{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.

³ National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

⁴ On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.

⁵ The national 1-hour ozone standard was revoked by the EPA on June 15, 2005.

⁶ In June 2002, ARB established new annual standards for PM_{2.5} and PM₁₀.

⁷ Statewide Visibility Reducing Particles (VRP) Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

⁸ The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.

⁹ National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

¹⁰ In December 2012, EPA strengthened the annual PM_{2.5} National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter (µg/m³). In December 2014, EPA issued final area designations for the 2012 primary annual PM_{2.5} NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Table 4.2-2. Attainment Status for Federal and State Ambient Air Quality Standards

Pollutant	Federal Standard	State Standard
Ozone ^a	Unclassified/Attainment	Attainment
Particulate Matter—10 Micrometers or Less	Unclassified	Nonattainment
Particulate Matter—2.5 Micrometers or Less	Unclassified/Attainment	Attainment
Carbon Monoxide	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified/Attainment	Attainment
Lead	Unclassified/Attainment	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility-Reducing Particles	No Federal Standard	Unclassified

Source: <https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>

a The national 1-hour ozone standard was revoked by the EPA on June 15, 2005.

adopted the *2018 Updates to the California State Implementation Plan* (2018 SIP Updates), describing the proposed commitment to achieve the reductions necessary from mobile sources, fuels, and consumer products to meet federal ozone and PM_{2.5} standards over the next 15 years.

ARB has established emission standards for vehicles sold in California and for various types of equipment. California gasoline specifications are governed by both State and federal agencies, which have imposed numerous requirements on the production and sale of gasoline in California during the past 30 years. In December 2004, ARB adopted a fourth phase of emission standards (Tier 4) in the Clean Air Non-road Diesel Rule that are nearly identical to those finalized by EPA earlier that year. The standards required engine manufacturers to meet after-treatment–based exhaust standards for NO_x and PM, starting in 2011, that were more than 90 percent lower than then-current levels, putting emissions from off-road engines virtually on par with those from on-road, heavy-duty diesel engines. ARB has also adopted control measures for DPM and more stringent emissions standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors, generators).

In 2017, Senate Bill 1 (SB 1) (the Road Repair and Accountability Act of 2017) was passed, which, in addition to funding transportation-related projects, requires the Department of Motor Vehicles to refuse registration or renewal or transfer of registration for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. As of January 1, 2020, compliance with the ARB Truck and Bus regulation is now automatically verified by the California DMV as part of the vehicle registration process.

In June 2020, ARB approved the Advanced Clean Trucks regulation, requiring truck manufacturers to transition from diesel-powered trucks and vans to electric zero-emission trucks beginning in 2024 with phasing in of increasingly stringent requirements through 2045. By 2045, under the Advanced Clean Trucks regulation, every new truck sold in California will be zero-emission.⁷

Similarly, in June 2022, in support of Executive Order N-79-20, ARB proposed the Advanced Clean Cars II Regulations requiring manufacturers of light-duty passenger cars, trucks, and SUVs to transition to

⁷ This is a key element of CARB's strategy to achieve a transition in California's last mile delivery and local trucks from the use of conventional combustion technologies to zero emission everywhere feasible and near-zero emission powered by clean, low-carbon renewable fuels everywhere else. Promoting the development and use of advanced clean trucks will help CARB achieve its emission reduction strategies as outlined in the SIP, Sustainable Freight Action Plan, SB 350, and Assembly Bill (AB) 32 (which focuses on greenhouse gas emissions reductions).

electric zero-emission vehicles beginning with model year 2026 and phasing in of increasingly stringent requirements through 2035. By 2035, under the proposed Advanced Clean Cars II Regulations, all new passenger vehicles sold within the State would be zero emission.

Toxic Air Contaminants

As described under the federal regulations above, ARB regulates TACs, of which a subset of the identified substances are the federally identified and regulated HAPs, through statutes and regulations that generally require the use of MACT and BACT.

TACs in California are regulated primarily through the Tanner Air Toxics Act (Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act (Assembly Bill 2588; Chapter 1252, Statutes of 1987). The Air Toxics Hot Spots Information and Assessment Act seeks to identify and evaluate risks from air toxics sources, but does not regulate air toxics emissions. TAC emissions from individual facilities are quantified and prioritized. “High-priority” facilities must perform a health risk assessment and, if specific thresholds are violated, must communicate the results to the public in the form of notices and public meetings. TACs are generally regulated through statutes and rules that require the use of MACT or BACT to limit TAC emissions.

According to the *California Almanac of Emissions and Air Quality* (ARB 2013), most of the estimated health risk from TACs is attributed to relatively few compounds, the most dominant being DPM. In 2000, ARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled vehicles and engines.⁸

The State of California has also implemented regulations to reduce DPM emissions. Two such regulations applicable to the proposed Project include Title 13, sections 2485 and 2449 of the California Code of Regulations, which limit idling time to a maximum of 5 minutes for heavy-duty commercial diesel vehicles (defined as diesel vehicles heavier than 10,000 pounds gross vehicle rated weight) and off-road diesel-fueled construction vehicles, respectively. These regulatory measures are driven by the ARB Airborne Toxic Control Measure and subsequent amendments.

As noted above, NOA is another TAC, which is typically associated with fault zones, and areas containing serpentinite or contacts between serpentinite and other types of rocks. The proposed Project site is located within a region known to contain elevated levels of NOA. ARB identified asbestos as a TAC in 1986 and subsequently adopted Air Toxic Control Measures (ATCMs) to address some of the health concerns associated with potential exposure to asbestos. The ATCM for Construction Grading, Quarrying, and Surface Mining Operations (adopted in 2001) requires the implementation of best available dust mitigation measures at road construction, maintenance activities, construction, grading, quarrying and surface mining operations in areas where naturally-occurring asbestos is found or likely to be found.

Regional and Local Plans, Policies, Regulations, and Ordinances

Although the Judicial Council is not generally subject to regional or local land use plans and regulations, it is subject to plans and regulations implementing delegated federal authority. The following describes the local air district policies and regulations used to develop the impact analyses for this resource.

Monterey Bay Air Resources District (MBARD)

Criteria Air Pollutants

MBARD is responsible for monitoring air pollution within the NCCAB and for developing and administering programs to reduce air pollution levels below the health-based standards established by the State and federal governments. Projects within MBARD’s jurisdictional area are subject to applicable MBARD rules and regulations in effect at the time of construction, including but not limited to the following:

⁸ Additional regulations apply to new trucks and diesel fuel. Subsequent ARB regulations on diesel emissions include the On-Road Heavy Duty Diesel Vehicle (In Use) Regulation, the On-Road Heavy Duty (New) Vehicle Program, the In-Use Off-road Diesel Vehicle Regulation, and the New Off-road Compression Ignition Diesel Engines and Equipment Program. All of these regulations and programs have timetables by which manufacturers must comply and existing operators must upgrade their diesel-powered equipment.

- **Rule 400:** Visible Emissions. A person shall not discharge into the atmosphere from any emission source whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour:
 - as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
 - of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described above.
- **Rule 402:** Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause or have natural tendency to cause injury or damage to business or property.
- **Rule 403:** Particulate Matter. A person shall not discharge into the atmosphere from any source whatsoever particulate matter in excess of 0.15 grains per dry standard cubic foot of exhaust gas.
- **Rule 404:** Sulfur Compounds and Nitrogen Oxides. No person shall discharge from any single emission unit any one or more of the following contaminants in any State or combination thereof, exceeding in concentration or amount at the point of discharge to the atmosphere;
 - sulfur compounds calculated as SO₂, 0.2 percent by volume;
 - NO_x, calculated as NO₂, 140 pounds per hour from any new or expanded boiler, furnace, jet engine, or similar fuel burning equipment used for the production of power or heat;
 - from fuel burning equipment having a maximum heat input rate of more than 1-1/2 billion Btu per hour (gross), flue gas having a concentration of NO_x, calculated as NO₂, in parts per million parts of flue gas (ppm) by volume at 3 per cent oxygen, 225 ppm with natural gas, liquid or solid fuel; or,
 - from sources other than combustion sources NO_x, calculated as NO₂, 250 parts per million by volume.

In no case shall the emissions from any single emission unit cause or contribute to the violation of a National or State ambient air quality standard.
- **Rule 412:** Sulfur Content in Fuels. No person shall burn within the District any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight.
- **Rule 426:** Architectural Coatings. Limit the emissions of volatile organic compounds (VOCs) from the use of architectural coatings supplied, sold, marketed, offered for sale, manufactured, blended, repackaged, applied, or solicited for application, within the MBARD.
- **Rule 200:** Permits Required. To provide an orderly procedure for the review of new sources of air pollution and of the modification and operation of existing sources through the issuance of permits.

MBARD has also produced a guidebook called the *CEQA Air Quality Guidelines* (CEQA Guide), which contains guidance for analyzing construction and operational emissions (MBARD 2008). The CEQA Guide provides methods to analyze air quality impacts from plans and projects, including screening criteria, thresholds of significance, calculation methods, and mitigation measures to assist lead agencies in complying with CEQA. MBARD subsequently published a report as an update to the CEQA Guide in 2016, called *Guidelines for Implementing the California Environmental Quality Act* (CEQA Implementation Guide), which provided updates and clarifications to the significance thresholds (MBARD 2016). In developing the thresholds, MBARD took into account health-based air quality standards and the strategies to attain air quality standards, and other factors.

In accordance with requirements under the CCAA, MBARD has developed a regional air quality management plan (AQMP) to describe and demonstrate how the NCCAB is making progress towards reaching attainment of the CAAQS for 8-hour ozone (MBARD 2017).

Similarly, MBARD prepared the Federal Maintenance Plan (MBARD 2007) in consultation with the Association of Monterey Bay Area Governments (AMBAG) to address how the region attained and would continue to attain the federal ozone standard in accordance with the CAA. This plan represents an update to the 1994 Federal Maintenance Plan and additional updates to this plan are not required.

The MBARD also prepared the Particulate Matter Plan for the NCCAB (MBARD 2005) to address the nonattainment status for the State PM₁₀ standard. The Particulate Matter Plan includes proposed control measures and an implementation schedule to reduce PM₁₀ emissions in the region and demonstrate progress towards achieving the State PM₁₀ standard. In addition, it outlines the District's commitment to implementing ARB's Airborne Toxic Control Measures for NOA.

Toxic Air Contaminants

At the local level, air pollution control or management districts may adopt and enforce ARB control measures. Under MBARD Rule 200 (Permits Required), Rule 207 (Review of New and Modified Sources), Rule 218 (Title V Federal Operating Permits), and Rule 1000 (Permit Guidelines and Requirements for Sources Emitting TACs) all permitted sources that could emit TACs are regulated. Additionally, MBARD Rule 1010 (Air Toxic Control Measures for Stationary Compression Ignition Engines) contains regulatory requirements for operating diesel-fired engines which is potentially applicable to the proposed Project.

Odors

Although offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and MBARD. MBARD Rule 402 (Nuisance) regulates odorous emissions.

Association of Monterey Bay Area Governments (AMBAG)

The AMBAG serves as the Metropolitan Planning Organization for the Monterey Bay Area, maintaining the regional Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) in coordination with each of the local 3 counties and 18 incorporated cities, including the City of Seaside where the proposed Project site would be located. AMBAG plays a central role in transportation infrastructure planning for the region, while also serving as a forum for the study, planning, and resolution of other planning issues facing the local member governments.

The most recent MTP/SCS for the Monterey Bay Area was adopted on June 15, 2022. The 2045 MTP/SCS lays out a plan that links land use, air quality, greenhouse gas emissions, and transportation needs.

4.2.3 Impact Analysis

Methodology

The discussion below presents the methods used for the air quality analysis and how the significance of the proposed Project's air quality impacts was determined. Potential air quality impacts associated with short-term construction and long-term operations were evaluated in accordance with MBARD-recommended and ARB-approved methodologies.

Construction and operational emissions of criteria air pollutants were compared with the applicable thresholds of significance (described below) to determine potential impacts. MBARD's significance thresholds serve as a proxy for determining whether the proposed Project could violate air quality standards, cause a substantial contribution to an existing or projected air quality violation, and/or conflict with any applicable air quality plan. Please see Appendix D of the EIR for model details, assumptions, inputs, and outputs.

Construction-related emissions were modeled using the California Emissions Estimator Model (CalEEMod) Version 2022.1. Project-specific construction parameters (e.g., construction schedule, total acres disturbed, quantity of imported/exported material, amount of development per land use) were used as inputs in the air quality analysis. Construction is assumed to begin in May 2025 and last approximately 3 years, through July 2028. Where Project-specific information was not available, CalEEMod default parameters were used. Modeled construction-related emissions are compared to the applicable MBARD thresholds to determine significance.

Following construction, operation of the new courthouse would generate air pollutant emissions. CalEEMod was also used to estimate these long-term operational emissions, including emissions associated with area and energy sources (i.e., emergency generator usage, landscape maintenance, periodic architectural coatings, and consumer products), and vehicle trips to and from the courthouse. The size of the emergency generator is based upon the building square footage, and emergency generator usage is based on 50 hours per year for maintenance and readiness testing per title 17, California Code of Regulations section 93115.6(a)(3). The mobile source emissions are based upon a Project-specific transportation analysis developed for this EIR. As a proposed relocation of several existing courthouses to a centralized location, the majority of the Project's vehicle trips would not be new (i.e., current operational trips by staff and visitors would shift in location to and from the existing courthouse facilities to the proposed courthouse) and building operations would be more efficient than those of the existing older buildings that the new building would be replacing. Nonetheless, to ensure conservative results, the analysis of mobile-source and building operations emissions accounts for the gross emissions of the proposed Project and does not attempt to discount current operations from the Project-generated emissions calculations. These gross long-term operational emissions are compared to the applicable MBARD thresholds of significance for project operations to determine significance.

TAC emissions associated with proposed Project construction and operation that could affect surrounding areas are evaluated qualitatively. The potential for the proposed Project to result in other emissions, such as those leading to odors, is also evaluated qualitatively.

Additional discussion of asbestos and consideration of related impacts and mitigation are provided in Section 4.6, "Hazards and Hazardous Materials," of this EIR.

Thresholds of Significance

An air quality impact would be considered significant if it would exceed any of the thresholds of significance listed below, which are based on Appendix G of the CEQA Guidelines and on MBARD's CEQA Implementation Guide (MBARD 2016). Based on Appendix G of the CEQA Guidelines, the proposed Project would result in a significant impact on air quality if it would:

- conflict with or obstruct implementation of the applicable air quality plan;
- result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard;
- expose sensitive receptors to substantial pollutant concentrations; or
- result in other emissions (such as those leading to odors) adversely affecting a substantial number or people.

As stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management district may be relied on to support determinations of significance. The proposed Project site is located within Monterey County in an area regulated by the MBARD. Thus, the MBARD-recommended thresholds (MBARD 2016) for evaluating project-related air quality impacts were also considered in the below analysis of impacts. The MBARD recommended thresholds are consistent with the Appendix G checklist questions above but provided recommended quantitative thresholds by which a project may be analyzed. Therefore, pursuant to the MBARD-recommended thresholds, the level of mass emissions generated by the proposed Project would be considered significant if:

- Construction of the project would emit (from all sources, including exhaust and fugitive dust) equal to or greater than:
 - 137 pounds per day of NO_x
 - 137 pounds per day of ROG
 - 82 pounds per day of PM₁₀
 - 55 pounds per day of PM_{2.5}
 - 550 pounds per day CO
- Operation of the project would emit (from all project sources, mobile, area, and stationary) equal to or greater than:
 - 137 pounds per day of NO_x
 - 137 pounds per day of ROG
 - 82 pounds per day of PM₁₀
 - 55 pounds per day of PM_{2.5}
 - 550 pounds per day CO

For cumulative impacts, MBARD states that consistency with the AQMP is used to determine a project's cumulative impact on regional air quality under CEQA (MBARD 2008). Consistency of indirect emissions associated with institutional projects intended to meet the needs of the population as forecast in the AQMP.

Environmental Impacts

Impact 4.2-1. Conflict with or obstruct implementation of the applicable air quality plan.

Air quality plans describe air pollution control strategies to be implemented to bring an area that does not attain the NAAQS or CAAQS into compliance with those standards, or to maintain existing compliance with those standards, pursuant to the requirements of the CAA and CCAA. MBARD has adopted air quality plans pursuant to regulatory requirements under EPA and ARB for the attainment and maintenance of federal and State ambient air quality standards, as detailed above in Section 4.2.2, "Regulatory Setting," under "Monterey Bay Air Resources District."

Construction

Construction activities associated with the proposed Project would result in emissions of PM₁₀, the pollutant for which the Project region is designated as nonattainment (see Table 4.2-2, ARB 2016) under the CAAQS, along with other criteria air pollutants. These construction activities would include site preparation (e.g., clearing, excavation, cut and fill activities and grading); exhaust emissions from use of off-road equipment, material delivery, and construction worker commutes; asphalt paving; and application of architectural coatings. Ozone precursor emissions of ROG and NO_x are associated primarily with construction equipment exhaust and the application of architectural coatings. Dust (particulate matter) generation is dependent on soil type and soil moisture, as well as the amount of total acreage of clearing, grubbing and grading activities. Clearing and earthmoving activities, including cut and fill and material import, comprise the major source of construction dust generation, but re-entrained road dust from traffic and general disturbance of the soil also contribute to emissions. PM emissions are also generated by equipment exhaust. The effects of construction activities include increased dust fall and locally elevated levels of suspended particulates. PM₁₀ and PM_{2.5} are considered unhealthy because the particles are small enough to inhale and damage lung tissue, which can lead to respiratory problems.

As documented in the MBARD CEQA Implementation Guide (MBARD 2016), the MBARD construction and operational mass emissions thresholds correlate to the offset requirements in MBARD Rule 207 Review of New or Modified Sources, which prevents deterioration of ambient air quality and ensures projects do not worsen the region's attainment status. Therefore, projects whose emissions do not exceed

the recommended thresholds of significance would also not conflict with or obstruct implementation of the applicable air quality plans. Additionally, as noted in the MBARD Particulate Matter Plan (MBARD 2005), the predominant sources of PM₁₀ are from naturally occurring sources such as sea salt from the coast, and also from fugitive dust from vehicle travel along unpaved roads. The Plan focuses primarily on measures to reduce fugitive emissions from exposed agricultural/mineral processing areas and travel on unpaved roads. The proposed Project does not propose these activities and would not conflict with the MBARD Particulate Matter Plan.

As detailed below in Impact 4.2-2 and shown in Table 4.2-3, emissions generated during construction would not exceed the MBARD thresholds of significance. In addition to the mass emissions thresholds, MBARD Rules and Regulations are developed, in part, to support implementation of and consistency with strategies and actions of the MBARD air quality plans for PM and ozone. As the State agency responsible for protecting the public from harmful effects of air pollution, ARB delegates authority to local air districts to develop such rules, regulations, and permitting programs to reduce localized and regional emissions, with the stringency of each program varying based on the area's designation for federal and State ambient air quality standards. The Judicial Council and its construction contractor(s) shall ensure that construction-related activities adhere to applicable MBARD rules and regulations, including the following:

- **Rule 400:** Visible Emissions.
- **Rule 402:** Nuisance.
- **Rule 403:** Particulate Matter.
- **Rule 426:** Architectural Coatings.

As stated above, emissions associated with long-term operations of the proposed Project are consistent with those anticipated for the purposes of regional air quality attainment plans. Adherence to applicable MBARD rules and regulations, including applicable emission control practices would further reduce emissions and avoid any conflict with or obstruct an applicable air quality attainment plan. This impact would be **less than significant**.

Operations

Daily activities associated with the operation of the proposed Project such as employees and visitors driving to and from the site, deliveries, space cooling and heating, intermittent use of the backup generator, and other typical activities would generate criteria air pollutant and precursor emissions from area, energy, mobile, and stationary sources.

With regard to long-term operations of the proposed Project and consistency with applicable air quality plans, the Project is designed to meet the needs of the population of Monterey County – the Project would involve vacating existing facilities and moving operations to a new, consolidated Project site. It does not propose an expansion of employment or services. As detailed below in Impact 4.2-2 and shown in Table 4.2-4, emissions generated from long-term operation of the proposed Project would not exceed the MBARD thresholds of significance. In addition, any proposed emergency generator would be required to apply for an MBARD stationary emergency engine permit and comply with the conditions detailed within the permit. As such, operational emissions associated with the proposed Project are consistent with those anticipated for the purposes of regional air quality attainment plans. Therefore, this impact would be **less than significant**.

Impact 4.2-2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.

Construction

As discussed above, construction-related emissions were estimated using CalEEMod. Table 4.2-3 for construction and Table 4.2-4 for operations show the maximum level of emissions for pounds per day per season.

Table 4.2-3. Summary of Construction-Related Emissions of Criteria Air Pollutants and Precursors

Construction Year	Maximum Daily Emissions ROG (pounds per day)	Maximum Daily Emissions NO _x (pounds per day)	Maximum Daily Emissions PM ₁₀ (pounds per day)	Maximum Daily Emissions PM _{2.5} (pounds per day)	Maximum Daily Emissions CO (pounds per day)
2025	2.47	22.3	1.02	0.87	20.6
2026	5.58	49.9	13.5	7.38	49.2
2027	1.15	9.87	0.59	0.37	14.2
2028	10.2	16.1	0.95	0.59	24.9
MBARD Significance Threshold	137	137	82	55	550
Emissions Exceed Threshold?	No	No	No	No	No

Notes: CO = carbon monoxide; MBARD = Monterey Bay Air Resources District; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter with an aerodynamic diameter of 10 micrometers or less; PM_{2.5} = respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less; ROG = reactive organic gases Modeled by AECOM in 2022. See Appendix D for additional details.

As shown in Table 4.2-3, the modeled daily emissions generated by construction-related activities would not exceed the MBARD-recommended threshold of significance. This comparison to the MBARD thresholds shows that construction activities would not contribute substantially to any existing or projected air quality violation and would not conflict with efforts to reach attainment of any air quality standards. Therefore, impacts to air quality from construction of the proposed Project would be **less than significant**.

Operations

Once Project-related construction is completed, additional pollutants would be emitted through the use, or operation, of the site. Such emissions sources would include motor vehicle trips to and from the site; fuel combustion from landscape maintenance equipment; emissions from the diesel-fired emergency generator; natural gas combustion emissions from on-site natural gas use; evaporative emissions of ROG associated with the use of consumer products; and evaporative emissions of ROG resulting from the intermittent re-application of architectural coatings.

While construction emissions are considered short-term and temporary, operational emissions are considered long-term and occur for the lifetime of the Project. Long-term operational emissions were modeled using CalEEMod, Version 2022.1, as discussed in the Methodology section above. The resultant long-term operational emissions estimates are shown in Table 4.2-4.

As shown in Table 4.2-4, total operational emissions would not approach or exceed any MBARD threshold. This comparison to the MBARD thresholds shows that operations would not contribute substantially to any existing or projected air quality violation and would not conflict with efforts to reach attainment of any air quality standards. In addition, as explained in the methodology discussion above, while not applied to the quantified emissions provided in Table 4.2-4, the proposed Project would relocate existing operations of two existing facilities to a single location; the proposed Project would not increase employment of existing operations. Therefore, while the mobile sources emissions quantified for this analysis account for all operational vehicle trips and trip distances as a net increase in emissions, this is a conservative approach that does not account for the fact that employee and visitor trips are already occurring to and from the existing sites and would be relocated to the proposed Project site. Similarly, these quantified emissions do not account for improved building energy efficiencies that could reduce overall building area and energy source operational emissions. Therefore, impacts to air quality from long-term operations of the proposed Project would be **less than significant**.

Table 4.2-4. Summary of Operational Emissions of Criteria Air Pollutants and Precursors

Operational Sector	Maximum Daily Emissions ROG (pounds per day)	Maximum Daily Emissions NO _x (pounds per day)	Maximum Daily Emissions PM ₁₀ (pounds per day)	Maximum Daily Emissions PM _{2.5} (pounds per day)	Maximum Daily Emissions CO (pounds per day)
Mobile	3.58	3.64	2.45	0.47	27.5
Area	1.84	0	0	0	0
Energy	0.03	0.50	0.04	0.04	0.42
Stationary Sources	1.02	2.86	0.15	0.15	2.61
Total Operational Emissions	6.47	7.00	2.64	0.66	30.5
MBARD Significance Threshold	137	137	82	55	550
Emissions Exceed MBARD Threshold?	No	No	No	No	No

Notes: CO = carbon monoxide; MBARD = Monterey Bay Air Resources District; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter with an aerodynamic diameter of 10 micrometers or less; PM_{2.5} = respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less; ROG = reactive organic gases
Data compiled by AECOM in 2022. See Appendix D for additional details.

Though not necessary to reduce any potential air quality impact, mitigation included in Section 4.5 , “Greenhouse Gas Emissions,” would have the co-benefit of further reducing criteria air pollutant emissions, including mitigation requiring an “all-electric” building (with no natural gas), strategies to reduce mobile-source emissions, and a commitment to generate and use on-site solar energy. See Section 4.5 for more details.

Health Effects of Criteria Air Pollutants

Criteria air pollutants can have human health effects at various concentrations, dependent upon the duration of exposure and type of pollutant. CAAQS and NAAQS were established to protect the public with a margin of safety from adverse health impacts caused by exposure to air pollution. Similarly, air districts develop region-specific CEQA thresholds of significance in consideration of existing air quality concentrations and attainment designations under the NAAQS and CAAQS. With respect to regional air quality, the MBARD region, including Monterey County, is currently designated as nonattainment for the CAAQS for PM₁₀. As noted above, projects that conflict with the applicable AQMP or emit criteria air pollutants that exceed the MBARD thresholds of significance are considered to be “cumulatively considerable” and may contribute to the regional cumulative degradation of air quality that could result in impacts to human health.

Health effects associated with ozone include respiratory symptoms, worsening of lung disease, and damage to lung tissue. In recent years, a correlation has also been reported between elevated ambient ozone levels and increases in daily hospital admission rates and mortality (EPA 2022a). ROG and NO_x are precursors to ozone, for which the NCCAB is designated as attainment with respect to the NAAQS, and was recently redesignated as attainment for CAAQS. The contribution of ROG and NO_x to regional ambient ozone concentrations is the result of complex photochemistry. The increases in ozone concentrations in the NCCAB due to ozone precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of ozone precursors is speculative. Health effects associated with short- and long-term exposure to elevated concentrations of PM₁₀ include respiratory symptoms, aggravation of respiratory and cardiovascular diseases, a weakened immune system, and cancer (WHO 2021). PM_{2.5} poses an increased health risk because these very small particles can be inhaled deep in the lungs and may contain substances that are particularly harmful to human health.

The proposed Project would primarily generate criteria air pollutant emissions during the construction phase, and the primary pollutants of concern would be ozone precursors (ROG and NO_x) and PM. Adverse health effects induced by regional criteria pollutant emissions generated by the proposed Project (ozone precursors and PM) are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, the number and character of exposed individuals [e.g., age, gender]). For these reasons, ozone precursors (ROG and NO_x) contribute to the formation of ground-borne ozone on a regional scale, where emissions of ROG and NO_x generated in one area may not equate to a specific ozone concentration in that same area. Similarly, some types of particulate pollutant may be transported over long distances or formed through atmospheric reactions. As such, the magnitude and locations of specific health effects from exposure to increased ozone or regional PM concentrations are the product of emissions generated by numerous sources throughout a region, as opposed to a single individual project.

Existing models have limited sensitivity to small changes in regional criteria pollutant concentrations, and as such, translating project-generated regional criteria pollutants to specific health effects would not produce meaningful results. In other words, minor increases in regional air pollution from project-generated ROG and NO_x would have nominal or negligible impacts on human health. Currently, ARB and EPA have not approved a quantitative method to meaningfully and consistently translate the mass emissions of criteria air pollutants from a project to quantified health effects. As explained in the amicus brief filed by the South Coast Air Quality Management District (SCAQMD) in the *Sierra Club v. County of Fresno* (2014) 26 Cal.App.4th 704, it “takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels” (SCAQMD 2015).

As shown in Table 4.2-3 and Table 4.2-4, Project-related emissions during both construction and operational phases would be well below the MBARD-recommended thresholds of significance. In addition, the emissions presented in Table 4.2-4 for long-term operations does not account for the fact that the proposed Project would replace existing courthouse facilities and that the majority of the mobile-trips would be a shift from existing mobile trips to and from the existing courthouse locations to the proposed Project site, and not new mobile trips or related mobile-source emissions to the region. As discussed above, the nature of criteria pollutants is such that the emissions from an individual project cannot be directly identified as responsible for health impacts within any specific geographic location. As a result, attributing health risks at any specific geographic location to a single proposed project is not feasible, and this information and consideration is presented for informational purposes only.

Impact 4.2-3. Expose sensitive receptors to substantial pollutant concentrations.

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Children, pregnant women, the elderly, those with existing health conditions, and athletes or others who engage in frequent exercise are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered sensitive receptors include schools, daycare centers, parks and playgrounds, and medical facilities.

Residential areas are considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to pollutants present. Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation. Industrial and commercial areas are considered the least sensitive to air pollution. Exposure periods are relatively short and intermittent as the majority of the workers tend to stay indoors most of the time. As detailed above in Section 4.2.1, “Existing Conditions,” in the overview of sensitive receptors, the nearest sensitive receptors to the proposed Project site are a preschool approximately 900 feet northeast and residences more than 0.5 mile south of the Project site.

The exposure of sensitive receptors (e.g., existing off-site residents) to TAC emissions from short-term (construction) and long-term operational (mobile, stationary, and other) sources is discussed separately below.

Short-Term Construction Emissions and Exposure to TACs at Surrounding Land Uses

Construction would generate DPM emissions from the use of off-road diesel-powered equipment required for site grading and excavation, paving, and other construction activities. For this analysis, DPM is assumed to be equivalent to exhaust-generated PM_{2.5}, which is a subset of the total PM_{2.5} presented in Table 4.2-3.

Health risk is a function of the concentration of contaminants in the environment and the duration of exposure to those contaminants. Concentrations of mobile-source DPM emissions are typically reduced by approximately 60 percent at a distance of around 300 feet (100 meters) (Zhu and Hinds 2002). Construction activities would be dispersed throughout the entire approximately 5-acre Project site, so the majority of construction activities would take place at a distance farther than the noted proximity of the nearby sensitive receptors, which is based on the distance to the sensitive receptor from the closest point of the proposed Project site. Residences to the south are also separated from the proposed Project site by vegetation and roadways; the roadways, vegetation and open space would help to disperse potential DPM, thereby reducing potential exposure of these receptors to DPM generated during construction of the proposed Project.

The dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent to which a person is exposed to the substance. As described above, PM_{2.5} emissions during construction would be a maximum of 7.4 pounds per day (lb/day) (Table 4.2-3). The risks estimated for an exposed individual are higher if a fixed exposure occurs over a longer period of time. Health effects from TACs are often described in terms of individual cancer risk, which is based on a 30-year lifetime exposure to TACs (OEHHA 2015). The total construction period is projected to require approximately 3 years. As a result, the exposure of sensitive receptors to construction emissions would be short term, intermittent, and temporary in nature. Even during this period of time, construction activities would vary in activity and equipment intensity, and would take place throughout the entirety of the project site. If the duration of construction activities near a sensitive receptor was for the entirety of the 3 years, which would not be the case, then the exposure would be less than ten percent of the total exposure period used for typical health risk calculations (i.e., 30 years).

When rock containing asbestos is broken or crushed, such as through construction-related ground disturbance where NOA is present, asbestos fibers may be released and become airborne. Exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease which causes scarring of the lungs). ARB has established ATCMs to address potential health risks associated with exposure to asbestos. As detailed in Section 4.2.1, "Existing Conditions," the proposed Project site is in an region with high potential for NOA, but no evidence of NOA was identified during geotechnical soil investigations (Kleinfelder 2022). The presence of NOA on the proposed Project site is unlikely. In addition, analysis of potential exposure to this TAC is further analyzed in Section 4.6, "Hazards and Hazardous Materials," of this EIR.

Because of the intermittent and temporary nature of construction activities, and the dispersive properties of TACs, as well as the fact that PM emissions would be far less than the MBARD emission thresholds, short-term construction would not expose sensitive receptors to DPM emission levels that would result in a health hazard. As a result, this impact would be **less than significant**.

Carbon Monoxide Hotspots

A mobile-source pollutant of localized concern is CO. Continuous engine exhaust may elevate localized CO concentrations, or "hot spots." Land use development projects would not be expected to typically have the potential to result in localized concentrations of criteria air pollutants that expose sensitive receptors to substantial pollutant concentrations, in part, because the predominant source of these pollutants is typically in the form of mobile-source exhaust from vehicle trips that occur throughout a network of roads and are not concentrated in a single location.

Emissions and ambient concentrations of CO have decreased substantially throughout California in the past three decades. The national statewide CO standard is attained statewide in California, and an

exceedance of NAAQS or CAAQS in the region was last recorded in 1993. This is primarily attributable to requirements for cleaner vehicle emissions. CO hot spots are typically observed at heavily congested roadway intersections where a substantial number of gasoline-powered vehicles idle for prolonged durations throughout the day. Construction sites are less likely to result in localized CO hot spots due to the nature of construction activities, which normally utilize diesel-powered equipment for intermittent or short durations. Note that while the MBARD CEQA guidance previously contained screening criteria to determine whether project impacts of localized CO concentrations were less than significant, the subsequent CEQA Implementation Guide relies upon the mass emission threshold of 550 pounds per day in determining significance of CO emissions (MBARD 2016). As shown in Table 4.2-4, maximum daily operational emissions of CO from mobile sources would be 27.5 pounds per day, and maximum total daily operational emissions from all sources would be 30.5 pounds per day, which is approximately 6 percent of the screening level.

The proposed Project would not result in prolonged idling throughout the day, nor contribute substantially to regionally high-volume, congested roadways. Additionally, the surrounding intersections at which vehicle trips may increase are not locations of typically limited vertical and/or horizontal of ambient air (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadways), and therefore would not likely be subject to elevated concentrations of CO. Due to improved vehicle emissions standards for CO, and lack of conditions that would limit dispersion of CO emissions from vehicle exhaust, the proposed Project would not violate air quality standards for CO nor have the potential to result in CO hotspots. Therefore, this impact is **less than significant**.

Impact 4.2-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Odor Emissions Related to Short-Term Construction

The predominant source of power for construction equipment is diesel engines. Exhaust odors from diesel engines and emissions associated with asphalt paving and the application of architectural coatings may be considered offensive to some individuals. Depending on the wind direction, residents to the south may be exposed to odors from diesel exhaust associated with grading and asphalt paving activities. However, because the prevailing wind direction is western and northwestern and therefore generally not in the direction of these residents, as well as the fact that odors would be temporary and disperse rapidly with distance from the source, construction-generated odors would not result in the frequent exposure of receptors to objectionable odor emissions. Therefore, this impact would be **less than significant**.

Odor Emissions Related to Long-Term Operations

Government buildings such as the proposed courthouse are not typically considered to be sources of objectionable odors. Industries and/or facilities that are likely to emit objectionable odors include wastewater treatment plants, landfills, composting facilities, petroleum refineries, and manufacturing plants. The proposed Project would not include any of these types of facilities. Other minor sources of odor that could be generated during operations of the courthouse include maintenance and readiness testing of the diesel-fired emergency generator. These activities would take place intermittently, up to 50 hours per year, and the nearby sensitive receptors are not located in the direction of the prevailing northern/northwestern winds in the area. As a result, this impact would be **less than significant**.

Previously disturbed and currently vacant properties surround the proposed Project site, and at greater distances, residential, commercial, and educational uses are located in the vicinity of the Project site. Land uses in the vicinity do not include activities that are known to generate odors. Therefore, the proposed Project would not expose sensitive receptors at the Project site to objectionable odors from off-site. As a result, this impact would be **less than significant**.

4.3 Biological Resources

This section addresses impacts on biological resources known to occur, or with potential to occur, in the proposed Project area. The analysis includes a description of the existing environmental conditions at the time of the Notice of Preparation (NOP), the methods used for site and impact assessment, the impacts associated with implementing the proposed Project, and mitigation measures proposed to reduce potentially significant impacts, where necessary. This section also includes a brief overview of federal, State, and local laws and regulations, where applicable, pertaining to the protection of biological resources in the proposed Project area.

The biological resources information presented in this section is based on information gathered from biological resources databases, including the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), and the California Native Plant Society (CNPS 2022a) Online Inventory of Rare and Endangered Plants; aerial photography interpretation; an official species list obtained from the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Conservation System (IPaC) (USFWS 2022); the Projects at Main Gate Specific Plan (Specific Plan) Environmental Impact Report (EIR) (Denise Duffy & Associates, Inc. 2010); the Draft Fort Ord Multi-species Habitat Conservation Plan (HCP) and Draft Environmental Impact Statement/Environmental Impact Report (HCP EIS/EIR) (Denise Duffy & Associates, Inc. 2020); Installation-Wide Multispecies Habitat Management Plan (HMP) for Former Fort Ord (U.S. Army Corps of Engineers 1997); and the results of technical studies conducted for the proposed Project (AECOM 2022).

A biological resources field survey and biological resources survey report (AECOM 2022) was completed for the proposed Project in February 2022 to assess habitat quality and the potential for occurrence of special-status species within a larger property within which the 5-acre proposed Project site is located.¹ The biological study area (BSA) for the proposed Project encompassed a total of approximately 49 acres. This EIR section builds on the information collected for the previous report with a focus on the proposed Project site, which would be either temporarily or permanently impacted by Project construction activities including staging, access, and construction of new facilities. The “Project area,” as used in this section, refers to the general, broader vicinity of the Project site that shares characteristics with the Project site that are relevant to biological resources.

4.3.1 Existing Conditions

The proposed Project site is located within the coastal Monterey Bay Plains and Terraces ecoregion of California. This ecoregion occurs on alluvial plains and terraces that wrap around Monterey Bay. The climate is marine-influenced and is generally cooler than the Salinas Valley ecoregion that stretches inland to the southeast. There are recent dunes along the western side of Monterey Bay, inland of the shoreline, and stabilized dune sand is extensive on the south-eastern side of the bay, inland of the bay shoreline (Griffith 2016). Coast live oak and California oatgrass occur on the plains. Dunes support some herbaceous communities with coastal scrub, chaparral, and sage on stabilized dunes, along with invasive ice plant. The area experiences wet winters and dry summers typical of the Mediterranean climate found throughout California. The average annual high temperature locally is 63 degrees Fahrenheit (°F) and the average low temperature is 48 °F. The average annual precipitation in the proposed Project vicinity is 21.10 inches (U.S. Climate Data 2022).

The 5-acre proposed Project site is within the city limits of Seaside, in Monterey County, California. The proposed Project site is bounded by 1st Avenue on the west (approximately 650 feet west of the proposed Project site boundary), 2nd Avenue on the east, Lightfighter Drive on the south (approximately 1,500 feet south of the proposed Project site boundary), and Divarty Street on the north (U.S. Army Corps of Engineer [USACE] Parcel E15.1; FODIS 2022). The proposed Project site is within the Specific Plan area

¹ The report described the results of a reconnaissance-level biological resources survey for the proposed Fort Ord Courthouse site (see Appendix D). The purpose of the biological resource survey was to evaluate habitats and potentially sensitive biological resources which may occur within and/or immediately adjacent to the approximately 5-acre Project site within a larger parcel conveyed by the U.S. Department of Defense to the City of Seaside.

and the Installation-Wide Multispecies HMP area for Former Fort Ord. The parcel is located on stabilized coastal dunes, parts of which have been impacted by previous developments (e.g., pavement, introduction of gravel fill, underground culverts, gas pipelines, and foundations and structures). Elevations on the parcel range from approximately 180 to about 200 feet above sea level. Soils consist of Oceano loamy sand, with 2 to 15 percent slopes (USDA 2022a). This series consists of deep, excessively drained soils that were formed in material weathered from sandy eolian deposits (USDA 2022b). Vegetation present includes large areas dominated by non-native, invasive plant species (ice plant), as well as small patches of remnant native vegetation.

Land Cover Types and Vegetation

The 5-acre proposed Project site is located within a generally undeveloped area that has been previously disturbed and is defined by 6 different land cover types broadly categorized by dominant life form type (see Exhibit 4.3-1). These categories include ice plant mats, sparsely vegetated dunes, deerweed scrub, poison oak scrub, silver dune lupine mock heather scrub, and Monterey pine – Monterey cypress stands. Despite the dominance of non-native plants, patches of remnant coastal dune, coastal scrub, chaparral, and woodland vegetation communities are scattered throughout the BSA. The natural communities and other land cover types present within the proposed Project site are listed in Table 4.3-1 and described in detail below.

Table 4.3-1. Natural Communities and Other Land Cover Types

Dominant Life Form	Vegetation Community	Global and State Ranking ¹	Project Site (Acres)	Percentage of Total Project Site
Herb	Ice plant mats	GNA/SNA	2.415	46.39%
	Sparsely vegetated dunes	-	0.078	1.62%
Scrub	Deerweed scrub	G5S5	0.454	8.81%
	Poison oak scrub	G4S4	0.011	0.33%
	Silver dune lupine mock heather scrub	G3S3	0.2	0.45%
Tree	Monterey cypress - Monterey pine stands	GNA/SNA	2.207	42.40%
Total			5.219	100.00%

Notes:

1: Global (G) and State (S) Rankings are defined as follows by NatureServe (2022):

2: Imperiled

3: Vulnerable

4: Apparently Secure

5: Secure

NA: Not Applicable

-: Not ranked; community not defined by CNPS (2022b)

Herb-Dominated Communities

Ice Plant Mats (*Mesembryanthemum* spp. - *Carpobrotus* spp.)

Ice plant mats are defined as having a dominant cover (>50 percent relative cover) of members of the ice plant family (Aizoaceae), such as ice plant (*Carpobrotus edulis*) and sea fig (*Carpobrotus chilensis*), the two species in this family are found in the BSA; this community is ranked “global/State rank not applicable” (GNA/SNA). Ice plant mats are the most abundant community in the BSA and are heavily dominated by ice plant and sea fig, often with few other species. Some annual grasses and herbs, such as telegraph weed (*Heterotheca grandiflora*) occur as associates within the ice plant mats.

Sparsely Vegetated Dunes

Sparsely vegetated dunes are not a vegetation community defined in the *Manual of California Vegetation* (CNPS 2022b); they are defined here as having a strongly dominant (>75 percent absolute cover) component of bare sand cover that is devoid of vegetation. Within the BSA, sparsely vegetated dunes are dominated by a mix of native species, such as California cottonrose (*Logfia filaginoides*), sand carpet (*Cardionema ramosissimum*), common sandaster (*Corethrogyne filaginifolia*), telegraph weed, Douglas’ sandwort (*Minuartia douglasii*), and sand pygmy weed (*Crassula connata*), and non-native species, such as cutleaf plantain (*Plantago coronopus*), narrowleaf cottonrose (*Logfia gallica*), hairy cats ear



Source: AECOM 2022

Exhibit 4.3-1. Land Cover Types

(*Hypochaeris radicata*), and sheep sorrel (*Rumex acetosella*). The semi-barren nature of these areas within the BSA appears to be maintained primarily by disturbance from vehicles. The bare soils in these areas could provide similar ecological conditions to dunes located closer to the coast, whose semi-barren soils are maintained by frequent and strong winds. These similar ecological conditions could provide suitable habitat for special-status plant species adapted to coastal dunes.

Shrub-Dominated Communities

Deerweed Scrub (*Acmispon glaber*)

Deerweed scrub is defined as having a dominant cover (>50 percent relative cover) of deerweed (*Acmispon glaber*) in the shrub canopy. This community is a vegetation association within the broader deerweed – silver lupine – yerba santa scrub alliance, which is ranked G5S5 (CNPS 2022b). Within the BSA, this community has a codominant cover of deerweed, ice plant, and sea fig, and is associated with common sandaster, telegraph weed, and annual grasses.

Poison Oak Scrub

Poison oak scrub is defined as having a dominant cover (>50 percent relative cover) of poison oak (*Toxicodendron diversilobum*). This community occurs in a single patch in the BSA, with a dense cover of poison oak that all or nearly all other plant species are excluded.

Silverdune Lupine-Mock Heather Scrub (*Lupinus chamissonis* – *Ericameria ericoides*)

Silver dune lupine – mock heather scrub is defined as having a dominant cover of silver dune lupine (*Lupinus chamissonis*) and/or mock heather (*Ericameria ericoides*); this community is ranked G3S3, making it a sensitive natural community. Within the BSA, this community consists of patches dominated by silver dune lupine, patches dominated by mock heather, and mixed patches. The understory of this community is mostly dominated by ice plant and sea fig and is associated with deerweed and common sandaster.

Tree-Dominated Communities

Monterey Cypress – Monterey Pine Stands (*Hesperocyparis macrocarpa* – *Pinus radiata*)

Monterey cypress – Monterey pine stands are defined as having a dominant cover (>50 percent relative cover) of Monterey pine or Monterey cypress in the tree canopy (CNPS 2022b); this community is ranked GNA/SNA. This is the most abundant tree-dominated community in the BSA, and includes areas dominated by Monterey pine, Monterey cypress, and Torrey pine (*Pinus torreyana*). Within the BSA, this community primarily has a non-native understory dominated by ice plant and sea fig. Although both Monterey cypress and Monterey pine are considered special-status species in their native range (approximately 12 and 5 miles to the south of the BSA on the Monterey Peninsula, respectively), both species have been planted in the BSA and are outside of their native range; therefore, they are not considered special-status species at this location.

Sensitive Biological Resources

Sensitive biological resources addressed in this section include those that are afforded consideration or protection under the California Environmental Quality Act (CEQA), California Fish and Game Code, California Endangered Species Act (CESA), Federal Endangered Species Act (ESA), Clean Water Act (CWA), and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

Special-Status Species

Special-status species include plants and animals in the following categories:

- Species officially listed by the State of California or the federal government as endangered, threatened, or rare;
- Candidates for State or federal listing as endangered or threatened;
- Taxa (i.e., taxonomic categories or groups) that meet the criteria for listing, even if not currently included on any list, as described in California Code of Regulations section 15380 of the CEQA Guidelines;

- Species identified by the CDFW as species of special concern;
- Species listed as fully protected under the California Fish and Game Code;
- Species afforded protection under local or regional planning documents; and
- Taxa considered by CDFW to be “rare, threatened, or endangered in California” and assigned a California Rare Plant Rank (CRPR) of 1A, 1B, 2A, or 2B.

The CDFW system includes six rarity and endangerment ranks for categorizing plant species of concern, which are summarized as follows:

- CRPR 1A – Plants presumed to be extinct in California;
- CRPR 1B – Plants that are rare, threatened, or endangered in California and elsewhere;
- CRPR 2A – Plants presumed to be extinct in California, but more common elsewhere;
- CRPR 2B – Plants that are rare, threatened, or endangered in California, but more common elsewhere;
- CRPR 3 – Plants about which more information is needed (a review list); and
- CRPR 4 – Plants of limited distribution (a watch list).

All plants with a CRPR are considered “special plants” by CDFW. The term “special plants” is a broad term used by CDFW to refer to all the plant taxa inventoried in CDFW’s CNDDDB, regardless of their legal or protection status. Plants ranked as CRPR 1A, 1B, 2A, and 2B may qualify as endangered, rare, or threatened species within the definition of CEQA Guidelines section 15380. CDFW recommends that CRPR 1 and 2 species be addressed within the context of CEQA analyses and documentation. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to CEQA Guidelines section 15380; however, these species may be evaluated by the lead agency on a case-by-case basis to determine significance criteria under CEQA.

The term “California species of special concern” is applied by CDFW to animals not listed under the ESA or CESA, but that are nonetheless declining at a rate that could result in listing, or that historically occurred in low numbers, or have limited ranges, and known threats to their persistence currently exist. “Fully protected” was the first State classification used to identify and protect animal species that are rare or facing possible extinction. Most of these species were subsequently listed as threatened or endangered under CESA or ESA. The remaining fully protected species that are not officially listed under CESA or ESA are still legally protected under California Fish and Game Code, as described below in the “Regulatory Setting” section, and qualify as endangered, rare, or threatened species within the definition of CEQA Guidelines section 15380.

Special-Status Plants

A list of special-status plant species that could potentially occur within the BSA and proposed Project site, if suitable habitat conditions were present, was developed through a query of the CDFW’s CNDDDB (CDFW 2022a) and the CNPS Inventory of Rare Plants (CNPS 2022a) (see Exhibit 4.3-2). Database searches returned a total of 78 special-status plant species with known occurrences in the 9 U.S. Geological Survey (USGS) 7.5’ quadrangles including and surrounding the proposed Project site and BSA². A comprehensive table representing these species’ potential for occurrence is included in the Biological Resources Survey Report (AECOM 2022) in Appendix E. Based on the desktop review and reconnaissance survey, it was determined that 31 special-status plant species have a moderate to high potential to occur within and adjacent to the proposed Project site, inclusive of species that have been confirmed as present in the BSA.

² The 9 USGS 7.5’ quadrangles included in database queries allow for a 1-mile buffer centered around the proposed Project site and BSA, as depicted in Exhibit 4.3-2.



Source: CNDDB 2022b

Exhibit 4.3-2. CNDDB Special-status Plant Species Occurrences

However, of the 31 special-status plant species that have a moderate to high potential to occur within and adjacent to the proposed Project site, six of the shrubs with moderate to high potential for occurrence were determined to be absent from the BSA, as they would have been identifiable at the time of the survey if present. Table 4.3-2 provides a summary of the 25 special-status plant species with moderate to high potential to occur based on the reconnaissance survey. Although the BSA is heavily dominated by invasive ice plant and sea fig, the stabilized back dune habitat with sandy openings and patches of native vegetation provides the potential for multiple special-status plant species to occur on the site. Many of the special-status plants with potential to occur in the BSA are annuals that flower later in the year and would have been difficult or impossible to identify on the February 2022 reconnaissance survey (AECOM 2022).

One special-status plant (Hooker's manzanita) was positively identified in the BSA during the February 2022 reconnaissance survey (AECOM 2022), and one other special-status plant (Monterey spineflower) has been recently documented in the Draft Fort Ord Multi-species HCP (ICF 2019) within the BSA. In addition, another special-status plant (Yadon's piperia) was previously documented in the Draft Fort Ord Multi-species HCP (ICF 2019) within the proposed Project site.

Hooker's manzanita

Hooker's manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), a CRPR rank 1B.2 species (rare, threatened, or endangered in California and elsewhere), was observed growing in the southern portion of the BSA (south of the proposed Project site) and consisted of a single large clump approximately 7 meters in diameter. The Hooker's manzanita occurrence is also mapped as a Hooker's manzanita chaparral community and is located within a patch of coyote brush scrub vegetation outside the proposed Project site (See Appendix E, Figure A-3 of the Biological Resources Survey Report).

Yadon's piperia

An occurrence of Yadon's rein orchid was previously documented in the proposed Project site in the Draft Fort Ord Multi-species HCP (ICF 2019).

A rein orchid (*Piperia* sp.), was observed at two locations in the BSA (south of the proposed Project site) during the reconnaissance survey but was unable to be definitively identified due to lack of flowers (See Appendix E, Figure A-3 of the Biological Resources Survey Report). Based on the habitat and geographic location, this plant is likely either Yadon's piperia (*Piperia yadonii*; FE and CRPR 1B.1), Michael's rein orchid (*Piperia michaelii*; CRPR 4.2) or elegant rein orchid (*Piperia elegans* ssp. *elegans*; a common plant) (Jepson Flora Project 2022). However, because Yadon's piperia was previously documented in the BSA, this plant is likely Yadon's piperia. Botanical surveys during these plants' flowering periods in the early summer months would be required to positively identify the rein orchids to the species level.

Monterey spineflower

Monterey spineflower (*Chorizanthe pungens* ssp. *pungens*; Federally Threatened [FT], CRPR 1B.2) was not identified on the reconnaissance survey but was documented in the Draft Fort Ord Multi-species HCP (ICF 2019) as occurring at low density in the BSA. The reconnaissance survey was not appropriately timed to identify this annual species, so it would not have been detected even if present. The AECOM biologists have previously observed this plant growing in disturbed sandy habitats similar to those found in the BSA, so there is a strong potential for it to be present in the BSA and proposed Project site.

A full list of special-status plant species and common plant species observed in the BSA can be found in the Biological Resources Survey Report (AECOM 2022) in Appendix E.

Table 4.3-2. Special-Status Plant Species Present or with Moderate to High Potential to Occur in the BSA¹

Scientific Name	Common Name	Special-Status ²	Blooming Period	Potential to Occur in BSA ¹
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	Hooker's manzanita	1B.2	January through June	Present. Identified in the BSA during reconnaissance survey.
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch	4.2	January through November	Moderate. Disturbed coastal dunes could provide suitable habitat for this species. It is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Calandrinia breweri</i>	Brewer's calandrinia	4.2	March through June	Moderate. Potentially suitable chaparral and coastal scrub with sandy and disturbed soils are present in the BSA. This species is known to occur in 2 USGS 7.5' quadrangles adjacent to the quadrangle including the BSA.
<i>Calochortus uniflorus</i>	pink star-tulip	4.2	April through June	Moderate. Potentially suitable coastal scrub habitat is present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Castilleja latifolia</i>	Monterey Coast paintbrush	4.3	February through September	High. Potentially suitable habitats are present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Chorizanthe douglasii</i>	Douglas' spineflower	4.3	April to July	High. Potentially suitable habitats with sandy soils are present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Chorizanthe minutiflora</i>	Fort Ord spineflower	1B.2	April to July	High. Potentially suitable coastal scrub and chaparral with sandy openings are present in the BSA. The nearest CNDDDB occurrence is 2.5 miles east of the BSA.
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	FT, 1B.2	April through June	High. Potentially suitable coastal dunes and coastal scrub with sandy soils are present in the BSA. This species was documented in the Draft Fort Ord Multi-species HCP (ICF 2019) as occurring at low density in the BSA.
<i>Clarkia lewisii</i>	Lewis' clarkia	4.3	May through July	Moderate. Potentially suitable habitats are present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside bird's-beak	SE, 1B.1	April through October	High. Potentially suitable sandy and disturbed habitats are present in the BSA. The nearest CNDDDB occurrence is 2 miles south of the BSA.
<i>Eriastrum virgatum</i>	virgate eriastrum	4.3	May through July	High. Potentially suitable habitats with sandy soils are present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Ericameria fasciculata</i>	Eastwood's goldenbush	1B.1	July through August	High. Potentially suitable habitats with sandy openings are present in the BSA. The nearest CNDDDB occurrence is 1 mile southeast of the BSA.
<i>Erysimum ammophilum</i>	sand-loving wallflower	1B.2	February through June	High. Potentially suitable chaparral, coastal scrub, and disturbed coastal dunes are present in the BSA. The nearest CNDDDB occurrence is less than 1 mile west of the BSA.
<i>Erysimum menziesii</i>	Menzies' wallflower	FE, SE, 1B.1	March through September	Moderate. Potentially suitable disturbed coastal dunes are present in the BSA, but most occurrences are located close to the immediate coast. The nearest CNDDDB occurrence is 3.5 miles north of the BSA.
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	Monterey gilia	FE, ST, 1B.2	April through June	High. Potentially suitable habitats with sandy openings are present in the BSA. The nearest CNDDDB occurrence is 1 mile northeast of the BSA.
<i>Horkelia cuneata</i> var. <i>sericea</i>	Kellogg's horkelia	1B.1	April through September	High. Potentially suitable habitats with sandy and gravelly soils are present in the BSA. The nearest occurrence is less than 1 mile southwest of the BSA.

Scientific Name	Common Name	Special-Status ²	Blooming Period	Potential to Occur in BSA ¹
<i>Horkelia marinensis</i>	Point Reyes horkelia	1B.2	May through September	Moderate. Potentially suitable sandy habitats are present in the BSA. The nearest occurrence is 2 miles north of the BSA, but it has not been observed in the vicinity in over 50 years.
<i>Leptosiphon grandiflorus</i>	large-flowered leptosiphon	4.2	April through August	High. Potentially suitable sandy habitats are present in the BSA. This species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Lessingia tenuis</i>	spring lessingia	4.3	May through July	Moderate. A small amount of oak woodland and chaparral habitats in the BSA could potentially support this species. It is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Lomatium parvifolium</i>	small-leaved lomatium	4.2	January through June	High. Potentially suitable habitats are present in the BSA, and this species is known from the Marina USGS 7.5' quadrangle, which includes the BSA.
<i>Microseris paludosa</i>	marsh microseris	1B.2	April through June	Moderate. Potentially suitable habitats are present in the BSA. The nearest occurrence is 4 miles east of the BSA.
<i>Monardella sinuata</i> ssp. <i>nigrescens</i>	northern curly-leaved monardella	1B.2	May through July	High. Potentially suitable habitats with sandy soils are present in the BSA. A historical CNDDDB occurrence with vague location data is mapped as overlapping the BSA, and the nearest recent occurrence is 2 miles south of the BSA.
<i>Piperia michaelii</i>	Michael's rein orchid	4.2	April through August	High. Potentially suitable habitats are present in the BSA, and this species is known from the Marina USGS 7.5' quadrangle, which includes the BSA. <i>Piperia</i> sp. observed in the BSA on the reconnaissance survey is likely this species based on habitat conditions and location.
<i>Piperia yadonii</i>	Yadon's rein orchid	FE, 1B.1	Mid- to late-June through early August	High. Potentially suitable habitats are present in the BSA but lack the poorly drained soils associated with this species. <i>Piperia</i> spp. identified in the BSA are more likely <i>Piperia michaelii</i> based on the habitat in which they occurred. The nearest CNDDDB occurrence is 2 miles north of the BSA, but the Draft Fort Ord Multi-species HCP (ICF 2019) includes an occurrence of this species mapped within the proposed Project site.
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	4.2	April through August	Moderate. Potentially suitable coastal scrub and closed-cone coniferous forests are present in the BSA. The nearest occurrence are from the Monterey USGS 7.5' quadrangle located southwest of the BSA.

Source: ICF 2019

Notes:

¹ This table excludes species with moderate to high potential to occur but which were determined to be absent from the BSA based on the reconnaissance survey.

² Special-statuses are defined as follows:

Federal Status Categories

FE = Listed as endangered under the Federal Endangered Species Act

FT= Listed as threatened under the Federal Endangered Species Act

California State Status Categories

SE = Listed as endangered under California Endangered Species Act

ST = Listed as threatened under California Endangered Species Act

California Rare Plant Rank (CRPR) Categories:

1B = Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA)

3 = A review list of plants about which more information is needed. Most of these plants are taxonomically problematic.

4 = A watch list for plants of limited distribution or plants that are infrequent throughout a broader area in California.

CRPR Threat Rank Extensions:

.1 Seriously endangered in California (>80% of occurrences are threatened and/or high degree and immediacy of threat)

.2 Fairly endangered in California (20 to 80% of occurrences are threatened)

.3 Not very threatened in California (less than 20% of occurrences threatened)

BSA = biological study area, CESA = California Endangered Species Act, CNDDDB = California Natural Diversity Database, ESA = Federal Endangered Species Act, HCP = Habitat Conservation Plan, USGS = U.S. Geological Survey

Special-Status Wildlife Species

A list of special-status wildlife species that could potentially occur within the proposed Project site, if suitable habitat conditions were present, was developed through a query of USFWS IPaC data (USFWS 2022) and the CDFW CNDDb (CDFW 2022b) (see Exhibit 4.3-3). The database searches resulted in 44 special-status animal species being evaluated for their potential to occur within the proposed Project site and surrounding Project area.³ A comprehensive table representing these species' potential for occurrence is included in the Biological Resources Survey Report (AECOM 2022) in Appendix E. No special-status wildlife species were observed within the BSA or the proposed Project site. Based on the presence of suitable habitat, AECOM biologists identified 10 species which either have the potential to utilize the BSA or have moderate to high likelihood to occur, or to have the potential to occur within the proposed Project site. Table 4.3-3 shows potential for occurrence for special-status wildlife species with moderate to high potential to occur within the Project site. A full list of wildlife species observed during reconnaissance surveys can be found in the Biological Resources Survey Report (Appendix E).

Due to the proximity of the Project area to the ocean, many of the species returned in the database search were marine or aquatic, which were easily excluded from being considered as potentially occurring within the BSA due to the lack of direct marine influence, standing water, or an estuarine system. Some species, such as Steller's sea lion (*Eumetopias jubatus*), western snowy plovers (*Charadrius nivosus nivosus*), and California brown pelicans (*Pelecanus occidentalis californicus*), are known to occur along the coast west of the BSA; however, the buffer created by the State Route (SR)-1 highway barrier (i.e., these species unlikely to cross the highway barrier) and/or the lack of suitable habitat in the Project area would preclude the potential of any impact to those species.

Special-Status Bird Species

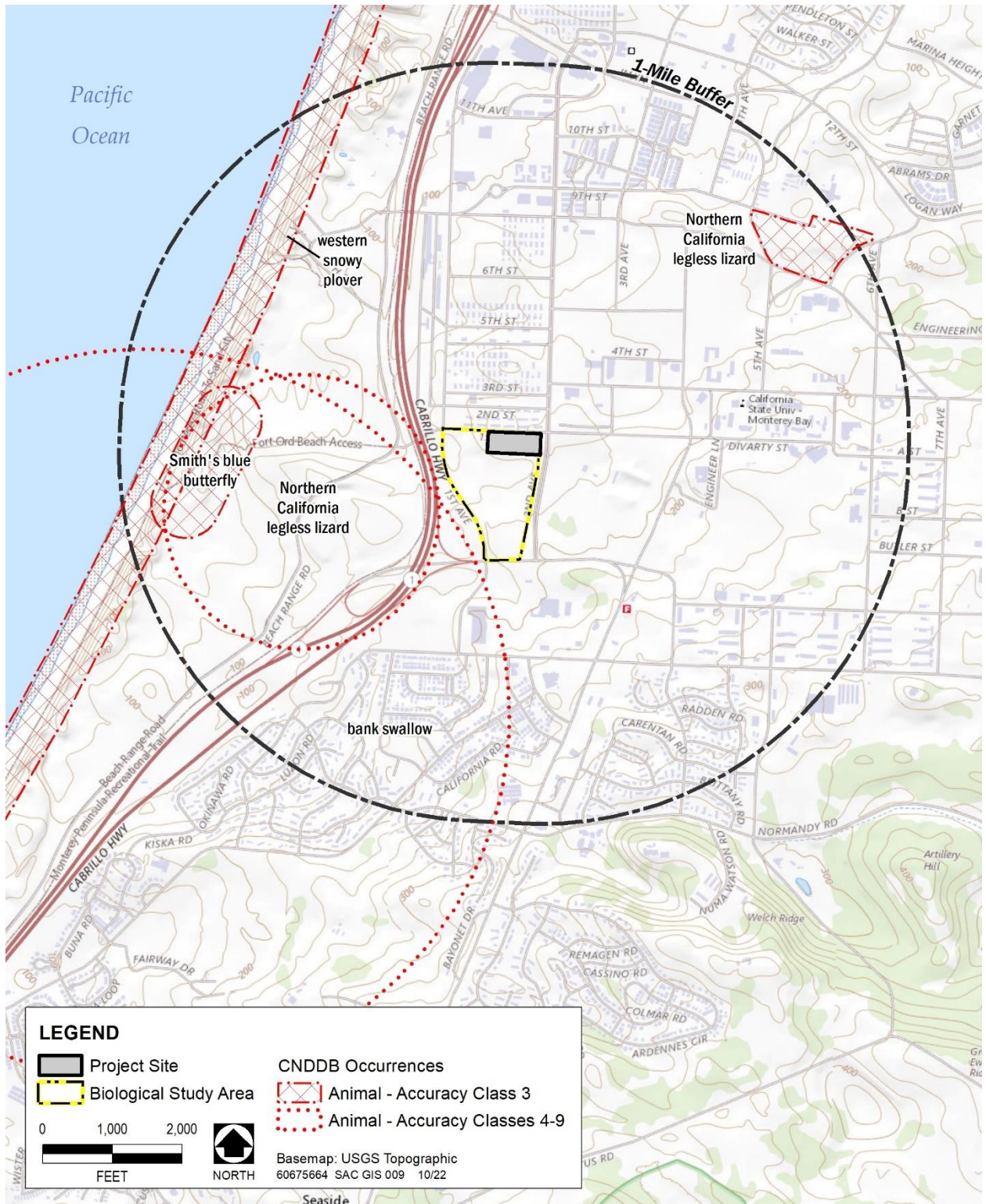
There are six listed or species of special concern birds which have potential to occur onsite, including the tricolored blackbird (*Agelaius tricolor*), short-eared owl (*Asio flammeus*), burrowing owl (*Athene cunicularia*), ferruginous hawk (*Bureo regalis*), white-tailed kite (*Elanus leucurus*), and peregrine falcon (*Falco peregrinus anatum*).

Stands of coniferous trees within the Project site, acacia trees and conifer snags, small shrubs, and vegetated ground, all present ample nesting substrate for a variety of bird species. Conifer snags on site were observed to have cavities and therefore potentially support cavity nesting bird species.

Although several bird species were deemed as having the potential to occur within the BSA, most of these (peregrine falcon, ferruginous hawk, and tricolored blackbird) have limited to no potential to breed within the proposed Project site, either because the Project site is well outside of their known nesting range (ferruginous hawk), or because no nesting habitat is available within or near the proposed Project site (peregrine falcon, tricolored blackbird). Dry ground with vegetative cover provides only marginally suitable nesting habitat for short-eared owls within the Project site. The tall pines and cypress trees provide suitable nesting and perching substrates for white-tailed kites, which would also be likely to forage for rodents in the open areas of the proposed Project site. A small, dilapidated structure within the BSA (located outside of the proposed Project site) could also provide nesting substrate for bird species that build nests in overhangs.

There is potential foraging habitat for tricolored blackbird within the proposed Project site; however, no suitable nesting habitat is present within the BSA. Tricolored blackbird breeding colonies require areas of emergent marsh adjacent to either perennial or ephemeral water sources. Blackberry brambles may also serve as suitable nest substrate for tricolored blackbird colonies. No emergent marsh or blackberry brambles were observed within the BSA.

³ Database queries included 9 USGS 7.5' quadrangles allowing for a 1-mile buffer centered around the proposed Project site and BSA, as depicted in Exhibit 4.3-3.



Source: CNDDDB 2022b

Exhibit 4.3-3. CNDDDB Special-status Wildlife Species Occurrences

Table 4.3-3. Special-Status Wildlife Species with Moderate to High Potential to Occur in the BSA

Scientific Name	Common Name	Special-Status ¹	Potential to Occur in BSA ²
Birds			
<i>Agelaius tricolor</i>	Tricolored blackbird	ST	Moderate: could forage on BSA, no potential to nest; no nesting habitat (open water) within or in close proximity to the site.
<i>Asio flammeus</i>	Short-eared owl	S3	Moderate; marginally suitable nesting and foraging habitat is found within the BSA. Unlikely to nest within the BSA due to tall trees and lack of cover provided by ice plant.
<i>Athene cunicularia</i>	Burrowing owl	S3	Moderate; marginally suitable habitat exists in the BSA and may provide foraging and overwintering habitat; unlikely to nest on BSA due to lack of ground squirrel colonies.
<i>Buteo regalis</i>	Ferruginous hawk	S3S4	Moderate; could forage on BSA, no potential to nest; uncommon winter resident at low elevations and not known to breed in California.
<i>Elanus leucurus</i>	White-tailed kite	S3S4	Moderate; adequate nesting and foraging habitat occurs on BSA and in Project vicinity.
<i>Falco peregrinus anatum</i>	Peregrine falcon	S3S4	Moderate; could forage in BSA, no potential to nest as there is no suitable habitat for nesting is present on the BSA.
Insects			
<i>Bombus caliginosus</i>	Obscure bumble bee	S1S2	Moderate; the BSA is within the fog belt and food plants are present within the BSA.
<i>Danaus plexippus</i>	Monarch butterfly (California overwintering population)	S2S3	Moderate; winter roost site habitat is available in the form of Monterey cypress stands. However, known overwinter sites are typically documented due to the sheer number of individuals observed at a given time.
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly	FE, S1	Moderate; this species' host plant is known to occur in the general Project vicinity, but usually west of SR-1. No host plants were observed in the BSA.
Mammals			
<i>Lasiurus cinereus</i>	Hoary bat	S4	Moderate; Monterey cypress, present on BSA to provide potential roosting habitat.

Sources: CDFW 2022b, CNPS 2022a

Notes:

BSA = biological study area. SR = State Route

¹ Federal Status Categories

FE = Listed as endangered under the Federal Endangered Species Act

California State Status Categories

ST = Listed as threatened under California Endangered Species Act

California Department of Fish and Wildlife Categories

SSC = Species of Special Concern

S1 = Critically imperiled in the State because of extreme rarity (often 5 or fewer occurrences) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.

S2 = Imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or State.

S3 = Vulnerable in the State due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or State.

S4 = Apparently secure – At a fairly low risk of extirpation in the State due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.

² Potential for Occurrence:

High: The study area is within the species' range, suitable habitat for the species is present, and recorded occurrences of the species are generally present in the vicinity.

Moderate: The study area is within the species' range, marginally suitable habitat is available within the study area, recorded occurrences of the species are generally present in the vicinity but dispersal barriers may be present.

Low: No occurrences of the species have been recorded within or near the study area (i.e., within 3 miles), and either habitat for the species is marginal or potentially suitable habitat may occur, but the species' current known range is restricted to areas far from the study area.

None: The study area is outside the species' range or suitable habitat for the species is absent from the study area and adjacent areas.

Burrowing owls were assessed as having potential to occur due to historic occurrence within proximity to the proposed Project site. Burrowing owls utilize burrows, primarily those made by California ground-squirrels (*Otospermophilus beecheyi*). Although no California ground squirrels were observed in the BSA or proposed Project site, there are recorded occurrences of burrowing owls in close proximity to the Project site, and thus the proposed Project site has the potential to act as overwintering (non-breeding) habitat for burrowing owls.

Special-Status Mammals

The hoary bat (*Lasiurus cinereus*) is the most widespread North American bat and may be found at any location in California. This common, solitary species winters along the coast and in southern California, breeding inland and north of the winter range. During migration, the species may be found at locations far from the normal range, such as the Channel Islands (Brown 1980) and the Farallon Islands (Tenaza 1966). Habitats suitable for bearing young include all woodlands and forests with medium to large-size trees and dense foliage. Hoary bats have been recorded from sea level to 4,125 meter (m) (13,200 feet [ft]). There is evidence that sexes are separate during the warm months, females being more abundant in the northeastern U.S., males in the west. Both sexes occur in their winter range. During migration in southern California, males are found in foothills, deserts, and mountains; while females are found in lowlands and coastal valleys (Vaughan and Krutzsch 1954). Therefore, there is moderate potential for hoary bat to occur during the winter months within the BSA and proposed Project site.

Special-Status Insects

During the reconnaissance survey, biologists noted that there were multiple burrow complexes scattered throughout the BSA, indicating fossorial activity, which could act as sub-terranean refugia and nesting sites for insects (bees). Although many of these burrows appeared collapsed and inactive, any burrow could potentially serve as underground nest sites for these species. One special-status *Bombus* (bumble bee) species has potential to occur within the BSA (obscure bumble bee, *B. caliginosus*). This bumble bee occurs along the Pacific coast within the fog belt and food sources for this species include common plant species, many of which were observed during the reconnaissance survey (e.g., coyote bush, lupines, thistles, and poppies)(Xerces Society 2018). Therefore, this species has a moderate potential to occur within the BSA.

Monarch butterflies winter along coastal California between November through February, and often utilize trees such as cypress trees, which occur within the Project site. Monarchs have a high degree of fidelity to overwintering sites, some of which occur nearby in Pacific Grove and elsewhere in Monterey County (Xerces Society 2016). Therefore, monarch butterflies have the potential to occur within the Project site during their overwintering period in California.

Smith's blue butterfly (*Euphilotes enoptes smithi*) is a federally endangered butterfly that is known to occur within the boundaries of the larger Fort Ord area. It is entirely reliant on two species of buckwheat (*Eriogonum latifolium* and *E. parvifolium*) as food plants in both its larval and adult life stages. Therefore, its occurrence is tightly tied to the presence of its host plants. Neither buckwheat species is rare or threatened, and therefore occurrences of the host plants are not particularly well documented. However, the Draft Fort Ord Multi-species HCP (ICF 2019) does indicate that a small population of host plants occurs just west of the proposed Project site, along 1st Avenue (approximately 800 feet from the proposed Project site). No host plants were observed within the BSA during the reconnaissance survey, but because of the close proximity of known host plants, Smith's blue butterfly has the potential to occur within the BSA and possibly within the smaller proposed Project site, especially if host plants are found to occur on site at a later date upon completion of a preconstruction botanical survey.

Sensitive Natural Communities

California natural communities are categorized by CDFW and partner organizations, such as CNPS, based on vegetation type classification, and are ranked using the same system to assign global and State rarity ranks for plant and animal species in the CNDDB. Natural communities that are ranked S1–S3 on the Natural Communities List are considered sensitive natural communities by CDFW, to be addressed in the environmental review processes (CDFW 2022a).

One sensitive natural community occurs within the proposed Project site, silver dune lupine mock heather scrub. This community is described in detail above in Section 4.3.2, and the acreage impacts, percent coverage of the proposed Project site, and global and State ranking is addressed in Table 4.3-1.

Critical Habitat

A search of the USFWS IPaC database returned no records of critical habitats for endangered species within this parcel.

Migratory Birds and Raptors

As discussed above, stands of coniferous trees within the proposed Project site, as well as scattered acacia trees and conifer snags, small shrubs, and vegetated ground, all present ample nesting substrate for a variety of bird species within the BSA. Conifer snags on site were observed to have cavities and therefore could potentially support cavity-nesting bird species.

Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that may otherwise be separated by rugged terrain, changes in vegetation, and/or areas of human disturbance or urban development. Topography and other natural factors, in combination with urbanization, can fragment or separate large open-space areas. The fragmentation of natural habitat creates isolated “islands” of habitat that may not provide sufficient area to accommodate sustainable populations and can adversely impact genetic and species diversity. Movement corridors mitigate the effects of this fragmentation by allowing animals to move between remaining habitats, which in turn allows depleted populations to be replenished and promotes genetic exchange between separate populations.

SR-1 creates an impassable obstacle to wildlife movement between the BSA and coastal areas to the west. Areas to the south and east of the BSA are developed. North of the BSA and Divarty Street are old Fort Ord abandoned military buildings and barracks. Because the surrounding area is developed and the BSA is surrounded by public streets, there are no wildlife movement corridors and the BSA is like a small island of undeveloped, but disturbed land.

Aquatic Resources

There are no records of USACE jurisdictional wetlands within the parcel. No signs of wetland hydrology were observed in the BSA. The sandy, well-draining soils within the BSA likely preclude the formation of wetlands in this area. No aquatic features were observed during reconnaissance surveys.

4.3.2 Regulatory Setting

The proposed Project site occurs within the former boundaries of Fort Ord (Parcel E15.1, FODIS 2022), as well as within the city limits of Seaside, California. For this review, Installation-Wide Multispecies HMP for Former Fort Ord (U.S. Army Corps of Engineers 1997) and the Specific Plan EIR (Denise Duffy & Associates, Inc. 2010) were reviewed. These documents address environmental effects of development within the vicinity of the proposed Project site being considered by the Judicial Council. The Draft HCP (ICF 2019) and Draft HCP EIS/EIR (Denise Duffy & Associates, Inc. 2020) were also reviewed; however, since the Draft HCP was never approved these documents were used for informational purposes only.

Federal Plans, Policies, Regulations, and Laws

Endangered Species Act, 16 U.S.C. Section 1531 *Et Seq*

Pursuant to the ESA (16 United States Code [U.S.C.] section 1531 *et seq.*), USFWS and National Marine Fisheries Service (NMFS) have regulatory authority over species listed or proposed for listing as endangered or threatened. In general, persons subject to ESA (including private parties) are prohibited from “taking” endangered or threatened fish and wildlife species on private property, and from “taking” endangered or threatened plants in areas under federal jurisdiction or in violation of State law.

Clean Water Act, 33 U.S.C. Section 1251 *Et Seq.*

Section 404 of the CWA requires a project applicant to obtain a permit from the USACE before engaging in any activity that involves any discharge of dredged or fill material placed in waters of the United States, including wetlands. Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a

certificate from the appropriate State agency stating that the intended dredging or filling activity is consistent with the State's water quality standards and criteria.

Migratory Bird Treaty Act, 16 U.S.C. Section 703, *Et Seq.*

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. section 703, *et seq.*), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it shall be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. This prohibition includes both direct and indirect acts, although harassment and habitat modification are not included unless they result in direct loss of birds, nests, or eggs. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR) section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

State Plans, Policies, Regulations, and Laws

California Endangered Species Act, California Fish and Game Code Section 2050, *Et Seq.*

The CESA directs State agencies not to approve projects that would jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of a species. Furthermore, CESA states that reasonable and prudent alternatives shall be developed by CDFW, together with the proposed Project proponent and any State lead agency, consistent with conserving the species, while at the same time maintaining the proposed Project purpose to the greatest extent possible. Under CESA, project-related impacts such as authorized take must be minimized and fully mitigated, and adequate funding to implement those mitigation measures and monitor compliance with, and the effectiveness of, the measures must be ensured. Standard CESA issuance requirements may include land acquisition, permanent protection and management, and/or funding in perpetuity of compensatory lands.

Protection of Bird Nests and Raptors, California Fish and Game Code Section 3503

Section 3503 and 3503.5 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Typical violations include destruction of active nests because of tree removal and failure of nesting attempts, resulting in loss of eggs and/or young.

Fully Protected Species, California Fish and Game Code Sections 3511, 4700, 5050, and 5515

Four sections of the California Fish and Game Code (Fish and Game Code sections 3511, 4700, 5050, and 5515) list 37 fully protected species. These statutes prohibit take or possession at any time of fully protected species. CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species. CDFW has informed non-federal agencies and private parties that they must avoid take of any fully protected species in carrying out projects.

Porter-Cologne Water Quality Control Act, California Water Code Section 13000, *Et Seq.*

The Porter-Cologne Act (California Water Code section 13000, *et seq.*) requires that each of the State's nine Regional Water Quality Control Boards (RWQCBs) prepare and periodically update basin plans for water quality control. Each basin plan sets forth water quality standards for surface water and groundwater and actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Basin plans offer an opportunity to protect wetlands through the establishment of water quality objectives. The RWQCB's jurisdiction includes federally protected waters, as well as areas that meet the definition of "waters of the State." Waters of the State is defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The RWQCB has the discretion to take jurisdiction over areas not federally regulated under Section 401 provided they meet the definition of waters of the State. Mitigation requiring no net loss of wetlands functions and values of waters of the State is typically required by the RWQCB.

Regional and Local Plans, Policies, Regulations, and Ordinances

Since the State of California, on behalf of the Judicial Council, would be the owner of the proposed Project site, local government plans, policies, regulations, and ordinances, would not apply to the Project. The City of Seaside tree removal ordinance is referenced for informational purposes only.

City of Seaside Municipal Code Tree Removal Ordinance

The City of Seaside has enacted regulations controlling the planting, removal, protection and preservation of trees. However, because the Judicial Council is not subject to local land use regulations, the City's Tree Removal Ordinance is not applicable to the proposed Project.

Fort Ord Installation-Wide Multispecies Habitat Management Plan

A HMP was required to be developed and implemented to reduce the incidental take of listed species and loss of habitat that supports these species from reuse of the former Fort Ord military base. These species include the federally listed Smith's blue butterfly, western snowy plover, California red-legged frog, California tiger salamander, sand gilia, Monterey spineflower, seaside Bird's-beak, Contra Costa goldfields, Monterey gilia, robust spineflower, and Yadon's piperia. The HMP was prepared to assess impacts on vegetation and wildlife resources and provide mitigation for their loss (U.S. Army Corps of Engineers 1997).

The HMP establishes guidelines for the conservation and management of species and habitats on former Fort Ord lands by identifying what type of activities can occur on each parcel. Parcels are designated as "development with no restrictions," "habitat reserves with management guidelines," or "habitat reserves with some development allowed." This plan has been approved by the USFWS. The HMP, deed restrictions, and Memorandum of Agreement between the Army and land recipients provide the legal mechanism to assure HMP implementation. It is a legally binding document, and all recipients of former Fort Ord lands, including the City of Seaside, are required to abide by its management requirements and procedures (Denise Duffy & Associates, Inc. 2008).

The HMP anticipates some losses to special-status species and sensitive habitats as a result of redevelopment of former Fort Ord. With the designated reserves and corridors, and habitat management requirements in place, the losses of individual species and sensitive habitats considered in the HMP are not expected to jeopardize the long-term viability of those species, their populations, or sensitive habitats on former Fort Ord. Recipients of disposed land with restrictions or management guidelines designated by the HMP will be obligated to implement those specific measures of the HMP through deed covenants (Denise Duffy & Associates, Inc. 2008).

The parcels included in the Specific Plan area, including the proposed Project site, are designated as "development" parcels in the HMP; impacts to HMP species and habitats occurring within these areas were anticipated and mitigated through establishment of habitat reserves/corridors and assignment of management requirements for other parcels within the former Fort Ord. As discussed in the Specific Plan, because the Projects at Main Gate would not result in additional impacts to HMP species and habitats beyond those anticipated in the HMP, no additional mitigation for these species are required for the parcels in the Specific Plan area. The HMP, however, does not provide specific authorization for incidental take of federal or State listed species protected under the ESA or CESA to future land recipients (Denise Duffy & Associates, Inc. 2008).

Draft Fort Ord Multi-species Habitat Conservation Plan and Habitat Conservation Plan Draft Environmental Impact Statement/Environmental Impact Report

The Draft Fort Ord Multi-species HCP (ICF 2019) and Draft HCP EIS/EIR (Denise Duffy & Associates, Inc. 2020) was initially prepared to provide strategies for protecting federally listed special-status plant and animal species that occur within the boundaries of historic Fort Ord, including the proposed Project site. The Draft Fort Ord Multi-species HCP plant species included sand gilia, Yadon's piperia, Monterey spineflower, and seaside bird's beak. The Draft Fort Ord Multi-species HCP wildlife species included Smith's blue butterfly, western snowy plover, California tiger salamander, and California red-legged frog.

The Draft Fort Ord Multi-species HCP would have provided the basis for the issuance of a base-wide ESA section 10(a)(1)(B) incidental take permit (ITP) by the USFWS. However, according to USFWS, the Fort Ord Reuse Authority (FORA) notified the USFWS that they would no longer pursue an ITP for activities covered in the HCP. Therefore, USFWS discontinued processing FORA's ITP application, which included their Draft HCP. The Fort Ord Multi-species Draft HCP was never adopted and FORA concluded that their legislative mission was complete and disbanded as of June 2020 (McConnell 2023). Therefore, this document is used in this EIR as a reference only.

Projects at Main Gate Specific Plan EIR

The proposed Project site is situated in the northeast corner of the Specific Plan area. The Specific Plan proposed the development of an open-air retail center, including development of a hotel and spa surrounded by surface parking within the proposed Project site. An EIR for the Specific Plan was certified by the City of Seaside and the Specific Plan was adopted in 2010 (Denise Duffy & Associates, Inc. 2010). Protection of Biological Resources is covered in Section 7.5 of the Specific Plan, which incorporates guidance from the HMP (USACE 1997).

4.3.3 Impact Analysis

Methodology

The biological resources analyses prepared for this EIR relied on published biological literature, data, maps, and a biological reconnaissance survey (see Appendix E). The information obtained from these sources was reviewed and summarized to present the existing conditions and to identify potential environmental impacts, based on the thresholds of significance presented in this section. Impacts associated with biological resources that could result from proposed Project implementation were evaluated below based on existing conditions; expected construction and operational practices; and the materials, locations, and duration of construction and operational activities.

As discussed above, the biological reconnaissance survey incorporated an approximately 49-acre parcel, defined as the BSA, and the impact analysis provided in this EIR section builds on the information collected for the previous report but focuses on the area that would be either temporarily or permanently impacted by proposed Project construction activities on the Project site.

Thresholds of Significance

The thresholds for determining the significance of impacts for this analysis are based on the environmental checklist in Appendix G of the CEQA Guidelines. The proposed Project would result in a significant impact related to biological resources if any of the following occur:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- conflict with the provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or State HCP.

Issues Not Evaluated Further In this EIR

Substantial adverse effect on any riparian habitat or sensitive natural community—The proposed Project would not result in a loss or modification of riparian habitat that would result in deteriorated water quality of any waterway because no riparian habitat is present within or adjacent to the proposed Project site. The proposed Project site lies outside of identified sensitive natural communities. For these reasons, there would be **no impact** and this issue is not addressed further in this EIR.

Interference with the movement of native resident or migratory fish; wildlife corridors or nursery sites—The proposed Project will not interfere with the movement of native resident or migratory fish,

wildlife corridors or nursery sites, as those biological resources are not present in areas that would be affected by proposed Project construction, either directly or indirectly. Therefore, there would be **no impact** and this issue is not addressed further in this EIR.

Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means—The proposed Project will not have any substantial adverse effects on State or federally protected wetlands. No State or federally protected wetlands are present within the proposed Project site or BSA. Therefore, there would be **no impact** and this issue is not addressed further in this EIR.

Environmental Impacts

Impact 4.3-1. Adverse Effects on Special-Status Species.

Special-Status Plants

Proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities could result in the loss of listed or rare plant species, such as Yadon's piperia and Monterey spineflower, and their habitat. Proposed Project activities have the potential to incur direct impacts to listed or rare plant species by uprooting individual plants, root damage from soil compaction and disturbance, and disturbing seed banks. Indirect impacts to special-status plants may result from construction-related runoff, sedimentation and erosion, introduction of invasive weeds that compete with special-status species, and fugitive dust that could reduce growth and vigor. These impacts could be **potentially significant**.

Mitigation Measure 4.3-1a: Conduct Worker Environmental Awareness Program and Environmental Monitoring

Prior to the initiation of any Project construction activities (e.g., prior to staging and ground-disturbing activities, such as vegetation and tree removal and grading), the Judicial Council and their contractor/s shall retain a qualified biologist to conduct a Worker Environmental Awareness Program (WEAP) training for the personnel carrying out the activities. A qualified biologist shall meet with the personnel at the site at the onset of the activities to educate the personnel on the following: 1) a review of the Project boundaries including staging areas and access routes; 2) the special-status-species that may be present, their habitat, and proper identification; 3) the specific best management practices, avoidance and minimization measures, and mitigation measures that will be incorporated into the construction effort; 4) the general provisions and protections afforded by the USFWS and the CDFW; and 5) the proper procedures if a special-status species is encountered within the Project site.

Staff working onsite for the initial staging and ground-disturbing activities (e.g., vegetation and tree removal and grading) shall attend the WEAP training prior to commencing onsite work. Staff that attend the training shall fill out a sign-in sheet indicating that they completed the training.

A qualified biologist shall conduct a biological survey sweep prior to the start of construction activities and be on-site during initial ground-disturbing and vegetation removal activities to protect any special-status species encountered. The qualified biologist shall identify and explain the protection methods during the WEAP. These methods could include, but are not limited to, stopping work in the area where a special-status wildlife species is encountered until it has moved on its own outside of the site or moving individuals outside of the site to adjacent appropriate habitat (see discussion below regarding special-status wildlife). Handling individuals may require additional coordination with CDFW and/or USFWS and the acquisitions of appropriate permits from CDFW and/or USFWS. Biologists shall be familiar with all special-status species that have the potential to occur within the BSA and be given stop work authority to halt any construction activity that may cause unnecessary impact to plants or animals.

Mitigation Measure 4.3-1b: Avoid Impacts to Special-Status Plant Species

Judicial Council and its contractor(s) shall implement the following measures prior to construction to avoid adverse effects on special-status plant species.

- Judicial Council shall retain a qualified biologist to conduct a focused special-status plant survey, following protocols described by CDFW in their Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018) and the CNPS Botanical Survey Guidelines (CNPS 2001) of the proposed Project site. Prior to surveying, at least one member of the survey team shall visit a nearby reference site (i.e., a known occurrence of listed or special-status plant species with potential to occur on the site) to familiarize themselves with the target species and to ensure that target species are identifiable and thus the survey would be timed correctly. The focused special-status plant survey shall cover the entire Project site, unless a portion has been identified as clearly unsuitable or will not be disturbed during project implementation. Surveys shall be conducted during the flowering period for listed or special-status plant species. The qualified biologist(s) shall walk parallel transects spaced 15 to 30 feet apart. If any occurrences of special-status plant species are found, their locations shall be clearly marked in the field with brightly colored pin flags and their location and extent shall be recorded using Global Positioning System. Occurrence data shall be collected on CNDDDB forms and the biologists shall take representative photographs of the population and general habitat.
- If any listed or special-status plants are identified within the Project site and may be adversely affected by construction activities, a Special-status Plant Mitigation Plan shall be developed in coordination with CDFW and/or USFWS, based on the listing status of the species. The Special-status Plant Mitigation Plan shall include avoidance measures that accurately quantifies impacts to special-status plants, and outlines methods, such as plant salvage, translocation to suitable habitat, or seed collection and planting. The Special-status Plant Mitigation Plan shall also include details on required monitoring and reporting to document the success of the species. The report shall be reviewed by the appropriate agencies, and comments received from these agencies shall be incorporated into the Special-status Plant Mitigation Plan. Once finalized, the Special-status Plant Mitigation Plan shall be implemented by the Project.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1b would reduce potentially significant impacts on special-status plants by requiring worker education and biological monitoring; and focused protocol-level surveys, and if found, preparation of a Special-status Plan Mitigation Plan that includes quantifying impacts and minimization measures, if necessary, in coordination with CDFW and/or USFWS as appropriate. Additionally, the HMP anticipates some losses to special-status species and sensitive habitats as a result of redevelopment of former Fort Ord. With the designated reserves and corridors, and habitat management requirements in place, the losses of individual species and sensitive habitats considered in the HMP are not expected to jeopardize the long-term viability of those species, their populations, or sensitive habitats on former Fort Ord. With implementation of the mitigation measures above, impacts would be **less than significant**.

Special-Status Wildlife

Nesting Raptors and Nesting Birds Protected under MBTA and California Fish and Game Code

Proposed Project activities, including tree removal, grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable nesting habitat for special-status bird species (i.e., white-tailed kite and short eared owl) and common bird species protected under California Fish and Game Code and the MBTA. Construction activities could have direct or indirect impacts on nesting migratory birds. Direct impacts could occur through removal of vegetation, trees, or ground disturbance, and through noise and other disturbances during construction activities. Construction activities could potentially result in nest abandonment by the adults and mortality of chicks and eggs. Loss of active nests of common bird species (those not meeting the definition of special-status, as

provided above) would not be a significant impact under the CEQA because it would not result in a substantial impact on local or regional populations; however, destruction of active bird nests is a violation of the MBTA and Section 3503 of the California Fish and Game Code. The proposed Project could also result in the loss of foraging habitat for special-status bird species (i.e., Ferruginous hawk, white-tailed kite, peregrine falcon, burrowing owl, short eared owl, and tricolored blackbird). For these reasons, impacts to nesting birds would be considered **potentially significant**.

Mitigation Measure 4.3-1c: Avoid Impacts on Special-Status and Common Nesting Migratory Birds

Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to special-status nesting birds and common nesting birds.

- To the extent feasible, construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) anticipated to have potential effects on special-status nesting birds and/or common nesting birds shall be scheduled to occur outside of the nesting season. The nesting season for Ferruginous hawk is mid-April to mid-May and the nesting season for common nesting birds (e.g., raptors, passerines) is February 1 to September 15. If construction activities are completed outside of these nesting seasons, no additional measures are required to avoid adverse effects on nesting birds.
- When construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) must occur during the nesting season, pre-construction nesting bird surveys shall be performed by a qualified biologist within those areas where construction is anticipated to have potential effects on special-status and/or common nesting birds. Additionally, surveys shall be extended to include a 500-foot buffer (or larger, as determined by CDFW established survey protocol) surrounding these areas. Pre-construction nesting bird surveys shall include surveys for short-eared owls and white-tailed kites and other nesting birds (e.g., raptor and passerine nest surveys). The qualified biologist shall complete preconstruction surveys no more than 7 days prior of the start of construction activities. Preconstruction surveys shall be repeated if construction activities lapse for more than 7 days. If no nesting birds are detected during preconstruction surveys, no additional measures are required.
- If nesting birds are detected, a qualified biologist shall establish suitable avoidance buffers from the active nest within and/or adjacent to construction areas. The buffer distance shall typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Avoidance buffers shall be marked on plans and specifications and in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers.
- Construction activities shall not occur within the avoidance buffer unless the qualified biologist determines that such construction activities would not adversely affect nesting activities. If it is determined that construction activities that have potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist shall be empowered to stop construction activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on nesting birds (e.g., nest abandonment). Avoidance buffers shall be maintained until there is no longer a threat of disturbance to the nesting bird (e.g., young have fledged, individuals have moved out of the area), as determined by a qualified biologist.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1c would reduce potentially significant impacts on special-status and common nesting birds by requiring worker education; tree and vegetation removal

outside of the nesting season, if possible; preconstruction nesting bird surveys if tree and vegetation removal has to occur during the nesting season; implementation of avoidance buffers for active bird nests; and biological monitoring. With implementation of these mitigation measures, impacts would be **less than significant**.

Burrowing Owls

Proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable foraging and overwintering habitat for burrowing owls. Construction activities could have direct or indirect impacts on burrowing owls. Direct impacts could occur through removal of vegetation, or ground disturbance and destruction of burrows, and through noise and other disturbances during construction activities. If nesting burrowing owls are present within or adjacent to the project site, construction activities could potentially result in nest abandonment by the adults and mortality of chicks and eggs. Destruction of active bird nests is a violation of the MBTA and Section 3503 of the California Fish and Game Code. The proposed Project could also result in the loss of foraging habitat for burrowing owl. For these reasons, impacts to burrowing owl would be considered **potentially significant**.

Mitigation Measure 4.3-1d: Avoid Impacts on Burrowing Owls

Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to burrowing owls.

- Within suitable habitat for burrowing owl, a qualified biologist shall conduct pre-construction surveys for burrowing owls in conformance with CDFW protocols, and no more than 30 days prior to the initiation of any ground-disturbing activities (including vegetation removal). If no burrowing owls are located during these surveys, no further mitigation is required. However, if breeding or resident owls are located on or immediately adjacent to the area potentially affected by the activity, the following mitigation measures shall be implemented.
- A 250-foot buffer, within which no new activity is permissible, shall be maintained between ground-disturbing activities and nesting burrowing owls. The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation and approval of eviction plans from the CDFW authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1d would reduce potentially significant impacts on burrowing owls by requiring worker education; pre-construction surveys for burrowing owls, and if found, implementation of avoidance buffers during the nesting season; and eviction outside the nesting season in coordination with CDFW, as required. With implementation of these mitigation measures, impacts would be **less than significant**.

Hoary Bat

Proposed Project activities could result in the loss of habitat for Hoary bats due to the removal of mature Monterey cypress and other trees that could provide wintering roosting habitat (November through February). Loss of habitat would not be considered significant as this species is found throughout the State and is considered at a fairly low risk of extirpation in the State due to an extensive range and/or many populations or occurrences. However, if removal of Monterey cypress trees and other mature trees was conducted during the wintering period for Hoary bat when they are in hibernation and a large population of individuals was using those trees for hibernation, proposed Project activities could result in the direct mortality of a large population of Hoary bats, which would be **potentially significant**.

Mitigation Measure 4.3-1e: Avoid Impacts to Special-Status Bat Species

Judicial Council and its contractor(s) shall schedule the removal of mature trees that are determined to be suitable roosting habitat for special-status bat species (e.g., Monterey cypress and other trees) to occur prior to ground-disturbing activities and during the non-wintering hibernation period for special-status bats (March 1 – October 31).

Significance after Mitigation. Implementation of Mitigation Measure 4.3-1a and 4.3-1e, would reduce potentially significant impacts on special-status bats by requiring worker education and timing tree removal to be outside of the wintering hibernation period. With implementation of these mitigation measures, impacts would be **less than significant**.

Smith's Blue Butterfly

Although no host plants for Smith's blue butterfly have been documented within the Project site; if present, proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable habitat for Smith's blue butterfly, which is dependent on a host buckwheat plants. Direct impacts could occur through removal of buckwheat plants and direct mortality to the various life stages of the butterfly if they were on the host plant. This impact would be **potentially significant**.

Mitigation Measure 4.3-1f: Avoid Impacts to Smith's Blue Butterfly

Judicial Council and its contractor(s) shall implement the following measures prior to construction activities to avoid adverse effects on Smith's blue butterfly.

- Pre-construction surveys shall be required at the Project site prior to any equipment/material staging and/or ground disturbance. The Designated Biologist shall survey the entire Project site, recording the location and extent of any buckwheat plants. The pre-construction surveys shall be conducted no more than 30 days prior to Project commencement.
- If no buckwheat plants are observed at the Project site, no further mitigation is required.
- If any buckwheat plants are observed, a presence/absence survey for Smith's blue butterfly shall be conducted. If any Smith's blue butterfly life stages are observed, salvage of these plants shall be required and shall be implemented in close coordination with USFWS. If no live stages are observed during the focused survey, the results shall be documented in a short memorandum to be submitted to the USFWS, buckwheat plants shall be removed, and no further mitigation is required.

Significance after Mitigation

Implementation of Mitigation Measure 4.3-1a and 4.3-1f, would reduce potentially significant impacts on Smith's blue butterfly by requiring worker education; pre-construction surveys, and if found, salvage of plants in coordination with USFWS. With implementation of these mitigation measures, impacts would be **less than significant**.

Obscure Bumble Bee

Suitable habitat (e.g., shrubby habitat, burrows, and available food) was identified within the proposed Project site for obscure bumble bee. However, loss of habitat for this species and/or direct impacts would not be considered a significant impact because the proposed Project would not threaten the existence of the population. Therefore, impacts to the obscure bumble bee would be **less than significant** and no mitigation is required.

Monarch Butterfly

Suitable over wintering sites for monarch butterfly are available in the form of Monterey cypress stands within the proposed Project site; the wintering season for monarch butterflies in the Monterey Bay area is November through February. However, no historic occurrences of monarch butterfly within the BSA have been recorded. Loss of habitat would not be considered a significant impact because the Monterey Bay

area has an abundance of Monterey cypress stands that provide known over wintering habitat for monarch butterfly, such as Natural Bridges State Beach, Pacific Grove, and Point Lobos State Natural Reserve. This impact would be further reduced with implementation of Mitigation Measures 4.3-1a (Conduct Worker Environmental Awareness Program and Environmental Monitoring) and 4.3-1f (Avoid Impacts to Special-status Bat Species), which requires a biological monitor to survey the proposed Project site for any special-status species prior to and during initial construction, and requires tree removal to occur outside the over wintering season (November through February) for monarch butterflies and would not directly impact monarch butterflies. Therefore, impacts to monarch butterfly would be **less than significant** and no mitigation is required.

Impact 4.3-2. Conflict with local policies or ordinances protecting biological resources.

As discussed above under Section 4.3.2, under, “Regional and Local Plans, Policies, Regulations and Ordinances,” the City of Seaside Municipal Code Tree Removal Ordinance would not apply to the proposed Project because the Judicial Council is not subject to local land use laws.

The Judicial Council has conducted an arborist survey, which is included in Appendix C, *Tree Resource Assessment Forest Management Plan* (Ono Consulting 2023). Onsite trees were evaluated for forest resources, including an assessment of health, structure, and preservation suitability for trees (six inches in diameter or greater measured at 4.5 feet above grade) within or adjacent to the proposed Project. Approximately 154 trees were located and inspected to consider treatments necessary for implementation of the proposed Project. Trees were divided into size classes indicative of young (6-12”), medium (13-23”), and mature (24” or larger). There are 11 dead trees, 3 very poor condition trees, and the remaining 140 trees are in fair condition. Based on the arborist survey and conceptual site plan, it is anticipated that the removal of as many as 114 trees may be required for the proposed Project; however, the Project intends to utilize the *Tree Resource Assessment Forest Management Plan* to inform the final design and reduce the number of trees required for removal to the greatest extent possible. Trees suggested for removal consist of the following: 1 coast live oak, 64 Monterey cypress, 47 Monterey pine (of which 11 are dead and 3 are in poor condition), and 2 Torrey pine.

As discussed above, both the Monterey cypress and Monterey pine are not considered special-status species at this location because they were planted at the proposed Project site and are miles outside of their native range on the Monterey Peninsula.

Mitigation has been incorporated into the Aesthetics section (Mitigation Measure 4.1-1) of this document related to tree removal and replanting, best management practices, tree protection standards, and tree pruning guidelines. This mitigation requires implementation of recommendations included as part of the *Tree Resource Assessment Forest Management Plan* (refer to Section 4.1, “Aesthetics.”)

The removal of trees, as described above, would not be considered a significant impact to biological resources as these species are widely found in the region. Therefore, impacts would be considered **less than significant**.

Impact 4.3-3. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

There are no adopted HCPs, Natural Community Conservation Plans, or other approved local, or State habitat conservation plans in the proposed Project area. As described above under Section 4.3.2 under, “Regional and Local Plans, Policies, Regulations and Ordinances,” the Draft Fort Ord Multi-species HCP was never adopted. While the USFWS published in the Federal Register a notice of availability for the Draft Fort Ord Multi-species HCP and Draft HCP EIS/EIR in late 2019, opening a 45-day public comment period; after the comment period ended, the FORA notified the USFWS that they would no longer pursue an ITP for activities covered in the Draft HCP. Therefore, the USFWS discontinued processing FORA’s ITP application, which included their Draft HCP. FORA, which represented the applicants, concluded that their legislative mission was complete and disbanded as of June 2020 (McConnell 2023).

Additionally, the proposed Project site is designated as “development” parcels in the HMP; therefore, impacts to HMP species and habitats occurring within these areas were anticipated and mitigated through establishment of habitat reserves/corridors and assignment of management requirements for other parcels on former Fort Ord. Because the proposed Project (which is located within the Specific Plan) would not result in additional impacts to HMP species and habitats beyond those anticipated in the HMP, no additional mitigation for these species are required; and the proposed Project would not conflict with the HMP. Therefore, there is no conflict with an adopted HCP, Natural Community Conservation Plan, or other approved plan and there would be **no impact**.

4.4 Cultural Resources

The analysis in this section considers impacts to historical resources, archaeological resources, and human remains, as defined in Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines, associated with the implementation of the Project. Impacts to Tribal Cultural Resources are addressed in Section 4.10.

4.4.1 Existing Conditions

The following information has been extracted from the *New Fort Ord Cultural Resources Survey Report* prepared for the Judicial Council by AECOM in 2022 (see Appendix F).

Prehistory

Human settlement of the Monterey Bay/Central Coast region probably began sometime during the early Holocene. Ten thousand years ago, the elevation of the mean sea level was lower; the coastline at that time was situated over 30 miles west of the present coastline. Sea levels rose, and by 8,000 years ago marine waters began to inundate previously dry locations. Except for brief periods, the mean sea level has been at or above its present level since around 6,000 years before present (B.P.). Radiocarbon dates from several sites within the areas surrounding and between the San Francisco and Monterey Bays range between circa 5000 and 2000 B.P. The data from these sites indicate that extensive but sparse populations of hunter-gatherers occupied these areas before 2000 B.P. The sites from this period are located in the interior hills and valleys and on the bay and ocean shores. These sites are characterized by earth and/or sand midden deposits. Faunal materials indicate that shellfish were an important, but not dominant source of food during this period. Hunting and vegetal food processing were of greater importance. Millingstones and large projectile points are characteristic artifacts.

Sometime between the years 4500 - 4000 B.P., Utian-speaking peoples initially occupied what is now eastern Contra Costa County and then expanded westward to the San Francisco Bay. These peoples are characterized as part of the Berkeley Pattern by Fredrickson. Moratto states that these peoples were ancestral Costanoans. Today, some of these tribes refer to themselves as Ohlone. Between the years 4000 and 3000 B.P., bayshore- and marsh-adapted peoples began to settle in the bay area at sites such as CCo-308. By circa 3500 B.P., Utian people had settled the area around the south end of San Francisco Bay, from which they expanded southward to Monterey Bay. By circa 2500 B.P., the Ohlone occupied essentially the same territory that they would live in until they were displaced by Euro-Americans and forcibly removed to missions.

Regional History

As a result of the Juan Rodriguez Cabrillo-led Spanish expedition of 1542-1543, the southbound passage of the Manila Galleon along the coast after 1565, and subsequent voyages of exploration by Cermeño in 1597 and Vizcaino in 1602, the California coastline was familiar to European navigators by the end of the sixteenth century. Conversely, the interior of the central coast region remained unknown until the eighteenth century. Initial European exploration of the region was initiated in 1769 and lasted until 1810. During this period, a number of Spanish expeditions penetrated the territory occupied by the Ohlone peoples. Between 1769 and 1776, forays led by Portola, Ortega, Fages, Fages and Crespi, Anza (two expeditions), Rivera, and Moraga were carried out.

Spanish annexation and colonization of Alta California produced profound changes in the activities of the Indigenous population. The missions resettled and concentrated the Indigenous population into agricultural communities. As a consequence of the concentration of population, treatment, over work, and lack of sanitation and adequate food and housing, coupled with the Indigenous population's lack of immunity to European diseases, the mission tribes were decimated by common diseases, which were generally not fatal to Europeans. It has been estimated that due to the treatment of the Indigenous people, the Ohlone population declined from 10,000 or more in 1770 to less than 2,000 by 1832.

Jurisdiction over Alta California was established by the Mexican Empire in April of 1822. During the Mexican Period (1822-1848), control over this remote area by the central and local Mexican authorities was never strong. The Mexican Period was one of a slow disintegration of control by the Mexican government. In 1833, the mission lands were secularized and expropriated. The former mission lands were given out as private ranches during the ensuing years in the form of land grants.

A major factor leading to the disintegration of Mexican control of California was pressure from the United States. Initial contacts were made by private citizens, such as the November 1826 visit by Jedediah Smith to the San Gabriel Mission. California became part of the United States as a consequence of the Mexican War of 1846-1847. Settlement by United States citizens greatly increased after discovery of gold in 1848. The territory was formally ceded in the treaty of Guadalupe Hidalgo in 1848 and was admitted as a state in 1850.

A cavalry post was established in the location of Fort Ord in 1917, becoming Camp Ord in 1933. The namesake, General Edward Otho Cresap Ord, was a lieutenant of the 3rd Artillery in Monterey in 1857 and served as a general in the Civil War. The name of the base was changed to Fort Ord in 1940. During World War II, the base was the headquarters of the Seventh Infantry Division of the United States Army and was developed as a major training center for inductees. By the late twentieth century, the military presence in California was reduced, and the base was closed in 1993.

Cultural Resources Investigation

A records search was conducted on January 26, 2022, at the California Historical Resources Information System's Northwest Information Center (NWIC) in Rohnert Park, California to identify updates to previously completed cultural resources reports or studies within a 0.25-mile radius of the project site. One resource was identified as potentially within the project site but is a poorly documented prehistoric village site with a location noted only as somewhere within the 28,000-acre Fort Ord Military Reservation. The site was recorded in 1950 as having been destroyed by bulldozing around 1940. A review of *The Projects at Main Gate Specific Plan* Draft Environmental Impact Report (DEIR) (2008) confirms that no cultural resources were known to be present within the current project site. Additionally, the DEIR reports that a 1996 Inventory Survey of Historic-Period Sites at Fort Ord identified 36 structures that were potentially eligible for inclusion in the National Register of Historic Places (NRHP), none of which are within the current project site (City of Seaside 2008).

On January 31, 2022, AECOM archaeologist Karen Gardner conducted a site visit of the project site to identify any changes to the condition of the project site since the DEIR (City of Seaside 2008). A pedestrian survey was conducted, focusing on areas of ground disturbance. A concrete pad measuring 12 square feet, located approximately 100 feet south of Divarty Street, was observed at the project site. Based on background research and field survey conducted for this project, the location has not changed significantly since the DEIR was prepared in 2008. No potentially significant cultural resources (archaeological or historic-age built environment) were observed during the field inspection. Based on the results of the records search, no archaeological resources or historical resources have been identified within the project site (see Appendix F).

Tribal and archaeological monitoring of geotechnical boring was conducted on September 19 through 21, 2022. Lydia Bojorquez, Vice-Chairperson of the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria (KaKoon) and AECOM Archaeologist Karen Gardner observed the excavation of eight bores in the Project area. Archaeological and tribal monitoring included observation of the spoils kicked up by the drill rig and examination of a portion of each core section. Soil type, grain size, Munsell color, and inclusions were noted. Soil samples were each passed through a screen with 0.25-inch mesh into a bucket, which was later emptied into the bore hole when drilling was complete. In general, all the observed bores contained sand or silty sand, with organic materials and a few pebbles up to 6 feet below surface and clean sand below. No artifacts were observed in any of the bores (see Appendix F).

4.4.2 Regulatory Setting

Cultural resources in California are protected by a number of regulations. The following provides a brief outline of the regulations, policies, and ordinances that are applicable to the proposed project.

Federal Plans, Policies, Regulations, and Laws

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) deals with preservation of historic properties. One of the most important provisions of the NHPA is the establishment of the National Register of Historic Places (NRHP or Register), the official federal designation of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering, and/or culture. The NRHP is administered by the National Park Service. To be eligible for the NRHP, a property must be significant under the criteria enumerated in the statute, which include, among other things, having an association with historical events or significant historical persons, embodying certain design characteristics, or being likely to yield important historical information (see 36 Code of Federal Regulations [CFR] Section 60.4).

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in planning for federal or federally-assisted projects (see 46 United States Code [U.S.C.] Section 470f [Section 106 of the NHPA]), eligibility for federal tax benefits, and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation.

National Register of Historic Places

Historic properties are those significant cultural resources that are listed in or are eligible for listing in the NRHP per the criteria listed below (36 CFR 60.4):

The quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

- a. Are associated with events that have made a significant contribution to the broad patterns of our history;
- b. Are associated with the lives of persons significant in our past;
- c. Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- d. Have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, cemeteries, birthplaces, or graves of historic figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; and properties that are primarily commemorative in nature are not considered eligible for the NRHP, unless they satisfy certain conditions. In general, a resource must be 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

State Plans, Policies, Regulations, and Laws

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC § 21084.1; determining significant impacts to historical and archaeological resources is described in the CEQA Guidelines, § 15064.5[a] and [b]). Per the CEQA Guidelines, section 15064.5(a), historical resources include the following:

- (1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (CRHR) (PRC § 5024.1).
- (2) A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC § 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if it meets the following criteria for listing in the CRHR (Cal. Pub. Resources Code § 5024.1):
 - a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - b. Is associated with the lives of persons important in our past;
 - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d. Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Cal. Pub. Resources Code § 5020.1(k)), or identified in a historical resources survey (meeting the criteria in Cal. Pub. Resources Code § 5024.1(g)) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Cal. Pub. Resources Code §§ 5020.1(j) or 5024.1.

Non-Unique Archaeological Resources

Under CEQA, archaeological resources are presumed non-unique unless they meet the definition of "unique archaeological resources" (Cal. Pub. Resources Code § 21083.2[g]). Under CEQA, an impact on a non-unique archaeological resource is not considered a significant environmental impact.

Unique Archaeological Resources

Archaeological resources can sometimes qualify as "unique archaeological resources" that are not "historical resources." (CEQA Guidelines, Section 15064.5(c)(3)). PRC, Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b], and [c]).

California Register of Historical Resources

The CRHR is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR helps government agencies identify, evaluate, and protect California's historical resources, and indicates which properties are to be protected from substantial adverse change (Pub. Resources Code, Section 5024.1(a)). The CRHR is administered through the California Office of Historic Preservation (OHP) that is part of the California State Parks system. A cultural resource is evaluated under four CRHR criteria to determine its historical significance. A resource must be significant at the local, state, or national level in accordance with one or more of the following criteria set forth in the CEQA Guidelines Section 15064.5(a)(3) and PRC section 5024.1:

1. It is associated with events that have made a significant contribution to the broad pattern of California's history and cultural heritage;
2. It is associated with the lives of persons important in our past;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. It has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time must have passed to allow a "scholarly perspective on the events or individuals associated with the resource." Fifty years is used as a general estimate of the time needed to understand the historical importance of a resource according to State Historic Preservation Office (SHPO) publications. All buildings constructed over 50 years ago and that possess architectural or historical significance may potentially be considered potential historical resources if they meet the criteria above. Most resources must meet the 50-year threshold for historic significance; however, resources less than 50 years in age may be eligible for listing on the CRHR if it can be demonstrated that sufficient time has passed to understand their historical importance. The CRHR also requires a resource to possess integrity, which is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

Codes Governing Human Remains

The disposition of human remains is governed by Health and Safety Code Section 7050.5 and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission (NAHC). If human remains are discovered, the County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to PRC Section 5097.98, will immediately notify the person it believes to be most likely descended, known as the Most Likely Descendant, from the deceased Native American person so they can inspect the burial site and make recommendations for appropriate treatment or disposition.

Regional and Local Plans, Policies, Regulations, and Ordinances

Because the Judicial Council is the lead agency and is acting for the state, local government land use planning and zoning regulations would not apply to the proposed Project. However, the Judicial Council has considered local policies and guidelines in the preparation of this Environmental Impact Report (EIR).

Projects at Main Gate Specific Plan

The Project site is situated in the northeast corner of the Projects at Main Gate Specific Plan (Specific Plan) area. The Specific Plan proposed the development of an open-air retail center and a hotel/spa/conference facility surrounded by surface parking within the 57-acre Specific Plan area. An EIR for the Specific Plan was certified by the City of Seaside and the Specific Plan was adopted in 2010 (Denise Duffy & Associates, Inc. 2010). Section 7.10 of the Specific Plan identifies the project site as having a low potential for archaeological resources. No policies regarding historical resources are included in the Specific Plan.

4.4.3 Impact Analysis

Methodology

A records search, government to government consultation with California Native American Tribes, the KaKoon and Rumsen Am:a Tur:ataj Ohlone (Rumsen), fieldwork, and archival research were conducted to establish if cultural resources may be present within the Project area and if so, if they would be impacted by Project development and implementation. The impact analysis for cultural resources is based on the findings in the *New Fort Ord Courthouse Cultural Resources Survey Report: City of Seaside Parcel* prepared for the Judicial Council by AECOM (see Appendix F). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources and human remains. This section includes the thresholds of significance used in evaluating the impacts, the methods used in conducting the analysis, and the evaluation of project impacts. In the event significant impacts are identified, appropriate mitigation measures are provided. As a separate category of resources under CEQA, tribal cultural resources and consultation with California Native American Tribes is discussed in Section 4.10 on tribal cultural resources.

Thresholds of Significance

Impacts to archaeological and historical resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed on, or eligible for listing on, the CRHR are considered a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (CEQA Guidelines Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR (CEQA Guidelines Section 15064.5[b][2][A]).

The significance criteria used to evaluate a project's impacts to cultural resources under CEQA are based on Appendix G of the CEQA Guidelines, commonly known as the Initial Study Checklist. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural resources would occur if the project would:

- cause a substantial adverse change in the significance of a historical resource as defined in PRC Section 15064.5;
- cause a substantial adverse change in the significance of an archeological resource pursuant to PRC Section 15064.5; or
- disturb any human remains, including those interred outside of dedicated cemeteries.

Environmental Impacts

Impact 4.4-1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

No known historical resources have been documented on the project site through background research or field surveys. Therefore, project development would not result in a substantial adverse change in the significance of a historical resource. The project would have **no impact** on any known historical resources.

Impact 4.4-2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

No known archaeological resources have been documented in the project site through background research or through field surveys. Construction of the project could, however, potentially uncover buried archaeological resources during ground-disturbing activities. This represents a **potentially significant** impact.

Mitigation Measure 4.4-2: Inadvertent Discovery Protocols.

- A. Prior to the start of ground disturbing activities, the Judicial Council shall retain a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards for archaeology to implement archaeological awareness training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried cultural resources, the appearance and types of resources likely to be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work, and shall be documented in training records.
- B. In the event that precontact or historic-age resources (or suspected resources) are encountered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council's Project Manager shall be notified, and a qualified archaeologist shall be retained by the Judicial Council to examine the find. Project personnel shall not collect or move any historic material. The archaeologist shall evaluate the find(s) within 48 hours to determine if it meets the definition of a historical or unique archaeological resource and follow the procedures outlined below:
- i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation.
 - ii. If the find(s) does meet the definition of a historical resource or unique archaeological resource, then it shall be avoided by Project activities and preserved in place. If avoidance is not feasible, as determined by the Judicial Council, the qualified archaeologist shall make appropriate recommendations regarding the treatment and disposition of such find(s), and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist prior to resuming construction activities within the 50-foot radius.
 - iii. If the find(s) does meet the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with Mitigation Measures 4.10-1B and 4.10-1C.
- C. Recommendations for treatment and disposition of find(s) could include, but are not limited to, archaeological monitoring, collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to NWIC.
- i. In the event that archaeological resource(s) are discovered during Project implementation, an archaeological monitor shall be retained to monitor all ground-disturbing activities in the vicinity (e.g., within 50 feet) of the find.

Archaeological monitors have the authority, upon the finding of a potential resource, to request that work be slowed, diverted, or stopped if archaeological resources are identified within the direct impact area.

If the resource is determined by an archaeologist to be a historical or unique archaeological resource, the archaeologist shall prepare a treatment plan, that includes measures to avoid or reduce impacts to the resource. The treatment plan measures may include, but not be limited to, avoidance and preservation in place (the preferred method if feasible), capping, incorporation of the site within a park or other open space, or data recovery. If the resource is also a tribal cultural resource, then Tribal Representatives from the Kagoon and/or Rumsen shall make appropriate recommendations regarding the treatment and disposition of such find(s) in accordance with Mitigation Measure 4.10-1B.ii and these recommendations shall be incorporated into the treatment plan.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

D. All fill soils imported and used for this Project must be clean, engineered fill.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-2 would reduce potentially significant impacts to archaeological resources because mitigation would be developed in coordination with the appropriate federal, state, and local agency(ies), to avoid, preserve in place, move, record, or otherwise treat discovered archeological resources appropriately, in accordance with applicable laws and regulations. Implementation of this Mitigation Measure would not result in any new environmental impacts beyond those identified in this EIR. By providing an opportunity to avoid disturbance, disruption, or destruction of resources, this impact would be reduced to a **less-than-significant** level.

Impact 4.4-3. Disturb any human remains, including those interred outside of dedicated cemeteries.

There has been no indication or evidence that the area has been used for human burials in the recent or distant past. Therefore, human remains are unlikely to be encountered. Project implementation would involve tree and vegetation removal, grading, trenching, undergrounding of utilities, and potentially other earthmoving activities. Human remains are unlikely to be encountered; however, in the unlikely event that human remains are discovered during ground-disturbing activities, they could be inadvertently damaged. This impact would be **potentially significant**.

Mitigation Measure 4.4-3: Stop Work If Human Remains Are Uncovered.

If human remains are found during Project implementation, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American they shall be treated in accordance with Mitigation Measure 4.10-2.

Significance After Mitigation

Compliance with California Health and Safety Code and California PRC would reduce potential impacts on previously undiscovered human remains. Implementing this mitigation measure ensures that any potential human remains encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations and this impact would be reduced to a **less-than-significant** level.

4.5 Greenhouse Gas

This section includes a summary of the existing science related to greenhouse gases (GHGs), an overview of State and local GHG emissions inventories; an overview of the existing GHG regulatory context; a summary of the methods used to estimate GHG emissions attributable to the proposed Project; and an analysis of potential GHG emissions impacts of the proposed Project. The proposed Project will not, by itself, result in climate change; however, cumulative emissions from many projects contribute to global GHG concentrations and the climate system. This section considers the proposed Project's cumulative contribution to the significant cumulative impact of climate change.

4.5.1 Existing Conditions

Principal Greenhouse Gases and Sources

GHGs are present in the atmosphere naturally, are released by natural and anthropogenic (human-caused) sources and are formed from secondary reactions taking place in the atmosphere. Natural sources of GHGs include the respiration of humans, animals, and plants; decomposition of organic matter; volcanic activity; and evaporation from the oceans. Anthropogenic sources include the combustion of fossil fuels by stationary and mobile sources, waste treatment, and agricultural processes. The following are the principal GHG pollutants that contribute to climate change and their primary emission sources:

- Carbon Dioxide (CO₂): Natural sources of CO₂ include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; and evaporation from oceans. Anthropogenic (human) sources include burning of coal, oil, natural gas, and wood.
- Methane (CH₄): CH₄ is emitted during the production and transport of coal, natural gas, and oil. CH₄ emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills. Methane is four times as potent of a GHG as CO₂.
- Nitrous Oxide (N₂O): N₂O is produced by both natural and human-related sources. Primary human-related sources of N₂O are agricultural soil management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. N₂O is also produced naturally from a wide variety of biological sources in soil and water, particularly microbial action in wet tropical forests.
- Fluorinated gases: These gases are typically emitted in smaller quantities, but because they are potent GHGs, they are sometimes called High Global Warming Potential (High GWP) gases. These High GWP gases include:
 - Chlorofluorocarbons (CFCs): These GHGs are used for refrigeration, air conditioning, packaging, insulation, solvents, or aerosol propellants.
 - Perfluorinated Chemicals (PFCs): PFCs are emitted as by-products of industrial processes and are also used in manufacturing.
 - Sulfur hexafluoride (SF₆): This is a strong GHG used primarily as an insulator in electrical transmission and distribution systems.
 - Hydrochlorofluorocarbons (HCFCs): These have been introduced as temporary replacements for CFCs and are also GHGs.
 - Hydrofluorocarbons (HFCs): These were introduced as alternatives to ozone-depleting substances in serving many industrial, commercial, and personal needs. HFCs are GHGs emitted as by-products of industrial processes and are also used in manufacturing.

GHGs are not monitored at local air pollution monitoring stations and do not represent a direct impact to human health. Rather, GHGs generated locally contribute to global concentrations of GHGs, which result in changes to the climate and environment.

Overview of Greenhouse Gases and Climate Change

GHGs in the earth's atmosphere play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of the radiation is reflected back toward space through the atmosphere. However, infrared radiation is selectively absorbed by GHGs in the atmosphere. As a result, infrared radiation released from the earth that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the "greenhouse effect," is responsible for maintaining a habitable climate on Earth. Anthropogenic (e.g., human caused) emissions of GHGs lead to atmospheric levels in excess of natural ambient concentrations and have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change.

The Intergovernmental Panel on Climate Change (IPCC) concluded that variations in natural phenomena, such as solar radiation and volcanoes, produced most of the warming of the earth from pre-industrial times to 1950. Some variations in natural phenomena also had a small cooling effect. Since 1850, global surface temperature has increased by approximately 1.09 degrees Celsius (°C) (IPCC 2021); the likely total human-caused global surface temperature increase is 1.07°C, with each of the last four decades having been successively warmer than the decade that preceded it (IPCC 2021). From 1950 to the present, increasing GHG concentrations resulting from human activity, such as fossil fuel burning and deforestation, have been responsible for most of the observed temperature increase (IPCC 2021).

A direct correlation between these global warming trends since pre-industrial times and many other changes that have occurred in other natural systems. Sea levels have risen; precipitation patterns throughout the world have shifted, with some areas becoming wetter and others drier; snowlines have increased elevation, resulting in changes to the snowpack, runoff, and water storage; and numerous other conditions have been observed. There is a high level of confidence in the scientific community that these changes are a direct result of increased global temperatures caused by the increased concentration of GHGs in the atmosphere (IPCC 2021).

Human-induced climate change is already affecting many weather and climate extremes in every region across the globe; this is further detailed below under the "Potential Effects of Climate Change." Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has been established through multiple studies and working groups, as documented in the most recent IPCC Sixth Assessment Report (2021). With every additional increment of global warming, changes in extremes continue to become larger. For example, every additional 0.5°C of global warming causes clearly discernible increases in the intensity and frequency of hot extremes, including heatwaves (very likely), and heavy precipitation (high confidence), as well as agricultural and ecological droughts in some regions (high confidence). There will be an increasing occurrence of some extreme events unprecedented in the observational record with additional global warming, even at 1.5°C of global warming.

While increased GHG concentrations in the atmosphere from past and current emissions sources are already driving climate change, the effects of which are being experienced globally and at the regional scale, there is evidence that curtailing future GHG emissions can influence the future of the climate. Based on climate models and projections assessed in the IPCC Sixth Assessment Report, global surface temperature will continue to increase until at least mid-century under all emissions scenarios considered; global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in GHG emissions occur in the coming decades.

Limiting human-induced global warming to a specific level requires limiting cumulative CO₂ emissions, reaching at least net zero CO₂ emissions, along with strong reductions in other GHG emissions. Strong, rapid and sustained reductions in CH₄ emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality. The IPCC Special Report on Global Warming of 1.5°C, incorporated into the IPCC Sixth Assessment Report (2021), highlights the climate change impacts that could be limited or avoided by limiting global warming to 1.5°C compared to 2°C or more and

examines pathways available to achieve that limit.¹ The IPCC Special Report on Global Warming of 1.5°C finds that limiting global warming to 1.5°C would require extensive transitions in land, energy, industry, buildings, transport, and cities; global net human-caused emissions of CO₂ would need to fall by about 45 percent from 2010 levels by 2030, reaching ‘net zero’ around 2050.

Global Warming Potential

GWP is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and the length of time the gas remains in the atmosphere (its “atmospheric lifetime”). The GWP of each gas is measured relative to CO₂. Therefore, CO₂ has a GWP of 1. GHGs with lower emissions rates than CO₂ may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO₂ (i.e., high GWP). For example, SF₆, while comprising a relatively small fraction of the total GHGs emitted annually worldwide, has a GWP of 22,800, meaning that 1 ton of SF₆ has the same contribution to the greenhouse effect as approximately 22,800 tons of CO₂. The concept of CO₂ equivalence (CO₂e) is used to account for the different GWP potentials of GHGs. GHG emissions are typically measured in terms of metric tons (MT) of CO₂e, and are often expressed in MT CO₂e.

Climate change is a global issue because GHGs can have global effects, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern (see Section 4.3 “Air Quality”). Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years), or long enough to be dispersed around the globe.

Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources through uncertain impacts related to future air temperatures and precipitation patterns. The IPCC’s 2021 Synthesis Report indicated that warming of the climate system is unequivocal and, since the 1950s, many of the observed changes are unprecedented over decades to millennia. Signs that global climate change has occurred include warming of the atmosphere and ocean, diminished amounts of snow and ice, and rising sea levels (IPCC 2021).

Although climate change is driven by global atmospheric conditions, climate change impacts are felt locally. A scientific consensus confirms that climate change is already affecting California. Climate change is expected to make parts of California hotter, drier, and increasingly prone to extremes like megadroughts, flooding, and large wildfires. These changing conditions are likely to affect water and energy availability, agricultural systems, plants and wildlife, public health, housing, and quality of life (Bedsworth, et. al. 2018).

Agriculture. Some of the specific challenges faced by the agricultural sector and farmers include more drastic and unpredictable precipitation and weather patterns; extreme weather events; significant shifts in water availability and water quality; changes in pollinator lifecycles; temperature fluctuations; increased risks from invasive species and weeds, agricultural pests, and plant diseases; and disruptions to the transportation and energy infrastructure supporting agricultural production.

Biodiversity and Habitat. Specific climate change challenges to biodiversity and habitat include species migration, range shift, and novel combinations of species; pathogens, parasites, and disease; invasive species; extinction risks; changes in the timing of seasonal life-cycle events; food web disruptions; and threshold effects (i.e., a change in the ecosystem that results in a “tipping point” beyond which irreversible damage or loss occurs).

Energy. Specific climate change challenges for the energy sector include temperature, fluctuating precipitation patterns, increasing extreme weather events, and sea level rise. Increasing temperatures and reduced snowpack negatively affect the availability of a steady flow of snowmelt to hydroelectric

¹ Ninety-one authors and review editors from 40 countries prepared the IPCC report in response to an invitation from the United Nations Framework Convention on Climate Change when it adopted the Paris Agreement in 2015, and the report was informed by more than 6,000 scientific references.

reservoirs. Higher temperatures also reduce the capacity of thermal power plants since power plant cooling is less efficient at higher ambient temperatures.

Forestry. The most significant climate change related risk to forests is accelerated risk of wildfire and more frequent and severe droughts. Droughts have resulted in more large-scale mortalities and, combined with increasing temperatures, have led to an overall increase in wildfire risks. Increased wildfire intensity subsequently increases public safety risks, property damage, fire suppression and emergency response costs, watershed and water quality impacts, and vegetation conversions. These factors contribute to decreased forest growth, geographic shifts in tree distribution, loss of fish and wildlife habitat, and decreased carbon absorption.

Ocean and Coastal Ecosystems and Resources. Sea level rise, changing ocean conditions, and other climate change stressors are likely to exacerbate longstanding challenges related to ocean and coastal ecosystems in addition to threatening people and infrastructure located along the California coastline and in coastal communities.

Public Health. Climate change can affect public health through various environmental changes. Changes in precipitation patterns affect public health primarily through potential for altered water supplies and extreme events such as heat, floods, droughts, and wildfires. Increased frequency, intensity, and duration of extreme heat and heat waves is likely to increase the risk of mortality due to heat-related illness, as well as exacerbate existing chronic health conditions. Other extreme weather events are likely to negatively affect air quality and increase or intensify respiratory illness such as asthma and allergies.

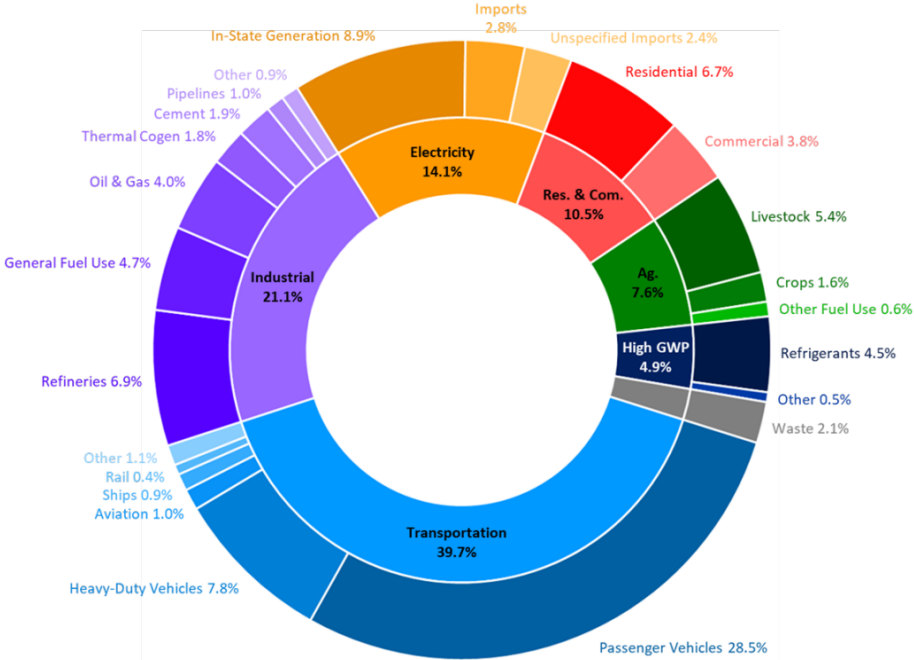
Transportation. Transportation is vulnerable to climate change risks, including sea level rise and erosion, which threaten many coastal California roadways, airports, seaports, transit systems, bridge supports, and energy and fueling infrastructure. Increasing temperatures and extended periods of extreme heat threaten the integrity of the roadways and rail lines. Other forms of extreme weather events, such as extreme storm events, can negatively affect infrastructure, which can impair movement of people and goods, or potentially block evacuation routes and emergency access roads. Increased wildfires, flooding, erosion risks, landslides, mudslides, and rockslides can all profoundly affect the transportation system and pose a serious risk to public safety.

Water. Climate change could seriously affect the timing, form, amount of precipitation, runoff patterns, and frequency and severity of precipitation events. Higher temperatures reduce the amount of snowpack and lead to earlier snowmelt, which can affect water supply availability, natural ecosystems, and winter recreation. Water supply availability during the intense dry summer months is heavily dependent on the snowpack accumulated during the wintertime. Increased risk of flooding has a variety of public health concerns including water quality, public safety, property damage, displacement, and post-disaster mental health problems. Prolonged and intensified droughts can also negatively affect groundwater reserves and result in increased overdraft and subsidence.

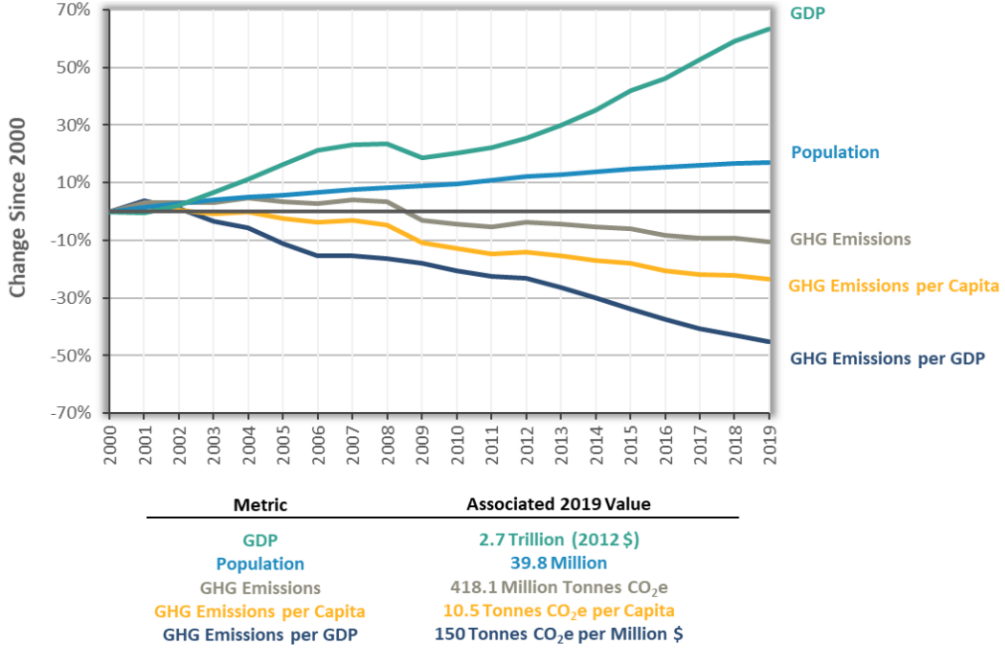
Greenhouse Gas Emissions Inventories and Trends

The California Air Resources Board (ARB) prepares an annual inventory of statewide GHG emissions. GHGs are typically analyzed by sector, a term that refers to the type of activity. As shown in Exhibit 4.5-1, 418.2 million MT CO₂e in 2019. Combustion of fossil fuel in the transportation sector was the single largest source of California's GHG emissions in 2019, accounting for 40 percent of total GHG emissions. Transportation was followed by industry, which accounted for 21 percent, and then the electric power sector (including in-State and out-of-State sources), which accounted for 14 percent of total GHG emissions (ARB 2021a).

California has implemented several programs and regulatory measures to reduce GHG emissions. Exhibit 4.5-2 demonstrates California's progress in reducing statewide GHG emissions. Since 2007, California's GHG emissions have been declining, even as population and gross domestic product have increased. Per-capita GHG emissions in 2019 were 25 percent lower than the peak per-capita GHG emissions recorded in 2001. Similarly, GHG emissions per million dollars of gross domestic product have decreased by 47 percent since the peak in 2001.



Source: ARB 2021a
Exhibit 4.5-1. 2019 California Greenhouse Gas Emissions Inventory by Sector



Source: ARB 2021b
Exhibit 4.5-2. Trends in California Greenhouse Gas Emissions (Years 2000 to 2019)

4.5.2 Regulatory Setting

Federal Plans, Policies, Regulations, and Laws

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for implementing the federal Clean Air Act (CAA). On April 2, 2007, the U.S. Supreme Court held that the EPA must consider regulation of motor vehicle GHG emissions. In *Massachusetts v. Environmental Protection Agency et al.*, 12 states and cities (including California) along with several environmental organizations sued to require EPA to regulate GHGs as pollutants under the CAA (127 S. Ct. 1438 (2007)). The Inflation Reduction Act, signed on August 16, 2022, affirms EPA's authority to regulate GHG emissions under the CAA.

State Plans, Policies, Regulations, and Laws

The legal framework for GHG emission reductions has come about through California Governors' executive orders (EO), legislation, and regulations. The major components of California's climate change initiatives are outlined below. In addition, the Judicial Council has also developed several plans to guide facility siting, design, and operations in the context of sustainability and resource conservation, many policies of which provide the co-benefit of GHG emissions reductions. While State EOs, and legislation and regulations governing the Executive Branch, do not directly apply to the Judicial Council as a separate branch of government, they are informed by relevant science for GHG emissions reductions. While the following plans, policies, regulations, and laws do not apply direction to the proposed Project and the Judicial Council is not subject to them, the Judicial Council has considered the relevant intent and science used to inform these plans, policies, regulations, and laws, for the sole purpose of analysis of GHG emissions associated with this Project, only.

Greenhouse Gas Reduction Targets

Executive Order S-3-05

EOS-3-05, issued in 2005 in recognition of California's vulnerability to the effects of climate change, set forth the following target dates by which statewide GHG emissions would be progressively reduced:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Assembly Bill 32 and the State Climate Change Scoping Plan

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, sections 38500, *et seq.*). AB 32 further details and puts into law the mid-term GHG reduction target established in EO S-3-05: reduce GHG emissions below 1990 levels by 2020. AB 32 also identifies ARB as the State agency responsible for the design and implementation of emissions limits, regulations, and other measures to meet the target.

In December 2008, pursuant to AB 32, ARB adopted the Climate Change Scoping Plan (Scoping Plan), which contains the main strategies California will implement to achieve the required GHG reductions required by AB 32 (ARB 2008). The Scoping Plan also includes ARB-recommended GHG reductions for each emissions sector of California's GHG inventory. ARB acknowledges that land use planning decisions will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors. The Scoping Plan details the regulations, alternative compliance mechanisms, voluntary actions and incentives, etc. proposed to meet the target emission reduction levels.²

ARB is required to update the Scoping Plan at least once every five years to evaluate progress and develop future inventories that may guide this process. ARB approved the first update to the Scoping

² The Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the proposed Cap-and-Trade Program, discussed further below. The Scoping Plan states that the inclusion of these emissions within the Cap-and-Trade Program will help ensure that the emission targets in AB 32 are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Uncapped strategies that will not be subject to the Cap-and-Trade Program are provided as a margin of safety by accounting for additional GHG emission reductions (ARB 2008).

Plan: Building on the Framework in June 2014 (ARB 2014). The Scoping Plan Update included a status of the 2008 Scoping Plan measures and other federal, State, and local efforts to reduce GHG emissions in California, and potential actions to further reduce GHG emissions by 2020. The Scoping Plan Update determined that the State was on schedule to achieve the 2020 target (i.e., 1990 levels by 2020). The statewide measures adopted under the direction of AB 32, and as outlined in the Scoping Plan, would reduce GHG emissions associated with existing development, as well as new development.

ARB released the 2030 Target Scoping Plan Update Concept Paper to initiate a discussion regarding how to most effectively achieve a 40-percent reduction in GHG emissions by 2030 as compared to 1990 statewide GHG emissions (consistent with Senate Bill [SB] 32) (ARB 2016). This Concept Paper was followed by the release of the 2017 Scoping Plan Update: *California's 2017 Climate Change Scoping Plan*, which establishes a proposed framework of action for California to reduce statewide emissions by 40 percent by 2030 compared to 1990 levels (ARB 2017). The plan also highlights California's progress toward meeting the 2030 GHG emissions reduction goals of SB 32 and evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use. The 2017 climate change scoping plan estimates 385 million metric tons (MMT) of CO_{2e} would be reduced from known commitments, leaving a gap of 236 MMT CO_{2e} that is needed to meet the 2030 target codified by SB 32. ARB concluded that the gap in emissions would need to be bridged by the cap-and-trade program's achievement of a reduction of 236 MMT CO_{2e}.

ARB has now adopted the 2022 Scoping Plan Update, which evaluates progress toward the 2030 target, as well as examining scenarios that could achieve carbon neutrality by 2045 or sooner (ARB 2022a). The 2022 Scoping Plan Update focuses on actions needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives.

Executive Order B-30-15

Signed in 2015, EO B-30-15 establishes a statewide GHG reduction goal of 40 percent below 1990 levels by 2030. The emission reduction target acts as an interim goal between the AB 32 goal (i.e., achieve 1990 emission levels by 2020) and EO S-3-05 goal of reducing statewide emissions 80 percent below 1990 levels by 2050. In addition, the executive order aligns California's 2030 GHG reduction goal with the European Union's reduction target (i.e., 40 percent below 1990 levels by 2030) that was adopted in October 2014. EO B-30-15 also requires all state agencies with jurisdiction over sources of GHG emissions to implement measures within their statutory authority for achieving reductions in GHG emissions and meeting the 2030 and 2050 GHG emission reduction targets.

Senate Bill 32

On August 24, 2016, the California Legislature passed SB 32,³ thereby amending the California Global Warming Solutions Act of 2006. SB 32 directed ARB to adopt, to the extent technologically feasible and cost effective, the rules and regulations necessary to achieve a reduction in statewide GHG emissions (i.e., to 40 percent below 1990 levels by 2030). The passage of SB 32 codified the 2030 interim GHG emissions reduction target established by Executive Order B-30-15.

SB 32 was paired with AB 197 (2016), which amended the health and safety code.⁴ AB 197 provides additional guidance on how to achieve the reduction targets established in EO B-30-15 and SB 32. SB 32 and AB 197 became effective January 1, 2017.

Assembly Bill 1279

For the post-2030 period, EO B-55-18 established a statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and achieving and maintaining net negative emissions thereafter. Signed September 16, 2022, AB 1279, the California Climate Crisis Act, codified EO B-55-18. This bill declares the policy of the State both to achieve net zero GHG emissions as soon as possible, but no later

³ California Health and Safety Code division 25.5, section 38566.

⁴ California Government Code, division 2 of title 2, article 7.6 of chapter 1.5, California Health and Safety Code sections 39510, 39607, 38506, 38531, and 38562.5.

than 2045, and achieve and maintain net negative GHG emissions thereafter. It as requires that by 2045 statewide anthropogenic GHG emissions are reduced to at least 85 percent below the 1990 levels.

Executive Order N-19-19

Executive Order N-19-19 directs the Department of Finance to create a Climate Investment Framework that shifts investments into sectors that have more growth potential as a result of their focus on carbon reduction and climate resiliency. This EO also directs the State Transportation Agency to align transportation spending with the Scoping Plan, including directing investments to support housing production near available jobs and directs the ARB to take actions that would encourage manufacturers to produce clean vehicles, increase demand for electric vehicles, and achieve needed reductions from the transportation sector.

Transportation Sector Regulations to Reduce Greenhouse Gas Emissions

Senate Bill 375

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires the 18 Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) to address ARB adopted regional GHG targets for passenger vehicles and light trucks. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate “alternative planning strategy” to meet the targets.

ARB Advanced Clean Cars Program/Zero Emission Vehicle Program

AB 1493 (Chapter 200, Statutes of 2002), also known as the Pavley regulations, required ARB to adopt regulations by January 1, 2005, that would result in the achievement of the “maximum feasible” reduction in GHG emissions from vehicles used in the State primarily for non-commercial, personal transportation.

In January 2012, ARB approved a new emissions-control program for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards called Advanced Clean Cars (13 California Code of Regulations [CCR] 1962.1 and 1962.2). The Advanced Clean Cars requirements include GHG standards for model year 2017 to 2025 vehicles.

The Advanced Clean Cars Program also includes the Low Emission Vehicle (LEV) III amendments to the LEV regulations (13 CCR 1900 *et seq.*); Zero Emission Vehicle Program and the Clean Fuels Outlet Regulation. The Zero Emission Vehicle Program is designed to achieve California’s long-term emission reduction goals by requiring manufacturers to offer for sale specific numbers of the very cleanest cars available. These zero-emission vehicles, which include battery electric, fuel cell, and plug-in hybrid electric vehicles, have now entered the marketplace. The Clean Fuels Outlet regulation ensures that fuels, such as electricity and hydrogen, are available to meet the needs of the new advanced technology vehicles as they come to market. ARB projects that the LEV III standards will reduce motor vehicle GHG emissions by 04 percent in 2025 (ARB 2022b). In June 2022, in support of EO N-79-20, ARB proposed the Advanced Clean Cars II Regulations requiring manufacturers of light-duty passenger cars, trucks, and sport utility vehicles (SUVs) to transition to electric zero-emission vehicles beginning with model year 2026 and phasing in of increasingly stringent requirements through 2035. By 2035, under the proposed Advanced Clean Cars II Regulations, all new passenger vehicles sold within the State would be zero emission.

Energy Sector Regulations to Reduce Greenhouse Gas Emissions

Senate Bill 1078 (2002), Senate Bill 100 (2021) – California Renewable Portfolio Standard

Established in 2002 by SB 1078, California’s Renewables Portfolio Standard (RPS) requires electricity providers (i.e., utilities, cooperatives, and community choice aggregators) to provide a specified minimum portion of their electricity supply from eligible renewable resources by milestone target years. Since 2002, State legislative actions have modified and accelerated the RPS several times, resulting in one of the most ambitious renewable energy standards in the country. As of December 2021, per SB 100, the RPS requires retail sellers of electricity to serve 60 percent of their electric load with renewable energy by 2030

with new interim targets of 44 percent by 2024 and 52 percent by 2027, as well as requiring that all of the State's electricity come from carbon-free sources (not only RPS-eligible sources) by 2045.

California Code of Regulations Title 20: Appliance Efficiency Regulations

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California.⁵

California Code of Regulations Title 24, Part 6: Energy Efficiency Standards

California Code of Regulations Title 24, Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Commission updates the Building Energy Efficiency Standards every three years; in addition to strengthening standards, updates allow consideration and possible incorporation of new energy-efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The current 2019 Building Energy Efficiency Standards went into effect on January 1, 2020, and the 2022 Building Energy Efficiency Standards were adopted August 11, 2021, and will be applicable to buildings for which permit applications are applied for on or after January 1, 2023.

California Code of Regulations Title 24, Part 11: California Green Building Standards Code

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect on January 1, 2011. The Code is updated on a regular basis, with the most recent update consisting of the 2022 California Green Building Standards Code (CALGreen) that became effective January 1, 2023. Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements.

Executive Order S-20-04

Executive Order S-20-04 requires increased investments in energy efficiency for State-owned buildings and established a goal of reducing electricity used in existing government and private commercial buildings by 10 percent per square foot by 2010 and 20 percent per square foot by 2015. This EO also mandated that all new and renovated buildings paid for with State funds be certified as Leadership in Energy and Environmental Design (LEED) Silver standard or higher, and that office spaces and office equipment leased or purchased by the State be ENERGY STAR-qualified where cost-effective.

Regional and Local Plans, Policies, Regulations, and Ordinances

As a State agency, the Judicial Council is not subject to local land use plans and regulations. Nevertheless, the following describes the local air district and transportation planning policies and regulations for informational purposes.

Monterey Bay Air Resources District

California has 35 Air Pollution Control Districts and Air Quality Management Districts, many of which are currently addressing climate change issues by developing significance thresholds, performance standards, and mitigation measures. The Monterey Bay Air Resources District (MBARD) is the regional agency responsible for the regulation and enforcement of federal, State, and local air pollution control regulations in the North Central Coast Air Basin (NCCAB), where the proposed Project site is located. In February 2016, the MBARD adopted the staff-recommended significance threshold of 10,000 MT of CO₂e for stationary source projects (MBARD 2016). Stationary source projects include equipment, processes and operations that require an Air District permit to operate. This threshold does not directly apply to the proposed Project because the Project does not include stationary source equipment, processes, or operations.

Association of Monterey Bay Area Governments

The Association of Monterey Bay Area Governments (AMBAG) serves as the Metropolitan Planning Organization for the Monterey Bay Area, maintaining the regional Metropolitan Transportation

⁵ There are 23 categories of appliances included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

Plan/Sustainable Communities Strategy (MTP/SCS) in coordination with each of the local 3 counties and 18 incorporated cities, including the City of Seaside where the proposed Project site would be located. AMBAG plays a central role in transportation infrastructure planning for the region, while also serving as a forum for the study, planning, and resolution of other planning issues facing the local member governments.

The most recent MTP/SCS for the Monterey Bay Area was adopted on June 15, 2022 and the Environmental Impact Report (EIR) was certified at this same Board of Directors meeting. The 2045 MTP/SCS lays out a plan that links land use, air quality, greenhouse gas emissions, and transportation needs.

Judicial Council Plans and Guidelines

Guidelines for Energy Conservation in Trial Court Facilities

Originally adopted in 2001, with revisions adopted in 2017 by the Judicial Council, the Energy Conservation Guidelines are part of the Judicial Council's effort to increase awareness and collaboratively address facility electricity usage. The 2017 Energy Conservation Guidelines provide a checklist of key implementation actions to reduce facility electricity consumption, as applicable, and generally address how facility users operate a building to reduce building electricity consumption.

Water Conservation Policy

In recognition of the scarcity of water resources in California, the Judicial Council adopted the *Water Conservation Policy* in 2015. The Water Conservation Policy identifies best practices for both capital projects (i.e., new construction, major renovations, and expansion capital outlay projects) and existing courthouse facilities. For capital projects, measure target both construction and operational phases of new construction.

Judicial Council Sustainability Plan for Trial Court Facilities

The Trial Court Facility Modification Advisory Committee approved the *Sustainability Plan for Trial Court Facilities* (Sustainability Plan) in December 2020 (Judicial Council 2020b). The Sustainability Plan was developed in response to the recognition of the importance of sustainable practices in ensuring that present and future facility needs are met and incorporates efforts to conserve natural resources and align the Judicial Facilities Services office's policies with the Judicial Council Energy Conservation Guidelines and Judicial Council Water Conservation Guidelines. While the Sustainability Plan is not regulatory and does not mandate a specific action of Trial Court Facilities, it identifies two overarching goals, many actions in support of which would likely also reduce facility GHG emissions:

1. Reduce Trial Court Facilities' GHG emissions, energy usage and utility costs, and conserve natural resources.
2. Ensure compliance with State sustainability initiatives in all new construction and major renovation projects.

California Trial Court Facilities Standards

The Judicial Council has adopted facilities standards to guide the provision of trial court facilities in California. The *California Trial Court Facilities Standards* (Facility Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities. Each courthouse has its own specific needs, and each site for a courthouse is different, and requires tailored design solutions. Section 1.D of the Facilities Standards establishes the objectives, design criteria, and performance goals for the planning and design of sustainable trial court buildings in California, including the following that would support strategies to reduce GHG emissions associated with facility construction and operations:

1. Objectives
 - a. Architects and engineers shall focus on proven design approaches and building elements that improve court facilities for building occupants and result in cost-effective, sustainable buildings.

- b. All new courthouse projects shall be designed in conformance with the Non-residential Mandatory Measures of the current version of the CALGreen (CCR Title 24, Part 11), as well as the current version of the California Energy Code (CCR Title 24, Part 6).
- c. Implementation of CALGreen Tier 1 Non-residential Voluntary Measures will depend on a positive net present value result of the Tier 1 [life cycle cost analysis] LCCA design options or Judicial Council LCCA procedure-based design against a code-compliant design.
- d. Additionally, all new courthouse projects shall be designed for sustainability to receive certification of the building to the current LEED Silver rating or higher without an increase in the authorized project budget or long-term operating costs.

2. Design Criteria and Performance Goals

2.1 Compliance Requirements and Goals

- f. Improve energy efficiency and provide thermal comfort. Optimize the building envelope and develop passive solar strategies. Design energy-efficient [heating, ventilation and air conditioning] HVAC systems. In addition to complying with CALGreen, use whole-building energy model analysis to refine the design so that whole-building energy consumption is permissible for [American Society of Heating, Refrigerating, and Air Conditioning Engineers] ASHRAE 90.1–compliant court buildings. Whole-building energy models must be optimized to comply with the location-specific California Building Climate Zone.
- g. Promote occupant health and well-being in the indoor environment. Provide a connection to natural daylight, optimal lighting and acoustics, and good indoor air quality. Coordinate daylighting with high-efficiency electric lighting and programmable controls.
- h. Plan for recycling of materials during construction, demolition, and occupancy. Develop specifications for construction recycling; require contractors to develop a construction waste management plan that identifies companies licensed to recycle materials. Provide collection bins for recyclable materials on each floor and a staging area for materials collection.

2.2 Best Practices

- a. Conserve water. Install building-level water meters to allow for the management of water use during occupancy, including detection of leaks. Use low-flow plumbing fixtures that meet the current State of California regulations and water-efficient appliances; eliminate any designs with single-pass cooling, and optimize cooling tower operations through the use of pH conductivity controllers. Where feasible, request connection to the utility nonpotable water main for use in irrigation and evaporative cooling systems. Use energy-efficient HVAC equipment.
- b. Use environmentally preferable building materials. Evaluate the life cycle environmental impacts such as embodied carbon, resource efficiency, and performance of building materials. Seek out nontoxic materials from local, renewable, and sustainably acquired resources that minimize waste and pollution from manufacturing, installation, and maintenance. Do not use tropical hardwoods.
- c. Use appropriate plant materials. Reduce maintenance and irrigation requirements by giving preference to native plant species. Explore opportunities to provide habitat for wildlife, including protection and promotion of pollinator habitat, and to restore degraded site areas.
- d. Seek opportunities to redevelop existing sites. Develop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities.

- e. Install HVAC, refrigeration, and fire suppression equipment that does not contain the ozone-depleting gases regulated by the Montreal Protocol, specifically CFCs or halons. Specify low global warming potential refrigerants for use in HVAC, refrigeration, and fire suppression systems, as defined in the Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources, California Air Resources Board: (1) any refrigerant with a global warming potential value lower than 150, or (2) any refrigerant that is not an ozone-depleting substance (CCR Title 17 section 95382). For systems containing fluorinated GHGs equivalent to more than 500 metric tons of CO₂, the design should incorporate an automatic leak detection system. The leak-detection system must alert building maintenance staff, or a service company responsible for maintaining the relevant equipment, if a leak is detected.

As noted, the guidance for Sustainable Design, along with the balance of the Facilities Standards are used to guide the Judicial Council, design consultants, and construction contractors in the development of court facilities, including the proposed Project.

4.5.3 Impact Analysis

Methodology

The proposed Project's GHG emissions were estimated using similar methods as those described in Section 4.2, "Air Quality." In addition to criteria air pollutants, the California Emissions Estimator Model (CalEEMod) also estimates GHG emissions associated with construction and operational activities.

For construction, GHG emissions were estimated for off-road construction equipment, material delivery trucks, haul trucks, and construction worker vehicles. For operational activities, CalEEMod estimates GHG emissions associated with mobile, area, energy, and stationary (i.e., backup generator) sources, similar to criteria air pollutant emissions. However, CalEEMod also estimates indirect GHG emissions associated with solid waste disposal and water consumption. As with the Project-specific data used to inform the criteria air pollutant emissions estimates and the air quality analysis, the GHG emissions from operational mobile sources are based upon the Project-specific Vehicle Miles Traveled (VMT) calculations from the transportation analysis developed in support of this EIR. Please see Appendix D of this Draft EIR for model details, assumptions, inputs, and outputs.

Thresholds of Significance

Based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines, the proposed Project would have a significant impact related to GHG emissions if it would:

- generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

CEQA Guidelines section 15064.4(b) also states that, when assessing the significance of impacts from GHG emissions, a lead agency should consider (1) the extent to which a project may increase or reduce GHG emissions compared with existing conditions, (2) whether a project's GHG emissions would exceed a threshold of significance that the lead agency has determined to be applicable to the project, and (3) the extent to which a project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

As described above in the Regulatory Setting section, the statewide legislative context for GHG emissions analysis is established by AB 32 (2006), which requires reduction of statewide GHG emissions to 1990 levels by 2020, SB 32 (2016), which established a reduction mandate of 40 percent below 1990 statewide emissions levels by 2030, and AB 1279 (2022), which established a statewide policy of achieving carbon neutrality no later than 2045 and achieving and maintaining net negative emissions

thereafter.⁶ In addition, a long-term GHG emissions reduction goal has also been established through EO S-3-05; while not adopted legislation, this EO establishes a State goal for the reduction of GHG emissions generation by 80 percent compared to 1990 levels by 2050. As explained in the introduction to this impact section, there is substantial scientific evidence amongst international experts regarding the implications of global warming and the critical need to limit warming to 1.5°C, with the mid-century mark as a likely point at which such warming could occur without near-term action and long-term planning. The State's GHG reduction goals are established based on this science and reflect the scientific community's consensus of what is needed to limit global warming (OPR 2018). Therefore, these near-term and long-term legislative targets create a framework that can be used to inform the level of emissions reductions necessary and whether GHG emissions associated with a project would represent a cumulatively considerable contribution to the significant cumulative impact of climate change. As the Supreme Court held, "consistency with meeting [those] statewide goals [is] a permissible significance criterion for project emissions" (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 220).

Compared to global emissions of GHGs, the proposed Project will not, by itself, contribute significantly to climate change; however, cumulative emissions from many projects and plans all contribute to global GHG concentrations and the climate system. As stated by the Supreme Court, "[t]o the extent a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary [to achieve the State's climate goals], one can reasonably argue that the project's impact is not cumulatively considerable, because it is helping to solve the cumulative problem..." (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 220 [internal quotation marks omitted]).

Lead agencies have flexibility to develop their own significance thresholds or to determine significance thresholds on a case-by-case basis. Neither ARB nor the MBARD have adopted quantitative thresholds of significance that are relevant to the proposed Project. As noted above, the most recent MBARD CEQA Implementation Guide was published in 2016; however, this guide focuses on those sources directly under the responsibility of the MBARD and includes only a threshold of 10,000 MT CO₂e per year for stationary sources. While the proposed Project is anticipated to include a backup generator, this would be permitted and operated in accordance with MBARD Rules and Regulations; as detailed below, this source is accounted for in the total operational emissions, but not separately compared to the MBARD stationary source threshold, as the emissions generated from this source would not begin to approach the MBARD threshold for stationary sources.

For development projects, an effective way to evaluate the project's generation of GHG emissions is to evaluate whether a subject project "incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary" for the State to achieve its own mandates (*Center for Biological Diversity, et al. v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204).

The intent of the 2022 Scoping Plan, and the State legislation on which it is built, is to decouple the State's population and economic growth from carbon emissions, thereby accommodating continued growth in California but in a way that achieves a lower rate of GHG emissions (ARB 2008, 2022a). With a reduced rate of emissions per resident and employee, California can accommodate expected population growth and achieve economic development objectives, while also abiding by legislative emissions targets. An efficiency target can be developed that mirrors statewide emissions reduction legislation and applicable EOs for the target year. To create an efficiency target, the statewide emissions target for a specified target year can be divided by the forecast population and employment statewide for the same year. This yields an emissions "budget" for each California resident/employee and allows a community to assess whether or not its emissions rate is consistent with the statewide emissions budget.

If a project or plan demonstrates that the *rate* of GHG emissions is efficient enough to provide its share of State emissions reduction targets, the impact is not cumulatively considerable (*Center for Biological Diversity v. California Department of Fish and Wildlife*; Crockett 2011). Therefore, for evaluation of the

⁶ "Carbon neutrality" is defined in Executive Order B-55-18 as the point at which the removal of carbon pollution from the atmosphere meets or exceeds carbon emissions. Carbon neutrality is achieved when carbon dioxide and other GHGs generated by sources such as transportation, power plants, and industrial processes are less than or equal to the amount of carbon dioxide that is stored, both in natural sinks and mechanical sequestration.

Project's generation of GHG emissions, this analysis uses a GHG efficiency metric that is tailored for new development, to the proposed Project, and to the proposed Project location to assess the GHG efficiency of the Project, and whether the Project provides for its share of emissions reductions embodied within SB 32 in the short-term and EO S-3-05 for the consideration of the State's long-term emissions reductions goals.

The GHG emissions efficiency of a project is the amount of emissions per specified unit of measurement. For development projects, an appropriate metric is service population. Service population is the total residential population and/or employment served by the project. When dividing total GHG emissions by service population, it is possible to evaluate whether emissions on a per-unit basis generated as a result of a project accommodate growth (i.e., residential and/or employment growth) in a way that is consistent with the State's emissions reduction targets. As noted previously, it is unlikely that a single project will contribute significantly to global climate change, but cumulative emissions from many projects could affect global GHG concentrations and the climate system; this evaluation of GHG efficiency allows for a comparison of very different scales of emissions: from a relatively low level of emissions at the project-level to State-level emissions targets. Since State emissions reduction mandates are informed by global GHG reduction targets established through scientific groups such as the IPCC and partners and tied to global climate science, the use of State emissions reduction mandates to develop an efficiency threshold allows lead agencies at the project level to evaluate the potential contribution to the cumulatively significant impact of climate change.

To develop an efficiency target, the statewide mass emissions targets for the year analysis year (e.g., 2030) are divided by the forecast "service population" (i.e., population and/or employment) statewide for the same year. This yields an emissions "budget" for each resident and/or employee that would be accommodated by a proposed Project, and provides a metric by which to assess whether a development project's emissions rate is consistent with the statewide emissions reduction legislation for a reduction of GHG emissions to 40 percent below 1990 levels by 2030 (per SB 32) and 80 percent below 1990 levels by 2050 (per EO S-3-05). To make this relevant to the proposed Project, however, the statewide mass emissions target and service population were tailored to focus on the emissions sources and employment sectors that are relevant for the proposed Project.

In building the significance threshold, the non-land use-related emissions and jobs were removed from consideration. Since the efficiency significance threshold is a ratio, with emissions in the numerator and service population in the denominator, it was appropriate to remove inapplicable emissions sources from the numerator and inapplicable employment estimates associated with these emissions sources from the denominator. By removing these emissions and jobs from the calculation of statewide GHG efficiency, the efficiency threshold is tailored for the proposed Project, consistent with precedent established by *Center for Biological Diversity v. California Department of Fish and Wildlife (2015)*. For example, as explained in the note to Table 4.5-1, geological and petroleum technicians, aircraft mechanics and service technicians jobs and related emissions were removed from consideration since these jobs do not exist within Monterey County and are not relevant to the proposed Project (EDD 2022). In addition, as a public-sector project providing government services to the community, and not a community plan, mixed-use or residential service project, emissions associated with residential uses were removed from the numerator and residents (i.e., population) were removed from the denominator, thereby further refining the GHG efficiency threshold to be specifically applicable to the Project type. Tailoring the efficiency significance threshold in this way ensures that the threshold is appropriate for use by the proposed Project and the Project site. While the users of the courthouse are likely residents of the region, their time spent using the proposed Project site would be minimal in the scale of annual activity (annual activity would parallel the total emissions, which are measured on an annual scale). Since visitors to the courthouse would spend a very small portion of the year at the Project site, visitors to the courthouse have not been included as residents in the service population. In addition, although 'residents' served by the proposed Project are not included in the service population used to inform the thresholds or calculation of the proposed Project's GHG efficiency, the mobile source emissions generated by user trips to and from the proposed Project site, as well as contribution to energy and water use and waste generation while at the site are considered in the total project-generated emissions, thereby presenting a conservative, but reasonable and accurate estimate of total project emissions in the numerator compared to service population in the denominator.

The emissions rate, when combined with the methodology for estimating Project-related emissions is also designed to be appropriate for this new courthouse. All emissions sources related to the proposed Project are evaluated as if they are created by the Project. In other words, while it is understood that the proposed Project would involve vacating three existing, older buildings, the analysis does not attempt to estimate such displaced emissions. Regarding short-term construction emissions, neither ARB nor the MBARD have thresholds of significance for construction-related GHG emissions, and construction-related emissions in 2020 accounted for less than one percent of the statewide emissions inventory.⁷ Nonetheless, in order to provide a more comprehensive assessment of cumulative GHG emissions-related effects, the proposed Project's construction related emissions were amortized over an assumed lifetime of the project and added to the operational emissions.⁸

All emissions associated with the proposed Project's construction and operations are attributed to the Project, and no displaced emissions are subtracted from this estimate, which is a very conservative approach that may over-estimate emissions from the Project. This conceptual approach to the analysis and significance determination ensures that the efficiency significance threshold is designed to be appropriate for new development – as opposed to on-the-ground, existing development. As new buildings are constructed, some other buildings are vacated and some of those are demolished or demolished and potentially redeveloped. The approach used in this analysis does not deduct emissions associated with the buildings that would be vacated as a part of the project. Using this conceptual approach in the emissions estimating and significance determination effectively “allows” existing development to be relatively less GHG-efficient, while still allowing the State as a whole to meet GHG legislative mandates and long-term emissions reduction goals.

The ARB 2022 Scoping Plan Update assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. Carbon neutrality is not a standard to be achieved on an individual project basis, but through the implementation of best available technology, increasingly stringent regulations to reduce emissions from various sources, State and regional plans to reduce VMT and increase carbon-free vehicle use, and carbon capture and sequestration actions focused on the natural and working lands sector, as identified in the 2022 Scoping Plan. Instead, evaluating consistency with the State's emissions reduction target for 2030 and goal for 2050 shows alignment with the State's approach to reduce the generation of GHG emissions from existing and anticipated future sources, a key component of the ARB 2022 Scoping Plan.

Comparison of the proposed Project's amortized construction plus operational emissions in terms of efficiency relative to the employment served by the Project, alongside evaluation of the Project's consistency with relevant strategies of the 2022 Scoping Plan, demonstrates the Project's ability to do its “fair share” for the State to achieve the GHG reductions for 2030 and 2050 as a new development, while not conflicting with the State's goal of carbon neutrality by 2045, as well as demonstrating consistency with the State Scoping Plan. Both of the CEQA Guidance Appendix G checklist questions for GHG emissions are evaluated under a single impact discussion using the above detailed GHG efficiency significance threshold and evaluation of consistency with relevant 2022 Scoping Plan actions relevant to new development.

Table 4.5-1 presents the land use-related statewide emissions and employment figures and calculates the proposed 2030 and 2050 GHG efficiency targets to quantitatively evaluate the proposed Project's GHG emissions. For the purposes of analysis in this EIR, the 2030 GHG efficiency threshold was calculated to be 14.21 MT CO₂e per employee and the 2050 GHG efficiency threshold was calculated to be 4.46 MT CO₂e per employee; additional calculations and inputs beyond the methodology explained above and data provided in Table 4.5-1 is available in Appendix D to this EIR.

⁷ This estimate of construction-related emissions of the statewide inventory reflects all emissions generated under the heavy-duty construction and mining equipment category; this does not account for on-road vehicle travel for construction-related trucks, but does overestimate the equipment emissions due to inclusion of mining equipment emissions. Source: ARB Greenhouse Gas Emissions Inventory for 2020 ([Greenhouse Gas Emission Inventory | California Air Resources Board](#)).

⁸ The analysis uses 30 years as the amortization period of construction-related emissions – this is likely a conservative estimate for this Project.

Table 4.5-1. Local Greenhouse Gas Efficiency Threshold

Metric	1990 State Inventory	2030 Project-specific GHG Efficiency Threshold	2050 Project-specific GHG Efficiency Threshold
Statewide Emissions (MMT CO ₂ e/yr) ¹	431	258	86
Adjusted Land Use-Related Emissions (MMT CO ₂ e/yr) ¹	286	172	57
Percent Mass Emissions Reduction	n/a	40 percent below 1990	80 percent below 1990
Adjusted Land Use-Related Employment ² (service population)	n/a	12,071,300	12,811,855
Per Employee Emissions Efficiency Threshold (MT CO ₂ e/SP)	n/a	14.21	4.46

Notes: ARB = California Air Resources Board, EO = Executive Order, GHG = greenhouse gas, MMT CO₂e = million metric tons of carbon dioxide equivalent; n/a = not applicable, Service Population (SP) = population + employment, yr = year

¹ California 1990 Greenhouse Gas Emissions Level and 2030 Limit by Sector, ARB:

<<http://www.arb.ca.gov/cc/inventory/1990level/1990level.htm>>; targets for 2030 based upon 40 percent mass emissions reduction target established by SB 32; targets for 2050 based upon 80 percent mass emissions reduction goal established by EO S-3-05.

² Employment data from the Employment Development Department Labor Market Information Division. Sorted to remove jobs that are unrelated to the proposed Project.

See Appendix D for detailed calculations and inputs.

Environmental Impacts

Impact 4.5-1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

As described above, this analysis considers GHG emissions with implementation of the proposed Project in relation to State targets and goals for GHG emissions reduction.

In order to calculate the GHG efficiency of the proposed Project, GHG emissions from construction and operation of the Project were calculated using CalEEMod, using the same methodology described in Section 4.2, "Air Quality." The proposed Project's emissions are divided by the Project's service population to determine whether the Project is efficient enough for the Judicial Council to contribute a fair share consistent with State emissions reduction mandates.⁹ While the proposed Project's emissions include mobile source emissions from users of the facility traveling to and from the site, as well as building operational emissions, such as water use and waste generation from on-site users, the service population for the proposed Project (i.e., the number by which the Project's total emissions are divided in order to calculate the Project's GHG efficiency rate in metric tons of CO₂e per service population) is the total employees that would be accommodated by the proposed Project, which is 80. Emissions for the proposed Project were estimated for the initial operating year (2028) for evaluation against the 2030 threshold, and for the year 2050 for evaluation against the 2050 threshold, accounting for less emitting operations in future years due to regulations and technological improvements; operations in 2050 are estimated using default emissions factors from CalEEMod for this operational year and an adjusted emissions intensity factor for electricity of zero (0), reflective of RPS standards under SB 100, requiring renewable energy and zero-carbon resources supply 100 percent of electric retail sales to end-use customers by 2045. Please see Appendix D to this Draft EIR for modeling details, assumptions, inputs, and outputs.

⁹ Please see section 4.5.2 Regulatory Setting, State Plans, Policies, Regulations and Laws, for additional information about the application of State emissions reduction mandates to the Judicial Council.

During construction of the proposed Project, temporary exhaust GHG emissions would be generated from a variety of sources such as heavy-duty construction and clearing equipment, haul trucks, material delivery trucks, and construction worker vehicles during the construction phase. Construction would be temporary, anticipated to last approximately 3 years, and the generation of construction-related GHG emissions would cease at the end of construction. However, as noted above in the discussion of Thresholds of Significance, total construction-related GHG emissions were amortized over 30 years and added to the total Project annual operational emissions. This approach accounts for the persistence of GHG emissions in the environment (in other words, the temporary emission sources result in emissions that persist over many years), and also ensures that mitigation measures account for construction GHG emissions as part of the total emissions considered in the establishment of operational GHG reduction strategies.

Operational GHG emissions can be direct and indirect. Direct GHG emissions are generated at the location of consumption or use; for example, mobile-source emissions are direct emissions because GHG emissions are generated as a vehicle begins to move. Other direct emissions sources include on-site natural gas use, landscape equipment, a backup generator, and fugitive emissions from refrigerant use in equipment such as air conditioning units. Conversely, indirect emissions occur at a different time or location from the point of consumption or use. For example, electricity-related GHG emissions are indirect emissions because, as consumers use electricity at their workplace, the fuel combustion and emissions associated with creating that electricity likely occurred off-site or at a different time. Other indirect GHG emissions include emissions from solid waste disposal and water consumption.

Although there are existing courthouse facilities that are currently operational and the operations of which would shift to occur at the proposed Project site with implementation of the Project, to ensure conservative results for this analysis, emissions associated with existing operations that would shift to the proposed Project were not subtracted from the emissions estimates presented in this EIR. Rather, the emissions presented represent the gross GHG emissions and GHG emissions efficiency that would occur directly as a result of the proposed Project.

As noted above, the proposed Project's GHG emissions are evaluated against efficiency thresholds for 2030 and 2050, based on the emissions reduction mandate in SB 32 and the State goal for emissions reductions in EO S-3-05, respectively. As noted above, the GHG emissions efficiency thresholds were derived to be specific for this location, tailored for this specific Project, and appropriate for new development (as opposed to existing development). To develop the efficiency metric, land use-related sectors in ARB's 1990 GHG inventory were identified and separated to tailor the inventory to the proposed Project. Specifically, emissions sources not relevant to the proposed Project were removed from consideration in building the emissions efficiency threshold. In other words, sources that would not be included in the project's GHG emission estimates are not included in the development of the GHG efficiency threshold either. In parallel, inapplicable employment estimates were removed when building the efficiency threshold, so that the threshold was tailored to apply to the proposed Project. The emissions rate, when combined with the methodology for estimating project-related emissions is also designed to be appropriate for new development (as opposed to existing, on-the-ground development). All emissions sources related to the proposed Project are evaluated as if they are created by the Project, and no credit is taken for the shift of existing emissions (e.g., mobile trips taken by workers to and from existing facilities that would shift to trips by those workers to and from the proposed Project). In this way, all emissions associated with the proposed Project's construction and operation are attributed to the Project, and no displaced emissions are subtracted from this estimate, allowing existing development to be relatively less GHG-efficient, while still allowing the State as a whole to achieve legislative GHG reduction mandates.

Table 4.5-2 presents the maximum annual, total, and amortized construction-related GHG emissions for each year of construction. Table 4.5-3 presents the annual operational emissions by source for the initial operating year of 2028 and operations in 2050, as well as the total proposed Project emissions, summing the amortized construction and total annual operational emissions for operational years 2028 and 2050. Table 4.5-3 also shows the proposed Project's GHG efficiency in 2030 and 2050 and compares this to the Project-specific thresholds for each 2030 and 2050.

Table 4.5-2. Proposed Project Construction-Related GHG Emissions

Construction Year	Emissions (MT CO ₂ e)
Construction 2025	281
Construction 2026	477
Construction 2027	337
Construction 2028	212
Total Construction	1,307
Annual Construction Amortized over 30 years	44

Notes:

GHG = greenhouse gas emissions; MT CO₂e = metric tons of carbon dioxide equivalents

See Appendix D for detailed calculations and inputs.

Table 4.5-3. Proposed Project GHG Efficiency in the Years 2028 and 2050

Proposed Project Emissions Source	Total GHG Emissions in 2028 (MT CO ₂ e)	Total GHG Emissions in 2050 (MT CO ₂ e)
Annual Operational Mobile Activity	804	624
Annual Operational Area Sources	0	0
Annual Operational Energy Sources	271	100
Annual Operational Water Use	1	0.5
Annual Operational Waste Generation	24	24
Annual Operational Stationary Source (i.e., backup generator)	12	12
Total Annual Operational Emissions	1,112	760
Annual Construction Amortized over 30 years¹	44	44
Total Project Annual Emissions (Operational + Amortized Construction)	1,156	805
Proposed Project Service Population (Employees)	80	80
Proposed Project GHG Efficiency (MT CO₂e per service population)	14.44	10.05
GHG Efficiency Target (MT CO₂e per service population)	14.21	4.46
Project Consistent with GHG Efficiency Target?	No	No

Notes:

GHG = greenhouse gas emissions; MT CO₂e = metric tons of carbon dioxide equivalents

See Appendix D for detailed calculations and inputs.

¹. See Table 4.5-2 for detailed construction emissions by year and total construction emissions.

As shown in Table 4.5-3, the proposed Project's emissions would be higher than the tailored GHG efficiency thresholds for both 2030 and 2050. The primary emission source associated with the proposed Project is mobile activity. As explained above, the analysis assumes all emissions sources related to the proposed Project are newly created by the Project and does not account for any displaced emissions associated with daily activity, such as employee and visitor trips or trips, that would otherwise occur as a result of operations of the existing courthouse facilities. In addition, this analysis does not account for energy efficiency measures that may be incorporated as a result of the proposed Project being designed

with the intent to seek LEED Silver certification in accordance with EO S-20-04.¹⁰ While these actions support the reduction of GHGs, it is not possible to quantify at this stage of design and the specific GHG reductions that would be realized because of the unknown details of design features that would be adopted to achieved LEED Silver certification.

As explained above in the ‘Thresholds of Significance’ discussion, consistency with the State’s planning for carbon neutrality by 2045 is evaluated by providing an analysis of consistency with the 2022 Scoping Plan, as the only relevant plan that considers this relatively recently adopted legislation. This plan provides the framework, based on extensive modeling and scenario evaluation, of what is required to achieve the State’s 2045 carbon neutrality target and, specifically, what is required of new development to contribute to the achievement of the target.

The premise of the 2022 Scoping Plan is that State and federal regulations, policies to influence community behavior, and advances in technology, both market-based and regulation-incentivized, will act in tandem with certain design features and best management practices for new development in order to realize the State’s carbon neutrality goal. As part of the 2022 Scoping Plan Update, ARB staff performed modeling on four scenarios to achieve both the 2030 GHG Target and carbon neutrality. Each scenario relied on reductions in fossil fuel dependence, deployment of non-combustion technology, growth in production and distribution of clean energy, phasedown of fossil fuel production and distribution, consumer adoption of clean technology and fuel, and some reliance on carbon capture and sequestration. Ultimately, ARB staff recommended Alternative 3 (the Proposed Scenario), which included the carbon neutrality of 2045, consistent with AB 1279, and applied a portfolio of existing and emerging technologies, fossil fuel alternatives, and adoption trends for such clean technologies and emissions reducing behaviors. This scenario does not phase out all combustion; legacy combustion technologies would be allowed to reach end-of-life. Oil and gas extraction and refining would continue but phase down with reduction in demand. As noted in the Scoping Plan, achieving carbon neutrality requires both significant reductions in GHG emissions and removal of carbon dioxide from the atmosphere, including technological carbon capture and sequestration in natural and working lands. Reaching carbon neutrality requires working across all sectors. Therefore, the discussion of consistency in this EIR focuses on those actions identified in the 2022 Scoping Plan that are applicable to the proposed Project.

The actions for the Proposed Scenario under the 2022 Scoping Plan are laid out by Air Quality 32 GHG inventory sector in Table 2-2 of the 2022 Scoping Plan. While many actions are indirectly relevant to the proposed Project, such as integrating renewable natural gas and renewable hydrogen blended into natural gas pipelines, reducing the carbon intensity of electricity generation, and increasing the sales and adoption of zero emission vehicles (ZEV) – these and other actions are achieved external to actions of the proposed Project. Actions more directly relevant include the reduction of VMT per capita by 12 percent from 2019 levels by 2030 and 22 percent below 2019 levels by 2045, and for new commercial buildings to incorporate all electric (no natural gas) appliances beginning in 2029.

With regard to VMT, the reduction of per capita VMT requires interagency coordination of land use and transportation planning. At the project level, VMT reductions and related emissions reductions benefits are often evaluated based on SB 743 that, once applied to CEQA transportation analyses, better align transportation impact analysis and mitigation outcomes with GHG emissions reduction goals. As detailed in the Section 4.9, “Transportation,” of this Draft EIR, the proposed Project would not result in a per employee VMT that is below existing countywide VMT, primarily because it is a community serving use that accommodates many more visitor trips and related VMT than employee trips and related VMT. However, the intent of SB 743 is to (1) reduce GHGs; (2) promote the public health through active transportation; and (3) promote infill development. The proposed Project is an infill project of a previously developed site that centralizes existing operations to a single location, and it is sited adjacent to existing and planned activity transportation routes, including transit. Several regional projects in the planning stages would support connectivity to alternative transportation facilities, thereby supporting VMT reducing actions. The Transportation Agency for Monterey County (TAMC) developed the 2022 Monterey County Regional Transportation Plan to guide transportation mobility, safety, access, environmental quality, and

¹⁰ LEED Silver Certification is a standardized green building certification that quantifies building practices through a point system established by the Green Building Council. In order to achieve certification building designers may focus on reducing energy consumption and waste, managing resources efficiently and reducing operating costs.

economic considerations for Monterey County. The Fort Ord Regional Trail and Greenway (FORTAG) is included as a part of the Regional Transportation Plan Integrated Funding Plan, Regional Projects (Transportation Agency for Monterey County 2022) and, while planning is at a regional scale, includes alignment proximate to the proposed Project site. Also included in the Regional Transportation Plan as a project to help reduce VMT is the SURF! Busway and Bus Rapid Transit Project. The SURF! Busway and Bus Rapid Transit Project includes a dedicated busway and new transit station at the corner of 1st Avenue and 5th Street, roughly 0.32 mile from the proposed Project site that, once completed in 2027, would provide bus service every 15 minutes (Monterey-Salinas Transit 2022). In addition, as required by the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020a), Judicial Council Standards Best Practices include the intent to, "[d]evelop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities."

With regard to electrification of appliances in new commercial buildings, the proposed Project could include connection to natural gas. It is acknowledged that proposed Project operations are anticipated to begin in 2028, one year before the 2022 Scoping Plan's noted new commercial building electrification date of 2029. However, it is feasible that the proposed Project operational timeline could shift slightly, and the intent of the Scoping Plan scenario is for electrification of all feasible new construction, as well as substantial renovation to electrify existing buildings, and therefore this action is considered applicable to the proposed Project.

In summary, because the proposed Project's GHG efficiency would exceed the tailored GHG efficiency significance threshold created for this Project, the proposed Project could result in the generation of GHG emissions at a level that would not represent the Project's fair share of emissions reductions as in alignment with the State 2030 GHG reduction target and 2050 GHG reduction goal. In addition, the Project's proposed use of natural gas and anticipated VMT generation area is considered inconsistent with key actions for new development under the Final 2022 Scoping Plan. Therefore, implementation of the proposed Project could result in the generation of GHG emissions at a level that may have a significant impact on the environment and conflict with State GHG emission targets adopted for the purpose of reducing the emissions of GHGs. This impact is **potentially cumulatively considerable**.

Mitigation Measure 4.5-1a: Prohibit the inclusion of natural gas infrastructure.

The Judicial Council shall not include natural gas infrastructure to or within the Project site and Project operations shall not use natural gas.

Mitigation Measure 4.5-1b: Reduce Mobile-Source GHG Emissions Through Travel Demand Reduction Measures

The Judicial Council shall include, at a minimum, the following travel demand reducing measures:

- Offer and promote telecommuting and alternative work schedules.
- Include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the project design and operational maintenance.

Mitigation Measure 4.5-1c: Generate On-site Solar Energy

The Judicial Council shall incorporate solar power generating infrastructure over at least 150 of the parking spaces, along with a corresponding battery energy storage system.

Significance after Mitigation

Implementation of Mitigation Measure 4.5-1a, 4.5-1b, and 4.5-1c would reduce the generation of long-term operational GHG emissions, as shown in Table 4.5-4, as well as align the proposed Project's long-term operations with the actions for new commercial development identified in the Final 2022 Scoping Plan update for carbon neutrality. Mitigation Measure 4.5-1a would eliminate natural gas use by the Project site, thereby reducing energy-related GHG emission from this source. Mitigation Measure 4.5-1b includes offering and promoting telecommuting and alternative work schedules that would allow employees that choose to drive to work to avoid that drive on some days. Mitigation also includes the

inclusion of end-of-trip facilities (showers, lockers, etc. for cyclists), which helps to encourage employees to commute via bicycle. These measures could reduce employee related VMT by approximately one to ten percent, though there is also evidence that telecommuters might have higher VMT compared to those that commute to an office (CAPCOA 2010, 2021). In addition, this is only applicable to the employment-related portion of the proposed Project's VMT, and these mitigation strategies would not influence the VMT associated with visitor trips to the Project site, over which the Judicial Council has little influence. Assuming 25 percent of the proposed Project's VMT is attributable to employee travel, these transportation mitigation measures could reduce total VMT, and related mobile-source GHG emission, by up to 1.5 percent. Mitigation Measure 4.5-1c would provide a GHG-free energy source for operations, thereby reducing the Project's demand for purchased electricity, which includes a mix of GHG-free and GHG-producing sources based on the power mix of the purchase electricity. Implementation of these mitigation measures would reduce the Project's GHG efficiency to below the 2030 threshold. However, even with implementation of Mitigation Measures 4.5-1a through 4.5-1c, the generation of GHG emissions associated with the proposed Project would exceed the 2050 GHG efficiency threshold. Therefore, the proposed Project would result in a substantial contribution to the significant impact of climate change. There is no additional feasible mitigation. This impact is **cumulatively considerable and unavoidable with the implementation of mitigation.**

It is important to note that, although the quantified emissions reductions achieved through implementation of Mitigation Measures 4.5-1a through 4.5-1c do not result in a level of emission that meets the 2050 GHG efficiency threshold, operational GHG emissions may be further reduced by the following project attributes that cannot be quantified at this time:

- The proposed project would be designed and constructed to a LEED silver rating, at minimum, which would incorporate additional energy and resource efficiency measures that could reduce related operational GHG emissions.
- Pursuant to the *Judicial Council Facilities Standards*, the development of links to public transit, and creation of strategies for pedestrian-friendly, mixed-use communities shall be applied as a best practice for the proposed Project. These Facilities Standards will be incorporated into future architectural and design details, construction documents, as applicable, and other details required for implementing the proposed Project.
- The proposed Project site is also within one half mile of the SURF! Busway and Bus Rapid Transit Project, a project planned for completion in 2027 included in the 2022 Monterey County Regional Transportation Plan as well as proximate to part of the Fort Ord Regional Trail and Greenway project. While these projects are not designed in detail, the Judicial Council will be guided by the Facilities Standards, as noted above, to promote links to alternative transportation infrastructure such as these potential future projects, and further reducing VMT and related mobile source emissions.
- The Judicial Council shall offer jurors (a subset of public visitors to the proposed courthouse) public transportation passes at no cost to the juror, to support increased use of public transit as a mode of travel by visitors to and from the project site, thereby reducing VMT and related mobile-source GHG emissions.

Table 4.5-4. Project GHG Efficiency in the Years 2028 and 2050 with Mitigation

Proposed Project Emissions Source	Total Mitigated GHG Emissions in 2028 (MT CO₂e)	Total Mitigated GHG Emissions in 2050 (MT CO₂e)
Annual Operational Mobile Activity	793	615
Annual Operational Area Sources	0	0
Annual Operational Energy Sources	125	0
Annual Operational Water Use	1	0.5
Annual Operational Waste Generation	24	24
Annual Operational Stationary Source (i.e., backup generator)	12	12
Total Annual Operational Emissions	955	652
Annual Construction Amortized over 30 years	44	44
Total Project Annual Emissions (Operational + Amortized Construction)	998	695
Proposed Project Service Population (Employees)	80	80
Proposed Project GHG Efficiency for 2030 and 2050 (MT CO₂e per employee)	12.48	8.69
Local GHG Efficiency Target for 2030 and 2050 (MT CO₂e per employee)	14.21	4.46
Project Consistent with Localized GHG Efficiency Target for 2030 and 2050?	Yes	No

Notes:

GHG = greenhouse gas emissions; MT CO₂e = metric tons of carbon dioxide equivalents

See Appendix D for detailed calculations and inputs.

1. See Table 4.5-2 for detailed construction emissions by year and total construction emissions.

4.6 Hazards and Hazardous Materials

The following section addresses potential impacts related to hazards and hazardous materials associated with historic and current land use of the proposed Project site and surrounding uses. The potential for impacts on emergency response plans is also addressed in this section.

Service levels by fire personnel and other emergency responders are addressed in Section 3.7, “Public Services,” of this Environmental Impact Report (EIR). Potential hazards and associated impacts related to toxic air contaminant emissions, with the exception of asbestos, are discussed in Section 4.2, “Air Quality;” potential impacts from geologic hazards are discussed in Section 3.3, “Geology, Soils, and Paleontological Resources;” and potential public health impacts and hazards related to groundwater and flooding are discussed in Section 4.7, “Hydrology and Water Quality.”

4.6.1 Existing Conditions

Definitions of Terms

For purposes of this section, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined by federal regulations as “a substance or material that ... is capable of posing an unreasonable risk to health, safety, and property when transported in commerce.” (49 Code of Federal Regulations [CFR] 171.8).

California Health and Safety Code section 25501 defines a hazardous material as follows:

Hazardous material means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous wastes are defined in California Health and Safety Code section 25141(b) as wastes that:

...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Existing Uses of the Project Site and Vicinity

The 5-acre proposed Project site is part of a larger approximately 49-acre parcel (Assessor’s Parcel Number (APN) 031-151-013-000) that was conveyed by the U.S. Department of Defense (DoD) to the City of Seaside (City), acting as the Local Redevelopment Authority for the former Fort Ord Army Base (Base). The larger parcel was formerly an entry point for the Base.

The previously disturbed proposed Project site is currently vacant and consists of a mixture of California native and non-native plants, grasses, and trees. Overhead electrical lines, supported by existing utility poles, run along the northern edge of the property. The southern boundary of the city of Marina, and abandoned military housing associated with the Base, are immediately north of the proposed Project site. State Route (SR-)1 and the Fort Ord Dunes State Park are approximately 1,000 feet west of the proposed Project site, and the Pacific Ocean is approximately 0.8 mile west of the proposed Project site.

Hazardous Materials

The Base has been identified as a National Priority List site under the national Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Although hazardous materials were formerly stored on the Base, investigations conducted by the DoD under CERCLA found that

materials storage was conducted in a manner that did not pose a threat to human health or the environment; therefore, properties within the Base were found suitable for transfer to the City of Seaside for future reuse and redevelopment.

Phase I Environmental Site Assessment

In 2022, Kleinfelder (Kleinfelder 2022a) was retained to conduct a site reconnaissance and prepare a Phase I Environmental Site Assessment for the proposed Project site. The Phase I Environmental Site Assessment included a review of local, State, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps, and physical setting sources. A site reconnaissance was conducted of the proposed Project site by Kleinfelder in September 2022 to determine current conditions; to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials; and to interview persons knowledgeable about current and past site use. The Phase I Environmental Site Assessment is included as Appendix G of this EIR and the results are summarized below.

The site reconnaissance and records search conducted by Kleinfelder did not find documentation or physical evidence of Recognized Environmental Conditions¹ (RECs) in soil associated with the use of the proposed Project site. There were no known active or inactive landfills, producing California Division of Oil and Gas petroleum wells, or registered underground storage tanks located or adjacent to the proposed site. No evidence of stained soil, discolored water, pits, ponds, or lagoons was observed.

Debris was observed throughout the proposed Project site, which included but is not limited to tires, building materials, windblown trash, and trash related to illegal homeless encampments. A pole-mounted transformer was observed at the northeast corner of the proposed Project site, but no leakage or staining was observed on or beneath the transformer.

A small concrete slab, some concrete curbing, and three vertical metal pipes were observed in the north-central portion of the proposed Project site. The Phase I Environmental Site Assessment noted that these features are associated with a structure referred to as the “Range SPT (Support) Building” (Facility 1001A). Based on aerial photographs, the building appears to have been constructed sometime between 1981 and 1987 and was demolished sometime between 1998 and 2005. Based on the size and designation, it may have been used for storage. Asbestos was detected in samples collected from the “Range SPT Building” (Kleinfelder 2022a). Historic contaminated groundwater plumes associated with the former Fort Ord U.S. Army post do not extend underneath the proposed Project site, as discussed in Section 4.7, “Hydrology and Water Quality” (see Exhibit 4.7-3).

U.S. Fort Ord Cleanup Program

Kleinfelder reviewed the U.S. Army Fort Ord Cleanup Program’s website on August 29, 2022, for available files pertaining to the Subject Property (e.g., APN 031-151-013-000). The U.S. Army Corps of Engineers (USACE) identifies APN 031-151-013-000 as part of USACE Parcel E15.1. USACE Parcel E15.1 was transferred from the U.S. Army to the Fort Ord Reuse Authority (FORA) under Finding of Suitability to Transfer (FOST) 6 (Track 0). The FOST was developed to document the environmental suitability of certain parcels or property at the former Fort Ord for transfer to 15 recipients for a variety of uses, including education, mixed use, and development, consistent with the CERCLA section 120(h) and DoD policy. Additionally, the FOST identifies use restrictions, as specified in the Environmental Protection Provisions, necessary to protect human health and the environment after such transfers.

The FOST places the parcel in one of four of the Community Environmental Response Facilitation Act (CERFA)/DoD Environmental Condition of Property (ECP) Categories. Parcel E15.1 is included in ECP Category 4, which indicates an area where release, disposal, and/or migration of hazardous substances has occurred. For Parcel E15.1, as well as Parcel L33.2 (which is located east of APN 031-101-017-000), the release was associated with grease rack operations at Interim Action (IA) Site 20. Site 20 consists of the former South Parade Ground, 3800 and 519th Motor Pool located on APN 031-101-017-000 east of

¹ The American Society of Testing and Materials (ASTM) Standard Practice E 1527-05 define “Recognized Environmental Conditions” as the “the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.”

present-day 2nd Avenue, and the proposed Project site. The IA at Site 20 was completed in 1995 and included excavation and removal of hydrocarbon-impacted soil surrounding two former grease racks. Site 20 IA Confirmation Report was submitted to the United States Environmental Protection Agency (EPA) and California Department of Toxic Substances Control (DTSC) in July 1996. Agency concurrence of no further remedial action was given by the EPA on July 28, 1997 and by the DTSC on March 12, 1998.

Organochlorine pesticide (OCP) was used at the South Parade Ground, 3800 Block Motor Pool, and the 519th Motor Pool areas (APN 031-101-017-000). These areas were approximately 0.15 mile east of the proposed Project site. Given the proximity of the proposed Project site to these areas, OCP spray drift could have occurred unintentionally through the air at the time of application resulting in concentrations of pesticides and elevated metals in the shallow soils (Kleinfelder 2022a).

Soil Sampling and Results

In October 2022, Kleinfelder (Kleinfelder 2022b) was retained to perform a limited soil environmental assessment for the proposed Project site (Appendix G). Four of the bores (B-1 through B-4) were advanced to approximately 51.5 feet below ground surface (bgs) within the proposed building footprint and four bores (B-5 through B-8) were advanced to approximately 11.5 feet bgs, located within the proposed Project asphalt-paved parking area. Additionally, four near-surface soil samples were collected from the approximate locations of the former “Range SPT (Support) Building” from approximately 0.25-foot to 0.75-foot bgs for asbestos analysis.

The soil samples were analyzed for total petroleum hydrocarbon for the carbon ranges for diesel (TPH-d), motor-oil (TPH-mo), and gasoline (TPH-g); semi-volatile organic compounds (VOCs), organochlorine pesticides, chlorinated herbicides, and metals. The analytical results of the soil samples were compared to the current (July 2019) Tier 1 Environmental Screening Levels (ESLs) for soil issued by the California Environmental Protection Agency's San Francisco Bay Regional Water Quality Control Board.² The analytical results were also compared to human health risk-based soil screening levels for residential and commercial/industrial properties that include current (May 2022) modified screening levels recommended for use by DTSC. All soil samples were below their respective Tier 1 ESL and DTSC screening levels, indicating that soils requiring disposal may be disposed at an off-site disposal or recycling facility as non-hazardous material or could be reused on the proposed Project site (Kleinfelder 2022b).

Results of Records Search for Hazardous Materials

As part of the Phase I Environmental Site Assessment, Kleinfelder retained the services of EDR, Inc. to perform a search of over 90 federal, State, and tribal databases related to hazardous materials, including the databases that are maintained under California Public Resources Code section 65962.5 (i.e., the “Cortese List”). The proposed Project site was not listed in any of these databases (Kleinfelder 2022a). In addition, in 2022, AECOM performed a site-specific search of several databases maintained as part of the Cortese List. The Hazardous Waste and Substances Site List (the EnviroStor database) is maintained by the DTSC as part of the requirements of Public Resources Code section 65962.5. The State Water Resources Control Board (SWRCB) maintains the GeoTracker database, an information management system for groundwater. Data on leaking underground storage tanks (USTs) and other types of soil and groundwater contamination, along with associated clean-up activities, are part of the information that the SWRCB must maintain under Public Resources Code section 65962.5. The results of these records searches conducted by AECOM indicate there are no open, active hazardous materials sites within the proposed Project site (DTSC 2022, SWRCB 2022).

Kleinfelder reviewed EDR Environmental Lien and activity and use limitation and no environmental lien is associated with the larger approximately 49-acre parcel (APN 031-151-013-000); however, there is an activity and use limitation associated with this parcel (Kleinfelder 2022a). The activity and use limitation is dated March 30, 2005 and was recorded on October 13, 2005. The quitclaim deed utilizes USACE's parcel numbers, and APN 031-151-013-000 is identified as part of USACE Parcel Number E15.1. According to the quitclaim deed, pursuant to Section 120(h)(3) of CERCLA, the Grantor (Government) notified the Grantee (FORA) of the former storage, release, and disposal of hazardous substances on Parcel E15.1. The Grantor also indicated in the quitclaim that all corrective, remedial, and response

² For a given analyte and matrix, the Tier 1 ESL is, by definition, the analyte's lowest and most protective ESL for that matrix.

actions necessary to protect human health and the environment with respect to any hazardous substances placed on Parcel E15.1 by the Grantor and remaining on Parcel E15.1 after the date of transfer shall be conducted by the Grantor. In the quitclaim, the Grantee (FORA) was informed and acknowledged that friable and non-friable asbestos or ACM have been found on Parcel E15.1. Kleinfelder notes that while the proposed Project site is only a portion of land identified as Parcel E15.1, the quitclaim does not specifically detail the locations of the former storage, release, and disposal of hazardous substances on the parcel (Kleinfelder 2022a).

AECOM also performed a search of the EPA Envirofacts database. This database is an assemblage of EPA databases, including the CERCLA (commonly known as Superfund) Information System database, which includes National Priorities List sites being assessed under the Superfund program, hazardous waste sites, and potentially hazardous waste sites. The proposed Project site is not listed in the Envirofacts database (EPA 2022).

Fort Ord Dunes State Park (formerly Site 3 – Beach Trainfire Ranges)

The Fort Ord Dunes State Park is a federal “Superfund” site located approximately 1,100 feet from the proposed Project site (Kleinfelder 2022a). In 2009, DTSC entered a memorandum of understanding (MOU) with the California Department of Parks and Recreation (now known as California State Parks). The MOU provides for implementation of soil and groundwater restrictions for this portion of the former Fort Ord U.S. Army post that was transferred to the California Department of Parks and Recreation (DPR), known as the Fort Ord Dunes State Park. According to the Final 4th Five-Year Review Report for Fort Ord Superfund Site, prepared in September 2017 by the U.S. Department of Army, the area of the Fort Ord Dunes State Park was formerly referred to as Site 3 – the Beach Trainfire Ranges. Site 3 extends approximately 3.2 miles along the coastline of Monterey Bay at the western boundary of the former Fort Ord U.S. Army post. The U.S. Army has reportedly completed the remedial action at Site 3 in accordance with CERCLA and the Interim Record of Decision, Site 3, Beach Trainfire Ranges report (ROD), which was subsequently finalized as part of the March 2005 ROD. The remedial action included excavation of soil contaminated with lead and associated spent ammunition. Approximately 162,800 cubic yards of impacted soil were removed from Site 3. After excavation, confirmation soil samples were collected, and the dunes were re-contoured to provide a more natural appearance. All final confirmation samples had reported lead concentrations of less than 1,860 milligrams per kilogram (mg/kg) and therefore, met the human-health based cleanup level of 1,860 mg/kg for lead as defined in the ROD.

In its 2021 Annual DTSC report, surface inspections continued to find light to moderate surface bullet concentrations in areas that were initially identified in the 2017, 2018, 2019 and 2020 site inspections (California State Parks 2022). Maintenance activities within the restricted areas only consisted of homeless camp debris removal, garbage removal, parking lot repaving and road maintenance. Maintenance activities did not import or move any fill in the former firing ranges (restricted areas) for 2021. Natural resource work included spraying non-native weeds and planting native plants throughout the park unit (DPR 2022).

Naturally Occurring Asbestos

As discussed in Section 4.2, “Air Quality,” the Monterey Bay Air Resources District Particulate Matter Implementation Plan identified the proposed Project site as located within a region known to contain elevated levels of NOA. NOA is typically associated with fault zones, and areas containing serpentinite or contacts between serpentinite and other types of rocks. Exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease which causes scarring of the lungs).

Schools

The CEQA Guidelines Appendix G checklist suggests and evaluation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school that could expose students, employees, and visitors to hazardous conditions. The closest K–12 schools are George C. Marshall Elementary School, located at 300 Normandy Road in Seaside, and Dual Language Academy of the Monterey Peninsula, a charter school located at 225 Normandy Road. Both schools are approximately 1 mile south of the proposed Project site.

Airports and Airstrips

Concentration of people and facilities in the vicinity of airports raises concerns about aircraft hazards. Two airports are located within 5 miles of the proposed Project site. The nearest one, Marina Municipal Airport, is approximately 3 miles to the northeast. The Monterey Regional Airport is approximately 4.8 miles to the southwest. The Monterey County Airport Land Use Commission adopted an Airport Land Use Compatibility Plan Update for the Monterey Regional Airport in February 2019 and an update to the plan for the Marina Municipal Airport in May 2019. These plans are intended to protect and promote the safety and welfare of residents near the public use airports in the county, as well as airport users (Monterey County 2019a, 2019b). The proposed Project site is not within the noise exposure contours, Airport Influence Area, or Runway Protection Zone of either airport (Monterey County 2019a, 2019b).³

Emergency Response and Evacuation

The Seaside Fire Department (SFD) is an all-hazards response agency providing fire, emergency medical services (basic life support) as well as local, State, and federal wildland response. The SFD operates a California State Office of Emergency Services (Cal OES) Type II Hazardous Material Vehicle. In cooperation with Cal OES, Salinas Fire Department and Monterey County Department of Environmental Health, SFD provides hazardous materials response and mitigation for all of Monterey and San Benito Counties, as well as state-wide requests (SFD 2022).

Ingress/egress to the city is limited to SR-1 and SR-68, which could create evacuation concerns for the city in response to a major hazard event (Monterey County 2022). Major emergency response and evacuation in the vicinity of the project site is provided by SR-1, Lightfighter Drive, and General Jim Moore Boulevard (City of Seaside 2017).

Wildfire

Fire prevention areas considered to be under State jurisdiction are referred to “State Responsibility Areas” (SRAs), and CAL FIRE is responsible for vegetation fires within SRAs.⁴ The Project site is not in an SRA. The closest SRAs are east and south of SR 68, approximately 11 miles south of the proposed Project site; these SRAs are rated as Very High, High, and Moderate Fire Hazard Severity Zones (CAL FIRE 2007, 2022).

CAL FIRE identifies only very high fire hazard severity zones in “local responsibility areas,” (LRAs) which are areas under the jurisdiction of local entities (e.g., cities and counties). The Project site is within a LRA and not designated by CAL FIRE as a very high fire severity zone (CAL FIRE 2008, 2022). The SFD provides fire protection services the project site (see Section 3.7, “Public Services,” in Chapter 3, “Effects Found Not to Be Significant,” for further discussion). The closest very high fire severity zone is approximately 6 miles southeast of the proposed Project site, adjacent to and south of Reservation Road. In addition, the proposed Project site is not within or in the vicinity of a wildland urban interface fire area (Monterey Fire Safe Council 2016).⁵

Please see Section 3.10, “Wildfire,” in Chapter 3 for further discussion of wildfire.

4.6.2 Regulatory Setting

Federal Plans, Policies, Regulations, and Laws

Toxic Substances Control Act

The federal Toxic Substances Control Act (1976) established a program administered by EPA to track, screen, and test industrial chemicals currently produced or imported into the United States that may pose an environmental or human health hazard. The Toxic Substances Control Act addresses the production,

³ Airport Influence Area is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may substantially affect land uses or necessitate restrictions on those uses. The airport influence area constitutes the area within which certain land use actions are subject to review to determine consistency with the Airport Land Use Compatibility policies.

⁴ California Public Resources Code Sections 4125–4127 define a State Responsibility Area as lands in which the financial responsibility for preventing and suppressing wildland fire resides with the State of California.

⁵ CAL FIRE defines the wildland urban interface as the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels.

importation, use, and disposal of specific chemicals including polychlorinated biphenyls, asbestos, radon, and lead-based paints.

Comprehensive Environmental Response, Compensation, and Liability Act

The CERCLA of 1980, also known as the “Superfund Act,” provides a federal fund to identify, characterize, and remediate hazardous material sites. Through the Superfund Act, the EPA was granted the authority to identify and obtain the cooperation of parties responsible for hazardous material incidents and conditions.

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act (SARA), Title III of 1986 is the Emergency Planning and Community Right-to-Know Act. Facilities are required to report the following items on EPA Form R, the Toxic Chemical Release Inventory Reporting Form: facility identification, off-site locations where toxic chemicals are transferred in wastes, chemical-specific information, and supplemental information.

Resource Conservation and Recovery Act

At the federal level, the principal agency regulating the generation, transport, and disposal of hazardous substances is the EPA, under the authority of the Resource Conservation and Recovery Act (RCRA) of 1976. The RCRA established an all-encompassing federal regulatory program for hazardous substances that is administered by the EPA. Under the RCRA, EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. The RCRA was amended by the Hazardous and Solid Waste Amendments of 1984, which specifically prohibits the use of certain techniques to dispose of various hazardous substances. The EPA has delegated much of the RCRA requirements to the DTSC.

State Plans, Policies, Regulations, and Laws

California Environmental Protection Agency’s Unified Program

In 1993, SB 1082 gave the California Environmental Protection Agency (CalEPA) the authority and responsibility to establish a unified hazardous waste and hazardous materials management and regulatory program, commonly referred to as the Unified Program. The purpose of this program is to consolidate and coordinate six different hazardous materials and hazardous waste programs, and to ensure that they are consistently implemented throughout the State. The Unified Program is overseen by CalEPA with support from DTSC, Regional Water Quality Control Boards (RWQCBs), the Office of Emergency Services (OES), and the State Fire Marshal. The six programs are:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

State law requires county and local agencies to implement the Unified Program. The agency in charge of implementing the program is called the Certified Unified Program Agency (CUPA). The Monterey County Environmental Health Bureau, Hazardous Materials Management Services (HMMS) is the designated CUPA for the county. In addition to the CUPA, other local agencies help to implement the Unified Program.

Cortese List, California Government Code Section 65962.5

The provisions of section 65962.5 of the California Government Code are commonly referred to as the “Cortese List” (after the legislator who authored the legislation that enacted it). The Cortese List is a planning document used by State and local agencies to comply with California Environmental Quality

Act's (CEQA) requirement to provide information about the location of hazardous-materials release sites. Government Code section 65962.5 requires CalEPA to develop an updated Cortese List at least annually. DTSC is responsible for a portion of the information contained on the Cortese List. Other State and local government agencies, including the SWRCB and RWQCBs, are required to provide additional information for the Cortese List about releases of hazardous materials.

In addition, section 65962.5 requires all project applicants to consult the Cortese List and determine whether any site-specific project is within a hazardous materials site on the list. If so, the project applicant is required to notify the lead agency in writing prior to the issuance of a building permit, so the lead agency can determine the appropriate course of action (which generally would include preparation of Phase I and (if necessary) Phase II environmental site assessment, along with site-specific remediation).

Hazardous Waste Control Act

The Hazardous Waste Control Act is implemented by regulations contained in Title 26 of the California Code of Regulations that describe requirements for the proper management of hazardous wastes. This legislation created the State hazardous waste management program, which is similar to, but more stringent than the federal RCRA program.

The program includes hazardous waste criteria for:

- identification and classification
- generation and transportation
- design and permitting of recycling, treatment, storage, and disposal facilities
- treatment standards
- operation of facilities and staff training
- closure of facilities and liability requirements

The Hazardous Waste Control Act and Title 26 regulations list more than 800 potentially hazardous materials and establish criteria for identifying, packaging, and disposal. Under these regulations, the generator of hazardous waste must complete a manifest that accompanies the material from the point of generation to transportation to the ultimate disposal location, with copies of the manifest filed with DTSC.

Hazardous Materials Transport

The California Highway Patrol (CHP), the California Department of Transportation (Caltrans), and DTSC have the responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies. Regulations governing hazardous materials transport are included in the California Vehicle Code (Title 13 of the California Code of Regulations), the State Fire Marshal Regulations (Title 19 of the California Code of Regulations), and Title 22, Division 4.5, Chapter 13 of the California Code of Regulations.

Title 13 of the California Code of Regulations establishes regulations for motor carrier transport of hazardous materials. All motor carrier transporters of hazardous materials are required to have a Hazardous Materials Transportation license issued by the CHP. In addition, placards identifying those hazardous materials are being transported must be displayed on the vehicle.

The California Vehicle Code section 31303 requires that hazardous materials be transported via routes with the least overall travel time, and prohibits the transportation of hazardous materials through residential neighborhoods. The CHP is authorized to designate and enforce route restrictions for the transportation of hazardous materials.

Transport of hazardous materials can only be conducted under a registration issued by DTSC as outlined by Chapter 13, Division 4.5 of Title 22.⁶ Identification (ID) numbers are issued by DTSC or EPA for

⁶ For additional detailed information regarding DTSC hazardous waste transporter requirements, including who to contact with waste transportation questions, see: <https://dtsc.ca.gov/hazardous-waste-transporter-requirements-fact-sheet/>.

tracking hazardous waste transporters and treatment, storage, and disposal facilities for hazardous materials. The ID number is used to identify the hazardous waste handler and to track waste from point of origin to final disposal. Transporters of hazardous wastes must register as a hazardous waste hauler with the DTSC. Each truck, trailer, semitrailer, or container used for shipping hazardous waste must be designed and constructed, and its contents limited, that under conditions normally incident to transportation, there would be no release of hazardous waste to the environment. All material transport takes place under manifest, and compliance with Title 22 requires that transporters take immediate action to protect human health and the environment in the event of spill, release, or mishap.

California Occupational Safety and Health Administration

California Occupational Safety and Health Administration (CalOSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within California. Regulations pertaining to the use of hazardous materials in the workplace (Title 8 of the California Code of Regulations [CCR]) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and preparation of emergency action and fire prevention plans. CalOSHA enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous-waste sites. The hazard communication program requires that employers make Safety Data Sheets available to employees, and requires documentation of informational and training programs for employees.

The CalOSHA regulations also include requirements for protective clothing, training, and limits on exposure to hazardous materials. CalOSHA also enforces occupational health and safety regulations specific to lead and asbestos investigation and abatement. These regulations equal or exceed their federal counterparts. Specific worker safety measures for excavation hazards (e.g., falling or cave-in of excavation walls) are described in the Title 8 CCR section 1541.

Regional and Local Plans, Policies, Regulations, and Ordinances

Monterey County Environmental Health Bureau

Monterey County's Environmental Health Bureau, HMMS is designated as the local CUPA. This agency is responsible for inspecting facilities in the county to verify proper storage, handling and disposal of hazardous materials and hazardous wastes. The HMMS administers programs for Hazardous Materials Business Plans, hazardous waste generator requirements, underground storage tanks, aboveground petroleum storage, prevention of accidental releases (California Accidental Release Prevention program), and hazardous materials management plans.

4.6.3 Impact Analysis

Methodology

This analysis considers the range and nature of foreseeable hazardous materials use, storage, and disposal resulting from implementation of the proposed Project and identifies the primary ways that these hazardous materials could expose individuals or the environment to health and safety risks.

Evaluation of potential impacts related to hazards and hazardous materials was based on a review of documents pertaining to the project site, including a Phase I Environmental Site Assessment and Environmental Characterization Sampling and Results Report prepared by Kleinfelder (2022a and 2022b); and a review of publicly available databases maintained by SWRCB, DTSC, and EPA.

The information obtained from these sources was reviewed and summarized to document existing conditions and to identify the potential environmental effects of the proposed Project. In determining the level of significance, this analysis assumes that development of the proposed Project would comply with relevant federal and State regulations.

Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, the proposed Project would have a significant impact related to hazards and hazardous materials if it would:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Topics Not Addressed Further

Result in Hazardous Emissions within One-Quarter Mile of a School—There are no K–12 schools within 0.25 mile of the proposed Project site. Thus, there would be **no impact**, and this issue is not addressed further in this EIR.

Hazardous Materials Sites Compiled Pursuant to Government Code section 65962.5—The proposed Project site is not listed on a hazardous waste and substances site list (Cortese list) pursuant to Government Code section 65962.5. Therefore, the proposed Project would result in **no impact** related to Cortese-listed hazardous materials sites.

Expose People to Airport Safety Hazards or Excessive Noise—The nearest airport is the Marina Municipal Airport, approximately 3 miles to the northeast of the Project site, and the Monterey Regional Airport is approximately 4.8 miles to the southwest. The proposed Project site is not within the noise exposure contours, Airport Influence Area, or Runway Protection Zone of either airport (Monterey County 2019a, 2019b). Because the proposed Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed Project would not result in a safety hazard or excessive noise for people in the Project site. Thus, there would be **no impact**, and this issue is not addressed further in this EIR.

Expose People or Structures to Wildland Fires—The proposed Project site is within a LRA and not designated by CAL FIRE as a very high fire severity zone (CAL FIRE 2008, 2022). In addition, the proposed Project site is not within or in the vicinity of a wildland urban interface fire area (Monterey Fire Safe Council 2016). Therefore, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. (Also see Section 3.10, “Wildfire,” in Chapter 3 for further discussion of wildfire.) Thus, there would be **no impact**, and this issue is not addressed further in this EIR.

Environmental Impacts

Impact 4.6-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The proposed Project could expose the public or the environment to hazardous materials due to improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel, transportation accident, and environmentally unsound disposal methods. The severity of potential effects varies with the activity conducted, the concentration of and type of hazardous material or wastes present, and the proximity of sensitive receptors.

Construction of the proposed Project would require use of typical construction equipment (e.g., gasoline- or diesel-powered machinery) and vehicles containing fuel, oil, and grease, as well as use and transport of these materials. Limited quantities of certain hazardous materials such as paints, solvents, and glues could also be used during construction.

Operation of the proposed Project would involve common janitorial cleaning and maintenance products and potentially herbicides and pesticides for landscape maintenance. None of these substances would be acutely hazardous.⁷ These products are required to be labeled with appropriate cautions and instructions for handling, storage, and disposal, and do not represent a significant threat to human health and the environment. Staff would be required to use, store, and dispose of these materials properly in accordance with label directions.

Federal and State regulations require adherence to specific guidelines independent of the CEQA process regarding the use, transportation, disposal, and accidental release of hazardous materials, as described in the “Regulatory Setting” section above. The EPA is responsible for administering the Federal Toxic Substances Control Act and RCRA, which regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. The Monterey County HMMS is the CUPA for the county and is responsible for implementing hazardous waste and materials State standards, including preparation of Hazardous Materials Business Program, California Accidental Release Prevention Program, and managing hazardous material storage tanks. Caltrans and the CHP regulate and manage routine transport of hazardous materials on roadways. The SFD responds to local hazardous materials emergencies.

Adherence to federal and State regulations reduces the risk of exposure to hazardous materials used during construction. Each of these regulations is specifically designed to protect the public health through improved procedures for the handling of hazardous materials, better technology in the equipment used to transport these materials, and a more coordinated quicker response to emergencies. With incorporation of existing regulations, impacts related to the creation of significant hazards to the public through routine, transport, use, and disposal, would be **less than significant**.

Impact 4.6-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The site reconnaissance and records search conducted by Kleinfelder did not find documentation or physical evidence of RECs in soil associated with the use of the proposed Project site. In addition, AECOM searched the DTSC’s EnviroStor, the EPA’s Envirofacts, and the SWRCB’s GeoTracker databases to identify toxic releases, hazardous waste, or other violations that could affect the site. The results of these records searches indicate there are no open, active hazardous materials sites within or adjacent to the proposed Project site that could affect construction workers, occupants of the site, or the environment (DTSC 2022, EPA 2022, SWRCB 2022).

Debris was observed throughout the proposed Project site, which included but is not limited to tires, building materials, windblown trash, and trash related to illegal homeless encampments. The debris

⁷ Acutely hazardous materials are defined as waste containing such dangerous chemicals that it could pose a threat to human health and the environment even when properly managed (DTSC 2023).

should be removed and disposed properly, and the Phase I Environmental Site Assessment recommends examining the underlying surface soils in these areas for signs of contamination (Kleinfelder 2022a). In response to this recommendation, in October of 2022, Kleinfelder was retained to perform a limited soil environmental assessment for the proposed Project site. The results of the assessment indicated that all soil samples were below their respective Tier 1 ESL and DTSC screening levels, thus indicating that soils may be disposed of at an off-site disposal or recycling facility as non-hazardous material and/or could be reused on site (Kleinfelder 2022b).

As discussed previously, the quitclaim deed, pursuant to Section 120(h)(3) of CERCLA, the Grantor (the Government) has notified the Grantee (FORA) of the former storage, release, and disposal of hazardous substances on Parcel E15.1. Only a portion of the proposed Project site (e.g., APN 031-151-013-000) is identified as Parcel E15.1; however, the quitclaim does not specifically detail the locations of the former storage, release, and disposal of hazardous substances on the parcel (Kleinfelder 2022a).

As stated above, the proposed Project site is located within a region known to contain elevated levels of NOA, but no evidence of NOA was identified during geotechnical soil investigations (Kleinfelder 2022b). The presence of NOA on the proposed Project site is unlikely.

Based on the OCP use of the adjoining property to the east, which the proposed Project site is considered to be a part of based on the former Fort Ord maps (Site 20), concentrations of pesticides and elevated metals, associated with application for pest control, may be present in the shallow soils (Kleinfelder 2022a). In addition, based on the aerial photographs, cleared pathways have been present since at least 1968 on the proposed Project site. It is likely that chlorinated herbicides were applied to maintain these cleared pathways (Kleinfelder 2022a).

As discussed above, the limited soil environmental assessment completed by Kleinfelder in October 2022 indicated that all soil samples were below their respective Tier 1 ESL and DTSC screening levels, thus, allowing for the disposal of soils at an off-site disposal or recycling facility as non-hazardous and/or reused on site (Kleinfelder 2022b). The environmental assessment noted, however, that if potentially impacted soil is discovered during the course of excavation or grading, additional soil sampling should be performed (Kleinfelder 2022b). In the unlikely event that impacted soil is discovered during the course of excavation or grading and activities inadvertently disperse contaminated material into the environment, exposure to construction workers would be considered a **potentially significant impact**.

Mitigation Measure 4.6-2: Prepare and Implement a Health and Safety Plan.

To protect the health of construction workers and the environment, the Judicial Council shall prepare and implement a site-specific Health and Safety Plan (HASP) as described below:

- The HASP shall be prepared in accordance with Title 8 of the CCR and federal Occupational Safety and Health Association regulations (29 CFR 1910.120) and approved by a certified industrial hygienist. Copies of the HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings. The HASP shall identify potential hazards (including stained or odiferous soils at any location where earthmoving activities would occur within the proposed development area), chemicals of concern (i.e., VOCs, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures.
- The HASP shall state that if stained or odiferous soil is discovered during project-related construction activities, Judicial Council shall retain a licensed environmental professional to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis. Recommendations contained in the Phase II Environmental Site Assessment to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas.
- The HASP shall also require notification of the appropriate federal, State, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous

groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, DTSC, the Monterey County Environmental Health Bureau HMMS (i.e., designated CUPA for the county), and/or other appropriate federal or State regulatory agencies.

Significance after Mitigation

Implementation of Mitigation Measure 4.6-2 would reduce proposed Project impacts related to hazards and hazardous materials to a **less-than-significant** level because previously undiscovered hazardous substances, if found, would be removed and properly disposed of by a licensed contractor in accordance with federal and State regulations, which are specifically designed to protect the public from human health hazards, and a HASP would be prepared and implemented, which would contain specific training requirements designed to reduce hazards from elevated hazardous materials contamination.

Impact 4.6-3: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The proposed Project site contains sufficient land such that construction materials, equipment, and personnel would be staged on site. There are no off-site road or infrastructure improvements that would require temporary lane closures that could slow or interfere with emergency vehicles, temporarily increasing response times and impeding existing services.

The proposed Project site would be accessed from two locations along Divarty Street: the westernmost access driveway would be controlled for use by court staff only and the easternmost access driveway would be used for public/jury parking. Service deliveries and a limited number of in-custody detainees being transported to and from court hearings would access the rear of the building from the parking area(s). The proposed Project would be required to comply with California Fire Code Chapter 10, which addresses fire-related Means of Egress, including Fire Apparatus Access Road width requirements. In addition, the SFD reviews and approves projects to ensure that emergency access meets City standards. The SFD's review would confirm that the proposed Project does not interfere with evacuation routes or impede the effectiveness of evacuation plans. Therefore, the proposed Project would not impair implementation of or physically interfere with evacuation or emergency response plans. The impact related to emergency response and evacuation plans would be **less than significant**.

4.7 Hydrology and Water Quality

This section provides a description of the existing hydrologic and hydraulic conditions of the Project site, including watersheds, drainage, water quality standards and pollutants, and flooding, along with groundwater basin information related to water-bearing formations, groundwater quality, subsidence, recharge, and sustainability. Next, a brief description of laws, regulations, and ordinances pertinent to the proposed Project is presented. The analysis describes impacts related to surface water and groundwater quality, groundwater recharge and sustainability, stormwater runoff, and flooding. Feasible mitigation measures are recommended, where necessary.

Impacts related to water supply are discussed in Section 3.9, “Utilities and Service Systems,” of this Environmental Impact Report (EIR).

4.7.1 Existing Conditions

Surface Water Resources

Watersheds and Drainage

The proposed Project site is situated within the Monterey Bay watershed (Hydrologic Unit Code [HUC] Code 10), in the Carmel subwatershed (see Exhibit 4.7-1) (California Department of Forestry and Fire Protection 2004). The site is also identified within the Parker Flats-Frontal Monterey Bay subwatershed (HUC Code 12) (Marina Coast Water District Groundwater Sustainability Agency [MCWD GSA] and Salinas Valley Basin Groundwater Sustainability Agency [SVB GSA] 2022: Figure 4-23). The site is undeveloped, with no existing impervious surfaces such as buildings or pavement aside from a small (approximately 10 feet by 10 feet) concrete slab in the northwestern portion of the proposed Project site. There are no surface waterbodies within or immediately adjacent to the proposed Project site. The Salinas River is approximately 3.5 miles northeast of the proposed Project site, and the Pacific Ocean is approximately 0.8 mile west of the Project site. The topography at the Project site slopes gently to the south and west, from a relatively large flat area in the north at approximately 185 feet above mean sea level, transitioning to an area with a slightly steeper gradient in the south and west to approximately 175 feet above mean sea level. There are no natural or manmade surface water drainage channels at the proposed Project site, primarily because the soil is composed of highly permeable Dune Sand deposits; therefore, rainfall and stormwater runoff readily infiltrate into the soil and percolate into the groundwater aquifer.

In the City of Seaside (City), stormwater travels through gutters into catch basins. The stormwater is then transported through underground storm drainage pipes and is discharged into Monterey Bay through a 90-inch-diameter outfall located in Sand City (Brown and Caldwell 2014). The City does not provide stormwater drainage services to the former Ford Ord Army Base area.

The proposed Project site (now owned by the City) is located in the western portion of the former Ford Ord Army Base itself, along the northern border of the City and southern border of the City of Marina. As discussed in the *Storm Water Master Plan* for the former Fort Ord (Creegan + D'Angelo 2005), beginning around 1940, the U.S. Army constructed a drainage system to serve the former Fort Ord area. The system evolved over the next 60 years as the former Fort Ord area expanded and was modified over time. Prior to 2002, stormwater that did not infiltrate into the soil was discharged into Monterey Bay, but the ocean outfalls were subsequently demolished by the U.S. Army. Due to the highly permeable nature of the soils within the former Fort Ord, much of the stormwater infiltrates into the soil. The former Fort Ord drainage system collects stormwater that does not infiltrate and conveys it to one of three percolation basins that were installed between 2002 and 2003 on the west side of SR-1. The percolation basins were considered to be temporary by the U.S. Army, with the long-term objective to infiltrate all stormwater on the east side of SR-1 as part of ongoing site-specific redevelopment projects within the former Fort Ord area (Creegan + D'Angelo 2005).



Source: California Department of Forestry and Fire Protection 2004

Exhibit 4.7-1. Watersheds

A 15-inch underground stormwater drainage pipeline that is part of the former Fort Ord stormwater infrastructure bisects the eastern side of the proposed Project site in a north-south direction. At the northern end, this drainage pipeline terminates just north of Divarty Street. At the southern end, this drainage pipeline connects to a surface water inlet structure just south of a former Fort Ord concrete pump house, south of the proposed Project site. The surface water inlet and the 15-inch stormwater drainage line tie into a 24-inch stormwater drainage line that runs in an east to southwest direction (south of the Project site). Per the City of Seaside (2022), the 15-inch drainage line that bisects the proposed Project site has been abandoned, and therefore it would be removed during Project-related construction.

Surface Water Quality

Section 303(d) of the federal Clean Water Act (CWA) requires each state to periodically prepare a list of all surface waters in the state for which beneficial uses of the water (e.g., drinking, recreation, aquatic habitat, and agricultural use) are impaired by pollutants. Beneficial uses for waters in the Project region are contained in the *Water Quality Control Plan for the Central Coast Basin* (Basin Plan), updated and adopted by the Central Coast Regional Water Quality Control Boards (RWQCB) in 2019.

Section 303(d) of the CWA also requires states to identify waters where the permit standards, any other enforceable limits, or adopted water quality standards are still unattained. The law requires states to develop total maximum daily loads (TMDLs) to improve the water quality of impaired water bodies. TMDLs are the quantities of pollutants that can be safely assimilated by a water body without violating water quality standards. TMDLs are developed for impaired water bodies to maintain beneficial uses, achieve water quality objectives, and reduce the potential for future water quality degradation. National Pollutant Discharge Elimination System (NPDES) permits for water discharges (for both construction and operation) must take into account the pollutants for which a water body is listed as impaired.

The proposed Project site is located within the Monterey Peninsula Hydrologic Planning Area (No. 309.50), which is a subarea within the larger Salinas Hydrologic Unit (No. 309.00) (Central Coast RWQCB 2019). The proposed Project site does not drain or discharge to any impaired water body identified on the CWA section 303(d) list (State Water Resources Control Board [SWRCB] 2021).

Flooding

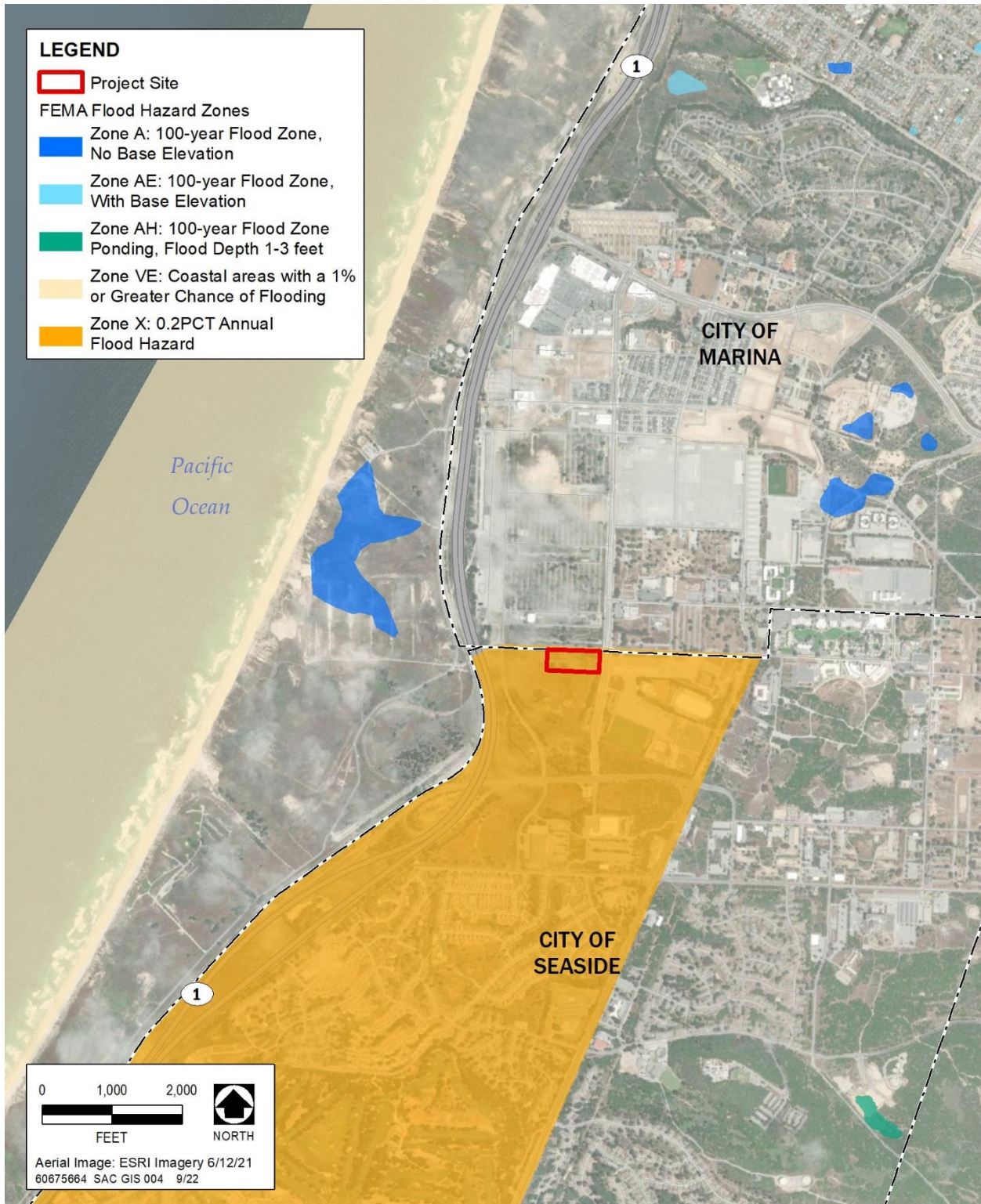
The proposed Project site is not located in a 100-year flood hazard zone. The most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) indicates the proposed Project site is designated as shaded Zone X—an area that is between the 100-year and 500-year floodplains and classified as a moderate flood hazard (see Exhibit 4.7-2) (FEMA 2017).

A tsunami is an ocean wave usually created by undersea fault movement or by a coastal or submerged landslide. As the displaced water moves to regain equilibrium, waves are formed and radiate across the open water. When the waveform reaches the coastline, it quickly raises the water level, with accompanying high water velocities that can damage structures and sweep away objects and people. The proposed Project site is east of SR-1, approximately 0.8 mile from the Pacific Ocean. A review of the Monterey County tsunami hazard inundation map indicates that the proposed Project site is not within a tsunami hazard area (California Governor's Office of Emergency Services et al. 2021).

A seismic seiche causes standing waves to set up on rivers, reservoirs, ponds, and lakes when seismic waves from an earthquake pass through the area. Because they occur in an enclosed waterbody, standing waves continue to slosh back and forth over a period of time that may range from a few minutes to several hours. There are no waterbodies in the proposed Project vicinity that would be subject to seismic seiche hazards.

Erosion and Runoff Potential

Most soils can be categorized into hydrologic soil groups (which apply only to surface soil layers) based on runoff-producing characteristics. Hydrologic soil groups are factored into calculations of erosion potential when drainage plans are prepared. Based on a review of U.S. Natural Resources Conservation Service ([NRCS] 2021) soil data, the proposed Project site soil consists of Oceano loamy sand, 2 to 15 percent slopes. This soil type is classified as hydrologic Group A, which consists of soils with a high water permeability rate and a very low stormwater runoff potential. The water erosion hazard is rated as low, but the wind erosion hazard is rated as high (NRCS 2021).



Source: Federal Emergency Management Agency 2017

Exhibit 4.7-2. Flood Hazard Zones

Groundwater Resources

Groundwater Basin

A groundwater basin is defined as a hydrogeologic unit containing one large aquifer or several connected and interrelated aquifers. The proposed Project site is located in the Salinas Valley Groundwater Basin, Monterey Subbasin (California Department of Water Resources [DWR] Basin No. 3-004.10). The Monterey Subbasin extends inland from the Pacific Ocean to the Sierra de Salinas Mountains. The northeastern boundary is shared with the 180/400 Foot Aquifer Subbasin, which follows a groundwater divide and the Reliz Fault. The southwest boundary is formed by a groundwater divide separating the Monterey Subbasin and the Seaside Subbasin.

Groundwater Sustainability

Groundwater sustainability planning in the Monterey Subbasin is administered by the MCWD GSA and the SVB GSA. A Groundwater Sustainability Plan (GSP) has been prepared and was submitted to DWR for approval in January 2022 as required by the Sustainable Groundwater Management Act (MCWD GSA and SVB GSA 2022). Two management areas have been identified in the GSP for the Monterey Subbasin: the Marina-Ord area (which includes the proposed Project site), and the Corral de Tierra area (which comprises the eastern portion of the subbasin) (see Exhibit 4.7-3). Water supply for the proposed Project would be provided by MCWD, which is the exclusive water purveyor to all non-Federal lands (and to the U.S. Army for all Army and federal facilities) in the former Fort Ord area. At the proposed Project site (which is located along the western edge of the former Fort Ord), there are several groundwater aquifers present, including a shallow Dune Sand Aquifer, the 180-Foot and 400-Foot Aquifers, and the Deep Aquifer. Most of the ongoing groundwater remediation activities at the former Fort Ord take place in the Dune Sand Aquifer. The 180-Foot and 400-Foot Aquifers and the Deep Aquifer are used for municipal water supply. Several aquifers and aquitards are present in the Monterey Subbasin, but due to the complex underlying geology, the same aquifers and aquitards are not present in all locations.

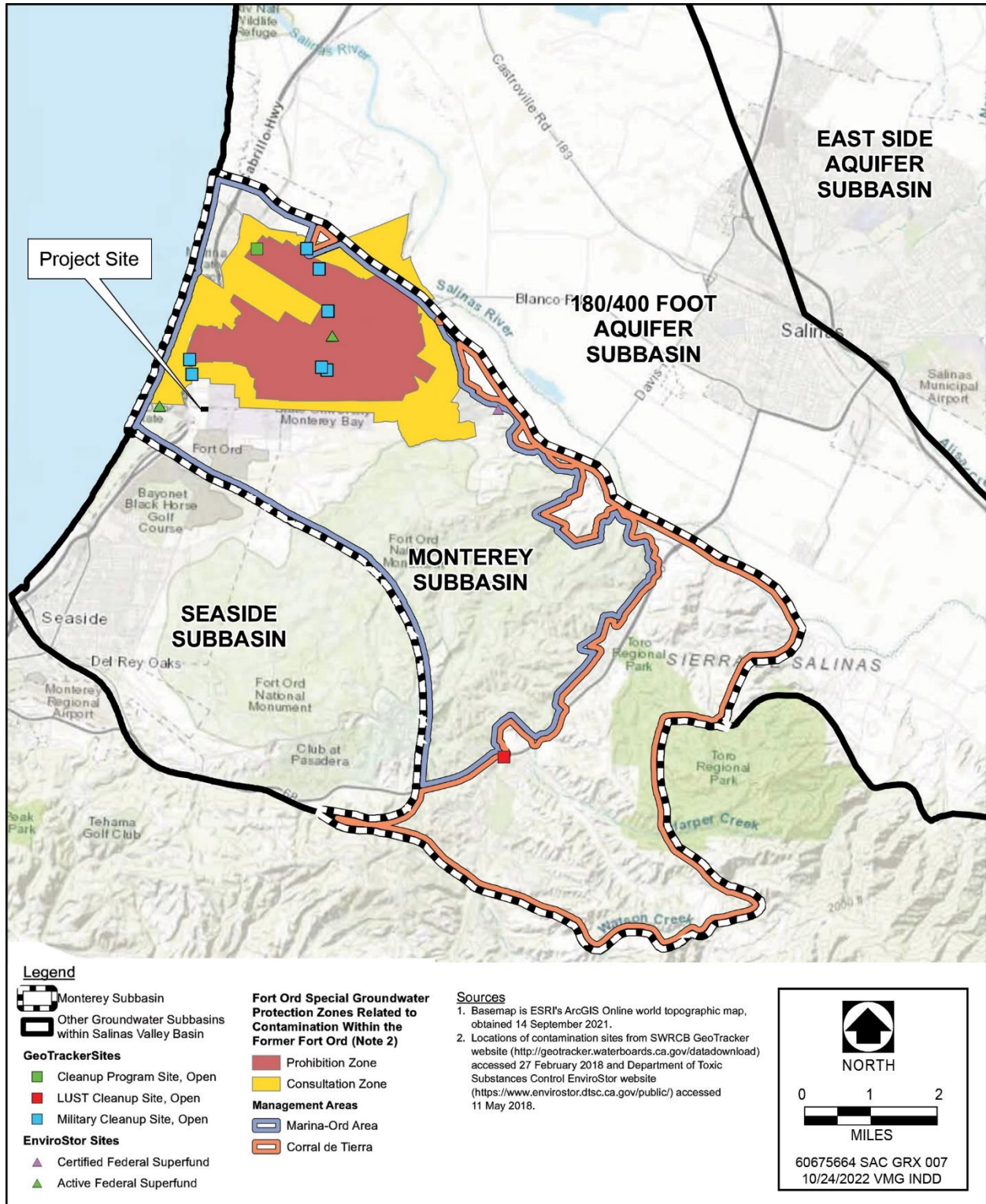
Most of the former Fort Ord area has good recharge potential in the Dune Sand Aquifer, which subsequently recharges the underlying 180-Foot and 400-Foot Aquifers due to the high infiltration potential of the soils. Return flow from urban irrigation is not likely a substantial source of recharge in the Monterey Subbasin, and there are currently no artificial recharge projects within the Monterey Subbasin. Discharge of groundwater from the Monterey Subbasin occurs predominantly through groundwater pumping from private and municipal supply wells and groundwater remediation extraction wells (MCWD GSA and SVB GSA 2022:4-14).

In 2001, the federal government transferred ownership of the Fort Ord water system infrastructure to MCWD. The transfer of ownership included limits as to how much groundwater could be pumped from the former Fort Ord area to protect the 180- and 400-Foot Aquifers. There are currently no sources of surface water supply in the Monterey Subbasin; all water supplies are provided from groundwater. MCWD is continuing to develop new water supplies to support redevelopment of the former Fort Ord and to supplement its overall groundwater supplies throughout its service area (MCWD GSA and SVB GSA 2022:52-53).

Groundwater Quality

As noted in the GSP, coastal areas of the Monterey Subbasin (including the proposed Project site) drain toward Monterey Bay. Stormwater runoff is minimal due to the high rate of surface water infiltration into the permeable dune sand. Consequently, well-developed natural drainages are absent throughout much of this area (MCWD GSA and SVB GSA 2022:4-45).

Monterey County Ordinance No. 04011 (adopted in 2005) prohibits and regulates new groundwater wells in certain areas within the former Fort Ord (primarily in the City of Marina, north of the Project site) due to groundwater contamination constraints associated with VOCs. Well construction is prohibited in areas overlying or adjacent to the contamination plumes in the former Fort Ord (i.e., the "Prohibition Zone"), and is subject to special review in adjacent areas that may be affected by the contamination plumes (i.e., the "Consultation Zone"). As shown in Exhibit 4.7-3, the proposed Project site is not located within either the Prohibition Zone (approximately 1 mile to the north/northeast) or the



Source: MCWD GSA and SVB GSA 2022: Figure 5-30; adapted by AECOM in 2022

Exhibit 4.7-3. Sources of Groundwater Contamination in the Monterey Subbasin

Consultation Zone (approximately 1,300 feet to the west and approximately 2,200 feet to the north) (MCWD GSA and SVB GSA 2022: Figures 3-11 and 5-30).

An analysis of drinking water quality from wells in the former Fort Ord found that there were no detections of groundwater contaminants at levels of health concern in the presently “active” drinking water wells in the former Fort Ord. Furthermore, the analysis found that because the drinking water wells currently in use in the former Fort Ord are located far from sources of contamination, are drilled to deep aquifers that are not likely to be contaminated, and are monitored regularly, the Ord Community's drinking water supply is considered safe to drink in the future (Schaaf & Wheeler 2021:56).

Subsidence

No measurable land subsidence from groundwater withdrawal has been recorded anywhere in the Monterey Subbasin (MCWD GSA and SVB GSA 2022:5-58).

Groundwater-Dependent Ecosystems

There are no groundwater-dependent ecosystems at the proposed Project site or within the Project vicinity (MCWD GSA and SVB GSA 2022:5-61 through 5-67 and Figures 5-35 and 5-37).

4.7.2 Regulatory Setting

Federal Plans, Policies, Regulations, and Laws

Clean Water Act

The CWA (33 United States Code [U.S.C.] section 1251 *et seq.*) is the primary federal law that governs and authorizes water quality control activities by the EPA, the lead federal agency responsible for water quality management. By employing a variety of regulatory and non-regulatory tools, including establishing water quality standards, issuing permits, monitoring discharges, and managing polluted runoff, the CWA seeks to restore and maintain the chemical, physical, and biological integrity of surface waters to support the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water.

EPA is the federal agency with primary authority for implementing regulations adopted pursuant to the CWA, and has delegated the State of California as the authority to implement and oversee most of the programs authorized or adopted for CWA compliance through the Porter-Cologne Water Quality Control Act of 1969 described below.

Water Quality Criteria and Standards

Pursuant to federal law, EPA published water quality regulations under Volume 40 of the Code of Federal Regulations (CFR). Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the CWA, water quality standards consist of two elements: (1) designated beneficial uses of the water body in question, and (2) criteria that protect the designated uses. Section 304(a) requires EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. Section 303(d) requires states to develop lists of the water bodies and associated pollutants that exceed water quality criteria.

National Pollutant Discharge Elimination System Permit Program, Section 402

The NPDES permit program was established as part of the CWA to regulate municipal and industrial discharges to surface waters of the U.S. Federal NPDES permit regulations have been established for broad categories of discharges, including point source municipal waste discharges and nonpoint source stormwater runoff. NPDES permits generally identify limits on the concentrations and/or mass emissions of pollutants in effluent discharged into receiving waters; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pre-treatment, pollution prevention, self-monitoring, and other activities. The discharge prohibitions and limitations in an NPDES permit are designed to ensure the maintenance of public health and safety, protection of receiving water resources, and safeguarding of the water's designated beneficial uses.

In November 1990, EPA published regulations establishing NPDES permit requirements for municipal and industrial stormwater discharges. Phase I of the permitting program applied to municipal discharges of stormwater in urban areas where the population exceeded 100,000 persons.¹ Phase II of the NPDES stormwater permit regulations became effective in March 2003 and required NPDES permits be issued for construction activity for projects that disturb between 1 and 5 acres. Phase II of the municipal permit system (i.e., known as the NPDES General Permit for Small Municipal Separate Storm Sewer Systems [Small MS4s], Order No. 2003-0005-DWQ as amended by 2013-0001-DWQ) required small municipality areas of less than 100,000 persons (hereinafter called Phase II communities) to develop stormwater management programs.

California's RWQCBs are responsible for implementing the NPDES permit system (refer to additional details in the subsection "State Plans, Policies, Regulations, and Laws," below).

Section 401 Water Quality Certification or Waiver

Under Section 401 of the CWA, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the U.S.) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the authority to either grant water quality certification or waive the requirements is delegated by the SWRCB to the nine regional boards. Water quality in Monterey County, including the proposed Project site, is under the jurisdiction of the Central Coast RWQCB.

Section 303(d) Impaired Waters List

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that would not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) requires that the state develop a TMDL for each of the listed pollutants. The TMDL is the amount of loading that the water body can receive and still be in compliance with water quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water quality objectives. EPA must either approve a TMDL prepared by the state or disapprove the State's TMDL and issue its own. NPDES permit limits for listed pollutants must be consistent with the waste load allocation prescribed in the TMDL. The goal of the TMDL program is that, after implementation of a TMDL for a given pollutant on the 303(d) list, the causes that led to the pollutant's placement on the list would be remediated.

Federal Antidegradation Policy

The Federal Antidegradation Policy (40 CFR 131.12) is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a statewide policy to protect and maintain water quality for existing in-stream uses and waters of exceptional recreational or ecological significance.

Federal Emergency Management Agency National Flood Insurance Program

The FEMA administers the National Flood Insurance Program (NFIP, 42 U.S.C. 4016(a)) to provide flood insurance to individuals within communities that adopt and enforce NFIP regulations that limit development in floodplains; federally-backed flood insurance is only available within NFIP communities. FEMA also develops and issues FIRMs that identify which land areas are subject to flooding. Flood hazard zones in the community are identified within the FIRMs, at the minimum, for the 1-in-100 annual exceedance probability flood event and sometimes other flood events. The design standard for flood protection covered by the FIRMs is established by FEMA with the minimum level of flood protection for new development determined to be the 1-in-100 annual exceedance probability (AEP) (i.e., the 100-year flood event). As developments are proposed and constructed, FEMA is also responsible for issuing revisions to FIRMs, such as Conditional Letters of Map Revision (CLOMR) and Letters of Map Revision (LOMR) through the local agencies that work with the National Flood Insurance Program.

¹ Phase I also applies to storm water discharges from a large variety of industrial activities, including general construction activity if the project would disturb more than 5 acres.

State Plans, Policies, Regulations, and Laws

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) of 1969 is California's statutory authority for the protection of water quality. Under the Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. The Act provides authority for the State NPDES program, including provisions for the issuance of NPDES permits and implementation of waste discharge requirements to regulate discharges of stormwater to waters of the State. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans for all areas in the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the SWRCB and RWQCBs to adopt and periodically update basin plans. The Central Coast RWQCB regulates water quality in Monterey County, including the proposed Project site.

Basin plans are the regional water quality control plans required by both the CWA and Porter-Cologne Act in which beneficial uses, water quality objectives, and implementation programs are established for each of the nine regions in California. The act also requires waste dischargers to notify the RWQCBs of such activities through the filing of Reports of Waste Discharge (RWD) and authorizes the SWRCB and RWQCBs to issue and enforce waste discharge requirements (WDRs), NPDES permits, CWA Section 401 water quality certifications, or other approvals. The RWQCBs also have authority to issue waivers to RWD requirements and WDRs for broad categories of "low threat" discharge activities that have minimal potential for adverse water quality effects when implemented according to prescribed terms and conditions.

State Water Resources Control Board

SWRCB and its nine RWQCBs administer water rights and enforce pollution control standards throughout the state. SWRCB is responsible for granting of water right permits and licenses through an appropriation process following public hearings and appropriate environmental review by applicants and responsible agencies. In granting water right permits and licenses, SWRCB must consider all beneficial uses, including water for downstream human and environmental needs. In addition to granting the water right permits needed to operate new water supply projects, SWRCB also issues water quality-related certifications to developers of water projects under Section 401 of the CWA.

Water Quality Control Plan for the Central Coast Basin (Basin Plan)

The Basin Plan (Central Coast RWQCB 2019) identifies the beneficial uses of water bodies and provides water quality objectives and standards for waters of the Central Coast hydrologic region. After adoption of the Basin Plan by the Central Coast RWQCB, the Basin Plan requires approval by the SWRCB and the Office of Administrative Law. After SWRCB approval, EPA must also approve the water quality standards contained in the Basin Plan, as required by the CWA.

State and federal laws mandate protecting designated "beneficial uses" of water bodies. State law defines beneficial uses as "domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves" (Water Code section 13050(f)).

The beneficial uses of any specifically identified water body generally apply to all tributary streams to that water body. In accordance with State Board Resolution No. 88-63, all surface waters are generally considered suitable or potentially suitable for municipal or domestic water supply. Groundwater throughout the Central Coastal Basin, except for that found in the Carrizo Plain Groundwater Basin, is considered suitable for agricultural water supply, municipal and domestic water supply, and industrial use.

The Basin Plan describes a set of designated beneficial uses for each water body. Beneficial uses help to define the resources, services, and qualities of the aquatic systems. Beneficial uses also serve as a basis for establishing water quality objectives and discharge prohibitions. The Basin Plan contains specific numeric water quality objectives that are applicable to each water body or portions of water bodies. Objectives have been established for ocean waters; inland surface water, enclosed bays, and estuaries; and groundwater. Objectives have also been established for specified beneficial uses. The objectives contain either numeric or narrative standards for a variety of criteria (depending on the type of water)

such as sediment, turbidity, pH, dissolved oxygen, temperature, and toxicity. Finally, the Basin Plan contains a set of implementation plans, which represent the Central Coast RWQCB's programs and specific plans of action for meeting water quality objectives and protecting beneficial uses.

National Pollutant Discharge Elimination System Permit System

Waste Discharge Requirements for Construction

The SWRCB's Statewide Stormwater General Permit for Construction Activity (Order WQ 2022-0057-DWQ) is applicable to all construction activities that would disturb 1 acre of land or more (SWRCB 2012). Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

Through the NPDES and WDR process, SWRCB seeks to ensure that the construction and post-construction conditions at a project site do not cause or contribute to direct or indirect impacts on water quality (i.e., pollution and/or hydromodification) upstream and downstream, as required by the federal CWA. To comply with the requirements of the Construction General Permit, project applicants must file a notice of intent with the SWRCB to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP. The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies Best Management Practices (BMPs) that would be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. The permit also requires dischargers to consider the use of post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

Waste Discharge Requirements for Operation

In 1990, the EPA promulgated rules establishing Phase I of the NPDES storm water program for municipal separate storm water systems (MS4s). An MS4 is a conveyance or system of conveyances that is: (1) owned by a State, city, town, village, or other public entity that discharges to waters of the United States; (2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); (3) not a combined sewer; and (4) not part of a publicly owned treatment works or sewage treatment plant. The Phase I program for MS4s requires operators of "medium" and "large" MS4s (i.e., those that generally serve populations of 100,000 or greater), to implement a storm water management program as a means to control polluted discharges from these MS4s. On December 8, 1999, EPA promulgated Phase II storm water regulations, which requires the SWRCB to issue NPDES storm water permits to operators of Small MS4s within "urbanized areas," and to Small MS4s located outside of urbanized areas serving jurisdictions with a population density of at least 1,000 people per square mile and a population of at least 10,000. On February 5, 2013 (amended 2019), the SWRCB adopted the statewide Phase II Small MS4 General Permit.

Compliance with the statewide Small MS4 Permit (SWRCB 2019) requires each discharger or group of dischargers to implement a Storm Water Management Plan that is approved by the appropriate Regional Water Quality Control Board. The Small MS4 Permit requires dischargers to implement controls to reduce pollutants from the MS4 to the maximum extent practicable (MEP). The MEP standard requires dischargers to apply BMPs that are effective in reducing or eliminating the discharge of pollutants to waters of the U.S. MEP emphasizes pollutant reduction and source control BMPs to prevent pollutants from entering storm water runoff.

Sustainable Groundwater Management Act

In 2014, the California Legislature enacted a three-bill law (Assembly Bill-1739, Senate Bill [SB]-1168, and SB-1319), known as the Sustainable Groundwater Management Act (SGMA). The SGMA was created to provide a framework for the sustainable management of groundwater supplies, and to strengthen local control and management of groundwater basins throughout the State with little State

intervention. The SGMA is intended to empower local agencies to adopt groundwater sustainability plans that are tailored to the resources and needs of their communities, such that sustainable management would provide a buffer against drought and climate change, and ensure reliable water supplies regardless of weather patterns. The SGMA and corresponding regulations require that each high- and medium-priority groundwater basin is operated to a sustainable yield, balancing natural and artificial groundwater recharge with groundwater use to ensure undesirable results such as chronic lowering of groundwater levels, loss of storage, water quality impacts, land subsidence, and impacts to hydraulically connected streams do not occur. The SGMA is considered part of the statewide, comprehensive California Water Action Plan that includes water conservation, water recycling, expanded water storage, safe drinking water, and wetlands and watershed restoration. The SGMA protects existing surface water and groundwater rights and does not affect current drought response measures.

California's 515 groundwater basins are classified into one of four categories; high-, medium-, low-, or very low-priority based on components identified in the California Water Code section 10933(b). Basin priority determines which provisions of California Statewide Groundwater Elevation Monitoring (CASGEM) and the SGMA apply in a basin.

The SGMA requires that local agencies form one or more groundwater sustainability agencies (GSAs) within 2 years (i.e., by June 30, 2017). Agencies located within high- or medium-priority basins were required to adopt GSP by January 31, 2020 or January 31, 2022, respectively.² Local agencies will have 20 years to fully implement GSPs after the plans have been adopted. Intervention by the SWRCB would occur if a GSA is not formed by the local agencies, and/or if a GSP is not adopted or implemented.

The SGMA requires local agencies to develop and implement groundwater sustainability plans in high- and medium-priority groundwater basins throughout the State of California. Groundwater sustainability plans are not required for low- or very low-priority basins. The Monterey Subbasin is a medium-priority basin, and is not in a state of critical overdraft (DWR 2019). A GSP for the Monterey Subbasin has been prepared (MCWD GSA and SVB GSA 2022), and was submitted to DWR for approval in January 2022.

Regional and Local Plans, Policies, Regulations, and Ordinances

Small Municipal Separate Storm Sewer Systems (Small MS4) Permit

The Central Coast Stormwater Program regulates stormwater discharges from municipalities and construction and industrial activities in the proposed Project region to protect, maintain, and improve watershed processes affected by stormwater runoff. The Central Coast RWQCB is responsible for approving and carrying out regional storm water quality regulation, including both construction-related and operational Small MS4 permitting to meet the federal CWA NPDES regulations.

Central Coast RWQCB Resolution R3-2013-0032 (adopted July 12, 2013) approved the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast* to ensure that permittees are reducing operational pollutant discharges according to the MEP standard and preventing operational stormwater discharges from causing or contributing to a violation of receiving water quality standards (Central Coast RWQCB 2013). The Stormwater Management Requirements apply to all new development or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surfaces (collectively over the entire project site). In addition to private development projects, the Stormwater Management Requirements also apply to public development projects. The Stormwater Management Plan includes specific post-construction performance requirements related to site design and runoff reduction, water quality treatment, runoff retention, and peak management. The performance requirements mandate that development projects use Low Impact Development (LID) to detain, retain, and treat runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes.

In the proposed Project area, implementation of the Small MS4 Permit requirements is achieved through compliance with the *Monterey County Regional Storm Water Management Program* (MRSWMP 2011). The MRSWMP includes requirements for implementation of BMPs to protect water quality, as well as a

² Unless the local agency has submitted an Alternative as defined in the SGMA which has been approved by DWR.

set of measurable goals. BMPs were developed using the California Stormwater Quality Association (CASQA) BMP Handbooks. Signatories to the MRSWMP consist of Monterey County and the Cities of Seaside, Marina, Sand City, Monterey, Del Rey Oaks, Pacific Grove, and Carmel-by-the-Sea. One of the adopted BMPs includes direction for the signatories to develop LID guidance documents for site-specific projects. The *Stormwater Technical Guide for Low Impact Development* was developed by the City of Seaside (2020) to regulate site-specific development projects in compliance with the MRSWMP and the regional NPDES Small MS4 Permit. This includes sizing and design criteria for retention/biofiltration basins and design and maintenance criteria for on-site stormwater quality source, treatment, and runoff reduction measures.

4.7.3 Impact Analysis

Methodology

Potential impacts related to hydrology and water quality were evaluated based on a review of publicly available information regarding watersheds, surface waters, groundwater, soil characteristics, flooding hazards, and stormwater control and treatment requirements in the proposed Project area. The information obtained from these sources was reviewed and summarized to document existing conditions and to identify the potential environmental effects of the proposed Project.

Thresholds of Significance

Based on Appendix G of the State California Environmental Quality Act Guidelines, the proposed Project would have a significant impact related to hydrology and water quality if it would:

- violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i) result in substantial erosion or siltation on- or off-site;
 - ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
 - iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv) impede or redirect flood flows;
- in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Topics Not Addressed Further

Impede or Redirect Flood Flows—The proposed Project site is not located in a 100-year flood hazard zone. FEMA (2017) has classified the site as shaded Zone X, which is an area of moderate flood hazard between the 100- and 500-year floodplains. As shown in Exhibit 4.7-2, most of the existing development in the City of Seaside west of General Jim Moore Boulevard is situated within FEMA shaded Zone X. Flood insurance is not required for properties in shaded Zone X, and there are no local, State, or federal floodproofing requirements that apply to structures constructed in shaded Zone X. Therefore, redevelopment of the proposed Project site as proposed would not impede or redirect flood flows, and there would be no impact. This issue is not addressed further in this EIR.

Risk Release of Pollutants from Project Inundation—The proposed Project site is not located in a flood hazard, tsunami, or seiche zone. Thus, there would be no impact from release of pollutants due to Project inundation. This issue is not addressed further in this EIR.

Environmental Impacts

Impact 4.7-1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

For the proposed Project, approximately 5 acres of existing undeveloped land would be developed to accommodate the proposed courthouse building and associated parking. As indicated previously in subsection 4.7.1, “Environmental Setting,” there are no surface water bodies at the proposed Project site, and the site does not drain to any waterbodies that are included in the CWA section 303(d) list. Due to the highly permeable nature of the Dune Sand deposits at the proposed Project site, surface water infiltrates through the soil and percolates into the groundwater. Based on soil borings obtained at the Project site in support of the preliminary geotechnical report, groundwater was not encountered to the maximum depth of 51 feet below the ground surface (Kleinfelder 2022). Therefore, construction dewatering would not be required for Project implementation.

Construction activities, including excavation and grading associated with cuts-and-fills along with building foundations and parking areas, would disturb sediment that could be transported in stormwater runoff during the winter rainy season. In addition, disturbed sediment could be transported via wind, particularly during the summer months. Sediments, in addition to being contaminants in their own right, transport other contaminants, such as trace metals, nutrients, and hydrocarbons that adsorb to suspended sediment particles.

Long-term operational discharges of urban contaminants into the groundwater would increase with the buildout of the proposed Project site, compared to existing conditions, by adding impervious surfaces and adding additional urban stormwater runoff. New development has the potential to alter the types, quantities, and timing of contaminant discharges in stormwater runoff. Changes to a more developed state, if not appropriately managed, can adversely affect water quality. As noted previously, the proposed Project site soil has a high permeability rate and therefore has a correspondingly low stormwater runoff potential (i.e., Hydrologic Group A). However, new impervious surfaces associated with the proposed development would result in an associated increase in urban stormwater runoff, which could be a source of surface water pollution if not properly controlled, and a source of groundwater pollution given the high permeability of soils within and surrounding the proposed Project site. Water quality degradation can interfere with Basin Plan implementation and with achievement of TMDL objectives required by the CWA, and can adversely affect wetland ecosystems, and sensitive plant and animal species, as well as humans. Groundwater quality degradation can also interfere with GSP implementation.

Several existing regulations would apply to the proposed development area that would reduce or avoid impacts related to erosion, sedimentation, and water quality degradation. Because the proposed Project would disturb more than 1 acre of land during the construction process, the Judicial Council must comply with the requirements in the SWRCB’s General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ) [Construction General Permit]. Through the NPDES and WDR process, SWRCB seeks to ensure that the construction and post-construction conditions at a project site do not cause or contribute to direct or indirect impacts on water quality. The Construction General Permit requires preparation and implementation of a SWPPP with associated BMPs that are specifically designed to reduce construction-related erosion, sedimentation, and pollutant transport. The Construction General Plan includes a numeric, two-part, risk-based analysis process. It also identifies the need to address changes in the hydrograph, defined as hydrograph modification or hydromodification, which could result from urbanization of a watershed, and requires LID controls to more closely mimic the pre-developed hydrologic condition. Examples of BMPs for erosion and sediment control relating to construction activities and stormwater runoff that could be implemented include mulch, re-seeding, straw wattles, check dams, sediment traps, silt fencing, sediment basins, placement of rip rap under drain outfalls, and stabilizing construction entrances and exits.

The Cities of Seaside and Marina, Monterey County, and several other jurisdictions are co-permittees in the MRSWMP, which was formed to coordinate and implement long-term operational NPDES Small MS4 permit compliance activities. The MRSWMP requirements apply to all new public and private development within the urbanized Monterey Bay area, including the former Fort Ord, that would develop 2,500 square feet or more of impervious surface (MRSWMP 2011: Figures 3-1 and 3-3). The MRSWMP is a regulatory document that contains the requirements each signatory must implement and enforce locally to protect water quality. The MRSWMP components are mandated by the State and Federal EPA NPDES operational Small MS4s Permits per the federal CWA. Under the MRSWMP, development projects are required to address stormwater quality by implementing BMPs during construction to reduce impacts from construction work, and also during project operation to reduce post-construction impacts to water quality. Long-term water quality impacts must be reduced using site design and source control measures to help keep pollutants out of stormwater. In the former Fort Ord area, operational BMPs include LIDs such as the use of site-specific biofiltration basins that treat stormwater by filtering it through plant material. Details related to these requirements are contained in the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast* (Central Coast RWQCB 2013) and the *Stormwater Technical Guide for Low Impact Development* (City of Seaside 2020). Implementation of these measures to protect surface water and groundwater quality and to support designated beneficial uses of waterbodies are part of the City's and the Judicial Council's required compliance with the *Water Quality Control Plan for the Central Coast Basin* (Central Coast RWQCB 2019).

Compliance with the above-listed laws, regulations, and permit terms would require a reduction of pollutants in construction and operational stormwater runoff generated at the proposed Project site through implementation of a SWPPP with associated BMPs designed to control construction-related erosion and pollutants, and through implementation of operation-related LID technologies, BMPs, and pollutant source control measures (e.g., biofiltration basins). These measures would protect surface water and groundwater quality as required by the Basin Plan. Therefore, the proposed Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and this impact would be **less than significant**.

Impact 4.7-2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

The proposed Project site encompasses approximately 5 acres of highly permeable Dune Sand deposits. After Project implementation, most of the site would be covered with impermeable surfaces consisting of the courthouse building and associated paved parking. However, as shown in Exhibit 2-2 (see Chapter 2, "Project Description") retention/biofiltration areas would be constructed throughout the proposed Project site to provide stormwater filtration, pre-treatment, and percolation through the soil into the groundwater aquifer. Preliminary calculations by BFS Landscape Architects (2022) indicate that a minimum of approximately 12,000 square feet (0.27 acre) of retention/biofiltration area would be provided at the project site.

No new groundwater wells would be drilled at the proposed Project site or at any other location to supply water for the proposed Project. All water for the proposed Project's potable needs and for landscape irrigation would be supplied by MCWD as the water purveyor.

As described in subsection 4.7.1, "Environmental Setting," within the former Fort Ord, MCWD has been designated as the exclusive (1) water service provider and (2) developer and implementer of all new water supplies for all non-Federal lands (MCWD GSA and SVB GSA 2022:3-40).

MCWD obtains all of its water for supply throughout its service area from groundwater wells. Water for the former Fort Ord area comes from wells located generally along Reservation Road in the City of Marina and unincorporated Monterey County (Denise Duffy & Associates 2017:6-7). These wells obtain water from the 400-Foot Aquifer and the Deep Aquifer (Schaaf & Wheeler 2021:35-36). Under a U.S. Army agreement with the Monterey County Water Resources Agency executed in 2001, the entirety of the former Fort Ord was transferred to MCWD and annexed into Zones 2/2A of the Salinas Valley Groundwater Basin, Monterey Subbasin.

The proposed Project would require approximately 339,600 gallons per year for potable water use and 394,110 gallons per year for landscape irrigation, for a total of 733,710 gallons per year (which equates to 2.25 acre-feet per year [AFY]) (Judicial Council 2022).

Water demands within the MCWD service area are already substantially below the State and regional averages due to aggressive water conservation practices (Schaaf & Wheeler 2021:30). In order to help reduce the amount of Project-related landscape water that would be used, the following BMPs would be implemented:

- Turf or grass would not be installed at the proposed Project site.
- The majority of landscape irrigation would be point-source drip with the use of high-efficiency low precipitation-rate sprays in the bioretention areas.
- The on-site bioretention areas would return water back into the groundwater table and the plantings would prevent surface erosion and provide stormwater treatment by removing pollutants through filtration. Plant material needs to be alive and healthy to be effective in this filtration process and for this reason irrigation would be used. Plant material in the bioretention areas would be low-water use, but irrigation is needed for the establishment of the plants. Once established, irrigation would be cut back as appropriate to minimize water use. During the winter rainy season, irrigation in the bioretention plantings could be shut down, but would be available for use in low precipitation seasons.

Although recycled water is not currently available to meet the proposed Project's landscaping needs, MCWD is receiving treated recycled water through the Pure Water Monterey Project. The amount of recycled water available for use in the MCWD service area is expected to increase over time (Schaaf & Wheeler 2021:33). Therefore, the Judicial Council would install a separate "purple pipe" system for landscape irrigation so that recycled water can be used in the future (when such water supply becomes available).

As required under the SGMA, the GSP includes projects that are designed to promote groundwater sustainability. Since all of the potable water comes from groundwater, the GSP includes alternative water supply options such as brackish water and seawater desalination, increased water conservation measures, additional advanced treatment water, and indirect potable reuse/groundwater recharge and replenishment (MCWD GSA and SVB GSA 2022: 9-30 through 9-48).

As described in the GSP, modelled water budget results for the Monterey Subbasin support the conclusion that 9,870 AFY can be pumped from the Marina-Ord Management Area (which includes the proposed Project site) within the Monterey Subbasin with no long-term loss in storage, and they also support the conclusion that the Marina-Ord Management Area will not be in overdraft in the future—if adjacent subbasins are managed sustainably. The actual sustainable yield is estimated to vary between 4,400 AFY and 9,900 AFY depending on implementation of the projects identified in Chapter 9 of the GSP to promote sustainability and on management of the adjacent groundwater subbasins. (MCWD GSA and SVB GSA 2022: 6-52 through 6-54.) The total amount of water required for the proposed Project (2.25 AFY) would range from only 0.05 to 0.02 percent of the total sustainable yield of the Marina-Ord Management Area within the Monterey Subbasin (depending on implementation of the projects identified in Chapter 9 of the GSP to promote sustainability and on management of the adjacent groundwater subbasins). The Monterey Subbasin is not in a condition of critical overdraft, and redevelopment of the former Fort Ord area, including the proposed Project site, was accounted for in the Monterey Subbasin GSP (MCWD GSA and SVB GSA 2022) and the MCWD *2020 Urban Water Management Plan* (Schaaf & Wheeler 2021) and those associated land use projections, water budgets, and total sustainable yield projections. Therefore, the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed Project would impede sustainable groundwater management of the basin, and this impact is considered **less than significant**. (Please see Section 3.8, "Utilities," of this EIR for the analysis of water supply related to the proposed Project.)

Impact 4.7-3. Substantially alter drainage patterns or add impervious surfaces resulting in increased erosion or siltation.

Construction activities at the proposed Project site would alter the site topography. Grading and cuts-and-fills to depths of approximately 5–10 feet at the proposed Project site would be required, and would generate approximately 5,000 cubic yards of soil material that would be reused at the Project site. Approximately 22,500 cubic yards of soil material would be imported for use at the proposed Project site. Most of the proposed Project site would be graded such that it would be nearly flat, but retaining walls may be necessary in areas of fill. The topography at the proposed Project site slopes gently to the south and west, from a relatively large flat area in the north at approximately 185 feet above mean sea level, transitioning to an area with a slightly steeper gradient in the south and west at approximately 175 feet above mean sea level. There are no existing on-site surface water drainage channels due to the highly permeable nature of the Dune Sand deposits (Oceano loamy sand soil type), which results in stormwater infiltration through the sandy soil and percolation into the groundwater aquifer. The amounts of cuts and fills and associated excavation and grading could increase erosion and sedimentation that could result in degradation of groundwater quality and off-site surface waterways and conflict with beneficial uses, water quality objectives, and standards established in the Basin Plan. In addition, accidental spills of construction-related contaminants (e.g., fuels, oils, paints, solvents, cleaners, concrete) could also occur during construction, thereby degrading water quality.

As described in detail in Impact 4.7-1, several existing regulations would apply to the proposed Project and would be implemented to reduce or avoid impacts related to erosion, sedimentation, and water quality degradation during construction as described above under the Regulatory Setting section. Because the proposed Project would disturb more than 1 acre of land, the Project must comply with the requirements in the SWRCB's Construction General Permit, which requires preparation of a SWPPP and implementation of BMPs to prevent soil erosion and discharge of other construction-related pollutants such as petroleum products, solvents, paints, and cement, that could contaminate nearby water resources.

Project operation would result in approximately 3.39 acres of new impervious surfaces. The proposed Project must comply with the regional operational NPDES Permit for Small MS4s, as implemented through the MRSWMP, which requires projects to implement BMPs during project operation to reduce post-construction impacts to water quality. Long-term water quality impacts must be reduced using site design and source control measures, including LID, to help keep pollutants out of stormwater (e.g., biofiltration basins such as those that are proposed at the Project site as shown in Figure 2-2).

Compliance with of the regulatory controls discussed above, which include implementation of a SWPPP with site-specific BMPs during project construction, and operational stormwater LID controls as required by the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast* (Central Coast RWQCB 2013) and the *Stormwater Technical Guide for Low Impact Development* (City of Seaside 2020), would appropriately control erosion and sedimentation from alteration of on-site topography and the addition of new impervious surfaces at the proposed Project site. Therefore, this impact would be **less than significant**.

Impact 4.7-4. Substantially alter drainage patterns or add impervious surfaces that would exceed storm drainage systems, provide substantial additional sources of polluted runoff, or result in increased flooding.

As discussed in the Storm Water Master Plan developed for the Fort Ord Reuse Authority (FORA), planned redevelopment throughout the former Fort Ord area (which includes the proposed Project site) was intended to utilize the high permeability of the soils for installation of site-specific infiltration/percolation basins to temporarily retain and treat stormwater runoff (through biofiltration via plant matter) (Creegan + D'Angelo 2005). However, the Storm Water Master Plan was a guidance document, which contained recommendations that agencies with land use decisions (such as the Cities of Seaside and Marina) could choose whether or not to implement (Creegan + D'Angelo 2005: ES-4). The City is the current owner of the proposed Project site. FORA was dissolved by operation of law on June

30, 2020, pursuant to the repeal of former Government Code section 67700, subdivision (a). Therefore, due to the repeal of the State statute(s) FORA no longer determines the consistency of development projects with the Fort Ord Reuse Plan, and there is no current requirement that development projects proposed for the former Fort Ord area be consistent with the Fort Ord Reuse Plan or the subsequent Storm Water Master Plan (*Committee for Sound Water and Land Development v. City of Seaside and KB Bakewell Seaside Venture II*, California Court of Appeal, Sixth Appellate District 2022). Since the City does not provide stormwater drainage services to the former Fort Ord area, individual redevelopment projects are responsible for providing on-site stormwater drainage (via infiltration/percolation) at each specific project site. While the Judicial Council is not generally subject to local requirements, the Project is subject to the federal CWA, and the State and regional laws and plans which implement the CWA requirements; this includes NPDES permitting for the Project's operation-related stormwater discharges, which is implemented through compliance with the Monterey Bay Small MS4 Permit (see Section 4.7.2, "Regulatory Setting," and Impact 4.7-1, above). Because the proposed Project is a public project that includes more than 2,500 square feet of new impervious surfaces, the proposed Project is also required to comply with the Central Coast RWQCB's *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region* (Central Coast RWQCB 2013), and the *Stormwater Technical Guide for Low Impact Development* (City of Seaside 2020) that was adopted to support the LID BMPs required in the MRSWMP. These documents were adopted to implement federal CWA NPDES requirements (see Section 4.7.2, "Regulatory Setting").

The proposed Project site is currently undeveloped. The approximately 5-acre Project site would be developed with approximately 3.39 acres of new impervious surfaces consisting of a new courthouse building and associated paved parking, which would increase both the volume and the peak discharge rate of stormwater runoff. Increased peak flow rates have the potential to exceed the infiltration capacities of the soil, thereby causing erosion from overland flow, and resulting in downstream sedimentation. Erosion of upstream areas and related downstream sedimentation can cause adverse changes to water quality and hydrology. Furthermore, increases in the volume and peak discharge rate from stormwater runoff, if uncontrolled, could lead to on-site and off-site flooding issues. Finally, stormwater runoff from impervious surfaces contains urban pollutants (such as oil, grease, pesticides, fertilizers, and sediment), which can be transported via soil percolation into the groundwater aquifer (if not properly treated), and into surface water bodies via overland flow if the drainage system capacity is exceeded; such pollutant transport would degrade groundwater and/or surface water quality.

The proposed Project includes conceptual plans to install biofiltration areas throughout the site to temporarily retain and treat (through biofiltration via plant matter) the stormwater runoff generated by new impervious surfaces (see Figure 2-2 in Chapter 2, "Project Description"). Preliminary calculations by BFS Landscape Architects (2022) indicate that a minimum of approximately 12,000 square feet (0.27 acres) of retention/biofiltration area would be necessary at the project site. However, hydrologic studies determining the sizing, number, and exact locations of the biofiltration basins necessary to control the overall volume and peak discharge rates from the impervious surfaces, and the exact details necessary to provide appropriate water quality treatment through biofiltration, have not yet been determined. Therefore, this impact is considered **potentially significant**.

Mitigation Measure 4.7-4: Perform a Hydrologic Study, Incorporate On-Site Drainage Features as Necessary, and prepare a Stormwater Control Plan.

Prior to initiating site preparation activities, the Judicial Council of California shall:

- Engage the services of a registered engineer to prepare a Hydrologic Study. The study shall include hydrologic modeling related to the need for on-site stormwater retention of projected stormwater runoff and biofiltration for stormwater treatment generated by the proposed Project. Modeling shall be performed in accordance with common civil engineering industry standard, and shall comply with the standards contained in the contained *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast* (Central Coast RWQCB 2013) and/or the *Stormwater Technical Guide for Low Impact Development* (City of Seaside 2020). Both of these documents contain specific requirements that address the following:

- Hydraulic sizing criteria for LID treatment systems, which includes modeling to determine the volume of runoff that would be generated by the project's impervious surfaces resulting from the design storm event;
 - Biofiltration treatment system standards, including modeling to determine the maximum surface loading rate appropriate to prevent erosion, scour and channeling, and the minimum surface reservoir volume;
 - Minimum planting medium depth necessary to sustain the biofiltration plantings and which maximizes runoff retention and pollutant removal; and
 - Proper plant selection as suited to the Central Coast climate.³
- Based on modeling results, the study shall identify the sizing, type, number, and on-site location of biofiltration basins that would provide for adequate detention of stormwater, water quality treatment, and compliance with operational NPDES requirements (stormwater quality BMPs and LID features in compliance with the regional Small MS4 Permit).
 - The hydrologic study shall also demonstrate that the proposed on-site biofiltration basins would appropriately retain stormwater runoff from new Project-related impervious surfaces to prevent on-site and off-site flooding.

Prior to the start of project operation, the Judicial Council of California shall:

- Engage the services of a registered engineer to prepare an operational Stormwater Control Plan that includes the components required in *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast* and/or the City of Seaside (as required). The Stormwater Control Plan shall be submitted to the Central Coast RWQCB and/or the City (as required) for approval prior to operation of the new courthouse.

Significance after Mitigation

Implementation of Mitigation Measure 4.7-4 would reduce the proposed Project's potential operational impacts from increased stormwater drainage, sources of polluted runoff, and flooding to a **less-than-significant** level, because a hydrologic study would be performed to determine the sizing, type, number, and location of appropriate stormwater detention/water quality treatment features (i.e., biofiltration basins), which would be incorporated into the proposed Project design. In addition, the hydrologic study would demonstrate that the proposed biofiltration basins would be sized to sufficiently detain stormwater flows on site so that upstream or downstream flooding on off-site properties would not occur. Finally, an operational Stormwater Control Plan would be prepared and implemented to ensure that MS4 permit requirements are met.

Impact 4.7-5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

For the reasons described in detail in Impacts 4.7-1 and 4.7-2, the proposed Project would not conflict with or obstruct implementation of the *Water Quality Control Plan for the Central Coast Basin* (Central Coast RWQCB 2019) or the Monterey Subbasin GSP (MCWD GSA and SVB GSA 2022). Therefore, this impact is considered **less than significant**.

³ Technical guidance for designing bioretention facilities is available from the Central Coast LID Initiative. The guidance includes design specifications and plant lists appropriate for the Central Coast climate. (<https://www.centralcoastlidi.org/projects.php>)

4.8 Noise and Vibration

This section includes a description of ambient noise conditions, a summary of applicable regulations related to noise and vibration, and an analysis of the potential impacts resulting from the implementation of the proposed Project. Mitigation measures are recommended, as necessary, to reduce potentially significant noise and vibration impacts.

4.8.1 Existing Conditions

Acoustic Fundamentals

Noise is generally defined as sound that is loud, disagreeable, unexpected, or unwanted. Sound, as described in more detail below, is mechanical energy transmitted in the form of a wave because of a disturbance or vibration, and as any pressure variation in air that the human ear can detect.

Sound Properties

A sound wave is introduced into a medium (air) by a vibrating object. The vibrating object (e.g., vocal cords, the string and sound board of a guitar, the diaphragm of a radio speaker) is the source of the disturbance that moves through the medium. Regardless of the type of source that creates the sound wave, the particles of the medium through which the sound moves are vibrating in a back-and-forth motion at a given frequency (pitch).¹ A commonly used unit for frequency is cycles per second, called hertz (Hz)²

A wave is an energy transport phenomenon that transports energy along a medium. The amount of energy carried by a wave is related to the amplitude (loudness) of the wave. A high-energy wave is characterized by high amplitude; a low-energy wave is characterized by low amplitude. The amplitude of a wave refers to the maximum amount of displacement of a particle from its rest position. The energy transported by a wave is directly proportional to the square of the amplitude of the wave. This means that a doubling of the amplitude of a wave is indicative of a quadrupling of the energy transported by the wave.

Sound and the Human Ear

Because of the ability of the human ear to detect a wide range of sound-pressure fluctuations, sound-pressure levels are expressed in logarithmic units called decibels (dB) to avoid a very large and awkward range in numbers. The sound-pressure level in decibels is calculated by taking the log of the ratio between the actual sound pressure and the reference sound pressure squared. The reference sound pressure is considered the absolute hearing threshold (Caltrans 2013). Use of this logarithmic scale

¹ The frequency of a wave refers to how often the particles vibrate when a wave passes through the medium. The frequency of a wave is measured as the number of complete back-and-forth vibrations of a particle per unit of time. If a particle of air undergoes 1,000 longitudinal vibrations in 2 seconds, then the frequency of the wave would be 500 vibrations per second.

² Each particle vibrates as a result of the motion of its nearest neighbor. For example, the first particle of the medium begins vibrating at 500 Hz and sets the second particle of the medium into motion at the same frequency (500 Hz). The second particle begins vibrating at 500 Hz and sets the third particle into motion at 500 Hz. The process continues throughout the medium; hence each particle vibrates at the same frequency, which is the frequency of the original source. A guitar string vibrating at 500 Hz will set the air particles in the room vibrating at the same frequency (500 Hz), which carries a sound signal to the ear of a listener that is detected as a 500-Hz sound wave. The back-and-forth vibration motion of the particles of the medium would not be the only observable phenomenon occurring at a given frequency. Because a sound wave is a pressure wave, a detector could be used to detect oscillations in pressure from high to low and back to high pressure. As the compression (high-pressure) and rarefaction (low-pressure) disturbances move through the medium, they would reach the detector at a given frequency. For example, a compression would reach the detector 500 times per second if the frequency of the wave were 500 Hz. Similarly, a rarefaction would reach the detector 500 times per second if the frequency of the wave were 500 Hz. Thus, the frequency of a sound wave refers not only to the number of back-and-forth vibrations of the particles per unit of time, but also to the number of compression or rarefaction disturbances that pass a given point per unit of time. A detector could be used to detect the frequency of these pressure oscillations over a given period of time. The period of the sound wave can be found by measuring the time between successive high-pressure points (corresponding to the compressions) or the time between successive low-pressure points (corresponding to the rarefactions). The frequency is simply the reciprocal of the period; thus, an inverse relationship exists so that as frequency increases, the period decreases, and vice versa.

reveals that the total sound from two individual sources, each measured at 65 A-weighted decibels (dBA), is 68 dBA, not 130 dBA; that is, doubling the source strength increases the sound pressure by 3 dBA.

Because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. A dBA scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. The basis for compensation is the faintest sound audible to the average ear at the frequency of maximum sensitivity. This dBA scale has been chosen by most authorities to regulate environmental noise. Typical indoor and outdoor noise levels are presented in Exhibit 4.8-1.

With respect to how humans perceive and react to changes in noise levels, a 1-dBA increase is imperceptible, a 3-dBA increase is barely perceptible, a 6-dBA increase is clearly noticeable, and a 10-dBA increase is subjectively perceived as approximately twice as loud (Caltrans 2013), as presented in Table 4.8-1.³

Table 4.8-1 Subjective Reaction to Changes in Noise Levels of Similar Sources

Change in Level, dBA	Subjective Reaction	Factor Change in Acoustical Energy
1	Barely perceptible increase	1.3
3	Barely perceptible increase	2.0
6	Readily perceptible increase	4.0
10	Two times as loud	10.0

Note: dBA = A-weighted decibels
Source: Caltrans 2013

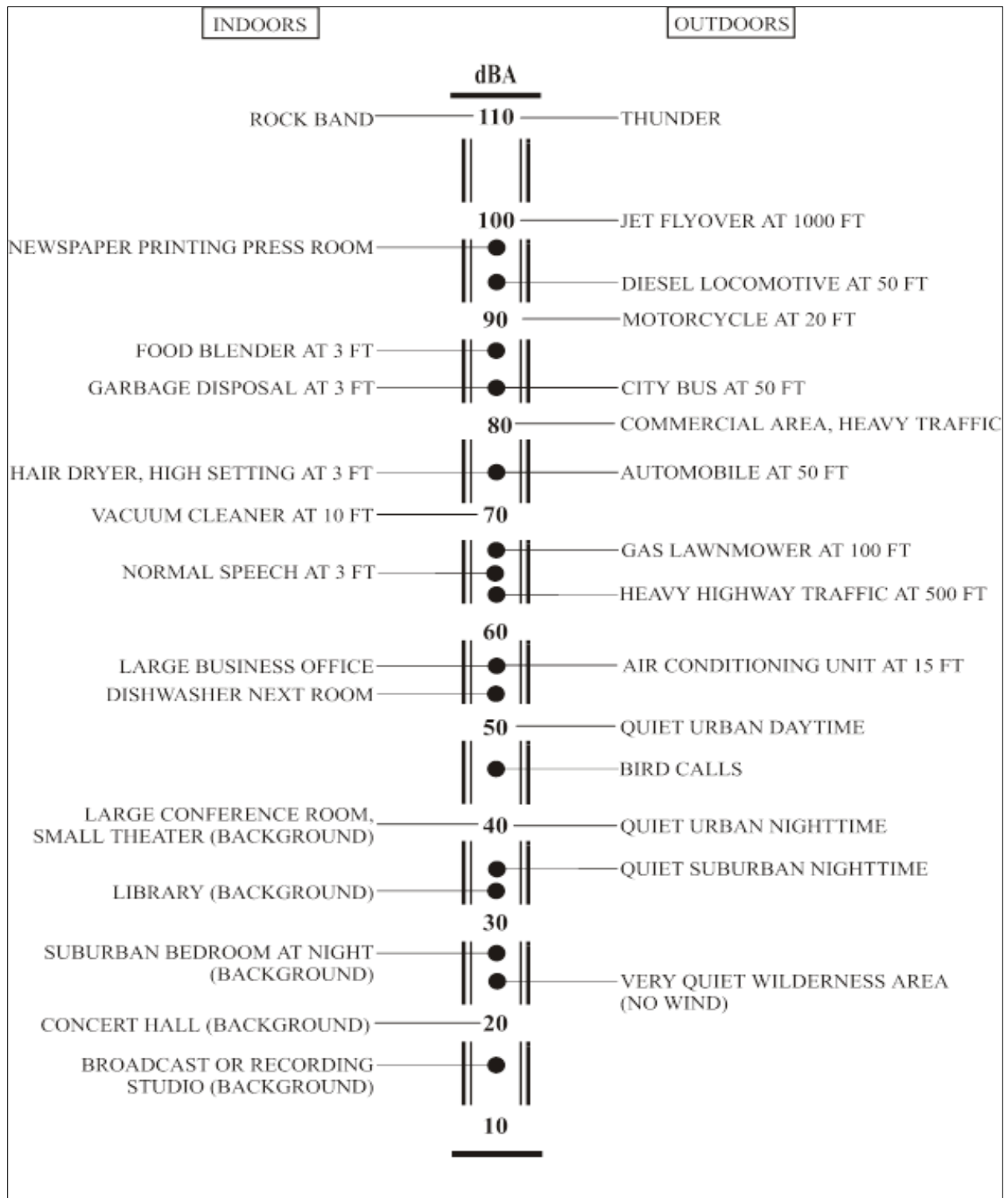
Sound Propagation and Attenuation

As sound (noise) propagates from the source to the receptor, the attenuation, or manner of noise reduction in relation to distance, is dependent on surface characteristics, atmospheric conditions, and the presence of physical barriers. The inverse-square law describes the attenuation caused by the pattern in which sound travels from the source to the receptor. Sound travels uniformly outward from a point source in a spherical pattern with an attenuation rate of 6 dBA per doubling of distance (dBA/DD). However, from a line source (e.g., a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate of 3 dBA/DD. The characteristics of the surface between the source and the receptor may result in additional sound absorption and/or reflection.

Atmospheric conditions such as wind speed, temperature, and humidity may affect noise levels. The presence of a barrier between the source and the receptor may also attenuate noise levels. The actual amount of attenuation depends on the size of the barrier and the frequency of the noise. A noise barrier may be any natural or human-made feature such as a hill, tree, building, wall, or berm (Caltrans 2013).

All buildings provide some exterior-to-interior noise reduction. A building constructed with a wood frame and stucco or wood sheathing exterior typically provides an approximate exterior-to-interior noise reduction of 25 dB with its windows closed, and 15 dB with its windows open (EPA 1974).

³ Table 4.8-1 was developed on the basis of the reactions of test subjects to changes in the levels of steady-state pure tones or broadband noise and to changes in levels of a given noise source. It is probably most applicable to noise levels in the range of 50–70 dBA, as this is the usual range of voice and interior noise levels.



Notes:
 dBA = A-weighted decibels
 Source: Caltrans 2013

Exhibit 4.8-1. Typical Noise Levels

Noise Descriptors

The selection of a proper noise descriptor for a specific source depends on the spatial and temporal distribution, duration, and fluctuation of the noise. The noise descriptors most often encountered when dealing with traffic, community, and environmental noise are defined below (Caltrans 2013).

- **L_{max} (Maximum Noise Level):** The maximum instantaneous noise level during a specific period of time. The L_{max} may also be referred to as the “peak (noise) level.”
- **L_{min} (Minimum Noise Level):** The minimum instantaneous noise level during a specific period of time.
- **L_{eq} (Equivalent Noise Level):** The energy mean (average) noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value is calculated, which is then converted back to dBA to determine the L_{eq} . In noise environments that are determined by major noise events, such as aircraft overflights, the L_{eq} value is heavily influenced by the magnitude and number of single events that produce the high noise levels.
- **L_{dn} (Day-Night Noise Level):** The 24-hour L_{eq} with a 10-dBA “penalty” for noise events that occur during the noise-sensitive hours between 10:00 p.m. and 7:00 a.m. In other words, 10 dBA is “added” to noise events that occur in the nighttime hours, and this generates a higher reported noise level when determining compliance with noise standards. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- **CNEL (Community Noise Equivalent Level):** Similar to the L_{dn} described above, but with an additional 5-dBA “penalty” added to noise events that occur during the noise-sensitive hours between 7:00 p.m. and 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. When the same 24-hour noise data are used, the reported CNEL is typically approximately 0.5 dBA higher than the L_{dn} .
- **SENL (Single-Event [Impulsive] Noise Level):** A receiver’s cumulative noise exposure from a single impulsive noise event, which is defined as an acoustical event of short duration and involves a change in sound pressure above some reference value. SENLs typically represent the noise events used to calculate the L_{eq} , L_{dn} , and CNEL.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level L_{eq} , which corresponds to a steady-state, A-weighted sound level containing the same total energy as a time-varying signal over a given time period (usually 1 hour). The L_{eq} is the foundation of the composite noise descriptors such as L_{dn} and CNEL, as defined above, and correlates well with community response to noise.

Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system, interference, and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time; traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period. Gradual and traumatic hearing loss both may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also be a contributor to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases depends on the frequency, bandwidth, level of the noise, and exposure time (Caltrans 2013).

Fundamental Noise Control Options

Any noise problem is generally composed of three basic elements: the noise source, a transmission path, and a receiver. The appropriate acoustical treatment for a given project should consider the nature of the noise source and the sensitivity of the receiver. The problem should be defined in terms of appropriate

criteria (L_{dn} , L_{eq} , or L_{max}); the location of the sensitive receiver (inside or outside); and the time that the problem occurs (daytime or nighttime). Noise control techniques should then be selected to provide an acceptable noise environment for the receiving property while remaining consistent with local accessibility, safety, and aesthetic standards, as well as practical structural and economic limits. Fundamental noise control options are described below.

Setbacks

Noise exposure may be reduced by increasing the distance between the noise source and the receiving use. Setback areas can, for example, take the form of open space, frontage roads, recreational areas, and storage yards. The available noise attenuation from this technique is limited by the characteristics of the noise source but is generally about 4–6 dBA.

Barriers

Shielding by barriers can be obtained by placing walls, berms, or other structures (such as buildings) between the noise source and the receiver. The effectiveness of a barrier depends on blocking the line of sight between the source and receiver.⁴ Barrier effectiveness depends upon the relative heights of the source, barrier, and receiver. In general, barriers are most effective when placed close to either the receiver or the source.⁵ Earth, in the form of berms or the face of a depressed area, is also an effective barrier material.

There are practical limits to the noise reduction provided by barriers. For vehicle traffic or railroad noise, a noise reduction of 5–10 dBA may often be reasonably attained. A 15-dBA noise reduction is sometimes possible, but a 20-dBA noise reduction is extremely difficult to achieve. Barriers usually are provided in the form of walls, berms, or berm/wall combinations. The use of an earth berm in lieu of a solid wall may provide up to 3 dBA additional attenuation over that attained by a solid wall alone, because of the absorption provided by the earth. Berm/wall combinations offer slightly better acoustical performance than solid walls alone, and they are sometimes preferred for aesthetic reasons.

Site Design

Buildings can be placed on a project site to shield other structures or areas from areas affected by noise, and to prevent an increase in noise level caused by reflections. The use of one building to shield another can significantly reduce a project's overall noise control costs, particularly if the shielding structure is insensitive to noise.

Site design should guard against creating reflecting surfaces that may increase on-site noise levels. For example, two buildings placed at an angle facing a noise source may cause noise levels within that angle to increase by up to 3 dBA. The open end of U-shaped buildings should point away from noise sources for the same reason. Landscaping walls or noise barriers located within a development may inadvertently reflect noise back to a noise-sensitive area unless located carefully. Avoidance of these problems while attaining an aesthetic site design requires close coordination between regulating entities, the project engineer and architect, and the noise consultant.

Building Façades

When interior noise levels are of concern in a noisy environment, noise reduction may be obtained through acoustical design of building façades. Standard construction practices provide a noise reduction of 10–15 dBA for building façades with open windows and a noise reduction of approximately 25 dBA when windows are closed. Thus, an exterior-to-interior noise reduction of 25 dBA can be obtained by

⁴ The effectiveness is improved when the sound must travel a longer distance to pass over the barrier than if it were traveling in a straight line from source to receiver. The difference between the distance over a barrier and a straight line between source and receiver is called the "path length difference," and is the basis for calculating barrier noise reduction.

⁵ An intermediate barrier location yields a smaller path length difference for a given increase in barrier height than does a location closer to either source or receiver. For maximum effectiveness, barriers must be continuous and relatively airtight along their length and height. To ensure that sound transmission through the barrier is insignificant, barrier mass should be about 4 pounds per square foot, although a lesser mass may be acceptable if the barrier material provides sufficient transmission loss. Satisfaction of the above criteria requires substantial and well-fitted barrier materials, placed to intercept the line of sight to all significant noise sources.

requiring that building design include adequate ventilation systems, which allows windows on a noise-affected façade to remain closed under any weather condition.⁶

Vegetation

Trees and other vegetation are often thought to provide significant noise attenuation. However, approximately 100 feet of dense foliage (so that no visual path extends through the foliage) is required to achieve a 5-dBA attenuation of traffic noise (Caltrans 2013). Thus, the use of vegetation as a noise barrier should not be considered a practical method of noise control unless large tracts of dense foliage are part of the existing landscape.

Vegetation can be used to acoustically “soften” intervening ground between a noise source and a receiver, increasing ground absorption of sound and thus increasing the attenuation of sound with distance. Planting trees and shrubs also offers aesthetic and psychological value, and it may reduce adverse public reaction to a noise source by removing the source from view, even though noise levels will be largely unaffected. However, trees planted on the top of a noise-control berm can slightly degrade the acoustical performance of the barrier. This effect can occur when high-frequency sounds are diffracted (bent) by foliage and directed downward over a barrier.

The effects of vegetation on noise transmission are minor and are primarily limited to increased absorption of high-frequency sounds and to reducing adverse public reaction to the noise by providing aesthetic benefits.

Vibration Fundamentals

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structureborne noise. Similar to noise, groundborne vibration and groundborne noise can be generated from construction and operational sources. If vibration levels are high enough, groundborne vibration has the potential to damage structures, cause cosmetic damage (e.g., crack plaster), or disrupt the operation of vibration-sensitive equipment. Groundborne vibration and groundborne noise can also be a source of annoyance to individuals who live or work close to vibration-generating activities.

Groundborne noise is the noise generated by the indoor movement of room surfaces, such as walls, resulting from groundborne vibration. Groundborne noise criteria are primarily applied to light rail operations in a tunnel where airborne noise is not a factor. For above-grade transit systems, groundborne noise criteria are applied to buildings that have sensitive interior spaces that are well insulated from exterior noise.

Vibration Descriptors

As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration levels are usually expressed as a single-number measure of vibration magnitude in terms of velocity or acceleration, which describes the severity of the vibration without the frequency variable. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS), as in RMS vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV and RMS are normally described in inches per second (in/sec).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a period of 1 second. Like airborne sound, the RMS velocity is often expressed in decibel notation, as vibration decibels (VdB), which serves to

⁶ Where greater noise reduction is required, acoustical treatment of the building façade is necessary. Reducing relative window area is the most effective control technique, followed by providing acoustical glazing (thicker glass or increased air space between panes) in frames with low air infiltration rates, using fixed (non-movable) acoustical glazing, or eliminating windows. Noise transmitted through walls can be reduced by increasing wall mass (using stucco or brick in lieu of wood siding), isolating wall members by using double or staggered stud walls, or mounting interior walls on resilient channels. Noise control for exterior doorways is provided by reducing door area, using solid-core doors, and by acoustically sealing door perimeters with suitable gaskets. Roof treatments may include the use of plywood sheathing under roofing materials.

compress the range of numbers required to describe vibration (FTA 2018). This is based on a reference value of 1 microinch per second ($\mu\text{in}/\text{sec}$).

Vibration Sources

Sources of groundborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., machinery, traffic, trains, construction equipment). Vibration sources may be continuous, or transient, or random. Continuous vibrations result from operating factory machinery, large pumps, horizontal directional drilling, and compressors. Transient vibrations are generated by wrecking balls. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment.

Construction activities can generate groundborne vibrations, which can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2018). Heavy construction operations can cause substantial groundborne vibration in proximity to the source. Proposed Project construction would not involve pile driving, explosions, or blasting.

The primary vibration sources associated with transportation system operations include heavy truck and bus traffic along roadways and train traffic along rail lines. Vehicle traffic, including heavy trucks traveling on a highway, rarely generates vibration amplitudes high enough to cause structural or cosmetic damage. In some cases, however, heavy trucks traveling over potholes or other discontinuities in the pavement have caused vibration high enough to result in complaints from nearby residents; these complaints typically can be resolved by smoothing the roadway surface. Freight trains, commuter trains, and light-rail trains can also be sources of ground vibration.

Effects of Vibration

The effects of groundborne vibration include movement of building floors, rattling of windows, shaking of items that sit on shelves or hang on walls, and rumbling sounds. In extreme cases, vibration can damage buildings, although this is not a factor for most projects. Human annoyance from groundborne vibration often occurs when vibration exceeds the threshold of perception by only a small margin. A vibration level that causes annoyance can be well below the damage threshold for normal buildings.

Vibrations transmitted through the ground during construction equipment operations or transportation system operations may annoy people and detrimentally affect structures and sensitive devices. Where construction vibration does cause structural damage, it is through direct damage and/or vibration-induced settlement. Structural damage depends on the frequency of the vibration at the structure, as well as the condition of the structure and its foundation. Human annoyance by vibration is related to the number and duration of events. The more events or the greater the duration, the more annoying it will be to humans.

Table 4.8-2 displays the reactions of people and the effects on buildings that continuous vibration levels produce. The annoyance levels shown in Table 4.8-2 should be interpreted with care since vibration may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

Existing Noise Environment

Sensitive Receptors

Noise-sensitive land uses are those uses where quiet is an essential element of their intended purpose. This would include residences, schools, hospitals, nursing homes, retirement residences, places of worship, libraries, and sometimes parks, historic sites, cemeteries, and other places where low interior noise levels are essential.

Table 4.8-2 Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structures
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to Severe	Threshold at which there is a risk of damage to newer residential structures
0.5	Severe – Vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Notes: in/sec = inches per second; PPV = peak particle velocity
Source: Caltrans 2020

The city of Seaside's (City) northern city limit and the city of Marina's southern city limit are the northern boundary of the proposed Project site on the east side of State Route (SR-)1. There are no noise-sensitive uses in the vicinity of the proposed Project site. Existing uses the proposed Project vicinity include the California State University Monterey Bay (CSUMB) Aquatic Center to the east of the Project site and east of 2nd Avenue. The Monterey County Department of Social Services is located to the north of the proposed Project site and the Early Development Services (EDS) CSUMB Child Development Center is located to the northeast of the proposed Project site.

Community Noise Survey

A community noise survey was conducted from September 14th through September 15th, 2022, to document the existing noise environment at various locations in the vicinity of the Project site. The dominant noise source identified during the ambient noise survey was traffic from SR-1 west of the Project site, 2nd Avenue east of the Project site, Lightfighter Drive south of the proposed Project site, and the distant railway to the west of SR-1.⁷

Community noise survey locations are shown in Exhibit 4.8-2. The L_{eq} , and L_{max} values were taken at each ambient noise measurement location presented in Table 4.8-3. During the survey, average daytime ambient noise levels ranged from 48.5 dB to 66.4 dB L_{eq} , with maximum noise levels that ranged from 55.8 dB to 85.4 dB L_{max} .

Existing Noise Sources

The primary noise sources in the vicinity of the proposed Project site include vehicle traffic, as noted above, aircraft overflight, along with people talking, dogs barking, vehicle doors slamming, and operation of landscaping equipment.

Roadways

The northbound and southbound lanes of SR-1 are approximately 940 and 1,000 feet west of the proposed Project site, respectively. 2nd Avenue is a divided, four-lane arterial roadway that is immediately adjacent to and east of the Project site. Divarty Street is adjacent to the northern portion of the proposed Project site. Lightfighter Drive is a divided, four-lane arterial roadway approximately 1,500 feet (0.3 mile) south of the proposed Project site.

⁷ Measurements of noise levels were taken in accordance with American National Standards Institute (ANSI) standards. Continuous 24-hour, long-term monitoring of noise levels was conducted at two locations using Larson Davis Laboratories (LDL) Model 820 sound-level meters and five short-term (ST) measurements using LDL Model (831). The sound-level meters were calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure that the measurements would be accurate. The equipment used meets all pertinent specifications of the ANSI for Type 1 sound-level meters (ANSI S1.4-1983[R2006]).

Table 4.8-3 Summary of Measured Ambient Noise Levels, dBA

Site	Location	Date	L _{dn}	Daytime (7 a.m.–10 p.m.) L _{eq} \ L _{max}	Nighttime (10 p.m.–7 a.m.) L _{eq} \ L _{max}
LT-01	Within Project Site (Northern Boundary)	9/14/22 – 9/15/22	58.4	57.3 \ 75.8	49.8 \ 65.1
LT-02	Within the Projects at Main Gate 49-acre Site (Southern Boundary)	9/14/22 – 9/15/22	67.3	66.4 \ 85.4	58.6 \ 77.5
ST-1	Aquatic Center, Eastern Project Site	9/15/22	NA	57.5 \ 70.4	NA
ST-2	Eastern Project Boundary	9/15/22	NA	60.0 \ 77.5	NA
ST-3	Early Development Services (EDS) CSUMB Child Development Center	9/15/22	NA	48.5 \ 55.8	NA
ST-4	Department of Social Services, Northern Project Site	9/15/22	NA	60.1 \ 65.5	NA
ST-5	Western Project Site	9/15/22	NA	60.1 \ 79.2	NA

Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level; L_{eq} = the equivalent hourly average noise level; L_{max} = maximum noise level LT = long-term; NA = not applicable; ST = short-term.

Monitoring locations correspond to those depicted in Exhibit 4.8-2.

Source: Data collected by AECOM 2022, See Appendix I for Detailed Noise Measurement Data.

Existing vehicle traffic noise levels in the proposed Project area were modeled using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108)⁸ (FHWA 1978) and Project-specific transportation analysis developed for this Environmental Impact Report (EIR).

Table 4.8-4 provides modeled traffic noise levels at 50 feet from the centerline of roadways, and distances (feet) from the roadway centerlines to the 60 dB, 65 dB, and 70 dB L_{dn} traffic noise contours. As shown in Table 4.8-4, the location of the 60 dB L_{dn} contour ranges from 9 to 118 feet from the centerline of the modeled surface street roadways. The extent to which noise-sensitive uses in the area are affected by existing traffic noise depends on their respective proximity to the roadways and their individual sensitivity to noise.

Table 4.8-4 Summary of Modeled Levels of Existing Traffic Noise and Distance (feet) from Roadway Centerline to L_{dn} Contour

Roadway Segment	Existing Average Daily Traffic (ADT) Volumes	L _{dn} at 50 Feet (dB)	Distance to 70 dB Contour (feet)	Distance to 65 dB Contour (feet)	Distance to 60 dB Contour (feet)
Divarty Street West of the Project Site	251	48.9	2	4	9
Divarty Street East of the Project Site	251	48.9	2	4	9
1 st Avenue South of Divarty Street	430	51.2	3	6	13
2 nd Avenue South of Divarty Street	3,550	60.4	11	25	53
Lightfighter Drive West of 2nd Ave	11,774	65.6	25	55	118
1 st Avenue North of 3 rd Street	688	53.3	4	8	18
2 nd Avenue North of Inter Garrison Road	5,415	62.2	15	33	70

Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level.

Source: Data modeled by AECOM in 2022; Existing ADT volumes were identified through Project-specific transportation analysis developed for this EIR (see Appendix J)

⁸ The FHWA model is based on California Vehicle Noise (CALVENO) reference noise factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receptor, and ground attenuation factors.

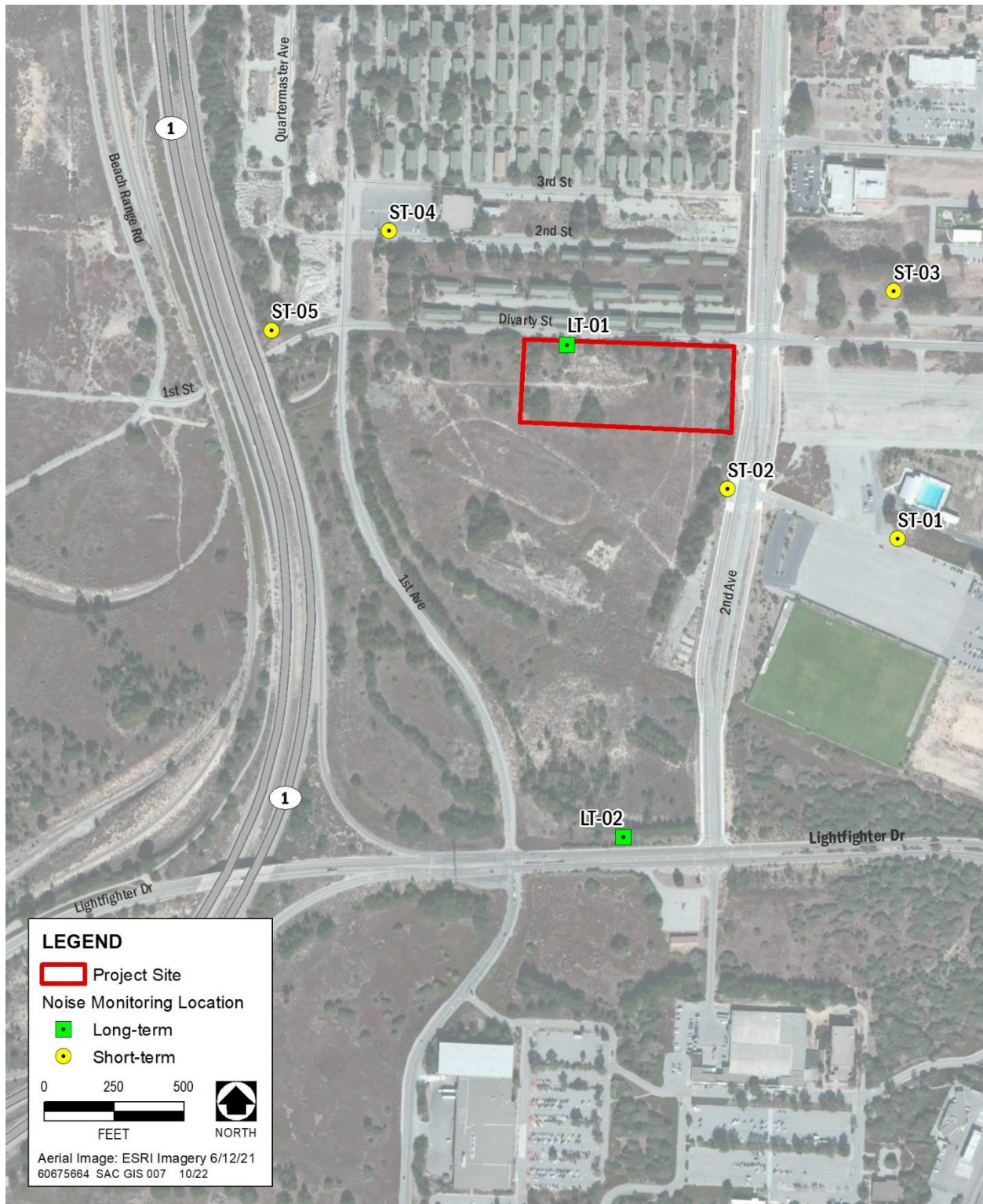


Exhibit 4.8-2. Noise Monitoring Locations Map

4.8.2 Regulatory Setting

Federal Plans, Policies, Regulations, and Laws

Federal noise standards are not directly applicable to the proposed project or to the Judicial Council, but the research that supports the development of federal community noise standards is helpful in understanding human response to different noise levels and is summarized below for the reader's edification.

U.S. Environmental Protection Agency Noise Control Act

The Federal Noise Control Act of 1972 (Public Law 92-574) established a requirement that all federal agencies administer their programs to promote an environment free of noise that would jeopardize public health or welfare.⁹ Although the U.S. Environmental Protection Agency (EPA) was given a major role in disseminating information to the public and coordinating federal agencies, each federal agency retains authority to adopt noise regulations pertaining to agency programs.¹⁰

In 1974, in response to the requirements of the federal Noise Control Act, the EPA identified indoor and outdoor noise level limits to protect public health and welfare (communication disruption, sleep disturbance, and hearing damage). Outdoor and indoor noise exposure limits of 55 dB L_{dn} and 45 dB L_{dn} , respectively, are identified as desirable to protect against speech interference and sleep disturbance for residential, educational, and healthcare areas. The sound-level criterion identified to protect against hearing damage in commercial and industrial areas is 70 dB 24-hour L_{eq} (both outdoors and indoors).

The EPA's Office of Noise Abatement and Control was established to coordinate federal noise control activities. In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at lower levels of government. Consequently, in 1982 many responsibilities for regulating noise control policies were transferred to State and local governments. The EPA continues to coordinate the programs of all federal agencies relating to noise research and noise control.

Federal Transit Administration Transit Noise and Vibration Impact Assessment

Federal Transit Administration (FTA) procedures for the evaluation of noise from transit projects are specified in the document entitled, "Transit Noise and Vibration Impact Assessment" (FTA 2018). The FTA Noise Impact Criteria address the following categories:

- **Category 1:** Buildings or parks, where quiet is an essential element of their purpose.
- **Category 2:** Residences and buildings where people normally sleep. This includes residences, hospitals, and hotels where nighttime sensitivity is assumed to be of utmost importance.
- **Category 3:** Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, churches, and active parks.

The L_{dn} noise level descriptor is used to characterize noise exposure for residential areas (Category 2). For other noise-sensitive land uses, such as outdoor amphitheatres and school buildings (Categories 1 and 3), the maximum hourly L_{eq} during the facility's operating period is used. Noise impacts are identified based on absolute predicted noise levels and increases in noise associated with the subject Project.

With respect to vibration, the range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. The background vibration-velocity level in residential areas is usually approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65

⁹ The U.S. Environmental Protection Agency (EPA) was given the responsibility for providing information to the public regarding identifiable effects of noise on public health and welfare, publishing information on the levels of environmental noise that will protect the public health and welfare with an adequate margin of safety, coordinating federal research and activities related to noise control, and establishing federal noise emission standards for selected products distributed in interstate commerce. The Noise Control Act also directed that all federal agencies comply with applicable federal, State, interstate, and local noise control regulations.

¹⁰ The EPA can, however, require other federal agencies to justify their noise regulations in terms of the Noise Control Act policy requirements.

VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018).

U.S. Department of Transportation and U.S. EPA Vibration Guidelines

To address the human response to groundborne vibration, the FTA of the U.S. Department of Transportation has set forth guidelines for maximum-acceptable vibration criteria for different types of land uses. These include 65 VdB referenced to 1 $\mu\text{in}/\text{sec}$ and based on RMS velocity amplitude for land uses where low ambient vibration is essential for interior operations (e.g., hospitals, high-tech manufacturing, laboratory facilities); 80 VdB for residential uses and buildings where people normally sleep; and 83 VdB for institutional land uses with primarily daytime operations (e.g., schools, churches, clinics, offices) (FTA 2018).

Standards have also been established to address the potential for groundborne vibration to cause structural damage to buildings. These standards were developed by the Committee of Hearing, Bio Acoustics, and Bio Mechanics (CHABA) at the request of the U.S. Environmental Protection Agency (FTA 2018). For fragile structures, CHABA recommends a maximum limit of 0.25 in/sec PPV (FTA 2018).

State Plans, Policies, Regulations, and Laws

In 1971, the State required cities and counties to include noise elements in their general plans (Government Code section 65302 *et seq.*). The State of California General Plan Guidelines (Governor's Office of Planning and Research [OPR] 2017) identify guidelines for the noise elements of local general plans, including a sound level/land-use compatibility chart. The noise element guidelines identify the "normally acceptable" range of noise exposure for low-density residential uses as less than 60 dB L_{dn} , and the "conditionally acceptable" range as 55-70 dB L_{dn} . The "normally acceptable" range for high-density residential uses is identified as below 65 dB L_{dn} , and the "conditionally acceptable" range is identified as 60-70 dB L_{dn} . For educational and medical facilities, levels below 70 dB L_{dn} are considered "normally acceptable," and levels of 60-70 dB L_{dn} are considered "conditionally acceptable." For office and commercial land uses, levels below 70 dB L_{dn} are considered "normally acceptable," and levels of 67.5–77.5 dB L_{dn} are considered "conditionally acceptable." Overlapping noise level ranges are intended to indicate that local conditions (existing sound levels and community attitudes toward dominant sound sources) should be considered in evaluating land use compatibility at specific locations. The State's guidance for land use/noise compatibility is summarized in Table 4.8-5.

In 1984, State noise element provisions were revised to "recognize" guidelines prepared by the Office of Noise Control of the California Department of Health Services and to analyze and quantify, "to the extent practicable, as determined by the legislative body," noise from the following sources: highways and freeways; primary arterials and major local streets; passenger and freight online railroad operations and ground rapid transit systems; commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and other ground facilities and maintenance functions related to airport operation; local industrial plants, including, but not limited to, railroad classification yards; and other ground stationary noise sources identified by local agencies as contributing to the community noise environment. In the [General Plan Guidelines, the Office of Planning and Research notes that the Department of Health Services Office of Noise Control no longer exists, and the Office of Noise Control's guidelines have been incorporated into the General Plan Guidelines for Noise Elements (OPR 2017).

Also, a part of the General Plan Guidelines is a discussion regarding the balance between environmental noise and other planning objectives. There are design strategies that can reduce adverse exposure to noise even in areas with relatively higher ambient noise levels (OPR 2017).

Table 4.8-5 Land Use Noise Compatibility Guidelines, Community Noise Exposure (CNEL/L_{dn}, dBA)

Land Use Category	Normally Acceptable ¹	Conditionally Acceptable ²	Normally Unacceptable ³	Clearly Unacceptable ⁴
Residential-Low Density Single Family, Duplex, Mobile Home	<60	55–70	70–75	75+
Residential-Multiple Family	<65	60–70	70–75	75+
Transient Lodging, Motel, Hotel	<65	60–70	70–80	80+
School, Library, Church, Hospital, Nursing Home	<70	60–70	70–80	80+
Auditorium, Concert Hall, Amphitheater		<70	65+	
Sports Arenas, Outdoor Spectator Sports		<75	70+	
Playground, Neighborhood Park	<70		67.5–75	72.5+
Golf Courses, Stable, Water Recreation, Cemetery	<75		70–80	80+
Office Building, Business Commercial, and Professional	<70	67.5–77.5	75+	
Industrial, Manufacturing, Utilities, Agriculture	<75	70–80	75+	

Notes: CNEL = Community Noise Equivalent Level; dBA = A-weighted decibels; L_{dn} = day-night average noise level.

- 1 Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- 2 New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
- 3 New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor areas must be shielded.
- 4 New construction or development should generally not be undertaken.

Source: OPR 2017

California Department of Transportation

For the protection of fragile, historic, and residential structures, Caltrans recommends for highway construction analysis a threshold of 0.2 in/sec PPV for normal residential buildings and 0.08 in/sec PPV for old or historically significant structures (Caltrans 2020). These standards are more stringent than the recommended guidelines established by the FTA, presented above. Table 4.8-6 shows the general thresholds for structural responses to vibration levels.

Table 4.8-6 Structural Responses to Vibration Levels, Peak Vibration Threshold (in/sec PPV)

Structure and Condition	Peak Vibration Threshold (in/sec PPV) Transient Sources	Peak Vibration Threshold (in/sec PPV) Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Notes: in/sec = inches per second; PPV = peak particle velocity
Source: Caltrans 2020

Regional and Local Plans, Policies, Regulations, and Ordinances

The Judicial Council is the lead agency and many local government general plans, policies, regulations, and ordinances do not apply to the proposed Project. Notwithstanding the foregoing, the proposed Project is generally consistent with the local requirements. This section discusses regional and local noise and land use planning (e.g., goals, policies, and implementation plans) for informational purposes and to provide context for the impact analysis below.

City of Seaside General Plan

The City's General Plan Noise Element addresses noise sources in the community and identifies ways to reduce impacts of these noise sources. The Noise Element contains policies and programs to achieve and maintain noise levels compatible with various types of land uses. Following are goals, policies, and implementation plans contained in the Noise Element.

Noise and Land Use Planning

Goal N-1: Provide consistent and effective noise control through proper land use planning.

Policy N-1.1: Ensure that new development and reuse/revitalization projects can be made compatible with the noise environment and existing development.

Implementation Plan N-1.1.1: Review discretionary development proposals for potential on- and offsite stationary and vehicular noise impacts per the California Environmental Quality Act (CEQA). Any proposed development located within a 60 dB or higher noise contour shall be reviewed for potential noise impacts and compliance with the noise and land use compatibility standards. The thresholds established in the Zoning Ordinance, Noise Ordinance, the Noise Contours Map, and Tables N-1 [Table 4.8-7] and N-2 [Table 4.8-8] of the Noise Element will be used to determine the significance of impacts. If potential impacts are identified, mitigation in the form of noise reduction designs/structures will be required to reduce the impact to a level less than significant. If the impact cannot be reduced to a level less than significant or avoided with accepted noise reduction methods, the proposed Project will be determined "Clearly Unacceptable" and will not be approved.

Table 4.8-7 Interior and Exterior Noise Standards (CNEL, dBA)

Land Use Category	Exterior	Interior
Residential	65	45
Mixed Use Residential	70	45
Commercial	70	--
Office	70	50
Industrial	75	55
Public Facilities	70	50
Schools	50	50

Notes: dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level.
Source: Seaside General Plan – Noise Element 2004.

Table 4.8-8 Noise/Land Use Compatibility Matrix - Noise Contours and Noise Impact Areas (CNEL, dBA)

Land Use Category	55		60	65	70	75	80
Residential - Single Family, Multifamily, Duplex	A	A	B	B	C	---	---
Residential - Mobile Homes	A	A	B	C	C	---	---
Transient Lodging - Motels, Hotels	A	A	B	B	C	C	---
Schools, Libraries, Churches, Hospitals, Nursing Homes	A	A	B	C	C	---	---
Auditoriums, Concert Halls, Amphitheaters, Meeting Halls	B	B	C	C	---	---	---
Sports Arenas, Outdoor Spectator Sports, Amusement Parks	A	A	A	B	B	---	---
Playgrounds, Neighborhood Parks	A	A	A	B	C	---	---
Golf Courses, Riding Stables, Cemeteries	A	A	A	A	B	C	C
Office and Professional Buildings	A	A	A	B	B	C	---
Commercial Retail, Banks, Restaurants, Theatres	A	A	A	A	B	B	C
Industrial, Manufacturing, Utilities, Wholesale, Service Stations	A	A	A	A	B	B	B
Agriculture	A	A	A	A	A	A	A

Notes: dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level.

A = Normally Acceptable - Specified land use is satisfactory based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

B = Conditionally Acceptable - New construction or development should be undertaken only after a detailed analysis of the noise requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

C = Normally Unacceptable - New construction or development should generally be discouraged. If it does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

--- = Clearly Unacceptable - New construction or development should generally not be undertaken.

Source: Seaside General Plan – Noise Element 2004.

Transportation Related Noise

Goal N-2: Minimize transportation-related noise impacts.

Policy N-2.1: Reduce noise impacts associated with motorized vehicles, aircraft, and trains.

Implementation Plan N-2.1.1: Reduce noise impacts from transportation activity to enhance the quality of the community. Incorporate noise control measures, such as sound walls and berms, into roadway improvement projects to mitigate impacts to adjacent development. Request Cal-trans and the Monterey County Transportation Agencies to provide noise control for roadway projects within the community. Particularly advocate reducing noise impacts from the list of major noise sources.

Implementation Plan N-2.1.2: Coordinate with the Police Department, Monterey County Sheriff's Department, and the California Highway Patrol to enforce the California Vehicle Code pertaining to noise standards for cars, trucks, and motorcycles. Periodically review truck and bus routes in the community for noise impacts on residential and other sensitive land uses. Where noise impacts are identified from truck traffic, modify the designated truck routes to avoid impacts. Where impacts are identified from bus traffic, recommend alternative routes to the Monterey County Transportation Authority.

Non-Transportation Related Noise

Goal N-3: Minimize non-transportation-related noise impacts.

Policy N-3.1: Reduce the impacts of noise-producing land uses, activities, and businesses on noise-sensitive land use.

Implementation Plan N-3.1.1: Enforce the noise limits and construction and operation regulations contained in this Noise Element and the City's Municipal Code.

Implementation Plan N-3.1.2: Limit delivery or service hours for stores and businesses with loading areas, docks, or trash bins that front, side, border, or gain access on driveways next to residential and other noise-sensitive areas. Promptly investigate noise complaints and abate any noise impacts associated with commercial activities. Only approve exceptions to noise limits if full compliance with the nighttime limits of the noise regulations is achieved.

Implementation Plan N-3.1.3: Require all construction activity to comply with the limits (maximum noise levels, hours, and days of allowed activity) established in the City noise regulations (Title 24 California Code of Regulations, Zoning Ordinance, and Chapter 21A of the Municipal Code).

City of Seaside Municipal Code

The noise regulations of the City's Municipal Code are contained in Chapter 9.12. The City's Noise Ordinance does not contain quantitative noise limits, but rather contains a series of specific prohibitions and exemptions. The ordinance seeks to control noise by setting forth time periods when activities are allowed or prohibited. For example, excessive, unnecessary, or unusually loud construction noise activity is prohibited before 7 AM and after 7 PM during the week and before 9 AM and after 7 PM on Saturdays, Sundays, and holidays.

The Projects at Main Gate Specific Plan

While the Projects at Main Gate Specific Plan (Specific Plan) does not directly apply to the proposed Project, the Project site is geographically within Specific Plan area. Section 7.7 of the Specific Plan provides a cross reference to the City of Seaside General Plan exterior standard of 60 dB and notes that the hotel portion of the Specific Plan would be subject to noise standards embodied within Title 24 of the California Code of Regulations. The Specific Plan does not contain development standards or design recommendations pertaining to noise.

City of Marina General Plan

The City of Marina's General Plan also provides guidance for projects that require discretionary approval by the City of Marina. Rather than a Noise Element, noise guidance is included in the Community Land Use Element under the heading, "Noise Protection" (Sections 4.106 through 4.111) (City of Marina 2010).

The City of Marina recommends a site-specific noise analysis for noise sensitive uses proposed in close proximity to major roadways or in areas affected by aircraft-generated noise. If specific uses are found to be affected by noise levels greater than the standards set forth in (see Table 4.8-9), mitigation is required. Under Section 4.107, the City of Marina establishes the maximum allowable exterior noise exposure, as measured in L_{dn} (dBA) (see Table 4.8-9).

Table 4.8-9 City of Marina - Maximum Exterior and Interior Acceptable Ambient Noise Levels (L_{dn}, dBA)

Land Use Category	Maximum Acceptable Exterior	Maximum Conditionally Acceptable Exterior	Maximum Acceptable Interior
Residential	60	70	45
Live/Work	65	75	50
Hotel /Motel	65	75	50
Office	67	77	55
Other Commercial	70	80	60
Industrial/Agriculture	70	80	60
Schools, Libraries, Theatres, Churches, Nursing Homes	60	70	45
Parks and Playfields	65	70	NA
Golf Courses, Riding Stables, Cemeteries	70	75	NA

Notes: dBA = A-weighted decibels; L_{dn} = day-night average noise level; NA = not applicable.

Source: Marina General Plan – Community Design & Development Element, Adopted October 31, 2000, Updated with amendments through August 4, 2010.

Section 4.110 identifies that sound walls shall be the mitigation measure of last resort so as to avoid the adverse visual impacts of such structures. Under Section 4.111, the City of Marina includes standards for new and modified stationary noise sources noise-sensitive uses (see Table 4.8-10).

Table 4.8-10 Maximum Allowable Noise Standards for Stationary Noise Sources

Land Use Category	Day (7:00 a.m. to 10:00 p.m.)	Night (10:00 p.m. to 7:00 a.m.)
Hourly L _{eq} in dBA ^{1,2}	50	45
Maximum Level in dBA ^{1,2}	70	65
Maximum Impulsive Noise in dBA ^{1,3}	65	60

Notes: dBA = A-weighted decibels; L_{eq} = the equivalent hourly average noise level.

¹ As determined at the property line of the receiver. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property-line noise mitigation measures.

² Sound level measurements shall be made with slow meter response.

³ Sound level measurements shall be made with fast meter response.

Source: Marina General Plan – Community Design & Development Element, Adopted October 31, 2000, Updated with amendments through August 4, 2010.

City of Marina Municipal Code

The City of Marina Municipal Code chapter 9.24 contains ordinances pertaining to noise regulation. While chapter 9.24 does not identify specific noise limits, it does prohibit excessive, unnecessary, or unusually loud noises and vibration in the community. Section 9.24.040 lists specific nuisances. Included in this list are many hand-powered, fuel-powered, and electric-powered tools that could be used during construction projects. Section 9.24.040 prohibits the operation of the listed equipment before 7 a.m. and after 7 p.m. during the week and before 10 a.m. and after 7 p.m. on Saturdays, Sundays, and holidays. During daylight savings, this equipment may be operated until eight p.m.

The City of Marina Municipal Code chapter 15.04 sets construction allowable hours and noise levels. Construction may only occur between 7 a.m. and 7 p.m. when the construction is near noise-sensitive uses. (The proposed Project site is not near any noise-sensitive uses). On Sundays and holidays, construction can only occur between 10 a.m. and 7 p.m. Section 15.04.055 also limits overall construction noise to no more than 60 dB for 25 percent of an hour at any receiving property line.

4.8.3 Impact Analysis

Methodology

Data included in Chapter 2 of this EIR, “Project Description,” and obtained during on-site noise monitoring was used to determine potential locations of sensitive receptors and potential noise- and vibration-generating land uses in the vicinity of the proposed Project site. Noise-sensitive land uses and major noise sources in the vicinity of the proposed Project site were identified based on existing documentation (e.g., equipment noise levels and attenuation rates) and site reconnaissance data.

To assess the impacts of potential short-term construction noise and vibration on future sensitive receptors, the sensitive receptors and their relative exposure to the impacts were identified. Construction noise was predicted by using the FHWA Roadway Construction Noise Model (RCNM, FHWA 2006). The emission noise levels referenced, and the usage factors were based on the Federal Highway Administration Roadway Construction Noise Model. Construction vibration was estimated using Federal Transit Noise and Vibration Impact Assessment methodology (FTA 2018). Groundborne vibration impacts were qualitatively assessed based on existing documentation (e.g., vibration levels produced by specific construction equipment operations) and the distance of sensitive receptors from the given source. The noise and vibration levels of the specific construction equipment that would be used and the resulting noise levels where sensitive receptors are located were calculated.

Traffic noise modeling was conducted based on average daily traffic volumes obtained from the analysis prepared to support the Judicial Council’s evaluation of the proposed Project. The FHWA-RD-77-108 was used to estimate traffic noise levels along affected roadways. The proposed Project’s contribution to the existing traffic noise levels along area roadways was determined by comparing the predicted noise levels at a reference distance of 100 feet from the roadway centerline for the baseline and cumulative conditions with and without Project-generated traffic.

Potential noise impacts from long-term (operation-related) stationary sources were assessed based on existing documentation (e.g., equipment noise levels) and site reconnaissance data. This analysis also included an evaluation of noise-generating uses that could affect noise-sensitive receptors near the proposed Project area.

Thresholds of Significance¹¹

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact related to noise if it would:

- generate of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- generate excessive groundborne vibration or groundborne noise levels;
- for a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the Project area to excessive noise levels.

Issues Not Discussed Further

- **Excessive Noise from an Airport**—Future development would not expose people to excessive noise levels from an airport or private airstrip. The nearest airport to the proposed Project site would be the Marina Municipal Airport, which is located approximately 3 miles to the northeast of the Project site, and Monterey Regional Airport which is located approximately 4.8 miles to the southwest of the Project site. Because the proposed Project area would not be located in an area exposed to

¹¹ For clarity and due to the different methods used to estimate noise and vibration effects and from different sources, discussion of the first two threshold questions is organized into four impact areas addressing impacts related to short-term construction noise, short-term vibration, long-term traffic noise, and long-term non-transportation noise.

excessive aircraft-generated noise levels (e.g., not within the 60 dB L_{dn} /CNEL contour of any airport), and because the proposed Project does not propose uses that would increase aircraft overflight noise, there would be no impact related to aircraft noise, and therefore this issue is not discussed further in this EIR.

Environmental Impacts

Impact 4.8-1. Short-term noise levels from construction activities.

Construction activities associated with grading, building the new courthouse building on the site, and infrastructure and facilities necessary to serve the courthouse could expose sensitive receptors to noise levels in excess of the applicable noise standards and/or result in a noticeable increase in ambient noise levels.

Construction noise levels would fluctuate depending on the particular type, number, and duration of use for the various pieces of equipment. The effects of construction noise largely depend on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the receptor's vicinity.

All construction equipment and vehicles would be staged on the existing proposed Project site. Grading would occur as an initial stage of construction in order to accommodate an all-weather area for construction staging and parking for construction worker vehicles. Construction generally occurs in several discrete stages, with each stage requiring different equipment that has varied noise characteristics. These stages alter the characteristics of the noise environment generated on the proposed Project site and in the surrounding community during the construction process. Construction will be phased in alignment with the Office of the State Fire Marshal's permitting. Phase 1 construction (site preparation work, undergrounding of utilities, and foundations) is anticipated to start in May 2025. Phase 2 construction (building construction) is anticipated to start in June 2026 with construction completion by July 2028.

The proposed Project would involve tree and vegetation removal. Site preparation would involve grading (approximately 5 feet for the building structure location and fills of up to 10 feet for the parking lot areas). Grading would generally be followed by trenching, building construction, architectural coatings, paving, and finishing.

The site preparation phase typically generates the most substantial noise levels. Site preparation involves grading, compacting, and excavating, which uses the noisiest construction equipment. Site preparation equipment includes backhoes, bulldozers, loaders, excavation equipment such as graders and scrapers, and compaction equipment. Erection of large structural elements and mechanical systems could require using a crane, which may also generate substantial noise levels.

The primary sources of noise would likely include backhoes, compressors, bulldozers, excavators, and other related equipment. Table 4.8-11 depicts the noise levels generated by various types of construction equipment.

Construction equipment can be either mobile or stationary. Mobile equipment (e.g., loaders, graders, dozers) moves around a construction site performing tasks in a recurring manner. Stationary equipment (e.g., air compressor, generator, concrete saw) operates in a given location for an extended period of time to perform continuous or periodic operations. Thus, determining the location of stationary sources during specific phases, or the effective acoustical center of operations for mobile equipment, during various phases of the construction process is necessary.

Table 4.8-11 Construction Equipment Noise Emission Levels

Equipment Type	Noise Level (L_{eq} , dBA) @ 50 Feet from Equipment	Noise Level (L_{max} , dBA) @ 50 Feet from Equipment
Dump Truck	80	84
Backhoe	76	80
Man Lift	78	85
Grader	81	85
Compactor (ground)	76	83
Scraper	81	85
Pneumatic Tools	82	85
Drill Rig Truck	77	84
Excavator	77	81
Combined Predicted Noise Level (L_{eq} dBA at 50 feet)	87^a	
Maximum Predicted Noise Level (L_{max} dBA at 50 feet)		85^b

Notes: dB = decibels; dBA = A-weighted decibels; L_{eq} = Equivalent Sound Level; L_{max} = Maximum Noise Level

Noise levels are for equipment fitted with properly maintained and operational noise control devices, per manufacturer specifications.

^a The L_{eq} level is from all equipment combined.

^b The L_{max} level is from the loudest piece of equipment.

Source: FHWA 2006, data compiled by AECOM in 2022, See Appendix I for Equipment Noise Calculations.

As indicated in Table 4.8-11, Project-related construction activities would generate noise levels ranging from 76 to 82 dB L_{eq} at a distance of 50 feet from the equipment. Accounting for the use factor of individual pieces of equipment, continuous and combined noise levels generated by the simultaneous operation of the loudest pieces of equipment would result in noise levels of 87 dB L_{eq} at 50 feet. There are no existing noise sensitive uses within 100 feet of areas affected by proposed Project construction. There are future-planned office uses located approximately 100 feet from the northern Project site boundary. The Early Development Services CSUMB Child Development Center is located approximately 800 feet to the northeast of the proposed Project site. The Monterey County Department of Social Services is located at approximately 550 feet northwest of the proposed Project site.

Noise from localized point sources (such as construction sites) typically decreases by 7.5 dB¹² (on the soft or unpaved ground) with each doubling of distance from the source to the receptor. Assuming an attenuation rate of 7.5 dB per doubling of distance, construction would generate exterior hourly noise levels of 80 dB L_{eq} at the planned future office use located 100 feet from the proposed Project site, and 57 dB L_{eq} to 61 dB L_{eq} at the farther off-site sensitive receptors located 550 to 800 feet from the proposed Project site. The City of Seaside's Noise Ordinance (Chapter 9.12) and the City of Marina's Noise Ordinance (Section 9.24.040) exempt daytime construction noise from applicable standards.

Construction could expose existing off-site sensitive receptors to equipment noise levels that result in a substantial temporary increase in ambient noise levels. As shown in Table 4.8-12, average daytime hourly noise levels at the nearest noise-sensitive uses to the proposed Project site ranged from 48.5 dB to 60.1 dB L_{eq} . Therefore, the Project-related maximum construction noise level of 57 dB L_{eq} to 61 dB L_{eq} would result in a temporary increase of less than 3 dB at the aquatic center and the County social services office. Maximum construction noise would, however, cause an increase in the ambient noise level at the Child Development Center by 8.5 dB above the measured ambient noise levels at existing nearby noise-sensitive land uses. Construction-related noise is a **potentially significant impact**.

¹² Any highly absorptive surface in which the phase of the sound energy is changed upon reflection (Caltrans 2013).

Table 4.8-12 Existing Ambient Noise and Maximum Construction Noise at Noise-Sensitive Uses

Site	Location	Measured Ambient Noise Levels, L_{eq} , dBA	Maximum Construction Equipment Noise Emission Levels, L_{eq} , dBA	Increase above ambient, dBA
ST-1	Aquatic Center, east of the Project site	57.5	60	2.5
ST-3	Child Development Center, northeast of the Project site	48.5	57	8.5
ST-4	Department of Social Services, north of the Project site	60.1	61	1

Notes: dBA = A-weighted decibels; L_{eq} = the equivalent hourly average noise level; ST – short-term.

Source: FHWA 2006, data compiled by AECOM in 2022.

Construction Traffic Noise

Construction equipment and activities would involve access via multiple routes depending on the activities (e.g., material and equipment source(s), material or equipment point of departure and/or point of destination, etc.) The following SR, major and minor arterial roads may be utilized by construction equipment and vehicles: SR-101, SR-156, SR-183, SR-68, SR-1, South Davis Road, Blanco Road, Reservation Road, Imjin Parkway, Lightfighter Drive, 2nd Avenue and Divarty Street.

Typically, traffic volumes have to double before the associated increase in noise levels is noticeable (3 dBA L_{dn}) along roadways (Caltrans 2013). Existing traffic noise levels along the adjacent roadways range from 250 vehicles per day to approximately 12,000 vehicles per day (AECOM 2022). Construction-related traffic would not double existing traffic volumes and would not increase the traffic noise by 3 dB.

Construction-related traffic impacts would be **less than significant**.

Mitigation Measure 4.8-1: Implement Construction-Related Noise Reduction Strategies.

The Judicial Council shall require the selected contractor to implement the following noise-reduction and noise-control measures during construction activities:

- Construction equipment shall be properly maintained per manufacturers' specifications and fitted with feasible noise suppression devices (e.g., mufflers, silencers, wraps).
- All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment will be muffled or shielded.
- Construction equipment shall be shut down when not in use and shall not idle for extended periods of time near noise-sensitive receptors.
- Fixed/stationary equipment (e.g., generators, compressors, cement mixers) shall be located as far as practicable from noise-sensitive receptors.
- Restrict the use of bells, whistles, alarms, and horns for safety-warning purposes.
- Construction worker trips and truck trips shall be distributed along the area roadways to minimize impacts along each entry to the proposed Project site.

Significance after Mitigation

Implementation of Mitigation Measure 4.8-1 would include the use of noise-suppression devices that would provide at least a 3-dB reduction in noise. The level of noise reduction from shielding the impact tools and all intake and exhaust ports on power equipment will depend on the distance between the equipment and the noise receiver, but a 3-dB reduction would be a reasonable minimum reduction in noise to assume. With the implementation of this mitigation, construction noise would reduce to ambient levels at existing noise-sensitive locations. The estimated construction noise level of 57 dB at approximately 800 feet (at the EDS CSUMB Child Development Center), is based on a conservative

assumption of all equipment operating at the same location and at the same time. However, not all equipment would operate at the same time. Assuming instead that, at any given time, approximately 50 percent of the equipment would operate on-site simultaneously, this would reduce the maximum construction noise level by 3 dB compared to that conservatively reported in this EIR. The resulting noise at the nearest noise-sensitive uses would be 54 dB. Assuming a 25-dB reduction by the walls and ceilings with windows and doors closed (54-25=29 dB), the interior noise would be less than 45 dB. Also, with the implementation of the mitigation measures, construction noise would reduce to very close to ambient levels at the exterior use of the Child Development Center – with mitigation, the construction noise level experienced at the exterior of the Child Development Center would be approximately 51 dBA, at a location where the existing ambient noise level is 48.5 dBA. As described above in Table 4.8-1, this change in noise level would not generally be perceptible. Therefore, this impact is considered **less than significant**.

Impact 4.8-2. Short-term groundborne vibration from construction.

The proposed Project would generate construction vibration from equipment use and from the transport of construction equipment, materials, and workers.

Construction-related groundborne vibration would result from the use of heavy earthmoving equipment for clearing, excavation, compaction, and grading, as well as activities for construction of the site access. These activities would produce a vibration level of approximately 87 VdB (0.089 in/sec PPV) at a distance of 25 feet (which is the reference vibration level for operation of a large bulldozer [FTA 2018]). The distance between the on-site construction activities and the closest future vibration-sensitive uses (future office uses north of Divarty Road) would be approximately 50 feet from the northern boundary of the proposed Project site. Assuming a standard reduction of 9 VdB per doubling of distance (FTA 2018), the vibration level at the nearest receivers to the proposed Project construction activities would be approximately 69 to 78 VdB. These levels of vibration would not exceed the guidance provided by FTA of 80 VdB (see Table 4.8-13) with respect to human annoyance for residential uses and would not likely be perceptible. Also, the distance between the on-site construction activities and the closest existing vibration-sensitive use (County Social Services Office building) would be approximately 600 feet from the northern boundary of the proposed Project site. Assuming a standard reduction of 9 VdB per doubling of distance (FTA 2018), the vibration level at the nearest receivers to the proposed Project construction activities would be approximately 45 VdB. Also, the highest vibration level would be from loaded trucks passing by other existing uses during construction. Vibration level from a loaded truck would be approximately 68 to 77 VdB at 50 feet to 100 feet, respectively. There are no structures within these distances of the adjusted roadways to the proposed Project site. These levels of vibration would not exceed the guidance provided by FTA of 80 VdB (see Table 4.8-13) with respect to human annoyance for residential uses and would not likely be perceptible. Therefore, this impact would be **less than significant**.

Table 4.8-13 FTA Construction Vibration Annoyance Criteria

Land Use Category	Frequent Events ^a	Occasional Events ^b	Infrequent Events ^c
Category 1: Buildings where vibration would interfere with interior operations	65 ^d	65 ^d	65 ^d
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime uses	75	78	83

Notes: FTA = Federal Transit Administration; VdB =vibration decibel(s)

Impact Levels (VdB) relative to 1 micro-inch/ second.

^a "Frequent events" are those with more than 70 vibration events from the same source per day.

^b "Occasional events" is defined as 30 to 70 vibration events from the same source per day.

^c "Infrequent events" is defined as fewer than 30 vibration events from the same source per day.

^d This criterion limit is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define the acceptable vibration levels.

Source: FTA 2018

The FTA's Transit Noise and Vibration Impact Assessment technical manual provides criteria for groundborne vibration impacts with respect to building damage during construction activities (FTA 2018). The FTA guidelines provided above under Table 4.8-6 suggest a vibration-damage criterion of 0.20 in/sec PPV for nonengineered timber and masonry buildings and 0.5 in/sec PPV for structures or buildings constructed of reinforced concrete, steel, or timber. For the proposed Project, the temporary and short-term Project construction vibration level would be attenuated by distance at the nearest structures (approximately 50 feet from the northern boundary of the Project site) and would be approximately 0.031 in/sec PPV. These levels of vibration are below the established threshold of significance of 0.50 in/sec PPV, pursuant to the FTA guidelines. Therefore, this impact would be **less than significant**.

Impact 4.8-3. Long-term operational traffic noise.

The proposed Project is anticipated to add vehicular traffic volumes to existing conditions and therefore operational transportation noise is anticipated to be increasing compared to existing conditions. To examine the effect of Project-generated traffic increases, traffic noise levels associated with the proposed Project were calculated for roadway segments using the FHWA-RD-77-108 and compared with existing conditions. Traffic noise levels were modeled with and without the proposed Project (starting in 2026).

Table 4.8-14 summarizes the modeled traffic noise levels at 50 feet from the centerline of affected roadway segments, accounting for day/night percentages of autos, medium trucks, and heavy trucks; vehicle speeds; ground attenuation factors; and roadway widths.

Table 4.8-14 Summary of Modeled Levels of Existing plus Project Traffic Noise and Distance (feet) from Roadway Centerline to L_{dn} Contour

Roadway Segment	Existing plus Project Average Daily Traffic (ADT) Volume	L _{dn} 50 Feet (dB)	Distance to 70 dB Contour (feet)	Distance to 65 dB Contour (feet)	Distance to 60 dB Contour (feet)
Divarty Street West of the Project Site	633	52.9	4	8	17
Divarty Street East of the Project Site	825	54.1	4	9	20
1 st Avenue South of Divarty Street	812	54.0	4	9	20
2 nd Avenue South of Divarty Street	5,609	62.4	16	33	72
Lightfighter Drive West of 2 nd Ave	13,206	66.1	27	59	126
1 st Avenue North of 3 rd Street	688	53.3	4	8	18
2 nd Avenue North of Inter Garrison Road	6,560	63.1	17	37	80

Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level.
Source: Data modeled by AECOM in 2022

Table 4.8-15 provides a summary and comparison of the modeled existing and existing plus project traffic noise levels at 50 feet from the centerline of affected roadway segments. As shown, traffic noise due to the proposed Project would increase from 0 to 5.2 dB along roadways adjacent to the Project. Because increases between 2.8 and 5.2 dB are on roadway segments where there are no existing noise-sensitive uses, this impact is considered **less than significant**.

Table 4.8-15 Traffic Noise—Existing Condition and Existing plus Project Condition

Roadway Segment	Existing (dB, L _{dn} at 50 feet)	Existing + Project (dB, L _{dn} at 50 feet)	Increase (dB, L _{dn} at 50 feet)
Divarty Street West of the Project Site	48.9	52.9	4.0
Divarty Street East of the Project Site	48.9	54.1	5.2
1 st Avenue South of Divarty Street	51.2	54.0	2.8
2 nd Avenue South of Divarty Street	60.4	62.4	2.0
Lightfigher Drive West of 2 nd Ave	65.6	66.1	0.5
1 st Avenue North of 3 rd Street	53.3	53.3	0.0
2 nd Avenue North of Inter Garrison Road	62.2	63.1	0.8

Notes: dB = A-weighted decibels; L_{dn} = day-night noise level

Source: Modeling conducted by AECOM in 2022

Impact 4.8-4. Long-term operational non-transportation noise levels.

The following provides descriptions of other stationary and area noise sources in the Project area and, in some cases, noise level data associated with operations. The information is intended to be representative of the noise sources and noise levels associated with such uses.

Landscape and Building Maintenance Activities

Landscape maintenance activities include the use of leaf blowers and power tools, and could result in intermittent noise levels of approximately 88 dB at 6 feet. Based on an equipment noise level of 88 dB, the use of such equipment, assuming a noise attenuation rate of 6 dB per doubling of distance from the source, would result in exterior noise levels of approximately 70 dB at 50 feet. This analysis assumes the heating, ventilation and air conditioning (HVAC) would be located near the center of the roof of the Project buildings. The closest off-site noise-sensitive land uses in the vicinity of the proposed Project site would be future-planned office uses to the north located approximately 200 feet from the center of the nearest building proposed Project site. Noise levels for landscape maintenance activities would be 58 dBA L_{eq} at the nearest noise-sensitive receptor north of the proposed Project site. As indicated in Table 4.8-3, average daytime hourly noise levels at the proposed Project site and in the vicinity ranged from 48.5 dB to 66.4 dB L_{eq}. Therefore, landscape maintenance activities would not exceed the City's performance standard of 70 dB L_{eq} (refer to Table 4.8-7) for noise-sensitive land uses affected by non-transportation noise during the daytime period. While this standard does not apply to the proposed Project directly, it informs this analysis. Also, the distance between the existing noise-sensitive uses and the proposed Project building are more than 500 feet; therefore, the mechanical equipment noise levels would be even lower (50 dB) for existing uses in the vicinity of the proposed Project site. The landscape maintenance activities also would not result in a substantial permanent increase (more than 3–5 dB) in ambient noise levels in the Project vicinity above levels existing without the proposed Project. Therefore, this impact would be **less than significant**.

HVAC equipment is often mounted on rooftops, located on the ground, or located within mechanical equipment rooms. The noise sources could take the form of fans, pumps, air compressors, and chillers. Packaged rooftop units contain all necessary mechanical equipment, such as fans, pumps, condenser, and compressors, within a single enclosure. Noise levels from commercial HVAC equipment can reach 100 dBA at a distance of three feet (EPA 1971). However, these units are typically fitted with noise shielding cabinets, placed on the roof, or located in mechanical equipment rooms to reduce noise levels. Noise from mechanical equipment associated with operation of the proposed Project is required to comply with the California Building Standards Code requirements pertaining to noise attenuation.

AECOM has measured existing noise levels from HVAC systems. HVAC equipment noise would be approximately 70 dBA L_{eq} at a distance of 6 feet (AECOM 2013).¹³ This would result in noise level of 52 dBA at a distance of 50 feet.

This analysis assumes the HVAC would be located near the center of the roof of the Project buildings. The closest off-site noise-sensitive land uses in the vicinity of the proposed Project site would be future-planned office uses to the north located approximately 200 feet from the center of the nearest building Project site. Based on the cooling capacity of the packaged systems and their locations with respect to sensitive uses, noise levels for mechanical HVAC systems would be less than 45 dBA L_{eq} at the nearest noise-sensitive receptor north of the proposed Project site. As indicated in Table 4.8-3, average daytime hourly noise levels at the proposed Project site and in the vicinity ranged from 48.5 dB to 66.4 dB L_{eq} . Therefore, HVAC equipment would not exceed the City's performance standard of 70 dB L_{eq} (refer to Table 4.8-7) for noise-sensitive land uses affected by non-transportation noise during the daytime period. While this standard does not apply to the proposed Project directly, it informs this analysis. Also, the distance between the existing noise-sensitive uses and the proposed Project building are more than 500 feet. Therefore, the mechanical equipment noise levels would be even lower for existing uses in the vicinity of the proposed Project site. The HVAC system also would not result in a substantial permanent increase (more than 3–5 dB) in ambient noise levels in the proposed Project vicinity above levels existing without the Project. Therefore, this impact would be **less than significant**.

Parking Lot Activities

Noise level measurements of parking lot activities (conducted by AECOM acoustic specialists on similar projects) indicate that average Sound Exposure Levels (SELs) associated with a single parking event (i.e., vehicle arrival, limited idling, occupants exiting the vehicle, door closures, conversations among passengers, occupants entering the vehicle, startup, departure of the vehicle) is 71 dB SEL at a distance of 50 feet. Assuming 280 peak-hour parking events and a standard attenuation rate of 6 dB per doubling of distance, the combined noise level from parking lot activities would be 48 dBA L_{eq} at the nearest future noise-sensitive receptor, located approximately 200 feet north of the proposed parking lot at the Project site, and 40 dBA L_{eq} at the nearest existing noise-sensitive receptor, located approximately 500 feet north of the proposed parking lot at the Project site.

As a result, parking lot operations would neither exceed the City's performance standard of 70 dB L_{eq} for office uses during the daytime period (refer to Table 4.8-7). In addition, parking lot operations would not result in a substantial permanent increase (more than 3–5 dB) in the ambient noise level of 48.5 dB L_{eq} (measured by ST-3, refer to Table 4.8-3) in the parking lot location. Therefore, this impact would be **less than significant**.

¹³ Long Beach Unified School District. Jordan High School Major Renovation Project Draft EIR. September 2013.

This page intentionally left blank.

4.9 Transportation

4.9.1 Introduction

This section describes existing transportation conditions in the study area and summarizes an analysis of potential transportation impacts associated with construction and operation of the proposed Project. The transportation study area was defined to include locations most likely to be affected by Project-generated trips, including trips generated by both construction and operation of the proposed courthouse at the Project site. The transportation analysis also considers the regional transportation implications of the proposed Project, which would serve all of Monterey County. The impact analysis addresses pedestrian, bicycle, and transit access, as well as vehicular access, emergency access, traffic hazards, and vehicle miles traveled (VMT). More detailed information and analysis is provided in the *Traffic Study Technical Memorandum*, provided in Appendix J of the Environmental Impact Report (EIR).

4.9.2 Environmental Setting

The transportation study area includes both the area near the proposed Project site where construction of the proposed Project could affect local transportation and the greater Monterey County community that would be served by the New Fort Ord Courthouse, once operational.

Regional Setting

Monterey County

Monterey County covers 3,324 square miles of coastal mountains and valleys, spanning 100 miles of the California coastline. The main north-south interregional transportation facilities include State Route (SR-)1 along the coast and U.S. Highway 101 through the inland Salinas Valley. In addition to various County roads, SRs 156, 218, 183 and 68 connect coastal and inland communities. The Monterey Peninsula primarily accommodates residential, tourism, educational, and commercial uses. In addition to local travel, the County's coastal attributes attract tourism along the Pacific coastline to state and regional parks.

Local Setting

City of Marina

Roughly 75 percent of the city of Marina residents commute to work by car, truck, or van, with an average travel time of approximately 23 minutes (U.S. Census Bureau, 2016-2020a). Areas north of the proposed Project site are within the city of Marina and are served by transportation facilities that have historically provided access to the former Fort Ord Army Base (Base); these transportation facilities serve other portions of the city of Marina and have been improved and maintained as portions of the Base have been redeveloped. The City of Marina's University Villages Specific Plan (Dunes Specific Plan) establishes a hierarchy and network of pedestrian, bicycle, and vehicular facilities that will be improved as the Specific Plan area develops.¹ In the vicinity of the proposed Project site, this includes 2nd Avenue, which is designated as an Arterial; Divarty Street, which is designated as a Neighborhood Street with bike lanes; and 1st Street, which is also designated as a Neighborhood Street with bike lanes.

City of Seaside

The automobile is the most widely used mode of transportation in the city of Seaside. According to the U.S. Census Bureau, 2016-2020 American Community Survey, about 86.7 percent of Seaside residents commute to work by car, truck, or van. Approximately 2.3 percent of commuters walk to work, while 1.1 percent commute by bike and 3.6 percent of commuters use public transportation. The American Community Survey also documented the amount of time it takes commuters to travel to work. Based on 2016-2020 data, 71.1 percent of workers living in Seaside traveled to work in less than 25 minutes with an average travel time estimated to be 22 minutes (U.S. Census Bureau, 2016-2020b).

¹ The University Villages Specific Plan Area is sometimes also known as "The Dunes" or "The Dunes on Monterey Bay." Divarty Street is called 1st Street in the Dunes Specific Plan.

The Seaside General Plan Circulation Element includes a description of its functional classification system. Descriptions of each roadway classification are provided below (City of Seaside 2004).

- **Arterials**—provide the principal network for cross-town traffic and connect the city to the external freeway and highway systems. They generally have moderate traffic speeds and carry significant amounts of traffic. Primary traffic generators are and/or should be located on arterials.
- **Collectors**—provide traffic circulation between arterials and local streets. They connect neighborhoods with neighborhood activity centers and, as currently defined are intended to provide limited direct access to abutting properties. Collectors generally have two travel lanes.
- **Local Streets**—provide direct access to abutting properties and, as currently defined, have a function of serving local traffic movements within residential and commercial areas. All streets not designated as major streets (arterial, collector, highway, or freeway) are local streets, which have either two travel lanes for bidirectional travel or one travel lane for one-way.
- **Freeways**—are divided highways with full control of access and two or more lanes for the exclusive use of motor vehicle traffic in each direction.
- **Highways**—are facilities with two or more lanes and points of access that are not fully controlled.

Transportation Access to the Project Site and Region

The following major roadways would provide access to the proposed Project site and regional access.

- **State Route 1** is a major north-south freeway that connects the Monterey Peninsula with San Luis Obispo County to the south, and with Santa Cruz County and the San Francisco Bay Area to the north. SR-1 has interchanges providing local access to Seaside (via SR-218), Sand City, and Marina. SR-1 has more than four lanes on the following segments: Camino Aquajito to SR-68 East (8 lanes), Del Monte Avenue to SR-218 (6 lanes), Sand City/Ord Village to SR-156 (5 lanes—3 southbound and 2 northbound). SR-1 is part of the Monterey County Congestion Management Program (CMP) highway network. The northbound and southbound lanes of SR-1 are approximately 940 and 1,000 feet west of the proposed Project site, respectively. SR-1 provides access to the site via interchanges with Lightfighter Drive and Imjin Parkway.
- **U.S. Route 101** is a major coastal north-south route that links the Greater Los Angeles Area, the Central Coast, the San Francisco Bay Area, and the North Coast (Redwood Empire). North of Santa Barbara, US 101 switches intermittently between freeway and expressway status (i.e., there is occasional cross-traffic), but there are no traffic signals until San Francisco. The majority of US 101 within the vicinity of the proposed Project site is a four-lane highway. US 101 does not provide direct access to the proposed Project site, and is located approximately 9 miles northeast of the Project site as measured at the closest point, but provides regional access.
- **State Route 156** is the primary access route from the Monterey Peninsula to California's Central Valley and the San Francisco Bay Area. SR-156 has one of the highest truck volumes on the Central Coast, serving as the primary east-west link between the U.S. 101 corridor and the Monterey Peninsula.
- **State Route 183** is an east-west state highway in that it generally follows the northern foothills of the San Gabriel Mountains and the western Mojave Desert. It is a mostly undivided two-lane surface road.
- **State Route 68** is a state highway located entirely in Monterey County. The approximately 20-mile-long highway serves as a major route between the Monterey Peninsula and the city of Salinas.
- **South Davis Road** is a two-lane east-west arterial roadway extending from Reservation Road to SR-183 approximately 6 miles east of the proposed Project site.
- **Blanco Road** is a two-lane arterial roadway connecting Reservation Road and Abbott Street within the city limits of Marina.

- **Lightfighter Drive** is a four-lane arterial roadway within the City of Seaside jurisdiction. Lightfighter Drive connects with SR-1 as the primary freeway access to areas south of Gigling Road, and also serves as the main entrance to the California State University at Monterey Bay (CSUMB) campus. Lightfighter Drive provides access in the vicinity of the proposed Project site, located approximately 1/3rd mile south of the Project site.
- **Imjin Parkway** is an arterial roadway within the city limits of Marina. Imjin Parkway is a two-lane road at its interchange with SR-1 and a four-lane divided roadway with left turn channelization east of the interchange to Imjin Road. From Imjin Road to Reservation Road it has two lanes. Imjin Parkway is approximately one mile north of the proposed Project site.
- **Reservation Road** is a major arterial extending from Marina State Park west of Dunes Drive, through the city of Marina, connecting to SR-68 south of Salinas. Between Marina State Park and Del Monte Boulevard, Reservation Road is two lanes wide with left-turn channelization at key intersections. Between Del Monte Boulevard and Blanco Road, Reservation Road is a four-lane divided roadway. East of Blanco Road, it narrows to a two-lane rural highway. Reservation Road is under the jurisdiction of the City of Marina west of Blanco Road and the County of Monterey east of Blanco Road. Reservation Road is approximately two miles northeast of the proposed Project site.
- **2nd Avenue** is a divided, four-lane arterial roadway that is immediately adjacent to and east of the proposed Project site. It runs north to south between Lightfighter Drive and Imjin Parkway. 2nd Avenue will provide access to the proposed Project site via an entrance and exit located off Divarty Street.
- **1st Avenue** is a two-lane, one-way local street located approximately 650 feet west of the proposed Project site at the closet point. South of the Project site, 1st Avenue curves slightly to the east before its intersection with Lightfighter Drive.
- **Divarty Street** is a two-lane local street connecting 1st and 5th Avenues, that will serve as the primary access road to the proposed Project site. The proposed Project site is on the south side of Divarty Street, between 1st and 2nd Avenues closest to the intersection of 2nd Avenue and Divarty.

Pedestrian Facilities

Pedestrian facilities in the vicinity of the proposed Project site consist primarily of sidewalks and crosswalks at intersections along 2nd Avenue. Other local roadways in the immediate vicinity of the proposed Project site, including Divarty Street and 1st Avenue do not provide pedestrian access, lacking sidewalks and pedestrian light standards along these pathways. Lightfighter Drive has sidewalks (pedestrian access) on the west-bound side between 2nd Avenue and 1st Avenue. Under the Dunes Specific Plan, however, Divarty Street and 1st Avenue (north of Divarty Street) are designated Neighborhood Streets with bike lanes, which will be improved as areas are developed to include two nine-foot-wide travel lanes; on-street parking on both sides; a five-foot sidewalk and five-foot parkway strip on both sides; and direct vehicular access. The City of Seaside Project at Main Gate Specific Plan (Specific Plan) proposed to vacate the existing alignment of 1st Avenue and realign 1st Avenue through the center of this Specific Plan Area with two travel lanes and parking and sidewalks on both sides (City of Seaside 2010).

Bicycle Facilities

The Highway Design Manual, Caltrans, 2020, classifies bikeways into four categories:

- **Class I Multi-Use Path** – a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- **Class II Bike Lane** – a striped and signed lane for one-way bike travel on a street or highway.
- **Class III Bike Route** – signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- **Class IV Bikeway** – also known as a separated bikeway, a Class IV Bikeway is for the exclusive use of bicycles and includes a separation between the bikeway and the motor vehicle traffic lane. The

separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking (Caltrans 2018, 2020a).

Bike Lanes (Class II or better) are provided along both sides of 2nd Avenue between Lightfighter Drive and Imjin Parkway (City of Seaside 2010). In the vicinity of the proposed Project site, along 2nd Avenue between Lightfighter and Divarty, Class I Bikeways allow bicyclists a separation between the bikeway and the motor vehicle traffic lane (CSUMB 2017a, Exhibit 4.13-3).

Transit Facilities

Monterey-Salinas Transit

Monterey-Salinas Transit (MST) provides transit service to the greater Monterey and Salinas areas, King City, Big Sur, Watsonville, and Gilroy. Route 12, The Dunes – National Parks Service (NPS) provided express service four times a day during the week along 2nd Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Route 12 was suspended for the pandemic. Route 18 line provides service between the Monterey Transit Plaza and Marina Transit Exchange via General Jim Moore Boulevard and Inter-Garrison, with 60-minute headways during commute hours. Route 18 operates from 6:00 am to 10:36 pm on weekdays and 7:35 am to 7:57 pm on weekends. Route 67 is shown on transit signage in the vicinity of the proposed Project but was eliminated at the request of the Presidio of Monterey.² All MST buses are equipped with racks that can accommodate at least two bicycles. An additional two bicycles can fit in the wheelchair securement area, at the coach operator's discretion. Bike rack space is on a first come, first served basis (MST 2022a).

SURF! Busway and Bus Rapid Transit Project, 2027

MST has proposed the SURF! Busway and Bus Rapid Transit Project. It is a six-mile, bus-only route parallel to SR-1, from Marina to Sand City and Seaside. Along with the new bus route, the proposed project also includes bicycle and pedestrian path improvements along Del Monte Road and Beach Range Road. The proposed design includes a dedicated busway and new transit station at the corner of 1st Avenue and 5th Street, less than 0.5 miles from the proposed Project site. The SURF! Busway and Bus Rapid Transit Project is anticipated to be completed by 2027 and will offer bus services every 15 minutes (MST 2022b).

4.9.3 Regulatory Setting

California Trial Court Facilities Standards

In November 2020, the Judicial Council adopted its updated *California Trial Court Facilities Standards* (Judicial Council 2020). The *California Trial Court Facilities Standards* (Facilities Standards) are intended to promote buildings that are functional, durable, maintainable, and efficient that provide long-term value to the public, the judicial branch, courthouse occupants, the community in which they reside, and court users and taxpayers of California. The Facilities Standards include specific requirements related to the siting and sizing of parking areas, site access circulation, and site design related to pedestrian access. Additionally, Facilities Standards Section 3.D., Integration of Building and Site, requires that trial court facilities prioritize sites that offer robust transportation options—including walking, biking, and transit—and minimize the combined greenhouse gas (GHG) emissions of the building and associated commuter and visitor transportation emissions over the project's life. Pursuant to the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020), the development of links to public transit, and creation of strategies for pedestrian-friendly, mixed-use communities shall be applied as a best practice for the proposed Project.

In addition to guidance on transportation issues related to environmental impacts, the Facilities Standards also have guidance for vehicle storage. Section 3.B., Parking, requires trial court facilities study access to and availability of adjacent public parking for staff, visitors, and jurors before determining how to provide parking for each new or expanded court building. Demand for parking spaces at court facilities is not well

² Please see the Monterey-Salinas Transit website for more detail: <https://mst.org/maps-schedules/route-list/>.

documented by empirical studies (Judicial Council 2020). Limited data indicate a parking demand for all courthouse users except judicial officers ranging from 2 to 4 spaces per 1,000 gross building square feet. While there is no single standard for parking, Facilities Standards suggest consideration of various factors for on-site parking requirements, including the following:

- The size and location of the courthouse, number of courtrooms, and types of matters to be heard.
- Public transit availability and expected public transit use. Staff parking demands can be reduced through traffic management plans, such as carpooling and public transportation programs.
- The average number of attorneys, visitors, and jurors expected daily; the expected length of stay for each type of parking user.
- Availability of parking within a three- to five-minute walk from the facility.
- The number of employees at the facility; existing employment agreements regarding provision of parking.
- The average number of official vehicles expected daily at the site.

State Plans, Policies, Regulations, and Laws

Guides and Plans for Operating Conditions of Caltrans Facilities

Caltrans is responsible for planning, design, construction and maintenance of all interstate freeways and state routes. In the vicinity of the proposed Project site, SR-1 is under the jurisdiction of Caltrans. Caltrans requirements are described in its *Vehicle Miles Traveled-Focused Transportation Impact Study Guide*, 2020, which includes an approach for evaluating the transportation impacts of land use projects and plans on state highway facilities (Caltrans 2020b). In accordance with current CEQA requirements, the Transportation Impact Study Guide does not consider vehicle delay in its evaluation of transportation impacts, instead focusing on VMT. The purposes of the Transportation Impact Study Guide include providing guidance to lead agencies regarding when they should analyze potential impacts to the state highway system; to aid Caltrans staff in reviewing projects; and to ensure consistency in the assessment of impacts and identification of non-capacity increasing mitigation measures.

Senate Bill 743

Governor Brown signed Senate Bill (SB) 743 in September 2013, which created a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 required the Governor's Office of Planning and Research to recommend amendments to the CEQA Guidelines to provide an alternative to level of service (LOS) for evaluating transportation impacts, as well as recommend methodologies and significance thresholds.

The intent of SB 743 related to transportation analysis is to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation. Specific to SB 743, Section 15064.3(c) of the revised Guidelines states that, "a lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide." However, Public Resources Code section 21099(b)(2) states that, "upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the Guidelines."

SB 743 does not change the discretion that lead agencies have to select methodology or define significance thresholds.

In response to SB 743, the Governor's Office of Planning and Research developed CEQA Guidelines section 15064.3. Subdivision (a) discusses the purpose of the new section, establishing that a project's transportation impacts are driven by the amount and distance of vehicle travel associated with a project. Subdivision (b), which is now referenced in the CEQA Guidelines Appendix G checklist, describes criteria for evaluating transportation impacts, suggesting that a VMT-based threshold may indicate a significant

impact, but that projects located within 0.5-mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact, and that projects that decrease VMT in the project area compared to existing conditions could be presumed to have a less-than-significant transportation impact.

Under SB 743, the focus of transportation analysis essentially shifted from the social inconvenience of traffic congestion to adverse physical environmental effects associated with vehicular travel demand. Measurements of transportation impacts may include VMT, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. Vehicle miles traveled has been a common metric used to measure travel demand. A VMT unit of measure is counted as one vehicle traveling on a roadway for one mile. Many communities have been estimating and developing policy related to VMT for years, including estimates and goals for VMT per person, VMT per employee, or other methods of normalization.

Although the Governor's Office of Planning and Research provides recommendations for adopting new VMT analysis guidelines, lead agencies have the final say in designing their methodology. Lead agencies must select their preferred method of estimating and forecasting VMT, their preferred significance thresholds for baseline and cumulative conditions, and the mitigation strategies they consider feasible.

California Complete Streets Act, Assembly Bill (AB) 1358 (Statutes of 2008)

The California Complete Streets Act requires Seaside's City Council to identify how facilities will be provided for the routine accommodation of all users of the roadway (i.e., complete streets) including motorists, pedestrians, bicyclists, individuals with disabilities, seniors, and users of public transportation.

Regional and Local Plans, Policies, Regulations, and Ordinances

Because the Judicial Council is the lead agency and is acting as the independent judicial branch of the State of California, local government land use planning and zoning regulations would not apply to the proposed Project. However, this section identifies local land use plans and regulations for informational purposes and context.

Monterey County Regional Transportation Plan

The Transportation Agency for Monterey County (TAMC) is designated by the State of California to serve as the Regional Transportation Planning Agency for the County. The mission of the Agency is to proactively plan and fund a transportation system that enhances mobility, safety, access, environmental quality, and economic activities by investing in regional transportation projects serving the needs of Monterey County residents, businesses, and visitors. The TAMC's 2022 Monterey County Regional Transportation Plan (or "Plan") identifies transportation projects for local, state, and federal funding, in consideration of revenue constraints, and to achieve a series of performance outcomes related to accessibility and mobility, safety and health, environmental stewardship, equity, and economic vitality (Transportation Agency of Monterey County 2022a).

The 2022 Regional Transportation Plan is integrated into a broader regional transportation plan – the 2045 Moving Forward Monterey Bay Plan prepared by the Association of Monterey Bay Area Governments (AMBAG). AMBAG uses the Monterey County Regional Transportation Plan to prepare a combined plan and Sustainable Communities Strategy for the Monterey Bay Area. Under SB 375, Sustainable Communities and Climate Protection Act of 2008, Sustainable Communities Strategies are required to show how regions will achieve reductions in GHG emissions from passenger cars and light trucks in their respective regions for certain planning horizons.

Related to environmental impacts associated with transportation, the 2022 Regional Transportation Plan identifies VMT reducing projects, including:

- Fort Ord Regional Trail and Greenway (FORTAG);
- Monterey County Rail Extension;
- SURF! Busway and Bus Rapid Transit Project;
- Go 831 Smart Commute Program; and

- Various Complete Streets and local bicycle and pedestrian projects which are critical to enhancing bicycle and pedestrian connectivity in Monterey County.

Monterey County Active Transportation Plan

The 2018 Transportation Agency for Monterey County Active Transportation Plan is an update of the 2011 Bicycle and Pedestrian Master Plan, which identified all existing and proposed bicycle and pedestrian facilities in Monterey County. The Plan identifies remaining gaps in the bicycle and pedestrian network and opportunity areas for innovative bicycle facility design. The Plan is also used to pursue grant funding and effectively use Monterey County's Measure X investments to ensure that planned street improvements include bicycle and pedestrian improvements (Monterey County 2018).

Monterey Bay Air Resources District Air Quality Management Plan

The Monterey Bay Air Resources District (MBARD) is one of 35 air districts established to protect air quality in California. The MBARD Air Quality Management Plan was prepared and updated to achieve the State ozone standard through mobile source emission reduction programs. The 2008 Air Quality Management Plan included transportation control measures (TCMs) but these measures are no longer needed since the region came into attainment of national air quality standards.

Seaside General Plan Circulation Element

While the exceedance of a LOS standard is no longer considered an impact under CEQA, LOS standards and policies are still used by some local jurisdictions to guide overall transportation planning and the collection of impact fees. Jurisdictions generally establish an LOS standard ranging from LOS C to E, with LOS D or E being a typical LOS threshold in many cities. The City of Seaside General Plan has established a LOS C standard or better for all intersections and roadways within the City. The Judicial Council's Facilities Standards direct the Judicial Council to consider local restrictions and planning mandates in selecting a site for a project. Accordingly, see Appendix J for an evaluation of the consistency of the proposed Project with the City's LOS standard.

The Circulation Element of the City of Seaside General Plan also identifies policies and implementation strategies related to reducing transportation impacts, including the following (City of Seaside 2004):

- **Policy C-2.2:** Support programs that help reduce congestion and encourage alternative modes of transportation.
 - **Implementation Plan C-2.2.2: Transportation Control Measures.** Cooperate with AMBAG, the Air Pollution Control District (APCD), and MST to review development projects to determine appropriate transportation control measures that may be applied. Refer to the Transportation Control Measures contained in the Monterey Bay Unified APCD Air Quality Management Plan for guidance on appropriate measures.
- **Policy C-3.1:** Support the provision and expansion of regional transit services and support facilities to serve the City.
 - **Implementation Plan C-3.1.1: Improved Bus Service.** Work with MST to enhance transit service and encourage ridership through the following actions: encourage MST to improve existing transit service by providing more bus stop locations and more frequent stops; coordinate with MST to expand transit routes to North Seaside; work with MST to identify and receive additional funding sources for expanded transit services.
 - **Implementation Plan C-3.1.3: Transit Facilities.** During the development review process, coordinate with MST to encourage the provision of park-and-ride lots, transit facilities, safe pedestrian access, transit-oriented development, and other project and circulation design features that encourage fast, safe, and convenient transit service.
 - **Implementation Plan C-3.1.4: Transit Plans for Specific Plan Areas.** Specific Plan documents shall include transit plans for streets, stops, traffic controls, pedestrian facilities, and signage. The transit plans shall estimate the amount of operating funds required to operate at desired levels of service within the Specific Plan Area.

- **Policy 3.2:** Work with MST to provide special transit services to meet community needs.
 - **Implementation Plan C-3.2.1 Special Transit Services:** Collaborate with neighboring cities and regional transportation providers to encourage the provision of affordable transportation programs for elderly, the disabled, and youth to desirable locations in the region (e.g., malls, civic and public buildings, youth and senior program providers, CSUMB, community centers). The City should also consider promoting the use of public transit services to special events such as golf tournaments, Blues Festival, and other civic events.
- **Policy C-3.3:** Promote mixed use, higher density residential, and employment-generating development in areas where public transit is convenient and desirable.
 - **Implementation Plan 3.3.1: Transit-Oriented Development.** Through the Specific Plan process, encourage transit-oriented development in the Gigling Specific Plan area (near CSUMB), the Broadway Corridor, the North and South Gateways, and other appropriate areas.
- **Policy C-3.4:** Support alternative modes of transportation that encourage physical activity, such as biking and walking.
 - **Implementation Plan C-3.4.1: Bikeway Plan.** Update the existing Seaside Bikeway Plan and implement the recommended projects through the Capital Improvement Program.
 - **Implementation Plan C-3.4.2: Pedestrian and Bicycle Facilities.** Require new development and redevelopment to provide bicycle and pedestrian facilities within the project and pedestrian connections with major destinations. Identify areas within the existing community that would benefit from improved facilities, such as Broadway Avenue, Fremont, and Del Monte. Explore additional funding sources to provide additional pedestrian facilities.

Projects at Main Gate Specific Plan

The proposed Project site is situated in the northeast corner of the Specific Plan area, which includes a 49-acre area bounded by Divarty Street on the north, SR-1 on the west, Lightfighter Drive on the south, and 2nd Avenue on the east. An EIR for the Specific Plan was certified by the City of Seaside and the Specific Plan was adopted in 2010 (Denise Duffy & Associates, Inc. 2010). Section 3.0 Circulation of the Specific Plan addresses the public and private circulation improvements needed to support the Specific Plan's proposed land uses. Implementation measures guiding development within the Specific Plan Area that requires approval by the City of Seaside is presented below (City of Seaside 2010):

- **Implementation Measure 3-1:** The applicant and City of Seaside shall coordinate with MST, Transportation Agency for Monterey County and CSUMB on new, modified or expanded transit routes that will connect directly to the Main Gate project frontage. A direct connection to the site is highly encouraged.
- **Implementation Measure 3-3:** Detailed site planning and improvement plans shall identify clear internal and external pedestrian and bicycle routes and linkages to surrounding uses such as CSUMB and Fort Ord Dunes State Park. Pedestrian and vehicular traffic should be physically separated wherever feasible in order to provide a safe environment for pedestrians and bicycles.
- **Implementation Measure 3-5:** The developer shall ensure that the projects include permanent bicycle and motorcycle parking spaces. Bicycle spaces shall be located strategically throughout the project site, providing facilities near primary entrances, in proximity to the main access points, and in secure and visible locations.
- **Implementation Measure 3-6:** Project improvement plans shall incorporate a recreational bicycles trail/route in general conformance with adopted City Bicycle Plan, CSUMB Master Plan Bike Map, and FORA planning documents, consistent with the H1 Overlay Zone.
- **Implementation Measure 3-7:** As the Lightfighter/Main Gate exit off Highway 1 may be used by recreational vehicles accessing the State Park in the future, turn lane lengths and signal timing along Lightfighter, 2nd Avenue and 1st Street should take these larger vehicles into design consideration.

In addition, Section 4.0 of the Specific Plan, Site Zoning and Development Standards, identifies the following parking standards for the Specific Plan Area:

- Implementation Measure 4-2: Parking will be provided pursuant to the non-residential requirements of Section 17.34 of the Municipal Code. No off-street parking will be provided in excess of those requirements in order to avoid the inefficient use of land and/or excessive pavement.
- Implementation Measure 4-3: Shared on-site parking between uses with different peak hours of operation is encouraged, in order to minimize excessive parking.
- Implementation Measure 4-4: All other standards of Section 17.34 of the Municipal Code shall apply.

Marina-Salinas Multimodal Corridor Plan

The Marina-Salinas Multimodal Corridor Plan was developed to provide transit and bicycle opportunities and to improve pedestrian safety with a focus on the former Fort Ord Area. The Multimodal Corridor Plan identified a preferred corridor alignment for a regional multi-modal corridor with improvements designed to make transit, bicycling and walking more attractive. The preferred corridor alignment stretches from the proposed Monterey Branch Line Light Rail station at 8th Street in Marina, to the proposed University Villages and Dunes redevelopment areas in Marina, east along Reservation Road to East Garrison Drive, and ultimately east to downtown Salinas. The Marina-Salinas Multimodal Corridor Plan was developed in 2015 in response to the need for a regional route through the former Fort Ord area that will establish high-quality transit, bicycling, and walking as viable alternatives to driving (Transportation Agency for Monterey County 2015).

City of Marina General Plan Transportation Element

The City of Marina's General Plan Transportation Element was developed to establish policies to develop and maintain a transportation system that meets the needs of existing and future development. As noted on page 78 of the City of Marina's General Plan, "[a]t present, Marina residents and businesses, like residents and businesses in most small- and medium-sized cities in the U.S., are dependent on the private automobile for transportation." The intent of the General Plan "is to reduce this dependency on the private automobile by providing Marina residents and others traveling in, out or within the [c]ity with other practical and pleasant means of travel" (City of Marina 2005, page 79). General Plan Community Infrastructure Element polices identify traffic-calming strategies, a requirement for new and expanded businesses to reduce peak-hour traffic by at least 10 percent, design standards to promote transit and provide access for bicyclists and pedestrians, and a mandate to direct at least 80 percent of the city's growth to transit-served corridors. In the vicinity of the proposed Project site, 2nd Avenue is shown in Figure 3.2 of Marina's General Plan to be a Regional Bus Route (City of Marina 2005).

CSU Monterey Bay Master Plan

The Mobility chapter of the 2017 CSUMB Master Plan refers to the system of infrastructure, amenities, and programs that allow people to arrive and move about the campus. As noted in the 2017 Master Plan, "some academic buildings are dispersed beyond a 10-minute walk, abundant parking is available at a low-cost relative to other campuses, and numerous on-campus roads favor automobile travel over other modes. Envisioning the campus of the future through multiple planning sessions, the university chose an ambitious transportation scenario which develops campus infrastructure to prioritize resources for active transportation modes: pedestrians, bicycles, and transit (CSUMB 2017b, page 7.2). The CSUMB website indicates that the 2020 Draft Master Plan is the most current plan, and a link directs readers to the "Master Plan Guidelines 2022."³ The 2022 Master Plan Guidelines include the same observation about existing conditions that favor automobile travel over other modes and that the current plan is focused on walking, cycling, and transit to achieve mode splits by 2026 of 28 percent drive alone (compared to an existing rate of almost 60 percent), 22 percent shared ride, 25 percent transit, 13 percent walk, and 10 percent bicycle (CSUMB 2022).

4.9.4 Impact Analysis

Methodology

The AMBAG Regional Travel Demand Model was used to assess the change in VMT associated with the proposed Project. AMBAG develops and maintains state-of-art transportation models to support AMBAG's

³ Please see the CSUMB website for more detail: <https://csumb.edu/facilities/draft-campus-master-plan-2017/>.

planning programs. The AMBAG Regional Travel Demand Model includes data on existing and future land use, which is used to forecast vehicular travel demand. The traffic analysis zone in the model that represents the vicinity of the proposed Project site was identified, and in that traffic analysis zone, data representing the proposed Project was entered. Model outputs were derived with and without the proposed Project to calculate the net change in VMT associated with the proposed Project in the near term and long term. The proposed Project is qualitatively assessed in the context of transportation policies and programs and the Project design features are evaluated for their potential to lead to increase hazards, including inadequate sight distance at the proposed Project driveways. Finally, the proposed Project design, particularly Project site ingress and egress features, are considered as they relate to emergency access.

Thresholds of Significance

The CEQA Guidelines Appendix G (14 California Code of Regulations 15000 *et seq.*) identifies significance criteria to be considered for determining whether a project could have significant impacts on transportation. For the purposes of this analysis, an impact is considered significant if the proposed project would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
2. Conflict or be inconsistent with CEQA Guidelines section 15064.3(b) (VMT);
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
4. Result in inadequate emergency access.

Environmental Impacts

Impact 4.9-1. The project would be consistent with programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

As noted elsewhere in this EIR, the Judicial Council is not subject to local land use regulations. However, the *California Trial Court Facilities Standards* adopted by the Judicial Council, addresses physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities (Judicial Council 2020) and will be applied to the design and implementation of the proposed Project. Each courthouse has its own specific needs, and each site for a courthouse is different, and requires tailored design solutions. The Facilities Standards are intended to “provide a basic understanding of the programmatic, design, and operational concerns common to court facilities [but] do not describe the only acceptable solutions [and] designers have flexibility to propose solutions that are appropriate to specific project requirements” (Judicial Council 2020).

As required by the Facilities Standards (Judicial Council 2020) Section 1.D., “Sustainable Design,” all new courthouse projects are designed in compliance with California Green Building Standards (CALGreen) (California Code of Regulations [CCR] Title 24, Part 11)11), as well as the current version of the California Energy Code (CCR Title 24, Part 6), the development of links to public transit, and creation of strategies for pedestrian-friendly, mixed-use communities shall be applied as a best practice for the proposed Project.

Transit

As described above, MST provides transit service to the greater Monterey and Salinas areas, King City, Big Sur, Watsonville and Gilroy. While presently suspended as a result of the pandemic, Route 12, The Dunes – NPS, has historically provided express service four times a day during the week along 2nd Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Route 18 line provides service between the Monterey Transit Plaza and Marina Transit Exchange via General Jim Moore Boulevard and Inter-Garrison, with 60-minute headways during

commute hours. Route 18 operates from 6:00 am to 10:36 pm on weekdays and 7:35 am to 7:57 pm on weekends.

MST has proposed the SURF! Busway and Bus Rapid Transit Project (Surf! Project), a six-mile, bus-only route parallel to SR-1, from Marina to Sand City and Seaside. The SURF! Project will construct a busway and Bus Rapid Transit (BRT) line within the Monterey Branch Line right-of-way, parallel to SR-1, to connect northern Monterey County, Marina, Seaside, the Salinas Valley, and Monterey. As noted by MST's Director of Planning and Innovation, the SURF! Project represents an important opportunity for members of the public and employees to use transit to access the new courthouse (Overmeyer 2022). The SURF! Project 5th Street Station is planned approximately 0.32 mile from the proposed Project site as the crow flies and 0.45 mile from the Project site traveling along Divarty Street and 1st Avenue. The estimated total construction cost of the SURF! Project is \$58.8M (Transportation Agency for Monterey County 2022b). TAMC is providing \$15 million in project support through Monterey County's Transportation Safety & Investment Plan (Measure X) funds and the project was awarded \$2.5M in the State budget and another \$25M in grant funding through the State's Transit and Intercity Rail Capital Program. MST is seeking the remaining amount from the Federal Transit Administration's Capital Investment Grants Program and the state's Active Transportation Program (Monterey-Salinas Transit 2022b).

The proposed Project supports and does not conflict with any program, plan, policy, or ordinance related to transit. The Project proposes employment and public services near existing and proposed transit service. The impact is **less than significant**.

Roadway

The Project is proposed in a location with existing vehicular transportation access and planned improvements as a part of the Dunes Specific Plan, which was approved by the City of Marina City Council on May 31, 2005. The Dunes Specific Plan calls for the development of residential, retail, office, mixed use projects, and park uses on approximately 420 acres of land area. In the vicinity of the proposed Project site, the Dunes Specific Plan proposes improvements to the transportation network, including the designation of Divarty Street adjacent to, and north of the proposed Project site as a Neighborhood Street with Bike Lanes. The Dunes Specific Plan also designates 1st Avenue, just west of the proposed Project site, as a Neighborhood Street with bike lanes north to the planned Transit Corridor, which is also the location of the planned SURF! Project 5th Street Station. The proposed Project would not require any new vehicular transportation facilities, extension of facilities, or expansion of facilities in order to serve the Project's vehicular travel demand. The impact is **less than significant**.

Bicycle and Pedestrian

The proposed Project site is located in the northeast corner of the Specific Plan area, which includes a 49-acre area bounded by Divarty Street on the north, SR-1 on the west, Lightfighter Drive on the south, and 2nd Avenue on the east. Pedestrian facilities in the proposed Project area consist of crosswalks at intersections along 2nd Avenue and General Jim Moore Boulevard and sidewalks along 2nd Avenue and General Jim Moore Boulevard. Lightfighter Drive provides sidewalks between 2nd Avenue and General Jim Moore Boulevard and sidewalks on the north side of Lightfighter Drive between 1st Avenue and 2nd Avenue. Other local roadways in the immediate vicinity of the proposed Project site, including Divarty Street and 1st Avenue, do not currently provide pedestrian access, lacking sidewalks and pedestrian light standards along these pathways. The proposed Project includes installation of new sidewalks along the project frontage. There are existing bike lanes (Class II or better) on both sides of 2nd Avenue between Lightfighter Drive and Imjin Parkway (City of Seaside 2008). At the proposed Project site, along 2nd Avenue between Lightfighter and Divarty, Class IV Bikeways allow bicyclists a separation between the bikeway and the motor vehicle traffic lane. The proposed site plan will not eliminate any existing bikeways. The proposed Project is proposed in a location with existing bicycle and pedestrian transportation access and planned improvements as a part of the Dunes Specific Plan, which identifies Divarty Street adjacent to, and north of the proposed Project site as a Neighborhood Street with Bike Lanes.

TAMC has developed a plan for the FORTAG Project, which, as shown in Figure 2-3 of the Final EIR for the Fort Ord Regional Trail and Greenway Project, would be located somewhere in the vicinity of the

proposed Project site (Transportation Agency for Monterey County 2020). While this exhibit is intended to show the planned facility at a regional scale, the conceptualized alignment appears to be either in the southern portion of the proposed Project site or south of the Project site, and then continuing to the east through the CSUMB campus roughly 600 feet south of the Divarty Street alignment near an existing access point into the campus. TAMC has provided for a study area around the proposed alignment to “allow for a construction buffer and flexibility at later stages of design” (Transportation Agency for Monterey County 2020, Figure 2-6, pages 2-7 through 2-9). The City of Seaside (City) has entered into the FORTAG Master Agreement with the TAMC as one of the “parties” to the agreement and referred to collectively with other parties as the “underlying jurisdictions.” The City intends to comply with the FORTAG Master Agreement specifying in greater detail the trail segment conceptualized through the City’s Specific Plan parcel. The proposed Project does not foreclose on the possibility of the FORTAG trail being located in the vicinity of or adjacent the Project site. The Judicial Council’s Facilities Standards include specific requirements related to site access circulation and site design related to pedestrian access. Facilities Standards Section 3.D., Integration of Building and Site, requires that trial court facilities prioritize sites that offer robust transportation options—including walking, biking, and transit—and minimize the combined GHG emissions of the building and associated commuter and visitor transportation emissions over the project’s life. Pursuant to the *Facilities Standards* (Judicial Council 2020), the development of links to public transit, and creation of strategies for pedestrian-friendly, mixed-use communities shall be applied as a best practice for the proposed Project. These Facilities Standards will be incorporated into future architectural and design details, construction documents, as applicable, and other details required for implementing the proposed Project, and while local policies and plans for bicycle and pedestrian facilities do not apply to the proposed Project, the Project would not conflict with bicycle or pedestrian policies, programs, plans, or ordinances in a way that would lead to any significant adverse physical environmental impact. The impact is **less than significant**.

Impact 4.9-2. Consistency with CEQA Guidelines Section 15064.3(b) (VMT).

The referenced section of the CEQA Guidelines (Section 15064.3(b)) suggests that VMT is the most appropriate measure of travel demand impacts. The Guidelines also clarify that a project’s effect on automobile delay shall not constitute a significant environmental impact. VMT can be an indicator of potential adverse physical environmental effects. The actual adverse physical environmental effects associated with VMT are analyzed in other sections of this document, including Air Quality (4.2), Greenhouse Gas Emissions (4.5), Noise and Vibration (4.8), and Energy (3.2).

As noted in the Governor’s Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA, the use of the VMT metric to assess transportation impacts as specified in SB 743 was intended to support three statewide goals: reduction of GHG emissions, development of multimodal transportation networks, and a diversity of land uses (Governor’s Office of Planning and Research 2018). The portion of SB 743 that pertains to travel demand was intended to “[m]ore appropriately balance the needs of congestion management with statewide goals related to [1] infill development, [2] promotion of public health through active transportation, and [3] reduction of greenhouse gas emissions” (Senate Bill No. 743, CHAPTER 386) (Bracketed numbers added).

Relative to [1], infill development, the proposed Project site’s location in a redevelopment area of the former Base can be characterized as infill development. Relative to [2], promotion of public health through active transportation, the proposed Project site is in an area with existing and planned pedestrian, bicycle, and transit access, including high-quality transit service to be provided by the SURF! Project, which has been planned, designed, subjected to environmental review, and is approximately 73 percent funded. Finally, relative to [3], reducing GHG emissions, this topic is addressed in Section 4.5 of this EIR, and there is no additional GHG emissions impact from mobile sources associated with the construction and operation of the proposed Project that is not fully disclosed and mitigated, as feasible, in Section 4.5.

As noted in CEQA Guidelines section 15064.3(b)(1), a screening analysis can be used to determine whether development projects would have significant transportation impacts. The CEQA Guidelines say that for land use projects: “generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact.” The SURF! Project would provide high-quality transit service from the 5th Street

Station, approximately 0.32 mile from the proposed Project site as the crow flies and 0.45 mile from the proposed Project site traveling along Divarty Street and 1st Avenue. The SURF! Project is planned to be operational in 2027. Since the screening approach recommended under CEQA Guidelines section 15064.3(b)(1) focuses on *existing* transit facilities, this approach does not directly apply to the context of the proposed Project.

AMBAG has developed and maintains a Regional Travel Demand Model to regional transportation planning activities and decision making. In collaboration with the Federal Highway Administration (FHWA), the Regional Travel Demand Model has been reviewed, through a process known as the Travel Model Improvement Program peer review, to ensure that it is consistent with current best practice standards (AMBAG 2022). The Regional Travel Demand Model is used to support AMBAG's Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS). The Regional Travel Demand Model incorporates existing and future land use, as well as existing and future transportation facilities.

To support review of the proposed Project, a tailored representation of the proposed Project's travel demand characteristics was input into the Regional Travel Demand Model to generate an estimate of trips, trip lengths, trip distribution, and VMT. These Regional Travel Demand Model outputs were used to estimate the mobile source criteria air pollutant and GHG emissions associated with implementation of the proposed Project. These data were used to report proposed Project impacts in Sections 4.2, Air Quality, and 4.5, Greenhouse Gas Emissions, of this EIR.

Adding the proposed Project to the traffic analysis zone where the Project site is located would generate an additional 8,704 average weekday VMT in the project area according to the Regional Travel Demand Model. The proposed Project and generated VMT, however, is a direct result of vacating the Monterey Courthouse and relocating all employees and court services to the New Fort Ord Courthouse (Project) as well as relocation of employees and court services from two existing facilities: the Salinas Courthouse (juvenile dependency case load) and the Marina Courthouse (child support case load). Additionally, as a result of the juvenile dependency and child support case load relocation to the proposed Project site, the Gabilan Annex will be vacated with those employees and court services backfilling the space vacated in the Salinas Courthouse by juvenile dependency and the Juvenile Courthouse. Under existing conditions, the locations of the three existing sites where activities will be relocated to the proposed Project are more VMT-efficient compared to the proposed Project site. This is because the area surrounding the proposed Project site is mostly undeveloped, whereas the areas surrounding the existing facilities to be vacated are developed. The existing VMT for the area surrounding the proposed Project site is approximately 54 VMT per service population (Traffic Analysis Zone 1803). Service population is term used to represent the total residential population plus employees of an area. The existing VMT for the area surrounding the Monterey Courthouse (Traffic Analysis Zone 604) is approximately 14 VMT per service population. The existing VMT for the area surrounding the Salinas Courthouse (Traffic Analysis Zone 1183) is approximately 43 VMT per service population and the VMT for the area surrounding the Marina Courthouse (TAZ 832) is approximately 43 VMT per service population. The shift in activities from the Gabilan Annex to the Salinas Courthouse would also involve moving from a relatively more VMT-efficient location at the Gabilan Annex (TAZ 1180, 21 daily VMT/service population) to a relatively less VMT-efficient location at the Salinas Courthouse (TAZ 1183, 43 daily VMT per service population).

However, part of the intent under SB 743 is to reduce GHG emissions, and the impact of GHG emissions is inherently cumulative. The nature of VMT impacts is also cumulative – particularly for a redeveloping area such as the area surrounding the proposed Project site, since the land use, community design, and transportation environment, which is a combination of past, present, and future developments and improvements that will determine vehicular travel demand. The year 2045 is used in the Regional Travel Demand Model – in that year, the area surrounding the proposed Project site is forecast to become *more* VMT-efficient compared to the areas from which activities would relocate to the proposed Project site. As the former Fort Ord area becomes developed consistent with existing plans, and as planned transportation facilities are constructed and operational, the VMT efficiency of the area is anticipated to substantially improve compared to existing conditions. The 2045 VMT for the area surrounding the proposed Project site is approximately 11 VMT per service population. This compares to 15 VMT per service population for the area surrounding the Monterey Courthouse in 2045, 44 VMT per service population for the area surrounding the Marina Courthouse, and 48 VMT per service population for the

area surrounding the Salinas Courthouse in 2045. The proposed Project's 2045 net increase in average weekday VMT per service population would be approximately 17 percent lower compared to the existing regional average daily VMT per service population of 15 (Table 4.9-1). Assuming a 50-year life for the proposed Project, for more than half of the proposed Project's life the VMT efficiency would be improved compared to the existing sites whose activities would shift to the proposed Project site.

Table 4.9-1. Vehicular Travel Demand

Geography	Existing VMT per Service Population	2045 VMT per Service Population
No Project – Traffic Analysis Zone 1803 (Project Site and surrounding properties)	54	11
With Project – Traffic Analysis Zone 1803 (Project Site and surrounding properties)	85	12
No Project – Regional	15	16
With Project – Regional	16	16
Traffic Analysis Zone 604, Monterey Courthouse and surrounding properties	14	15
Traffic Analysis Zone 832, Marina Courthouse and surrounding properties	43	44
Traffic Analysis Zone 1183, Salinas Courthouse and surrounding properties	43	48

Source: AMBAG Regional Travel Demand Model 2022.

VMT = vehicle miles travelled

The Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) provides different recommendations for evaluating transportation impacts for different project types and for different project contexts. While there is not a "courthouse" project type, the proposed Project has similarities in transportation characteristics to "office projects." For office projects, the Technical Advisory suggests that 15 percent or more below the existing VMT per employee for the region may indicate a significant transportation impact. While the proposed Project may have some similarities in transportation characteristics to office projects, there is also a strong public service component to the proposed Project. The Technical Advisory recognizes that some project types may have office and a customer serving features. As noted, for "office projects that feature a customer component, such as a government office that serves the public, a lead agency can analyze the customer VMT component of the project using the methodology for retail development" (OPR 2018, page 4). The recommended methodology for assessing transportation retail projects in the Technical Advisory acknowledges the fact that customer serving uses do not create new vehicular travel demand, but often redistribute trips that are occurring in one location under existing conditions to a new location in the future. As provided in the Technical Advisory, "lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns" (OPR 2018, page 4). This dynamic is true for the proposed project – the New Fort Ord Courthouse would not create new employment, new services, or other new activities that would generate substantial new vehicular travel demand. Rather, the proposed Project would consolidate operations to a new Project site. As discussed above, the proposed Project would shift activities from relatively more VMT-efficient locations to a relatively less VMT-efficient site in the short term. However, over the long-term, the proposed Project site and vicinity would substantially *improve* relative to VMT efficiency. This suggests that the proposed Project could increase VMT in the short term, but decrease VMT in the long term. However, the cumulative 2045 travel demand modeling is based on a land use and transportation scenario. This scenario is intended to represent the future land use and transportation

environment in the region and in the vicinity of the proposed Project, but this scenario is not guaranteed or dictated by existing regulations and the transportation access assumed in the 2045 modeling scenario is not necessarily programmed and funded.

The National Center for State Courts (NCSC) commissioned a study that examines more closely a set of trends that has affected Judicial Council facilities and will likely have the effect of reducing vehicular travel demand for the proposed Project compared to the analysis presented above (National Center for State Courts 2020). Trends in court management are anticipated to reduce the need to travel to the courthouse. This includes the increased use of electronic methods for filing documents, online dispute resolution, remote access to legal information particularly for self-represented litigants, and an overall decline in caseloads. The Judicial Council does not have research at this time that would allow a quantified estimate of the reductions to vehicular travel demand associated with these court management trends, but a substantial decrease is anticipated over the life of the proposed Project that would reduce VMT-related impacts of the proposed Project beyond that reported in this EIR.

In summary, the proposed Project is consistent with the intent of SB 743 to promote infill development and public health through active transportation and there is no impact related to GHG emissions beyond that which is reported in Section 4.5 of this EIR – the actual adverse physical environmental effects associated with VMT are analyzed in other sections of this document, including Air Quality (4.2), Greenhouse Gas Emissions (4.5), Noise and Vibration (4.8), and Energy (3.2). The proposed Project would not create new activities, operations, services, or employment, but would involve shifting some activities and operations from locations that are more VMT efficient compared to the proposed Project area today, but are anticipated to become less VMT efficient compared to the Project area by 2045. Virtual service opportunities are anticipated to further reduce VMT, but there is not sufficient data at this time to support a quantified estimate of VMT reduction benefits of electronic filing, remote access to legal information, and other online and virtual programs. Therefore, the impact is conservatively assumed to be **potentially significant**.

Mitigation Measure 4.9-2: Implement Mitigation Measure 4.5-1b.

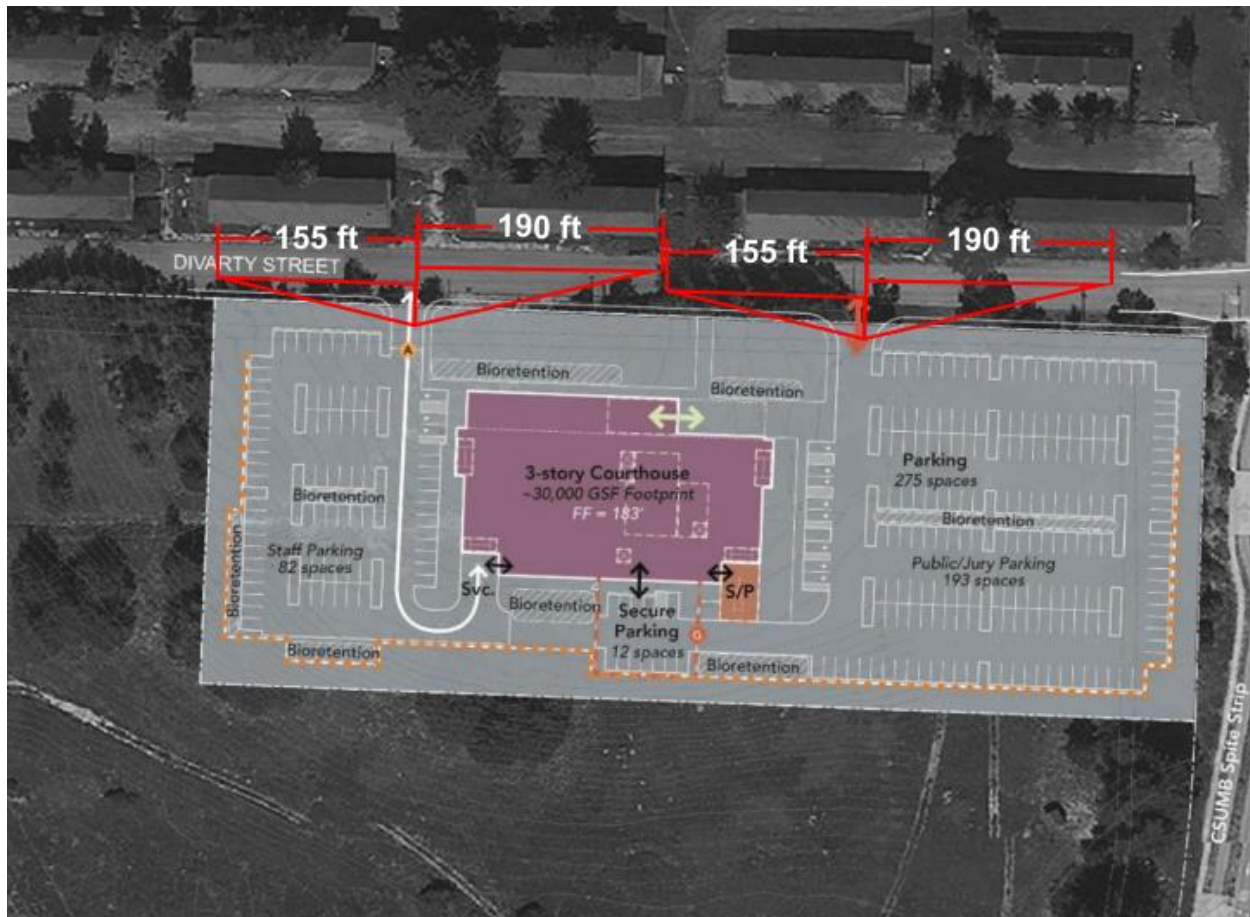
Significance after Mitigation

Mitigation included in Section 4.5 of this EIR, Greenhouse Gas Emissions, would reduce potential impacts related to GHG emissions, including the top source of GHG emissions for the proposed Project: mobile source emissions. As noted, part of the intent of SB 743, which directed changes to the CEQA Guidelines related to assessing transportation impacts, was to reduce GHG emissions. As noted above, the actual adverse physical environmental effects associated with VMT are analyzed in other sections of this document, including Air Quality (4.2), Greenhouse Gas Emissions (4.5), Noise (4.8), and Energy (3.2). Therefore, mitigation measures in Section 4.5, Greenhouse Gas Emissions, address environmental impacts that are indirectly evaluated in this Transportation section. Mitigation imposed on the proposed Project in Section 4.5 of this EIR, Greenhouse Gas Emissions, includes offering and promoting telecommuting and alternative work schedules that would allow employees that choose to drive to work to avoid that drive on some days. Mitigation also includes the inclusion of end-of-trip facilities (showers, lockers, etc. for cyclists), which helps to encourage employees to commute via bicycle. These measures could reduce employee related VMT by approximately one to ten percent, though there is also evidence that telecommuters might have higher VMT compared to those that commute to an office (CAPCOA 2010, 2021). In addition, this is only the employment-related portion of the proposed Project's VMT, and these mitigation strategies would not influence the VMT associated with visitor trips to the Project site, over which the Judicial Council has little influence. Assuming 25 percent of the proposed Project's VMT is attributable to employee travel, these transportation mitigation measures could reduce total VMT by up to 1.5 percent. There is no additional feasible mitigation. The impact is considered **significant and unavoidable**.

Impact 4.9-3. The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The proposed Project does not propose any changes in the transportation network in the vicinity of the Project site except for the installation of two driveways in the western and eastern portions of the

proposed Project site from Divarty Steet (Exhibit 4.9-1). Vehicles would enter the proposed Project site from the north and exit to the north onto Divarty Street. At unsignalized intersections or driveways, a clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad or driveway and the driver of an approaching vehicle. Sight distances along Divarty Street at the project driveways were evaluated based on sight distance criteria contained in the Highway Design Manual published by Caltrans (Caltrans 2020a). The recommended sight distances for minor street approaches that are either a private road or a driveway are based on stopping sight distance, which is related to the approach travel speeds. For the posted 30 mile-per-hour (mph) speed limit on Divarty Street, 155 feet (to the left) and 190 feet (to the right) of stopping sight distances are required. The stopping sight distances at the proposed driveway locations were measured using aerial photography and the site plan. Some trees and other vegetation are within the minimum stopping sight distances of driveways and in need of trimming or removal. The impact is **potentially significant**.



Source: AECOM 2022

Exhibit 4.9-1. Project Site and Sight Distances

Mitigation Measure 4.9-3: Remove and Manage Vegetation along Divarty Street.

Prior to occupancy, the Judicial Council and its contractor(s) shall remove trees and other vegetation on the Project site that would be in the line of sight between vehicles using proposed Project driveways and vehicles using Divarty Road. Following occupancy, sight distance of 155 feet to the west and 190 feet to the east shall be maintained.

Significance after Mitigation

The above mitigation would require tree trimming or removal of trees and other vegetation and management of vegetation over time to ensure adequate stopping sight distance along Divarty Street, consistent with sight distance criteria contained in the Highway Design Manual published by Caltrans. Therefore, with the implementation of mitigation, this impact would be **less than significant**.

Impact 4.9-4. The Project would not result in inadequate emergency access.

The proposed Project would provide connections to the public street network: two driveways in the western and eastern portions of the proposed Project site from Divarty Steet on the north. These proposed driveways would provide access to the street network and multiple options for access for emergency vehicles to both respond to and depart from the site. The driveways provide access to locations near all sides of the proposed building. The existing transportation network in the vicinity of the proposed Project site provides access to the north, south, east, and west. There is connectivity with a hierarchy of transportation facilities serving the city of Seaside, city of Marina, and unincorporated Monterey County. Emergency vehicles, such as ambulances, would be able to gain access on-site as needed. Compliance with the applicable California Fire Code design criteria would provide adequate emergency access. Operations of the proposed Project would allow for adequate emergency access. Thus, this impact is considered **less than significant**.

This page intentionally left blank.

4.10 Tribal Cultural Resources

The analysis in this section considers impacts to tribal cultural resources associated with the implementation of the proposed Project. This section includes a brief summary of available ethnographic background information, the results of consultation with two California Native American tribes that are traditionally and culturally affiliated with the proposed Project area, and the Project's potential impacts on tribal cultural resources.

4.10.1 Existing Conditions

Legal Context and Regulatory Framework

Tribal cultural resources include sites, features, places, cultural landscapes, sacred places, and objects, with cultural value to a California Native American tribe, that are also included in or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources. (Public Resources Code [PRC] 21074 (a)(1)). Tribal cultural resources may also be resources that are determined by a lead agency such as the Judicial Council of California, in its discretion and supported by substantial evidence, to be significant pursuant to the historical register criteria. (PRC 21074 (a)(2), citing (PRC 5024.1). In those cases, the lead agency considers the significance of the resource to a California Native American tribe in making its determination. Tribal cultural resources may contain physical cultural items or may be places or contributing elements within a tribal cultural resources landscape, such as gathering places, sacred sites, landscape features, culturally significant plants, or other locations that related to the religious and cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living tribal community. This category of resources under California Environmental Quality Act (CEQA) recognizes that tribes may have unique knowledge, expertise, and information about tribal cultural resources that is important to the self-identity of tribal nations that can only be identified by the relevant tribe, thus requiring consultation under CEQA pursuant to Assembly Bill (AB) 52. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet the criteria of PRC 21074.

The following information has been extracted from the *New Fort Ord Cultural Resources Survey Report* prepared for the Judicial Council by AECOM in 2022 (See Appendix F) and other sources of information, where cited. This report was shared with the consulting tribes during consultation.

Ethnography

The proposed Project site is situated in the region historically occupied by the Ohlone people. At the time of first European contact, the peoples inhabiting the Monterey Bay area spoke dialects of Ohlone. Together with the Miwokan languages, Ohlone languages comprise the Utian Family of languages. In turn, the Utian Family is part of the larger Penutian Linguistic. Ohlone speakers divided themselves into a number of politically distinct tribelets; however, the quantity, names, and territories of these tribelets are the source of some confusion. The vicinity of the proposed Project site was inhabited by the Rumš̄en, whose range extends from the modern-day community of Marina, south to the Sur River, and east to the Salinas Valley (AECOM 2022).

At first European contact, the Ohlone peoples of the central California coast practiced hunting and gathering lifeways using a wide variety of resources. Deer, elk, rabbit, quail, geese, ducks, robins, and rodents were hunted using bows and arrows, snares, and nets. Numerous species of mollusk were taken to eat as well as a wide array of fish. Plant resources included a variety of herbs and bulbs gathered in the spring, grass seeds in the summer, and acorns in the fall (AECOM 2022).

Ohlone groups came into contact with European culture at the beginning of Spain's land exploration and settlement of Alta California in 1769. During the late 1700s and early 1800s, traditional lifeways were drastically altered when the Spanish placed their capital at Monterey, built forts at Monterey and San Francisco, and established seven Franciscan missions to enslave Indigenous people for labor and forcibly convert Indigenous people to Christianity. During this time, large-scale epidemics swept through

the population that was held at missions, and through many Ohlone villages. It is estimated that due to conditions at the missions the combined Ohlone population decreased from a pre-contact total of 10,000 down to 2,000 by the end of the mission period in 1834. During the mission period, the dwindling Ohlone population also intermarried with other interior tribes held at the missions. (City of Seaside 2019:4.15-1 to 4.15-2).

During the late 1800s, several multi-ethnic Native American communities began to appear in Ohlone territory. The best known of these communities were located in Pleasanton, Monterey, and San Juan Bautista. However, even these groups continued to shrink as young people married into other groups and moved away. Estimates of the total remaining population of people with recognizable Ohlone descent were fewer than 300 in 1973 (City of Seaside 2019:4.15-2).

Descendants of the Ohlone united in 1971 to form a corporate entity known as the Ohlone Indian Tribe. This entity was successful in obtaining title to the Ohlone Indian Cemetery where their ancestors who died at Mission San José are buried (Levy 1978). Since that time, other descendants of Ohlone tribes, notably the Rumšen and Mutsun groups, have organized political and cultural heritage organizations that are active locally and state-wide. All are concerned with revitalizing aspects of their culture, learning the language through traditional and cultural knowledge and notes collected by anthropologist John Harrington, and preserving the natural resources that play a vital role in their culture (City of Seaside 2019:4.15-2).

In addition, some local Ohlone groups are seeking federal recognition for their tribe by petitioning the Bureau of Indian Affairs. (City of Seaside 2019:4.15-2).

Government to Government Consultation with California Native American Tribal Governments

As the Judicial Council did not have a record of California Native American tribes asking to be on its list for Project notification for Monterey County, the Judicial Council proactively reached out to each Tribe on the California Native American Heritage Commission (NAHC) list for Tribal Governments that are traditionally and culturally affiliated with the proposed Project area. The tribes were provided notices about the proposed Project and were invited to consult with the Judicial Council. Four tribes responded to the initial request for consultation: the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria (KaKoon), the Rumšen Am:a Tur:ataj Ohlone (Rumšen), the Esselen Tribe of Monterey County (ETMC), and the Salinan Tribe of Monterey. After receiving initial Project information and providing a summary of Esselen history, ETMC declined further engagement in the AB 52 tribal consultation process and that consultation was closed. Similarly, the Salinan Tribe of Monterey requested archaeological reports related to the Project, but later realized the proposed Project site is outside of their area of traditional and cultural affiliation and withdrew their consultation request.

The Judicial Council continued to actively engage in the AB 52 tribal consultation process with KaKoon and Rumšen to identify, avoid, preserve in place, and mitigate impacts to tribal cultural resources.

Public ethnographic and cultural information shared by the Tribes is included below:

KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria

The KaKoon come from an area referred to by Spaniards as “El Sur,” an area now known as Big Sur and where their ancestors lived on the coast in a single large rancheria called Kah: Koon- Ta- rook. When the Portola expedition of 1769 came upon their shores, their tribe was called “Kah- Koon.” Between 1770 – 1779 six missions were built on Ohlone territory. KaKoon people were first known as Costanos by the Spanish, meaning coast people, and were later referred to as Costanoan and Ohlonean. Costanoan territory begins from the San Francisco Bay to Point Sur, where the tribe’s ancestors lived for thousands of years; fishing, hunting, gathering and trading with neighboring tribes (KaKoon 2023).

The KaKoon tribe has direct lineage to Jacinta Gonzales. Jacinta was referred to as a Kah-Koon-Ta-Rook informant to three Anthropologists: A.L. Kroeber, John Peabody Harrington and Clinton Hart Merriam, who have written records of talking to her in the early 1900’s. Jacinta Gonzales, born at El Sur, was able to provide Kroeber (1902) and Merriam (1850-1974) Rumšen and Esselen data. Although direct

descendants of Jacinta Gonzales have received roll numbers from the Bureau of Indian Affairs, including documentation by blood decree, the tribe is still non-federally recognized by the United States' Government and moves forward with the protection and preservation of their ancestral lands by being recognized by the NAHC (KaKoon 2023).

Today, the KaKoon tribe is revitalizing their language through language classes and continue to protect and preserve their sacred lands, participating in ceremony, and passing down the story from their Elders, "Our people are from where the fresh water runs into the ocean, from behind stands the Pico Blanco, and the land goes further than your eyes can see" (KaKoon 2023).

Rumš'en Am:a Tur:ataj Ohlone

The Rumš'en translates in their language to mean Rumš'en People of the Ohlone Land. The Rumš'en ancestral lands are located near the central California coast. Depending upon the season, their ancestors occupied the lands from the coastline of the Monterey Bay, encompassing the cities of today's Monterey and Carmel-by-the-Sea, up to Moss Landing to the Parajo River and all the way to Salinas on the northeast through Gonzales and the Carmel Valley back down to Big Sur on the southwest. The Rumš'en Ohlone lived in villages where the men hunted and the women gathered plants for food and medicine. The Rumš'en were known to share and trade with nearby tribes (Rumš'en 2023).

Upon Spanish contact, many Rumš'en were captured and not only forced to build the Carmel Mission, but also convert to Christianity. They forcibly left their culture, language, traditions and most importantly identities behind. They were given Christian and Spanish names and became slaves to those in authority. Those who didn't cooperate or ran away, if found would be tortured or killed. The Rumš'en population in the area declined during this time due to either sickness or families leaving to hide out in other areas for their safety and survival (Rumš'en 2023).

The Rumš'en Tribe has revitalized its language which was nearly lost with the passing of their most fluent speaker, Isabel Meadows in 1939. Linguistics records of J.P. Harrington from the Smithsonian were obtained and with the assistance of the linguistic department of Pomona College, the Rumš'en has made great strides in learning and speaking their original language. Tribal members continue their ceremonies, traditions, songs and history through storytelling that has been passed down through the elders and host an annual Indigenous Peoples Day in the city of Pomona to educate the community that čij:a mak: jet:e ro:t (we are still here) (Rumš'en 2023).

Esselen Tribe of Monterey County

The Esselen people have called Monterey County home for at least 10,000 years and for probably much longer. Their language is one of the most ancient in California (David Leedom Shaul 2019). Membership of the Esselen Tribe of Monterey County (ETMC) is from both Esselen and Costanoan ethnographic villages. Costanoan and Esselen are linguistic terms. Their swift entry into missions at Soledad and San Carlos led to the rapid loss of their culture and people where they were forced to learn Spanish and stop practicing their cultural lifeways. This led to the loss of their own tribal names, hence Esselen and Costanoan (or Ohlone) are applied to all who trace their lineage through the mission records. Costanoan speakers arrived an estimated 2,000 years ago. Specific deoxyribonucleic acid (DNA) tests have traced members of ETMC to the village of Ixchenta in Carmel and to Lovers Point in Pacific Grove, and some lineages still live on sacred village lands today (ETMC 2022).

Modern genealogical research and mission baptismal, marriage, and death records provide evidence that the mission system mixed local linguistic groups together when they brought them into the missions at Carmel and Soledad. Although there are tribes that claim ancestral villages as their own, many of the same villages and tribal nomenclature as the ETMC, the Esselen Tribe of Monterey County is different in one unique way. Descended from Salvador Mucjai (1796-1906), the founding families never left the land and never stopped protecting the lands and the traditions of their ancestors. At home in Carmel Valley, members of ETMC are ranchers and wilderness outfitters and nature guides who since 1859 have guided both locals and travelers across the Santa Lucia Mountains, and through the Ventana wilderness. Descendants of the Piazonni families, whose matriarch is Tomasa Manjares, these families are intimately familiar with recorded and unrecorded cultural sites and with the natural environment of Monterey County. Although ETMC did once petition for Federal Recognition, several other modern Costanoan and Esselen

tribal affinities had reorganized in the mid-1990s with the specific goal of gaining Federal Recognition, which has turned out to be painful and thus far unsuccessful after three decades (ETMC 2022).

4.10.2 Regulatory Setting

State Plans, Policies, Regulations, and Laws

California Environmental Quality Act

California Environmental Quality Act (CEQA) requires lead agencies to consider whether projects would impact tribal cultural resources as a separate category of environmental analysis. Tribal cultural resources may or may not also be archaeological or historical resources. For clarity, archaeological and historical resources are addressed in the cultural resources chapter. In some cases, tribal cultural resources are viewsheds, cultural landscapes, plant gathering areas, or other sacred spaces that are not readily identifiable to people outside of the Tribe. In many cases, tribal cultural resources also include an archaeological component, such as artifacts, features, and sites (with or without human remains). PRC section 21074 states the following:

- (a) "Tribal cultural resources" are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the county coroner has examined the remains (Section 7050.5b). PRC sections 5097.94 and 5097.98 also outline the process to be followed in the event that human remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours (Section 7050.5c). The NAHC is responsible for the notification of the Most Likely Descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposition of, with appropriate dignity, the Native American human remains, and any cultural or funerary items associated with Native American people.

Assembly Bill 52

AB 52 (effective July 1, 2015) added PRC sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating to consultation with California Native American tribes, consideration of tribal cultural resources, and confidentiality. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of impacts on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging impacts to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential unless the information is deemed publicly available by the tribe.

AB 52 requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. Section 21080.3.1(d) states that within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency's contact information, and a notification that the California Native American tribe has 30 days to request consultation.

4.10.3 Impact Analysis

Methodology

The impact analysis for tribal cultural resources for this proposed Project is based on government-to-government consultation with the KaKoon and Rumšen tribes. Additionally, the results of the records search, archaeological field survey, and Tribal and archaeological monitoring of geotechnical boring were considered to help establish if tribal cultural resources may be present in the proposed Project area and if so, if they would be impacted by Project development and implementation. The analysis is also informed by the provisions and requirements of federal and State laws and regulations that apply to tribal cultural resources. This section includes the thresholds of significance used in evaluating the impacts, the methods used in conducting the analysis, and the evaluation of proposed Project impacts. If significant impacts are identified, then appropriate mitigation measures would be provided.

A records search was conducted on January 26, 2022, at the California Historical Resources Information System's Northwest Information Center (NWIC) in Rohnert Park, California to identify updates to previously completed cultural resources reports or studies within a 0.25-mile radius of the proposed Project site. One resource was identified by the records search as potentially within the proposed Project site but it is a poorly documented pre-European contact village site with a location noted only as somewhere within the 28,000-acre Fort Ord Military Reservation. The site was recorded in 1950 as having been destroyed by bulldozing around 1940. Details regarding the records search are provided in the *New Fort Ord Courthouse Cultural Resources Survey Report: City of Seaside Parcel* prepared for the Judicial Council of California by AECOM (see Appendix F).

An archaeological survey of the proposed Project site was conducted on January 31, 2022, by AECOM Archaeologist Karen Gardner. The survey focused on areas of proposed disturbance and followed tracks, ruts, and trails within the parcel, investigating all areas either directly or through visual reconnaissance, to determine if pre-European contact, surficial resources (e.g., dark midden soils, processed shell or bone, lithics, or groundstone artifacts) were present. The backdirt of several animal burrows was also examined for cultural constituents. No pre-European contact cultural resources were identified by the archaeological survey. Details regarding the archaeological survey are provided in the *New Fort Ord Courthouse Cultural Resources Survey Report: City of Seaside Parcel* prepared for the Judicial Council of California by AECOM (see Appendix F).

Tribal and archaeological monitoring of geotechnical boring was conducted on September 19 through 21, 2022. Lydia Bojorquez, the Vice-Chairperson of the KaKoon Tribe and AECOM Archaeologist Karen Gardner observed the excavation of eight bores in the proposed Project area. Archaeological and Tribal monitoring included observation of the spoils kicked up by the drill rig and examination of a portion of each core section. Soil type, grain size, Munsell color, and inclusions were noted. Soil samples were each passed through a screen with 0.25-inch mesh into a bucket, which was later emptied into the bore hole when drilling was complete. In general, all the observed bores contained sand or silty sand, with organic materials and a few pebbles up to 6 feet below surface and clean sand below. No artifacts, dark midden soils or processed shell or bones were observed in any of the bores.

Consultation with California Native American Tribes

AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of impacts on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. Conducting consultation early in the CEQA process allows Tribal Governments and lead agencies to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. The intent of consultation is to provide an opportunity for interested California Native American Tribal Governments to work together with the Judicial Council during the proposed Project planning process to identify, avoid, protect and mitigate impacts to tribal cultural resources.

On June 21, 2022, the Judicial Council sent inquiry letters to the following Native American Tribal Governments provided to the Judicial Council by the NAHC to determine if they would like to receive AB 52 notices (NAHC 2022):

- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumšen Carmel Tribe
- Esselen Tribe of Monterey County
- Indian Canyon Mutsun Band of Costanoan
- KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria
- Ohlone/Costanoan-Esselen Nations
- Rumšen Am:a Tur:ataj Ohlone
- Salinan Tribe of Monterey
- Santa Rosa Rancheria Tachi Yokut Tribe
- Tule River Indian Tribe
- Wuksache Indian Tribe/Eshom Valley Band
- Xolon-Salinan Tribe

Four tribes responded to the invitation to consultation on tribal cultural resources (AB 52):

- KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria
- Esselen Tribe of Monterey County
- Rumšen Am:a Tur:ataj Ohlone
- Salinan Tribe of Monterey

The Salinan Tribe of Monterey on July 27, 2022 requested archaeological reports and to be kept informed of this Project, as well as requested to receive AB 52 notices on proposed projects. Subsequent to sending the AB 52 consultation letter to the Salinan Tribe of Monterey, it was discovered the tribe was on

the NAHC Most Likely Descendent (MLD)/Native American Graves Protection and Repatriation Act (NAGPRA) list for Monterey County, but not on the NAHC AB 52 consultation list for the proposed Project area. The proposed Project area is north of the Salinan Tribe of Monterey's area of traditional and cultural affiliation. After a discussion with tribal administrator P. Dunton on August 5, 2022, the Salinan Tribe of Monterey formally withdrew their AB 52 tribal consultation request.

The KaKoon requested AB 52 consultation on July 5, 2022 and consultation was formally initiated on July 19, 2022. The Judicial Council met with KaKoon Chairman Isaac Bojorquez and Vice-Chairperson Lydia Bojorquez on August 31, 2022 to discuss the proposed Project. The KaKoon identified the proposed Project as within a tribal cultural resources landscape and gathering area. The KaKoon recommended that tribal monitors be present on site during geotechnical borings and recommended tribal monitors be present on site during excavation and ground disturbing site work. KaKoon also requested tribal cultural sensitivity training for workers on the Project, and that the Project use only clean, engineered fill to avoid importing tribal cultural resources materials from other sites into the Project area.

The ETMC requested AB 52 consultation on July 18, 2022. The Judicial Council wrote to Esselen on July 19, August 2, 2022 and October 5, 2022 to initiate consultation and called Esselen on August 15, 2022 to follow up on the letters previously sent to ETMC. After 97 days of non-response, the Judicial Council was able to schedule a meeting with the Esselen Tribal Council and Cultural Resource expert Susan Morley on November 2, 2022. Ms. Morley attended the meeting but Tribal Council representatives did not. After receiving additional information about the proposed Project and consultation process, Ms. Morley confirmed in the meeting that the ETMC did not need to consult on the proposed Project. A confirmation letter was sent to the Esselen Tribal Council on November 29, 2022 to close process.

The Rumšen requested AB 52 consultation on July 27, 2022 and consultation was formally initiated on August 2, 2022. The Judicial Council met with Tribal Chair Dee Ybarra and Daniel Quiroga of Rumšen on August 26, 2022 to discuss the proposed Project site. The Rumšen identified the proposed Project as within a tribal cultural resource landscape and requested tribal monitoring for the Project but stated that they do not currently have a tribal monitoring program.

Archaeological and cultural resources reports were sent to the above three tribes with a proposed Project description in late July and early August 2022.

A site visit with Rumšen Am: a Tur: atai Ohlone tribal representatives, Chairperson Dee Ybarra and Daniel Quiroga was conducted on September 7, 2022. At the site visit, Chairperson Ybarra and Mr. Quiroga communicated that they did not believe the proposed Project site would have been conducive to historic occupation by their Tribe.

As noted above, geotechnical drilling at the site occurred on September 19-21, 2022. The Judicial Council coordinated with the KaKoon and a tribal monitor was present to observe the geotechnical borings occurring on these dates. This initial review of the proposed Project site by the tribal monitor from KaKoon did not indicate the presence of tribal cultural resources on the proposed Project site. Additionally, the Judicial Council coordinated to have an archaeological monitor from AECOM, Karen Gardner, present during the geotechnical drilling as well (See Appendix F).

In addition to providing the Judicial Council with a list of potentially interested Native American Tribal representatives, the Native American Heritage Commission also provided the results of a search of the Sacred Lands File. The Sacred Lands File search was negative.

Initial Consultation Results

Based on the consultations and information exchanged to date with the KaKoon and the Rumšen and the results of the geotechnical samples, the Judicial Council's preliminary finding suggests that the proposed Project site is not in a location that is sensitive for tribal cultural resources, although information received in AB 52 consultation indicated that the area is within a tribal cultural resources landscape. As a result, a direct impact to tribal cultural resources from this proposed Project is not expected, but an indirect impact may occur from building in a tribal cultural resources landscape. The Judicial Council shared this preliminary determination with the KaKoon and Rumšen via a letter on February 14, 2023 and requested

that any available additional information that could alter this preliminary analysis be provided via the consultation process.

Thresholds of Significance

The significance criteria used to evaluate a Project's impacts to tribal cultural resources under CEQA are based on Appendix G of the CEQA Guidelines, commonly known as the Initial Study Checklist. An impact is considered significant if development under the proposed Project would result in one or more of the following conditions:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k), or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Environmental Impacts

Impact 4.10-1. Cause a substantial adverse change in the significance of a tribal cultural resource.

No tribal cultural resources, historical resources, or unique archaeological resources are known to exist within the proposed Project site or a 0.25-mile radius from the site and Tribal/archaeological monitoring of geotechnical boring did not identify any buried cultural soils or pre-European contact artifacts, which would indicate there is a heightened sensitivity for tribal cultural resources. It is, however, possible that previously unrecorded tribal cultural resources could be inadvertently exposed during Project ground-disturbing activities. Unless properly evaluated and managed, this could result in a significant impact to undiscovered tribal cultural resources. This impact is considered **potentially significant**.

Mitigation Measure 4.10-1: Inadvertent/Unanticipated Tribal Cultural Resources Discovery Protocols

The Judicial Council shall require the following steps to be taken, including as a part of all contracts related to construction of the Project, as applicable:

- A. Prior to the start of ground disturbing activities, the Judicial Council shall retain representatives from the KaKoon, and the Rumšen if available, to implement Tribal Cultural Resources Sensitivity Training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried tribal cultural resources, the appearance and types of tribal cultural resources that could potentially be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed tribal cultural resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work and shall be documented in training records.
- B. If tribal cultural resources or potential tribal cultural resources are discovered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council's Project Manager shall be notified, and Tribal Representatives from both the Kakoon and Rumšen shall be immediately notified. The Tribal Representative(s) shall evaluate the find(s) within 48 hours to determine if it meets the definition of a tribal cultural resource (PRC §21074) and follow the procedures outlined below:
 - i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource, or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation.

- ii. If the find(s) does meet the definition of a tribal cultural resource, then it shall be avoided by Project activities and preserved in place. The contractor shall implement any measures deemed by the Judicial Council to be necessary and feasible to preserve in place, avoid, or minimize impacts to the tribal cultural resource. If avoidance is not feasible, as determined by the Judicial Council, Tribal Representatives from the KaKoon, and Rumšen if available shall make recommendations regarding the culturally appropriate treatment and disposition of such find(s) and significant impacts to such tribal cultural resources shall be mitigated in accordance with the recommendations of the KaKoon, and Rumšen if they are available, prior to resuming construction activities within the 50-foot radius.
 - iii. If the find meets the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with the measures described in Section C. below.
- C. Culturally appropriate treatment may include, but is not limited to, minimal processing of materials for reburial, minimizing handling of tribal cultural resources objects, leaving objects in place within the landscape, or returning tribal cultural resources objects to a location within the Project area where they would not be subject to future disturbance. No cultural soil may be removed from the Project site. Permanent curation, testing, or data collection of tribal cultural resources will not take place unless requested in writing by the KaKoon and the Rumšen.
- D. All fill soils imported and used for this Project must be clean, engineered fill.
- E. The Judicial Council shall enter into a tribal monitoring agreement with the KaKoon prior to the start of ground disturbing activities. The tribal monitoring agreement shall form the terms and compensation for the tribal monitoring with the KaKoon and be utilized in combination with the tribal cultural resource treatment. Tribal Monitors have the authority to identify sites or objects of cultural significance and to request, upon the finding of a potential tribal cultural resource, that work be slowed, diverted, or stopped if such sites or objects are identified within the direct impact area. Only the consulting tribe(s) can recommend culturally appropriate treatment of such sites or objects, via their Tribal Monitor. Work within 50 feet of the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the tribal monitoring agreement have been implemented.

Significance after Mitigation

With the incorporation of Mitigation Measure 4.10-1, the impact to tribal cultural resources would be **less than significant**.

Impact 4.10-2. Disturb any human remains, including those interred outside of dedicated cemeteries.

There has been no indication or evidence that the area has been used for human burials in the recent or distant past. Therefore, human remains are unlikely to be encountered. Project implementation would involve tree and vegetation removal, grading, trenching, undergrounding of utilities, and potentially other earthmoving activities. Human remains are unlikely to be encountered; however, in the unlikely event that human remains are discovered during ground-disturbing activities, they could be inadvertently damaged. This impact would be **potentially significant**.

Mitigation Measure 4.10-2: Stop Work If Human Remains Are Uncovered.

If human remains are found during Project implementation, the State of California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American, the coroner is required to notify the NAHC, which would determine and notify a most likely descendant (MLD) within 24

hours. The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of Native American human remains and items associated with Native American burials.

Significance after Mitigation

Compliance with California Health and Safety Code and California PRC would reduce potential impacts on previously undiscovered human remains. Implementing this mitigation measure ensures that any potential human remains encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations. By providing consultation with the MLD, this impact would be reduced to a **less-than-significant** level.

5 Cumulative Impacts

5.1 Introduction

Section 15130(a) of the California Environmental Quality Act (CEQA) Guidelines requires a discussion of the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Cumulatively considerable, as defined in CEQA Guidelines section 15065(a)(3), means that the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines section 15355 defines a cumulative impact as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

CEQA Guidelines section 15130 identifies two basic methods for establishing the cumulative environment in which a project is considered: the use of a list of past, present, and probable future projects or the use of adopted projections from a general plan, specific plan, other regional planning document, or a certified Environmental Impact Report (EIR) for such a planning document. This cumulative analysis uses the "projections" approach to identify the cumulative setting.

A list of planning documents and projects associated with these plans are provided in Table 5.1-1 below. Probable future projects are those in the project vicinity that have the possibility of interacting with the proposed Project to generate a cumulative impact and either:

1. Are partially occupied or under construction;
2. Have received final discretionary approvals;
3. Have applications accepted as complete by local agencies and are currently undergoing environmental review;
4. Have been discussed publicly by an applicant or otherwise have become known to the lead agency, provided sufficient information is available about the project to allow at least a general analysis of environmental impacts and an evaluation of the likelihood of implementation.

The analysis also considers planning efforts that address regional environmental issues, such as conservation and water quality improvement programs, and potential effects associated with climate change. These plans, programs, and effects are discussed in relevant resource discussions below.

Table 5.1-1. Projects Contributing to Cumulative Impact

Planning Document	Description
Projects at Main Gates Specific Plan	The Projects at Main Gate Specific Plan (Specific Plan) was adopted in August 2010. This plan outlines the future development of the former Fort Ord in the city of Seaside. The Specific Plan is a planning framework document intended to set forth the land use, circulation, site planning, conceptual building, landscaping, architectural design, and specific development standards and design guidelines for the Specific Plan Area. The city sponsored the preparation of this Specific Plan to develop retail uses, a hotel and conference center, and a full-service spa. As of September 2022, no development has occurred within the Specific Plan Area.
City of Seaside General Plan	The City of Seaside General Plan (General Plan) was adopted by the City Council on August 5, 2004. This General Plan serves as the blueprint for future growth and development. As a blueprint for the future, the Plan must contain policies and programs that provide decision makers with a solid basis for decisions related to land use and development. In accordance with State law, the General Plan is the primary document the city uses to regulate land use. Consequently, the Zoning Code, Specific Plans, and individual public and private development proposals must be consistent with the General Plan goals, policies, and standards. The General Plan addresses many issues that are directly related to and influence land use decisions, transportation, urban design, economic development, and other topics.
Fort Ord Reuse Plan	The Fort Ord Base Reuse Plan (Reuse Plan) identifies land uses and growth potential for redevelopment of the former Fort Ord Army Base. The EIR for the Reuse Plan indicated that the Plan would result in the development of approximately 22,232 dwelling units (including dormitory housing), 45,457 jobs, and a buildout population of approximately 51,773 with an additional 20,000 California State University Monterey Bay (CSUMB) residential students (Ford Ord Reuse Authority [FORA] 1997). Since adoption of the Reuse Plan, 1,142 new residential units have been constructed (FORA 2018). About 1,686 units have been continuously inhabited or rehabilitated since the former Fort Ord was closed.
Fort Ord Regional Trail and Greenway	The Fort Ord Regional Trail and Greenway (FORTAG) trail is a proposed 30-mile regional network of paved recreational trails and greenways connecting Monterey Bay communities to open space. This project would involve the phased construction of trails in northwestern Monterey County, generally encircling the cities of Seaside, Del Rey Oaks, Monterey, and Marina and the CSUMB campus. The proposed alignment includes approximately 28 miles of new paved trail, primarily on the inland side of State Route 1 (SR-1).
University Villages Specific Plan ¹	The University Villages (The Dunes at Monterey Bay) Specific Plan (Dunes Specific Plan) was approved by the city of Marina City Council on May 31, 2005. The Dunes Specific Plan calls for the development of residential, retail, office, mixed use projects, and park uses on approximately 420 acres of land area. The Dunes Specific Plan also includes deconstruction and demolition of approximately 943 military structures, removal of below and aboveground infrastructure (Main Garrison area), and replacement with entirely new infrastructure. The Dunes Specific Plan would accommodate 1,237 residential units, 750,000 square feet of retail uses, 760,000 square feet of office/research, 500 hotel rooms (the developer is also proposing an option to building a hotel(s) that includes 160,000 square feet of retail, or 277,042 square feet of office), transit esplanade, and parks and recreation opportunities.

¹ The University Villages Specific Plan Area is sometimes also known as “The Dunes” or “The Dunes on Monterey Bay.”

Planning Document	Description
Campus Town Specific Plan	The Campus Town Specific Plan would involve the construction and operation of up to 1,485 housing units, 250 hotel rooms, 75 youth hostel beds, 150,000 square feet of retail, dining, and entertainment uses, and 50,000 square feet of office, flex, assembly, and light industrial space, as well as park/recreational areas (including approximately 9 acres of public open space and 3.3 acres of private open space), and supporting infrastructure, on approximately 122 acres, through the adoption of the Campus Town Specific Plan and associated entitlements.
CSUMB Master Plan	The CSUMB campus footprint covers approximately 1,396 acres in the city of Marina, the city of Seaside, and unincorporated Monterey County. The CSUMB Master Plan (Master Plan) provides a blueprint for land uses and building and facility space requirements to support an on-campus enrollment of 12,700 full-time equivalent students, and 1,776 full-time equivalent faculty and staff by the year 2035. Achieving this growth would result in an increase of approximately 6,066 full-time equivalent students and 752 full-time equivalent faculty/staff over existing levels. The Master Plan also would result in a net increase of approximately 2.6 million gross square feet of new academic, administration, student life, athletic and recreational, and institutional partnership facilities, and housing. On-campus housing would be constructed sufficient to continue to accommodate 60 percent of full-time equivalent students and existing housing would accommodate 65 percent of full-time equivalent faculty and staff, with a projected increase of 3,820 student beds and 757 converted residential units for faculty and staff. The Master Plan also would accommodate redevelopment and growth in outdoor athletics and recreation facilities to serve campus needs, with space set aside for additional athletic fields, tennis courts, and pools, as well as for replacement of the existing stadium, field house, and pool house. As of August 2022, buildout associated with the revisions to this Master Plan has not begun but is expected to be completed within 10 years of publication of the draft EIR, which was in February 2022.

5.2 Cumulative Context

The geographic area that could be affected by implementation of the proposed Project varies depending on the type of environmental resource being considered. The projects to be evaluated for cumulative impacts will also vary by resource topic. Table 5.2-1 presents the general geographic areas associated with the different resources addressed in this analysis. The term “Project site” refers to the 5-acre parcel that would be permanently affected by construction and operation of the proposed courthouse, while the term “Project area” refers to areas within the vicinity of the proposed Project site and/or further away, depending on the resource topic under evaluation.

Table 5.2-1. Geographic Scope

Resource Topic	Geographic Area
Aesthetics	Local (Project site and surrounding public viewpoints)
Air Quality	Regional (pollutant emissions that affect the air basins) and immediate Project vicinity (pollutant emissions that are highly localized)
Biological Resources	Local and regional
Cultural Resources	Local (limited to Project site), with regional implications
Energy	Statewide
Geology and Soils	Local
Greenhouse Gases	Global
Hazards and Hazardous Materials	Local (immediate Project area)
Hydrology and Water Quality	Local and regional
Public Services	Local and regional
Noise and Vibration	Local (immediate Project area) with the exception of transportation noise, which is local and regional
Transportation	Local and regional
Tribal Cultural Resources	Local (limited to Project site), with regional implications
Utilities and Service Systems	Local and regional
Wildfire	Local and regional

5.3 Projects Contributing to Potential Cumulative Impacts

Table 5.1-1 identifies various planning documents within the cities of Seaside and Marina that provide insight into past, present, and probable future development that could contribute to a cumulative impact. In addition to these planning documents, the Fort Ord Regional Trail and Greenway (FORTAG) Project is included within this table and the following cumulative impact analysis.

5.4 Analysis of Cumulative Impacts

For purposes of this EIR, the proposed Project would result in a significant cumulative effect if:

- the cumulative effects of related projects (past, current, and probable future projects) are not significant, and the incremental impact of implementing the proposed Project is substantial enough, when added to the cumulative effects of related projects, to result in a new cumulatively significant impact; or
- the cumulative effects of related projects (past, current, and probable future projects) are already significant, and implementation of the proposed Project makes a considerable contribution to the effect. The standards used herein to determine a considerable contribution are that either the impact must be substantial or must exceed an established threshold of significance.

Significance criteria, unless otherwise specified, are the same for cumulative impacts and proposed Project impacts for each environmental topic area. This cumulative analysis assumes the adoption of all mitigation measures identified in Sections 4.1 through 4.10 to mitigate the proposed Project's impacts. This chapter analyzes whether, after adoption of Project-specific mitigation, the residual impacts of the proposed Project would cause a cumulatively significant impact or would contribute considerably to existing/anticipated (without the proposed Project) cumulatively significant effects.

5.4.1 Aesthetics

Implementation of the proposed Project in conjunction with anticipated buildout within the former Fort Ord Army Base (Base) and the surrounding area would introduce substantial new development within the region. Development of the proposed Project would visually change the Project site. The proposed Project would contribute to the cumulative change in the visual character of the surrounding area through the introduction of a new building, lighting, and the change from an undeveloped project site to a three-story courthouse with a shielded mechanical area on the roof, and associated parking areas and urban landscaping. Implementation of Mitigation Measure 4.1-1 requires the Judicial Council to prepare and implement the recommendations in the *Tree Resource Assessment Forest Management Plan* (Ono Consulting 2023), which would retain existing trees at the project site to the maximum extent practicable. Implementation of Mitigation Measure 4.1-2 would further reduce the visual impacts of the proposed Project because the Judicial Council would contribute to the establishment of a new park area that would facilitate preservation of existing tall trees west of the proposed Project site, and these trees would block views of the new courthouse from State Route (SR-)1 and 1st Avenue. However, the height of the proposed courthouse in connection with other cumulative development in the area would result in a **significant cumulative impact**.

As discussed in their respective EIRs, development associated with the buildout of the City of Seaside General Plan, Specific Plan, Dunes Specific Plan, and Reuse Plan would have a significant and unavoidable impact related to damage of scenic resources near a highway that is considered eligible for designation as a State and County Scenic Highway. As discussed in Section 4.1, "Aesthetics," SR-1 in the vicinity of the proposed Project site is not a State-designated Scenic Highway. Implementation of Mitigation Measure 4.1-3 would reduce the Project's impact related to changes to visual character within a State and County "eligible" scenic highway, because trees at the proposed Project site would be retained to the maximum extent feasible and maintained as directed in the Project's Forest Management Plan. Implementation of Mitigation Measure 4.1-4 would further reduce the visual impacts of the proposed Project because the Judicial Council would contribute to the establishment of a new City park that would facilitate preservation of existing tall trees west of the proposed Project site, and these trees would block views of the new courthouse from SR-1 and 1st Avenue. Furthermore, the courthouse would be designed according to Judicial Council Facilities Standards. Therefore, the proposed Project would not contribute to an existing significant cumulative impact. Therefore, impacts related to damage of scenic resources near a highway that is considered eligible for designation as a State and County Scenic Highway would be **less than cumulatively considerable**.

5.4.2 Air Quality

Consistency with the Air Quality Management Plan (AQMP) is partially determined by comparing cumulative population growth to the population forecasts contained in the AQMP for Monterey County. As indicated in Section 4.2, “Air Quality”, demographic growth forecasts developed by AMBAG were used to estimate future emissions in the 2012–2015 AQMP. The estimated growth anticipated by the 2012-2015 AQMP and AMBAG was 495,086 people by 2035. As evaluated in the CSUMB Master Plan Draft EIR, subsequent Regional Growth Forecasts in 2018 and 2022 reveal that population projections are going down in Monterey over time and, therefore, the higher 2014 population estimates for Monterey County used in the AQMP are likely to account for cumulative development (CSUMB 2022). However, past development has resulted in an exceedance of criteria air pollutant standards – specifically, the North Central Coast Air Basin is in nonattainment for the State of California attainment standards for particulate matter equal to or less than 10 micrometers in diameter (PM₁₀). This is a **significant cumulative impact**.

Air pollution is analyzed as a cumulative impact. The geographic context for the evaluation of cumulative air quality impacts related to criteria air pollutants is the North Central Coast Air Basin. The nonattainment status of regional pollutants is a result of past and present development, and the Monterey Bay Air Resources District (MBARD) develops and implements plans for future attainment of ambient air quality standards within the North Central Coast Air Basin. Based on attainment planning data, project-level thresholds of significance for criteria pollutants are derived so that lead agencies may evaluate direct project-level impacts. However, since these thresholds are designed to work with air quality rules and regulations to move toward attainment of regional air quality standards these project-level thresholds can also be used to determine whether a project would have a cumulatively considerable contribution to air quality and significant cumulative impact. The potential for the proposed Project to result in a cumulatively considerable impact, specifically a cumulatively considerable new increase of any criteria air pollutant for which the proposed Project region is nonattainment under an applicable federal or State standards, is addressed in Section 4.2, “Air Quality.” Daily construction and operational emissions of the proposed Project would not exceed the MBARD significance thresholds for any criteria air pollutant, including reactive organic gases (ROG), nitrogen dioxide (NO_x), carbon monoxide (CO), or particulate matter (PM), which is subdivided into two classes based on particle size – PM₁₀ and PM equal to or less than 2.5 micrometers in diameter (PM_{2.5}). In addition, while not accounted for in the air quality analysis of proposed Project-generated criteria air pollutant emissions in Section 4.2 of this EIR, the proposed Project operations would not create new trips or other activities that cause criteria air pollutant emissions, but rather would move existing operations from the Monterey Courthouse, juvenile dependency case load from the Salinas Courthouse, and child support case load from the Marina Courthouse to a new courthouse (Project site), backfilling court services to two existing courthouses (the Salinas Courthouse and the Marina Courthouse), and vacating three existing facilities (the Monterey Courthouse, the Gabilan Annex, and the Juvenile Courthouse). Therefore, construction and operational cumulative air quality impacts would be **less than cumulatively considerable**.

The entire North Central Coast Air Basin (NCCAB) is the geographic context for the evaluation of cumulative air quality impacts related to substantial pollutant concentrations and related health effects. MBARD thresholds are based on levels that the NCCAB can accommodate without affecting the attainment date and are established to protect public health and welfare. For reasons discussed in Section 4.2, Air Quality, the proposed Project would not result in the exceedances of the MBARD thresholds for ROG, NO_x, CO, PM₁₀, and PM_{2.5}; and thus, would not contribute to cumulative health effects associated with criteria air pollutants. The impact would be **less than cumulatively considerable**.

Odors are a localized impact, and thus, the geographic scope considered in the cumulative analysis related to odors consists of the projected projects presented in Table 5-2, none of which are odor-producing land uses. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD 2008). No such uses are present in the vicinity of the proposed Project site. Therefore, there is **no significant cumulative impact** related to odor.

5.4.3 Biological Resources

The geographic scope for the cumulative analysis is within the former Fort Ord site, as many of the special-status species with potential to occur within the proposed Project site are concentrated in the Fort Ord area. As discussed in Section 4.3 “Biological Resources”, one special-status plant species, Hooker’s manzanita, and two potentially special-status plant species, unidentified species of rein orchid (either Yadon’s piperia, Michael’s rein orchid, or elegant rein orchid) and Monterey spineflower, were observed within the larger 49-acre biological study area (BSA) that contains the 5-acre proposed Project site during reconnaissance surveys (see Appendix E). Additionally, an occurrence of Yadon’s piperia was previously documented within the proposed Project site in the Fort Ord Multi-species Habitat Conservation Plan (HCP) (ICF 2019)². Monterey spineflower was not identified on the reconnaissance survey but was documented in the Fort Ord Multi-species HCP as occurring at low density in the BSA. The proposed Project site may potentially contain marginal nesting and foraging habitat for raptors and other avian species, roosting habitat for hoary bat, and habitat for various insects, including obscure bumble bee, Smith’s blue butterfly (e.g., if buckwheat host plants are present), and monarch butterfly. The proposed Project combined with cumulative development could contribute incrementally to the cumulative loss of special-status species and sensitive habitats, which would be considered a **significant cumulative impact**.

As discussed in Section 4.3, “Biological Resources,” the proposed Project is located within the designated development areas of the Fort Ord Habitat Management Plan (HMP). The HMP anticipates some losses to special-status species and sensitive habitats as a result of redevelopment of former Fort Ord. With the designated reserves and corridors, and habitat management requirements in place, the losses of individual species and sensitive habitats considered in the HMP are not expected to jeopardize the long-term viability of those species, their populations, or sensitive habitats on former Fort Ord. Recipients of disposed land with restrictions or management guidelines designated by the HMP will be obligated to implement those specific measures of the HMP through deed covenants (Denise Duffy & Associates, Inc. 2008).

The parcels included in the Specific Plan area, including the proposed Project site, are designated as “development” parcels in the HMP; impacts to HMP species and habitats occurring within these areas were anticipated and mitigated through establishment of habitat reserves/corridors and assignment of management requirements for other parcels within the former Fort Ord. As discussed in the Specific Plan, because the Projects at Main Gate would not result in additional impacts to HMP species and habitats beyond those anticipated in the HMP, and no additional mitigation for these species are required for the parcels in the Specific Plan area. Therefore, with the implementation of mitigation measures included in this Draft EIR, and preservation/management of biological resources at a regional scale at Fort Ord, these cumulative impacts would be **less than cumulatively considerable**.

5.4.4 Cultural Resources

Because significant cultural resources are unique and non-renewable members of finite classes, all adverse effects erode a dwindling resource base. The loss of any one archaeological site could affect the scientific value of others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

² The Fort Ord Multi-species HCP (ICF 2019) was initially prepared to provide strategies for protecting federally listed special-status plant and animal species that occur within the boundaries of historic Fort Ord. While the Fort Ord Multi-species HCP would have provided the basis for the issuance of a base-wide ESA section 10(a)(1)(B) incidental take permit (ITP) by the U.S. Fish and Wildlife Service (USFWS), the Fort Ord Reuse Authority (FORA) notified the USFWS that they would no longer pursue an ITP for activities covered in the HCP. Therefore, USFWS discontinued processing FORA’s ITP application, which included their HCP. The Fort Ord Multi-species HCP, therefore, was never adopted (McConnell 2023). For more detail on regulatory background, see Section 4.3, “Biological Resources.”

Past, present, and future cumulative development in the region disturbs areas with the potential to contain historical resources, archaeological resources, and human remains. For other developments that would have significant impacts on cultural resources, similar mitigation measures described herein would be imposed on those other developments consistent with the requirements of CEQA, along with requirements to comply with all applicable laws and regulations governing said resources and would minimize impacts to cultural resources. However, the collective loss of cultural resources is a **significant cumulative impact**.

As detailed in Section 4.4, there are no known cultural resources within the proposed Project site that would be adversely affected by Project implementation. Mitigation measures have been identified for the proposed Project to reduce impacts to any previously unknown cultural resources discovered during Project implementation to a less-than-significant level. Because there are no known resources, and because the proposed Project would include mitigation to reduce or avoid potential impacts to unknown resources that could be discovered during Project implementation, the proposed Project would have a **less than cumulatively considerable** impact.

5.4.5 Energy

Energy efficiency or the lack of energy efficiency is not itself an environmental impact, though it could potentially be an indicator of an environmental effect. All adverse environmental effects related to the proposed Project's energy demand are evaluated throughout the environmental topic-specific sections of this EIR and this chapter.

The increased demand for electrical and natural gas supplies and infrastructure is a byproduct of development in Monterey County and throughout the State. The Judicial Council has adopted facilities standards to guide the provision of trial court facilities in California. The *California Trial Court Facilities Standards* (Facilities Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to court facilities. As required by the Judicial Council's Facilities Standards (Judicial Council 2020), Section 1.D., "Sustainable Design," all new courthouse projects are designed in compliance with the California Green Building Standards Code (CALGreen) (CCR Title 24, Part 11), as well as the current version of the California Energy Code (California Code of Regulations [CCR] Title 24, Part 6). Furthermore, the Judicial Council will seek Leadership in Energy and Environmental Design (LEED) Silver certification for the proposed Project. In addition, energy efficiency requirements for new construction have increased over time and older buildings tend to decrease in energy efficiency as infrastructure begins to degrade with time.

The proposed Project and the development accounted for in the plans considered in this cumulative analysis would be required to comply with the Building Energy Efficiency Standards (Title 24 of the CCR), and the CALGreen Code, resulting in reductions in energy demand. These Codes were developed to enhance the energy efficiency of the design and construction of buildings and construction practices. Since these regulations are likely to change over time, all new development, including the proposed Project and the development and land use plans considered in this cumulative analysis, will need to comply with energy regulations or standards that are in effect at the time of construction. Based on the foregoing, there would be **no significant cumulative impact**, and the proposed Project would have **no contribution to a significant cumulative impact** related to the wasteful, inefficient, excessive, and unnecessary consumption of energy, and/or the potential to conflict with or obstruct a plan for renewable energy or energy efficiency.

5.4.6 Geology and Soils

All development within the City of Seaside (City), including the proposed Project, is subject to the California Building Standards Code, which contains engineering and design requirements that are specifically intended to reduce the loss of life and property from seismic hazards, and geologic hazards such as construction in unstable soils, to the maximum extent practicable. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact from seismic or geologic hazards, and the contribution of the proposed Project would be **less than cumulatively considerable**.

All projects in California that disturb 1-acre or more of land during construction, which includes the development projects considered in this cumulative analysis, are required by law to prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement site-specific Best Management Practices (BMPs) designed to control construction-related stormwater runoff and reduce erosion. The Judicial Council is also required to prepare a SWPPP and implement BMPs at the proposed Project site. The SWPPPs and BMPs would be submitted to the Central Coast Regional Water Quality Control Board for approval in compliance with the statewide National Pollution Discharge Elimination System (NPDES) Construction General Permit. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact from construction-related soil erosion, and the contribution of the proposed Project would be **less than cumulatively considerable**.

5.4.7 Greenhouse Gas

Greenhouse gases (GHGs) typically persist in the atmosphere for extensive periods time—long enough to be dispersed throughout the globe and result in long-term global impacts that contribute to climate change. As such, the proposed Project would not, by itself, result in climate change; however, cumulative emissions from many projects and plans all contribute to global GHG concentrations and the climate system. Accordingly, GHG emissions are inherently cumulative.

Section 4.5, “Greenhouse Gas,” provides a detailed analysis of this cumulative impact. As explained in more detail in Section 4.5, because the proposed Project’s GHG efficiency would exceed the tailored GHG efficiency significance threshold created for this Project, the proposed Project could result in the generation of GHG emissions at a level that would not represent the Project’s fair share of emissions reductions as in alignment with the State 2030 GHG reduction target and 2050 GHG reduction goal. In addition, the Project’s proposed use of natural gas and anticipated Vehicle Miles Traveled (VMT) generation area is considered inconsistent with key actions for new development under the Final 2022 Scoping Plan. Therefore, implementation of the proposed Project could result in the generation of GHG emissions at a level that may have a significant impact on the environment and conflict with State GHG emission targets adopted for the purpose of reducing the emissions of GHGs. This impact is **potentially cumulatively considerable**.

Implementation of Mitigation Measure 4.5-1a, 4.5-1b, and 4.5-1c would reduce the generation of long-term operational GHG emissions, as well as align the Project’s long-term operations with the actions for new commercial development identified in the Final 2022 Scoping Plan update for carbon neutrality. Mitigation Measure 4.5-1a would eliminate natural gas use by the project site, thereby reducing energy-related GHG emission from this source. Mitigation Measure 4.5-1b includes offering and promoting telecommuting and alternative work schedules that would allow employees that choose to drive to work to avoid that drive on some days. Mitigation also includes the inclusion of end-of-trip facilities (showers, lockers, etc. for cyclists), which helps to encourage employees to commute via bicycle. These measures could reduce employee related VMT by approximately one to ten percent, though there is also evidence that telecommuters might have higher VMT compared to those that commute to an office (CAPCOA 2010, 2021). In addition, this is only applicable to the employment-related portion of the proposed Project’s VMT, and these mitigation strategies would not influence the VMT associated with visitor trips to the Project site, over which the Judicial Council has little influence. Mitigation Measure 4.5-1c would provide a GHG-free energy source for operations, thereby reducing the Project’s demand for purchased electricity, which includes a mix of GHG-free and GHG-producing sources based on the power mix of the purchase electricity. Implementation of these mitigation measures would reduce the Project’s GHG efficiency to below the 2030 threshold. However, implementation of these mitigation measures would not reduce Project emissions to a level consistent with the local GHG efficiency threshold for 2050. However, even with implementation of Mitigation Measures 4.5-1a through 4.5-1c, the generation of GHG emissions associated with the proposed Project would exceed the 2050 GHG efficiency threshold. Therefore, the proposed Project would result in a substantial contribution to the significant impact of climate change. There is no additional feasible mitigation. This impact is **cumulatively considerable and unavoidable with the implementation of mitigation**.

For additional detail on this cumulative analysis, please see Section 4.5, “Greenhouse Gas Emissions,” of this EIR for the analysis of the proposed Project’s contribution to the significant cumulative impact of climate change.

5.4.8 Hazards and Hazardous Materials

Hazardous materials impacts associated with the past or current uses of a project site usually occur on a project-by-project basis and are site-specific rather than regional in nature. Any hazardous materials uncovered during construction activities would be managed consistent with applicable federal, State, and local laws as well as Mitigation Measure 4.6-2 identified in Section 4.6, “Hazards and Hazardous Materials,” to limit exposure and clean up the contamination. In addition, the use, storage, transport, and disposal of hazardous materials would be managed in accordance with applicable federal and State requirements to limit risk of exposure. Other projects considered in this cumulative analysis that could create similar hazardous material effects during standard construction activities would also be required to comply with measures that would minimize and/or avoid exposure of hazardous materials to people or the environment. Therefore, there would be **no cumulative impact** associated with hazardous materials use, storage, transport, or accidental spills.

5.4.9 Hydrology and Water Quality

Cumulative development on undisturbed land within the Monterey Bay watershed could increase the amount of impervious surfaces, thereby increasing runoff rates in the area. Runoff could carry increased levels of sediment as well as oil and grease (resulting from construction activities) that could affect water quality in the watershed. Any project in the State that would disturb 1-acre or more of land, which includes all of the development projects considered in this cumulative analysis along with the proposed Project, is required to prepare a SWPPP and implement site-specific BMPs to comply with the requirements of the statewide NPDES Construction General Permit. The BMPs identified in the SWPPP would reduce the impact of construction activities on stormwater quality. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact from construction-related degradation of water quality, and the contribution of the proposed Project would be cumulatively **less than cumulatively considerable**.

As discussed in Section 4.7 “Hydrology and Water Quality,” groundwater modeling conducted for the Groundwater Sustainability Plan (GSP) for the Monterey Subbasin supports the conclusion that 9,870 acre-feet per year (AFY) can be pumped from the Marina-Ord Management Area (which includes the proposed Project site and the projects considered in this cumulative analysis) within the Monterey Subbasin without any long-term loss in storage (Marina Coast Water District Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency 2022). The total amount of water required for the proposed Project is estimated to be 2.25 AFY, which represents 0.05 to 0.02 percent of the total sustainable yield of the Marina-Ord Management Area, which includes the proposed Project site and surrounding lands. Additionally, the Monterey Subbasin is not in a condition of critical overdraft, and redevelopment of the former Fort Ord area, including the proposed Project site, was accounted for in the Monterey Subbasin GSP. The projects considered in this cumulative analysis, along with the proposed Project, include new development that would result in the use of additional groundwater resources to meet potable water needs in the Marina-Ord Management Area. Full buildout of these development projects, including the proposed Project, would also increase the amount of impermeable surfaces (resulting in a decrease of rainfall percolation through the soil and into the groundwater aquifer). However, redevelopment of the former Fort Ord area, including the proposed Project site and the projects considered in this cumulative analysis, was accounted for in the Monterey Subbasin GSP and the Marina Coast Water District’s 2020 Urban Water Management Plan (Schaaf & Wheeler 2021), and the associated land use projections, water budgets, and total sustainable yield projections. As required by the Sustainable Groundwater Management Act, the Monterey Subbasin GSP includes projects that are designed to promote groundwater sustainability, including alternative water supply options such as brackish water and seawater desalination, increased water conservation measures, additional advanced treatment water, and indirect potable reuse/groundwater recharge and replenishment. Implementation of the projects in the GSP would ensure that the Monterey Subbasin is managed for sustainability such that

groundwater overdraft would not occur. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact related to groundwater sustainability (including new impermeable surfaces and groundwater supply), and the contribution of the proposed Project would be cumulatively **less than cumulatively considerable**.

Cumulative development and increases in localized runoff would generally increase the amount of impermeable surface area in the Monterey Bay watershed, and could introduce urban pollutants (such as oil, grease, pesticides, fertilizers, and sediment), which can be transported via soil percolation into the groundwater aquifer (if not properly treated), and into surface water bodies via overland flow if the drainage system capacity is exceeded. Such pollutant transport would degrade groundwater and/or surface water quality. The projects considered in this cumulative analysis could also potentially alter drainage patterns, and thereby increase the volume and rate of peak flood flows from stormwater runoff which could exceed stormwater drainage systems and result in upstream or downstream flooding. Buildout of the projects considered in this cumulative analysis would require compliance with State, regional, and local standards related to storm drainage infrastructure and treatment. As discussed in Section 4.7 of this EIR, "Hydrology and Water Quality," these standards include specific requirements for design and sizing of stormwater facilities, and stormwater pre-treatment via Low Impact Development (LID) features. These standards regulate site-specific development projects in compliance with the Monterey County Regional Storm Water Management Program and the regional NPDES Small Municipal Separate Storm Sewer Systems (Small MS4) Permit. These standards also ensure that upstream or downstream flooding from alteration of drainages or exceedance of stormwater drainage systems would not occur. Implementation of Mitigation Measure 4.7-4 requires the Judicial Council to perform a hydrologic study, incorporate on-site biofiltration basins that provide adequate detention of stormwater and water quality treatment, and prepare a Stormwater Control Plan. The hydrologic study would demonstrate that the proposed on-site biofiltration basins would be sized to sufficiently detain stormwater flows on site so that upstream or downstream flooding on off-site properties would not occur. The operational Stormwater Control Plan would ensure that Small MS4 permit requirements are met. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact from alteration of drainages, exceedance of stormwater drainage facility capacities, operational water quality, or flooding, and the contribution of the proposed Project would be **less than cumulatively considerable**.

5.4.10 Public Services

In terms of cumulative impacts, appropriate service providers are responsible for ensuring adequate provision of public services within their service boundaries. The proposed Project would have no impact on police protection services, schools, or parks; therefore, no cumulative impact on these public facilities would occur.

Fire protection services would be provided by the Seaside Fire Department (SFD). The SFD has indicated that an additional fire station and corresponding personnel and equipment are needed in order to accommodate projected growth within north Seaside, including the proposed Project site and other surrounding development (Denise Duffy & Associates 2008). In March of 2022, the Seaside City Council approved conceptual designs for a new fire station at the corner of Gigling Road and 1st Avenue, approximately 2,000 feet south of the proposed Project site (Monterey County Weekly 2022). Construction of a new fire station at this location would provide appropriate response times, personnel, and equipment to serve the proposed Project and development in the surrounding area.

The proposed Project and future projects within the SFD service area are required to incorporate California Fire Code, California Health and Safety Code, and federal Occupational Health and Safety Administration (OSHA) requirements into the project designs to address emergency access and finished surfaces for firefighting equipment; fire hydrant placement and sufficiency of fire hydrants; and fire flow availability. In addition, the proposed Project would incorporate the Judicial Council's Facilities Standards (Judicial Council 2020), including requirements for emergency access and fire suppression systems inside of courthouse buildings, into the proposed Project design. These standards, when considered together, would reduce the dependence on fire department equipment and personnel by reducing fire hazards. With incorporation of State and federal Fire Code requirements into the Project design and the

new fire station south of the proposed Project site implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact related to fire protection services, and the contribution of the proposed Project would be **less than cumulatively considerable**.

5.4.11 Noise and Vibration

The geographic scope for cumulative noise and vibration impacts is generally limited to areas within approximately 0.5 mile of the proposed Project site or less, because noise impacts are localized and site-specific. Development associated with the Specific Plan, Campus Town Specific Plan, the Dunes at Monterey Bay, and CSUMB Master Plan is in close proximity to the proposed Project.

Development associated with one or more of these plans concurrent with implementation of the proposed Project would create the potential for a cumulative construction noise and vibration impact only when such sites are sufficiently proximate. Since sound is only energy that attenuates naturally and rapidly with increasing distance travelled from a source, a potentially impacted noise-sensitive receptor would need to be physically near multiple concurrent projects. Therefore, unless construction of cumulative projects occurs at the same time and in close proximity to the proposed Project site (i.e., less than 500 feet), noise and vibration from individual construction projects would not likely combine to create cumulative impacts. Also, noise and vibration associated with construction would be intermittent, temporary, and would fluctuate over construction phase. The schedule for construction of development projects in the City of Marina, the City of Seaside, and the CSUMB campus is unknown. The CSUMB Master Plan does not identify construction in areas adjacent to the proposed Project site (CSUMB 2022, Figure 3-4). There is **no known significant cumulative impact** related to construction noise and vibration.

During operation of the proposed Project, noise associated with proposed Project operations, such as the operation of mechanical equipment, vehicles arriving at the Project site and shutting vehicle doors in the parking areas, cleaning parking areas, and landscape maintenance would create the potential for a cumulative noise and vibration impact. As with temporary construction noise, off-site Project noise sources during operations would need to occur in close proximity with Project site noise sources to combine and create a cumulative impact that is different than Project-specific impacts. The CSUMB campus has large parking fields located approximately 200 feet east of the eastern portion of the proposed Project site. At the time this EIR was drafted, parking fields at the CSUMB campus were not being used, but if these parking areas are used in the future, and if there is simultaneous landscape maintenance at the proposed Project site and at the CSUMB campus, the noise sources could combine to increase overall noise levels near the intersection of Divarty Street and 2nd Avenue. However, there are no noise-sensitive uses adjacent to this area that would be affected by these combined noise sources. There is **no significant cumulative** impact related to proposed Project operations.

Table 5.4-1 summarizes the modeled existing and existing plus Project traffic noise levels at 50 feet from the centerline of affected roadway segments. As shown, traffic noise due to the proposed Project would increase noise levels along affected roadway segments by between 0 to 2.8 decibels (dB) Day-Night Noise Level (L_{dn}). With respect to how humans perceive and react to changes in noise levels, a 1-dBA increase is imperceptible, a 3-dBA increase is barely perceptible, a 6-dBA increase is clearly noticeable, and a 10-dBA increase is subjectively perceived as approximately twice as loud (Caltrans 2013). The increase of 2.8 to 5.2 dB is on roadway segments along which there are no existing noise-sensitive uses. This increase would be less than the level where the increase in noise levels would be perceptible. The impact is **less than cumulatively considerable**.

Table 5.4-1. Traffic Noise—Cumulative Condition and Cumulative plus Project Condition

Roadway Segment	dB, L _{dn} at 50 feet		
	Cumulative	Cumulative + Project	Increase
Divarty Street West of the Project Site	48.9	52.9	4.0
Divarty Street East of the Project Site	48.9	54.1	5.2
1 st Avenue South of Divarty Street	51.2	54.0	2.8
2 nd Avenue South of Divarty Street	64.8	65.0	0.2
Lightfighter Drive West of 2 nd Ave	66.9	67.0	0.1
1 st Avenue North of 3 rd Street	53.3	53.3	0.0
2 nd Avenue North of Inter Garrison Road	64.7	64.8	0.0

Notes: dB = A-weighted decibels; L_{dn} = day-night noise level

Source: Modeling conducted by AECOM in 2022

5.4.12 Transportation

As described in a letter response to the EIR Notice of Preparation for the Project (see Appendix A), the Transportation Agency for Monterey County (TAMC) is planning the FORTAG Project. A map in the Final EIR for the FORTAG project (Figure 2-3) shows that this future trail and greenway could be located in the vicinity of the proposed Project site (Transportation Agency for Monterey County 2020). The FORTAG trail is a proposed regional network of paved recreational trails and greenways connecting Monterey Bay communities to open space. There is no easement, right-of-way, or other instrument in place that would facilitate construction of a trail on the proposed Project site, though the Transportation Agency for Monterey County intends to "...encourage the incorporation of the Trail into planning and future development." As required by the Judicial Council's Facilities Standards (Judicial Council 2020), defined best practices include the development of links to public transit, and creation of strategies for pedestrian-friendly, mixed-use communities. The City has entered into the FORTAG Master Agreement with TAMC. The City intends to comply with the FORTAG Master Agreement specifying in greater detail the trail segment conceptualized through the City's Specific Plan parcel. The proposed Project does not foreclose the possibility of the FORTAG trail being located in the vicinity of or adjacent the proposed Project site. While local policies and plans do not apply to the proposed Project and the Judicial Council is not subject to local land use regulations, there are no significant adverse environmental effects attributable to the proposed Project that are the result of any inconsistency with programs, plans, ordinances, or policies addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities. Therefore, the proposed Project would have a **less than cumulatively considerable** impact.

As to potential cumulative transit impacts, the proposed Project plus other cumulative development could contribute transit ridership above current weekday peak-hour bus route capacity for the bus routes that serve the area. It is possible that with the proposed Project and other cumulative development near the proposed Project the capacities on one or more of these bus routes could be exceeded. Should this occur in the future, it is expected that additional transit service would be implemented to serve the future ridership demand. The Project's cumulative impact on transit ridership and facilities would be **less than cumulatively considerable**.

The FORTAG trail, when built, will improve pedestrian and bicyclist access and circulation in many areas in northwestern Monterey County, including Fort Ord. Buildout of the FORTAG trail is not anticipated to result in an increase in transit ridership. This project may contribute to increased VMT during construction but is ultimately anticipated to contribute to a decrease in total VMT during operation by providing an alternative mode of commuting. Additionally, courthouse staff and visitors will be able to utilize this trail to get to the courthouse, reducing proposed Project operational VMT and reducing the risk of exceeding bus route capacity.

Senate Bill (SB) 743 directed the development of an approach to examine transportation impacts under CEQA that would better align transportation impact analysis and mitigation outcomes with the State's goals related to "infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" (SB No. 743, CHAPTER 386). Use of vehicles that are powered by fossil fuels leads to adverse physical environmental effects due to the generation of GHGs, as well as transportation noise, traffic safety impacts, and emissions of criteria air pollutants. Each of these impacts associated with vehicular travel is addressed in detail in the topic-specific sections of this EIR.

Transportation is particularly important when considering contributions to the cumulative impact of global climate change. In 2019, the transportation sector accounted for approximately 50 percent of statewide GHG emissions and was by far the single largest source of carbon pollution in the State. In addition, the transportation sector accounted for over 80 percent of statewide oxides of nitrogen emissions and 30 percent of fine particulate matter emissions, including toxic diesel particulate matter (CARB 2022a). Locally, transportation is also the largest source of GHG emissions – Monterey County's 2019 GHG emissions inventory shows that transportation is the top source of emissions, with 44 percent of the total (Monterey County 2022). Transportation powered by fossil fuels is also the largest consumer of energy in California by sector, accounting for 34 percent of energy consumption (EIA 2022). Like transportation, there are environmental impacts associated with energy use, including air pollutant emissions and GHG emissions.

Recognizing that transportation is the top source of GHG emissions and also that "automobiles and light trucks account for 50 percent of air pollution in California and 70 percent of its consumption of petroleum," SB 375 was enacted in 2008 with the intent to reduce GHG emissions associated with passenger vehicle use (SB No. 375, CHAPTER 728). SB 375 requires California's 18 regional metropolitan planning organizations to develop integrated land use and transportation plans (sustainable communities' strategies) that demonstrate how each region would attain these passenger vehicle emission reduction targets (CARB 2022b). The 2045 Sustainable Communities Strategy developed by the Association of Monterey Bay Area Governments (AMBAG) demonstrates a reduction in GHG emissions of 6.29 percent compared to 2005 levels (AMBAG 2022a). The reductions in emissions associated with these regional plans is mostly the product of reducing vehicular travel – "[e]ven with improvements in clean vehicle technology and fuels, it is still necessary to reduce driving to meet State climate and air quality commitments (CARB 2022b, page 4). SB 375 climate targets have generally sought to reduce passenger vehicle travel by approximately 19 percent in 2035 compared to a 2005 baseline, but passenger vehicle VMT has instead increased by approximately 15 percent between 2005 and 2019 and passenger vehicle GHG emissions have increased in the same period by approximately 8 percent (CARB 2022c). This increase in VMT associated with the cumulative context is considered a **significant cumulative impact**.

As detailed in Section 4.9 of this EIR, the proposed Project would involve some consolidation of existing operations and the operation of a new courthouse where the majority of existing operations and trips will be consolidated. Some passenger vehicle travel would simply shift from an existing route to a route that goes to the proposed Project site – none of the vehicular travel associated with the proposed Project would be new. Depending on their point of origin, some trips may be shorter to the proposed Project site, and some may be longer. With the understanding that the proposed Project will not create new vehicular travel, the VMT analysis in this chapter and in Section 4.9 of this EIR focuses on the relative VMT efficiency of the proposed Project site.

The AMBAG developed and maintains a Regional Travel Demand Model to support regional transportation planning (AMBAG 2022b). The Regional Travel Demand Model incorporates consideration of existing and future land uses, as well as existing and future transportation facilities. A tailored representation of the proposed Project's travel demand characteristics was input into the Regional Travel Demand Model to generate an estimate of trips, trip lengths, trip distribution, and VMT for a typical weekday. The proposed Project-level VMT impacts are reported in Section 4.9 of this EIR.

The cumulative scenario includes past, present, and future development, including implementation of such plans as the Specific Plan, the City of Seaside General Plan, the Dunes Specific Plan, the Campus Town Specific Plan, and the CSUMB Master Plan. The year 2045 is used in the Regional Travel Demand Model to represent cumulative conditions, including both future land use and transportation facilities. In

2045, the area surrounding the proposed Project site is forecast to become increasingly VMT efficient. As the former Fort Ord area becomes developed consistent with existing plans, and as planned transportation facilities are constructed and become operational, the VMT efficiency of the area is anticipated to substantially improve compared to existing conditions. The 2045 VMT for the area (the local “traffic analysis zone”) surrounding the proposed Project site is forecast to be approximately 12 daily VMT per service population with the proposed Project – this is approximately 25 percent less than the regional forecast daily VMT per service population of 16 inches (in) 2045 forecast by the Regional Travel Demand Model.

In addition to considering the relative VMT efficiency of the proposed location of the proposed Project, another way to assess the VMT impact of the proposed Project is to examine cumulative VMT with and without the proposed Project. To do this, the AMBAG Regional Travel Demand Model was used – specifically the 2045 scenario that includes forecast land use and transportation conditions. The Regional Travel Demand Model was used to produce a VMT forecast without the proposed Project and then with the Project. For the region, that difference in 2045 in daily VMT is 963. This means that, at the scale of the region covered by the AMBAG Regional Travel Demand Model, the incremental VMT attributable to the proposed Project is just under 1,000 per day, accounting for both employee trips and trips by members of the public accessing the services to be provided at the proposed courthouse.

The Governor’s Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA provides recommendations for evaluating transportation impacts for different project types and for different project contexts. While there is not a “courthouse” project type, the proposed Project has similarities in transportation characteristics to “office projects.” For office projects, the Technical Advisory suggests that 15 percent or more below the existing VMT per employee for the region may indicate a significant transportation impact. With an estimated 80 full-time employees for the proposed Project, the 2045 Project VMT would be 12, which is approximately 20 percent lower than the existing regional daily VMT of 15 per service population. It is important to note that the cumulative 2045 travel demand modeling is based on a land use and transportation scenario that is intended to represent the future land use and transportation environment in the region and in the vicinity of the proposed Project. This scenario is not guaranteed or dictated by existing regulations and the transportation access assumed in the 2045 modeling scenario is not necessarily programmed and funded.

While the proposed Project may have some similarities in transportation characteristics to office projects, there is a strong public service component to the proposed Project, as well. The Technical Advisory recognizes that some project types may have office and customer serving features. As noted, for “office projects that feature a customer component, such as a government office that serves the public, a lead agency can analyze the customer VMT component of the project using the methodology for retail development” (OPR 2018, page 4). The recommended methodology for assessing transportation retail projects in the Technical Advisory acknowledges the fact that customer serving uses do not create new vehicular travel demand, but typically redistribute trips that are occurring in one location under existing conditions to a new location in the future. As provided in the Technical Advisory, “lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns” (OPR 2018, page 4). This dynamic is true for the proposed Project; the New Fort Ord Courthouse would not create new employment, new services, or other new activities that would generate substantial new vehicular travel demand. Rather, the proposed Project would consolidate some existing operations to a new Project site. The OPR Technical Advisory suggests that a net increase in total VMT may indicate a significant transportation impact. As noted above, using the Regional Travel Demand Model to assess the incremental daily VMT attributable to the Project yields an estimate of just under 1,000 using a 2045 cumulative scenario. However, this estimate does not take into account the fact that the proposed Project does not propose new activities, operations, services, or employment, but rather proposes to change the location of existing operations to the proposed Project site.

The area of the proposed Project site is forecast in the Regional Travel Demand Model to become relatively more efficient than the areas where existing facilities are located. These existing facilities have some existing operations that would be consolidated to the proposed Project. While, as noted, the daily

VMT for the area surrounding the proposed Project site is approximately 12 VMT per service population with the proposed Project, this compares to 15 daily VMT per service population for the area surrounding the Monterey Courthouse in 2045, 14 daily VMT per service population for the area surrounding the Marina Courthouse, and 25 daily VMT per service population for the area surrounding the Salinas Courthouse in 2045. If the cumulative 2045 land use and transportation scenario embedded in the AMBAG Regional Travel Demand Model is accurate, this would mean that the partial consolidation of some existing operations to the proposed courthouse could produce a reduction in VMT.

In addition, as noted, the intent of SB 743 was to develop guidance that would (1) promote infill development, (2) improve public health through active transportation, and (3) reduce greenhouse gas emissions. Regarding (1), the proposed Project site is an infill site – the Project would involve redevelopment of a portion of the former Fort Ord Army Base. Regarding (2) active transportation, the proposed Project site is in an area with both existing and planned pedestrian, bicycle, and transit access. This includes high-quality transit service to be provided by the SURF! Busway and Bus Rapid Transit Project (SURF! Project), which has been planned, designed, subjected to environmental review, and is approximately 73 percent funded (Monterey-Salinas Transit 2022a, TAMC 2022). The SURF! Project would provide high-quality transit service from the 5th Street Station, approximately 0.32 mile from the proposed Project site as the crow flies and 0.45 mile from the Project site traveling along Divarty Street and 1st Avenue. The SURF! Project is planned to be operational in 2027, before the New Fort Ord Courthouse becomes operational. Finally, relative to (3) above related to reducing GHG emissions, this topic is addressed in Section 4.5 of this EIR, and there is no additional GHG emissions impact from mobile sources associated with the construction and operation of the proposed Project that is not fully disclosed and mitigated, as feasible, in Section 4.5.

Trends in courthouse operations could have the benefit of reducing vehicular travel demand compared to historic levels. The National Center for State Courts (NCSC) commissioned a study that examines more closely a set of trends that has affected Judicial Council facilities and will likely have the effect of reducing vehicular travel demand for the proposed Project compared to the analysis presented above (National Center for State Courts 2020). Trends in court management are anticipated to reduce the need to travel to the courthouse. This includes the increased use of electronic methods for filing documents, online dispute resolution, remote access to legal information particularly for self-represented litigants, and an overall decline in caseloads. The Judicial Council does not have research at this time that would allow a quantified estimate of the reductions to vehicular travel demand associated with these court management trends, but a substantial decrease is anticipated over the life of the proposed Project that would reduce VMT-related impacts of the proposed Project beyond those reported in this EIR.

In summary, the proposed Project is consistent with the intent of SB 743 to promote infill development and public health through active transportation and there is no impact related to GHG emissions beyond that which is reported in Section 4.5 of this EIR – the actual adverse physical environmental effects associated with VMT are analyzed in other sections of this document, including Air Quality (4.2), Greenhouse Gas Emissions (4.5), Noise and Vibration (4.8), and Energy (3.2) and the cumulative impacts associated with each of these environmental topics is reported in this chapter. Comparing cumulative 2045 conditions with and without the proposed Project yields an incremental increase in daily VMT of just less than 1,000 on a regional basis. However, this estimate of VMT does not take into consideration the fact that the proposed Project would not create new operations or services, but rather would shift existing activities services from other existing locations to the proposed Project site. Just as is happening under existing conditions, under cumulative conditions, the proposed Project would generate VMT associated with employee commutes and visitor traffic to the proposed Project site, resulting from consolidation of operations from three existing courthouses (Monterey Courthouse, Salinas Courthouse and Marina Courthouse) into the Project, the corresponding backfill to the Salinas Courthouse from the Gabilan Annex, and the Marina Courthouse from the Juvenile Courthouse, and resulting vacating of three existing non-State-owned court facilities: Monterey Courthouse, Gabilan Annex, and Juvenile Courthouse that, according to the Regional Travel Demand Model, would be *less* VMT efficient compared to the Project area in 2045. Based on the land use and transportation data in the Regional Travel Demand Model, moving existing activities and operations to the proposed Project site as proposed under the Project would improve VMT efficiency under cumulative conditions and is estimated to result in a net *reduction* in

VMT under cumulative conditions. The impact related to VMT and a conflict with CEQA Guidelines section 15064.3(b) is **less than cumulatively considerable**.

The proposed Project, in combination with cumulative projects in the vicinity of the Project site, would require emergency access. The proposed Project would require review by the California State Fire Marshal involving a plan review and approval, followed by periodic field inspections, and concluding with issuance of a certificate of occupancy to provide for adequate emergency access and building safety features. Similarly, design and construction documents for cumulative projects would need to be reviewed and approved for adequate emergency access by the local agency building and fire departments. With the implementation of local agency approval process, individual projects would provide adequate emergency access such that cumulative impact related to emergency access would **less than cumulatively considerable**.

5.4.13 Tribal Cultural Resources

The proposed Project site is situated in the region historically occupied by the the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria (“KaKoon”) and the Rumšen Am:a Tur:ataj Ohlone (“Rumšen”). The proposed Project, in combination with other development in the region, could cause a substantial adverse change in the significance of tribal cultural resources. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Californian Native American tribe. Tribal cultural resources include viewsheds, plant gathering areas, or other sacred spaces that are not readily identifiable to non-tribal members—they may or may not manifest as archaeological sites (with or without human remains).

In addition to providing the Judicial Council with a list of California Native American Tribes which are traditionally and culturally affiliated with Monterey County, the Native American Heritage Commission (NAHC) also provided the results of a search of the Sacred Lands File, finding that this search was negative (Native American Heritage Commission 2022). No known tribal cultural resources have been identified by the consulting Tribes; nonetheless, project-related earth-disturbing activities could potentially encounter undiscovered tribal cultural resources. With implementation of Mitigation Measure 4.10-1, the proposed Project’s contribution would not be cumulatively considerable by requiring that construction work cease in the event of inadvertent discovery of potential tribal cultural resources and requiring mitigation measures (if needed) to minimize impacts to inadvertently discovered tribal cultural resources. Additionally, implementation of Mitigation Measure 4.10-2 ensures that any potential human remains encountered during construction would be treated in an appropriate manner under CEQA and that all other applicable laws and regulations would be implemented. Further, future projects identified in the potential list of cumulative development would be required to consult under Assembly Bill 52 (2014), California Native American Graves Protection and Repatriation Act (CaINAGPRA), and potentially SB 18 (2004) with California Native American tribes to identify and address potential adverse effects to tribal cultural resources, develop methods to avoid or preserve in place, and/or implement similar mitigation measures to avoid/reduce impacts to tribal cultural resources on those project sites. Therefore, the proposed Project’s cumulative impact on tribal cultural resources is **less than cumulatively considerable**.

5.4.14 Utilities and Service Systems

The appropriate service providers are responsible for ensuring adequate provision of utilities within their service boundaries. Future development within each service providers’ boundaries would be required to assess impacts related to demand for water supply, wastewater generation, and generation of solid waste during the environmental review process to ensure that sufficient water supply, wastewater treatment capacity, and solid waste facility capacity are available to meet demand.

Water supply for the proposed Project would be provided by the Marina Coast Water District (MCWD). Existing water demands in the MCWD are currently met by groundwater supplies. MCWD’s 2020 Urban Water Management Plan (UWMP) addresses water supply and demand issues, water supply reliability, water conservation, water shortage contingencies, and recycled water use within the MCWD service area (Schaaf & Wheeler 2021). Future water demands were estimated based on development projections

provided by the jurisdictions served by MCWD. The water demands for redevelopment of the former Fort Ord area, including the proposed Project site, were accounted for in water demand projections contained in MCWD's UWMP (Schaaf & Wheeler 2021). As discussed in Section 3.9, "Utilities and Service Systems," because the demand is projected to decline under a multiple-year drought and the available groundwater storage greatly exceeds even a five-year demand, MCWD's UWMP determined the available groundwater water supply is considered reliable in all years (Schaaf & Wheeler 2021). In addition, MCWD has undertaken specific measures to ensure its ability to supply water in the event that groundwater production is impaired by mechanical failure or any other potential problem, including water quality impairment from seawater intrusion or groundwater contamination, by providing system redundancy, installing larger water tanks and a booster pump station, and adding new wells. Thus, sufficient water supplies from MCWD to serve the proposed Project, in addition to existing and planned development, would be available under normal, single-dry, and multiple-dry years. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact related to water supply, and the contribution of the proposed Project would be **less than cumulatively considerable**.

Wastewater generated by the proposed Project would be conveyed off site for treatment at Monterey One Water's Regional Treatment Plant (Regional Treatment Plant). The Regional Treatment Plant has a maximum average dry-weather design treatment capacity of 29.6 million gallons per day (mgd) and the current average dry weather flow is approximately 17 mgd. The proposed Project-related wastewater flows (0.001 mgd) would not result in an increase in wastewater flows that exceed the current disposal capacity of 29.6 mgd average dry-weather flow. Monterey One Water conducted wastewater service area studies in 2017 and 2018. These studies determined that at build-out of its service area, existing and planned development would result in 24.5 mgd of average dry-weather flow to the Regional Treatment Plant (Denise Duffy & Associates 2019). Thus, the Regional Treatment Plant would have adequate capacity to treat wastewater flows generated at buildout of its service area, including flows generated by the proposed Project. Therefore, implementation of the projects considered in this cumulative analysis would not result in a cumulatively significant impact to wastewater treatment facilities, and the contribution of the proposed Project would be **less than cumulatively considerable**.

Implementation of the proposed Project would generate approximately 1.0 ton per day (tpd) of solid waste that would be disposed of at the Monterey Peninsula Landfill. This landfill has a maximum permitted throughput of 3,500 tpd. The estimated 1.0 tpd of solid waste generated by the proposed Project would be less than one percent of the maximum tpd that could be received at the landfill. The Monterey Peninsula Landfill has a remaining capacity of approximately 48.6 million cubic yards and an anticipated closure date of February 28, 2107. Therefore, the Monterey Peninsula Landfill has sufficient permitted capacity to accommodate solid-waste disposal needs for the proposed Project and existing and future development considered in this cumulative analysis in its disposal area. Therefore, the proposed Project's cumulative impact on solid waste is **less than cumulatively considerable**.

6 Other CEQA Requirements

This chapter provides a discussion of growth-inducing effects and a summary of significant and unavoidable impacts, as required by the California Environmental Quality Act (CEQA) Guidelines.

6.1 Growth-Inducing Impacts

6.1.1 Introduction to Growth-Inducing Impacts

CEQA (CEQA Guidelines, California Code of Regulations (CCR) section 15126.2(d)) requires an examination of the direct and indirect impacts of the proposed Project, including the potential of the Project to induce growth leading to changes in land use patterns, population densities, and related impacts on environmental resources. Specifically, CEQA states that the Environmental Impact Report (EIR) shall:

[D]iscuss ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects.

Also discuss characteristics of some projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Direct growth-inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for example, if implementing a project resulted in any of the following:

- substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises); or
- removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area) or adding new urban development adjacent to undeveloped land.

Growth-inducement itself is not an environmental impact, but it may lead to foreseeable environmental impacts. These environmental impacts may include increased demand on other community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open space land to urban uses.

6.1.2 Growth-Inducing Impacts of the Proposed Project

The proposed Project site is situated in the northeast corner of the Projects at Main Gate Specific Plan area (Specific Plan), which was adopted by the City of Seaside (City) in 2010. The adopted Specific Plan outlines a plan for future development of lodging, retail, and commercial/office land uses on approximately 49 acres and would result in approximately 775 to 830 new service and professional jobs. The Specific Plan EIR noted that based on the current City General Plan (adopted in 2004), the City had a jobs/housing ratio of approximately 0.68:1, which was the lowest in Monterey County. Therefore, the Specific Plan would provide a benefit to the City by generating additional employment that would improve

the City's jobs/housing ratio (Denise Duffy & Associates 2008:5-2). The proposed courthouse is consistent with many of the uses identified in the Specific Plan¹.

The purpose of the proposed Project is to consolidate most family law, probate, and civil operations of the Monterey County Superior Court into one central location and increase access to justice in the community. After completion of the new courthouse at the proposed Project site, the Monterey Courthouse and the Gabilan Annex would be vacated. Existing employees at the Monterey Courthouse will be transferred to the new consolidated courthouse. Court employees associated with juvenile dependency at the Salinas Courthouse will be transferred to the new consolidated courthouse to allow employees working at the Annex offices and self-help center to backfill that space in the Salinas Courthouse. Court employees associated with child support caseload at the Marina Courthouse will be transferred to the new consolidated courthouse. The new courthouse would be staffed by approximately 80 existing full-time court employees on a daily basis; no new employees are generated from the proposed Project. The proposed Project does not include a residential component and no new homes would be built at the proposed Project site. Extensions of existing local utility lines (i.e., water, sewer, and electricity) would be installed to serve the proposed Project site. However, these utility extensions would be sized only to serve the needs of the proposed Project, and would not have additional capacity created to serve any other development. Finally, the proposed Project does not include access from 2nd Avenue, and the Project site access from Divarty Street would not require the construction of additional lanes that could increase roadway carrying capacity for future off-site development. Therefore, the proposed Project does not include an extension of utilities or roads that would indirectly induce population growth.

Because the employees at the new courthouse are expected to come from the employees at the existing Monterey Courthouse, Salinas Courthouse, and Marina Courthouse, the proposed Project would not result in any new employment opportunities that could result in indirect growth inducement. Furthermore, the necessary utilities and site access improvements would be sized to serve only the proposed Project. Therefore, the proposed Project would not be growth inducing.

6.2 Significant and Unavoidable Impacts

CEQA Guidelines section 15216.2(b) requires an EIR to include a discussion of any significant environmental impacts that cannot be avoided if the proposed Project is implemented.

Chapter 4 of this EIR provides a detailed analysis of all significant and potentially significant environmental impacts from implementation of the proposed Project; identifies feasible mitigation measures, as appropriate, that could avoid or reduce these significant and potentially significant impacts; and presents a determination whether the identified mitigation measures would reduce these impacts to less-than-significant levels. In addition, Chapter 5 of this EIR provides an analysis of the significant cumulative impacts resulting from the combined effects of the proposed Project and other lead agencies' planned projects. If a potentially significant or significant impact cannot be reduced to a less-than-significant level, it is considered a significant and unavoidable adverse impact.

Implementing the proposed Project would result in significant and unavoidable adverse impact(s) as identified below.

6.2.1 Project-Level Significant and Unavoidable Impacts

Aesthetics

Impact 4.1-1. Substantially Degrade the Existing Visual Character.

Implementation of Mitigation Measure 4.1-1 and 4.1-2 would reduce the proposed Project's impacts from changes to visual character, because trees at the proposed Project site would be retained to the maximum extent feasible. Furthermore, the new courthouse would be designed according to the Judicial

¹ The Specific Plan area, including the proposed Project site, is zoned and designated by the City of Seaside as Regional Commercial, which includes hotels, "big-box" retail, movie theatres, and business parks. A "business park" typically refers to office uses in a setting that includes large parking fields and landscaped areas.

Council of California's (Judicial Council's) Facilities Standards, which include requirements related to design quality. Reasonable people can disagree as to whether a change from open space to well-designed building represents a degradation of visual character or quality. In order to be conservative, this analysis assumes that even with implementation of the design principles embodied in the Judicial Council's Facilities Standards, some viewers would consider the change from the existing open space to the proposed courthouse and parking at the proposed Project site to represent a degradation of the existing visual character and quality. Implementation of Mitigation Measure 4.1-2 would further reduce the visual impacts of the proposed Project because the Judicial Council would contribute to the establishment of a new City park that would facilitate preservation of existing tall trees west of the proposed Project site, and these trees would block views of the new courthouse from State Route (SR-)1 and 1st Avenue. Nevertheless, the proposed Project would represent a substantial change in the visual character of the proposed Project site as viewed from surrounding key viewsheds, and the new courthouse building would stand out in the landscape due to its proposed height. Because no other feasible mitigation measures are available, this impact would be **significant and unavoidable**.

Greenhouse Gas

Impact 4.5-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Implementation of Mitigation Measure 4.5-1a 4.5-1b, and 4.5-1c would reduce the generation of long-term operational greenhouse gas (GHG) emissions, as shown in Table 4.5-4, as well as align the proposed Project's long-term operations with the actions for new commercial development identified in the Final 2022 Scoping Plan update for carbon neutrality. Mitigation Measure 4.5-1a would eliminate natural gas use by the proposed Project site, thereby reducing energy-related GHG emissions from this source. Mitigation Measure 4.5-1b includes offering and promoting telecommuting and alternative work schedules that would allow employees that choose to drive to work to avoid that drive on some days. Mitigation also includes the inclusion of end-of-trip facilities (showers, lockers, etc. for cyclists), which helps to encourage employees to commute via bicycle. These measures could reduce employee related Vehicle Miles Traveled (VMT) by approximately one to 10 percent, though there is also evidence that telecommuters might have higher VMT compared to those that commute to an office (CAPCOA 2010, 2021). In addition, this is only applicable to the employment-related portion of the proposed Project's VMT, and these mitigation strategies would not influence the VMT associated with visitor trips to the Project site, over which the Judicial Council has little influence. Assuming 25 percent of the proposed Project's VMT is attributable to employee travel, these transportation mitigation measures could reduce total VMT, and related mobile-source GHG emission, by up to 1.5 percent. Mitigation Measure 4.5-1c would provide a GHG-free energy source for operations, thereby reducing the Project's demand for purchased electricity, which includes a mix of GHG-free and GHG-producing sources based on the power mix of the purchase electricity. Implementation of these mitigation measures would reduce the Project's GHG efficiency to below the 2030 threshold. However, implementation of these mitigation measures would not reduce Project emissions to a level consistent with the local GHG efficiency threshold for 2050. Even with implementation of Mitigation Measures 4.5-1a through 4.5-1c, the generation of GHG emissions associated with the proposed Project would exceed the 2050 GHG efficiency threshold. Therefore, the proposed Project would result in a substantial contribution to the significant impact of climate change. There is no additional feasible mitigation. This impact is **cumulatively considerable and significant and unavoidable**.

Transportation

Impact 4.9-2. Consistency with CEQA Guidelines Section 15064.3(b) (VMT).

Implementation of Mitigation Measure 4.9-2, which includes the implementation of Mitigation Measure 4.5-1b (see above) would reduce potential impacts related to GHG emissions, including the top source of GHG emissions for the proposed Project: mobile source emissions. Part of the intent of Senate Bill (SB) 743, which directed changes to the CEQA Guidelines related to assessing transportation impacts, was to reduce GHG emissions. Mitigation imposed on the proposed Project in Section 4.5 of this EIR,

Greenhouse Gas Emissions, includes offering and promoting telecommuting and alternative work schedules that would allow employees that choose to drive to work to avoid that drive on some days. Mitigation also includes the inclusion of end-of-trip facilities (showers, lockers, etc. for cyclists), which helps to encourage employees to commute via bicycle. These measures could reduce employee related VMT by approximately one to 10 percent, though there is also evidence that telecommuters might have higher VMT compared to those that commute to an office (CAPCOA 2010, 2021). In addition, this is only the employment-related portion of the proposed Project's VMT, and these mitigation strategies would not influence the VMT associated with visitor trips to the Project site, over which the Judicial Council has little influence. Assuming 25 percent of the proposed Project's VMT is attributable to employee travel, these transportation mitigation measures could reduce total VMT by up to 1.5 percent. Because there is no additional feasible mitigation, this impact would be **significant and unavoidable**.

6.2.2 Cumulatively Significant and Unavoidable Impacts

Aesthetics

Impact 4.1-1. Substantially Degrade the Existing Visual Character.

Proposed development to the north and south of the proposed Project site, including The Dunes on Monterey Bay and the lodging, retail, and commercial uses proposed in the remainder of the Specific Plan area, would result in significant impacts related to degradation of visual character. Implementation of Mitigation Measures 4.1-1 and 4.1-2 would reduce the proposed Project's impacts related to degradation of visual character, but not to a less-than-significant level. Because no other feasible mitigation measures are available, the proposed Project would result in a **cumulatively considerable contribution** to this cumulatively significant impact. There is no feasible mitigation to reduce the Project's contribution to this significant cumulative impact. The impact would be **significant and unavoidable**.

7 Alternatives

7.1 Introduction

This chapter presents the alternatives analysis as required by the California Environmental Quality Act (CEQA) for the proposed Project. The discussion includes the methodology used to select alternatives to the proposed Project for detailed CEQA analysis, with the intent of developing potentially feasible alternatives that could avoid or substantially lessen the significant impacts identified while still meeting most of the project's basic objectives. This chapter identifies a reasonable range of alternatives that meet these criteria and evaluates them for their comparative merits with respect to minimizing adverse environmental effects.

This chapter is divided into five main sections. The first section, "Introduction," is an introductory section that describes the CEQA requirements for an alternatives analysis, presents the proposed Project objectives, and summarizes the proposed Project's significant impacts. The next section, "Alternatives Considered but Rejected for Detailed Analysis in this Environmental Impact Report (EIR)," discusses alternative concepts that were considered but rejected from further study and the reasons for elimination. The next section, "Alternatives Analyzed in this EIR" provides a detailed description of each of the selected alternatives. The next section, "Alternatives Analysis," presents a detailed analysis and evaluation of the environmental impacts of each of the alternatives. The section is organized by resource topic. The last section, "Environmentally Superior Alternative," identifies the environmentally superior alternative, based on the described analysis.

7.1.1 CEQA Requirements for Alternatives Analysis

CEQA Guidelines section 15126.6(a) states that an EIR must describe and evaluate a reasonable range of alternatives to a project that would feasibly attain most of the project's basic objectives but avoid or substantially lessen any identified significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a project or alternatives that are infeasible. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.

The EIR must evaluate the comparative merits of the alternatives and include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Specifically, the CEQA Guidelines set forth the following criteria for selecting and evaluating alternatives:

- "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible." (CEQA Guidelines section 15126.6(a))
- "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines section 15126.6(b))
- "The range of potential alternatives shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." (CEQA Guidelines section 15126.6(c))

- “The specific alternative of ‘no project’ shall also be evaluated along with its impact.” (CEQA Guidelines section 15126.6(e)(1))
- “The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.” (CEQA Guidelines section 15126.6(f)) Under CEQA, “feasible” is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines section 15364). The concept of “feasibility” also encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

7.1.2 Project Objectives

In identifying potentially feasible alternatives to the project, the ability of alternatives to meet most of the proposed Project’s objectives was considered. As described in Chapter 2, “Project Description,” the objectives for the proposed Project are as follows:

- Improve the public’s access to justice and enhance public services and courthouse operational efficiency by consolidating most family law and civil operations in one location.
- Relieve the current court space shortfall, improve security, and replace inadequate and obsolete buildings in Monterey County.
- Provide a new, modern and secure courthouse, replacing operations at antiquated non-State-owned facilities.
- Replace the Monterey Courthouse, which is rated as a Federal Emergency Management Agency (FEMA) P-154-rated Very-High-Risk seismically deficient building.
- Avoid future deferred maintenance expenditures associated with the ongoing use of older facilities.
- Consolidate case load types and optimize the use of other court facilities within Monterey County.

7.1.3 Project Significant Impacts

The Draft EIR identifies significant and unavoidable impacts after implementation of mitigation measures associated with aesthetics, greenhouse gas emissions, and transportation (see Chapter 4, Environmental Setting, Impacts, and Mitigation Measures).

- **Impact 4.1-1. Substantially Degrade the Existing Visual Character.**
- **Impact 4.6-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.**
- **Impact 4.9-2. Consistency with CEQA Guidelines section 15064.3(b) (Vehicle Miles Traveled [VMT]).**

Other impacts associated with implementation of the proposed Project could be reduced to a less-than-significant level through compliance with existing regulations and through mitigation imposed upon the project, as described throughout Chapter 4 of this EIR.

7.2 Alternatives Considered but Rejected for Detailed Analysis in this EIR

7.2.1 Alternative Courthouse Locations

The Judicial Council considered several alternative courthouse locations that met the site characteristics and minimum size requirements of the Project through the investigation of property availability within the Monterey County peninsula (Judicial Council 2022). As discussed in the *Judicial Council’s 2022 Court Facilities Advisory Committee Capital Project Site Selection Report*, the Project Advisory Group (PAG), which included members of the bench, court administration, county administration, and Monterey County Bar Association, was formed under rule 10.184(d) of the California Rules of Court to guide the project development. In compliance with the Judicial Council’s Site Selection Policy, the PAG developed objective site selection criteria, including but not limited to: size (minimum of 5 acres), geographic site terrain (e.g., slope stability), geotechnical conditions and subsurface, seismic conditions, existing use and ownership (e.g., availability for sale by owner), water allocation, access for court users, public transportation access, demolition costs, existing infrastructure, civic presence, and support from the City of Seaside (City) (Judicial Council 2022). Alternative sites that were considered are identified on Exhibit 7-1.

As discussed above, the EIR must examine in detail only those alternatives that the lead agency determines could feasibly attain most of the basic project objectives, taking into account factors that include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; control or access to alternative sites (CEQA Guidelines section 15126.6(f)). Table 7-1 provides a summary as to why alternative locations considered were ultimately dismissed from further consideration.

Table 7.2-1. Alternative Site Location Dismissal Summary

Alternative Site	Location	Rationale for Dismissal
Transportation Agency for Monterey County (TAMC) Property	City of Marina	No water entitlement available.
The Dunes Site	City of Marina	Owner withdrew offer to sell.
General Jim Moore Boulevard Site	City of Seaside	Biological resource concerns. Unknown water entitlement and limited water service infrastructure.
Alternate Locations Within the Main Gate Property	City of Seaside	In coordination with the City of Seaside (City) as to areas within the site for the proposed Project, the City preferred retaining the street frontage on Lightfighter Drive for commercial and mixed-use development, suggesting the Project move toward the center of the Main Gate Property. This site is located near a rare plant (Hooker’s Manzanita, See Appendix D, Figure A-3 of the Biological Resources Survey Report) and created potential grading and site development schedule constraints that could adversely affect project entitlement and completion timeframes.
2200 Garden Road Site	City of Monterey	Property was sold.
Single Courtroom Courthouse Location	City of Greenfield	Original Greenfield site was proposed for a 1-courtroom courthouse. This Project is a 7-courtroom courthouse. The City of Greenfield is of significant travel distance for the majority of users that it would serve. The location would not reduce potentially significant effects associated with development of the proposed Project on the Project site.



Exhibit 7-1. Alternative Site Locations

The CEQA Guidelines further state that “the discussion of alternatives shall focus on alternatives to the project or its location [that] are capable of avoiding or substantially lessening any significant effects of the project” (CEQA Guidelines section 15126.6(b)). As identified above, the Draft EIR identifies significant and unavoidable impacts associated with aesthetic resources, greenhouse gas emissions, and transportation. The primary consideration for an alternative location to the proposed Project would be a site where the potential for significant impacts on these resources would be substantively reduced, as compared with the proposed Project.

The **TAMC Property** is relatively close to the Project site and does not have substantially better transit access such that potential greenhouse gas emissions impacts, or related transportation related impacts, would be reduced relative to the proposed Project site. This is particularly the case because pedestrian and bicycle facilities are available adjacent to the proposed Project site and since the Transportation Agency for Monterey County 2022 Monterey County Regional Transportation Plan includes the SURF! Busway and Bus Rapid Transit Project (TAMC 2022). This transit project includes a dedicated busway and new transit station at the corner of 1st Avenue and 5th Street, roughly a half mile from the Project site that, once completed in 2027, would provide bus service every 15 minutes (Monterey-Salinas Transit 2022). In addition, the TAMC property is adjacent to State Route (SR)-1 and would be potentially more visible from a greater number and density of viewing locations, and therefore, the development of a courthouse in this location would not reduce aesthetic effects.

The Dunes Site is also close to the Project site and would have similar access to transit and bicycle facilities, and therefore, would not substantially reduce greenhouse gas emissions impacts or transportation related impacts relative to the proposed Project site. In addition, the Dunes Site would have similar effects relative to changes in visual character.

The **General Jim Moore Boulevard Site**, generally located east of the intersection of Broadway Avenue and General Jim Moore Boulevard in the city of Seaside, and similar to the Project site, is undeveloped. However, it is located just outside of the developed portion of the city of Seaside. It has similar transit access as the Project site, with Route 94 Monterey-Salinas Transit bus providing service along General Jim Moore Boulevard and Broadway, just to the west of this site. In the city of Seaside’s General Plan, this site is designated Low Density Single Family Residential (RLS). Unlike the Project site, this possible alternative site would not be served by the planned SURF! Busway and Bus Rapid Transit Project, which would provide high-quality transit service in Monterey County. While the site would be closer to residents of the city of Monterey and some residents of the city of Seaside, it would be more distant from population centers in Marina and Salinas compared to the Project site. Given the location of this site, it would not have the potential to substantially reduce greenhouse gas emissions impacts or transportation impacts related to vehicular travel demand (VMT) and other impacts would be similar to the proposed Project.

Alternate locations considered within the Main Gate Specific Plan Property would have similar access to transit and bicycle facilities, and therefore, would not substantially reduce greenhouse gas emissions impacts or transportation related impacts relative to the proposed Project site. In addition, an alternate location within the Projects at Main Gate Specific Plan (Specific Plan) Area would have similar effects relative to changes in visual character and could increase potential impacts to rare plants.

The **2200 Garden Road Site** in Monterey is located in the southeastern portion of the city of Monterey’s planning area along State Route 68 and adjacent to the Monterey Regional Airport in an area developed with a range of professional and medical offices and designated Industrial in the City’s General Plan (City of Monterey 2019). This site has similar transit access as the Project site, with the Route 7 Monterey-Salinas Transit bus providing service along State Route 68 south of the site. Unlike the Project site, this possible alternative site would not be served by the planned SURF! Busway and Bus Rapid Transit Project, which would provide high-quality transit service in Monterey County. While the site would be closer to residents of the city of Monterey, it would be more distant from population centers in Seaside, Marina, and Salinas compared to the Project site. Given the location of this site, it would not have the potential to substantially reduce greenhouse gas emissions impacts or transportation impacts related to vehicular travel demand (VMT) and other impacts would be similar to the proposed Project.

The **Single Courthouse Location site in Greenfield** would be farther on average from the population served by the courthouse and from the residences of employees of the proposed Project, and as a result would not be expected to reduce transportation or greenhouse gas emissions effects. While this site may not be as visible from as many public viewing locations relative to the proposed Project site, a project on this site would still represent a substantial change in visual character, and for these reasons, in addition to the fact that this site would not fulfill the basic project objectives, was dismissed from further consideration.

7.3 Alternatives Analyzed in this EIR

7.3.1 No Project Alternative

The purpose of this alternative is to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. CEQA Guidelines section 15126.6(e) requires consideration of a No Project Alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved. The No Project Alternative assumes that courthouse services would continue at their respective buildings (e.g., Salinas Courthouse would house juvenile dependency case load, Marina Courthouse would house child support case load, and the Monterey County Courthouse would house family law, probate, and civil case types, the Juvenile Courthouse would continue to operate juvenile delinquency case load, and administrative offices would remain at the Gabilan Annex). The No Project Alternative does not include seismic or facility upgrades and/or renovations at existing Monterey Courthouse or other facilities. This alternative does not meet the basic project objectives.

This alternative assumes that although the proposed Project would not be developed, the proposed Project site would be developed with urban uses consistent with the Specific Plan, which was adopted by the City in 2010 (Denise Duffy & Associates 2010). The Specific Plan indicates that the Project site may be developed as a paved surface parking lot with associated urban landscaping to support a proposed nine-story hotel and spa at the southern portion of the Project site and extending into the adjacent parcel.

7.3.2 Alternative 1, Renovation of Existing Courthouses

Alternative 1, Renovation of Existing Courthouses, involves the renovation and reconfiguration of existing courthouse facilities, including the Monterey Courthouse and the Juvenile Courthouse to accommodate, to the extent feasible, the programmatic needs of the court. Building and infrastructure deficiencies that require renovation and reconfiguration are summarized below:

- The Monterey Courthouse, constructed in 1968, is overcrowded (i.e., eight judges share five courtrooms) limiting the court's scheduling options and resulting in operational inefficiencies and delayed access to justice. The building lacks fully separated paths of circulation to securely move in-custody defendants separately from the public and court staff. The facility has aging infrastructure systems and finishes, including some with asbestos. The facility seismic safety rating is in the very high-risk category (FEMA P-154 Seismic Rating) indicating that it does not meet building code requirements related to seismic safety and it does not have a fire suppression system (Judicial Council 2017, Judicial Council 2021). Although the exact details associated with the nature of the seismic retrofits are unknown at this time, substantial excavation around and underneath the building would be required for continued use of the building, including installation of a post-and-pier foundation that would be tied into the existing sidewalls and endwalls.
- The Juvenile Courthouse, constructed in 1960, has an overcrowded screening area, containing a single courtroom that does not meet the program's capacity needs. The hearing room is used for juvenile delinquency case types. The building lacks separate paths of circulation for in-custody defendants, public, judges and staff, and has physical deficiencies including a leaky roof (Judicial Council 2021).
- The Gabilan Annex, constructed in 1961, lacks a suitable layout for secure court operations and due to the Monterey County Sheriff's Office security concerns, the courtroom is no longer used for court

proceedings (Judicial Council 2021). Security concerns of the Monterey County Sheriff's Office are centered around in-custody/inmate movement that put the safety of the officers, the judiciary, staff and the public at risk and require three times the number of officers to transport and manage than any other typical courtroom in the Salinas Courthouse. The building organization and spaces require in-custody/inmate movement through narrow passageways with lack of separation with the judiciary, staff offices, and the public and the lack of in-custody/inmate holding and toilet facilities that cause inmates to be held and moved up a narrow stairway to the second floor in single file with the officer to access non-public toilet facilities. Improvements, if attempted or if possible, would be extensive and include masonry or steel constructed holding areas with sink/toilet combi-units, new and separate inmate circulation from that of the judiciary, staff and the public, addition of fire suppression throughout the entire building, addition of an elevator, accessibility (e.g., Americans with Disabilities Act) upgrades and general building upgrades for current California Building Standards Code (CBC) compliance.

The Gabilan Annex (118 W. Gabilan Street, Salinas) is a leased building. No renovation of the Gabilan Annex will be considered under Alternative 1 due to space limitations and constraints within the approximately 5,800 square foot building, creating exorbitant expense and improvements that are so user specific that the building owner may not allow as they would be required to be removed for any other subsequent tenant's use of the building. The Gabilan Annex is used for administrative office space. Under Alternative 1, the Gabilan Annex will continue to be used solely for administrative space and the court self-help center. The building is incapable of being safely and effectively utilized for Salinas court proceedings.

Under Alternative 1, aging infrastructure at the Monterey Courthouse (1200 Aguajito, Monterey) and the Juvenile Courthouse (1422 Natividad Road, Salinas) would be replaced or upgraded, to the extent feasible, to meet current CBC as well as correct very-high-risk seismic deficiencies to the Monterey Courthouse structural system. This would involve reconfiguration of the building layout, to the extent feasible, so that the facilities would come closer to meeting the Judicial Council program needs, noting that it is not feasible to increase the number of courtrooms to accommodate eight judges. The Monterey Courthouse would require modifications to the exterior façade directly related to the structural system upgrades necessary to mitigate the high-risk seismic deficiencies. As part of the renovation project(s), some or all existing court services and county operations would be impacted by construction. This would result in the need for 'swing space,' or space that would temporarily house court operations and services during construction. Development of swing space may require construction of temporary facilities at an unknown location and/or lengthen the project and construction schedule to accommodate the design and construction of the swing space prior to the start of the Monterey Courthouse renovation. The County of Monterey holds the title for both the Monterey Courthouse and the Juvenile Courthouse. The Judicial Council has no right to renovate these properties, this alternative assumes the cooperation, collaboration, and compensation of the County of Monterey to allow renovation.

The intent of this alternative is for consideration of a project that would reduce potentially significant impacts attributable to the proposed Project. This alternative would meet some of the project objectives, including those related to improving security to the extent feasible, replacing inadequate and obsolete building infrastructure; upgrading facilities (the Monterey Courthouse) to relieve seismic deficiencies. This alternative would not meet objectives related to improving the public's access to justice; enhancement of public service and courthouse operational efficiency by consolidating family law and civil operations; relieve current court space shortfalls and overcrowding; replace operations at non-State-owned facilities; and/or consolidate case load types or optimize the use of other Monterey County court facilities.

As detailed above, under the No Project Alternative, pursuant to CEQA Guidelines section 15126.6(e), the Judicial Council has presented conditions that would be "reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Inclusion of foreseeable conditions is a specific recommendation in the CEQA Guidelines that only pertains to the No Project Alternative, and not other types of alternatives. Since the City has a Specific Plan that contemplates development of the Project site and surrounding lands, the Judicial Council created a scenario consistent with this Specific Plan to represent what is reasonably foreseeable and has included this scenario in the analysis of the relative impacts of the No Project

Alternative. Rather than repeating the scenario presented under the No Project Alternative, and rather than developing another scenario for development of the Project site if the proposed Project is not approved, analysis of the Alternative 1 scenario focuses on the renovations to existing courthouses.

7.3.3 Alternative 2, Reduced New Courthouse Size and Partial Renovation of Existing Facilities

This Alternative would involve reducing the size of the new courthouse and parking lot, as compared to the proposed Project such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms). This Alternative would not replace or consolidate services presently located at the Gabilan Annex, the Marina Courthouse (child support case load), the Salinas Courthouse (juvenile dependency case load), or the Juvenile Courthouse. Instead, the Juvenile Courthouse would be renovated. As discussed above under Alternative 1, the Gabilan Annex is not feasible to renovate. In addition, the Juvenile Courthouse lacks separate paths of circulation for in-custody defendants, public, judges, and staff, as well as physical deficiencies (Judicial Council 2021). The Judicial Council does not hold title for either of these properties and as such has no right to renovate these properties. This alternative assumes the cooperation and collaboration of the appropriate site owners to renovate these sites.

The intent of this alternative is to reduce the size of the new courthouse, specifically the height of the courthouse, reduced from 60 feet in height for a three-story building to 44 feet in height for a two-story building, so that the courthouse would have a reduced impact to the landscape, thereby reducing the potential for adverse impacts to aesthetic resources. The reduced height would be more similar to adjacent two-story retail shopping center buildings that are anticipated for the City of Seaside Project at the Specific Plan area. Additionally, the reduced courthouse size would slightly reduce the associated parking requirements, reducing impacts to aesthetic resources associated with the conversion of the undeveloped site to a developed use.

Furthermore, this alternative may slightly reduce VMT in the near term (or before the area is fully developed), as compared to the proposed Project, because existing daily VMT per service population for the traffic analysis zones that include the Salinas Courthouse and the Marina Courthouse are both higher than the existing regional average, but lower than what is currently shown for the traffic analysis zone that includes the Project site.

This alternative would meet some of the project objectives, including those related to improving security, provide a new, modern and secure courthouse, replacing the obsolete, very-high-risk seismic deficient Monterey courthouse; and avoidance of maintenance expenditures associated with the ongoing use of an older facility: the Monterey Courthouse. This alternative would not address the objective related to space shortfalls and correcting operational inefficiencies since this alternative would be of similar size to the existing Monterey Courthouse which has only five courtrooms to support eight judicial officers as compared to the proposed Project that corrects the deficiency with seven courtrooms for the eight existing judgeships. This alternative would not meet objectives to improve public access to justice and enhancement of public service, nor will it increase courthouse operational efficiency by consolidating family law and civil operations into one location; and/or consolidate case load types or optimize the use of other Monterey County court facilities. This alternative would also not avoid future deferred maintenance associated with the ongoing use of older facilities: Gabilan Annex and the Juvenile Courthouse.

7.4 Alternatives Analysis

This section compares the potential environmental effects of each alternative to the potential environmental effects of proposed Project that are examined in detail in this EIR.

7.4.1 Aesthetics

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development

includes a paved surface parking lot with associated urban landscaping to support a proposed nine-story hotel (up to 108 feet tall) and spa at the southern portion of the Project site and extending into the adjacent parcel. The change from undeveloped open space and removal of stands of Monterey pine and Monterey cypress to accommodate urban development would substantially change the visual character of the Project site from surrounding viewpoints but would be minor in nature as compared to the nine-story hotel contemplated in the Specific Plan. While proposed surface parking would generally not be visible from SR-1 (approximately 940 feet west of the proposed Project site), concealed by intervening tall trees located between the Project site and the highway along SR-1 and 1st Avenue, the nine-story hotel would be visible. Removal of the stands of Monterey pine and Monterey cypress at the Project site, which would be necessary to develop the parking lot, hotel, and spa, would contribute to a degradation of scenic resources from an eligible State and County scenic highway. The level of impact from degradation of visual character, degradation of scenic resources associated with an eligible scenic highway, and nighttime light and glare effects would be increased under the No Project Alternative as compared to the proposed Project because of development of the nine-story hotel, spa and parking lot at the Project site.

In summary, the No Project Alternative would result in an increased level of impacts to aesthetic resources as compared to the proposed Project.

Alternative 1

Under Alternative 1, aging infrastructure at the existing Monterey Courthouse and the Juvenile Courthouse would be replaced or upgraded to meet current CBC standards, along with a seismic retrofit of the Monterey Courthouse structural system. Alternative 1 would also involve renovations to reconfigure the building layout of the Monterey Courthouse and Juvenile Courthouse, to the extent feasible, so that the facilities would come closer to meeting the Judicial Council's program needs. As discussed above, no renovations or reconfigurations of the Gabilan Annex would occur because building deficiencies make these corrections infeasible. The Monterey Courthouse may require modifications to the exterior façade directly related to the structural system upgrades necessary to mitigate the high-risk seismic deficiencies. The Monterey Courthouse sits on a hilltop and is visible in views to the east from the northbound and southbound lanes of SR-1. SR-1 from the Carmel River to the intersection with SR-68 is an officially designated State Scenic Highway (California Department of Transportation 2019). Tall trees are present between the Monterey Courthouse and SR-1; therefore, construction equipment and materials on the ground would not be visible. However, construction work on the upper floors of the Monterey Courthouse associated with seismic retrofitting may be visible to motorists traveling on SR-1, and therefore Alternative 1 could result in a short-term, temporary, less-than-significant degradation of scenic resources along a State Scenic Highway. At the conclusion of construction activities, during courthouse operation, the visual character and quality of the Monterey Courthouse as viewed from SR-1 would be similar to existing conditions. Nighttime lighting and glare at both existing facilities would remain as existing conditions.

Additionally, as described above, Alternative 1 would require construction related to temporary swing space that would house court operations while existing facilities are under renovation. While the location for the temporary swing space and the nature of the associated construction activities are unknown, it is reasonable to assume that construction and operation of a temporary facility could result in temporary impacts to aesthetic resources at that location. Additionally, it could lengthen the duration of construction time, such that temporary impacts to aesthetic resources from construction could be extended, as compared to the proposed Project.

Because, at the conclusion of construction site, conditions for both renovated facilities would be returned to those prior to construction, Alternative 1 would result in a reduced level of impacts to aesthetic resources as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1 and no renovation or reconfiguration of the Gabilan Annex will occur; therefore, the resulting impacts would be the same.

As with the proposed Project, Alternative 2 would include vacating the Monterey Courthouse and moving those operations to a new reduced size (5-courtroom) courthouse at the proposed Project site; however,

the new courthouse would only be 44 feet tall (two stories with shielded mechanical equipment on the roof) as compared to 60 feet tall (three stories with shielded mechanical equipment on the roof) under the proposed Project. Alternative 2 would incrementally reduce the Project's impact to visual character at the Project site, because a two-story 44-foot-tall courthouse would not stand out in the landscape in the same way that the proposed Project's three-story 60-foot-tall courthouse would stand out. The Gabilan Annex and the Juvenile Courthouse are not within the viewshed of a scenic highway or eligible scenic highway. As with the proposed Project, the new courthouse under Alternative 2 would include compliance with the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020), which include requirements related to exterior design and architecture, blending the visual appearance of new buildings with surrounding development, and standards for exterior lighting to ensure that skyglow and nighttime light and glare effects are minimized to the maximum extent practicable. The reduction of new courthouse height and slight reduction of the parking area under Alternative 2, would require similar nighttime lighting as compared to the proposed Project, and the amount of nighttime lighting at the Gabilan Annex and the Juvenile Courthouse would remain as existing conditions.

In summary, Alternative 2 would result in a slightly reduced level of impacts to aesthetic resources as compared to the proposed Project.

7.4.2 Air Quality

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be a paved surface parking lot with associated urban landscaping to support a proposed hotel and spa at the southern portion of the Project site and extending into the adjacent parcel. Construction-related emissions of criteria air pollutants and ozone precursors including reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter equal to or less than 10 micrometers in diameter (PM₁₀), and particulate matter equal to or less than 2.5 micrometers in diameter (PM_{2.5}) under the No Project Alternative would be similar to the proposed Project, as construction would involve site preparation, grading, and paving, and architectural coatings for the construction of a hotel and related surface parking lot at the Project site. As with the proposed Project, there would be no increase in courthouse operations under the No Project Alternative. Future development of the Project site as a hotel and related parking lot would generate long-term operational emissions from vehicle trips to and from the hotel; building, landscaping and maintenance equipment; and off-gassing of ROG emissions from architectural coating maintenance of the hotel and resurfacing and parking lot striping maintenance over time (sources of emissions that would also occur under the proposed Project).

Existing courthouse services would continue at existing facilities, thereby resulting in the continuation of existing operational emissions associated with building operations and employee and visitor trips to and from the respective courthouse facilities. Area and energy source emissions associated with long-term building operations of the existing facilities would be anticipated to be greater than those of the proposed Project, which would be built in accordance with the current more stringent State building codes, designed to achieve Leadership in Energy and Environmental Design (LEED) Silver certification, incorporate solar generation and associated battery energy storage.

Maximum daily construction emissions associated with the hotel and parking under the No Project Alternative would likely be similar or greater to those of the proposed Project. If the building under the No Project Alternative were substantially smaller or bigger in size than that of the proposed Project, the building construction schedule or equipment intensity may vary, accordingly, thereby resulting in slightly lower or higher total construction emissions. Similarly, depending on the hotel size under the No Project Alternative, long-term operational emissions could be greater than the proposed Project. For example, the number of vehicle trips (visitor, employee, and vendor) to and from the site during all-day operations offering 7-days a week could be greater than those of the proposed Project, and building operations and landscaping may require the use of additional landscaping equipment, backup generators, boilers, or other operational equipment, that would result in an increase in long-term operational emissions relative to the proposed Project. In addition, the No Project Alternative may not be designed and operated to

include onsite solar energy production or achieve LEED Silver certification, thereby potentially having increased emissions associated with architectural coatings, area sources, and energy use. However, even with variation, construction and operational related emissions of the No Project Alternative would not be anticipated to exceed the Monterey Bay Air Resources District (MBARD) thresholds of significance, conflict with regional air quality attainment plans, or result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Similar to the proposed Project, due to the dispersive nature of toxic air contaminants (TACs) (e.g., diesel particulate matter [DPM]) and distance to sensitive receptors from the Project site, the No Project Alternative would not likely cause adverse health effects from exposure of sensitive receptors to substantial air pollutant concentrations related to TACs or carbon monoxide hotspots. Construction under the No Project Alternative would not represent a source of objectionable odors because the construction effort is small and therefore a small amount of equipment would be used for a short period, and odors would be temporary and disperse rapidly with distance from the source, such that odors generated by short-term construction would not affect a substantial number of people. During operations, the No Project Alternative could generate odors from cooking associated with the on-site restaurant. However, odors from cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, as previously noted, nuisance odors are regulated under MBARD Regulation 402, Nuisance.

In summary, depending on the details of what could be constructed within the Specific Plan Area, the No Project Alternative could result in a similar level of short-term criteria air pollutant emissions and related air quality impacts as compared to the proposed Project and a similar or greater level of new long-term operational emissions to the region, but generally not achieve the same long-term building energy efficiencies and generation of clean energy as the proposed Project.

Alternative 1

Like the proposed Project, Alternative 1 would result in construction-related emissions of criteria air pollutants and ozone precursors including ROG, NO_x, PM₁₀, and PM_{2.5}, but these emissions would occur at each of the respective existing facilities that would undergo renovations, rather than at a single location. Under Alternative 1, the Juvenile Courthouse would be renovated and reconfigured, involving construction activities, such as site preparation, grading, excavation, building construction and paving for construction. The Gabilan Annex would not be renovated or improved. Seismic retrofitting at the Monterey Courthouse may involve more substantial excavation and foundational construction work, such as drilling to install a post and pier foundation, therefore, requiring more construction equipment and haul trucks. Additionally, temporary swing space required for court operations and services to continue during the renovation work may require additional construction activities that will necessitate construction equipment and haul trucks. Collectively, renovations of the two existing facilities and construction related to temporary swing space under Alternative 1 would result in a similar level of construction-related emissions as the proposed Project, but the generation of these emissions would be spread amongst the two facility locations, and the unknown swing space location, and related vehicle routes to and from these facilities, rather than to a single project site.

The emissions from renovations of the two existing courthouse facilities and construction related to temporary swing space would not exceed the MBARD thresholds of significance, would not conflict with regional air quality attainment plans, and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. Such emissions would be intermittent, temporary, and require limited diesel-powered equipment (the primary TAC of concern from construction activities) and vehicles trips to each respective existing facility, and therefore would not cause adverse health effects from exposure of sensitive receptors to substantial air pollutant concentrations related to TACs. Construction under Alternative 1 may generate intermittent and temporary emissions that would represent a source of objectionable odors from the use of construction equipment; however, because equipment would be used for a short period, and odors would be temporary and disperse rapidly with distance from the sources, such odors generated by short-term construction would not affect a substantial number of people.

As with the proposed Project, there would be no increase in courthouse operations under Alternative 1. Building operational emissions from area and energy sources would be reduced as a result of

renovations, as improvements would be substantial enough to require compliance with current California Building Energy Efficiency Standards and the California Green Building Code. Alternative 1 would not result in population or employment growth.

In summary, Alternative 1 would result in a similar level of short-term criteria air pollutant emissions and related air quality impacts as compared to the proposed Project and would include some renovations that would improve existing building efficiencies and reduce long-term operational emissions compared to existing conditions. However, Alternative 1 would not include the solar generation and battery storage features of the proposed Project. Overall Alternative 1 air quality effects would be similar to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse and no renovation to the Gabilan Annex as discussed above under Alternative 1. Therefore, Alternative 2 would result in the generation of minor level, short-term construction related emissions at the Juvenile Courthouse site. As with Alternative 1, these emissions would not cause adverse health effects from exposure of sensitive receptors to substantial air pollutant concentrations, nor would these activities result in emissions, such as those leading to odors, that would affect a substantial number of people.

Alternative 2 would also include development of the Project site for a new courthouse that would be reduced in size and include a smaller parking area compared to that of the proposed Project. This would result in short-term construction related emissions for the construction of the new courthouse that would be reduced compared to those of the proposed Project; specifically, building construction, paving, and architectural coating emissions, which would occur primarily in years 2027 and 2028, would be reduced. Site preparation, grading, and trenching related emissions may also be reduced since the site footprint would be reduced. Although the generation of construction emissions may vary due to a reduced schedule to construct a smaller new facility than the proposed Project and variation in phasing with renovations of existing facilities, the maximum daily short-term construction-related emissions attributable to the renovation of the Juvenile Courthouse and the reduced size new courthouse contemplated under Alternative 2 would be similar to those of the proposed Project.

Similar to Alternative 1, this Alternative would not result in an increase in courthouse operations from existing conditions. Building operational emissions from area and energy sources associated with the Juvenile Courthouse would be reduced as a result of renovations, as improvements would be substantial enough to require compliance with current California Building Energy Efficiency Standards and the California Green Building Code. Alternative 2 would also include additional building and mobile source operational emissions associated with the reduced size courthouse at the proposed Project site; these emissions would be less than those that would result from operations of the proposed Project. For the same reasons as with the proposed Project, operation of the reduced size courthouse would not result in adverse health effects from exposure of sensitive receptors to substantial air pollutant concentrations, or generate emissions, such as those leading to odors, that would affect a substantial number of people. The overall generation of long-term operational emissions from Alternative 2 would be less than that of the proposed Project due to reduced operational emissions from energy efficiency improvements of the existing Juvenile Courthouse and the reduced size of the proposed new courthouse.

In summary, Alternative 2 would result in a similar level of short-term construction-related emissions and slightly less long-term operational emissions than the proposed Project. Neither construction nor operational emissions would exceed the MBARD thresholds of significance, conflict with regional air quality attainment plans, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. Air quality impacts associated with Alternative 2 would be slightly reduced compared to the proposed Project.

7.4.3 Biological Resources

No Project Alternative

As discussed above, under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan and therefore may be developed as a paved surface parking lot with associated urban landscaping, to support a proposed nine-story hotel and spa at the southern portion of the Project site and extending into the adjacent parcel. The change from undeveloped open space and removal of stands of Monterey pine and Monterey cypress to accommodate urban development would substantially change the existing biological resources of the Project site. Impacts to biological resources would therefore be the same as the proposed Project.

In summary, the No Project Alternative would result in the same level of impacts to biological resources as compared to the proposed Project.

Alternative 1

As discussed above, under Alternative 1, aging building infrastructure at the existing Monterey Courthouse and the Juvenile Courthouse would be replaced or upgraded to meet current CBC standards, along with a seismic retrofit of the structural system at the Monterey Courthouse. No renovation work would be implemented at the Gabilan Annex. The Monterey Courthouse is surrounded by mature tall trees and is adjacent to a creek. If construction associated with a seismic retrofit would include foundation work, trees and or tree roots adjacent to the building may be adversely impacted. Additionally, if construction is conducted during the bird nesting season, it could adversely affect nesting birds utilizing the mature trees or creek area adjacent to the courthouse. The Juvenile Courthouse has adjacent grass and open space, which could support foraging raptors and other special-status bird species. However, no exterior updates would occur; and therefore, no impacts to foraging raptors or other special-status bird species would be anticipated.

In addition, temporary swing space required for court operations and services to continue during the renovation work may require additional construction at an unknown location. Such construction could result in adverse impacts to biological resources and lengthen the duration of construction-related impacts.

For these reasons, Alternative 1 would result in a similar level of impacts to biological resources as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1, and therefore would result in the same biological resource impacts at those locations.

As with the proposed Project, Alternative 2 would include vacating the Monterey Courthouse and moving those operations to a new reduced size courthouse at the Project site. Alternative 2 would include ground disturbance for the construction of the new courthouse; however, the height would be reduced and the size of the parking lot would be slightly reduced.

Because the size of the square footage that would be permanently impacted by the Project would be roughly the same between the proposed Project and Alternative 2 (e.g., reduction of parking would be minor), Alternative 2 would result in a similar level of impacts to biological resources as compared to the proposed Project.

7.4.4 Cultural Resources

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be as a paved surface parking lot with associated urban landscaping to support a proposed hotel and spa

at the southern portion of the Project site and extending into the adjacent parcel. As with the proposed Project, because there are no historical resources at the Project site, no historical resources would be affected by the No Project Alternative, resulting a similar level of impact as compared to the proposed Project.

No known archaeological resources have been documented in the Project site through background research or through field surveys. The No Project Alternative would involve ground disturbance for a proposed hotel building and paved surface parking lot and landscaping improvements and therefore could potentially uncover buried archaeological resources and/or human remains during ground-disturbing activities. Therefore, the No Project Alternative would result in a similar level of impact to potentially buried archaeological resources and/or human remains as compared to the proposed Project.

Alternative 1

Under Alternative 1, the two facilities proposed for renovation are of historic age (45 years and older). Interior alterations to the historic-age Monterey Courthouse may occur in public spaces, such as courtrooms and lobbies, which may be considered character-defining features if the property is identified as a potential historical resource. While Alternative 1 does not propose construction of a new courthouse, interior alterations to the historic-age Juvenile Courthouse would occur to meet the needs of the court and may occur in public spaces, such as the hearing room, which may be considered a character-defining feature if the property is identified as a potential historical resource. In addition, temporary swing space required for court operations and services to continue during the renovation work may require additional construction of temporary facilities that would house these operations. Because the location of such space is unknown, there remains potential that construction associated with swing space could have adverse impacts to a historic resource or building. For these reasons, Alternative 1 would result in an increased level of impact to historical resources as compared to the proposed Project.

Because the Monterey Courthouse and the Juvenile Courthouse are existing facilities, any buried subsurface archaeological materials that may have originally been present were likely destroyed during the construction processes in the 1960s. The proposed upgrades and modernizations would only require minor ground-disturbing activities that would be confined to the same areas where previous disturbance occurred. The seismic retrofit for the Monterey Courthouse, however, could require excavation underneath the existing building for installation of a new or upgraded foundation systems that would be tied into the existing structures and walls. Likewise, construction related to temporary swing space could necessitate ground-disturbing activities. Therefore, previously undisturbed sediments could be encountered, which could contain buried subsurface archaeological materials and/or human remains, resulting in a substantial adverse change in the significance of an archaeological resource. Because archaeological resources and/or human remains could be encountered during the seismic retrofit at the Monterey Courthouse and during construction related to temporary swing space, Alternative 1 would result in a similar level of impacts to previously unknown buried archaeological resources and/or human remains as compared to the proposed Project.

Alternative 2

Because there are no historical resources at the Project site, construction of the smaller courthouse and parking area under Alternative 2 would not affect historical resources. Alternative 2 would result in a similar level of impact to historical resources as compared to the proposed Project.

As with the proposed Project, Alternative 2 would include ground disturbance for the construction of the new courthouse; however, the height would be reduced and the size of the parking lot would be slightly reduced. Because the Juvenile Courthouse are existing facilities, any buried subsurface archaeological materials that may have originally been present were likely destroyed during the construction processes in the 1960s. Furthermore, the proposed upgrade and modernization at the Juvenile Courthouse would only require minor ground-disturbing activities that would be confined to the same areas where previous disturbance occurred. Because the size of the square footage that would be permanently impacted by the Project would be roughly the same between the proposed Project and Alternative 2 (e.g., reduction of parking would be minor), Alternative 2 would result in a similar level of impacts to previously unknown buried archaeological resources and/or human remains as compared to the proposed Project.

7.4.5 Energy

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be a paved surface parking lot with associated urban landscaping to support a proposed hotel and spa at the southern portion of the Project site and extending into the adjacent parcel. Construction activities under the No Project Alternative would be greater than the proposed Project, as building construction would include that of a hotel at the Project site, compared to the proposed Project's three-story building. This increased building intensity would require additional material deliveries, construction equipment, and workers, thereby resulting in greater energy consumption, primarily in the form of gasoline and diesel fuel, as compared to the proposed Project. As with the proposed Project, there would be no increase in courthouse operations under the No Project Alternative. Hotel operations would consume energy resources in the form of fuel for vehicle trips by employees, vendors, and users from traveling and from the site, as well as energy for building operations and maintenance. Operational energy consumption for a nine-story hotel would likely be greater than that of a 3-story government courthouse building. For example, the hotel would operate 24 hours a day and 7 days a week, while the courthouse would have limited work and service hours. In addition, the hotel would require greater heating and cooling and increased water for hotel guest rooms and cleaning and service operations. Therefore, the No Project Alternative would result in greater energy consumption relative to the proposed Project. However, development under No Project Alternative is not anticipated to require any unique and otherwise more energy intensive or unnecessary construction practices than typical construction, and operations are assumed to adhere to State plans and regulations, including the California Building Energy Efficiency Standards and the California Green Building Code. Therefore, similar to the proposed Project, the No Project Alternative would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Alternative 1

Alternative 1 would result in construction-related energy consumption for each of the respective existing facilities that would undergo renovations and for construction-related activities associated with the establishment of temporary swing space. Under Alternative 1, no renovations for the Gabilan Annex would occur. Renovation and reconfiguration of the Juvenile Courthouse would involve construction activities, such as site preparation, grading, excavation, building construction and paving for construction; however, this work would be less than construction work required for the proposed Project. Seismic retrofitting at the Monterey Courthouse may involve more substantial excavation and foundational construction work, such as drilling to install a post and pier foundation, than required for the other two existing facilities; and therefore, may require more construction equipment and haul trucks. Additionally, temporary swing space required for court operations and services to continue during the renovation work may require additional construction activities that will necessitate construction equipment and haul trucks. The development of temporary swing space may extend the duration of the project under Alternative 1. Collectively, renovations of the two existing facilities and construction related to temporary swing space under Alternative 1 would result in a similar or greater level of energy consumption because of construction-related equipment and vehicle use as compared to the proposed Project. While construction methods and equipment employed to undertake the renovations under Alternative 1 would be as efficient as possible to minimize costs and schedule disruptions to courthouse operations at the respective facilities, construction of swing space may lengthen the project schedule to accommodate the design and construction of temporary facilities prior to the start of the Monterey Courthouse renovation.

As with the proposed Project, there would be no increase in courthouse operations under Alternative 1. Operational energy efficiency of the two buildings would be increased as a result of renovations, as improvements would be substantial enough such that improvements would require compliance with current California Building Energy Efficiency Standards and the California Green Building Code. Adherence to such standards and codes would improve the energy efficiency of these facilities relative to their existing conditions. However, operations of these facilities would not likely achieve the same energy efficiencies as the proposed Project, which would incorporate energy efficiency measures from the initial

design stages, including siting and building orientation, through installed systems and operations as a LEED Silver certified building.

While long-term energy efficiency of operations under Alternative 1 may be less than that of the proposed Project, like the proposed Project, Alternative 1 would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse and no renovations to the Gabilan Annex as discussed above under Alternative 1 and would also include development of the proposed Project site for a new reduced size courthouse that would include a slightly smaller parking area compared to that of the proposed Project. This would result in short-term energy consumption for these renovation and construction activities. The construction methods and equipment employed to undertake the renovations under Alternative 2 would be as efficient as possible to minimize costs and schedule disruptions to courthouse operations at the respective facilities. Energy requirements for the reduced size courthouse would be less than that of the proposed Project and would not include unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at a comparable construction site.

Alternative 2 would include building and mobile energy demands associated with the reduced size courthouse at the proposed Project site; due to the reduced size, total energy demands would be less than those that would result from operations of the proposed Project, but the energy efficiency measures incorporated into the design would be comparable to that of the proposed Project.

Therefore, like the proposed Project, Alternative 2 would not result in wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

7.4.6 Geology, Soils, and Paleontological Resources

No Project Alternative

The proposed Project site is situated in a seismically active area. The Reliz Fault and the Chupines Fault Zone, which are approximately 2.1 miles northeast and 2.2 miles southwest of the proposed Project site, respectively, are considered potentially active faults. The active San Gregorio-Palo Colorado and San Andreas Fault Zones are approximately 15 and 20 miles to the west and northeast, respectively. Furthermore, the proposed Project site is composed of unstable Dune Sand deposits. Because the Specific Plan indicates that a surface parking lot with urban landscaping and a nine-story hotel and spa would be developed on the southern portion of the proposed Project site; under the No Project Alternative, impacts to people and structures from hazards associated with strong seismic ground shaking and construction in unstable soils would be similar to the proposed Project.

Although the proposed Project would not be developed under the No Project Alternative, the approximately 5-acre Project site would still be developed with urban uses consistent with the Specific Plan. Suggested development may include a paved parking lot with associated urban landscaping to support a proposed hotel and spa located within the southern portion of the Project site and extending into the adjacent parcel. Therefore, the No Project Alternative would result in a similar level of impact from construction-related soil erosion as compared to the proposed Project.

The proposed Project site is composed of Dune Sand deposits to a depth of at least 51 feet below the ground surface; these deposits are not paleontologically sensitive. Therefore, as with the proposed Project, construction at the Project site with development as indicated in the Specific Plan would have no impact on unique paleontological resources. Therefore, the No Project Alternative would have a similar level of impact from potential damage to, or destruction of unique paleontological resources as compared to the proposed Project.

Alternative 1

As with the proposed Project site, the Gabilan Annex, the Juvenile Courthouse, and the Monterey Courthouse are also located in a seismically active area. The existing Monterey Courthouse is located in Monterey and approximately 0.5 mile from the active Navy Fault to the south and a potentially active strand of the Monterey Bay-Tularcitos Fault to the east (Jennings and Bryant 2010). Although the Monterey Courthouse is not situated within an Alquist-Priolo Earthquake Fault Zone, the existing courthouse is close enough to the above-named faults such that strong seismic ground shaking represents a hazard. The Trial Court Facilities Act specified that seismic evaluations of California court buildings be performed according to procedures developed by the California Department of General Services (DGS), resulting in structures being assigned a seismic risk level ranging from I to VII with risk level I representing the best performance and risk level VII representing the worst performance. The Trial Court Facilities Act specified that a risk level of V to VII represented an “unacceptable seismic safety rating.” (Gov. Code § 70301(l)). In the Seismic Risk Rating of California Superior Court Buildings Report (Rutherford+Chekene 2017), the Monterey Courthouse was evaluated and assigned a risk level of V, establishing it as a FEMA P-154 rated Very-High-Risk seismically deficient building and as such unacceptable seismic safety rating. The Gabilan Annex and the Juvenile Courthouse are located in Salinas and are approximately 12 miles southwest of the active San Andreas Fault Zone (Jennings and Bryant 2010). Although the extent of the seismic retrofits at the Monterey Courthouse are unknown, that site is subject to strong seismic ground shaking, and the Monterey Formation has a low bearing strength and is unstable. Furthermore, the Monterey Courthouse is adjacent to Aguajito Creek, and therefore lateral spreading could represent a hazard. Although the exact details associated with the nature of the seismic retrofits are unknown, substantial excavation around and underneath the building could be required, including the installation of a post-and-pier foundation that would be tied into the existing sidewalls and endwalls. The Monterey Courthouse would be required to undergo a full seismic retrofit under Alternative 1 to correct the assessed seismic deficiency and approve the seismic risk level of the building into an acceptable performance level. No seismic upgrades are expected at either the Gabilan Annex or the Juvenile Courthouse. Similar to the proposed Project, Alternative 1 would represent a less than significant (beneficial) impact in terms of improvements related to seismic safety hazards and risk level at the Monterey Courthouse relative to existing conditions.

Facility upgrades and modernization at the Juvenile Courthouse and the Monterey Courthouse would result in ground-disturbing activities during construction. No upgrades or modernization is planned at the Gabilan Annex under Alternative 1. Construction associated with the development of temporary swing space may result in ground-disturbing activities. Collectively, renovations of the two existing facilities and construction related to the development of temporary swing space would result in a similar level of impact from construction-related soil erosion as compared to the proposed Project.

Based on a review of geologic mapping prepared by Wagner, et al. 2022, the Gabilan Annex is underlain by Holocene-age Floodplain Deposits, the Juvenile Courthouse is underlain by Pleistocene-age Alluvial Fan Deposits (i.e., “Fan Deposits of Chular”), and the Monterey Courthouse is underlain by the Miocene-age Monterey Formation. In order to be considered a fossil, a resource must be more than 11,700 years old. Holocene deposits contain only the remains of extant, modern taxa (if any resources are present), which are not considered “unique” paleontological resources there is no impact on unique paleontological resources. Based on the number of fossil resources recovered in Monterey County and nearby Santa Cruz County from Pleistocene-age Alluvial Fan Deposits and the Monterey Formation (University of California Museum of Paleontology 2022), these formations are of high paleontological sensitivity. Because the Juvenile Courthouse and the Monterey Courthouse sites were previously disturbed during construction of the existing facilities, it is unlikely that any fossils are still present at either site near the surface. If seismic retrofitting at the Monterey Courthouse involves drilling to install a post and pier foundation, native rock materials that could contain intact fossils would be encountered. In contrast, the proposed Project site is composed of Dune Sand deposits which are not paleontologically sensitive. Because ground-disturbing activities associated with the seismic retrofit of the Monterey Courthouse would occur in a paleontologically sensitive rock formation and could encounter and potentially damage or destroy unique paleontological resources, Alternative 1 would have a greater level of impact as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1, and therefore would result in the same geology and paleontological resources impacts and a slight increase in potential soil erosion effects.

Under Alternative 2, because a courthouse building would still be constructed at the Project site, a similar level of impact would occur as compared to the proposed Project related to hazards from strong seismic ground shaking and unstable soils.

Although a slightly smaller area of the proposed Project site would be disturbed under Alternative 2, construction-related activities would also result in soil disturbance at the Juvenile Courthouse. Therefore, overall, Alternative 2 would result in a greater level of impact from the potential for construction-related soil erosion as compared to the proposed Project.

The Dune Sand deposits at the proposed Project site are not paleontologically sensitive. Although the Alluvial Fan deposits at the Juvenile Courthouse are considered to be of high paleontological sensitivity, the proposed renovation and modernization activities at this facility would involve only minor ground-disturbing activities that would be confined to the near-surface soil layers, which were previously disturbed during the original construction of the facility. Therefore, under Alternative 2, construction at the proposed Project site and the Juvenile Courthouse would not damage or destroy unique paleontological resources, and therefore would result in a similar level of impact as compared to the proposed Project.

7.4.7 Greenhouse Gas

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan and would involve ground disturbance related to development of a paved surface parking lot with urban landscaping, and a proposed hotel and spa. Construction of the No Project Alternative would be similar to the proposed Project, which would include the short-term use of construction equipment, as well as construction trucks and worker vehicles. If the building under the No Project Alternative were substantially smaller or bigger in size than the proposed Project, the building construction schedule or equipment intensity may vary from the proposed Project accordingly, thereby resulting in slightly lower or higher total construction emissions. Long-term operational emissions under the No Project Alternative would likely be greater than the proposed Project due to longer operational hours and additional operational demands. For example, the number of vehicle trips (visitor, employee, and vendor) to and from the site during all-day operations offering 7-days a week could be greater than those of the proposed Project and building operations and landscaping may require the use of additional landscaping equipment, backup generators, boilers, or other operational equipment, that would result in an increase in long-term operational emissions relative to the proposed Project. In addition, the No Project Alternative may not be designed and operated to include onsite solar energy production or achieve LEED Silver certification, thereby potentially having increased emissions associated with area sources, water and energy use.

Under the No Project Alternative, existing courthouse services would continue at existing facilities, thereby resulting in the continuation of existing operational GHG emissions associated with building operations and employee and visitor trips to and from the respective courthouse facilities. Energy-related emissions associated with long-term building operations of the existing facilities would be greater than those of the proposed Project, which would be built in accordance with the current, more stringent State building codes, designed to achieve LEED Silver certification, and incorporate solar generation and associated battery energy storage.

In summary, the No Project Alternative would result in similar levels of short-term GHG emissions and a greater level of long-term operational emissions as compared to the proposed Project, resulting from a new hotel and spa and parking lot, and continuing existing court operations that would have higher energy-related emissions compared to the consolidation that would occur under the proposed Project. For these reasons, the No Project Alternative would increase GHG emissions impacts overall compared to the proposed Project.

Alternative 1

Under Alternative 1, aging infrastructure at the existing Juvenile Courthouse and Monterey Courthouse would be replaced or upgraded to meet current State building code standards and no replacements or upgrades would occur at the Gabilan Annex. Additionally, temporary swing space required for court operations and services to continue during the renovation work may require new construction. These activities would result in the generation of GHG emissions from the use of construction equipment and construction vehicle and worker trips to and from the respective buildings and swing space location. Renovation and reconfiguration of the Juvenile Courthouse would involve construction activities, such as site preparation, grading, excavation, building construction, and paving. Seismic retrofitting at the Monterey Courthouse may involve substantial excavation and foundational construction work, such as drilling to install a post and pier foundation. Development associated with temporary swing space may require additional construction activities that will necessitate construction equipment and haul trucks. Collectively, renovations of the two existing facilities and development of swing space under Alternative 1 would result in a similar level of construction-related emissions as the proposed Project.

As with the proposed Project, there would be no increase in courthouse operations under Alternative 1. Operational emissions from building energy consumption and water use would be reduced as a result of renovations to the Monterey Courthouse, as it is likely that improvements would be substantial enough to require compliance, to the extent reasonable and feasible, with current California Building Energy Efficiency Standards and the California Green Building Code. Alternative 1 would not result in new long-term operational GHG emissions and would incorporate some improvements that would align with State plans to improve the energy efficiency of existing buildings. Mobile source GHG emissions would be similar under Alternative 1 as compared to the proposed Project, since under both scenarios the trips associated with court operations are already occurring. However, Alternative 1 would not include the solar generation and battery storage features as provided under the proposed Project. Overall, under Alternative 1, GHG emissions and related impacts would be similar to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1 and therefore would result in the same generation of GHG emissions from equipment and vehicle use during these renovation activities, as well as GHG reductions achieved through improvements to comply with existing California Building Energy Efficiency Standards and the California Green Building Code, to the extent reasonable and feasible. Alternative 2 would also include the construction and operation of a new courthouse at the Project site that is reduced in size compared to the proposed Project. This would require the operation of on-site construction equipment and construction trucks and worker trips traveling to and from the site, but at a slightly reduced intensity compared to the proposed Project. Building construction equipment and material requirements would be reduced due to the reduced two-story courthouse building under Alternative 2 relative to the proposed Project. Overall, short-term construction-related emissions attributable to the renovations and the reduced size courthouse contemplated under Alternative 2 would be similar to those of the proposed Project.

As with the proposed Project, Alternative 2 would not add new services, operations, or employment as compared with existing conditions. Alternative 2 would also include building and mobile source operational GHG emissions associated with the new, but reduced size, courthouse at the proposed Project site; these emissions would be slightly less than those that would result from operations of the proposed Project in the near term. The overall generation of long-term operational emissions from Alternative 2 would be similar to that of the proposed Project.

In summary, Alternative 2 would result in a similar level of short-term construction-related emissions and a similar level of long-term operational emissions to the proposed Project.

7.4.8 Hazards and Hazardous Materials

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan and would involve ground

disturbance related to development of a paved surface parking lot with urban landscaping, and a proposed hotel and spa. As discussed in Section 4.6, Hazards and Hazardous Materials, a limited soil environmental assessment was performed for the proposed Project site and all soil samples were below their respective Tier 1 Environmental Screening Level and California Department of Toxic Substances Control screening levels thus indicating soils may be disposed of at an off-site disposal or recycling facility as non-hazardous material or could be reused on Site (Kleinfelder 2022b). The assessment noted that if potentially impacted soil is discovered during the course of excavation or grading, additional soil sampling should be performed (Kleinfelder 2022b). In the unlikely event that impacted soil is discovered during the course of excavation or grading and construction activities inadvertently disperse contaminated material into the environment, creating a potentially significant environmental or health hazard, the No Project Alternative would be subject to the comprehensive regulatory framework that has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials.

Similar to the proposed Project, the No Project Alternative would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan. Therefore, the No Project Alternative would result in a similar level of impact related to hazards and hazardous materials as compared to the proposed Project.

Alternative 1

Under Alternative 1, aging infrastructure at existing Juvenile Courthouse and the Monterey Courthouse would be replaced or upgraded to meet current CBC standards, to the extent reasonable and feasible. This would involve reconfiguration of the building layout so that facilities would meet Judicial Council program needs, along with a seismic retrofit at the Monterey Courthouse. No replacements or upgrades are planned at the Gabilan Annex. These two facilities were originally constructed during the 1960s, and building materials used during this time period often contained asbestos-containing materials, lead-based paint, or polychlorinated biphenyls (e.g., florescent lighting), or other known hazardous materials. If improperly handled, these materials would pose a risk to the environment and public. Additionally, temporary swing space required for court operations and services to continue during the renovation work may require new construction. Renovations would use limited quantities of certain hazardous materials such as paints, solvents, and glues. Renovation of the two existing facilities and construction associated with temporary swing space could potentially expose construction workers and the public to hazardous conditions through the disturbance or improper handling and/or disposal of hazardous building materials.

Renovations and use of hazardous material during new construction under Alternative 1 would be subject to the comprehensive regulatory framework that has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials. Federal and State regulations require adherence to specific guidelines independent of the CEQA process regarding the use, transportation, disposal, and accidental release of hazardous materials, including hazardous building materials, as described in the "Regulatory Setting" section of Section 4.6, Hazards and Hazardous Materials. As with the proposed Project site, the Juvenile Courthouse is not located in or near a State fire responsibility area or a very high wildfire hazard area. The Monterey Courthouse is approximately 0.3 mile north and northwest, respectively, from very high fire hazard areas within a local responsibility area (California Department of Forestry and Fire Protection 2022). However, construction equipment would be equipped with spark arrestors as required by local codes and ordinances, and facility operation would not change from existing conditions. Therefore, the seismic retrofit and facility upgrades and modernizations would not exacerbate existing fire hazards or create or increase the potential for new wildland fire hazards. Although the Monterey Courthouse is approximately one mile west of the Monterey Regional Airport, the courthouse is not situated within the airport noise contours (Monterey Peninsula Airport District 2008). Construction work at the Juvenile Courthouse would be approximately 2.2 miles northwest of Salinas Municipal Airport and not within the airport noise contours (Salinas Community Development Department 1982). Therefore, similar to the proposed Project, under Alternative 1 construction workers would not be exposed to excessive aircraft noise, and the proposed retrofit and upgrades to the facilities would not create new airport hazards.

While Alternative 1 would involve renovations and a greater potential for exposure to hazardous materials during construction work on existing buildings containing hazardous building materials (e.g., asbestos-containing materials, lead-based paint, or polychlorinated biphenyls) as compared to the proposed

Project, with proper handling and adherence to existing regulations, the potential for significant impacts of Alternative 1 related to hazards and hazardous materials would be similar to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1 and therefore would result in the same potential impacts related to exposure to hazardous building materials as discussed under Alternative 1.

Alternative 2 would involve reducing the size of the new courthouse and slightly reducing the parking lot, such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms). Similar to the proposed Project, Alternative 2 would have no impact on airport or wildfire hazards and would not impair implementation of an emergency response or evacuation plan from either the reduced size courthouse at the Project site or the upgrades and modernizations at the Juvenile Courthouse.

Alternative 2 would be subject to the comprehensive regulatory framework that has been promulgated to reduce the risks associated with use, transport, and disposal of hazardous materials. Similarly, any hazardous building materials that would be disturbed or removed as part of the renovations at the Juvenile Courthouse would be subject to federal and State regulations, as described for the proposed Project. While Alternative 2 would involve renovations and a greater potential for exposure to hazardous materials during construction work on existing buildings containing hazardous building materials (e.g., asbestos-containing materials, lead-based paint, or polychlorinated biphenyls) as compared to the proposed Project, with proper handling and adherence to existing regulations, the potential for significant impacts of Alternative 2 would be similar to the proposed Project.

7.4.9 Hydrology and Water Quality

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be a paved parking lot with urban landscaping to support a proposed hotel and spa at the southern portion of the proposed Project site and extending into the adjacent parcel. Construction and operation of the parking lot and hotel envisioned under the Specific Plan would result in a similar potential for construction- and operation-related violation of water quality standards or waste discharge requirements that could substantially degrade surface or ground water quality as compared to the proposed Project.

Paving of the 5-acre proposed Project site for the parking lot and construction of portions of the hotel and spa buildings contemplated in the Specific Plan would result in approximately the same loss of permeable surfaces that currently provide groundwater recharge as compared to the proposed Project. Similar to the development of a new courthouse, development of a new nine-story hotel and spa would result in an increase in demand for groundwater related to operation needs for potable water. Overall, the No Project Alternative would result in a similar or greater level of impact related to groundwater sustainability and the potential to conflict with or obstruct implementation of a sustainable groundwater management plan as compared to the proposed Project.

Under the No Project Alternative, construction within the 5-acre proposed Project site for the parking lot and portion of the hotel and spa buildings contemplated in the Specific Plan would result in a similar potential for alterations in the site topography associated with grading, and the same resulting potential for construction- and operation-related water quality impacts as compared to the proposed Project. Similarly, under the No Project Alternative, operation of the 5-acre parking lot, hotel and spa contemplated under the Specific Plan would result in a similar potential for exceedance of stormwater drainage systems, and subsequent flooding and water quality degradation, as compared to the proposed Project. The No Project Alternative would also result in a similar potential to conflict with or obstruct implementation of a water quality control plan as compared to the proposed Project because the same amount of land would be developed.

Alternative 1

The proposed Project site and the Monterey Courthouse are in the Monterey Bay Watershed, while the Juvenile Courthouse is in the Salinas Watershed. Construction activities associated with seismic retrofits and modernizations and upgrades at the Juvenile Courthouse and the Monterey Courthouse, as well as development of temporary swing space required for operations to continue during the renovation work, could result in soil disturbance that could increase the potential for erosion, downstream sediment transport, and degradation of water quality. While the improvements to existing buildings would involve a reduced level of soil disturbance, as compared to the proposed Project; construction activities associated with temporary swing space may involve levels of soil disturbance that are similar to the proposed Project.

The Monterey Courthouse is adjacent to Aguajito Creek, and the Juvenile Courthouse is approximately 0.25-mile northwest of Gabilan Creek; thus, there is a potential for off-site sediment transport during construction that could degrade water quality in these receiving water bodies. While renovation work would involve a smaller area of land that would be subject to construction-related soil erosion and sediment transport (i.e., limited construction-related soil disturbance at the Juvenile Courthouse and the Monterey Courthouse), construction activities associated with temporary swing space may involve levels of soil disturbance that are similar to the proposed Project. For this reason, Alternative 1 would have a similar level of impact from construction-related violation of water quality standards or waste discharge requirements that could substantially degrade surface or ground water quality, and a similar construction-related potential to conflict with or obstruct implementation of a water quality control plan as compared to the proposed Project.

Because a new courthouse would not be developed under Alternative 1, there would be no increase in demand for groundwater for use as potable water or landscape irrigation water, and there would be no increase in the amount of impervious surfaces that could restrict the amount of infiltration to groundwater. Alternative 1 would involve development of swing space that would temporarily shift court services to an alternative location requiring potable water. The seismic retrofits and modernizations and upgrades at the Juvenile Courthouse and the Monterey Courthouse would not substantially increase the amount of existing impervious surfaces. Facility improvements and temporary swing space would not increase the number of staff or visitors, and therefore would not require additional groundwater for potable water use. Therefore, Alternative 1 would result in a similar level of impact related to groundwater sustainability and the potential to conflict with or obstruct implementation of a sustainable groundwater management plan as compared to the proposed Project.

As compared to the proposed Project, development related to temporary swing space would have similar potential to result in operation-related exceedance of stormwater drainage systems, or subsequent flooding and water quality degradation. However, these impacts are considered temporary and would only persist through the duration of construction when this space is required to house court operations. The Juvenile Courthouse and the Monterey Courthouse have existing drainage systems that would continue to be used once the facility is under operation. Therefore, overall, Alternative 1 would have a reduced potential for operation-related water quality impacts, exceedance of drainage systems, and flooding; and a reduced operation-related potential to conflict with or obstruct implementation of a water quality control plan as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1, and therefore would result in the same hydrology and water quality impacts.

Although a slightly smaller area of the proposed Project site would be disturbed under Alternative 2, construction-related activities would also result in limited soil disturbance at the Juvenile Courthouse. Impacts under Alternative 2 from construction-related violation of water quality standards or waste discharge requirements that could substantially degrade surface or ground water quality, and changes in topography from grading activities that could result in construction-related water quality impacts, would be similar to the proposed Project.

Under Alternative 2, the number of courtrooms within the new courthouse would be reduced, however this reduction of size would primarily reduce the height of the facility and would only incrementally reduce the square footage such that the number of operational staff and visitors and corresponding amount of groundwater that would be required for potable water use would be the same as the proposed Project. The modernizations and upgrades at the Juvenile Courthouse would not substantially increase the amount of impervious surfaces and would not require additional groundwater for potable water supply. Therefore, as compared to the proposed Project Alternative 2 would have a similar level of impact related to groundwater sustainability.

Alternative 2 would involve a slightly smaller area of development at the proposed Project site, therefore the amount of impervious surfaces would be slightly reduced, and therefore, Alternative 2 would have a corresponding slight reduction in operation-related stormwater runoff. Under Alternative 2, the existing stormwater drainage systems at the Gabilan Annex and the Juvenile Courthouse would continue to be used for facility operation. As compared to the proposed Project, Alternative 2 would have a similar potential for operation-related water quality impacts, exceedance of drainage systems, and flooding.

7.4.10 Noise and Vibration

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may include a paved parking lot and associated urban landscaping to support a proposed hotel and spa – a portion of which would be on the southern portion of the proposed Project site, extending into the adjacent property to the south. Similar to the proposed Project, construction activities associated with grading and building construction could expose sensitive receptors to noise levels in excess of the applicable noise standards and/or result in a noticeable increase in ambient noise levels. Under the No Project Alternative, there could be an increase in stationary noise (e.g., heating, ventilation and air conditioning equipment) associated with the development of the nine-story hotel and spa. As with the proposed Project, construction of the parking lot, hotel, and spa would result in short-term, construction-related noise and vibration impacts. As with the proposed Project, development of the Project site under the No Project Alternative for a surface parking lot and adjacent hotel and spa would add vehicular traffic to the vicinity and similar levels of associated transportation noise. Overall, the impact would be slightly increased when compared with the proposed Project.

Alternative 1

Under Alternative 1, aging infrastructure at the Juvenile Courthouse and the Monterey Courthouse would be replaced or upgraded to meet current CBC standards. This would involve reconfiguration of the building layout, to the extent feasible, so that facilities would meet Judicial Council program needs, along with a seismic retrofit at the Monterey Courthouse. No replacements or upgrades are planned at the Gabilan Annex. As part of the renovation project, some or all existing court services would be shut down and County operations may be impacted intermittently during construction. Under Alternative 1, construction-related noise associated with the seismic retrofit at the Monterey Courthouse could be similar to construction noise at the proposed Project site. The nearest sensitive receptors consist of private residences approximately 400 feet to the east and 400 feet to the south of the Monterey Courthouse. Noise from localized point sources (such as construction sites) typically decreases with each doubling of distance from the source to the receptor. However, short-term temporary construction noise at the Monterey Courthouse could still expose nearby sensitive receptors to a substantial temporary increase in ambient noise levels. Additionally, Alternative 1 may require the development and temporary use of swing space, requiring construction-related noise and temporary operation-related noise in the vicinity of this swing space with the potential to expose nearby sensitive receptors to a substantial temporary increase in ambient noise levels.

Construction work at the Juvenile Courthouse would occur across the street from the Natividad Hospital, at a distance of 75 to 150 feet depending on the location of the staging area. Therefore, sensitive receptors at the hospital would be exposed to short-term temporary elevated noise levels. While the majority of the renovation and improvements would be within the interior of the building, renovation and

modernization improvements would necessitate the use of construction equipment. Therefore, Alternative 1 would have a greater potential to expose sensitive receptors to construction noise levels in excess of the applicable noise standards and/or result in a noticeable increase in construction-related ambient noise levels as compared to the proposed Project.

Although the Monterey Courthouse is approximately one mile west of the Monterey Regional Airport, the courthouse is not situated within the airport noise contours (Monterey Peninsula Airport District 2008). Furthermore, the primary aircraft approach and departure routes are northeast of the courthouse, extending in a line from the airport runways out over Monterey Bay. Construction work at the Juvenile Courthouse would be approximately 2.2 miles northwest of Salinas Municipal Airport and is not within the airport noise contours (Salinas Community Development Department 1982). Therefore, similar to the proposed Project, under Alternative 1 construction workers would not be exposed to excessive aircraft noise. After completion of renovations, ongoing operations would continue at the facilities, similar to existing conditions, and there would likely be no permanent noticeable increase in ambient noise levels under Alternative 1. Therefore, Alternative 1 would have a similar level of operational impact related to noise and vibration as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1 and no replacements or upgrades at the Gabilan Annex, and therefore would result in the same noise and vibration impacts.

Alternative 2 would involve reducing the height of the new courthouse and slightly reducing the size of the square footage of the courthouse, including a slight reduction of the parking lot, such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms). However, the number and types of construction equipment at the Project site would be similar to the proposed Project, resulting in similar construction-related noise. Furthermore, construction-related noise associated with renovations and upgrades at the Juvenile Courthouse would also subject sensitive receptors near those facilities to elevated construction-related noise. Therefore, Alternative 2 would result in a greater level of construction-related noise impacts as compared to the proposed Project. Even with the slightly reduced size of the courthouse and paved parking lot, the same level of operational impacts associated with noise and vibration would occur at the proposed Project site. There would be no noticeable change in operational source noise after the Juvenile Courthouse is renovated. Therefore, Alternative 2 would result in a similar level of operational impacts associated with noise and vibration as compared to the proposed Project.

7.4.11 Public Services

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may include a paved parking lot and associated urban landscaping to support a proposed hotel and spa at the southern portion of the proposed Project site and extending into the adjacent parcel.

The No Project Alternative would involve development of a nine-story hotel and spa, and therefore has the potential to increase the population as a result of temporary housing and/or new employment opportunities. In addition, the No Project Alternative would include new structures on the Project site that would require fire protection services. As compared to the proposed Project, the No Project Alternative would have an increased level of impact related to construction of new or expanded fire protection facilities that could result in a physical environmental effect.

Alternative 1

Under Alternative 1, aging infrastructure at the existing Juvenile Courthouse and the Monterey Courthouse would be replaced or upgraded, to the extent feasible, to meet current CBC standards and the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020). Renovation and reconfiguration work at these two facility locations would not impact the need for increased fire protection services. However, depending on the location and nature of construction required for the development of

temporary swing space that would house court services during construction, Alternative 1 could result in the potential for temporary impacts to fire protection services. For this reason, Alternative 1 could have a similar level of impact related to construction of new or expanded fire protection facilities that could result in a physical environmental effect as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse; and as discussed above under Alternative 1, renovation and improvements would not impact the need for increased fire protection services.

As with the proposed Project, Alternative 2 would include vacating the Monterey Courthouse and moving those operations to a new courthouse at the proposed Project site. However, Alternative 2 would involve reducing the size of the new courthouse and parking lot such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms). In March of 2022, the Seaside City Council approved conceptual designs for a new fire station at the corner of Gigling Road and 1st Avenue, approximately 2,000 feet south of the proposed Project site (Monterey County Weekly 2022). Construction of a new fire station at this location would provide appropriate response times, personnel, and equipment to serve the proposed Project and development in the surrounding area. Similar to the proposed Project, Alternative 2 would incorporate the California Fire Code standards, California Health and Safety Code standards, federal Occupational Safety and Health Administration requirements into the Project design to address emergency access and finished surfaces for firefighting equipment; fire hydrant placement and sufficiency of fire hydrants; and fire flow availability, as well as the Judicial Council's *California Trial Court Facilities Standards* (Judicial Council 2020). Incorporation of all required standards would reduce the dependence on fire department equipment and personnel by reducing fire hazards. Furthermore, under Alternative 2, interior fire protection would be improved at the Juvenile Courthouse during facility renovations and upgrades. Thus, Alternative 2 would have the same level of impact related to construction of new or expanded fire protection facilities that could result in a physical environmental effect as compared to the proposed Project.

7.4.12 Transportation

No Project Alternative

The No Project Alternative assumes that courthouse services would continue at their respective buildings and the proposed Project site would be developed with urban uses consistent with the Specific Plan, which suggests development of the Project site may be a paved parking lot and associated urban landscaping to support a hotel and spa at the southern portion of the Project site and extending into the adjacent parcel.

Regarding conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, just as with the proposed Project, if the No Project were pursued by the Judicial Council, local policies would not apply. The Judicial Council's *California Trial Court Facilities Standards*, Judicial Council Standards Best Practices include the intent to, "[d]evelop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities" (Judicial Council 2020). Since the existing facilities would operate essentially as they do today, under the No Project Alternative, there would be no opportunity to improve existing conditions as they relate to public transit access or pedestrian friendliness other than what may be planned and executed by other agencies making improvements in the vicinity of the existing court facilities. The impact would be similar to that anticipated for the proposed Project.

Regarding conflicts with CEQA Guidelines section 15064.3(b) and vehicular travel demand (analyzed as VMT), under the No Project, travel demand associated with court would not change substantially compared to existing conditions for the existing court facilities. If the Specific Plan were implemented, and the proposed Project site developed as a paved surface parking lot to support a hotel and spa at the southern portion of the Project site, this would generate vehicular travel to the Project site. Since the No Project Alternative would involve maintaining existing facilities and operations and could also involve development of the proposed Project site for a parking lot and adjacent hotel and spa, the No Project Alternative would increase VMT compared with the proposed Project.

With regard to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections), there would be no substantial change to existing conditions under the No Project Alternative. The impact would be similar to the proposed Project.

With regard to inadequate emergency access, there would be no substantial change to existing conditions under the No Project Alternative. The impact would be similar to the proposed Project.

Alternative 1

Alternative 1 involves some renovation and continued use of existing facilities. Regarding conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, just as with the proposed Project, if Alternative 1 were pursued by the Judicial Council, local policies would not apply. As noted under the discussion of the No Project Alternative, under Alternative 1 also, there would be little opportunity for the Judicial Council to improve existing conditions as they relate to public transit access or pedestrian friendliness to meet the intent of the Judicial Council's *California Trial Court Facilities Standards*. The impact would be similar to the proposed Project.

Regarding conflicts with CEQA Guidelines section 15064.3(b) and VMT, similar to the No Project Alternative, under Alternative 1, travel demand would not change substantially compared to existing conditions since neither the proposed Project nor Alternative 1 include an expansion of operations, services, or employment. Under Alternative 1, operations would continue at the Monterey Courthouse, the Juvenile Courthouse, and the Gabilan Annex – since these locations have lower VMT per service population compared to the proposed Project site, VMT under Alternative 1 could be slightly lower than the proposed Project. However, since Alternative 1 would require temporary use of swing space during the renovation of the Monterey Courthouse, depending on the location of this swing space, this could increase or decrease VMT compared to ongoing use of the Monterey Courthouse or relocation of operations at the Monterey Courthouse to the Project site, as under the proposed Project.

With regard to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections), there would be no substantial change to existing conditions under Alternative 1. The impact would be similar to the proposed Project.

With regard to inadequate emergency access, there would be no substantial change to existing conditions under Alternative 1. The impact would be similar to the proposed Project.

Alternative 2

Under Alternative 2, the new courthouse would provide five rather than seven new courtrooms and would not consolidate any services currently located at the Salinas Courthouse (juvenile dependency case load) and the Marina Courthouse (child support caseload). Regarding conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, local policies do not apply to the Judicial Council.

Regarding conflicts with CEQA Guidelines section 15064.3(b) and VMT, Alternative 2 would involve employee commute trips and visitor trips to the Gabilan Annex, the Juvenile Courthouse, and a new courthouse facility at the proposed Project site. As with the proposed Project, Alternative 2 would essentially reroute existing trips, though under Alternative 2, this would involve rerouting of a fewer number of trips since operations at the Gabilan Annex, the Salinas Courthouse, the Marina Courthouse, and the Juvenile Courthouse would not change under this scenario. Shifting court facilities from the Monterey Courthouse to the proposed Project site would locate these facilities closer to the population centers of the county of Salinas, Marina, and for some residents of Seaside. Some of those that would choose to drive to the new courthouse facility at the proposed Project site under Alternative 2 could have shorter trips, while residents of the city of Monterey would have longer vehicular trips. However, under existing conditions, transit service in Monterey in the vicinity of the existing courthouse is more developed, providing more employees and visitors to the existing courthouse the ability to use public transit. Due to the undeveloped nature of the proposed Project site and mostly undeveloped nature of the surroundings, the Association of Monterey Bay Area Governments Regional Travel Demand Model shows a very high existing VMT per service population for the traffic analysis zone that includes the Project site (54), while the traffic analysis zone that includes the existing courthouse in Monterey has a relatively low

VMT per service population of approximately 14, which is below the existing regional daily VMT per service population of 15. The existing daily VMT per service population for the traffic analysis zones that include the Salinas Courthouse and the Marina Courthouse are both higher than the existing regional average, but lower than what is currently shown for the traffic analysis zone that includes the proposed Project site.¹ Therefore, moving fewer operations from those existing facilities to the Project site may reduce VMT in the near-term compared to the proposed Project. The impact would be reduced when compared with the proposed Project.

With regard to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections), there would be no change to the Gabilan Annex or Juvenile Courthouse. With respect to the development of a smaller courthouse at the proposed Project site, the same driveway configuration could be used and the same site distances could be provided, with appropriate management of vegetation on the north side of the site to ensure adequate site distance. The impact would be similar to the proposed Project.

With regard to inadequate emergency access, there would be no change to the Gabilan Annex or Juvenile Courthouse. With respect to the development of a smaller courthouse at the proposed Project site, the same multiple access points to the surrounding transportation network could be provided as proposed under the Project. The existing transportation network in the vicinity of the proposed Project site provides access to the north, south, east, and west. There is connectivity with a hierarchy of transportation facilities serving the city of Seaside, city of Marina, and unincorporated Monterey County. Emergency vehicles, such as ambulances, would be able to gain access on-site as needed under Alternative 2. The impact would be similar to the proposed Project.

7.4.13 Tribal Cultural Resources

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be a paved surface parking lot with associated urban landscaping to support a proposed hotel and spa at the southern portion of the Project site and extending into the adjacent parcel. Although no tribal archaeological resources are known to exist within the proposed Project site or 0.25-mile radius, it is possible that previously undiscovered tribal cultural resources (TCRs) could be inadvertently exposed during ground-disturbing activities associated with the Specific Plan.

In summary, the No Project Alternative would involve ground disturbance for improvements and could result in a similar level of impact to previously unknown TCRs as compared to the proposed Project.

Alternative 1

Under Alternative 1, a seismic retrofit would occur at the Monterey Courthouse, along with a variety of upgrades and modernizations at the Monterey Courthouse and the Juvenile Courthouse. The potential for TCRs to be present at the Monterey Courthouse and the Juvenile Courthouse is unlikely given these facilities were developed in the 1960s and other urban development is present throughout the areas surrounding both facilities. At the Juvenile Courthouse urban development and ground-disturbing activities are not anticipated. In addition, temporary swing space required for court operations and services to continue during the renovation work may require additional construction of temporary facilities that would house these operations. Because the seismic retrofit for the Monterey Courthouse could require excavation underneath the existing building and development of temporary swing space could require excavation at the site of development; previously unknown TCRs could be encountered. For these reasons, Alternative 1 would result in a similar level of impact to previously unknown TCRs as compared to the proposed Project.

¹ For context, the existing VMT per service population for the area including the Gabilan Annex is 21 and this same figure for the Juvenile Courthouse is 20.

Alternative 2

As with the proposed Project, Alternative 2 would include ground disturbance for the construction of the new courthouse and a slightly reduced parking lot. The reduction of parking lot size would only very slightly reduce the square footage such that the potential to encounter TCRs within the Alternative 2 project footprint would be similar to that of the proposed Project. As described above, the potential to encounter TCRs at the Juvenile Courthouse is unlikely. In summary, overall, Alternative 2 would result in a similar level of impact to TCRs as compared to the proposed Project.

7.4.14 Utilities and Service Systems

No Project Alternative

Under the No Project Alternative, the proposed Project would not be implemented; however, the Project site would be developed with urban uses consistent with the Specific Plan. Suggested development may be a paved parking lot and associated urban landscaping to support a proposed hotel and spa at the southern portion of the proposed Project site and extending into the adjacent parcel.

Similar to the proposed Project, sufficient groundwater supplies to serve the No Project Alternative, in addition to existing and planned development, would be available under normal, single-dry, and multiple-dry years. Water demands for the Specific Plan area, including the proposed Project site were accounted for in the Marina Coast Water District (MCWD) 2020 Urban Water Management Plan (UWMP) (Schaaf & Wheeler 2021). As with the proposed Project, the Specific Plan includes policies requiring installation of a separate recycled water system for landscape irrigation so that recycled water could be used in the future (Denise Duffy & Associates 2010). Therefore, the No Project Alternative would have a similar level of impact related to water supply demand as compared to the proposed Project.

Under the No Project Alternative, operation of the 5-acre Project site as a paved parking lot, urban landscaping and hotel and spa as contemplated under the Specific Plan would generate wastewater. According to the MCWD Sewer Master Plan, non-residential land uses such as hotels return approximately 95 percent of the water demand to the sewer system (AKEL Engineering Group 2020) compared to 85 percent for the proposed Project. Therefore, the No Project Alternative would have a greater level of impact related to demand for wastewater treatment as compared to the proposed Project.

Similar to the proposed Project, the No Project Alternative would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals or other federal, State, and local management and reduction status and regulations. The No Project Alternative would comply with all applicable solid waste statutes and regulations, including the California Green Building Standards Code (CALGreen Code). Similar to the proposed Project, under the No Project Alternative, site clearing would occur at the proposed Project site and there would be generation of various construction-related waste. In addition, construction of a nine-story hotel and spa would result in the generation of operational-related solid waste. Because the nine-story hotel and spa have more employees, visitors, and guests, the No Project Alternative would have a greater level of impact related to solid waste as compared to the proposed Project.

Alternative 1

Under Alternative 1, aging infrastructure at the Juvenile Courthouse and the Monterey Courthouse would be replaced or upgraded, to the extent feasible, to meet current CBC standards. This would involve reconfiguration of the building layout, to the extent feasible, so that facilities would come closer to meeting Judicial Council program needs. A seismic retrofit of the Monterey Courthouse's structural system will additionally be performed. Additionally, temporary swing space required for court operations and services to continue during the renovation work may require additional construction of temporary facilities that would house these operations.

Similar to the proposed Project, sufficient groundwater supplies to serve Alternative 1, in addition to existing and planned development, would be available under normal, single-dry, and multiple-dry years. After completion of renovations at the Juvenile Courthouse and the Monterey Courthouse, ongoing operations would continue at the facilities and would not require additional groundwater for potable water supply. Under Alternative 1, development of swing space may result in a temporary increase in demand

for potable water supplies. Therefore, Alternative 1 would have a similar level of impact related to water supply demand as compared to the proposed Project.

Because ongoing operations would continue at the Gabilan Annex, the Juvenile Courthouse, and the Monterey Courthouse similar to existing conditions, there would be no increased generation of wastewater requiring treatment at the Regional Treatment Plant. Therefore, Alternative 1 would have a reduced level of impact related to demand for wastewater treatment as compared to the proposed Project.

Similar to the proposed Project, Alternative 1 would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals or other federal, State, and local management and reduction status and regulations. After completion of renovations at the Juvenile Courthouse and the Monterey Courthouse, ongoing operations would continue at the facilities similar to existing conditions, and there would be no increased generation of solid waste. The facility upgrades and modernizations under Alternative 1 would also comply with all applicable solid waste statutes and regulations, including CALGreen. Therefore, Alternative 1 would have a reduced level of impact related to solid waste as compared to the proposed Project.

Alternative 2

Alternative 2 would include the same renovations and improvements to the Juvenile Courthouse as discussed above under Alternative 1, and therefore would result in the same impacts associated with groundwater demand for water supply, wastewater generation and treatment, and generation of solid waste.

Similar to the proposed Project, sufficient groundwater supplies to serve Alternative 2, in addition to existing and planned development, would be available under normal, single-dry, and multiple-dry years. However, under Alternative 2, the size of the new courthouse would be reduced, particularly the courthouse height would be reduced, and the parking and project site would only be slightly reduced, such that it would replace only the existing Monterey Courthouse (e.g., five courtrooms). As compared to the proposed Project, Alternative 2 would require approximately the same number of staff, and therefore, the same amount of groundwater supply demand required for potable water use. Because the proposed upgrades and modernization at the Juvenile Courthouse would not increase the number of operational staff or visitors, operation of the facility would not result in an increased water supply demand. Therefore, Alternative 2 would have a similar level of impact related to water supply demand as compared to the proposed Project.

Similar to the proposed Project, Monterey One Water's Regional Treatment Plant would have adequate capacity to serve Alternative 2's demand for wastewater treatment, in addition to its existing commitments. Wastewater generation and treatment needs from operation of the renovated Juvenile Courthouse would not change. Therefore, Alternative 2 would have a similar level of impact related to demand for wastewater treatment as compared to the proposed Project.

Similar to the proposed Project, operation of the renovated facilities and new reduced size courthouse under Alternative 2 would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reductions goals or other federal, State, and local management and reduction status and regulations. Construction associated with the upgrades and modernizations at the Juvenile Courthouse and the new reduced size courthouse under Alternative 2 would also comply with all applicable solid waste statutes and regulations, including CALGreen. However, under Alternative 2, the size of the courthouse at the Project site would be slightly reduced, thereby reducing the amount of various construction-related waste. Therefore, Alternative 2 would have a slightly reduced level of impact related to solid waste as compared to the proposed Project.

7.5 Environmentally Superior Alternative

CEQA Guidelines require that an EIR identify the environmental superior alternative (Section 15126.6 (e)(2)). If the environmentally superior alternative is the “No Project” Alternative, the EIR must identify an environmentally superior alternative from among the other alternatives.

From the alternatives evaluated in this EIR, the environmentally superior alternative would be Alternative 2 (the Reduced New Courthouse Size and Partial Renovation of Existing Facilities Alternative). As compared to the proposed Project, this alternative was determined to result in slightly reduced adverse impacts for several environmental resource topics, including reductions in impacts to aesthetics, long-term operational emissions (air quality), transportation, and energy. These reductions are generally attributed to the reduction in size of the new courthouse under Alternative 2, specifically the reduction of the courthouse height. As compared to the proposed Project, Alternative 2 would result in greater impacts to geology, soils, and paleontological resources, and impacts related to noise. All other environmental resource topic areas were determined to have a similar level of impact, as compared to the proposed Project.

As discussed above under Section 7.3.2, while this alternative is the environmentally superior alternative and would meet some of the project objectives, including those related to improving security to the extent feasible, replacing inadequate and obsolete building infrastructure, and upgrading facilities (the Monterey Courthouse) to relieve seismic deficiencies. This alternative would not meet objectives related to improving the public’s access to justice, enhancement of public service and courthouse operational efficiency by consolidating family law and civil operations, relieving current court space shortfalls and overcrowding, replacing operations at non-State-owned facilities, and/or consolidation of case load types or optimization for the use of other Monterey County court facilities.

Generally, the No Project Alternative would result in similar or greater impacts as compared to the proposed Project, including potentially increased impacts to aesthetics, air quality, energy, greenhouse gas emissions, hydrology and water quality, noise, public services, and utilities. Increased impacts are generally attributed to the development of the proposed Project site with a parking lot and a nine-story hotel and spa at the southern portion of the Project site consistent with the Specific Plan. All other environmental resource topic areas were determined to have a similar level of impact, as compared to the proposed Project. Additionally, the No Project Alternative would not meet the basic project objectives.

Alternative 1 was determined to result in some increases and some reduction of impacts, as compared to the proposed Project. Specifically, reduction of impacts to aesthetic resources and biological resources, and increase of impacts to energy; geology, soils, and paleontological resources; and construction-related noise. All other environmental resource topic areas were determined to have a similar level of impact, as compared to the proposed Project. Similar to Alternative 2, Alternative 1 would meet some of the project objectives, including those related to improving security to the extent feasible, replacing inadequate and obsolete building infrastructure; and upgrading facilities (the Monterey Courthouse) to relieve seismic deficiencies. Alternative 1 would not meet objectives related to improving the public’s access to justice; enhancement of public service and courthouse operational efficiency by consolidating family law and civil operations; relieving current court space shortfalls and overcrowding; replacing operations at non-State-owned facilities; and/or consolidation of case load types or optimization for the use of other Monterey County court facilities. Overall, Alternative 2 provided a greater reduction of impacts than Alternative 1 and is the environmentally superior alternative, however, it would not reduce all Project impacts.

8 References

Executive Summary

California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Sacramento, California.

CDFW. See California Department of Fish and Wildlife.

Central Coast Regional Water Quality Control Board. 2013. *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*. Available: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydr_omod_charette_index.html. Accessed September 26, 2022.

City of Seaside. 2020. *Stormwater Technical Guide for Low Impact Development*. Available: <https://www.ci.seaside.ca.us/DocumentCenter/View/12341/20200801-StormwaterTechnicalGuideV3>. Accessed September 19, 2022.

California Native Plant Society. 2001. CNPS Botanical Survey Guidelines. California Native Plant Society (CNPS). Revised June 2, 2001. Available at: https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf. Accessed February 7, 2022.

CNPS. See California Native Plant Society.

Denise Duffy & Associates, Inc. 2010. *Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

Judicial Council of California. 2017. *Seismic Risk Rating of California Superior Court Buildings Volumes 1 & 2*. October 23, 2017.

_____. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

_____. 2021. *State of California COBCP Narrative*. Document DF-151 (Rev 07/21).

Ono Consulting. 2023. *Tree Resource Assessment Forest Management Plan, Seaside, CA*. Pacific Grove, CA.

TAMC. See Transportation Agency for Monterey County.

Transportation Agency for Monterey County (TAMC). 2020. *Fort Ord Regional Trail and Greenway Project Final Environmental Impact Report*. March 2020. Accessed Online: [FORTAG-Final-EIR.pdf \(tamcmonterey.org\)](https://www.tamcmonterey.org/FORTAG-Final-EIR.pdf). Accessed October 18, 2022.

Chapter 1. Introduction

Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

Chapter 2. Project Description

Dreyfuss+Blackford Architecture. 2022 (May 12). Conceptual Site Diagram – 5 Acres.

Kleinfelder. 2022 (December 21, 2022). Preliminary Geotechnical Investigation Report, Judicial Council of California Fort Ord Courthouse Criteria Project, Seaside, California. Kleinfelder Project No. 20225097.002a. San Jose, CA.

Judicial Council of California. 2015. Water Conservation Policy.

Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

Chapter 3. Impacts Found Not To Be Significant

3.1. Agriculture and Forestry Resources

AECOM. 2022. New Fort Ord Courthouse Biological Resources Survey Report, City of Seaside Parcel. Prepared for: Judicial Council of California. Sacramento, CA.

California Department of Conservation. 2018. California Important Farmland Finder. Available: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed September 22, 2022.

DOC. See California Department of Conservation.

City of Seaside. 2004. *Seaside General Plan*. Available: <https://www.ci.seaside.ca.us/269/Seaside-General-Plan>. Accessed September 22, 2022.

3.2. Energy

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2017. *Guidelines for Energy Conservation in Trial Court Facilities*. Adopted July 13, 2021; Revised September 15, 2017. San Francisco, California.

Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

TAMC. See Transportation Agency for Monterey County.

Transportation Agency for Monterey County. 2022. 2022 Monterey County Regional Transportation Plan. Available: https://www.tamcmonterey.org/files/af7b6b774/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed October 18, 2022.

United States Energy Information Administration. 2022 (March 17). California State Energy Profile. Available: <https://www.eia.gov/state/print.php?sid=CA>. Accessed October 19, 2022.

3.3. Geology, Soils, and Paleontological Resources

Aggaard, B.T., Blair, J.L., Boatwright, J., Garcia, S.H., Harris, R.A., Michael, A.J., Schwartz, D.P., and DiLeo, J.S. 2016. *Earthquake Outlook for the San Francisco Bay Region 2014–2043*. U.S. Geological Survey Fact Sheet 2016–3020. Available: <http://dx.doi.org/10.3133/fs20163020>. Accessed September 15, 2021.

Addicott, W.O. 1966. *Late Pleistocene Marine Paleoecology and Zoogeography in Central California*. Geological Survey Professional Paper 523-C. U.S. Geological Survey. U.S. Government Printing Office, Washington, D.C.

- California Geological Survey. 2022. Earthquake Zones of Required Investigation and Alquist-Priolo Earthquake Fault Zones. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/App/>. Accessed September 15, 2022.
- CGS. See California Geological Survey.
- Dibblee, T.W. and Minch, J.A. 2007. *Geologic Map of the Marina and Salinas Quadrangles, Monterey County, California*. Dibblee Geological Foundation Map DF-353. Available: https://ngmdb.usgs.gov/Prodesc/proddesc_83294.htm. Accessed September 13, 2022.
- Hay, O.P. 1927. *The Pleistocene of the Western Region of North America and its Vertebrated Animals*. Carnegie Institute Publication 322B. Washington, DC.
- Jefferson, G.T. 1991a. *A Catalogue of Late Quaternary Vertebrates from California—Part One, Nonmarine Lower Vertebrate and Avian Taxa*. Technical Report No. 5. Natural History Museum of Los Angeles County. Los Angeles, CA.
- . 1991b. *A Catalogue of Late Quaternary Vertebrates from California—Part Two: Mammals*. Technical Report No. 7. Natural History Museum of Los Angeles County. Los Angeles, CA.
- Jennings, C.W. and W.A. Bryant. 2010. *2010 Fault Activity Map of California*. Available: <https://maps.conservation.ca.gov/cgs/fam/App/index.html>. Accessed September 15, 2022.
- Kleinfelder. 2022 (December 21, 2022). Preliminary Geotechnical Investigation Report, Judicial Council of California Fort Ord Courthouse Criteria Project, Seaside, California. Kleinfelder Project No. 20225097.002a. San Jose, CA.
- Natural Resources Conservation Service. 2021. Web Soil Survey. Available: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed September 21, 2022.
- NRCS. See Natural Resources Conservation Service.
- Rosenberg, L.I. and J.C. Clark. 2001. *Paleontological Resources of Monterey County, California*. Available: <https://searchworks.stanford.edu/view/xc583rw0668>. Accessed September 15, 2022.
- Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources Society of Vertebrate Paleontology. Impact Mitigation Guidelines Revision Committee.
- SVP. See Society of Vertebrate Paleontology.
- U.S. Geological Survey. 2001. *Quaternary Fault and Fold Database of the U.S.—Chupines Fault Zone, Laguna Seca Section (Class A) No. 145b*. Available: https://earthquake.usgs.gov/cfusion/quake/show_report_AB_archive.cfm?fault_id=145§ion_id=b. Accessed September 15, 2022.
- USGS. See U.S. Geological Survey.
- UCMP. See University of California Museum of Paleontology.
- University of California Museum of Paleontology. 2022. Paleontological Collections Database. Available: <https://ucmp.berkeley.edu/collections/databases/>. Accessed September 13, 2022.
- Wagner, D.L., Greene, H.G., Saucedo, G.J., and Pridmore, C.L. 2002. *Geologic Map of the Monterey 30' x 60' Quadrangle and Adjacent Areas, California*. Regional Geologic Map No. 1, Plate 1. California Geological Survey, Sacramento, CA.

3.4. Land Use and Planning

City of Marina. 2005 (May 31). University Villages Specific Plan. Available:

https://www.cityofmarina.org/DocumentCenter/View/10863/UV-Specific-Plan_CURRENT?bidId=. Accessed October 18, 2022.

City of Seaside. 2010 (August). The Projects at Main Gate Specific Plan. Available: <http://ca-seaside.civicplus.com/DocumentCenter/View/413/Adopted-Specific-Plan-PDF?bidId=>. Accessed October 18, 2022.

_____. 2004 (August). City of Seaside General Plan. Available:

<https://www.ci.seaside.ca.us/DocumentCenter/View/361/General-Plan-Land-Use-Map-PDF?bidId=> (Land Use Policy Map),

<https://www.ci.seaside.ca.us/DocumentCenter/View/365/Land-Use-Element-PDF?bidId=> (Land Use Element). Accessed October 18, 2022.

_____. 2022. Seaside 2040. Available: <https://seaside2040.com/index.php/the-plan/>. Accessed October 18, 2022.

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

TAMC. See Transportation Agency for Monterey County.

Transportation Agency for Monterey County. 2020 (March). Fort Ord Regional Trail and Greenway Project Final Environmental Impact Report.

_____. 2022. 2022 Monterey County Regional Transportation Plan. Available:

https://www.tamcmonterey.org/files/af7b6b774/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed October 18, 2022.

Monterey County. 2020 (October 14th). Fort Ord Committee Board Report. Available:

<https://monterey.legistar.com/LegislationDetail.aspx?ID=4671571&GUID=9BCF06D3-C28A-4607-A005-3F995BC25A05&Options=&Search=>. Accessed October 18, 2022.

Monterey-Salinas Transit. 2022 (September 23rd) Email from Michelle Overmeyer, Director of Planning & Innovation, Monterey-Salinas Transit to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.

3.5. Mineral Resources

City of Seaside. 2004. *Seaside General Plan*. Available: <https://www.ci.seaside.ca.us/269/Seaside-General-Plan>. Accessed October 18, 2022.

Monterey County. 2010. 2010 *Monterey County General Plan, Conservation and Open Space Element*.

Available: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/2010-monterey-county-general-plan-adopted-october-26-2010>. Accessed September 26, 2022.

Stinson, M.C., Manson, M.W., Plappert, J.J. 1987. *Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area*. Special Report 146, Part IV. California Geological Survey. Sacramento, CA.

3.6. Population and Housing

None.

3.7. Public Services

Denise Duffy & Associates, Inc. 2008. *Draft Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2020. *California Trial Court Facility Standards*. Available: https://www.courts.ca.gov/documents/2020_CTCFS_20_11_13.pdf. Accessed September 28, 2022.

Monterey County Weekly. 2022. Seaside is Building a Second Fire Station. April 14, 2022, David Schmalz. Available: https://www.montereycountyweekly.com/news/local_news/seaside-is-building-a-second-fire-station-without-the-city-of-marina-and-the-costs/article_264bd9fa-bb65-11ec-959a-d7fede38395d.html. Accessed October 19, 2022.

Seaside Fire Department. 2022. About the Department. Available: <https://www.ci.seaside.ca.us/218/About-the-Department>. Accessed October 11, 2022.

3.8. Recreation

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2020. *California Trial Court Facility Standards*. Available: https://www.courts.ca.gov/documents/2020_CTCFS_20_11_13.pdf. Accessed September 28, 2022.

TAMC. See Transportation Agency for Monterey County.

Transportation Agency for Monterey County. 2020 (March). *Fort Ord Regional Trail and Greenway Project Final Environmental Impact Report*. Available: <https://www.tamcmonterey.org/files/ab6ed2c64/FORTAG-Draft-EIR.pdf>. Accessed October 18, 2022.

_____. 2022. *2022 Monterey County Regional Transportation Plan*. Available: https://www.tamcmonterey.org/files/af7b6b774/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed October 18, 2022.

3.9. Utilities and Service Systems

AKEL Engineering Group. 2020. Marina Coast Water District Sewer System Management Plan. Available: https://www.mcwd.org/engineering_forms_documents.php. Accessed September 28, 2022.

California Building Standards Commission. 2019. California Green Building Code Standards. Available: <https://www.dgs.ca.gov/BSC/CALGreen>. Accessed September 27, 2022.

_____. 2022. California Green Building Standards Code. Available: <https://codes.iccsafe.org/content/CAGBC2022P1>. Accessed September 28, 2022.

CalRecycle. See California Department of Resources Recycling and Recovery.

California Department of Resources Recycling and Recovery. 2020. Jurisdiction Diversion/Disposal Rate Detail. Seaside. Available: <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/slcp/capacityplanning/recycling/DiversionDisposal>. Accessed October 20, 2022.

- _____. 2022. SWIS Facility/Site Activity Details. Monterey Peninsula Landfill (27-AA-0010). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2642?siteID=1976>. Accessed September 28, 2022.
- Denise Duffey & Associates. 2017. *Public Draft Initial Study /Negative Declaration for the Ord Community Sphere of Influence Amendment and Annexation*. Available: <https://www.mcwd.org/docs/ocsiaa/MCWD%20Public%20Draft%20IS%20Dec192017.pdf>. Accessed September 21, 2022.
- Judicial Council. See Judicial Council of California.
- Judicial Council of California. 2022. Email from Kim Bobic, Senior Project Manager, Facilities Services to Matthew Gerken, Principal, AECOM regarding estimated water use for the proposed project.
- Monterey One Water, 2019. Initial Study/Negative Declaration for the Monterey One Water Planned Service Area Extension. Prepared by Denise Duffy & Associates, Inc. Available: https://files.ceganet.opr.ca.gov/253394-2/attachment/ASLSmwUrF_OChexR_RSxWIXZTcw3WU-Q9QLQSIsnVHlfMkMol2R-QYRIss_qITmYprZ7IHGb4KjTQqYC0. Accessed January 23, 2023.
- _____. 2022a. Regional Treatment Plant. Available: <https://montereyonewater.org/280/Regional-Treatment-Plant>. Accessed October 19, 2022.
- _____. 2022b. Wastewater Treatment. Available: <https://montereyonewater.org/216/Wastewater-Treatment>. Accessed October 19, 2022.
- Schaaf & Wheeler. 2021. *Marina Coast Water District 2020 Urban Water Management Plan*. Available: https://www.mcwd.org/docs/2021_uwmp/DRAFT_MCWD_2020_UWMP_v20210520.pdf. Accessed September 21, 2022.

3.10. Wildfire

- CAL FIRE. See California Department of Forestry and Fire Protection.
- California Department of Forestry and Fire Protection. 2007. Monterey County Fire Hazard Severity Zones in SRA. Available: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed September 14, 2022.
- _____. 2008. Monterey County Very High Fire Hazard Severity Zones in LRAAs Recommended by CAL FIRE. Available: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed September 14, 2022.
- _____. 2022. Fire Hazard Severity Zone. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed September 14, 2022.
- City of Seaside. 2010 (August). *The Projects at Main Gate Specific Plan*. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 14, 2022.

Chapter 4. Environmental Setting, Impacts, and Mitigation Measures

4.1 Aesthetics

AECOM. 2022. Photographs Obtained by AECOM Staff During Site Visit on September 6, 2022.

California Department of Transportation. 2019. List of Eligible and Officially Designated State Scenic Highways. Available: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed September 27, 2022.

Caltrans. See California Department of Transportation.

Denise Duffy & Associates, Inc. 2010. *Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

Federal Highway Administration. 1988. *Visual Impact Assessment for Highway Projects*. Publication No. FHWA-HI-88-054. Office of Environmental Policy. Washington, D.C.

———. 2022. Federally Designated Scenic Byways. Route 1 – Big Sur Coast Highway. Available: <https://www.fhwa.dot.gov/byways/byways/2301/maps>. Accessed September 27, 2022.

FWHA. See Federal Highway Administration.

FORA. See Fort Ord Reuse Authority.

Fort Ord Reuse Authority. 2005. *Highway 1 Design Corridor Design Guidelines*.

Google Earth. 2019. Street Views. Available: <https://earth.google.com/web/>. Accessed September 26–28, 2022.

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2020. *California Trial Court Facility Standards*. Available: https://www.courts.ca.gov/documents/2020_CTCFS_20_11_13.pdf. Accessed September 28, 2022.

Monterey County. 2010. *Scenic Highway Corridors and Visual Sensitivity—Greater Monterey Peninsula*. Available: <https://www.co.monterey.ca.us/home/showpublisheddocument/45898/636389941569630000>. Accessed September 27, 2022.

Ono Consulting. 2023. *Tree Resource Assessment Forest Management Plan, Seaside, CA*. Pacific Grove, CA.

U.S.D.A. Forest Service. 1995. *Landscape Aesthetics: A Handbook for Scenery Management*. Agriculture Handbook No. 701. Available: <https://www.nrc.gov/docs/ML1224/ML12241A377.pdf>. Accessed September 26, 2022.

4.2 Air Quality

ARB. See California Air Resources Board.

California Air Resources Board. 2013. *California Almanac of Emissions and Air Quality*. Available: <https://ww2.arb.ca.gov/our-work/programs/resource-center/technical-assistance/air-quality-and-emissions-data/almanac>. Accessed August 8, 2022.

- _____. 2016. *Ambient Air Quality Standards*. Available: <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. Accessed August 31, 2022.
- City of Marina. 2005 (May 31). *University Villages Specific Plan*. Available: https://www.cityofmarina.org/DocumentCenter/View/10863/UV-Specific-Plan_CURRENT?bidId=. Accessed October 18, 2022.
- EPA. See U.S. Environmental Protection Agency.
- Kleinfelder. 2022 (October 19, 2022). *Soil Environmental Characterization Sampling and Results Report. Proposed Judicial Council of California Fort Ord Criteria Project. Southwest Corner of Divarty Street and Second Avenue Seaside, Monterey County, California. Assessor's Parcel Number: 031-151-013-000. U.S. Army Corps of Engineers Parcel Number: E15.1.*
- MBARD. See Monterey Bay Air Resources District.
- Monterey Bay Air Resources District. December 1, 2005. *2005 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region*. Available: <https://www.mbard.org/files/b0f496297/358+%281%29.pdf>. Accessed October 14, 2022.
- _____. March 21, 2007. *2007 Federal Maintenance Plan*. Available: <https://www.mbard.org/files/2793382b3/451.pdf>. Accessed October 14, 2022.
- _____. 2008. *CEQA Air Quality Guidelines*. February 2008. Available: <https://www.mbard.org/files/0ce48fe68/CEQA+Guidelines.pdf>. Accessed October 12, 2022.
- _____. 2016. *Guidelines for Implementing the California Environmental Quality Act*. February 2016. Available: <https://www.mbard.org/files/b4d8179d3/CEQA+Implementation.pdf>. Accessed October 17, 2022.
- _____. 2017. *Air Quality Management Plan*. March 15, 2017. Available: https://www.mbard.org/files/6632732f5/2012-2015-AQMP_FINAL.pdf. Accessed October 12, 2022.
- OEHHA. See Office of Environmental Health Hazard Assessment.
- Office of Environmental Health Hazard Assessment. 2015 (February). *Air Toxics Hot Spots Program: Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments*. Available: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>. Accessed August 5, 2022.
- SCAQMD. See South Coast Air Quality Management District.
- South Coast Air Quality Management District. 2015. *Application of the South Coast Air Quality Management District for leave to file brief of amicus curiae in support of neither party and (proposed) brief of amicus curie*. Filed April 13.
- U.S. Environmental Protection Agency. 2019. *Carbon Monoxide Emissions*. Available: <https://cfpub.epa.gov/roe/indicator.cfm?i=10>. Accessed September 7, 2022.
- _____. 2022a. *Ozone Pollution and Your Patients' Health: Patient Exposure and the Air Quality Index*. Available: <https://www.epa.gov/ozone-pollution-and-your-patients-health/patient-exposure-and-air-quality-index>. Accessed September 7, 2022.
- _____. 2022b. *Basic Information about Carbon Monoxide (CO) Outdoor Air Pollution*. Available: <https://www.epa.gov/co-pollution/basic-information-about-carbon-monoxide-co-outdoor-air-pollution>. Accessed September 7, 2022.
- _____. 2022c. *Basic Information about NO₂*. Available: <https://www.epa.gov/no2-pollution/basic-information-about-no2>. Accessed September 7, 2022.

- _____. 2022d. *Sulfur Dioxide Basics*. Available: <https://www.epa.gov/so2-pollution/sulfur-dioxide-basics>. Accessed September 7, 2022.
- _____. 2022e. *Learn about Lead*. Available: <https://www.epa.gov/lead/learn-about-lead>. Accessed September 7, 2022.
- _____. 2022f. *Clean Air Act Permitting in California*. Available: <https://www.epa.gov/caa-permitting/clean-air-act-permitting-california>. Accessed February, 2022.

WHO. See World Health Organization.

World Health Organization. 2021. *Ambient (outdoor) air pollution*. Available: [https://www.who.int/en/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](https://www.who.int/en/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health). Accessed August 31, 2022.

Zhu, Yifang; William C. Hinds, Seongheon Kim & Constantinos Sioutas. 2002. *Concentration and Size Distribution of Ultrafine Particles Near a Major Highway*, Journal of the Air & Waste Management Association, 52:9, 1032-1042, DOI: 10.1080/10473289.2002.10470842. Available: <http://dx.doi.org/10.1080/10473289.2002.10470842>. Accessed August 5, 2022.

4.3 Biological Resources

AECOM. 2022. Fort Ord Courthouse Biological Resources Survey Report – Seaside Parcel. Prepared for the Judicial Council of California. AECOM, 2020 L Street, Suite 300, Sacramento, California. February 18, 2022.

Brown, P. E. 1980. Distribution of bats of the California Channel Islands. Pages 751-756 in D. M. Power, ed. *The California Islands*. Santa Barbara Mus. Nat. History. 787 pp.

California Native Plant Society. 2001. CNPS Botanical Survey Guidelines. California Native Plant Society (CNPS). Revised June 2, 2001. Available at: https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf. Accessed February 7, 2022.

_____. 2022a. Inventory of Rare and Endangered Plants. California Native Plant Society (CNPS). 2022a. Inventory of Rare and Endangered Plants. <https://www.cnps.org/rare-plants/cnps-inventory-of-rare-plants>. Accessed February 7, 2022.

_____. 2022b. Manual of California Vegetation, Online Edition. Website: <https://www.cnps.org/vegetation/manual-of-california-vegetation>. Accessed February 17, 2022.

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Sacramento, California.

_____. 2022a. Special Plant and Animal Lists. Website: <https://www.dfg.ca.gov/wildlife/nongame/list.html>. Accessed February 17, 2022.

_____. 2022b. California Natural Diversity Database (CNDDB). Website: <https://wildlife.ca.gov/Data/CNDDB>. Accessed February 7, 2022.

CDFW. See California Department of Fish and Wildlife.

CNPS. See California Native Plant Society.

Denise Duffy & Associates, Inc. 2010. Final Environmental Impact Report for The Projects at Main Gate Specific Plan.

_____. 2020. Fort Ord Multi-Species Habitat Conservation Plan Final Environmental Impact Report. Available at: <http://fora.org/HCP/FINAL-EIR/Final%20EIR%20-%20FORA%20HCP.pdf>.

FODIS. See Fort Ord Data Integration System.

- Fort Ord Data Integration System. 2022. Former Fort Ord Public Parcel Map. Website: <https://maps.fodis.net/portal/apps/webappviewer/index.html?id=7ab6e3fac89c4aeda1c5ecb58ed1878f>. Accessed February 7, 2022.
- Griffith 2016 - Griffith, G.E., Omernik, J.M., Smith, D.W., Cook, T.D., Tallyn, E., Moseley, K., and Johnson, C.B., 2016, Ecoregions of California (poster): U.S. Geological Survey Open-File Report 2016–1021, with map, scale 1:1,100,000, <http://dx.doi.org/10.3133/ofr20161021> ISSN: 2331-1258 (online).
- ICF. 2019. Fort Ord Multi-Species Habitat Conservation Plan. Prepared for The Fort Ord Reuse Authority.
- Jepson Flora Project. 2022. Jepson eFlora. Website: <https://ucjeps.berkeley.edu/eflora/>. Accessed February 17, 2022.
- McConnell, Ashley. 2023. Public Affairs Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service. January 17th email to Allison Brock, Planner, AECOM consultant to Judicial Council of California.
- NatureServe 2022. “Statuses.” *NatureServe Explorer 2.0*, NatureServe, 2022, <https://explorer.natureserve.org/AboutTheData/Statuses>.
- Ono Consulting. 2023. *Tree Resource Assessment Forest Management Plan, Seaside, CA*. Pacific Grove, CA.
- Tenaza, R. T. 1966. Migration of hoary bats on South Farallon Island, California. *J. Mammal.* 47:533-535.
- U.S. Army Corps of Engineers. 1997. Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California. April. Sacramento District. Prepared with technical assistance from Jones & Stokes Associates, Sacramento, CA.
- USACE. See U.S. Army Corps of Engineers.
- U.S. Climate Data 2022. “Weather Averages Monterey, California.” *Temperature - Precipitation - Sunshine - Snowfall*, 2022, <https://www.usclimatedata.com/climate/monterey/california/united-states/usca0724>. Accessed October 31, 2022.
- United State Department of Agriculture. 2022a. Web Soil Survey. Website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed February 15, 2022.
- _____. 2022b. Official Soil Series Descriptions. Website: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/geo/?cid=nrcs142p2_053587. Accessed February 15, 2022.
- USDA. See United State Department of Agriculture.
- USFWS. See U.S. Fish and Wildlife Service
- _____. 2022. Information for Planning and Consultation (IPac). <https://ipac.ecosphere.fws.gov/>. Accessed February 7, 2022.
- Vaughan, T. A., and P. H. Krutzsch. 1954. Seasonal distribution of the hoary bat in southern California. *J. Mammal.* 35:431-432.
- Xerces Society. See Xerces Society for Invertebrate Conservation.
- Xerces Society for Invertebrate Conservation (Xerces Society). 2016. State of Monarch Butterfly Overwintering Sites in California. July 2016. Available at: <https://xerces.org/press/state-of-monarch-butterfly-overwintering-sites-in-california>.
- _____. 2018 (October). A Petition to the State of California Fish and Game Commission to List the Crotch bumble bee (*Bombus crotchii*), Franklin’s bumble bee (*Bombus franklini*), Suckley cuckoo bumble

bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. Portland, Oregon.

4.4 Cultural Resources

City of Seaside. 2008. *Draft EIR The Projects at Main Gate Specific Plan*.

Denise Duffy & Associates, Inc. 2010. *Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

4.5 Greenhouse Gas

Air Resources Board. 2008. Climate Change Scoping Plan. Available at www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm. Accessed June 2016.

———. 2014. First Update to the Climate Change Scoping Plan: Building on the Framework. Pursuant to AB 32, the California Global Warming Solutions Act of 2006. Available at http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed June 2016.

———. 2016 (June 17th). 2030 Target Scoping Plan Concept Paper. Available: http://www.arb.ca.gov/cc/scopingplan/document/2030_sp_concept_paper2016.pdf. Accessed June 24, 2016.

———. 2017. *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*. Available online at: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2017-scoping-plan-documents>. Accessed March 2017.

———. 2021a. *Current California GHG Emission Inventory Data*. Available online at: <https://ww2.arb.ca.gov/ghg-inventory-data>. Accessed August 2022.

———. 2021b. *California Greenhouse Gas Emissions for 2009 to 2019: Trends of Emissions and Other Indicators*. Available online at: <https://ww2.arb.ca.gov/ghg-inventory-data>. Accessed March 2022.

———. 2022a (December). *2022 Scoping Plan Update*. Available: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>. Accessed February, 2023.

———. 2022b. *Advanced Clean Cars Program*. Available online at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about>. Accessed October, 2022.

ARB. See California Air Resources Board.

Bedsworth, Louise, Dan Cayan, Guido, Franco, Leah Fisher, Sonya Ziaja. (California Governor's Office of Planning and Research, Scripps Institution of Oceanography, California Energy Commission, California Public Utilities Commission). 2018. *Statewide Summary Report. California's Fourth Climate Change Assessment*. Publication number: SUMCCCA4-2018-013. Available: https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf. Accessed October 25, 2022.

California Air Pollution Control Officers Association. 2010. *Quantifying Greenhouse Gas Mitigation Measures*. Available at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed February 9, 2023.

———. 2021 (December). *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Designed for Local Governments, Communities, and Project Developers*. Available: https://www.caleemod.com/handbook/full_handbook.html. Accessed February 10, 2023.

- California Employment Development Department. Current Employment Statistics – Monterey County. 2022. Available: <https://data.edd.ca.gov/Industry-Information-/Current-Employment-Statistics-Monterey-County/ifxi-3s33/data>. Accessed October 25, 2022.
- California Governor’s Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available: http://www.opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed January 2023.
- CAPCOA. See California Air Pollution Control Officers Association.
- Crockett, Alexander G. 2011 (January). Addressing The Significance of Greenhouse Gas Emissions Under CEQA: California’s Search for Regulatory Certainty In An Uncertain World. Golden Gate University Environmental Law Journal Volume 4, Issue 2, Article 3.
- EDD. See California Employment Development Department.
- Intergovernmental Panel on Climate Change. 2021. AR6 Climate Change 2021: The Physical Science Basis. Available: <https://www.ipcc.ch/report/ar6/wg1/>. Accessed November 2021.
- IPCC. See Intergovernmental Panel on Climate Change.
- Judicial Council. See Judicial Council of California.
- Judicial Council of California. 2020a. *California Trial Court Facility Standards*. Available: https://www.courts.ca.gov/documents/2020_CTCFS_20_11_13.pdf. Accessed September 28, 2022.
- _____. 2020b. *Sustainability Plan for Trial Court Facilities*. Approved December 7, 2020. Sacramento, California.
- MBARD. See Monterey Bay Air Resources District.
- Monterey Bay Air Resources District. 2016. *Guidelines for Implementing the California Environmental Quality Act*. February 2016. Available: <https://www.mbard.org/files/b4d8179d3/CEQA+Implementation.pdf>. Accessed October 17, 2022.
- Monterey-Salinas Transit. 2022 (September 23rd) Email from Michelle Overmeyer, Director of Planning & Innovation, Monterey-Salinas Transit to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.
- TAMC. See Transportation Agency for Monterey County.
- Transportation Agency for Monterey County. 2022. *2022 Monterey County Regional Transportation Plan*. Available: https://www.tamcmonterey.org/files/af7b6b774/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed October 18, 2022.

4.6 Hazards and Hazardous Materials

- CAL FIRE. See California Department of Forestry and Fire Protection.
- California Department of Toxic Substances Control. 2022. EnviroStor. Available: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=seaside%2C+california>. Accessed September 26, 2022.
- _____. 2023. Acute and Extremely Hazardous Wastes. Available: <https://dtsc.ca.gov/acute-and-extremely-hazardous-wastes/>. Accessed January 23, 2023.
- California Department of Forestry and Fire Protection. 2007. Monterey County Fire Hazard Severity Zones in SRA. Available: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and->

- [mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/](#). Accessed September 14, 2022.
- _____. 2008. Monterey County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed September 14, 2022.
- _____. 2022. Fire Hazard Severity Zone. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed September 14, 2022.
- California Department of Parks and Recreation. 2022 (May). Fort Ord Dunes State Park 2021 Annual Monitoring Letter Report. Available: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=80001207. Accessed October 24, 2022.
- City of Seaside. 2017. Chapter 10 – Safety Element. Available: <https://www.ci.seaside.ca.us/269/Seaside-General-Plan>. Accessed September 24, 2022.
- DTSC. See California Department of Toxic Substances Control.
- EPA. See U.S. Environmental Protection Agency.
- Kleinfelder. 2022a (September 16, 2022). Phase I Environmental Site Assessment. Proposed Judicial Council of California Fort Ord Criteria Project. Southwest Corner of Diverty Street and Second Avenue. Seaside, Monterey County, California. U.S. Army Corps of Engineers Parcel Number: E15.1 Assessor's Parcel Number: 031-151-013-000.
- _____. 2022b (October 19, 2022). Soil Environmental Characterization Sampling and Results Report. Proposed Judicial Council of California Fort Ord Criteria Project. Southwest Corner of Diverty Street and Second Avenue Seaside, Monterey County, California. Assessor's Parcel Number: 031-151-013-000. U.S. Army Corps of Engineers Parcel Number: E15.1.
- Monterey County 2019a. Marina Municipal Airport Land Use Compatibility Plan. Available: <https://www.cityofmarina.org/1113/Airport-Land-Use-Plans>. Accessed September 26, 2022.
- _____. 2019b. Monterey Regional Airport Land Use Compatibility Plan. Available: <https://www.co.monterey.ca.us/home/showdocument?id=75251>. Accessed September 26, 2022.
- _____. 2022. County of Monterey Multi-Jurisdictional Hazard Mitigation Plan. Volume 2. Available: <https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/office-of-emergency-services/hazard-mitigation>. Accessed September 26, 2022.
- Monterey Fire Safe Council. 2016. Monterey County Community Wildfire Protection Plan. Available: <https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/office-of-emergency-services/ready-monterey-county/hazard-ready/wildfire#!/>. Accessed September 27, 2022.
- Seaside Fire Department. 2022. About the Department. Available: <https://www.ci.seaside.ca.us/218/About-the-Department>. Accessed September 26, 2022.
- SFD. See Seaside Fire Department.
- State Water Resources Control Board. 2022. GeoTracker. Available: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=seaside%2C+california>. Accessed September 26, 2022.
- SWRCB. See State Water Resources Control Board.
- U.S. Environmental Protection Agency. 2022. EnviroStor. Available: <https://enviro.epa.gov/enviro/envirofacts.quickstart?pSearch=Map%20Recentered&minx=->

[121.833287&miny=36.643546&maxx=-121.774235&maxy=36.659039&ve=15,36.651292,-121.803761](https://www.ci.seaside.ca.us/DocumentCenter/View/4178/Stormwater-Master-Plan-Final-Feb-2014-PDF?bidId=). Accessed September 26, 2022.

4.7 Hydrology and Water Quality

BFS Landscape Architects. 2022. *Water Efficient Landscape Worksheet and Site Plan Hydrozones*.

Brown and Caldwell. 2014. *City of Seaside Stormwater Master Plan Update Phase 1*. Available: <https://www.ci.seaside.ca.us/DocumentCenter/View/4178/Stormwater-Master-Plan-Final-Feb-2014-PDF?bidId=>. Accessed September 19, 2022.

California Court of Appeal, Sixth Appellate District. 2022. *Committee for Sound Water and Land Development v. City of Seaside and KB Bakewell Seaside Venture II, LLC*. Available: <https://www.courts.ca.gov/opinions/documents/H049031.PDF>. Accessed September 19, 2022.

California Department of Forestry and Fire Protection. 2004. Fire and Resource Assessment Program (FRAP), Calwater Version 2.2.1 Watershed Boundaries. Available: http://frap.cdf.ca.gov/data/frapgisdata-sw-calwater_download. Accessed September 19, 2022.

California Department of Water Resources. 2019. SGMA Basin Prioritization Dashboard. Available: <https://gis.water.ca.gov/app/bp-dashboard/final/>. Accessed September 21, 2022.

California Governor's Office of Emergency Services, California Geological Survey, and AECOM. 2021. *Monterey County Tsunami Hazard Area Map*. Available: <https://www.conservation.ca.gov/cgs/tsunami/maps>. Accessed September 15, 2022.

Central Coast Regional Water Quality Control Board. 2013. *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*. Available: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydr_omod_charette_index.html. Accessed September 26, 2022.

———. 2019. *Water Quality Control Plan for the Central Coast Basin*. Available: https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/. Accessed September 15, 2022.

Central Coast RWQCB. See Central Coast Regional Water Quality Control Board.

City of Seaside. 2020. *Stormwater Technical Guide for Low Impact Development*. Available: <https://www.ci.seaside.ca.us/DocumentCenter/View/12341/20200801-StormwaterTechnicalGuideV3>. Accessed September 19, 2022.

———. 2022. Notes from meeting with the Judicial Council of California and the City of Seaside regarding the New Fort Ord Courthouse, May 2022.

Creegan+D'Angelo. 2005. *Fort Ord Reuse Authority, Storm Water Master Plan*. Available: <http://fora.org/Reports/032005%20rpt%20 Storm%20Water%20Master%20Plan .pdf>. Accessed September 19, 2022.

Denise Duffey & Associates. 2017. *Public Draft Initial Study /Negative Declaration for the Ord Community Sphere of Influence Amendment and Annexation*. Available: <https://www.mcwd.org/docs/ocsiaa/MCWD%20Public%20Draft%20IS%20Dec192017.pdf>. Accessed September 21, 2022.

DWR See California Department of Water Resources.

Federal Emergency Management Agency. 2017. Flood Map Service Center, FIRM No. 06053C0195H. Available: <https://msc.fema.gov/portal/home>. Accessed September 14, 2022.

FEMA. See Federal Emergency Management Agency.

Judicial Council. See Judicial Council of California.

Judicial Council of California. 2022. Email from Kim Bobic, Senior Project Manager, Facilities Services to Matthew Gerken, Principal, AECOM regarding estimated water use for the proposed Project.

Kleinfelder. 2022 (December 21, 2022). Preliminary Geotechnical Investigation Report, Judicial Council of California Fort Ord Courthouse Criteria Project, Seaside, California. Kleinfelder Project No. 20225097.002a. San Jose, CA.

Marina Coast Water District Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency. 2022. *Groundwater Sustainability Plan, Monterey Subbasin*. Available: https://svbgsa.org/wp-content/uploads/2022/04/Completed_Monterey-Subbasin-GSP_Chap-ES-10_wo_Appendices.pdf. Accessed September 19, 2022.

Monterey Regional Storm Water Management Program. 2011. *Monterey Regional Storm Water Management Program*. Adopted 2006, updated 2011. Available: https://www.waterboards.ca.gov/rwgcb3/board_info/agendas/2006/sept/item13/item13_final_mrs_wmp_revised_june_1_2006.pdf. Accessed September 19, 2022.

MRSWMP See Monterey County Regional Storm Water Management Program.

NRCS See U.S. Natural Resources Conservation Service.

Schaaf & Wheeler. 2021. *Marina Coast Water District 2020 Urban Water Management Plan*. Available: https://www.mcwd.org/docs/2021_uwmp/DRAFT_MCWD_2020_UWMP_v20210520.pdf. Accessed September 21, 2022.

State Water Resources Control Board. 2012. *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ), NPDES No. CAS000002. Available online: https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html. Accessed September 15, 2022.

———. 2019. *National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Ms4s), Water Quality (WQ) Order 2013-0001-DWQ NPDES No. CAS000004 as Amended by Order WQ 2015-0133-Exec, Order WQ 2016-0069-Exec, WQ Order 2017-Xxxx-DWQ, Order WQ 2018-0001-Exec, and Order WQ 2018-0007-Exec*. Available: https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phase_ii_municipal/provisions_phaseii_smallms4permit.pdf. Accessed September 26, 2022.

———. 2021. *2018 California Integrated Report*. Available: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2018_integrated_report.html. Accessed September 15, 2022.

SVB GSA. See Salinas Valley Basin Groundwater Sustainability Agency.

SWRCB. See State Water Resources Control Board.

U.S. Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey. Available: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed September 21, 2022.

4.8 Noise and Vibration

AECOM. 2013. September. Long Beach Unified School District. Jordan High School Major Renovation Project Draft EIR.

———. 2022. Noise Appendix.

California Department of Transportation. 2013. *Technical Noise Supplement*. Sacramento, CA. Prepared by IFC Jones & Stokes, Sacramento, CA.

———. 2020 (April). *Transportation and Construction Vibration Guidance Manual*. Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office, Sacramento, CA.

Caltrans. See California Department of Transportation.

City of Marina. 2010. City of Marina General Plan Available: <https://www.cityofmarina.org/DocumentCenter/View/22/General-Plan>. Accessed October 11, 2022.

———. 2010. City of Marina General Plan EIR. Noise Element.

———. Noise Ordinance.

City of Seaside. 2004. General Plan EIR. Noise Element.

———. Noise Ordinance.

EPA. See U.S. Environmental Protection Agency.

Federal Highway Administration. 1978 (December). *Highway Traffic Noise Prediction Model*. FHWA-RD-77-108. Washington, DC: Office of Research, Office of Environmental Policy.

———. 2006 (January). *Roadway Construction Noise Model User's Guide*. FHWA-HEP-05-054. Washington, DC.

Federal Transit Administration. 2018 (September). *Transit Noise and Vibration Impact Assessment*. FTA Report No. 0123.

FHWA. See Federal Highway Administration.

FTA. See Federal Transit Administration.

Governor's Office of Planning and Research. 2017. *State of California General Plan Guidelines*. Sacramento, CA.

OPR. See Governor's Office of Planning and Research.

U.S. Environmental Protection Agency. 1971 (December 31st). Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances.

———. 1974 (March). *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. Washington, DC.

4.9 Transportation

AMBAG. See Association of Monterey Bay Area Governments.

Association of Monterey Bay Area Governments. 2022. Regional Travel Demand Model. Available: <https://www.ambag.org/program/modeling>. Accessed November 17, 2022.

California Air Pollution Control Officers Association. 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed February 10, 2023.

- _____. 2021 (December). Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Designed for Local Governments, Communities, and Project Developers. Available: https://www.caleemod.com/handbook/full_handbook.html. Accessed March 14, 2023.
- California Department of Transportation (Caltrans). 2018. Design Information Bulletin 89-01, “Class IV Bikeway Guidance. Available: https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib-89-01_kf-a11y.pdf. Accessed February 10, 2023.
- California Department of Transportation (Caltrans). 2020a. *Highway Design Manual*. Available: <https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm>. Accessed September 28, 2022.
- _____. 2020b (May 20th). Vehicle Miles Traveled-Focused Transportation Impact Study Guide. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>. Accessed February 10, 2023.
- California State University Monterey Bay (CSUMB). 2017a. CSU Monterey Bay Master Plan EIR.
- _____. 2017b. CSUMB *Master Plan*. Available: <https://csumb.edu/facilities/draft-campus-master-plan-2017/>. Accessed September 28, 2022.
- _____. 2022. CSU Monterey Bay 2022 Master Plan Guidelines. Chapter 7, Mobility. Available: <https://csumb.edu/media/csumb/section-editors/facilities/2022-master-plan/Chapter-7---Mobility.pdf>. Accessed February 10, 2023.
- CAPCOA. See California Air Pollution Control Officers Association.
- City of Marina. 2005. City of Marina at Monterey Bay General Plan (with amendments through August 4, 2010). Available: <https://www.cityofmarina.org/DocumentCenter/View/178/City-of-Marina-General-Plan-123105?bidId=>. Accessed February 10, 2023.
- City of Seaside. 2004 (August). City of Seaside General Plan. Available: <https://www.ci.seaside.ca.us/DocumentCenter/View/357/Circulation-Element-PDF?bidId=>. Accessed February 10, 2023.
- _____. 2010 (August). *The Projects at Main Gate Specific Plan*. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 14, 2022.
- Denise Duffy & Associates, Inc. 2010. Final Environmental Impact Report for The Projects at Main Gate Specific Plan. State Clearinghouse #2007011069. Prepared for the City of Seaside Community Development Department.
- Governor’s Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available: https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed November 17, 2022.
- Judicial Council. See Judicial Council of California.
- Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Judicial Council of California Administrative Division, Facilities Services. San Francisco, CA. Available: <https://www.courts.ca.gov/documents/facilities-2020-Standards-DRAFT-FOR-COMMENT.pdf>. Accessed February 10, 2023.
- Monterey County. 2018. Active Transportation Plan for Monterey County. Available: <https://www.tamcmonterey.org/files/991071e61/2018-Monterey-County-Active-Transportation-Plan.pdf>. Accessed February 10, 2023.

- Monterey-Salinas Transit District. 2022a. Monterey-Marina. Available: <https://mst.org/routes/route-18/>. Accessed September 28, 2022.
- _____. 2022b. SURF! Busway and Bus Rapid Transit Project. Available: <https://mst.org/about-mst/planning-development/surf/>. Accessed September 28, 2022.
- MST. See Monterey-Salinas Transit District.
- National Center for State Courts. 2020. What Will Shape the Future of Courthouse Design? NCSC Trends in State Courts. Available: https://www.ncsc.org/_data/assets/pdf_file/0020/42158/what_will_shape_the_future_McKenzie-Matthias.pdf. Accessed November 21, 2022.
- NCSC. See National Center for State Courts.
- OPR. See Governor's Office of Planning and Research.
- Overmeyer, Michelle. 2022. Director of Planning & Innovation, Monterey-Salinas Transit Monterey-Salinas Transit. September 23rd email to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.
- TAMC. See Transportation Agency for Monterey County.
- Transportation Agency for Monterey County. 2015. Marina-Salinas Multimodal Corridor Plan. Available: <https://www.tamcmonterey.org/files/e42aa71b1/2015+Marina-Salinas+Multimodal+Corridor+Conceptual+Plan.pdf>. Accessed February 10, 2023.
- _____. 2020 (March). *Fort Ord Regional Trail and Greenway Project Final Environmental Impact Report*. Available: <https://www.tamcmonterey.org/files/ab6ed2c64/FORTAG-Draft-EIR.pdf>. Accessed October 18, 2022.
- _____. 2022a. 2022 Monterey County Regional Transportation Plan. Available: https://www.tamcmonterey.org/files/473d7ddcf/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed February 10, 2023.
- _____. 2022b (August 1). Rail Policy Committee Revised Agenda. Available: https://www.tamcmonterey.org/files/0ddbf2ba8/REVISED_Agenda_PACKET_August_022_Meeting.pdf. Accessed November 15, 2022.
- U.S. Census Bureau. 2016-2020a. *American Community Survey 5-Year Estimates*. Available: <https://data.census.gov/cedsci/table?q=Marina%20city,%20California&tid=ACSST5Y2020.S0802>. Accessed October 13, 2022.
- _____. 2016-2020b. *American Community Survey 5-Year Estimates*. Available: <https://data.census.gov/cedsci/table?q=1600000US0670742&tid=ACSST5Y2020.S0801>. Accessed September 28, 2022.

4.10 Tribal Cultural Resources

- AECOM. 2022. *New Fort Ord Cultural Resources Survey Report*. Prepared for the Judicial Council of California.
- City of Seaside. 2019. *Draft Environmental Impact Report Campus Town Specific Plan*. Chapter 4.15 Tribal Cultural Resources
- Shaul, David Leedom. 2019. *Esselen Studies: Language, Culture, and Prehistory*. Muenchen, Germany: Lincom GmbH.

- Denise Duffy & Associates, Inc. 2010. Final Environmental Impact Report for The Projects at Main Gate Specific Plan. State Clearinghouse #2007011069. Prepared for the City of Seaside Community Development Department.
- Esselen Tribe of Monterey County. (2022, 18 July). *Judicial Council of California letter from ETMC*, dated July 18, 2022 [Letter].
- ETMC. See Esselen Tribe of Monterey County.
- KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria (KaKoon). 2023 (March 13). KaKoon Ta Ruk Story. Email from Lydia Bojorquez to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.
- Kroeber, A.L. 1902. Esselen Field Notes. Survey of California and Other Indian Languages, Department of Linguistics, University of California, Berkeley.
- Levy, Richard. 1978. Costanoan, in Handbook of North American Indians, Volume 8, 485-495. Smithsonian Institution, Washington, DC.
- Merriam, C. Hart n.d. C. Hart. 1850-1974. Merriam Papers, Vol. I, Papers relating to work with California Indians, BANC FILM 1022, Reel 17, Folder Q/16a/E27, Esselen Stock, Reel 39, Folder S/18e/V64, Ohlonean Stock, Kah-koon or Room-se-en, pp. 1-3; Reel 75. The Bancroft Library, University of California, Berkeley.
- Monterey County. 2020 (October 14th). Fort Ord Committee Board Report. Available: <https://monterey.legistar.com/LegislationDetail.aspx?ID=4671571&GUID=9BCF06D3-C28A-4607-A005-3F995BC25A05&Options=&Search=>. Accessed October 18, 2022.
- NAHC. See Native American Heritage Commission.
- Native American Heritage Commission. 2022 (July 8). Letter from Cody Campagne, Cultural Resources Analyst with the Native American Heritage Commission to Holly Roberson, Kronick Moskovitz Tiedeman & Girard, representing the Judicial Council of California.
- Rumšen. See Rumšen Am:a Tur:ataj Ohlone.
- Rumšen Am:a Tur:ataj Ohlone (Rumšen). 2023 (March 13). We are Rumšen Ama short bio. Email from Dee Manzanares Ybarra to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.

Chapter 5. Cumulative Impacts

- AMBAG. See Association of Monterey Bay Area Governments.
- Association of Monterey Bay Area Governments. 2022a. Moving Forward Monterey Bay 2045: 2045 Metropolitan Transportation Plan & the Sustainable Communities Strategy. Appendix G: Performance Measures. Available: <https://www.ambag.org/plans/2045-metropolitan-transportation-plan-sustainable-communities-strategy>. Accessed March 14, 2023.
- _____. 2022b. Regional Travel Demand Model. Available: <https://www.ambag.org/program/modeling>. Accessed November 17, 2022.
- California Air Pollution Control Officers Association. 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed February 10, 2023.

- _____. 2021 (December). Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Designed for Local Governments, Communities, and Project Developers. Available: https://www.calemod.com/handbook/full_handbook.html. Accessed March 14, 2023.
- California Air Resources Board. 2022a (December). *2022 Scoping Plan Update*. Available: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>. Accessed February, 2023.
- _____. 2022b. Advanced Clean Cars Program. Available online at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about>. Accessed October, 2022.
- _____. 2022c (June). Draft 2022 Progress Report, California's Sustainable Communities and Climate Protection Act. Available: https://ww2.arb.ca.gov/sites/default/files/2022-06/2022_SB_150_Main_Report_Draft_1.pdf. Accessed February 20, 2023.
- California Department of Transportation. 2013. Technical Noise Supplement. Sacramento, CA. Prepared by IFC Jones & Stokes, Sacramento, CA.
- California State University Monterey Bay. 2022 (February). *California State University, Monterey Bay Master Plan Draft Environmental Impact Report*. Available at <https://csumb.edu/facilities/planning/>.
- Caltrans. See California Department of Transportation.
- CAPCOA. See California Air Pollution Control Officers Association.
- CARB. See California Air Resources Board.
- CSUMB. See California State University Monterey Bay.
- Denise Duffy & Associates, Inc. 2008. *Draft Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.
- _____. 2019. *Initial Study for the Monterey One Water Planned Service Area Extension*.
- EIA. See U.S. Energy Information Administration.
- FORA. See Fort Ord Reuse Authority
- Fort Ord Reuse Authority. 1997. Fort Ord Reuse Plan. Available at <http://fora.org/BRP.html>.
- Governor's Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts In CEQA. Available: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed February 20, 2023.
- ICF 2019. Inner City Fund. "Fort Ord Multi-species Habitat Conservation Plan." *Fort Ord Reuse Authority*, 2019, https://www.fora.org/Reports/HCP/Ford_Ord_PublicDraft_Vol1_REV_2019-10-07.pdf.
- Judicial Council of California. 2020. *California Trial Court Facilities Standards*. Judicial Council of California Administrative Division, Facilities Services. San Francisco, CA.
- Judicial Council. See Judicial Council of California.
- Marina Coast Water District Groundwater Sustainability Agency and Salinas Valley Basin Groundwater Sustainability Agency. 2022. *Groundwater Sustainability Plan, Monterey Subbasin*. Available: https://svbgsa.org/wp-content/uploads/2022/04/Completed_Monterey-Subbasin-GSP_Chap-ES-10_wo_Appendices.pdf. Accessed September 19, 2022.
- MBARD. See Monterey Bay Air Resources District.

- McConnell, Ashley. 2023. Public Affairs Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service. January 17th email to Allison Brock, Planner, AECOM consultant to Judicial Council of California.
- Monterey Bay Air Resources District. 2008. CEQA Air Quality Guidelines.
- Monterey County Weekly. 2022. Seaside is Building a Second Fire Station. April 14, 2022, David Schmalz. Available: https://www.montereycountyweekly.com/news/local_news/seaside-is-building-a-second-fire-station-without-the-city-of-marina-and-the-costs/article_264bd9fa-bb65-11ec-959a-d7fede38395d.html. Accessed October 19, 2022.
- Monterey-Salinas Transit District. 2022a. SURF! Busway and Bus Rapid Transit Project. Available: <https://mst.org/about-mst/planning-development/surf/>. Accessed September 28, 2022.
- MST. See Monterey-Salinas Transit District.
- National Center for State Courts. 2022. McKenzie, Allison, Matthias, John T. 2022 (May 22). What Will Shape the Future of Courthouse Design. *Trends in State Courts*, 66-75.
- Native American Heritage Commission. 2022 (July 8). Letter from Cody Campagne, Cultural Resources Analyst with the Native American Heritage Commission to Holly Roberson, Kronick Moskovitz Tiedeman & Girard, representing the Judicial Council of California.
- NCSC. See National Center for State Courts.
- Ono Consulting. 2023. *Tree Resource Assessment Forest Management Plan*. Pacific Grove, CA.
- OPR. See Governor's Office of Planning and Research.
- Schaaf & Wheeler. 2021. *Marina Coast Water District 2020 Urban Water Management Plan*. Available: https://www.mcwd.org/docs/2021_uwmp/DRAFT_MCWD_2020_UWMP_v20210520.pdf. Accessed September 21, 2022.
- TAMC. See Transportation Agency for Monterey County.
- Transportation Agency for Monterey County. 2022 (August 1). Rail Policy Committee Revised Agenda. Available: https://www.tamcmonterey.org/files/0ddbf2ba8/REVISED_Agenda_PACKET_August_022_Meeting.pdf. Accessed November 15, 2022.
- Transportation Agency for Monterey County. 2020 (March). Fort Ord Regional Trail and Greenway Project Final Environmental Impact Report.
- U.S. Energy Information Administration. 2022. California State Energy Profile.

Chapter 6. Other CEQA Requirements

- California Air Pollution Control Officers Association. 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed February 10, 2023.
- _____. 2021 (December). Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Designed for Local Governments, Communities, and Project Developers. Available: https://www.caleemod.com/handbook/full_handbook.html. Accessed March 14, 2023.
- CAPCOA. See California Air Pollution Control Officers Association.

Denise Duffy & Associates, Inc. 2008. *Draft Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

Chapter 7. Alternatives

AKEL Engineering Group. 2020. Marina Coast Water District Sewer System Management Plan. Available: https://www.mcwd.org/engineering_forms_documents.php. Accessed September 28, 2022.

California Department of Forestry and Fire Protection. 2022. Fire Hazard Severity Zone Viewer. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed October 27, 2022.

California Department of Transportation. 2019. List of Eligible and Officially Designated State Scenic Highways. Available: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed October 20, 2022.

Caltrans. See California Department of Transportation.

City of Monterey. 2019. City of Monterey General Plan (with amendments through June 2019).

Denise Duffy & Associates, Inc. 2010. *Environmental Impact Report, Projects at Main Gate Specific Plan*. State Clearinghouse No. 2007011069. Available: <https://www.ci.seaside.ca.us/278/Projects-at-Main-Gate-Specific-Plan>. Accessed September 29, 2022.

Jennings, C.W. and W.A. Bryant. 2010. *2010 Fault Activity Map of California*. Available: <https://maps.conservation.ca.gov/cgs/fam/App/index.html>. Accessed October 24, 2022.

Judicial Council of California. 2017. *Seismic Risk Rating of California Superior Court Buildings Volumes 1 & 2*. October 23, 2017.

Judicial Council. See Judicial Council of California.

_____. 2020. *California Trial Court Facilities Standards*. Published by the Judicial Council of California Administrative Division, Facilities Services. San Francisco, California.

_____. 2021. *State of California COBCP Narrative*. Document DF-151 (Rev 07/21).

_____. 2022. *Court Facilities Advisory Committee Capital Project Site Selection Report, New Fort Ord Courthouse*.

Kleinfelder. 2022a (September 16, 2022). Phase I Environmental Site Assessment. Proposed Judicial Council of California Fort Ord Criteria Project. Southwest Corner of Diverty Street and Second Avenue. Seaside, Monterey County, California. U.S. Army Corps of Engineers Parcel Number: E15.1 Assessor's Parcel Number: 031-151-013-000.

Kleinfelder. 2022 (December 21, 2022). Preliminary Geotechnical Investigation Report, Judicial Council of California Fort Ord Courthouse Criteria Project, Seaside, California. Kleinfelder Project No. 20225097.002a. San Jose, CA.

Kleinfelder. 2022b (October 19, 2022). Soil Environmental Characterization Sampling and Results Report. Proposed Judicial Council of California Fort Ord Criteria Project. Southwest Corner of Diverty Street and Second Avenue Seaside, Monterey County, California. Assessor's Parcel Number: 031-151-013-000. U.S. Army Corps of Engineers Parcel Number: E15.1.

Monterey County Weekly. 2022. Seaside is Building a Second Fire Station. April 14, 2022, David Schmalz. Available: https://www.montereycountyweekly.com/news/local_news/seaside-is-building-a-second-fire-station-without-the-city-of-marina-and-the-costs/article_264bd9fa-bb65-11ec-959a-d7fede38395d.html. Accessed October 19, 2022.

- Monterey Peninsula Airport District. 2008. *Monterey Peninsula Airport 14 CFR Part 150 Noise Exposure Map Update*. Available: <https://montereyairport.specialdistrict.org/aviation-documents-regulations>. Accessed October 27, 2022.
- Monterey-Salinas Transit. 2022 (September 23rd) Email from Michelle Overmeyer, Director of Planning & Innovation, Monterey-Salinas Transit to Kim Bobic, Senior Project Manager, Facilities Services | Administrative Division, Judicial Council of California.
- Rutherford + Chekene. 2017. Seismic Risk Rating of California Superior Court Buildings. Available: [Seismic-Risk-Rating-of-California-Superior-Court-Buildings.pdf](#). Accessed October 27, 2022.
- Salinas Community Development Department. 1982. *Salinas Municipal Airport Land Use Plan*. Available: <https://www.cityofsalinas.org/media-folders/media-root/departments-files/public-works-files/airport-files/airport-land-use-plan>. Accessed October 27, 2022.
- Schaaf & Wheeler. 2021. *Marina Coast Water District 2020 Urban Water Management Plan*. Available: https://www.mcwd.org/docs/2021_uwmp/DRAFT_MCWD_2020_UWMP_v20210520.pdf. Accessed September 21, 2022.
- UCMP. See University of California Museum of Paleontology.
- University of California Museum of Paleontology. 2022. Paleontological Collections Database. Available: <https://ucmp.berkeley.edu/collections/databases/>. Accessed October 24, 2022.
- TAMC. See Transportation Agency for Monterey County.
- Transportation Agency for Monterey County. 2022 Monterey County Regional Transportation Plan. Available: https://www.tamcmonterey.org/files/af7b6b774/2022+Regional+Transportation+Plan+-+FINAL_22-06-22.pdf. Accessed October 18, 2022.
- Wagner, D.L., Greene, H.G., Saucedo, G.J., and Pridmore, C.L. 2002. *Geologic Map of the Monterey 30' x 60' Quadrangle and Adjacent Areas, California*. Regional Geologic Map No. 1, Plate 1. California Geological Survey, Sacramento, CA.

This page intentionally left blank.

9 List of Preparers

Judicial Council of California (Lead Agency)

Kim BobicProject Manager
 Jennifer ChappelleManager, Risk Management

AECOM (EIR Preparation)

Matthew Gerken Project Director
 Julie AllisonProject Manager
 Wendy Copeland..... Aesthetics, Geology & Soils, Hydrology & Water Quality, Palaeontology
 Suzanne McFerran..... Air Quality, Greenhouse Gases
 Stephanie Carcieri..... Air Quality, Greenhouse Gases
 Jody Fessler Biological Resources
 Rose Laird Biological Resources
 David Greenspan Biological Resources
 Chandra MillerCultural Resources, Tribal Cultural Resources
 Karen GardnerCultural Resources, Tribal Cultural Resources
 Jennifer King Hazards and Hazardous Materials, Alternatives
 Issa MahmodiNoise and Vibration
 Nak Kim Transportation
 Allison Brock Cumulative Impacts

This page intentionally left blank

