
**NEW SAN DIEGO CENTRAL COURTHOUSE
FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO:
FINAL ENVIRONMENTAL IMPACT REPORT**

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VOLUME I

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Volume 1
Final EIR

Table of Contents

Volume I Final EIR

I. INTRODUCTION

FINAL EIR COMPONENTS
PUBLIC REVIEW OF DRAFT EIR
RESPONSES TO COMMENTS
DECISION-MAKERS' ROLES

II. DRAFT EIR COMMENTS AND RESPONSES

- A: State of California, Department of Transportation, Sandy Hesnard, Aviation Environmental Specialist, September 2, 2010
- B: County of San Diego, Department of General Services, April F. Heinze, P.E., September 20, 2010
- C: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, September 22, 2010
- D: San Diego County Archaeological Society, Inc., James W. Royle, Jr., Chairperson, Letters dated September 6, 2010, and September 26, 2010
- E: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, May 27, 2010
- F: Comments from Scoping Meeting, September 8, 2010

III. REVISIONS TO THE DRAFT EIR

Volume II EIR Appendices

- Appendix A Expanded Notice of Preparation (NOP) / Public Responses Received
- Appendix B Air Quality Analysis Data
- Appendix C Historic Structure Assessment and Archaeological Review for the New San Diego Central Courthouse Project
- Appendix D Paleontological Resource and Monitoring Assessment
- Appendix E Geologic Information and Reports
- Appendix F Hazardous Materials Investigations
- Appendix G Noise Analysis Data
- Appendix H Traffic Impact Analysis Report
- Appendix I Mitigation Monitoring and Reporting Plan

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	1-1
1.1	Project Summary	1-1
	1.1.1 <i>Project Description</i>	1-1
	1.1.2 <i>Project Location</i>	1-2
	1.1.3 <i>Real Estate-Related Actions</i>	1-3
	1.1.4 <i>Proposed Courthouse Facility</i>	1-3
	1.1.5 <i>Related Facilities and Actions</i>	1-5
	1.1.6 <i>Parking</i>	1-5
	1.1.7 <i>Construction Scenario</i>	1-5
	1.1.8 <i>Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court</i>	1-7
1.2	Environmental Impact Summary	1-8
1.3	Significant Unavoidable Impacts	1-8
1.4	Summary of Project Alternatives	1-8
	1.4.1 <i>No Project Alternative</i>	1-8
	1.4.2 <i>Reduced Project Alternative</i>	1-9
	1.4.3 <i>Alternative Site Alternative</i>	1-9
1.5	Areas of Controversy and Issues To Be Resolved	1-10
2.0	INTRODUCTION.....	2-1
2.1	Purpose of the Environmental Impact Report	2-1
2.2	CEQA EIR Process.....	2-3
	2.2.1 <i>Notice of Preparation</i>	2-3
	2.2.2 <i>Draft EIR</i>	2-4
	2.2.3 <i>Final EIR and EIR Certification</i>	2-5
2.3	Use of the EIR.....	2-6
2.4	Organization of the EIR.....	2-7
2.5	Incorporation by Reference	2-8
3.0	PROJECT DESCRIPTION	3-1
3.1	Overview	3-1
3.2	Purpose and Objectives of the Project	3-1
3.3	Project Location	3-2
3.4	Project Components	3-4
	3.4.1 <i>Proposed Courthouse Facility</i>	3-4
	3.4.2 <i>Parking</i>	3-5

TABLE OF CONTENTS

3.4.3 Real Estate-Related Actions 3-6

3.4.4 Project Design Considerations 3-7

3.4.5 Related Facilities and Actions 3-9

3.4.6 Construction Scenario 3-9

3.4.7 Future of the Existing County Courthouse, Old Jail, Madge Bradley
Building, and Family Court 3-14

3.4.8 Project Schedule..... 3-15

3.5 General Plan Land Use Designation 3-16

3.6 Existing Conditions 3-16

3.6.1 Land Uses 3-16

3.7 Discretionary Project Approvals..... 3-16

3.8 Contact Person..... 3-17

4.0 ENVIRONMENTAL EFFECTS 4.1-1

**4.1 Description of Environmental Setting, Project Impacts,
and Mitigation Measures 4.1-1**

4.2 Aesthetics and Visual Resources 4.2-1

4.2.1 Environmental Setting 4.2-1

4.2.2 Analytical Framework 4.2-6

4.2.3 Standards of Significance 4.2-10

4.2.4 Potential Impacts and Mitigation Measures 4.2-10

4.3 Agricultural Resources 4.3-1

4.3.1 Environmental Setting 4.3-1

4.3.2 Analytical Framework 4.3-1

4.3.3 Standards of Significance 4.3-1

4.3.4 Potential Impacts and Mitigation Measures 4.3-1

4.4 Air Quality 4.4-1

4.4.1 Environmental Setting 4.4-1

4.4.2 Analytical Framework 4.4-9

4.4.3 Standards of Significance 4.4-21

4.4.4 Potential Impacts and Mitigation Measures 4.4-21

4.5 Biological Resources 4.5-1

4.5.1 Environmental Setting 4.5-1

4.5.2 Analytical Framework 4.5-1

4.5.3 Standards of Significance 4.5-1

4.5.4 Potential Impacts and Mitigation Measures 4.5-2

4.6 Cultural and Historic Resources 4.6-1

4.6.1 Environmental Setting 4.6-1

4.6.2 Analytical Framework 4.6-4

	4.6.3	<i>Standards of Significance</i>	4.6-12
	4.6.4	<i>Potential Impacts and Mitigation Measures</i>	4.6-12
4.7		Geology, Soils, and Seismicity	4.7-1
	4.7.1	<i>Environmental Setting</i>	4.7-1
	4.7.2	<i>Analytical Framework</i>	4.7-5
	4.7.3	<i>Standards of Significance</i>	4.7-6
	4.7.4	<i>Potential Impacts and Mitigation Measures</i>	4.7-7
4.8		Hazards and Hazardous Materials	4.8-1
	4.8.1	<i>Environmental Setting</i>	4.8-1
	4.8.2	<i>Analytical Framework</i>	4.8-2
	4.8.3	<i>Standards of Significance</i>	4.8-7
	4.8.4	<i>Potential Impacts and Mitigation Measures</i>	4.8-7
4.9		Land Use and Planning	4.9-1
	4.9.1	<i>Environmental Setting</i>	4.9-1
	4.9.2	<i>Analytical Framework</i>	4.9-2
	4.9.3	<i>Standards of Significance</i>	4.9-4
	4.9.4	<i>Potential Impacts and Mitigation Measures</i>	4.9-4
4.10		Mineral Resources	4.10-1
	4.10.1	<i>Environmental Setting</i>	4.10-1
	4.10.2	<i>Analytical Framework</i>	4.10-1
	4.10.3	<i>Standards of Significance</i>	4.10-1
	4.10.4	<i>Potential Impacts and Mitigation Measures</i>	4.10-1
4.11		Noise	4.11-1
	4.11.1	<i>Environmental Setting</i>	4.11-1
	4.11.2	<i>Analytical Framework</i>	4.11-7
	4.11.3	<i>Standards of Significance</i>	4.11-13
	4.11.4	<i>Potential Impacts and Mitigation Measures</i>	4.11-14
4.12		Population and Housing	4.12-1
	4.12.1	<i>Environmental Setting</i>	4.12-1
	4.12.2	<i>Analytical Framework</i>	4.12-1
	4.12.3	<i>Standards of Significance</i>	4.12-3
	4.12.4	<i>Potential Impacts and Mitigation Measures</i>	4.12-3
4.13		Public Services	4.13-1
	4.13.1	<i>Environmental Setting</i>	4.13-1
	4.13.2	<i>Analytical Framework</i>	4.13-2
	4.13.3	<i>Standards of Significance</i>	4.13-3
	4.13.4	<i>Potential Impacts and Mitigation Measures</i>	4.13-3
4.14		Recreation	4.14-1
	4.14.1	<i>Environmental Setting</i>	4.14-1

TABLE OF CONTENTS

4.14.2 Analytical Framework 4.14-1

4.14.3 Standards of Significance 4.14-2

4.14.4 Potential Impacts and Mitigation Measures 4.14-3

4.15 Transportation and Circulation 4.15-1

4.15.1 Environmental Setting 4.15-1

4.15.2 Analytical Framework 4.15-7

4.15.3 Standards of Significance 4.15-13

4.15.4 Potential Impacts and Mitigation Measures 4.15-16

4.16 Utilities and Service Systems 4.16-1

4.16.1 Environmental Setting 4.16-1

4.16.2 Analytical Framework 4.16-6

4.16.3 Standards of Significance 4.16-9

4.16.4 Potential Impacts and Mitigation Measures 4.16-9

5.0 ALTERNATIVES 5-1

5.1 Rationale for Alternative Selection 5-1

5.2 Alternatives Considered But Rejected From Further Consideration 5-2

5.2.1 Broadway Site Alternative 5-2

5.2.2 Non-Downtown Site 5-2

5.3 Project Objectives 5-3

5.4 No Project Alternative 5-3

5.5 Reduced Project Alternative 5-4

5.5.1 Aesthetics and Visual Resources 5-5

5.5.2 Agricultural Resources 5-5

5.5.3 Air Quality 5-5

5.5.4 Biological Resources 5-6

5.5.5 Cultural and Historic Resources 5-6

5.5.6 Geology, Soils, and Seismicity 5-6

5.5.7 Hazards and Hazardous Materials 5-6

5.5.8 Land Use and Planning 5-7

5.5.9 Mineral Resources 5-7

5.5.10 Noise 5-8

5.5.11 Population and Housing 5-8

5.5.12 Public Services 5-8

5.5.13 Recreation 5-9

5.5.14 Traffic 5-9

5.5.15 Utilities and Service Systems 5-10

5.5.16 Water Quality and Hydrology 5-10

5.5.17 Conclusion 5-11

5.6	Alternate Site Alternative.....	5-12
	5.6.1 <i>Aesthetics and Visual Resources</i>	5-13
	5.6.2 <i>Agricultural Resources</i>	5-13
	5.6.3 <i>Air Quality</i>	5-13
	5.6.4 <i>Biological Resources</i>	5-14
	5.6.5 <i>Cultural and Historic Resources</i>	5-14
	5.6.6 <i>Geology, Soils, and Seismicity</i>	5-14
	5.6.7 <i>Hazards and Hazardous Materials</i>	5-14
	5.6.8 <i>Land Use and Planning</i>	5-15
	5.6.9 <i>Mineral Resources</i>	5-16
	5.6.10 <i>Noise</i>	5-16
	5.6.11 <i>Population and Housing</i>	5-16
	5.6.12 <i>Public Services</i>	5-17
	5.6.13 <i>Recreation</i>	5-18
	5.6.14 <i>Traffic</i>	5-18
	5.6.15 <i>Utilities and Service Systems</i>	5-18
	5.6.16 <i>Water Quality and Hydrology</i>	5-19
	5.6.17 <i>Conclusion</i>	5-20
5.7	Alternate Project Sites.....	5-20
5.8	Environmentally Superior Alternative	5-22
6.0	OTHER CEQA CONSIDERATIONS	6-1
6.1	Significant and Unavoidable Impacts	6-1
6.2	Growth Inducing Impacts	6-4
6.3	Cumulative Impacts	6-5
	6.3.1 <i>Reduced Project Alternative</i>	6-6
	6.3.2 <i>Alternate Site Alternative</i>	6-11
7.0	LITERATURE CITED AND PERSONS AND ORGANIZATIONS CONTACTED.....	7-1
7.1	Literature Cited	7-1
7.2	Persons and Organizations Contacted.....	7-4
8.0	REPORT PREPARATION	8-1
8.1	Lead Agency.....	8-1
8.2	Consultant	8-1
8.3	Persons and Organizations Contacted.....	8-1

LIST OF APPENDICES

Appendix A	Expanded Notice of Preparation (NOP) / Public Responses Received
Appendix B	Air Quality Analysis Data
Appendix C	Historic Structure Assessment and Archaeological Review
Appendix D	Paleontological Resource and Monitoring Assessment
Appendix E	Geologic Information and Reports
Appendix F	Hazardous Materials Investigations
Appendix G	Noise Analysis Data
Appendix H	Traffic Impact Analysis Report
Appendix I	Mitigation Monitoring and Reporting Plan

LIST OF FIGURES

Figure 3-1	Regional/Local Vicinity Map	3-19
Figure 3-2	Proposed Improvements	3-21
Figure 3-3	Project Site	3-23
Figure 3-4	Existing Civic Uses in Project Area.....	3-25
Figure 3-5	Proposed Site Access.....	3-27
Figure 4.2-1	View Location Map	4.2-19
Figure 4.2-2A	Views to the Project Site	4.2-21
Figure 4.2-2B	Views to the Project Site	4.2-23
Figure 4.2-2C	Views to the Project Site	4.2-25
Figure 4.2-3	View Corridors	4.2-27
Figure 4.2-4A	Shadow Analysis (March/September).....	4.2-29
Figure 4.2-4B	Shadow Analysis (June).....	4.2-31
Figure 4.2-4C	Shadow Analysis (December).....	4.2-33
Figure 4.7-1	Fault Map.....	4.7-15
Figure 4.9-1	Proposed Neighborhoods and Districts.....	4.9-7
Figure 4.9-2	Proposed Land Use Map	4.9-9
Figure 4.11-1	Sound Levels and Human Response	4.11-27
Figure 4.11-2	Noise Measurement Locations	4.11-29
Figure 4.15-1	Existing Intersection Geometry	4.15-27
Figure 4.15-2	Existing Conditions Traffic Volumes.....	4.15-29
Figure 4.15-3	Public Parking and Building Locations.....	4.15-31
Figure 4.15-4	Project Trip Assignment.....	4.15-33
Figure 4.15-5	New Trip Assignment	4.15-35
Figure 4.15-6	Redistributed Madge Bradley and Family Law	4.15-37
Figure 4.15-7	Removal of Madge Bradley and Family Law Trips.....	4.15-39

Figure 4.15-8 Removal of Old Jail, County Courthouse Uses, within Existing Courthouse, and Existing Office Buildings on Proposed Site 4.15-41

Figure 4.15-9 Existing Plus Project Conditions..... 4.15-43

Figure 4.15-10 Cumulative Project Trips 4.15-45

Figure 4.15-11 Trips Associated with Reuse of Madge Bradley and Family Law 4.15-47

Figure 4.15-12 Existing Plus Cumulative Conditions..... 4.15-49

Figure 4.15-13 Existing Plus Cumulative Plus Project Conditions 4.15-51

Figure 4.15-14 Existing Parking Lot Locations 4.15-53

Figure 6-1 Cumulative Projects..... 6-19

LIST OF TABLES

Table 1-1 Environmental Impact Summary 1-11

Table 3.4-1 Project Construction Activities 3-12

Table 4.4-1 Criteria Air Pollutants’ Effects on Health..... 4.4-2

Table 4.4-2 Local Air Quality Levels 4.4-3

Table 4.4-3 Ambient Air Quality Standards and Air Pollution Control District Attainment Status 4.4-14

Table 4.4-4 Air Pollution Control District’s Screening Level Thresholds 4.4-17

Table 4.4-5 Criteria Air Pollutant Emissions from Construction 4.4-23

Table 4.4-6 Criteria Air Pollutant Emissions from Operations..... 4.4-24

Table 4.4-7 SCREEN 3 Predicted Emission Concentrations..... 4.4-27

Table 4.4-8 Recommended Actions for Climate Change Proposed Scoping Plan . 4.4-29

Table 4.4-9 Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse..... 4.4-33

Table 4.11-1 Noise Descriptors..... 4.11-2

Table 4.11-2 Summary of Existing Noise Measurements..... 4.11-5

Table 4.11-3 Existing Traffic Noise Levels..... 4.11-6

Table 4.11-4 Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards) 4.11-9

Table 4.11-5 Table of Applicable Limits – San Diego Municipal Code 4.11-12

Table 4.11-6 Future Noise Scenarios..... 4.11-16

Table 4.11-7 Typical Noise Levels from Construction Equipment 4.11-21

Table 4.11-8 Typical Vibration Levels for Construction equipment..... 4.11-22

Table 4.11-9 Existing Plus Cumulative Plus Project Noise Scenarios..... 4.11-23

Table 4.11-10 Existing Plus Cumulative Plus Project Noise Scenarios..... 4.11-25

Table 4.15-1 Existing Condition Intersection Levels of Service (LOS) – AM Peak 4.15-3

Table 4.15-2 Existing Conditions Roadway Segment Levels of Service (LOS)..... 4.15-4

TABLE OF CONTENTS

Table 4.15-3	Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site	4.15-6
Table 4.15-4	Trip Generation – County Court Building.....	4.15-9
Table 4.15-5	Trip Generation – Family and Probate Court (No Jury Calls)	4.15-9
Table 4.15-6	Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego.....	4.15-10
Table 4.15-7	Redistributed Existing Trips	4.15-11
Table 4.15-8	Existing Trips Associated with Existing Buildings on Project Site....	4.15-12
Table 4.15-9	Intersection LOS & Delay Ranges	4.15-15
Table 4.15-10	Level of Service Thresholds for Roadway Segments	4.15-15
Table 4.15-11	City of San Diego Level of Significance Thresholds.....	4.15-16
Table 4.15-12	Existing Plus Project Conditions Intersection LOS – AM Peak	4.15-17
Table 4.15-13	Existing Plus Project Roadway ADT Volumes and LOS	4.15-17
Table 4.15-14	Cumulative Conditions – Intersection LOS AM Peak Hour	4.15-19
Table 4.15-15	Cumulative Conditions – Roadway ADT Volumes and LOS.....	4.15-21
Table 5-1	Project Alternatives – Impacts Compared to the Project	5-23
Table 5-2	Alternative Project Sites (Budget Package).....	5-24
Table 6-1	Cumulative Projects List.....	6-18

1.0 EXECUTIVE SUMMARY

1.1 PROJECT SUMMARY

1.1.1 Project Description

The Administrative Office of the Courts (the “AOC”) proposes construction of the New San Diego Central Courthouse Project (the “Project”) in downtown San Diego and operation of the facility for the Superior Court of California, County of San Diego (the “Superior Court”). The Project will enhance security and the efficiency of judicial operations, improve public access, and remove existing judicial facilities that lack adequate seismic safety, security, and public access.

The New San Diego Central Courthouse will have as many as approximately 20 stories with as many as three basement levels. The Project will also include construction of a tunnel between the new courthouse and the County of San Diego’s existing Central Jail and construction of a bridge over C Street between the new courthouse and the County of San Diego’s existing Hall of Justice. The AOC will operate the proposed new facility for the Superior Court. In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse.

Since the AOC is the Project’s Lead Agency and is acting for the State of California on behalf of the Judicial Council of California, local governments’ land use planning and zoning regulations do not apply to the proposed Project. However, the AOC intends to consult with local government representatives and provide a courthouse that is consistent with the quality of the local architectural environment.

The AOC will apply the codes and standards of the California Building Code¹ (edition in effect as of the commencement of schematic design phase of the Project); California Code of Regulations, Title 24; California Energy Code, Americans with Disabilities Act; American Disability Act Accessibility Guidelines;² and, Division of the State Architect’s Access Checklist.³ The proposed Project will implement sustainable elements throughout its design, operation, and maintenance. The AOC’s design will incorporate features that conform to standards of a Leadership in Energy and Environmental Design (LEED) silver-certified building, and the building’s design will include features to reduce energy consumption by at least 15% from the levels of the California Building Code. The LEED Rating includes

¹ California Building Code. 2008. Building Standards Commission. Available at: <http://www.bsc.ca.gov/default.htm>.

² Available at: <http://www.access-board.gov/adaag/html/adaag.htm>

³ Available at: http://www.documents.dgs.ca.gov/dsa/pubs/checklists_rev_08-01-09.pdf

criteria for features related to sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes.

1.1.2 Project Location

The proposed Project site for the New San Diego Central Courthouse (herein referred to as the “Project site”) is an approximately 1.4-acre site; refer to *Figure 3-1, Regional/Local Vicinity Map*. The Judicial Council of California owns the proposed courthouse site, the existing County Courthouse, and the Old Jail; refer to *Figure 3-2, Proposed Improvements*. The Project site is located within the U.S. Geological Survey’s 7.5-minute San Diego topographic quadrangle. The Interstate-5 (I-5) San Diego Freeway is roughly 0.5 miles north of the Project site and approximately 1.0 miles east of the Project site. The proposed site is a one-block parcel bounded by West B Street on the north, Union Street on the east, West C Street on the south, and State Street on the west.

In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, the AOC does not currently have funding to demolish the structures. This building is located at 220 West Broadway and extends northward from Broadway to the block north of B Street with bridges over C and B Streets. The building occupies approximately 2.25 City blocks, with an area of approximately three acres, and has 503,000 building gross square feet (“BGSF”). The Superior Court occupies approximately 383,000 BGSF⁴ of space within the building, County offices occupy 88,000 BGSF of space, and the Sheriff’s Department occupies approximately 32,000 BGSF. The facility has approximately 40 surface parking spaces, primarily for County staff. The County provides 67 secured spaces for Superior Court Staff on the block between B Street, Union Street, A Street, and Front Street.

In addition, the new courthouse will accommodate selected staff and operations from the Hall of Justice, Madge Bradley Building, Family Court, and the Old Jail once construction is complete. *Figure 3-2, Proposed Improvements*, shows the location of these buildings in relation to the Project site.

⁴ The Superior Court occupies approximately 243,000 useable square feet of space within the building, the County’s Child Support Services and Health and Human Services occupy approximately 56,000 square feet of useable space in the building, and the Sheriff’s Department occupies approximately 20,000 square feet of useable space; these uses total 319,000 useable square feet. BGSF includes common areas in a building, such as lobby space, restrooms, and building support space. The AOC calculated each uses’ percentage of the total useable square feet and multiplied each uses’ percentage by 503,000 BGSF to determine each uses’ BGSF.

1.1.3 Real Estate-Related Actions

The AOC will work with the City and County to determine what real property rights and interests the AOC may need to construct and operate a pedestrian tunnel to connect the new courthouse to the Central Jail and to determine how to document those real property interests that the parties conclude are necessary. After completion of the tunnel, the AOC will transfer title to the tunnel and all related real property rights to the County to complete an existing obligation created by the 2009 agreement between the County and the AOC for the AOC's acquisition of the County Courthouse and other properties. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the tunnel that will be located on or under the County's property.

As stated previously, the Project will include construction of a bridge over C Street to connect the new courthouse to the Hall of Justice. The AOC will work with the City to determine and document what real property rights and interests the AOC may need to procure to construct and operate the bridge over C Street. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the bridge that will be located on or over the County's property.

As previously noted, at some point in the future, the AOC intends to dispose of the existing County Courthouse and Old Jail parcels; however, at this time, the AOC has not made and is not making any disposition arrangements. When the AOC develops proposals for disposition of these properties, the AOC will prepare additional CEQA documentation for the disposition activities, if appropriate and as required.

1.1.4 Proposed Courthouse Facility

The Project will construct a courthouse building with approximately 20 stories and three basement levels. To date, the AOC has developed only a preliminary site plan for the Project; however, the AOC expects that the building will be as much as approximately 400 feet in height with approximately 750,000 BGSF. The main public entrance to the new courthouse will be on C Street, Union Street, or the intersection of C Street/Union Street.

The new courthouse will include 71 courtrooms with associated judicial chambers and operational areas. The new courthouse will support felony and misdemeanor judicial activities and other judicial activities that may include civil, probate, and family law functions. To maximize functional flexibility, all of the courtrooms will have holding capability for in-custody detainees and space for juries. The facility's lowest floors will provide an entrance, security screening facilities, and lobby on the first floor; additional public areas, support offices, and high volume courtrooms on the lower floors; and other

courtrooms and judicial facilities on the upper floors. The building will also provide space for administrative and staff offices, juror assembly, and building support space. To promote security inside the new courthouse, the building will provide separate corridors and elevators for movement of in-custody detainees, judicial staff, and visitors.

To improve operational efficiency, the Project includes construction of a bridge over C Street to connect the new facility to the Hall of Justice. The AOC presumes that the bridge will be approximately 45 feet above the street and approximately 20 feet wide, 16 feet high, and 150 feet long.

Pedestrian access to the courthouse will occur from Union Street and from C Street; refer to *Figure 3-5, Proposed Site Access*. Visitors will enter into the lobby area and will pass through security facilities prior to entering the main courthouse facilities.

The building's upper basement level will include in-custody detainee handling facilities that will connect via a tunnel to the County's Central Jail, which is located approximately 325 feet east of the proposed courthouse site. There will also be building support space in the basement for mechanical equipment and building operational support needs. A lower basement level will provide approximately 115 secured parking spaces for judicial officers and judicial executives and may also provide additional building support areas; refer to *Figure 3-5, Proposed Site Access*, which shows the location of the secure parking/sally port entry.

After completion of the new courthouse, the Superior Court will relocate existing staff and operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley Building, Family Court, and portions of the Kearny Mesa Facility into the new courthouse. The Superior Court will continue to use its existing space in the Hall of Justice, but will abandon its space in the County Courthouse, Madge Bradley Building, and Family Court. The proposed new courthouse will add two new courtrooms and will transfer the staff and operations of a small claims courtroom from the Kearny Mesa Facility to the proposed new courthouse. The Superior Court will increase staffing from the current approximately 711 staff to approximately 810 staff members.⁵ For the Superior Court's downtown San Diego operations, the Project will increase juror population by an estimated 28 persons per day and visitor population by approximately 2.9 percent per day.⁶

5 San Diego New Central Courthouse – Study Phase Report. Prepared by Skidmore, Owings and Merrill, LLP. December 2005.

6 The existing Superior Court currently has a total of 69 existing courtrooms in the downtown San Diego area housed in the County Courthouse, Hall of Justice, and Family Court. The 71 courtrooms proposed with the Project represent a 2.9 percent increase from the existing 69 courtrooms. One jury is composed of 14 jurors (12 jurors and two alternates). The juror population will therefore increase by an estimated 28 people per day over the Superior Court's existing juror population.

1.1.5 Related Facilities and Actions

The Project also proposes improvements in the area surrounding the Project site. To improve pedestrian safety at the intersections of Union Street and Front Street with B Street and C Street, the AOC will add pedestrian corner-crossing enhancements.

1.1.6 Parking

The Project's proposed courthouse site currently provides approximately 181 surface parking spaces available to the public that a private party manages. In addition, approximately ten on-street parking spaces are located adjacent to the eastern side of the Project site along the western side of Union Street. The County Courthouse provides approximately 44 parking spaces for judicial officers and some Superior Court staff and County staff, and there are an additional 89 parking spaces for judicial officers and some Superior Court staff and County staff on the County-owned block between B Street, Union Street, A Street, and Front Street.

The Project will eliminate all public parking spaces on the proposed courthouse site and will eliminate all non-public parking spaces in the area between B Street, Front Street, Broadway, and Union Street. Since the Project will reserve adjacent on-street parking spaces for use by public law enforcement vehicles, the Project will also eliminate the on-street public parking spaces presently located along the western side of Union Street. The Project will provide approximately 115 secured parking spaces for judicial officers and Superior Court executives, but all other staff and visitors will park in offsite locations. *Figure 3-5, Proposed Site Access*, shows the location of the entrance to the proposed secure parking/sally port (secured) entry area.

Regional Transit System buses currently park in on-street parking spaces on the eastern side of Front Street and south side of B Street that are adjacent to the Project site. As the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will eliminate the Regional Transit System's on-street bus waiting spaces.

1.1.7 Construction Scenario

The Project will remove the existing structures, surface parking facilities, utilities, and other structures; construct a new courthouse facility; relocate utilities in the area surrounding the proposed courthouse site; and, construct a tunnel to connect the new courthouse with the County's Central Jail. In addition, the AOC will construct a bridge over C Street to connect the Hall of Justice and the new courthouse. The Project will not construct any additional public parking facilities.

The Project includes demolition of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, as the AOC does not currently have funding for the intended demolition, such activities will occur at an unknown date in the future. When demolition activities occur, the AOC will replace the existing chilled water supply and related connections that currently extend from the County's Central Plant through the County Courthouse to other County facilities to ensure continued service.

Construction of the proposed courthouse building will begin with closure of the onsite parking facility, termination of leases for the onsite buildings and closure of the buildings, and installation of perimeter fencing and sound barriers around the periphery of the proposed courthouse site. Limited offsite construction staging areas will be required due to the proposed Project design and onsite constraints with regard for available land not affected by excavation and construction activities. The AOC has coordinated with surrounding parking vendors to secure adjacent facilities for minimal tool and laydown areas. The AOC anticipates that this need may be satisfied by an approximately 150-foot by 150-foot area (0.5 acre) at the parking lot located at the northwest corner of Union Street and B Street. The AOC will minimize use of such offsite areas; however, they are necessary to accommodate the trade tool needs on a daily basis. Construction workers will likely park in nearby offsite parking areas. When possible, workers will carpool to the Project site and will report to a designated onsite staging area. When feasible, construction operations will use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

Construction activities will include excavation, grading, framing, paving, and coating. Construction of the New San Diego Central Courthouse will take as much as approximately 28 months from mid 2014 to 2016. *Table 3-1* provides a description of the proposed construction activities and an estimate of the duration of anticipated individual construction activities. Some individual construction activities may overlap. Construction of a tunnel to connect the New San Diego Central Courthouse with the County's Central Jail and the bridge to connect to the Hall of Justice will coincide with construction of the new courthouse. Tunneling operations will require temporary closure of portions of Front Street.

The AOC expects that excavation and grading activities for the new courthouse will require approximately three months. Excavation operations for the proposed tunnel will extend the area and duration of excavation operations, but the AOC currently has insufficient information to clarify the area and duration of tunneling excavations. The AOC's tunneling construction operations will require lane closures on Front Street between B Street and C Street.

Although the AOC does not yet have specific engineering design information for the Project, the AOC estimates that Project will require excavation of approximately 140,000

cubic yards⁷ of soil materials, and excavation operations at the site will export all of the material to an offsite location for proper disposal. During the later stages of construction, the Project will import and replace approximately 14,000⁸ cubic yards of material.

1.1.8 Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court

After completion of the New San Diego Central Courthouse, the Superior Court will move from the County Courthouse, Madge Bradley building, Family Court building, and Kearney Mesa to the new courthouse. The County will move some of its Sheriff's Department operations to the new courthouse and will move its other operations from the County Courthouse to other facilities.

After the Superior Court and other parties vacate the buildings, the AOC will close and secure the existing County Courthouse and Old Jail. Closure of the building will include measures to secure windows and doors on the buildings' ground floor and potentially other floors. The AOC will also secure the buildings' driveway on C Street, and the AOC will install fencing to secure the plaza at the northwest corner of Broadway/Front Street and the plaza and driveway area at the southwest corner of Front Street/C Street. In addition, the AOC will continue to provide maintenance service for the buildings' exterior and portions of the buildings' interior.

Since the County Courthouse and Old Jail have structural limitations and an earthquake fault bisects the property on which the buildings are located, the AOC intends to demolish the structures between West Broadway, Union Street, the northern side of B Street, and Front Street. The AOC will remove the structures to the level of the basement floors, stabilize all exposed erodible surfaces, and secure the site's perimeter.

Since the existing County Courthouse contains infrastructure connections between several County facilities, the AOC must provide replacement infrastructure for the affected County facilities. The AOC and County will design the replacement infrastructure as part of the AOC's future planning for demolition of the County Courthouse and Old Jail, and the AOC will provide the replacement infrastructure as part of the AOC's demolition activities.

Once the Superior Court relocates its operations from the Madge Bradley Building, Family Court, and portions of the Hall of Justice, the County or another party will occupy the vacated space. When the Superior Court relocates from these facilities, the new occupants will utilize the building's existing parking spaces.

7 Excavation assumptions: B1(Basement 1) = 44,444 CY; B2 (Basement 2) = 35,555 CY; B3 (Basement 3 – Optional) = 35,555 CY; Mat Slab @ 8 feet overall = 17,777 CY; Tunnel = 6,680 CY; Total = 140,001 CY

8 Assumption: 14,000 = 20' setback volume = B1's 46,000 CY – (160*265*20)

1.2 ENVIRONMENTAL IMPACT SUMMARY

This Environmental Impact Report (EIR) provides an assessment of significant or potentially significant effects resulting with implementation of the proposed Project for the following issues: Aesthetics and Visual Resources; Cultural and Historic Resources; Geology and Soils; Hazards and Hazardous Materials; and, Noise. Other issue areas considered include Agricultural Resources; Air Quality; Biological Resources; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Transportation and Circulation; Utilities and Service Systems; and, Water Quality and Hydrology. *Chapter 4.0, Environmental Effects*, of this EIR analyzes and discusses these issues in greater detail to determine the Project's potential effects. *Table 1-1, Environmental Impact Summary*, provides a summary of potential Project impacts and identifies the proposed mitigation measures to reduce such impacts.

1.3 SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2 (b) of the State CEQA Guidelines requires an EIR to “describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the Project is being proposed, notwithstanding their effect, should be described.”

Through preparation of the EIR, the AOC evaluated the Project against thresholds to determine whether Project implementation will result in significant impacts, if any mitigation proposed might reduce significant impacts to a level that might be less than significant, or if alternatives might reduce significant impacts. As a result of this process, the AOC identified construction-related noise impacts as the Project's only significant unavoidable impacts.

1.4 SUMMARY OF PROJECT ALTERNATIVES

The following provides a summary of proposed alternatives to the Project. *Chapter 5.0, Alternatives*, provides a detailed discussion of these alternatives for each issue. The AOC has designed Project alternatives to alleviate identified environmental impacts of the Project or address specifically requests for consideration that interested parties submitted during preparation of the EIR. *Chapter 5.0, Alternatives*, identifies the Reduced Project Alternative as the Environmentally Superior Alternative.

1.4.1 No Project Alternative

Under the No Project Alternative, the AOC will not implement the proposed San Diego New Central Courthouse Project, the tunnel to connect the new courthouse with the County's Central Jail, and the bridge over C Street to connect the new courthouse with the

County's Hall of Justice. The AOC will not demolish the Stahlman Block's existing onsite buildings, and the surface parking lot will remain in its current operational state. Staff from the Superior Court from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice will continue to operate in their current buildings.

The AOC will not demolish the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse at any time in the future as part of the No Project Alternative. Since no demolition will take place, the AOC will not replace the County's existing chilled water supply to the Central Jail and Hall of Justice, which currently extends through the County Courthouse.

If no courtrooms are available and no additional space is available for the consolidation of the Superior Court's Madge Bradley operations, the Family Law operations, and Kearney Mesa courtroom's operations, then the dispersed facilities will continue to hinder the Superior Court's efficiency and the public's access to judicial operations.

1.4.2 Reduced Project Alternative

The Reduced Project Alternative includes potential construction of approximately 600,000 building gross square feet for 69 courtrooms and improved facilities to enhance security and the efficiency of judicial operations. The facility will potentially use the same site as the Proposed Project.

The Reduced Project Alternative's design will provide approximately 600,000 gross square feet of space above grade (15 stories maximum) and three levels of parking and mechanical functions below grade (similar to that proposed with the Project). The overall building footprint will be similar to that of the proposed Project.

The square footage proposed with the Reduced Project Alternative is the same square footage that the County of San Diego proposed for the original design of the new courthouse in the January 1993 Program EIR prepared to analyze development of a new courthouse in the downtown area. Therefore, this square footage proposed for the Reduced Project Alternative represents a potential design alternative to the current Project design evaluated within this EIR. Under the Reduced Project Alternative, the new courthouse will contain up to 69 courtrooms and provide approximately 100 underground parking spaces for judges and some Superior Court executives. To avoid security concerns, this alternative will not provide underground, unsecured parking for staff, jurors, or visitors.

1.4.3 Alternative Site Alternative

The specific site considered for the Alternate Site Alternative is one block to the north of the Project site. The site borders A Street on the north, B Street to the south, and State and Union

Streets on the west and east, respectively. Except for the location, projected gross building square footage, height, and other Project characteristics will be the same as that of the Project. Similar to the Project site, the site for the Alternate Site Alternative is within close proximity (but not immediately adjacent to) to the Hall of Justice and other existing County buildings. The site is one block (approximately 400 feet) north of C Street and the existing San Diego Trolley line.

Existing uses on the alternate site are similar to those on the AOC's proposed Project site. The alternative site contains surface parking lots on approximately one-half of the site with single-story commercial buildings on the remainder of the property.

1.5 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Section 15123 of the CEQA Guidelines requires that an EIR contain a brief summary of the proposed actions and its consequences. Sections 15123(b)(2) and (3) also require that the EIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how, to mitigate significant adverse physical impacts.

The AOC has closely coordinated with City and County staff, affected downtown organizations (for example, Centre City Development Corporation), public service agencies (for example, City's Fire and Police Departments, County of San Diego Sheriff's Department, etc.), members of the Superior Court, and others potentially affected by the Project. The AOC has attempted to proactively and effectively consider potential issues of concern.

Based on available information and comments received from the public and other public agencies in response to the Notice of Preparation and the Public Scoping Meeting held May 18, 2010, the AOC has identified no areas of controversy for the Project.

Table 1-1: Environmental Impact Summary

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
1. AESTHETICS/VISUAL RESOURCES – Will the Project:				
(Construction Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
(Post-Construction, Operation, and Maintenance Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
	Proposed Mitigation: (AES-1b) To prevent the new courthouse from generating high-velocity groundborne winds, the AOC shall include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians.			
Have a substantial adverse affect on a scenic vista?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially damage scenic resources?	Less than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial light or glare that will adversely affect day or nighttime views?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial shading?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
2. AGRICULTURAL RESOURCES – Will the Project:				
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect
Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Effect	No Effect	No Effect	No Effect
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
3. AIR QUALITY – Will the Project:				
Obstruct implementation of the applicable air quality plan?	No Effect	No Effect	No Effect	No Effect
(Construction) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Construction) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Create objectionable odors affecting a substantial number of people?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Conflict with an applicable plan, or policy, or regulation adopted to reduce the emissions of greenhouse gases?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
4. BIOLOGICAL RESOURCES – Will the Project:				
Have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means?	No Effect	No Effect	No Effect	No Effect
Result in potentially significant adverse effects to wildlife dispersal corridors?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
5. CULTURAL AND HISTORIC RESOURCES – Will the Project:				
Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.05?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.05?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
<p>Proposed Mitigation Measures:</p> <p>(CR-1) The AOC will require its developer to retain a qualified archaeologist who shall inform all excavation operations personnel of the Project’s cultural resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize archaeological artifacts, features, or deposits. Personnel working on the Project will not collect archaeological resources. The qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations. <u>If construction operations discover resources in the uppermost 15 feet of soil and the resources extend below 15 feet, the archaeologist may evaluate the resources that are located below the uppermost 15 feet of soil. If construction personnel encounter soil conditions or other indicators which suggest that resources may be located below 15 feet, the AOC’s qualified archaeologist will evaluate the unusual soil conditions and any resources.</u></p> <p>Prior to construction, the qualified archaeologist shall submit a cultural resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover cultural resources during excavation operations and the documentation that the qualified archaeologist shall prepare for the monitoring effort. <u>If the archaeologist requires assistance from a Native American monitor to evaluate potential Native American-related cultural resources, the AOC will support such assistance.</u></p> <p>If construction operation personnel discover buried cultural resources such as chipped or ground stone or building foundations during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting archaeologist can assess the significance of the find. The archaeologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation. <u>Within three months of the completion of cultural resources monitoring activities, the qualified archaeologist shall summarize the resources in a report prepared to current professional standards.</u></p>				

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
6. GEOLOGY, SOILS, AND SEISMICITY – Will the Project:				
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving ground failure (including subsidence or liquefaction-induced lateral spreading)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving expansive soils?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Directly or indirectly destroy a unique paleontological resource or site?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
<p>Proposed Mitigation Measures:</p> <p>(GEO-1) The AOC will require its developer to retain a qualified paleontologist who shall inform all construction excavation operations personnel of the Project’s paleontological resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize paleontological artifacts, features, or deposits. Personnel working on the Project will not collect paleontological resources. The qualified paleontologist will be present for pre-construction meetings and any Project-related excavations in undisturbed marine sediments of the upper Pleistocene Bay Point Formation and/or middle Pleistocene “upper Broadway” and “lower Broadway” formations, as well as where over-excavation of any thin veneer of younger alluvial sediments with Pleistocene marine sediments in the subsurface. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain or yield fossil resources.</p> <p>Prior to construction, the qualified paleontologist shall submit a paleontological resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover paleontological resources during excavation operations. Monitoring of excavation and trenching activities shall occur in areas that the qualified paleontologist or paleontological monitor determines are likely to yield</p>				

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
	<p>paleontological resources.</p> <p>If construction operations personnel discover buried paleontological resources during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting paleontologist can assess the significance of the find. The paleontologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation.</p> <p>The qualified paleontologist shall summarize the resources in a report prepared to current professional standards.</p>			
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving landslides?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial soil erosion or the loss of topsoil?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in potentially significant adverse effect to unique geologic features?	No Impact	No Effect	No Impact	No Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	No Impact	No Effect	No Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS – Will the Project:				
Result in a safety hazard in the vicinity of an airport or private airstrip for people visiting or working in the Project area?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through the routine transport, use or dispose of hazardous materials?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Less Than Significant Impact
<p>Proposed Mitigation Measures:</p> <p>(HAZ-1) Prior to grading or construction on the Project site, the AOC shall excavate the area approximately 20 feet west of Monitoring Well 1 evidence of an underground storage tank. If an underground storage tank is found, the AOC shall remove the tank under permit and</p>				

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
	inspection of the County of San Diego Department of Environmental Health, Underground Storage Tank Program.			
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
8. LAND USE AND PLANNING – Will the Project:				
Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Physically divide a community?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
9. MINERAL RESOURCES – Will the Project:				
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	No Effect	No Effect	No Effect	No Effect
Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Effect	No Effect	No Effect	No Effect
10. NOISE – Will the Project:				
Cause a substantial permanent increase in ambient noise levels or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Produce a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Potentially Significant Impact, but Less Than Significant After <u>Despite Adoption of Proposed Mitigation¹</u>	No Effect	Potentially Significant Impact, but Less Than Significant After <u>Despite Adoption of Proposed Mitigation²</u>	Potentially Significant Impact, but Less Than Significant After <u>Despite Adoption of Proposed Mitigation³</u>
	<p>Proposed Mitigation Measures:</p> <p>(NOI-1) Prior to site mobilization, the following shall be demonstrated to the AOC and noted on construction bid documents:</p> <p>All construction equipment shall have properly operating and maintained mufflers and other State-required noise attenuation devices;</p> <p>The AOC's construction contractor shall post notices, legible at a distance of 50 feet, at the Project construction site. All notices shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints;</p> <p>The AOC's construction contractor shall designate a Noise Disturbance Coordinator and make the coordinator responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall immediately determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint; and,</p> <p>Where feasible during construction, the construction contractor shall place stationary construction equipment in locations where the emitted noise is away from sensitive noise receivers.</p>			
Generate excessive ground-borne vibration or ground-borne noise levels?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people residing or working in the Project area to excessive noise levels from a public airport, public use airport, or private airstrip?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

¹ The Draft EIR's Section 4.11.4.2 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

² The Draft EIR's Section 5.5.10 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

³ The Draft EIR's Section 5.6.10 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
11. POPULATION AND HOUSING – Will the Project:				
Potentially induce substantial growth either directly or indirectly?	No Effect	No Effect	No Effect	No Effect
Displace a potentially significant amount of existing housing, especially affordable housing?	No Effect	No Effect	No Effect	No Effect
12. PUBLIC SERVICES – Will the Project:				
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
13. RECREATION – Will the Project:				
Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Effect	No Effect	No Effect	No Effect
Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	No Effect	No Effect	No Effect	No Effect
14. TRANSPORTATION AND CIRCULATION – Will the Project:				
Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Exceed a level of service standard established by the county congestion management agency for designated roads or highways?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	No Effect	No Effect	No Effect	No Effect
Substantially increase hazards because of a design feature (such as sharp curves or dangerous intersections) or incompatible uses?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in inadequate emergency access?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Cause a substantial shortage of parking spaces?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Conflict with adopted policies, plans, or programs supporting alternative transportation (such as bus turnouts, bicycle racks)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
15. UTILITIES AND SERVICE SYSTEMS				
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new water or wastewater treatment facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new storm water drainage facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the water provider that serves the Project area have sufficient water supplies available to serve the Project?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the wastewater treatment provider that serves the Project area determine that it has adequate capacity to serve the Project's projected demand?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Is there a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
16. WATER QUALITY AND HYDROLOGY – Will the Project:				
Violate any water quality standards or waste discharge requirements?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level?	No Effect	No Effect	No Effect	No Effect
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation onsite or offsite, or result in flooding onsite or offsite?	No Effect	No Effect	No Effect	No Effect
Place housing within a 100-year flood hazard area, or place structures within a 100-year flood hazard area that will impede or redirect flood flows?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or involving inundation by seiche, tsunami, or mudflow?	No Effect	No Effect	No Effect	No Effect

**NEW SAN DIEGO CENTRAL COURTHOUSE
FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO:
FINAL ENVIRONMENTAL IMPACT REPORT**

SCH # 2000021015

Issue Date: December 2010

VOLUME I

Prepared For:



Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-4272

Prepared By:



9755 Clairemont Mesa Blvd., Suite 100
San Diego, California 92124
RBF JN 25-104231.001

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Table of Contents

Volume I Final EIR

I. INTRODUCTION

FINAL EIR COMPONENTS
PUBLIC REVIEW OF DRAFT EIR
RESPONSES TO COMMENTS
DECISION-MAKERS' ROLES

II. DRAFT EIR COMMENTS AND RESPONSES

- A: State of California, Department of Transportation, Sandy Hesnard, Aviation Environmental Specialist, September 2, 2010
- B: County of San Diego, Department of General Services, April F. Heinze, P.E., September 20, 2010
- C: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, September 22, 2010
- D: San Diego County Archaeological Society, Inc., James W. Royle, Jr., Chairperson, Letters dated September 6, 2010, and September 26, 2010
- E: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, May 27, 2010
- F: Comments from Scoping Meeting, September 8, 2010

III. REVISIONS TO THE DRAFT EIR

Volume II EIR Appendices

- Appendix A Expanded Notice of Preparation (NOP) / Public Responses Received
- Appendix B Air Quality Analysis Data
- Appendix C Historic Structure Assessment and Archaeological Review for the New San Diego Central Courthouse Project
- Appendix D Paleontological Resource and Monitoring Assessment
- Appendix E Geologic Information and Reports
- Appendix F Hazardous Materials Investigations
- Appendix G Noise Analysis Data
- Appendix H Traffic Impact Analysis Report
- Appendix I Mitigation Monitoring and Reporting Plan

Volume 1
Final EIR

I. INTRODUCTION

The Administrative Office of the Courts (AOC) prepared this Final Environmental Impact Report (Final EIR) to address comments received by the Judicial Council of California, AOC, the Lead Agency for the Draft Environmental Impact Report (Draft EIR) for the proposed New San Diego Central Courthouse Project. The AOC released the Draft EIR for public review on August 9, 2010. The public review period ended on September 22, 2010.

FINAL EIR COMPONENTS

The Final Environmental Impact Report (Final EIR) for New San Diego Central Courthouse Project consists of revisions to the Draft EIR document and the Revised Draft EIR, the Responses to Public Comments, and the Mitigation Monitoring and Reporting Program.

PUBLIC REVIEW OF DRAFT EIR

The 45-day public review period for the Draft EIR began on August 9, 2010 and ended on September 22, 2010. The AOC held a public meeting to receive comments on the Draft EIR on September 8, 2010 at 2:00 pm at the San Diego Downtown Information Center, located in Horton Plaza in downtown San Diego. Residents and State and local agencies submitted a total of four comment letters during the open public comment period. Two additional letters were received outside of the public comment period.

RESPONSES TO COMMENTS

The Responses to Comments provide a record of the changes that were made to the Draft EIR, as well as responses and clarifications raised by the comment letters. Together, the Draft EIR, the Revised Draft EIR, and the Responses to Comments record the environmental review process and findings from the issuance of the Notice of Preparation through the document certification. The Responses to Comments include the original comment letters submitted by each commenting party (citizen, agency, etc.) followed by the AOC's response. To facilitate reader convenience, each comment has a comment code with each response linked by the same code. Due to the similarity or duplication of some comments, the responses may refer a reader to a previous (or subsequent) response provided elsewhere in the Response to Comment portion of the Final EIR.

DECISION-MAKERS' ROLES

In conformance with CEQA Guidelines Section 15367, the Judicial Council typically acts as the "lead agency," which is defined as the "public agency which has the principal responsibility for carrying out or disapproving a project." The Judicial Council has delegated its project approval authority to the Administrative Director of the Courts (ADOC). The ADOC must prepare and certify the Final EIR.

II. DRAFT EIR COMMENTS AND RESPONSES

This chapter presents the Judicial Council of California, Administrative Office of the Courts (AOC) responses to comments on the “Draft Environmental Impact Report, New San Diego Central Courthouse for the Superior Court of California, County of San Diego,” dated August 2010.

- A: State of California, Department of Transportation, Sandy Hesnard, Aviation Environmental Specialist, September 2, 2010
- B: County of San Diego, Department of General Services, April F. Heinze, P.E., September 20, 2010
- C: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, September 22, 2010
- D: San Diego County Archaeological Society, Inc., James W. Royle, Jr., Chairperson, Letters dated September 6, 2010, and September 26, 2010
- E: City of San Diego, Cecilia Gallardo, AICP/Assistant Deputy Director, Development Services Department, May 27, 2010
- F: Comments from Scoping Meeting, September 8, 2010

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711

SEP 13 REC'D



*Flex your power!
Be energy efficient!*

September 2, 2010

Mr. Jerome Ripperda
Administrative Law Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

Dear Mr. Ripperda:

Re: Draft Environmental Impact Report for the New San Diego Central Courthouse;
SCH# 2000021015

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

A-1 The proposal is for the construction of the 20-story, 400-foot tall New San Diego Central Courthouse on a one-block parcel bounded by West B Street on the north, Union Street on the east, West C Street on the south, and State Street on the west. The project site is located approximately 5,500 feet southeast of the San Diego International Airport.

In accordance with California Public Utilities Code (PUC) Section 21655, prior to acquisition of land for a state building within two miles of an airport runway, the applicant is required to submit written notification to the Division of Aeronautics requesting a site evaluation. Please contact the Division's Aviation Safety Officer for San Diego County, John Favors, at (916) 654-5450, for questions concerning the site evaluation.

A-2 Additionally, PUC Section 21659 prohibits structural hazards near airports. Since the new courthouse will exceed 200 feet in height, a Notice of Proposed Construction or Alteration (Form 7460-1) will be required by the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

A-3 These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 11 office concerning surface transportation issues.

A: State of California – Department of Transportation
Sandy Hesnard, Aviation Environmental Specialist,

Letter dated September 2, 2010

- A-1 The comment notes the requirements of Section 21655 of the California Public Utilities Code. Section 4.8.4.1 states that the Project's design will be consistent with Federal Aviation Administration and/or other laws and regulations aimed at ensuring continued public safety and the avoidance of interference with airport operations. The AOC will comply with Public Utilities Code Section 21655 and looks forward to cooperating with CALTRANS Division of Aeronautics.
- A-2 The comment notes the requirements of Section 21659 of the California Public Utilities Code and Federal Aviation Administration regulations for "Objects Affecting Navigable Airspace." Section 4.8.4.1 states that the Project's design will be consistent with Federal Aviation Administration and/or other laws and regulations aimed at ensuring continued public safety and the avoidance of interference with airport operations. The AOC will comply with Federal Aviation Administration regulations.
- A-3 The comment indicates that comments A-1 and A-2 reflect the concerns of CALTRANS Division of Aeronautics regarding airport-related noise, safety and regional land use planning issues and recommends that the AOC contact Division 11 Office for "surface transportation issues." The AOC filed a Notice of Completion with the State Clearinghouse, and the Notice recommended the State Clearinghouse's distribution to CALTRANS District 11. District 11 did not submit comments to the AOC for the Draft EIR.

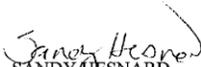
A: State of California – Department of Transportation
Sandy Hesnard, Aviation Environmental Specialist,

Letter dated September 2, 2010

Mr. Jerome Ripperda
September 2, 2010
Page 2

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314 or by email at sandy.hesnard@dot.ca.gov.

Sincerely,


SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, San Diego International Airport



County of San Diego

APRIL F. HEINZE, P.E.
Director
(858) 694-2527
FAX (858) 694-8929

DEPARTMENT OF GENERAL SERVICES

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MAIL SERVICES
(858) 694-3018
PROJECT MANAGEMENT
(858) 694-2040
REAL ESTATE SERVICES
(858) 694-2291

September 20, 2010

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

RE: Comments on the Draft EIR for the New San Diego Central Courthouse Project (SCH #2000021015)

Dear Mr. Ripperda,

The County of San Diego Department of General Services (County DGS), on behalf of the County of San Diego Sheriff's Department, thanks you and your team for your continued coordination with regard to the elements of the proposed New San Diego Central Courthouse project (SCH#2000021015) affecting County programs or operations.

As a Responsible Agency for this project, the County of San Diego reviewed the project Draft Environmental Impact Report (DEIR) and has no comments on this document.

Please feel free to contact me or my staff, Dahvia Lynch (858.694.2047), with any questions.

Sincerely,

APRIL F. HEINZE, P.E.
Director

MISSION: To provide cost-effective, efficient, high quality and timely support services to County departments, groups and agencies

B: County of San Diego - Department of General Services

April F. Heinze, P.E.

Letter dated September 20, 2010

- B-1 The AOC acknowledges and appreciates this comment. No CEQA-related issues were identified, and no changes to the DEIR were made in response to this comment.

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THE CITY OF SAN DIEGO

September 22, 2010

Administrative Office of the Courts
Mr. Jerome Ripperda
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

Submitted via email to: Jerry.Ripperda@jud.ca.gov
Hard copy to follow via mail

Subject: CITY OF SAN DIEGO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE NEW SAN DIEGO CENTRAL COURTHOUSE

C-1

The City of San Diego ("City") has received and reviewed the Notice of Availability for the above project and appreciates this opportunity to provide comments to the Administrative Office of the Courts. In response to the NOP on this project, the City identified potential environmental issues that may result in a significant impact to the environment. Continued coordinated planning between the City, the Administrative Office of the Courts, and other local, regional, state, and federal agencies will be essential in order to implement this project.

Staff from the following City departments have reviewed the DEIR and can provide the following comments regarding the content of the DEIR:

C-2

DEVELOPMENT SERVICES DEPARTMENT:
ENVIRONMENTAL ANALYSIS SECTION:
MYRA HERRMANN, SENIOR PLANNER (619) 446-5372, mherrmann@sandiego.gov

Miscellaneous comments:

Please clarify whether or not this project meets the criteria for preparation of a Water Supply Assessment in accordance with SB 610 & 221.

C-3

Please clarify what or whose significance thresholds under CEQA were used for the impact analysis.

C-4

Please note that any work proposed within the City's Public Right-of-Way (PROW) will require permitting in accordance with the Municipal Code. Please refer to the Development Services Department (DSD) website at <http://www.sandiego.gov/development-services/> for guidance on submittal requirements. Staff within DSD will be able to assist the AOC with any future permitting and/or discretionary actions associated with the work.



C: City of San Diego, Development Services Department
Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

- C-1 The comment notes that the City had submitted comments to the AOC in response to the NOP on the Project and that continued coordinated planning will be required for the implementation of the Project. The AOC had considered the City's comments to the NOP, and has and will continue to coordinate with the City and other affected agencies.
- C-2 The comment requests clarification whether the project meets the criteria for preparation of a Water Supply Assessment in accordance with Senate Bill 610 and Senate Bill 221. The proposed Project does not meet the criteria for preparation of a Water Supply Assessment in accordance with Senate Bill (SB) 610 or SB 221 because the AOC, a State agency, is not a "city or county" (SB 610) nor does the Project include a "development agreement that includes a subdivision" (SB 221).
- C-3 The comment requests clarification regarding the significance thresholds used in the Draft EIR. Section 4.1 states that "The EIR identifies the AOC's thresholds of significance for each issue area to provide a quantitative, qualitative, or performance level of a particular environmental effect per CEQA Guidelines Section 15064.07."
- C-4 The comment states that any work in the City's public right-of-way will require permits from the City. The AOC will comply with legal requirements. The comment does not identify any CEQA-related issues, and the AOC has made no changes to the Draft EIR in response to this comment.

- Executive Summary:**
- C-5 Please explain what impact Mitigation Measure AES-1b is reducing under the heading of Aesthetics/Visual Resources and what threshold is being applied as it relates to the impacts from wind acceleration based on the Municipal Code CCDC PDO Performance Standard?
- C-6 Since the AOC has indicated that existing buildings to be vacated after new construction is complete might take years to be demolished, why was the issue of a blighted, fenced, vacant site not addressed under the issue of Aesthetics/Visual Resources?
- C-7 The CEQA Initial Study Checklist was recently amended (March 2010) to include new initial study checklist questions for Greenhouse Gases (GHG). These checklist questions should be removed from the Air Quality section and moved into their own issue area category to be consistent with the checklist question order. Also, see comment below under Air Quality (Section 5.1)
- C-8 The CEQA Initial Study Checklist includes Paleontological Resources within the context of the Cultural Resources section. That said, the Paleontological Resources mitigation included in your Geology section should be removed and moved to Cultural Resources section to be consistent with the checklist question order.
- C-9 How is the issue of Native American monitoring being addressed in the proposed Cultural Resources mitigation measure? Native American monitoring is required for all projects within the City of San Diego including Centre City (consistent with the CCDC Community Plan FEIR).
- C-10 The finding that no mitigation is required for Transportation/Circulation may require revision based on comments provided by City Transportation staff as noted below.
- Section 4.0 - Environmental Effects**
- C-11 **Section 4.4 - Air Quality**
CEQA Appendix G was recently amended (March 2010) to include new initial study checklist questions on Greenhouse Gases (GHG). That said, the GHG discussion included in your Air Quality section should be removed and moved to a new section to address GHG. The City recognizes that the GHG and Air Quality sections may overlap, but GHG should be treated as on its own as intended with the recent amendments to the CEQA Guidelines.
- C-12 Page 5, Lines 33/34: please insert "and the Development Services Department" after the word "Station". My Department is housed in the floors above the Fire Station. We have approximately 200 +/- employees in this building along with members of the public for permit processing.

C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

- C-5 The comment relates to Mitigation Measure AES-1b and wind acceleration. Potential wind effects may occur with design of an approximately 20-story building, particularly when considered with similar effects of other multi-level structures in the Project area. The AOC's threshold is whether the Project will "Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings," consistent with the thresholds given in Appendix G of the CEQA Guidelines. As explained in Section 4.2.4.3, the AOC concluded that the building's interactions with winds may adversely affect pedestrians or others occupying the sidewalks and public spaces, thereby significantly degrading the aesthetic quality of the existing pedestrian environment around the Project site. Mitigation Measure AES-1 reduces potential wind effects to the pedestrian environment to a level that is less than significant. This measure is consistent with the wind acceleration performance standard in the City's Municipal Code for Centre City Planned District. Section 151.0312, 23 states the following:
- (c) Wind acceleration studies may be required as part of the project review process to evaluate potential adverse impacts of wind acceleration onto public rights-of-way, urban open space areas, and other public spaces. Vertical wall surfaces 100 feet and taller shall employ changes in the horizontal canopy or volumetric step to break wind shear before reaching the ground level.*
- C-6 The comment states that the "AOC has indicated" that the demolition of the existing buildings "might take years" and the issue of a "blighted, fenced, vacant" site should have been addressed. Sections 3.1 and 3.4.7 state that the Project includes demolition of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse at an undetermined date in the future. Although the AOC does not currently have authorization or funding to demolish the structures, the AOC does not state demolition of the buildings might take years. As stated in Section 3.4.8, the AOC has not determined a schedule for demolition of the buildings. In Section 3.4.7, the AOC describes measures for properly maintaining the vacated facilities and ensuring that they are fenced and secured to minimize the potential for trespassing and/or vandalism to occur. Section 4.2.4.3 includes the following text to describe the AOC's analysis of the Project's closure of the buildings on aesthetic resources:

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C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

In addition, the Project will close the existing County Courthouse and Old Jail after completion of the new courthouse and prior to the future demolition of the buildings at an unknown date in the future when funding is available. Securing the buildings will require very minor visual changes such as addition of coverings and signs to the buildings' entrances and windows. The Project's closure of the buildings will not substantially degrade the existing visual character or aesthetic quality of the site, and impacts of the closure activities will be less than significant.

The AOC has no new information to indicate that Section 4.2.4.3's analysis and conclusions are flawed.

- C-7 The comment requests that greenhouse gas sections of the Draft EIR be moved to other sections to follow the order in the CEQA Initial Study Checklist. California Code of Regulations, Title 14, Division 6, Chapter 3, Appendix G states: "The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances." No standard guidelines have been established with regard to the format of where the analysis of greenhouse gases should occur within the environmental document. The AOC included greenhouse gas analysis in the Air Quality section since both concerns pertain to the Project's potential effect on atmospheric conditions and the same regulatory agencies have responsibilities for both concerns.
- C-8 The comment requests that paleontological resource sections of the Draft EIR be moved to other sections of the Draft EIR to follow the order in the CEQA Initial Study Checklist. California Code of Regulations, Title 14, Division 6, Chapter 3, Appendix G states: "The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances." Paleontological resources provide information on biological resources, geological strata, and geologic history. The presence of paleontological resources is dependent upon soil types and underlying geological strata, and the AOC therefore included the evaluation of paleontological resources in the Geology, Soils, and Seismicity section of the EIR.
- C-9 The comment states that "Native American monitoring is required for all projects within the City of San Diego . . . (consistent with the CCDC Community Plan FEIR)." The City's General Plan includes policies with respect to consultation with Native Americans and Native American monitors, which have been given effect through the City's Historical Resource Guidelines. The Guidelines require a qualified archaeological monitor as defined in Appendix B to the Guidelines for any required archeological monitoring, and a Native American observer is required as follows:

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C: City of San Diego, Development Services Department
Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

1. Native American Observer

A Native American observer must be retained for all subsurface investigations and disturbances whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the APE of a City project is the subject of destruction. The observer should be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request should be honored.

The Project does not involve a Native American Traditional Cultural Property, nor does it involve a City project or City property. Section 4.6.4.2 requires the on-site presence of a qualified archaeologist to perform mitigation responsibilities, consistent with the City's Guidelines. If the archaeologist requires assistance from Native American monitors to evaluate potential Native American-related cultural resources, the AOC will support the assistance. The AOC has added text to Section 4.6.4.2 in response to this comment.

- C-10 The comment states that Transportation/Circulation findings may require revision based on further comments provided by the City's Transportation staff. The response to this comment is addressed in the Responses to Comments C-26 through C-32, which address transportation issues raised by City Transportation staff.
- C-11 The comment requests that greenhouse gas sections of the Draft EIR be moved to other sections of the Draft EIR to follow the order in the CEQA Initial Study Checklist. See Response to Comment C-7, above.
- C-12 The comment requests addition of text to include the location of the City's Development Services Department. The revised text is in Section 4.4.1.3, Air Quality, of the Final EIR.

Section 4.6 - Cultural and Historic Resources

C-13 The DEIR fails to acknowledge specific requirements within the Downtown Community Plan FEIR tied to grading in areas where there is a potential to impact archaeological resources. This is required for all projects within Centre City and the reference should be included in the analysis section. Please also see any additional comments provided by CCDC staff related to this issue.

C-14 The Paleontological Resources discussion included in the Geology Section of the DEIR should be moved into this section in accordance with the CEQA Initial Study Checklist (Appendix G).

Section 5.0 - Alternatives

C-15 Reduced Project Alternative discussion on Page5-6: Subsection 5.5.6 includes a discussion of potential impacts to paleontological resources when the discussion should be focused on seismicity, faulting, soil conditions of the site and geologic hazards. The Cultural Resources section of CEQA Appendix G includes a specific issue question (c.) regarding paleontology. Therefore, the paleontology discussion should be moved to the Section 5.5.5 in accordance with CEQA. This same comment would apply to the Environmental Effects section discussion, as well as any other Alternatives or Cumulative discussion sections related to Paleontology, Geology/Soils.

C-16 Each Alternative should also include a GHG issue area discussion separate from the Air Quality issue area to be consistent with the recently amended CEQA Guidelines.

C-17 Hazardous Materials discussion should be expanded to include more than just underground storage tank removal; such as, but not limited to the potential for asbestos and lead-based paint since existing structures are over 45-years old and could contain materials that require special handling/treatment prior to disposal.

Section 7.0

C-18 The City's Storm Water Regulations (within the Land Development Code) should be referenced in this section as well as in the Environmental Effects, Alternatives and Cumulative sections of the DEIR.

General Comment

C-19 The City had the following comments related to Hydrology/Water Quality which were presented in the Administrative Draft; however, this section no longer is included in the Environmental Effects Section of the DEIR. Please explain how Water Quality is being addressed by the project as it relates to the City's requirements for compliance with our Municipal Storm Water Permit.

C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

C-13 The comment indicates that the Draft EIR should refer to the Downtown Community Plan Final EIR's grading requirements for archeological resources. The Downtown Community Plan is part of the City's General Plan, and as noted in Section 4.6.2.1, the AOC considered the Final EIR for the City's General Plan (September 2007), which was certified after the Final EIR for the Downtown Community Plan (February 2006). Furthermore, the City's requirements for archeological resources are in the City's Historical Resource Guidelines, and the AOC's proposed mitigation program for archeological resources is consistent with the City's requirements. (See Comment D-7 and Response to Comment D-7, where the San Diego County Archeological Society commended AOC for basing its program on the City's standard requirements for archeological monitoring process.) Section 4.6.4.2 presents the AOC's mitigation for potential archaeological impacts, and the AOC properly concluded that the mitigation measure reduces impacts to a level that is less than significant.

C-14 The comment requests that paleontological resource sections of the Draft EIR be moved to Section 4.6, Cultural and Historic Resources, to follow the order in the CEQA Initial Study Checklist. See Response to Comment C-8, above.

C-15 Regarding Section 5.5.6's evaluation of geological, soils, and seismic concerns, the AOC has added text to discuss seismicity, faulting, ground failure, expansive soils, and other issues. The added text does not change the AOC's Draft EIR conclusions that the impacts are less than significant.

Regarding discussion of paleontological concerns in Section 5.5.6 Geology, see Response to Comments C-8 and C-14, above.

C-16 The comment requests movement of greenhouse gas-related sections of the Draft EIR for the alternatives. See Response to Comments C-7 and C-11, above. The AOC has made no changes to the Draft EIR in response to this comment.

C-17 The comment requests expansion of Section 5.5.6's evaluation of hazards and hazardous materials concerns to include asbestos, lead-based paint, and other issues. Regarding evaluation of hazards and hazardous materials concerns for the alternatives, the AOC has added text to Section 5.5.7 and Section 5.6.7 to discuss proximity to airport and airstrip, public exposure to hazard, release of hazardous materials, and other issues. The added text does not change the AOC's Draft EIR conclusions that the impacts are less than significant.

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C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

C-18 The comment requests reference to the City's storm water regulations. The AOC added a reference to the City's Storm Water Regulations given in the Land Development Code to Section 7.0, References and Contacts, Section 5.0, Alternatives, and Section 6.0, Other CEQA Considerations, of the Draft EIR. As noted in Section 3.4.4, the AOC will comply with all applicable federal, State, and local regulations and laws.

C-19 The comment notes the City provided Hydrology/Water Quality comments on an earlier AOC administrative draft. The AOC's Notice of Preparation did not identify Hydrology/Water Quality an environmental issue for evaluation and the AOC did not include a Hydrology and Water Quality section in the Draft EIR.

The AOC has inserted a Hydrology and Water Quality analysis as an attachment to the AOC's responses to the City's comments (see following pages). The Draft EIR did include discussion of potential hydrology and water quality impacts in Section 5.0, Alternatives, and Section 6.0, Other CEQA Considerations.

The attachment with the added Hydrology and Water Quality analysis states that since the Project is subject to the State's General Permit for Stormwater Discharges Associated with Construction Activities (2009-0009-DWQ), the AOC must submit and secure approval of a Storm Water Pollution Prevention Plan and other submittals and implement the permit's requirements. This Storm Water Pollution Prevention Plan will include specific performance measures for the control and treatment of surface water runoff during the construction phase of the Project. In addition, the AOC will include Project features that will secure a LEED Silver certification for the Project; these features will include low impact development runoff control measures to treat and control surface water runoff before it enters the City's storm drain system. Therefore, potential impacts on surface water runoff during construction and operation of the Project will be less than significant.

Consistent with AOC's original assessment, the Project's impacts for hydrology and water quality concerns are less than significant and no mitigation measures are required.

- C-20 { Section 5.2 -Hydrology & Water Quality
Page 37, Lines 7/13 : Delete the word "Management" and separate "Stormwater" into two words and referred to as "Storm Water Department" throughout the section and DEIR.
- C-21 { Page 40, Lines 7/8: The City of Coronado, which is a land mass connected to the Silver Stand and is connected by the Coronado Bridge also serves to separate a portion of San Diego Bay (facing the City of San Diego) from the Pacific Ocean. This discussion should be revised to include the City of Coronado, which is often also referred to as Coronado Island (not to be confused with Isla Coronado off the Baja California coast and visible from San Diego Bay).
- C-22 { Page 41, Line 9: Please insert "of San Diego" after "City"
- C-23 { Page 41, Lines 11/12: This sentence regarding Lindbergh Field is incomplete. Will there be more text added?
- C-24 { Page 41, Line 18: The City's General Plan EIR was certified in March 2008. Please revise date
- C-25 { Page 41, Line 24/25: It is our understanding that the ALUCP for Lindbergh Field is in draft form and should be referenced here as well.

TRANSPORTATION DEVELOPMENT SECTION:

ANN GONSALVES, SENIOR ENGINEER – TRAFFIC, (619) 446-5294 agonslaves@sandiego.gov
VICTORIA HUFFMAN, ASSOCIATE ENGINEER – TRAFFIC, (619) 446-5396, vhuffman@sandiego.gov

- C-26 { The DEIR and its traffic impact analysis should clearly indicate that the project's land use is consistent with the land uses for this property assumed in the *Downtown Community Plan Environmental Impact Report*.
- C-27 { The DEIR should state what land uses are assumed in the horizon year for the Madge Bradley and Family Law Court buildings in the Downtown Community Plan EIR, and it should clarify whether additional environmental analysis would be required for redevelopment of the Madge Bradley and Family Law Court sites or whether this analysis is intended to suffice for that future redevelopment.
- C-28 { Identify where the buses will wait once displaced from Front Street and B Street.
- C-29 { The DEIR and its traffic impact analysis should apply the *City of San Diego Significance Determination Thresholds, January 2007* for all roadway facilities within the City of San Diego evaluated.
- C-30 { The discussion in the DEIR regarding the available nearby parking inventory should indicate the vacancy rate of the buildings in the area surrounding the parking lots surveyed on the date the survey was done.
- C-31 { Given that no parking is proposed to be provided for staff other than judicial officers, no parking is proposed to be provided for visitors, and the project proposes to eliminate 181 on-site spaces

C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

- C-20 The comment requested several grammatical changes. The AOC made changes as requested throughout the document, as appropriate.
- C-21 The comment requested several grammatical changes. The AOC made changes as requested and added discussion for purposes of clarity.
- C-22 The comment requested grammatical change of "City" to "City of San Diego." The AOC made changes as requested.
- C-23 The comment noted an incomplete reference to Lindbergh Field. The AOC added additional discussion to Section 4.9 to complete the sentence.
- C-24 The comment noted an incorrect reference to the City's General Plan. The AOC made changes as requested. The date of the City General Plan EIR reflects the March 2008 date in Section 4.9.
- C-25 The comment noted that the City understands that an updated draft Airport Land Use Compatibility Plan is available. The AOC has retained references to the approved 2004 Airport Land Use Compatibility Plan for Lindbergh Field in Section 4.9.
- C-26 The comment stated that the AOC ought to indicate that the project's land use is consistent with the Downtown Community Plan's assumed land use. The AOC has revised Section 4.15, Transportation and Circulation, and the Traffic Analysis to state that "The proposed New San Diego Central Courthouse is consistent with the planned land use as identified in the Downtown Community Plan and Downtown Community Plan Environmental Impact Report."
- C-27 The comment stated that the AOC ought to indicate that the future land use of the Madge Bradley and Family Law Court buildings will be consistent with the Downtown Community Plan's assumed land use. The future use of these facilities is not part of the New San Diego Central Courthouse Project. As stated in Section 3.4.7, the AOC assumes that the County or another party will occupy the vacated space in the Madge Bradley and Family Law Court buildings. Section 4.12.4.1 includes re-use of the buildings as office space in its Existing Plus Project Plus Cumulative analysis. Since the AOC will not participate in potential redevelopment of the Madge Bradley and Family Law Court buildings, the AOC has no role in environmental analysis for re-use or redevelopment of the buildings.
- C-28 The comment requested that the AOC identify where buses displaced from the Front Street and B Street parking areas by the Project will wait

C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

after completion of the Project. Section 4.15.4.7, Existing Alternative Transportation Routes, of the Draft EIR states that Regional Transit System buses currently park in on- street parking spaces on the eastern side of Front Street and south side of "B" Street that are adjacent to the Project site. Since the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will enlist the City's and Regional Transit System's efforts to eliminate the Regional Transit System's on-street bus waiting spaces. The Regional Transit System determines the routes and waiting areas for buses, and the AOC cannot speculate on where the buses will wait once displaced from Front Street and B Street. The AOC has made changes to Section 3.4.3 and 4.15.4.7 in response to this comment.

C-29 The comment stated that the traffic analysis ought to apply the City's significance thresholds. As stated in the Traffic Impact Analysis report, RBF coordinated with City staff in preparing the technical analysis to ensure that appropriate roadways and intersections were included within the study area. RBF based the list of study intersections and roadway segments on recommendations by City staff and the City's Traffic Impact Study Manual. Section 4.15.3.1 states the AOC's understanding that the City's goal for acceptable operating conditions is Level Of Service D. The AOC's traffic analyses use Level Of Service D as the significance threshold. Tables 4.15-10 and Table 4.15-11 also identify level of service thresholds for roadway segments, intersections, and other sites. Analyses in Section 4.15.4 compare impacts to Level Of Service D, which is identical to the City's standard. The analyses indicated that will be less than significant and no mitigation measures are required. The AOC has made no changes to the Draft EIR in response to this comment.

C-30 The comment stated that the parking analysis ought to indicate the vacancy rate of the buildings in the area surrounding the parking lots on the date that RBF conducted the parking survey. RBF conducted the parking survey on a weekday in March 2010 during the work week to increase the probability that typical conditions occurred. Analysts did not determine the vacancy rate of the buildings in the area surrounding the parking lots on the dates when they conducted the parking survey. However, the AOC believes that evaluation of real estate vacancies is not typically included in parking surveys, and the AOC notes that the City's Traffic Impact Study Manual does not include evaluation of buildings' vacancy rate as part of impact analyses. In addition, estimating vacancy rates of these buildings is difficult since many of the

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C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

buildings in the survey vicinity are large-scale, multi-story buildings with multiple tenants whose daily operating schedules and staff may widely vary. Buildings' vacancy rate, employment and staffing levels of buildings' occupants, building occupants' scheduling of meetings and events, and many other factors contribute to parking demand and measurement of parking vacancies. RBF complied with professional guidelines to conduct the parking survey on an appropriate weekday. Since the AOC and RBF have no knowledge of an issue that compromises the March 2010 survey, the AOC and RBF presume that the parking survey's March 2010 weekday was representative of typical weekday parking conditions for the surveyed area. As noted in Section 4.15.4.6, RBF's survey results are within the range of values reported in CCDC's 2009 parking survey, and CCDC's report does not contain building vacancy data or an analysis of vacancy effects on parking.

In any case, the following pages provide vacancy information for 2007 to 2010, and the reported increase in the vacancy rates for downtown San Diego office space from 2Q2007 to 2Q2010 is approximately 3%. (See BRE Commercial "San Diego County Office Direct Vacancy Rate Analysis.") Therefore, the AOC concludes that the absence of building vacancy data does not compromise RBF's parking data or the AOC's parking impact conclusions. The AOC has made no changes to the Draft EIR in response to this comment.

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Cecelia Gallardo, AICP / Assistant Deputy Director**

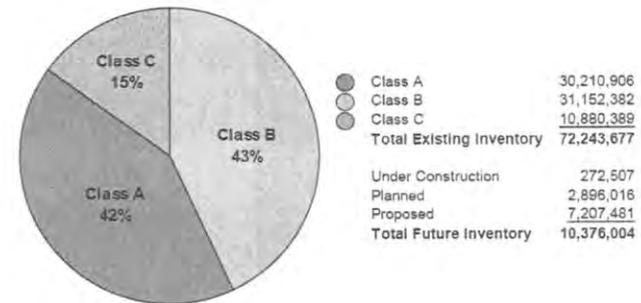
Letter dated September 22, 2010



The current recession, which officially started in December of 2007, has affected every industry and every city. Which office submarkets in San Diego County have been affected the most and which are recovering the fastest? The answers can be found below.

The San Diego County office market¹ consists of 72,243,677 square feet of which 43 percent is Class B, 42 percent is Class A and 15 percent is Class C.

Inventory Breakdown



Of the total 30 office submarkets countywide, eight are located in North County, 15 in Central County and seven in South County.

¹Office Inventory includes multi-tenant and single tenant buildings. Owner-occupied, government and medical buildings are not included.



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Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010



San Diego County Office Direct Vacancy Rate Analysis

Looking at the size of the office submarkets countywide, the largest five submarkets are Downtown, Kearny Mesa, Mission Valley, Torrey Pines and Sorrento Mesa. In the table below, office submarkets are listed from the largest (Downtown) to the smallest (Rose Canyon). The colors – light blue, dark blue and green – represent in which county (north, central or south) the submarket is located. The majority of the large submarkets are located in the Central County.

Submarkets Ranked by Size

County	Submarket	Size of the Submarket in SF as of 2Q10
South	Downtown	9,750,011
Central	Kearny Mesa	7,183,916
Central	Mission Valley	6,631,329
Central	Torrey Pines	5,824,427
Central	Sorrento Mesa	5,312,530
Central	Del Mar	4,347,056
Central	UTC	4,312,244
North	Rancho Bernardo	4,133,433
North	Carlsbad	4,029,553
Central	Eastgate	2,094,747
South	Uptown	1,874,948
South	East County	1,824,377
Central	Scripps	1,595,839
South	Old Town	1,161,758
Central	Poway	1,100,061
Central	La Jolla	1,025,490
South	Chula Vista - East	981,068
North	San Marcos	932,553
Central	Governor Park	898,465
Central	Miramar	891,689
North	Oceanside	874,395
North	Escondido	857,643
South	Chula Vista - West	792,767
North	Solana Beach	754,021
North	Encinitas	726,404
North	Vista	690,914
South	National City	474,815
Central	56 Corridor	470,225
Central	Sorrento Valley	396,865
Central	Rose Canyon	300,134
Countywide	Countywide	72,243,677



San Diego County Office Direct Vacancy Rate Analysis

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Letter dated September 22, 2010



Comparing 2Q07 vs. 2Q10 – Three Years

Between the second quarter of 2007 and the second quarter of 2010, only two office submarkets countywide have recorded a decrease in direct vacancy rate – Miramar and Torrey Pines, both located in Central County. Submarkets that have recorded the largest increase in direct vacancy rate over the last three years are National City, Chula Vista East, Vista, San Marcos and Escondido. Countywide, direct vacancy rate has increased 6.5 percentage points over the last three years to 17.4 percent recorded in the second quarter of 2010.

Decrease in Direct Vacancy Rate by Submarket 2Q07 vs. 2Q10

County	Submarket	Size of the Submarket in SF as of 2Q10	2Q07	2Q10	2Q10 vs. 2Q07
Central	Miramar	891,689	16.2%	14.2%	-2.0%
Central	Torrey Pines	5,824,427	10.2%	8.7%	-1.5%
Central	56 Corridor	470,225	0.0%	0.0%	0.0%
South	Uptown	1,874,948	7.5%	7.8%	0.3%
South	Downtown	9,750,011	12.9%	16.0%	3.1%
South	Old Town	1,161,758	5.1%	8.5%	3.4%
Central	Kearny Mesa	7,183,916	8.4%	12.1%	3.7%
Central	Rose Canyon	300,134	6.4%	10.2%	3.8%
Central	Governor Park	898,465	9.4%	13.4%	4.0%
North	Encinitas	726,404	10.6%	15.1%	4.5%
Central	Scripps	1,595,839	27.4%	32.4%	5.0%
Central	La Jolla	1,025,490	4.5%	10.1%	5.6%
South	Chula Vista - West	792,767	8.8%	15.0%	6.2%
South	East County	1,824,377	6.2%	12.8%	6.6%
Central	Mission Valley	6,631,329	11.2%	18.0%	6.8%
Central	Sorrento Mesa	5,312,530	9.6%	16.7%	7.1%
Central	Eastgate	2,094,747	5.0%	12.5%	7.5%
North	Rancho Bernardo	4,133,433	17.7%	25.6%	7.9%
North	Solana Beach	754,021	4.8%	13.0%	8.2%
North	Oceanside	874,395	13.7%	23.3%	9.6%
Central	Del Mar	4,347,056	3.9%	13.8%	9.9%
North	Carlsbad	4,029,553	19.6%	29.6%	10.0%
Central	Sorrento Valley	396,865	3.0%	15.1%	12.1%
Central	UTC	4,312,244	8.3%	23.1%	14.8%
North	Escondido	857,643	7.0%	23.2%	16.2%
North	San Marcos	932,553	3.6%	23.8%	20.2%
North	Vista	690,914	6.9%	30.8%	23.9%
South	Chula Vista - East	981,068	12.5%	43.5%	31.0%
South	National City	474,815	11.5%	52.8%	41.3%
Central	Poway	1,100,061	n/a	13.2%	n/a
Countywide	Countywide	72,243,677	10.9%	17.4%	6.5%



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Letter dated September 22, 2010



Comparing 2Q09 vs. 2Q10 – One Year

Between the second quarter of 2009 and the second quarter of 2010, the largest decrease in direct vacancy rate countywide was recorded in Governor Park, Rancho Bernardo, Encinitas, Del Mar and Miramar submarkets. Looking at the major submarkets that are larger than four million square feet, direct vacancy rate decreased the most from the last year in Rancho Bernardo, Del Mar, Kearny Mesa and Torrey Pines. Countywide, direct vacancy rate has decreased 20 basis points from a year ago to 17.4 percent recorded in the second quarter of 2010.

Decrease in Direct Vacancy Rate by Submarket 2Q10 vs. 2Q09

County	Submarket	Size of the Submarket in SF as of 2Q10	2Q09	2Q10	2Q10 vs. 2Q09
Central	Governor Park	898,465	31.7%	13.4%	-18.3%
North	Rancho Bernardo	4,133,433	33.6%	25.6%	-8.0%
North	Encinitas	726,404	21.1%	15.1%	-6.0%
Central	Del Mar	4,347,056	18.7%	13.8%	-4.9%
Central	Miramar	891,689	18.0%	14.2%	-3.8%
South	National City	474,815	56.6%	52.8%	-3.8%
North	Oceanside	874,395	26.4%	23.3%	-3.1%
Central	Sorrento Valley	396,865	17.5%	15.1%	-2.4%
Central	Kearny Mesa	7,183,916	14.3%	12.1%	-2.2%
Central	Torrey Pines	5,824,427	9.8%	8.7%	-1.1%
North	Solana Beach	754,021	13.7%	13.0%	-0.7%
Central	Poway	1,100,061	13.9%	13.2%	-0.7%
Central	56 Corridor	470,225	0.0%	0.0%	0.0%
South	Chula Vista - West	792,767	14.6%	15.0%	0.4%
South	East County	1,824,377	12.4%	12.8%	0.4%
Central	Sorrento Mesa	5,312,530	15.8%	16.7%	0.9%
South	Downtown	9,750,011	15.0%	16.0%	1.0%
South	Uptown	1,874,948	6.6%	7.8%	1.2%
Central	UTC	4,312,244	21.9%	23.1%	1.2%
Central	Rose Canyon	300,134	8.4%	10.2%	1.8%
Central	La Jolla	1,025,490	7.9%	10.1%	2.2%
Central	Mission Valley	6,631,329	15.6%	18.0%	2.4%
South	Chula Vista - East	981,068	40.9%	43.5%	2.6%
North	Vista	690,914	28.1%	30.8%	2.7%
South	Old Town	1,161,758	5.8%	8.5%	2.7%
North	Carlsbad	4,029,553	26.6%	29.6%	3.0%
North	San Marcos	932,553	20.2%	23.8%	3.6%
North	Escondido	857,643	19.1%	23.2%	4.1%
Central	Scripps	1,595,839	28.2%	32.4%	4.2%
Central	Eastgate	2,094,747	5.1%	12.5%	7.4%
Countywide	Countywide	72,243,677	17.6%	17.4%	-0.2%



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Letter dated September 22, 2010



Comparing 1Q10 vs. 2Q10 – One Quarter

Between the first quarter of 2010 and the second quarter of 2010, the largest decrease in direct vacancy rate countywide was recorded in National City, Rancho Bernardo and Oceanside submarkets. Looking at the major submarkets that are larger than four million square feet, direct vacancy rate decreased the most from the first quarter in Rancho Bernardo, Del Mar, UTC and Torrey Pines. Countywide, direct vacancy rate has increased 50 basis points from the first quarter of 2010 to 17.4 percent in the second quarter of 2010.

Decrease in Direct Vacancy Rate by Submarket 2Q10 vs. 1Q10

County	Submarket	Size of the Submarket in SF as of 2Q10	1Q10	2Q10	2Q10 vs. 1Q10
South	National City	474,815	57.3%	52.8%	-4.5%
North	Rancho Bernardo	4,133,433	27.9%	25.6%	-2.3%
North	Oceanside	874,395	25.3%	23.3%	-2.0%
Central	Del Mar	4,347,056	15.7%	13.8%	-1.9%
South	Chula Vista - West	792,767	16.5%	15.0%	-1.5%
Central	Miramar	891,689	15.5%	14.2%	-1.3%
Central	Sorrento Valley	396,865	16.1%	15.1%	-1.0%
South	Chula Vista - East	981,068	44.4%	43.5%	-0.9%
North	Solana Beach	754,021	13.9%	13.0%	-0.9%
Central	UTC	4,312,244	23.6%	23.1%	-0.5%
North	Vista	690,914	31.1%	30.8%	-0.3%
Central	Torrey Pines	5,824,427	8.9%	8.7%	-0.2%
North	Encinitas	726,404	15.1%	15.1%	0.0%
Central	56 Corridor	470,225	0.0%	0.0%	0.0%
South	East County	1,824,377	12.6%	12.8%	0.2%
Central	Kearny Mesa	7,183,916	11.6%	12.1%	0.5%
South	Uptown	1,874,948	7.3%	7.8%	0.5%
Central	Poway	1,100,061	12.7%	13.2%	0.5%
South	Downtown	9,750,011	15.3%	16.0%	0.7%
North	Escondido	857,643	22.3%	23.2%	0.9%
North	Carlsbad	4,029,553	28.5%	29.6%	1.1%
Central	Sorrento Mesa	5,312,530	15.5%	16.7%	1.2%
Central	Governor Park	898,465	12.2%	13.4%	1.2%
Central	Mission Valley	6,631,329	16.7%	18.0%	1.3%
North	San Marcos	932,553	22.1%	23.8%	1.7%
Central	La Jolla	1,025,490	8.2%	10.1%	1.9%
South	Old Town	1,161,758	6.1%	8.5%	2.4%
Central	Rose Canyon	300,134	6.7%	10.2%	3.5%
Central	Scripps	1,595,839	28.8%	32.4%	3.6%
Central	Eastgate	2,094,747	6.1%	12.5%	6.4%
Countywide	Countywide	72,243,677	16.9%	17.4%	0.5%



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Letter dated September 22, 2010

Cassidy
Tuttle
INC

San Diego County Office Direct Vacancy Rate Analysis

CONCLUSION

- Compared to the second quarter of 2007 – a couple of months before the official start of this recession – only two submarkets countywide (Miramar and Torrey Pines) have recorded a decrease in direct vacancy rate.
- However, in the last 12 months (2Q09 vs. 2Q10), 12 of 30 office submarkets countywide have recorded a decrease in direct vacancy rates.
- In the last three months (1Q10 vs. 2Q10), 12 of 30 submarkets countywide have recorded a decrease in vacancy rates confirming that the San Diego office market is headed in the right direction.
- San Diego's healthiest office submarkets are slowly improving while submarkets with high vacancy rates are showing moderate signs of stabilization. During the second half of the year, expect to see some pent-up demand from tenants that have been putting off decisions. The recovery in the office market is expected to be gradual.

Cassidy
Tuttle
INC

San Diego County Office Direct Vacancy Rate Analysis

Page 5 of 7
Administrative Office of the Courts
Mr. Jerome Ripperda
September 22, 2010

C-31 cont'd [and 10 on-street parking along Union Street, it is not clear that the proposed project would not have a parking significant impact on surrounding public streets.

C-32 [Page 8 of the DEIR's traffic impact analysis: Existing Plus Project Conditions is not a study scenario identified in the *City of San Diego Traffic Impact Study Manual*.

STORM WATER DEPARTMENT

RUTH KOLB, PROGRAM MANAGER, (858-541-4328), rkolb@sandiego.gov

C-33 [The Storm Water Municipal Permit, Order No R9-2007-0001 (Pg 4.16-12, lines 26-30) identifies this project as a Priority Development Project, and as such requires a "Water Quality Technical Report".

C-34 [If construction results in the disturbance of 1 or more acres, the "Construction General Permit (CGP), Order No 2009-0009-DWQ" (Pg 4.16-12, lines 9-25) requires the submission of a Notice of Intent and compliance with all CGP requirements.

ENVIRONMENTAL SERVICES DEPARTMENT

LISA WOOD, SENIOR PLANNER (858)-573-1236, lwood@SANDIEGO.GOV
SAMANTHA GARCIA, RESOURCE MANAGEMENT INTERN, (858) 627-3302, SamanthaG@sandiego.gov

C-35 [On page 4.16-15 the draft EIR/EIS inaccurately portrays the City's waste diversion rate. As reported on the Cal Recycle website, which is the authoritative source of such information, the latest calculation puts the City's diversion rate at 66%. This diversion rate can only be sustained and improved if each and every project contributes to waste reduction. For potential impacts related to waste reduction programs, greenhouse gas reduction, traffic streamlining, etc., the City uses a threshold of 60 tons to determine when a project may have significant environmental impacts pursuant to CEQA.

C-36 [Page 4.16-15 says the City's Environmental Services Department will "oversee" disposal services for this project. The Mayor of San Diego has proposed taking the City out of the landfill business, and doing so as early as January, 2011. If the City no longer operates the Miramar Landfill, it will be even more difficult for the City to comply with waste reduction, GHG reduction, and other environmental mandates placed on local government. In that case it will be even more important that each and every project considers and reduces its impacts. However, regardless of who operates the landfill, impacts associated with solid waste should be considered in the DEIR.

C-37 [Page 4.16-15 says the courthouse's contributions will "not be substantial compared to the remaining landfill capacity." Current capacity projections are through the year 2022 (not 2019), but this projection depends on each and every project reducing its impacts. Furthermore, solid waste is an issue area where each load of waste contributes to a cumulatively significant impact.

C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

C-31 The comment stated it is not clear that the Project will not have a significant parking impact on surrounding public streets. Section 4.15.1.3 presents the AOC's understanding of existing parking, and Section 4.15.4.6 presents the AOC's analysis of the project's parking effects. Due to the project's removal of parking demand due to demolition of existing buildings, the addition of some on-site parking in the courthouse's basement for judicial officers and Superior Court executives and others, and the availability of parking in the area surrounding the proposed courthouse site, the AOC still concludes that parking impacts will be less than significant. The comment does not provide evidence to dispute the AOC's analysis presented in the Draft EIR, and the AOC has made no changes to Section 4.15.4.6 in response to this comment.

C-32 The comment noted that the traffic impact analysis' "Existing Plus Project Conditions" is not a study scenario identified in the City's Traffic Impact Study Manual. Although the City's Traffic Impact Study Manual does not include an analysis of Existing Plus Project Conditions, the AOC and RBF included the analysis to inform the public and reviewers of this scenario.

C-33 The comment stated that the project requires a Water Quality Technical Report to comply with the City's Storm Water Municipal Permit from the San Diego Regional Water Quality Control Board. As noted in Section 3.4.4, the AOC will comply with requirements of applicable regulations and laws.

C-34 The comment noted that the project will need to comply with all Construction General Permit requirements. See the response to Comment C-19 and the attachment.

C-35 The comment noted that the City uses a threshold of 60 tons to determine when a project may have a significant environmental impact. The AOC has revised Section 4.16.4.6, Landfills to note the City's threshold of a waste diversion rate of 66 percent.

The AOC significance threshold for Section 4.16.4.5, Landfills, is the landfill-related threshold given in Appendix G of the CEQA Guidelines, which is whether the Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Based on Appendix G's significance threshold, the AOC concludes in Section 4.16.4.5 that impacts are less than significant and no mitigation measures are required. At this time, the AOC cannot

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C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

determine the project's potential gross amount of waste or net waste after construction-related recycling or demolition-related recycling. Section 4.16.4.5 states that the AOC's demolition activities will be consistent with applicable State and local requirements aimed at reducing potential demolition waste and that the Project will comply with the City's Construction and Demolition Debris Deposit Ordinance.

- C-36 The comment noted changes to the City's waste management responsibilities and existing conditions. Although the comment correctly states that the City's Mayor has "proposed taking the City out of the landfill business, and doing so as early as January 2011," such an action has not yet occurred. In any case, the Draft EIR analysis used existing conditions at the time the AOC prepared its Notice of Preparation, and it is speculative to assume that the City's Environmental Services Department will not oversee solid waste disposal services for the proposed Project in the future.

As identified in the Draft EIR's Sections 4.16.1.7 and 4.16.4.5, solid waste disposal services and landfill capacity are available and Section 4.16.4.5's analysis indicates that landfill capacity is adequate to serve the proposed Project. Section 4.16.4.5 therefore concludes that landfill impacts are less than significant and no mitigation measures are required. As the result of this comment, the AOC has added text to Section 4.16.4.5 to clarify that direct and cumulative impacts are less than significant.

- C-37 The comment noted incorrect capacity projections. The AOC has revised Section 4.16.1.7, Landfills, and Section 4.16.4.5, Landfills, of the Draft EIR to note that current capacity projections for the Miramar Landfill are through the year 2022.

See Response to Comments C-35 for the AOC's response regarding landfill impacts from construction and demolition.

The solid waste generated by daily operation of the New San Diego Central Courthouse will contribute to incremental consumption of the City's existing landfill capacity; however, as stated in Section 4.16.4.5, the additional contribution will not be substantial compared with the remaining landfill capacity. The Project will integrate measures consistent with the LEED Silver rating program aimed at the reduction of solid waste through implementation of recycling programs, educational programs, or other appropriate measures, thereby reducing the Project's potential to contribute to cumulative effects with regard to solid

- C-37 cont'd { Only for projects generating less than 60 tons do the existing laws and regulations reduce that impact to below a level of significance.
- C-38 { Please update the capacity information in the DEIR for all landfills, including Sycamore and Otay. Do not cite the City's General Plan, which is already out of date. Instead cite the Cal Recycle website, which is the authoritative source for this information.
- C-39 { Section 4.16.4.5 says that "proper reduction and disposal methods will be observed." The DEIR does not specify what "proper methods" might be. Impacts should be quantified, and clear, measurable mitigation measures should be specified. The impacts associated with the management, transportation, processing, and disposal of this waste should be addressed in greater detail and should also include a discussion of greenhouse gas emissions associated with solid wastes that will be generated by the project.
- C-40 { The project is intending to apply for LEED silver rating; however, since the LEED determination cannot be made until after the CEQA document has been certified, the waste reduction measures should instead be specified and included in a Mitigation Monitoring and Reporting Program.
- C-41 { The project has a proposed square footage of 750,000 square feet and includes the construction of a bridge that will connect the new facility to the Hall of Justice. This is coupled with the demolition of all existing structures on the project site. Therefore this project will generate significant amounts of construction and demolition waste. A solid waste management plan should be drafted to identify the impacts and appropriate mitigation measures. Please contact me if you would like assistance with this analysis.

CITY PLANNING & COMMUNITY INVESTMENT DEPARTMENT
HOWARD GREENSTEIN, PARK DESIGNER, Park Planning Section, Urban Form Division 619.525.8233,
hgreenstein@sandiego.gov

- C-42 { In the first paragraph of Section 4.14.2.1, Recreation, Regulatory Background, the following sentence is incorrect or misleading: "The Recreation Element of the General Plan also recommends that a Parks Master Plan be prepared to identify criteria for the use of equivalencies and to identify specific projects that could be funded or provided through the use of equivalencies." The GP recommends preparation of a Parks Master Plan for more reasons than just addressing equivalencies. The Rec Element of the GP "...recommends that a comprehensive Parks Master Plan be prepared to inventory and assess all City park lands, recreational uses, facilities and services, set priorities for protection and enhancement of existing park and recreation assets, and develop implementation strategies to meet present and future community needs."
- C-43 { The second sentence of the second paragraph states: "Equivalencies are limited to no more than 50 percent of the required parklands..." This is incorrect. The GP (nor any other policy or document) does not establish a maximum percentage of park requirements that can be satisfied by equivalencies.

C: City of San Diego, Development Services Department
Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

waste disposal. Additionally, the Project will replace the existing Courthouse, and it will demolish the Old Jail and three other existing buildings. As stated in Section 4.16.4.5, the AOC concludes that the Project does not represent a new use that will generate significantly different solid waste amounts as compared to that generated by daily operation of the existing facilities. As stated in the Draft EIR, the Miramar Landfill is expected to operate through 2022 and has adequate capacity to accommodate construction waste and solid waste generated by operation of the proposed facilities.

The AOC significance threshold for Section 4.16.4.5, Landfills, is the landfill-related threshold given in Appendix G of the CEQA Guidelines. Using the AOC's threshold, Section 4.16.4.5 concluded that impacts will be less than significant and no mitigation measures are required. Section 4.16.4.5 states that the AOC's demolition activities will be consistent with applicable State and local requirements aimed at reducing potential demolition waste and that the Project will comply with the City's Construction and Demolition Debris Deposit Ordinance.

C-38 The comment requested updated information on landfills. The AOC has revised Section 4.16.1.7 and Section 4.16.4.5 to update the capacity information based on the Cal Recycle website.

C-39 The comment requested information on the management, transportation, processing, and disposal of waste and related greenhouse emissions. As stated in Response to Comment C-35, Section 4.16.4.5 states that the AOC's demolition activities will be consistent with applicable State and local requirements aimed at reducing potential demolition waste and that the Project will comply with the City's Construction and Demolition Debris Deposit Ordinance. See Response to Comment C-37 for discussion of the AOC's analysis of the solid-waste generation effects of the Project's operations on landfills. The AOC is not responsible for operation of public and private waste processing and disposal facilities, and the AOC cannot analyze the impacts of these operations. However, the solid waste generated by the Project is within the capacity limits of the existing waste processing and disposal facilities and any potential environmental impacts associated with those facilities would have been previously evaluated when those facilities were permitted. Transportation of waste to a landfill is included in the construction-related URBEMIS air quality modeling.

The Draft EIR's discussion of greenhouse gas emissions in Section 4.4, Air Quality, evaluates the Project's compliance with adopted plans and

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C: City of San Diego, Development Services Department

Cecelia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

the Project's emissions. The analysis is consistent with the Air Resources Board's and Air District's recommendations, and Section 4.4.4.2 includes projected construction emissions (including demolition activities) and operational emissions. The AOC has made no changes to the Draft EIR in response to this comment.

C-40 The comment stated that LEED measures ought to be included as mitigation measures. The AOC intends to pursue the LEED Silver rating for the New San Diego Central Courthouse Project. The AOC will implement measures during both the construction and operational phases to reduce the amount of solid waste generated. However, since the AOC cannot design the Project until after completion of the CEQA documentation, the AOC cannot specify LEED measures at this time. In addition, since Section 4.17.4.5 presents the AOC's conclusions that solid waste-related impacts will be less than significant, there are no solid waste-related mitigation measures to include in a Mitigation and Monitoring Program. The AOC has made no changes to the Draft EIR in response to this comment.

C-41 The comment suggested preparation of a solid waste management plan to identify impacts and appropriate mitigation measures. Construction of a 750,000 BGSF facility with a bridge and associated demolition will generate a substantial amount (or "significant") amount of waste. However, the amount of waste does not determine the CEQA-related level of significance of the impact. Section 4.16.4.5 concluded that impacts will be less than significant and no mitigation measures are required because the projected landfill impacts do not exceed the AOC's thresholds, which the AOC adopted from CEQA Guideline's thresholds.

As explained in Section 4.16.4.2, the AOC's demolition activities will be consistent with applicable State and local requirements aimed at reducing potential demolition waste and that the Project will comply with the City's Construction and Demolition Debris Deposit Ordinance.

As explained above in Response to Comment C-37, the AOC's Section 4.16.4.5 concludes that operational impacts will be less than significant. The AOC has made no changes to the Draft EIR in response to this comment.

C-42 The comment noted incorrect or misleading text. The AOC has revised Section 4.14.2.1, Regulatory Background, to include the suggested text.

C-43 The comment noted incorrect text. The AOC has revised Section

Page 7 of 7
Administrative Office of the Courts
Mr. Jerome Ripperda
September 22, 2010

CHARLENE M. GABRIEL, FACILITIES FINANCING
619 533-3686

C-44

The proposal will generate an additional 134 new trips due to the increase of one additional office and relocation of another office from Kearny Mesa. Impact fees should be paid on these 134 trips. In addition, the County Courthouse and Family Courthouse will be demolished at some point in the future when funds become available. Since we are giving the proposed facility credit for trips from these two buildings, any new buildings on these sites will be subject to impact fees with no credits for the demolition because they are being assigned to the new San Diego Central Courthouse. Please include this information in the formal record so any future development on the two sites scheduled for demolition will be forewarned that impact fees will be do on the entire project with no credit for prior development.

C-45

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the FEIR and provide CD copies of the document for distribution to the commenting department(s). If you have any additional questions regarding the City's review of the DEIR, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sandiego.gov.

Sincerely,



Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: Myra Herrmann, Senior Planner, Development Services
Brad Richter, CCDC (via email)
Reviewing Departments (via email)
Review and Comment online file

C: City of San Diego, Development Services Department

Cecilia Gallardo, AICP / Assistant Deputy Director

Letter dated September 22, 2010

4.14.2.1, Regulatory Background, to delete the statement regarding the limiting of equivalencies to 50 percent of the required parklands.

C-44

The comment stated that the AOC ought to pay impact fees for the project's additional trips. The AOC is not subject to the City's requirement for the payment of traffic impact fees. The AOC has made no changes to the Draft EIR in response to this comment.

Regarding future development of facilities and any related traffic analysis, the AOC recognizes that this EIR includes elimination of trips from the County Courthouse and Old Jail in its transportation analysis. The AOC cannot speculate on the applicability of impact fees on undefined future projects, but this EIR is part of the formal record, including the City's comment letter.

C-45

The comment requested responses to comments and copies of the final document. Comment noted.

Attachment—Water Quality and Hydrology

WATER QUALITY AND HYDROLOGY

This section evaluates the potential impacts of the Project in terms of hydrology and storm water quality.

Environmental Setting

The Project site and the surrounding area have level topography and are in downtown San Diego, a fully developed area within the City. The Project site is within the San Diego Bay Watershed, Pueblo San Diego Sub-Watershed. There are no waterways, including rivers, streams, creeks, or drainages, adjacent to the Project site; however, the San Diego Bay is one-half mile west of the Project site. Storm water and surface water discharge by sheet flow to street gutter storm drains and to storm drains in paved parking lots.

Analytical Framework

Analytical Methodology

Analysts reviewed existing drainage conditions at the site and in the vicinity, guidelines from the State's General Permit for Storm Water Discharges Associated with Construction Activities, and regulations of the City's of San Diego's Storm Water Department to evaluate the Project's potential construction and operational impacts on hydrology and storm water quality.

Regulatory Background

The California Water Resources Control Board, through the San Diego Regional Water Quality Control Board (the "Water Board"), regulates waste discharges into Waters of the State through the National Pollutant Discharge Elimination System (NPDES) permit system. Under the National Pollutant Discharge Elimination System permit for construction (Construction General Permit Order 2009-0009-DWQ), construction projects larger than 1 acre must obtain coverage under the statewide general construction permit through the Water Board's approval of a Storm Water Pollution Prevention Plan (SWPPP) and other related documents.

The Storm Water Pollution Prevention Plan identifies potential pollutant sources that may affect the quality of discharge associated with construction, identifies non-storm water discharges, and designs use and placement of best management practices to effectively prohibit entry of pollutants from the construction site into the storm drain system during construction. Best management practices for erosion and sediment source control must be considered for both active and inactive (previously disturbed) construction areas. Best management practices for wind erosion and dust control are also included.¹

¹ California Storm Water Quality Association, 2006.

The permit application must include a site map and a description of the proposed construction, along with a demonstration of compliance with relevant local ordinances and regulations and an overview of best management practices that will be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Permittees must conduct annual monitoring and reporting to ensure that best management practices are correctly implemented and effective in controlling the discharge of storm water-related pollutants.

The City's of San Diego's Storm Water Management Department has developed the Storm Water Pollution Prevention Program (Storm Water Program) to reduce pollutants in urban runoff and storm water to the maximum extent practicable. In addition to the requirement for a Storm Water Pollution Prevention Plan, the City requires a water quality technical report for the operational phase of projects. The City's Storm Water Management Manual contains specific requirements for preparing and submitting the Water Quality Technical Report. In addition, the Project will be designed consistent with the City of San Diego's Storm Water Regulations given in the Land Development Code (Chapters 11 through 15 of the City of San Diego Municipal Code), as appropriate.

Standards of Significance

For purposes of evaluating impacts in this EIR, the AOC considers an impact to be significant if the Project will:

- Violate any water quality standards or waste discharge requirements;
- Create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- Substantially degrade water quality;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation on site or off site, or result in flooding on site or off site;
- Place housing within a 100-year flood hazard area, or place structures within a 100-year flood hazard area that will impede or redirect flood flows; or,
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or involving inundation by seiche, tsunami, or mudflow.

Potential Impacts and Mitigation Measures

Water Quality Standards

Potential Impact: (WQ/H-1) Will the Project violate any water quality standards or waste discharge requirements?

Less than Significant Impact.

During construction, the construction contractor will remove existing structures on the proposed courthouse site, excavate the site, stockpile soil, and grade the site. After completion of the new courthouse, the AOC will demolish the County Courthouse and Old Jail. Site preparation and excavation may expose loose soil to potential erosion and potential movement off site.

The Project includes excavation of the proposed new courthouse's basement floors and foundations and the Project's tunnel. These excavations will require de-watering of the work sites. The AOC's Project and construction contractor will prepare a SWPPP, National Pollutant Discharge Elimination System (NPDES) permit application, and water quality treatment plans for the activities, secure approval of the plans, and implement the plans.

Potential water quality and storm water impacts caused by Project construction will be less than significant since the Project will involve only a limited area² of disturbance, the site is generally flat, most of the excavation will be below the site's existing grade and will therefore prevent runoff, the site's distance to the nearest waterway, and the temporary duration of construction. Furthermore, since the Project is subject to the State's General Permit for Storm Water Discharges Associated with Construction Activities (2009-0009-DWQ), the Project must secure a National Pollutant Discharge Elimination System permit. The AOC must secure approval of a Storm Water Pollution Prevention Plan and other application materials and implement the plan and other actions.

The AOC will comply with appropriate legal requirements of the Storm Water Municipal Permit. In addition, the AOC will include Project features that will secure a Leadership in Energy and Environmental Design (LEED) Silver certification for the Project; these features will include low impact development runoff control measures to treat and control surface water runoff before it enters the City's storm drain system. Therefore, potential impacts on surface water runoff during construction and operation of the Project will be less than significant.

Mitigation Measures: None required.

² The proposed courthouse site approximately 1.4 acres, and the demolition area for the County Courthouse and Old Jail is approximately five acres.

Stormwater Storm Water Runoff and Erosion

Potential Impact: (WQ/H-2) Will the Project create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact.

Three buildings occupy the northeast portion of the Project site that house a restaurant, offices, and bail bond functions. The remainder of the site supports surface parking available to the general public on a fee basis. As such, the Project site is almost entirely covered with impervious surfaces in its current condition. Development of the proposed courthouse will not substantially change the amount of impervious surface area on the Project site or in the surrounding area. As a result, the Project will not significantly increase surface water runoff volumes. In addition, the Old Jail and Existing County Courthouse are on the adjacent lot to the east, and the AOC will demolish the buildings at a later date. Both sites have flat topography and are adjacent to the City's storm drain system. Furthermore, since the Project site is subject to the State's General Permit for Storm Water Discharges Associated with Construction Activities (2009-0009-DWQ), the construction contractor must secure approval of a Storm Water Pollution Prevention Plan and implement the plan. This Plan includes specific performance measures for the control and treatment of surface water runoff during the construction phase of the Project. In addition, the AOC intends to include Project features that will secure a LEED Silver certification for the Project; these features will include storm water control measures that regulate the flow of surface water during storm events. Therefore, potential impacts will be less than significant.

Mitigation Measures: None required.

Groundwater; Erosion and Flooding; 100-year Flood Hazard Area Failure of Levees or Dams; Inundation by Seiche, Tsunami, or Mudflow

Potential Impact: (WQ/H-3) Will the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level?

(WQ/H-4) Will the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation onsite or offsite, or result in flooding onsite or offsite?

(WQ/H-5) Will the Project place housing within a 100-year flood hazard area, or place structures within a 100-year flood hazard area that will impede or redirect flood flows?

(WQ/H-6) Will the Project expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or involving inundation by seiche, tsunami, or mudflow?

No Impact.

The Project will not deplete groundwater. The Project site is not within the 100-year floodplain of the 1997 Federal Emergency Management Agency (FEMA) maps.³ The Project site is approximately one-half mile from the San Diego Bay which is protected from the Pacific Ocean by a long, narrow strip of land called the Silver Strand, and therefore, will not be subject to inundation by a tsunami. The Project site has relatively flat topography and will not experience mudflow or erosion. The Project site is not in an area that is subject to inundation by seiches. Therefore, there are no impacts.

Mitigation Measures: None required.

³ U.S. Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map No 06073C2375, map effective June 19, 1997. (<http://msc.fema.gov>)



San Diego County Archaeological Society, Inc.
Environmental Review Committee

6 September 2010

To: Mr. Jerome Ripperda
Administrative Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, California 95833-3509

Subject: Draft Environmental Impact Report
New San Diego Central Courthouse

Dear Mr. Ripperda:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix C, we have the following comments:

Architectural Evaluation

D-1

Appendix C does not present a complete, thorough evaluation of the potential significance of the existing courthouse and jail complex that would be demolished. It does not meet what would be the City of San Diego's expectations were this to be a project under the City's jurisdiction. Among the missing information is the most basic: Who were the architects responsible for it, and what was the construction company? And isn't that the courthouse is "largely functional and unadorned" reflective of the architectural style of the period?

D-2

Appendix C, on page 5, states that "For the most part, the activities and persons associated with this complex have not had the high historic profile of those that reach the State Supreme Court or United States Supreme Court." That's hardly a surprising statement, but the author's use of "For the most part" implies that there *were* "activities and persons" that *did* have a high profile and might therefore contribute to a conclusion of significance for association with persons or events. The author needs to explain his reasons for alluding to potential significance, review and address potentially significant events that may have happened in the complex, and justify a conclusion that it is or is not significant for those reasons.

D-3

Also absent from Appendix C is any discussion of the three existing structures on the block where the new courthouse would be built. Each needs to be evaluated against all of the applicable criteria. If any is found to be architecturally significant, appropriate mitigation measures are required.

RCWD 10 SEP 08

D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 6, 2010

D-1 The comment relates to the completeness and thoroughness of Appendix C with respect to the potential significance of the existing courthouse and jail, stating that it does not "meet what would be the City of San Diego's expectations." The City of San Diego has submitted a letter and has not raised an issue regarding the Draft EIR's analysis of the existing courthouse and jail. In any case, Appendix C does note that Brian F. Smith & Associates conducted a records search of the City's Historic Resources Register and neither the County Courthouse nor the Detention Center was listed as historic resources.

The AOC has revised the Historic Structure Assessment and Archaeological Review and Draft EIR to add the names of the architects and other information.

Appendix C's reference to the Courthouse as being "largely functional and unadorned" describes the architectural style of the period and is not meant to lessen the potential importance of the structure. The reference merely provides a visual description for the reader.

D-2 The comment interprets a phrase in Appendix C ("For the most part,...") to conclude that there were activities and persons associated with the Courthouse that did have a high profile. This is not an accurate interpretation of Appendix C, and the Draft EIR does not use that phrase. The AOC has revised the Historic Structure Assessment and Archaeological Review to delete the phrase "For the most part, ..." The revised text states: "The activities and persons associated with this complex have not had the high historic profile of those that reach the State Supreme Court or the United States Supreme Court."

Brian F. Smith & Associates performed a records search at the South Coastal Information Center at San Diego State University on May 6, 2010 to identify recorded resources within a one-mile radius of the Project site. The Center's records did not list the County Courthouse and Detention Center (Old Jail) listed as historic addresses.

The AOC has added a brief discussion to Section IV, Architectural Evaluation, of the technical report and Section 4.6, Cultural and Historic Resources, of the DEIR to indicate that no known significant events occurred in the complex. Therefore, there is no evidence of known significant events associated with the buildings to support a conclusion that the facilities are significant cultural resources.

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D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 6, 2010

As stated in Response to Comments D-1, the AOC has revised the Historic Structure Assessment and Archaeological Review and Section 4.6 to add the names of the architects and other information. The AOC recognizes that the City has designated Samuel Hamill and Frank Hope, Sr. as master architects, and the AOC recognizes that the architects completed many works in San Diego, that many parties recognize the architects' contributions, and some the of the architects' works represent notable works. The AOC also recognizes that some of the architects' works are listed on the National Register of Historic Places and the California Register of Historic Resources and that the City has listed some of their works on the City's Register. However, the AOC notes that the County Courthouse and Old Jail have no national, State, or City designation. Neither the City's master architect biography of Samuel Hamill nor the City's San Diego Modernism: Historic Context Statement list the County Courthouse as one of Hamill's notable works. In addition, in contrast to works such as the County Administration Center, the AOC concludes that the County Courthouse and Old Jail do not have architectural features that provide evidence that they represent notable works of the architects. Therefore, the AOC finds no evidence that the County Courthouse and Old Jail are notable works of the architects.

Further, under the Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Past Fifty Years, the County Courthouse and Old Jail do not convey the "exceptional importance" which would be required for listing in the National Register. Under the Guidelines, a property is eligible for listing only if the resources best illustrates or represents the architectural, cultural or historic values being considered. Given the absence of any designation of these properties and the recognition given to the architects' other works, the County Courthouse and Oil Jail do not convey the "exception importance" required for listing in the National Register. Accordingly, the Draft EIR correctly stated that the County Courthouse and Old Jail are not significant cultural resources.

D-3 Brian F. Smith & Associates performed a records search at the South Coastal Information Center at San Diego State University on May 6, 2010 to identify recorded resources within a one-mile radius of the Project site. None of the three existing onsite structures are listed as historic addresses in the Center's records.

Archaeological Evaluation

- D-4 Appendix C provides no overview of historic land use on the block where the new courthouse would be constructed. Dwellings and outbuildings are shown on the Sanborn maps as long ago as 1887. The appendix acknowledges that "there remains some potential for subsurface archaeological features/deposits" but fails to discuss it in any detail at all. Indeed, the implication from the wording on page 6 of Appendix C is that only the 1949 Sanborn maps were consulted. Nor is any mention made of any research in city directories or assessor's records. A more comprehensive coverage of the development and use of the block is essential to understanding what could be expected to be encountered when excavation begins. It is important information for the State to have when the project archaeologist is to be selected.
- D-5 The importance of such an understanding is also highlighted by the extent of archaeological material recovered from two fairly recent full-block public construction projects in the immediate vicinity of the site for the new courthouse. The undersigned checked with the San Diego Archaeological Center and learned that the curated collection from the Hall of Justice amounted to 43 boxes, while that for the new County Jail is 100 boxes. Thus, planning for the new courthouse should anticipate a substantial effort on the part of the project archaeologists, and time needs to be provided for that work if construction schedules are not to be disrupted. It is not a possibility that archaeological deposits will be encountered, it is a virtual certainty.
- D-6 This also highlights the need for a comprehensive research design to be developed now and not much closer to the time construction contracts and activities start. A major part of that research design must be the approach to be taken when deciding what to recover in the field and take to the lab, and why. Also, what to retain for curation needs to be discussed.
- D-7 Appendix C includes a comprehensive archaeological monitoring program based, appropriately, on the City of San Diego's standard requirements for archaeological monitoring process. While the text used needs to be updated to reflect the City's most recent updates to the process, that wording provides broad guidance to the monitors and includes, for example, requirements for curation of recovered archaeological material. We commend the Appendix C authors for adapting it.
- D-8 Unfortunately, the DEIR's mitigation measure CR-1, on page 4.6-14, bears little resemblance to the DEIR's Appendix C recommendations. It is extremely vague and inappropriately limited. For example, it limits monitoring to "the uppermost 15 feet of soils", while wells and cisterns can extend much deeper than that. Also, it states that "Management actions may include scientific analysis and professional museum curation." Appropriate scientific analysis and curation are not optional. Perhaps the authors meant that scientific analysis and curation would be required of any significant material (i.e., in accordance with the research design). If so, the wording is simply poorly written.
- D-9 Another shortcoming of CR-1 and the Appendix C is the failure to set a deadline for completion of the archaeological report and curation of the resulting collection. There is a tendency for both to take years longer than is reasonable or necessary, perhaps due to lack of dedication of required resources to the effort at that stage. The public shouldn't have to ride herd on the public agency to ensure work related to the project is ultimately completed in a timely manner.

D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 6, 2010

As stated on page 4 of the technical report and as shown on the two available Sanborn Fire Insurance Maps dated 1921 and 1949, the three onsite structures replaced earlier small businesses, commercial uses, and residential uses. The AOC has added discussion to Section II, History of the Property, and Section IV, Architectural Evaluation, of the report and Section 4.6, Cultural and Historic Resources, of the DEIR to note the date of construction, present condition, and architectural significance for each of the three structures. Section 4.6.4.1 describes and evaluates the structures' significance, which clarifies the analysis in the Draft EIR and Appendix C. The AOC's conclusion is that demolition of the buildings will have an impact that is less than significant.

- D-4 The comment relates to the historic land use of the Project site and states that "Appendix C provides no overview of historic land use." To the contrary, Appendix C does provide an overview of the history of the site as follows:

Project-Specific History

According to the Sanborn Fire Insurance Map of 1949, small businesses had replaced the earlier residential land use on the blocks that comprise the NSDCC project area. The County Courthouse and Detention Center (Old Jail) were completed June 30, 1961 according to the San Diego County General Services, Real Estate Division (Snyder 2010). The original construction and expansion was conducted less than 50 years ago. The threshold age of 50 years for achieving historical status is standard for CEQA considerations.

The ownership of the County Courthouse and Detention Center (Old Jail) was vested in the county until 1999 [2010] when title to the property was transferred to the State of California. The block on which the new Superior Court is to be built was acquired at the same time. The new Superior Court location has three contiguous buildings in the northeast corner of the block, but the majority of the block has been used in recent years as a parking lot. The older Sanborn Fire Insurance Maps of 1886 to 1949 show a pattern of early residential use that was gradually replaced by light business and commercial use sometime between 1921 and 1949, the two available issues of the fire insurance maps.

The comment questions the use of Sanborn maps without providing an explanation, but Sanborn maps provide a record of past land uses. Furthermore, the analysis also considered the findings of the evaluation

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D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 6, 2010

performed for the San Diego County Detention Center (Pierson 2000) which included consideration for the area surrounding the Project site. Section IVI, Archaeology, of the technical report discusses the archaeological potential for the Project site and indicates the potential for archaeological deposits (privy pits, trash pits, cisterns, wells, etc.) to be uncovered onsite due to former land uses.

The AOC's main objective for Appendix C was to acquire evidence and analysis to inform the AOC of the proposed courthouse sites' potential for having archaeological and historical resources and the potential significance of the resources in compliance with CEQA. The AOC believes that Appendix C adequately supports the AOC's conclusion in Section 4.6.4.2 that the site's cultural resources are potentially significant.

- D-5 The comment raises the potential issue of whether the construction schedule may be affected by the discovery of archeological resources at the Project site. However, the Draft EIR has identified various mitigation measures for potential impacts to archeological resources and such measures may be implemented within the time frame provided under the proposed construction schedule for the Project.
- D-6 The comment suggests that a "comprehensive research design" be developed now to further evaluate an "approach" on "what to recover in the field." However, CEQA requires an evaluation of environmental impacts of the project and the imposition of feasible mitigation measures for any potential significant impacts. Here the mitigation measures include a "Research Design and Data Recovery Program" for any significant resources that may be uncovered. CEQA does not require that this mitigation measure be implemented prior to the approval of the Project.
- D-7 The comment commends the authors of Appendix C on their use of the City's standard requirements for archeological monitoring process and also notes that the City has updated the standards. The author of Appendix C states that the Appendix's mitigation measures were: "...modified from one developed by the City..." The statement explicitly indicates that the author was not adopting the City's measures. Since the Appendix's author and the AOC are not adopting the City's monitoring standards or requirements, updates of the City's standards or requirements do not apply to Appendix C's or the AOC's mitigation measures. The AOC has made changes to Mitigation Measure CR-1 in response to this comment to clarify the authority and responsibilities of

D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 6, 2010

the qualified archaeologist, but the AOC has not adopted the City's standards or requirements.

- D-8 The comment discusses Section 4.6.4.2's Mitigation Measure with respect to the depth of the excavations and any requirement for scientific analysis and curation for significant resources. Mitigation Measure CR-1 states that the qualified archaeologist will be present for any excavations of the uppermost 15 feet of soils on the site. The statement reflects the AOC's belief that the probability of finding resources is much greater in the site's upper soil strata. If construction operations discover resources in the uppermost 15 feet of soil and the resources extend below 15 feet, the archaeologist may evaluate the resources that are located below the uppermost 15 feet of soil. If construction personnel encounter soil conditions or other indicators which suggest that resources may be located below 15 feet, the AOC's qualified archaeologist will evaluate the unusual soil conditions and resources.

The AOC agrees that appropriate scientific analysis and curation are not optional for significant material. The AOC has made changes to the Mitigation Measure CR in response to this comment.

- D-9 The comment notes that the Mitigation Measure CR-1 and Appendix C do not have a deadline for the completion of the archeological report and curation. As stated previously, a qualified archaeologist under contract to the AOC shall prepare and submit a cultural resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover cultural resources during excavation operations. Without knowledge of the actual resources that construction operations will discover on the site and without input from the archaeologist, the AOC cannot speculate on a schedule for completion of the cultural resources work. The AOC has made no changes to the Draft EIR in response to this comment.

- D-10 The comment discusses qualifications for those persons who would be implementing the Project's mitigation program. The AOC is responsible for implementing the project's mitigation effort and will ensure that all archeological work is performed by qualified persons in compliance with all applicable laws and regulations.

D-10

A final comment and question: Reviewing the work of the project archaeologist(s) must be done by individuals who are themselves qualified and experienced historical archaeologists, preferably already familiar with San Diego. Criteria to be met are the Secretary of the Interior's Standards. Work to be reviewed ranges all the way from the research design discussed above through to review and approval of the final report. If the Administrative Office of the Courts or other overseeing jurisdiction does not have such expertise on staff, arrangements need to be made to retain the services of qualified persons. What provision has been or is being made to provide proper, qualified oversight of the cultural resources work for this project?

Thank you for this opportunity to participate in the public review of the DEIR for this important project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Brian F. Smith & Associates
SDCAS President
File



San Diego County Archaeological Society, Inc.
Environmental Review Committee

26 September 2010

To: Mr. Jerome Ripperda
Administrative Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, California 95833-3509

Subject: Draft Environmental Impact Report
New San Diego Central Courthouse

Dear Mr. Ripperda:

I would like to follow up on my letter of September 6th, submitted on behalf of SDCAS.

In my comments on the Architectural Evaluation, I noted the failure of Appendix C to identify the architects responsible for the existing courthouse and jail complex. My curiosity was answered not by Appendix C, but by an article in today's San Diego Union-Tribune.

D-11

That article revealed that the architects were Sam Hamill, Frank L. Hope, George Lykos and Richard G. Wheeler. At least two, Hamill and Hope, are considered master architects by the City of San Diego. Had the authors of Appendix C researched the responsible architects this would have been disclosed as part of the public review documents. It is quite surprising that such obvious information would have been omitted or overlooked.

This omission will require, at the very least, a new public review prior to demolition of the existing courthouse. We would like to be included in that public review.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 26, 2010

D-11 The comment concerns identification of Samuel Hamill and other architects as designers of the County Courthouse and Old Jail and their City-designated master architect status, and the comment states that the Draft EIR's omission of the architects will require a new public review prior to demolition of the County Courthouse. As stated in Response to Comments D-1, the AOC has revised the Historic Structure Assessment and Archaeological Review and Section 4.6 to add the names of the architects and other information. The AOC agrees that the City has designated Samuel Hamill and Frank Hope, Sr. as master architects.

The AOC recognizes that the architects completed many works in San Diego, that many parties recognize the architects' contributions, and some the of the architects' works represent notable works. The AOC also recognizes that some of the architects' works are listed on the National Register of Historic Places and the California Register of Historic Resources and that the City has listed some of their works on the City's Register. However, the AOC notes that the County Courthouse and Old Jail have no national, State, or City designation. Neither the City's master architect biography¹ of Samuel Hamill nor the City's San Diego Modernism: Historic Context Statement² list the County Courthouse as one of Hamill's notable works. In addition, in contrast to works such as the County Administration Center, the AOC concludes that the County Courthouse and Old Jail lack architectural features that provide evidence that they represent notable works of the architects. Therefore, the AOC finds no evidence that the County Courthouse and Old Jail are notable works of the architects.

Further, under the Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years, the County Courthouse and Old Jail do not convey the "exceptional importance" which would be required for listing in the National Register. Under the Guidelines, a property is eligible for listing only if the resources best illustrates or represents the architectural, cultural or historic values being considered. Given the absence of any designation of these properties and the recognition given to the architects' other works, the County Courthouse and Oil Jail do not convey the "exception importance" required for listing in the National Register. Accordingly, the Draft EIR correctly stated that the County Courthouse and Old Jail are not significant cultural resources. Therefore, the AOC concludes

¹ Historical Resources Board. 2009. Biographies of Established Masters. 55 p.

² City of San Diego. 2007. San Diego Modernism: Historic Context Statement. Submitted to State of California office of Historic Preservation. 146 p. Available at:

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D: San Diego County Archaeological Society, Inc.,

James W. Royle, Jr., Chairperson

Letter dated September 26, 2010

that demolition of these buildings will have impacts that are less than significant, and the AOC concludes that there is no reason to revise and re-circulate the Draft EIR.

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THE CITY OF SAN DIEGO

May 27, 2010

Administrative Office of the Courts
Mr. Jerome Ripperda
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

Submitted via email to: Jerry.Ripperda@jud.ca.gov
Hard copy to follow via mail

Subject: CITY OF SAN DIEGO COMMENTS ON THE NOTICE OF PREPARATION FOR THE NEW SAN DIEGO CENTRAL COURTHOUSE

The City of San Diego ("City") has received and reviewed the Notice of Preparation (NOP) for the above project and appreciates this opportunity to provide comments to the Administrative Office of the Courts. In response to the NOP, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordinated planning between the City, the Administrative Office of the Courts, and other local, regional, state, and federal agencies will be essential.

Staff from the Development Services Department ("DSD"), the Storm Water Department, and the Environmental Services Department (ESD) have reviewed the DEIR and have the following comments regarding the content of the DEIR:

DEVELOPMENT SERVICES DEPARTMENT:

ANN GONSALVES (619) 446-5294 AGONSLAVES@SANDIEGO.GOV
KAMRAN KHALIGH AT (619) 446-5357, KKHALIGH@SANDIEGO.GOV

A traffic impact analysis should be conducted as part of the EIR to evaluate project impacts, and to identify any required project mitigation. The excerpts of the traffic impact analysis should be included and discussed in the EIR and any other relevant documents. The traffic impact study and the EIR should also include and discuss parking analysis, and circulation.

E-1

The traffic impact analysis should be prepared based on the current City of San Diego guidelines and procedures. All project driveways and the fronting and nearby street segments, intersections, freeway segments, and ramps should be evaluated in the study.

The parking analysis should include an in depth discussion and calculation of the project parking demand, and how it would be accommodated on site. The project's parking demand should not only fulfill the project's employee parking demand, but also most of its customers, and visitors parking



Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

**E: City of San Diego, Development Services Department,
Cecilia Gallardo, AICP / Assistant Deputy Director**

Letter dated May 27, 2010

E-1 A Traffic Impact Analysis was prepared by RBF Consulting in May 2010 (Revised July 2010) to evaluate potential traffic, circulation, and parking impacts resulting from implementation of the proposed Project; refer to Appendix H of and Section 4.15, Transportation and Circulation, of the DEIR. The findings of the technical analysis were integrated into the DEIR. No significant impacts were identified, and no mitigation measures are required.

RBF coordinated with City staff in preparing the technical analysis to ensure that appropriate roadways and intersections were included within the study area. As stated on Page 8 of the analysis, the list of study intersections and roadway segments was based on recommendations by City staff and the City of San Diego Traffic Impact Study Manual. The roadway segment analysis of the study area roadways was based upon roadway classifications and capacity thresholds defined in the City of San Diego Traffic Impact Study Manual. In addition, the study used the 2000 Highway Capacity Manual methodology for Signalized Intersections to determine the operating Levels of Service (LOS) of the study intersections.

The technical analysis includes a study of parking demand generated by the proposed Project; refer to Page 41 of Appendix H of the DEIR. Existing parking in the areas surrounding the Project site was documented and an analysis of Project effects on available parking was conducted. Based on analysts' counts of available public parking spaces and the analysts' survey of vacancy rates for the parking spaces, the AOC concludes that existing available surface parking lots will have sufficient capacity to accommodate the Project's additional parking demands. No significant impacts were identified, and no mitigation measures are required.

No changes were made to the DEIR as a result of this comment.

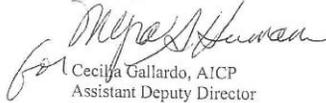
E-1 cont'd demand. None of the on-street parking spaces could be counted as part of the project's needed parking spaces. We also do not recommend loss of any on-street parking space along the project frontages.

E-2 **STORM WATER DEPARTMENT**
RUTH KOLB, PROGRAM MANAGER, RKOLB@SANDIEGO.GOV (858-541-4328)
The DEIR should include the impacts to storm water in the hydrology/water quality section of the EIR.

E-3 **ENVIRONMENTAL SERVICES DEPARTMENT**
LISA WOOD, SENIOR PLANNER (858)-573-1236 OR LWOOD@SANDIEGO.GOV
The City of San Diego Environmental Services Department is responsible for the operation of the Miramar Landfill, and for waste reduction programs. Projects that generate more than 60 tons of waste may have significant impact on solid waste facilities and waste reduction programs. The Environmental Services Department would like language in the scope of the project included with list of "key environmental issues" that mentions addressing the solid waste impacts associated with the project."

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the FEIR and provide four copies of the document for distribution to the commenting department. If you have any additional questions regarding the City's review of the DEIR, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sandiego.gov.

Sincerely,


for Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: Myra Herrmann, Senior Planner, Development Services
Ruth Kolb, Program Manager, Storm Water Department
Ann Gonsalves, Senior Traffic Engineer, Development Services Department
Kamran Khligh, Associate Traffic Engineer, Development Services Department
Lisa Wood, Senior Planner, Environmental Services Department
Review and Comment online file

E: City of San Diego, Development Services Department,
Cecilia Gallardo, AICP / Assistant Deputy Director

Letter dated May 27, 2010

E-2 A discussion of Hydrology/Water Quality for the Project is included as Section 4.17 of the FEIR. No changes were made to the DEIR as a result of this comment.

E-3 Refer to Responses to Comments to Letter D (Letter dated September 22, 2010 from Cecilia Gallardo, Assistant Deputy Director, City of San Diego Development Services Department). The Project's potential impacts with regard to solid waste disposal are addressed in Section 4.16, Utilities and Service Systems, of the DEIR. The AOC recognizes the City's significance criteria which indicate that projects generating more than 60 tons of waste may have a significant impact on solid waste facilities and waste reduction programs; however, the State of California is not subject to land use planning and zoning regulations established by local authorities. Government Code Section 70391 gives the Judicial Council of California full responsibility, jurisdiction, control, and authority over trial court facilities including property acquisition, planning, construction and disposal of property. The California Trial Court Facilities Standards provide direction for development of trial court facilities. The analysis of potential impacts with regard to solid waste was prepared consistent with the significance criteria given in Appendix G of the CEQA Guidelines. No significant impacts were identified, and no mitigation measures are required. The AOC will construct and operate the Project consistent with applicable City measures intended to reduce the generation of solid waste, as well as integrating measures to achieve a LEED Silver or higher rating. No changes were made to the DEIR as a result of this comment.

San Diego New Central Courthouse

Public Scoping Meeting - Wednesday September 8th, 2010

Summary of Oral Questions Received

Received From	Question / Comment	Summary of AOC Response
Nick Marinovich	Cultural resources found during construction of Hall of Justice. Does the EIR focus on the new Courthouse site, or other surrounding areas? What about the future park on the existing Courthouse site?	The EIR does not consider impacts on resources at offsite locations, but considers the demolition of the existing Courthouse. The AOC will continue working with the City, CCDC, etc. with regard to this issue, but demolition of the existing facilities is not part of the proposed Project.
Gary Smith – Pres. of Downtown Citizens Group	How will the AOC address parking, security, Sheriff's zone with the new Courthouse? / How are such effects mitigated?	EIR analysis considers closing of existing Courthouse and loss of this parking / Close jail = fewer jobs and lesser demand for parking / Demolition of existing uses will reduce traffic generated and parking demand for these facilities / Project will eliminate 180 surface spaces on the Stahlman block and 10 on-street parking spaces / CCDC goal is to use existing downtown parking resources more intensely rather than build new parking / Currently, parking is limited at the Courthouse - provided for official vehicles.
Gary Smith – Pres. of Downtown Citizens Group	Visual pollution of skyways / What is the mitigation offset?	The Project will add one new skybridge / Already an existing skybridge / Demolition of Courthouse removes bridge over B Street / Large obstructions occur to west along C Street, so views are not continued.
John Wotzka (Downtown resident)	Parking issues / Federal Courthouse	Please see parking response above.
Charles Sadair (Geo Group – tenant in Old Jail)	When will the tenants of the Stahlman block be asked to move? What is the timeline? Request made that the AOC keep the tenants informed as the Project progresses.	Lease will extend through July 2014 / County wants to continue the lease / Noted request to be informed
Supervisor Greg Cox, County of San Diego Board of Supervisors	No questions / Comments made in support of the Project. Project will improve security / Tunnel will improve public safety and will save the County money in providing security services / Project will help to improve C Street corridor.	SOM completed a full master plan for the C Street corridor / AOC will help to improve the C Street corridor visually / Unique Project / AOC will support the City's efforts to make Union Street a green street from Broadway to Ash.
Gary Smith – Pres. of Downtown Citizens Group	Why does the AOC perceive noise as a significant issue, as noise levels in the downtown area are already high?	EIR identifies significant noise impacts resulting from construction to provide a conservative approach / Court, hotels, offices located to the west, Emerald Plaza/ Excavation is proposed to occur in double shifts / Mitigation proposed to reduce potential construction noise impacts on surrounding uses to the extent possible.

F. Comments from Scoping Meeting, 9/8/10

Gary Smith – Pres. of Downtown Citizens Group	The AOC needs to consider how it will route the construction trucks / Back-up bells create noticeable noise effects more so than the circulation of trucks along the roadways.	The AOC will work with the architect and building contractor to address those issues.
Roger Showley / San Diego Union Tribune	Why is demolition of the existing County Courthouse and Old Jail not included in the Project?	Demolition of the existing facilities was not identified as a critical need at the time / Funding for demolition not included in the budget, as the need for additional courthouses was identified.
Unknown	What is the timeframe for demolition? / Could be decades	The AOC will have to consider a variety of variables in the timing of the existing courthouse demolition including completion of the new courthouse, relocation of existing staff, and funding to complete the demolition.

H:\PDATA\25104231\Admin\reports\Scoping Meeting\Summary of Questions Received 09-2010.docx

NEW SAN DIEGO CENTRAL COURTHOUSE: PUBLIC MEETING

	NAME	AFFILIATION (If Any)	Address &/or E-mail Address
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NEW SAN DIEGO CENTRAL COURTHOUSE: PUBLIC MEETING

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NEW SAN DIEGO CENTRAL COURTHOUSE: PUBLIC MEETING

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NEW SAN DIEGO CENTRAL COURTHOUSE: PUBLIC MEETING

	NAME	AFFILIATION (If Any)	Address &/or E-mail Address
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III. REVISIONS TO THE DRAFT EIR

This chapter presents the revisions made to the Draft EIR due to staff-initiated changes or as a response to comments received. Text that has been added is shown as underlined, and deleted text is shown in strikethrough format to allow the reader to easily view the revisions made to the document. Text changes are presented in the page order in which they appear in the Draft EIR.

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	1-1
1.1	Project Summary	1-1
1.1.1	<i>Project Description</i>	1-1
1.1.2	<i>Project Location</i>	1-2
1.1.3	<i>Real Estate-Related Actions</i>	1-3
1.1.4	<i>Proposed Courthouse Facility</i>	1-3
1.1.5	<i>Related Facilities and Actions</i>	1-5
1.1.6	<i>Parking</i>	1-5
1.1.7	<i>Construction Scenario</i>	1-5
1.1.8	<i>Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court</i>	1-7
1.2	Environmental Impact Summary	1-8
1.3	Significant Unavoidable Impacts	1-8
1.4	Summary of Project Alternatives	1-8
1.4.1	<i>No Project Alternative</i>	1-8
1.4.2	<i>Reduced Project Alternative</i>	1-9
1.4.3	<i>Alternative Site Alternative</i>	1-9
1.5	Areas of Controversy and Issues To Be Resolved	1-10
2.0	INTRODUCTION.....	2-1
2.1	Purpose of the Environmental Impact Report	2-1
2.2	CEQA EIR Process.....	2-3
2.2.1	<i>Notice of Preparation</i>	2-3
2.2.2	<i>Draft EIR</i>	2-4
2.2.3	<i>Final EIR and EIR Certification</i>	2-5
2.3	Use of the EIR.....	2-6
2.4	Organization of the EIR.....	2-7
2.5	Incorporation by Reference	2-8
3.0	PROJECT DESCRIPTION	3-1
3.1	Overview	3-1
3.2	Purpose and Objectives of the Project	3-1
3.3	Project Location	3-2
3.4	Project Components	3-4
3.4.1	<i>Proposed Courthouse Facility</i>	3-4
3.4.2	<i>Parking</i>	3-5

TABLE OF CONTENTS

3.4.3 Real Estate-Related Actions 3-6

3.4.4 Project Design Considerations 3-7

3.4.5 Related Facilities and Actions 3-9

3.4.6 Construction Scenario 3-9

3.4.7 Future of the Existing County Courthouse, Old Jail, Madge Bradley
Building, and Family Court 3-14

3.4.8 Project Schedule..... 3-15

3.5 General Plan Land Use Designation 3-16

3.6 Existing Conditions 3-16

3.6.1 Land Uses 3-16

3.7 Discretionary Project Approvals..... 3-16

3.8 Contact Person..... 3-17

4.0 ENVIRONMENTAL EFFECTS 4.1-1

**4.1 Description of Environmental Setting, Project Impacts,
and Mitigation Measures 4.1-1**

4.2 Aesthetics and Visual Resources 4.2-1

4.2.1 Environmental Setting 4.2-1

4.2.2 Analytical Framework 4.2-6

4.2.3 Standards of Significance 4.2-10

4.2.4 Potential Impacts and Mitigation Measures 4.2-10

4.3 Agricultural Resources 4.3-1

4.3.1 Environmental Setting 4.3-1

4.3.2 Analytical Framework 4.3-1

4.3.3 Standards of Significance 4.3-1

4.3.4 Potential Impacts and Mitigation Measures 4.3-1

4.4 Air Quality 4.4-1

4.4.1 Environmental Setting 4.4-1

4.4.2 Analytical Framework 4.4-9

4.4.3 Standards of Significance 4.4-21

4.4.4 Potential Impacts and Mitigation Measures 4.4-21

4.5 Biological Resources 4.5-1

4.5.1 Environmental Setting 4.5-1

4.5.2 Analytical Framework 4.5-1

4.5.3 Standards of Significance 4.5-1

4.5.4 Potential Impacts and Mitigation Measures 4.5-2

4.6 Cultural and Historic Resources 4.6-1

4.6.1 Environmental Setting 4.6-1

4.6.2 Analytical Framework 4.6-4

	4.6.3	<i>Standards of Significance</i>	4.6-12
	4.6.4	<i>Potential Impacts and Mitigation Measures</i>	4.6-12
4.7		Geology, Soils, and Seismicity	4.7-1
	4.7.1	<i>Environmental Setting</i>	4.7-1
	4.7.2	<i>Analytical Framework</i>	4.7-5
	4.7.3	<i>Standards of Significance</i>	4.7-6
	4.7.4	<i>Potential Impacts and Mitigation Measures</i>	4.7-7
4.8		Hazards and Hazardous Materials	4.8-1
	4.8.1	<i>Environmental Setting</i>	4.8-1
	4.8.2	<i>Analytical Framework</i>	4.8-2
	4.8.3	<i>Standards of Significance</i>	4.8-7
	4.8.4	<i>Potential Impacts and Mitigation Measures</i>	4.8-7
4.9		Land Use and Planning	4.9-1
	4.9.1	<i>Environmental Setting</i>	4.9-1
	4.9.2	<i>Analytical Framework</i>	4.9-2
	4.9.3	<i>Standards of Significance</i>	4.9-4
	4.9.4	<i>Potential Impacts and Mitigation Measures</i>	4.9-4
4.10		Mineral Resources	4.10-1
	4.10.1	<i>Environmental Setting</i>	4.10-1
	4.10.2	<i>Analytical Framework</i>	4.10-1
	4.10.3	<i>Standards of Significance</i>	4.10-1
	4.10.4	<i>Potential Impacts and Mitigation Measures</i>	4.10-1
4.11		Noise	4.11-1
	4.11.1	<i>Environmental Setting</i>	4.11-1
	4.11.2	<i>Analytical Framework</i>	4.11-7
	4.11.3	<i>Standards of Significance</i>	4.11-13
	4.11.4	<i>Potential Impacts and Mitigation Measures</i>	4.11-14
4.12		Population and Housing	4.12-1
	4.12.1	<i>Environmental Setting</i>	4.12-1
	4.12.2	<i>Analytical Framework</i>	4.12-1
	4.12.3	<i>Standards of Significance</i>	4.12-3
	4.12.4	<i>Potential Impacts and Mitigation Measures</i>	4.12-3
4.13		Public Services	4.13-1
	4.13.1	<i>Environmental Setting</i>	4.13-1
	4.13.2	<i>Analytical Framework</i>	4.13-2
	4.13.3	<i>Standards of Significance</i>	4.13-3
	4.13.4	<i>Potential Impacts and Mitigation Measures</i>	4.13-3
4.14		Recreation	4.14-1
	4.14.1	<i>Environmental Setting</i>	4.14-1

TABLE OF CONTENTS

4.14.2 Analytical Framework 4.14-1

4.14.3 Standards of Significance 4.14-2

4.14.4 Potential Impacts and Mitigation Measures 4.14-3

4.15 Transportation and Circulation 4.15-1

4.15.1 Environmental Setting 4.15-1

4.15.2 Analytical Framework 4.15-7

4.15.3 Standards of Significance 4.15-13

4.15.4 Potential Impacts and Mitigation Measures 4.15-16

4.16 Utilities and Service Systems 4.16-1

4.16.1 Environmental Setting 4.16-1

4.16.2 Analytical Framework 4.16-6

4.16.3 Standards of Significance 4.16-9

4.16.4 Potential Impacts and Mitigation Measures 4.16-9

5.0 ALTERNATIVES 5-1

5.1 Rationale for Alternative Selection 5-1

5.2 Alternatives Considered But Rejected From Further Consideration 5-2

5.2.1 Broadway Site Alternative 5-2

5.2.2 Non-Downtown Site 5-2

5.3 Project Objectives 5-3

5.4 No Project Alternative 5-3

5.5 Reduced Project Alternative 5-4

5.5.1 Aesthetics and Visual Resources 5-5

5.5.2 Agricultural Resources 5-5

5.5.3 Air Quality 5-5

5.5.4 Biological Resources 5-6

5.5.5 Cultural and Historic Resources 5-6

5.5.6 Geology, Soils, and Seismicity 5-6

5.5.7 Hazards and Hazardous Materials 5-6

5.5.8 Land Use and Planning 5-7

5.5.9 Mineral Resources 5-7

5.5.10 Noise 5-8

5.5.11 Population and Housing 5-8

5.5.12 Public Services 5-8

5.5.13 Recreation 5-9

5.5.14 Traffic 5-9

5.5.15 Utilities and Service Systems 5-10

5.5.16 Water Quality and Hydrology 5-10

5.5.17 Conclusion 5-11

5.6	Alternate Site Alternative.....	5-12
	5.6.1 <i>Aesthetics and Visual Resources</i>	5-13
	5.6.2 <i>Agricultural Resources</i>	5-13
	5.6.3 <i>Air Quality</i>	5-13
	5.6.4 <i>Biological Resources</i>	5-14
	5.6.5 <i>Cultural and Historic Resources</i>	5-14
	5.6.6 <i>Geology, Soils, and Seismicity</i>	5-14
	5.6.7 <i>Hazards and Hazardous Materials</i>	5-14
	5.6.8 <i>Land Use and Planning</i>	5-15
	5.6.9 <i>Mineral Resources</i>	5-16
	5.6.10 <i>Noise</i>	5-16
	5.6.11 <i>Population and Housing</i>	5-16
	5.6.12 <i>Public Services</i>	5-17
	5.6.13 <i>Recreation</i>	5-18
	5.6.14 <i>Traffic</i>	5-18
	5.6.15 <i>Utilities and Service Systems</i>	5-18
	5.6.16 <i>Water Quality and Hydrology</i>	5-19
	5.6.17 <i>Conclusion</i>	5-20
5.7	Alternate Project Sites.....	5-20
5.8	Environmentally Superior Alternative	5-22
6.0	OTHER CEQA CONSIDERATIONS	6-1
6.1	Significant and Unavoidable Impacts	6-1
6.2	Growth Inducing Impacts	6-4
6.3	Cumulative Impacts	6-5
	6.3.1 <i>Reduced Project Alternative</i>	6-6
	6.3.2 <i>Alternate Site Alternative</i>	6-11
7.0	LITERATURE CITED AND PERSONS AND ORGANIZATIONS CONTACTED.....	7-1
7.1	Literature Cited	7-1
7.2	Persons and Organizations Contacted.....	7-4
8.0	REPORT PREPARATION	8-1
8.1	Lead Agency.....	8-1
8.2	Consultant	8-1
8.3	Persons and Organizations Contacted.....	8-1

LIST OF APPENDICES

Appendix A	Expanded Notice of Preparation (NOP) / Public Responses Received
Appendix B	Air Quality Analysis Data
Appendix C	Historic Structure Assessment and Archaeological Review
Appendix D	Paleontological Resource and Monitoring Assessment
Appendix E	Geologic Information and Reports
Appendix F	Hazardous Materials Investigations
Appendix G	Noise Analysis Data
Appendix H	Traffic Impact Analysis Report
Appendix I	Mitigation Monitoring and Reporting Plan

LIST OF FIGURES

Figure 3-1	Regional/Local Vicinity Map	3-19
Figure 3-2	Proposed Improvements	3-21
Figure 3-3	Project Site	3-23
Figure 3-4	Existing Civic Uses in Project Area.....	3-25
Figure 3-5	Proposed Site Access.....	3-27
Figure 4.2-1	View Location Map	4.2-19
Figure 4.2-2A	Views to the Project Site	4.2-21
Figure 4.2-2B	Views to the Project Site	4.2-23
Figure 4.2-2C	Views to the Project Site	4.2-25
Figure 4.2-3	View Corridors	4.2-27
Figure 4.2-4A	Shadow Analysis (March/September).....	4.2-29
Figure 4.2-4B	Shadow Analysis (June).....	4.2-31
Figure 4.2-4C	Shadow Analysis (December).....	4.2-33
Figure 4.7-1	Fault Map.....	4.7-15
Figure 4.9-1	Proposed Neighborhoods and Districts.....	4.9-7
Figure 4.9-2	Proposed Land Use Map	4.9-9
Figure 4.11-1	Sound Levels and Human Response	4.11-27
Figure 4.11-2	Noise Measurement Locations	4.11-29
Figure 4.15-1	Existing Intersection Geometry	4.15-27
Figure 4.15-2	Existing Conditions Traffic Volumes.....	4.15-29
Figure 4.15-3	Public Parking and Building Locations.....	4.15-31
Figure 4.15-4	Project Trip Assignment.....	4.15-33
Figure 4.15-5	New Trip Assignment	4.15-35
Figure 4.15-6	Redistributed Madge Bradley and Family Law	4.15-37
Figure 4.15-7	Removal of Madge Bradley and Family Law Trips.....	4.15-39

Figure 4.15-8 Removal of Old Jail, County Courthouse Uses, within Existing Courthouse, and Existing Office Buildings on Proposed Site 4.15-41

Figure 4.15-9 Existing Plus Project Conditions..... 4.15-43

Figure 4.15-10 Cumulative Project Trips 4.15-45

Figure 4.15-11 Trips Associated with Reuse of Madge Bradley and Family Law 4.15-47

Figure 4.15-12 Existing Plus Cumulative Conditions..... 4.15-49

Figure 4.15-13 Existing Plus Cumulative Plus Project Conditions 4.15-51

Figure 4.15-14 Existing Parking Lot Locations 4.15-53

Figure 6-1 Cumulative Projects..... 6-19

LIST OF TABLES

Table 1-1 Environmental Impact Summary 1-11

Table 3.4-1 Project Construction Activities 3-12

Table 4.4-1 Criteria Air Pollutants’ Effects on Health..... 4.4-2

Table 4.4-2 Local Air Quality Levels 4.4-3

Table 4.4-3 Ambient Air Quality Standards and Air Pollution Control District Attainment Status 4.4-14

Table 4.4-4 Air Pollution Control District’s Screening Level Thresholds 4.4-17

Table 4.4-5 Criteria Air Pollutant Emissions from Construction 4.4-23

Table 4.4-6 Criteria Air Pollutant Emissions from Operations..... 4.4-24

Table 4.4-7 SCREEN 3 Predicted Emission Concentrations..... 4.4-27

Table 4.4-8 Recommended Actions for Climate Change Proposed Scoping Plan . 4.4-29

Table 4.4-9 Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse..... 4.4-33

Table 4.11-1 Noise Descriptors..... 4.11-2

Table 4.11-2 Summary of Existing Noise Measurements..... 4.11-5

Table 4.11-3 Existing Traffic Noise Levels..... 4.11-6

Table 4.11-4 Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards) 4.11-9

Table 4.11-5 Table of Applicable Limits – San Diego Municipal Code 4.11-12

Table 4.11-6 Future Noise Scenarios..... 4.11-16

Table 4.11-7 Typical Noise Levels from Construction Equipment 4.11-21

Table 4.11-8 Typical Vibration Levels for Construction equipment..... 4.11-22

Table 4.11-9 Existing Plus Cumulative Plus Project Noise Scenarios..... 4.11-23

Table 4.11-10 Existing Plus Cumulative Plus Project Noise Scenarios..... 4.11-25

Table 4.15-1 Existing Condition Intersection Levels of Service (LOS) – AM Peak 4.15-3

Table 4.15-2 Existing Conditions Roadway Segment Levels of Service (LOS)..... 4.15-4

TABLE OF CONTENTS

Table 4.15-3	Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site	4.15-6
Table 4.15-4	Trip Generation – County Court Building.....	4.15-9
Table 4.15-5	Trip Generation – Family and Probate Court (No Jury Calls)	4.15-9
Table 4.15-6	Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego.....	4.15-10
Table 4.15-7	Redistributed Existing Trips	4.15-11
Table 4.15-8	Existing Trips Associated with Existing Buildings on Project Site....	4.15-12
Table 4.15-9	Intersection LOS & Delay Ranges	4.15-15
Table 4.15-10	Level of Service Thresholds for Roadway Segments	4.15-15
Table 4.15-11	City of San Diego Level of Significance Thresholds.....	4.15-16
Table 4.15-12	Existing Plus Project Conditions Intersection LOS – AM Peak	4.15-17
Table 4.15-13	Existing Plus Project Roadway ADT Volumes and LOS	4.15-17
Table 4.15-14	Cumulative Conditions – Intersection LOS AM Peak Hour	4.15-19
Table 4.15-15	Cumulative Conditions – Roadway ADT Volumes and LOS.....	4.15-21
Table 5-1	Project Alternatives – Impacts Compared to the Project	5-23
Table 5-2	Alternative Project Sites (Budget Package).....	5-24
Table 6-1	Cumulative Projects List.....	6-18

1.0 EXECUTIVE SUMMARY

1.1 PROJECT SUMMARY

1.1.1 Project Description

The Administrative Office of the Courts (the “AOC”) proposes construction of the New San Diego Central Courthouse Project (the “Project”) in downtown San Diego and operation of the facility for the Superior Court of California, County of San Diego (the “Superior Court”). The Project will enhance security and the efficiency of judicial operations, improve public access, and remove existing judicial facilities that lack adequate seismic safety, security, and public access.

The New San Diego Central Courthouse will have as many as approximately 20 stories with as many as three basement levels. The Project will also include construction of a tunnel between the new courthouse and the County of San Diego’s existing Central Jail and construction of a bridge over C Street between the new courthouse and the County of San Diego’s existing Hall of Justice. The AOC will operate the proposed new facility for the Superior Court. In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse.

Since the AOC is the Project’s Lead Agency and is acting for the State of California on behalf of the Judicial Council of California, local governments’ land use planning and zoning regulations do not apply to the proposed Project. However, the AOC intends to consult with local government representatives and provide a courthouse that is consistent with the quality of the local architectural environment.

The AOC will apply the codes and standards of the California Building Code¹ (edition in effect as of the commencement of schematic design phase of the Project); California Code of Regulations, Title 24; California Energy Code, Americans with Disabilities Act; American Disability Act Accessibility Guidelines;² and, Division of the State Architect’s Access Checklist.³ The proposed Project will implement sustainable elements throughout its design, operation, and maintenance. The AOC’s design will incorporate features that conform to standards of a Leadership in Energy and Environmental Design (LEED) silver-certified building, and the building’s design will include features to reduce energy consumption by at least 15% from the levels of the California Building Code. The LEED Rating includes

¹ California Building Code. 2008. Building Standards Commission. Available at: <http://www.bsc.ca.gov/default.htm>.

² Available at: <http://www.access-board.gov/adaag/html/adaag.htm>

³ Available at: http://www.documents.dgs.ca.gov/dsa/pubs/checklists_rev_08-01-09.pdf

criteria for features related to sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes.

1.1.2 Project Location

The proposed Project site for the New San Diego Central Courthouse (herein referred to as the “Project site”) is an approximately 1.4-acre site; refer to *Figure 3-1, Regional/Local Vicinity Map*. The Judicial Council of California owns the proposed courthouse site, the existing County Courthouse, and the Old Jail; refer to *Figure 3-2, Proposed Improvements*. The Project site is located within the U.S. Geological Survey’s 7.5-minute San Diego topographic quadrangle. The Interstate-5 (I-5) San Diego Freeway is roughly 0.5 miles north of the Project site and approximately 1.0 miles east of the Project site. The proposed site is a one-block parcel bounded by West B Street on the north, Union Street on the east, West C Street on the south, and State Street on the west.

In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, the AOC does not currently have funding to demolish the structures. This building is located at 220 West Broadway and extends northward from Broadway to the block north of B Street with bridges over C and B Streets. The building occupies approximately 2.25 City blocks, with an area of approximately three acres, and has 503,000 building gross square feet (“BGSF”). The Superior Court occupies approximately 383,000 BGSF⁴ of space within the building, County offices occupy 88,000 BGSF of space, and the Sheriff’s Department occupies approximately 32,000 BGSF. The facility has approximately 40 surface parking spaces, primarily for County staff. The County provides 67 secured spaces for Superior Court Staff on the block between B Street, Union Street, A Street, and Front Street.

In addition, the new courthouse will accommodate selected staff and operations from the Hall of Justice, Madge Bradley Building, Family Court, and the Old Jail once construction is complete. *Figure 3-2, Proposed Improvements*, shows the location of these buildings in relation to the Project site.

⁴ The Superior Court occupies approximately 243,000 useable square feet of space within the building, the County’s Child Support Services and Health and Human Services occupy approximately 56,000 square feet of useable space in the building, and the Sheriff’s Department occupies approximately 20,000 square feet of useable space; these uses total 319,000 useable square feet. BGSF includes common areas in a building, such as lobby space, restrooms, and building support space. The AOC calculated each uses’ percentage of the total useable square feet and multiplied each uses’ percentage by 503,000 BGSF to determine each uses’ BGSF.

1.1.3 Real Estate-Related Actions

The AOC will work with the City and County to determine what real property rights and interests the AOC may need to construct and operate a pedestrian tunnel to connect the new courthouse to the Central Jail and to determine how to document those real property interests that the parties conclude are necessary. After completion of the tunnel, the AOC will transfer title to the tunnel and all related real property rights to the County to complete an existing obligation created by the 2009 agreement between the County and the AOC for the AOC's acquisition of the County Courthouse and other properties. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the tunnel that will be located on or under the County's property.

As stated previously, the Project will include construction of a bridge over C Street to connect the new courthouse to the Hall of Justice. The AOC will work with the City to determine and document what real property rights and interests the AOC may need to procure to construct and operate the bridge over C Street. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the bridge that will be located on or over the County's property.

As previously noted, at some point in the future, the AOC intends to dispose of the existing County Courthouse and Old Jail parcels; however, at this time, the AOC has not made and is not making any disposition arrangements. When the AOC develops proposals for disposition of these properties, the AOC will prepare additional CEQA documentation for the disposition activities, if appropriate and as required.

1.1.4 Proposed Courthouse Facility

The Project will construct a courthouse building with approximately 20 stories and three basement levels. To date, the AOC has developed only a preliminary site plan for the Project; however, the AOC expects that the building will be as much as approximately 400 feet in height with approximately 750,000 BGSF. The main public entrance to the new courthouse will be on C Street, Union Street, or the intersection of C Street/Union Street.

The new courthouse will include 71 courtrooms with associated judicial chambers and operational areas. The new courthouse will support felony and misdemeanor judicial activities and other judicial activities that may include civil, probate, and family law functions. To maximize functional flexibility, all of the courtrooms will have holding capability for in-custody detainees and space for juries. The facility's lowest floors will provide an entrance, security screening facilities, and lobby on the first floor; additional public areas, support offices, and high volume courtrooms on the lower floors; and other

courtrooms and judicial facilities on the upper floors. The building will also provide space for administrative and staff offices, juror assembly, and building support space. To promote security inside the new courthouse, the building will provide separate corridors and elevators for movement of in-custody detainees, judicial staff, and visitors.

To improve operational efficiency, the Project includes construction of a bridge over C Street to connect the new facility to the Hall of Justice. The AOC presumes that the bridge will be approximately 45 feet above the street and approximately 20 feet wide, 16 feet high, and 150 feet long.

Pedestrian access to the courthouse will occur from Union Street and from C Street; refer to *Figure 3-5, Proposed Site Access*. Visitors will enter into the lobby area and will pass through security facilities prior to entering the main courthouse facilities.

The building's upper basement level will include in-custody detainee handling facilities that will connect via a tunnel to the County's Central Jail, which is located approximately 325 feet east of the proposed courthouse site. There will also be building support space in the basement for mechanical equipment and building operational support needs. A lower basement level will provide approximately 115 secured parking spaces for judicial officers and judicial executives and may also provide additional building support areas; refer to *Figure 3-5, Proposed Site Access*, which shows the location of the secure parking/sally port entry.

After completion of the new courthouse, the Superior Court will relocate existing staff and operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley Building, Family Court, and portions of the Kearny Mesa Facility into the new courthouse. The Superior Court will continue to use its existing space in the Hall of Justice, but will abandon its space in the County Courthouse, Madge Bradley Building, and Family Court. The proposed new courthouse will add two new courtrooms and will transfer the staff and operations of a small claims courtroom from the Kearny Mesa Facility to the proposed new courthouse. The Superior Court will increase staffing from the current approximately 711 staff to approximately 810 staff members.⁵ For the Superior Court's downtown San Diego operations, the Project will increase juror population by an estimated 28 persons per day and visitor population by approximately 2.9 percent per day.⁶

5 San Diego New Central Courthouse – Study Phase Report. Prepared by Skidmore, Owings and Merrill, LLP. December 2005.

6 The existing Superior Court currently has a total of 69 existing courtrooms in the downtown San Diego area housed in the County Courthouse, Hall of Justice, and Family Court. The 71 courtrooms proposed with the Project represent a 2.9 percent increase from the existing 69 courtrooms. One jury is composed of 14 jurors (12 jurors and two alternates). The juror population will therefore increase by an estimated 28 people per day over the Superior Court's existing juror population.

1.1.5 Related Facilities and Actions

The Project also proposes improvements in the area surrounding the Project site. To improve pedestrian safety at the intersections of Union Street and Front Street with B Street and C Street, the AOC will add pedestrian corner-crossing enhancements.

1.1.6 Parking

The Project's proposed courthouse site currently provides approximately 181 surface parking spaces available to the public that a private party manages. In addition, approximately ten on-street parking spaces are located adjacent to the eastern side of the Project site along the western side of Union Street. The County Courthouse provides approximately 44 parking spaces for judicial officers and some Superior Court staff and County staff, and there are an additional 89 parking spaces for judicial officers and some Superior Court staff and County staff on the County-owned block between B Street, Union Street, A Street, and Front Street.

The Project will eliminate all public parking spaces on the proposed courthouse site and will eliminate all non-public parking spaces in the area between B Street, Front Street, Broadway, and Union Street. Since the Project will reserve adjacent on-street parking spaces for use by public law enforcement vehicles, the Project will also eliminate the on-street public parking spaces presently located along the western side of Union Street. The Project will provide approximately 115 secured parking spaces for judicial officers and Superior Court executives, but all other staff and visitors will park in offsite locations. *Figure 3-5, Proposed Site Access*, shows the location of the entrance to the proposed secure parking/sally port (secured) entry area.

Regional Transit System buses currently park in on-street parking spaces on the eastern side of Front Street and south side of B Street that are adjacent to the Project site. As the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will eliminate the Regional Transit System's on-street bus waiting spaces.

1.1.7 Construction Scenario

The Project will remove the existing structures, surface parking facilities, utilities, and other structures; construct a new courthouse facility; relocate utilities in the area surrounding the proposed courthouse site; and, construct a tunnel to connect the new courthouse with the County's Central Jail. In addition, the AOC will construct a bridge over C Street to connect the Hall of Justice and the new courthouse. The Project will not construct any additional public parking facilities.

The Project includes demolition of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, as the AOC does not currently have funding for the intended demolition, such activities will occur at an unknown date in the future. When demolition activities occur, the AOC will replace the existing chilled water supply and related connections that currently extend from the County's Central Plant through the County Courthouse to other County facilities to ensure continued service.

Construction of the proposed courthouse building will begin with closure of the onsite parking facility, termination of leases for the onsite buildings and closure of the buildings, and installation of perimeter fencing and sound barriers around the periphery of the proposed courthouse site. Limited offsite construction staging areas will be required due to the proposed Project design and onsite constraints with regard for available land not affected by excavation and construction activities. The AOC has coordinated with surrounding parking vendors to secure adjacent facilities for minimal tool and laydown areas. The AOC anticipates that this need may be satisfied by an approximately 150-foot by 150-foot area (0.5 acre) at the parking lot located at the northwest corner of Union Street and B Street. The AOC will minimize use of such offsite areas; however, they are necessary to accommodate the trade tool needs on a daily basis. Construction workers will likely park in nearby offsite parking areas. When possible, workers will carpool to the Project site and will report to a designated onsite staging area. When feasible, construction operations will use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

Construction activities will include excavation, grading, framing, paving, and coating. Construction of the New San Diego Central Courthouse will take as much as approximately 28 months from mid 2014 to 2016. *Table 3-1* provides a description of the proposed construction activities and an estimate of the duration of anticipated individual construction activities. Some individual construction activities may overlap. Construction of a tunnel to connect the New San Diego Central Courthouse with the County's Central Jail and the bridge to connect to the Hall of Justice will coincide with construction of the new courthouse. Tunneling operations will require temporary closure of portions of Front Street.

The AOC expects that excavation and grading activities for the new courthouse will require approximately three months. Excavation operations for the proposed tunnel will extend the area and duration of excavation operations, but the AOC currently has insufficient information to clarify the area and duration of tunneling excavations. The AOC's tunneling construction operations will require lane closures on Front Street between B Street and C Street.

Although the AOC does not yet have specific engineering design information for the Project, the AOC estimates that Project will require excavation of approximately 140,000

cubic yards⁷ of soil materials, and excavation operations at the site will export all of the material to an offsite location for proper disposal. During the later stages of construction, the Project will import and replace approximately 14,000⁸ cubic yards of material.

1.1.8 Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court

After completion of the New San Diego Central Courthouse, the Superior Court will move from the County Courthouse, Madge Bradley building, Family Court building, and Kearney Mesa to the new courthouse. The County will move some of its Sheriff's Department operations to the new courthouse and will move its other operations from the County Courthouse to other facilities.

After the Superior Court and other parties vacate the buildings, the AOC will close and secure the existing County Courthouse and Old Jail. Closure of the building will include measures to secure windows and doors on the buildings' ground floor and potentially other floors. The AOC will also secure the buildings' driveway on C Street, and the AOC will install fencing to secure the plaza at the northwest corner of Broadway/Front Street and the plaza and driveway area at the southwest corner of Front Street/C Street. In addition, the AOC will continue to provide maintenance service for the buildings' exterior and portions of the buildings' interior.

Since the County Courthouse and Old Jail have structural limitations and an earthquake fault bisects the property on which the buildings are located, the AOC intends to demolish the structures between West Broadway, Union Street, the northern side of B Street, and Front Street. The AOC will remove the structures to the level of the basement floors, stabilize all exposed erodible surfaces, and secure the site's perimeter.

Since the existing County Courthouse contains infrastructure connections between several County facilities, the AOC must provide replacement infrastructure for the affected County facilities. The AOC and County will design the replacement infrastructure as part of the AOC's future planning for demolition of the County Courthouse and Old Jail, and the AOC will provide the replacement infrastructure as part of the AOC's demolition activities.

Once the Superior Court relocates its operations from the Madge Bradley Building, Family Court, and portions of the Hall of Justice, the County or another party will occupy the vacated space. When the Superior Court relocates from these facilities, the new occupants will utilize the building's existing parking spaces.

7 Excavation assumptions: B1(Basement 1) = 44,444 CY; B2 (Basement 2) = 35,555 CY; B3 (Basement 3 – Optional) = 35,555 CY; Mat Slab @ 8 feet overall = 17,777 CY; Tunnel = 6,680 CY; Total = 140,001 CY

8 Assumption: 14,000 = 20' setback volume = B1's 46,000 CY – (160*265*20)

1.2 ENVIRONMENTAL IMPACT SUMMARY

This Environmental Impact Report (EIR) provides an assessment of significant or potentially significant effects resulting with implementation of the proposed Project for the following issues: Aesthetics and Visual Resources; Cultural and Historic Resources; Geology and Soils; Hazards and Hazardous Materials; and, Noise. Other issue areas considered include Agricultural Resources; Air Quality; Biological Resources; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Transportation and Circulation; Utilities and Service Systems; and, Water Quality and Hydrology. *Chapter 4.0, Environmental Effects*, of this EIR analyzes and discusses these issues in greater detail to determine the Project's potential effects. *Table 1-1, Environmental Impact Summary*, provides a summary of potential Project impacts and identifies the proposed mitigation measures to reduce such impacts.

1.3 SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2 (b) of the State CEQA Guidelines requires an EIR to “describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the Project is being proposed, notwithstanding their effect, should be described.”

Through preparation of the EIR, the AOC evaluated the Project against thresholds to determine whether Project implementation will result in significant impacts, if any mitigation proposed might reduce significant impacts to a level that might be less than significant, or if alternatives might reduce significant impacts. As a result of this process, the AOC identified construction-related noise impacts as the Project's only significant unavoidable impacts.

1.4 SUMMARY OF PROJECT ALTERNATIVES

The following provides a summary of proposed alternatives to the Project. *Chapter 5.0, Alternatives*, provides a detailed discussion of these alternatives for each issue. The AOC has designed Project alternatives to alleviate identified environmental impacts of the Project or address specifically requests for consideration that interested parties submitted during preparation of the EIR. *Chapter 5.0, Alternatives*, identifies the Reduced Project Alternative as the Environmentally Superior Alternative.

1.4.1 No Project Alternative

Under the No Project Alternative, the AOC will not implement the proposed San Diego New Central Courthouse Project, the tunnel to connect the new courthouse with the County's Central Jail, and the bridge over C Street to connect the new courthouse with the

County's Hall of Justice. The AOC will not demolish the Stahlman Block's existing onsite buildings, and the surface parking lot will remain in its current operational state. Staff from the Superior Court from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice will continue to operate in their current buildings.

The AOC will not demolish the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse at any time in the future as part of the No Project Alternative. Since no demolition will take place, the AOC will not replace the County's existing chilled water supply to the Central Jail and Hall of Justice, which currently extends through the County Courthouse.

If no courtrooms are available and no additional space is available for the consolidation of the Superior Court's Madge Bradley operations, the Family Law operations, and Kearney Mesa courtroom's operations, then the dispersed facilities will continue to hinder the Superior Court's efficiency and the public's access to judicial operations.

1.4.2 Reduced Project Alternative

The Reduced Project Alternative includes potential construction of approximately 600,000 building gross square feet for 69 courtrooms and improved facilities to enhance security and the efficiency of judicial operations. The facility will potentially use the same site as the Proposed Project.

The Reduced Project Alternative's design will provide approximately 600,000 gross square feet of space above grade (15 stories maximum) and three levels of parking and mechanical functions below grade (similar to that proposed with the Project). The overall building footprint will be similar to that of the proposed Project.

The square footage proposed with the Reduced Project Alternative is the same square footage that the County of San Diego proposed for the original design of the new courthouse in the January 1993 Program EIR prepared to analyze development of a new courthouse in the downtown area. Therefore, this square footage proposed for the Reduced Project Alternative represents a potential design alternative to the current Project design evaluated within this EIR. Under the Reduced Project Alternative, the new courthouse will contain up to 69 courtrooms and provide approximately 100 underground parking spaces for judges and some Superior Court executives. To avoid security concerns, this alternative will not provide underground, unsecured parking for staff, jurors, or visitors.

1.4.3 Alternative Site Alternative

The specific site considered for the Alternate Site Alternative is one block to the north of the Project site. The site borders A Street on the north, B Street to the south, and State and Union

Streets on the west and east, respectively. Except for the location, projected gross building square footage, height, and other Project characteristics will be the same as that of the Project. Similar to the Project site, the site for the Alternate Site Alternative is within close proximity (but not immediately adjacent to) to the Hall of Justice and other existing County buildings. The site is one block (approximately 400 feet) north of C Street and the existing San Diego Trolley line.

Existing uses on the alternate site are similar to those on the AOC's proposed Project site. The alternative site contains surface parking lots on approximately one-half of the site with single-story commercial buildings on the remainder of the property.

1.5 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Section 15123 of the CEQA Guidelines requires that an EIR contain a brief summary of the proposed actions and its consequences. Sections 15123(b)(2) and (3) also require that the EIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how, to mitigate significant adverse physical impacts.

The AOC has closely coordinated with City and County staff, affected downtown organizations (for example, Centre City Development Corporation), public service agencies (for example, City's Fire and Police Departments, County of San Diego Sheriff's Department, etc.), members of the Superior Court, and others potentially affected by the Project. The AOC has attempted to proactively and effectively consider potential issues of concern.

Based on available information and comments received from the public and other public agencies in response to the Notice of Preparation and the Public Scoping Meeting held May 18, 2010, the AOC has identified no areas of controversy for the Project.

Table 1-1: Environmental Impact Summary

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
1. AESTHETICS/VISUAL RESOURCES – Will the Project:				
(Construction Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
(Post-Construction, Operation, and Maintenance Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
	Proposed Mitigation: (AES-1b) To prevent the new courthouse from generating high-velocity groundborne winds, the AOC shall include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians.			
Have a substantial adverse affect on a scenic vista?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially damage scenic resources?	Less than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial light or glare that will adversely affect day or nighttime views?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial shading?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
2. AGRICULTURAL RESOURCES – Will the Project:				
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect
Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Effect	No Effect	No Effect	No Effect
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
3. AIR QUALITY – Will the Project:				
Obstruct implementation of the applicable air quality plan?	No Effect	No Effect	No Effect	No Effect
(Construction) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Construction) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Create objectionable odors affecting a substantial number of people?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Conflict with an applicable plan, or policy, or regulation adopted to reduce the emissions of greenhouse gases?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
4. BIOLOGICAL RESOURCES – Will the Project:				
Have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means?	No Effect	No Effect	No Effect	No Effect
Result in potentially significant adverse effects to wildlife dispersal corridors?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
5. CULTURAL AND HISTORIC RESOURCES – Will the Project:				
Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.05?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.05?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
<p>Proposed Mitigation Measures:</p> <p>(CR-1) The AOC will require its developer to retain a qualified archaeologist who shall inform all excavation operations personnel of the Project’s cultural resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize archaeological artifacts, features, or deposits. Personnel working on the Project will not collect archaeological resources. The qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations. <u>If construction operations discover resources in the uppermost 15 feet of soil and the resources extend below 15 feet, the archaeologist may evaluate the resources that are located below the uppermost 15 feet of soil. If construction personnel encounter soil conditions or other indicators which suggest that resources may be located below 15 feet, the AOC’s qualified archaeologist will evaluate the unusual soil conditions and any resources.</u></p> <p>_____ Prior to construction, the qualified archaeologist shall submit a cultural resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover cultural resources during excavation operations and the documentation that the qualified archaeologist shall prepare for the monitoring effort. <u>If the archaeologist requires assistance from a Native American monitor to evaluate potential Native American-related cultural resources, the AOC will support such assistance.</u></p> <p>If construction operation personnel discover buried cultural resources such as chipped or ground stone or building foundations during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting archaeologist can assess the significance of the find. The archaeologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation. <u>Within three months of the completion of cultural resources monitoring activities, the qualified archaeologist shall summarize the resources in a report prepared to current professional standards.</u></p>				

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
6. GEOLOGY, SOILS, AND SEISMICITY – Will the Project:				
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving ground failure (including subsidence or liquefaction-induced lateral spreading)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving expansive soils?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Directly or indirectly destroy a unique paleontological resource or site?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
<p>Proposed Mitigation Measures:</p> <p>(GEO-1) The AOC will require its developer to retain a qualified paleontologist who shall inform all construction excavation operations personnel of the Project’s paleontological resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize paleontological artifacts, features, or deposits. Personnel working on the Project will not collect paleontological resources. The qualified paleontologist will be present for pre-construction meetings and any Project-related excavations in undisturbed marine sediments of the upper Pleistocene Bay Point Formation and/or middle Pleistocene “upper Broadway” and “lower Broadway” formations, as well as where over-excavation of any thin veneer of younger alluvial sediments with Pleistocene marine sediments in the subsurface. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain or yield fossil resources.</p> <p>Prior to construction, the qualified paleontologist shall submit a paleontological resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover paleontological resources during excavation operations. Monitoring of excavation and trenching activities shall occur in areas that the qualified paleontologist or paleontological monitor determines are likely to yield</p>				

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
	<p>paleontological resources.</p> <p>If construction operations personnel discover buried paleontological resources during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting paleontologist can assess the significance of the find. The paleontologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation.</p> <p>The qualified paleontologist shall summarize the resources in a report prepared to current professional standards.</p>			
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving landslides?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial soil erosion or the loss of topsoil?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in potentially significant adverse effect to unique geologic features?	No Impact	No Effect	No Impact	No Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	No Impact	No Effect	No Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS – Will the Project:				
Result in a safety hazard in the vicinity of an airport or private airstrip for people visiting or working in the Project area?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through the routine transport, use or dispose of hazardous materials?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment?	<p>Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation</p> <p>No Effect</p> <p>Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation</p> <p>Less Than Significant Impact</p> <p>Proposed Mitigation Measures: (HAZ-1) Prior to grading or construction on the Project site, the AOC shall excavate the area approximately 20 feet west of Monitoring Well 1 evidence of an underground storage tank. If an underground storage tank is found, the AOC shall remove the tank under permit and</p>			

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
	inspection of the County of San Diego Department of Environmental Health, Underground Storage Tank Program.			
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
8. LAND USE AND PLANNING – Will the Project:				
Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Physically divide a community?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
9. MINERAL RESOURCES – Will the Project:				
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	No Effect	No Effect	No Effect	No Effect
Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Effect	No Effect	No Effect	No Effect
10. NOISE – Will the Project:				
Cause a substantial permanent increase in ambient noise levels or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Produce a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Potentially Significant Impact, but Less Than Significant After <u>Despite</u> Adoption of Proposed Mitigation ¹	No Effect	Potentially Significant Impact, but Less Than Significant After <u>Despite</u> Adoption of Proposed Mitigation ²	Potentially Significant Impact, but Less Than Significant After <u>Despite</u> Adoption of Proposed Mitigation ³
	Proposed Mitigation Measures: (NOI-1) Prior to site mobilization, the following shall be demonstrated to the AOC and noted on construction bid documents: All construction equipment shall have properly operating and maintained mufflers and other State-required noise attenuation devices; The AOC's construction contractor shall post notices, legible at a distance of 50 feet, at the Project construction site. All notices shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints; The AOC's construction contractor shall designate a Noise Disturbance Coordinator and make the coordinator responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall immediately determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint; and, Where feasible during construction, the construction contractor shall place stationary construction equipment in locations where the emitted noise is away from sensitive noise receivers.			
Generate excessive ground-borne vibration or ground-borne noise levels?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people residing or working in the Project area to excessive noise levels from a public airport, public use airport, or private airstrip?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

¹ The Draft EIR's Section 4.11.4.2 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

² The Draft EIR's Section 5.5.10 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

³ The Draft EIR's Section 5.6.10 concluded that the impact was significant despite mitigation, but the Draft EIR's Table 1-1 included the incorrect conclusion. The changed text is not a change in the AOC's evaluation of the impact and merely corrects the incorrect text.

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
11. POPULATION AND HOUSING – Will the Project:				
Potentially induce substantial growth either directly or indirectly?	No Effect	No Effect	No Effect	No Effect
Displace a potentially significant amount of existing housing, especially affordable housing?	No Effect	No Effect	No Effect	No Effect
12. PUBLIC SERVICES – Will the Project:				
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
13. RECREATION – Will the Project:				
Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Effect	No Effect	No Effect	No Effect
Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	No Effect	No Effect	No Effect	No Effect
14. TRANSPORTATION AND CIRCULATION – Will the Project:				
Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Exceed a level of service standard established by the county congestion management agency for designated roads or highways?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	No Effect	No Effect	No Effect	No Effect
Substantially increase hazards because of a design feature (such as sharp curves or dangerous intersections) or incompatible uses?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in inadequate emergency access?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Cause a substantial shortage of parking spaces?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Conflict with adopted policies, plans, or programs supporting alternative transportation (such as bus turnouts, bicycle racks)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
15. UTILITIES AND SERVICE SYSTEMS				
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new water or wastewater treatment facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new storm water drainage facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the water provider that serves the Project area have sufficient water supplies available to serve the Project?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the wastewater treatment provider that serves the Project area determine that it has adequate capacity to serve the Project's projected demand?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Is there a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
16. WATER QUALITY AND HYDROLOGY – Will the Project:				
Violate any water quality standards or waste discharge requirements?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level?	No Effect	No Effect	No Effect	No Effect
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation onsite or offsite, or result in flooding onsite or offsite?	No Effect	No Effect	No Effect	No Effect
Place housing within a 100-year flood hazard area, or place structures within a 100-year flood hazard area that will impede or redirect flood flows?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or involving inundation by seiche, tsunami, or mudflow?	No Effect	No Effect	No Effect	No Effect

2.0 INTRODUCTION

The Trial Court Facilities Act of 2002 (Stats. 2002, Ch. 1082, Senate Bill 1732) as amended requires transfer of responsibility for the operation and funding of trial court facilities from California counties to the State’s Judicial Council of California (the “Judicial Council”). The Administrative Office of the Courts (the “AOC”), the staff agency of the Judicial Council, is responsible for implementation of the Trial Court Facilities Act of 2002. Pursuant to the Trial Court Facilities Act of 2002, the County of San Diego (the “County”) transferred responsibility for the County Courthouse and other adjacent property to the Judicial Council in 2009. To provide new facilities for the Superior Court of California, County of San Diego (the “Superior Court”), the AOC now proposes to construct the New San Diego Central Courthouse on the proposed Project site in downtown San Diego; refer to *Figure 3-1, Regional/Local Vicinity Map*; and *Figure 3-2, Proposed Improvements*. The New San Diego Central Courthouse will replace the existing County Courthouse and two other nearby downtown Superior Court facilities.

2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (EIR) identifies, evaluates, and discloses potential environmental impacts of the AOC’s proposed New San Diego Central Courthouse Project (the “Project”). The EIR conforms with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.), California CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA. Under the provisions of CEQA, “the purpose of an environmental impact report is to identify the significant effect on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided” (PRC, Section 21002.1(a)).

For CEQA, a Lead Agency must prepare an EIR when substantial evidence indicates that a proposed project may result in a significant environmental impact. An EIR provides decision makers, public agencies, and the public with an objective and informational document that discloses potential environmental effects of a project. In addition, the EIR identifies potentially significant direct, indirect, and cumulative impacts of a project; potential project alternatives to reduce or avoid a project’s significant effects; and feasible mitigation measures that reduce a proposed project’s significant effects. The EIR must identify environmental impacts that cannot be reduced to a less than significant level and therefore, will remain significant even after mitigation measures are implemented.

INTRODUCTION

The County initially issued a Notice of Preparation (SCH #2000021015) for a San Diego County Courthouse Replacement Project (the “2000 County Project”) in 2000 for the Superior Court. The purpose of the 2000 County Project was to enable site acquisition for future use of the property as a new location for a replacement courthouse facility. The County did not propose actual construction of a new courthouse, but recognized that construction would be required at some point in the future to provide new courthouse space in downtown San Diego.

Before and after the County initiated the 2000 County Project, the State began making major financial and structural changes to the Superior Court system. In 1997, the Lockyer-Isenberg Trial Court Funding Act (Stats. 1997, Ch. 850; Assembly Bill 233) made funding of court operations a State responsibility and provided the courts with their first statewide funding system. In 2001, the State’s Task Force on Court Facilities recommended that the State assume full maintenance and operational responsibility for all trial court facilities in the State, and the subsequent Trial Court Facilities Act of 2002 (Stats. 2002, Ch. 1082, Senate Bill 1732) codified the State’s responsibility for court facilities and placed the responsibility with the Judicial Council of California and its staff agency, the AOC. In 2008, the California Legislature enacted provisions (and in 2009 amended) authorizing up to \$5 billion in bond funding for new and renovated court facilities using court user fees rather than the State’s general fund (Stats. 2008, Ch. 311, Senate Bill 1407, and Stats. 2009, Ch. 10, Senate Bill X2-12; hereafter referred to as “SB 1407”). The New San Diego Central Courthouse is one of 41 trial court construction projects initially authorized to proceed under SB 1407. This preliminary authorization and funding enables the AOC to proceed with feasibility studies and preliminary plans required as a prerequisite for the construction of a courthouse similar to the replacement courthouse that the County envisioned and initiated in 2000 with its 2000 County Project.

Due to changes to State law described above regarding responsibility for construction, operation, and maintenance of all State trial court facilities, the Judicial Council has acquired the County-owned courthouse site, secured State authorization and funding for feasibility studies for a new courthouse, and secured related agreements between the Judicial Council and the County. In accordance with Government Code Section 70391 and CEQA (Public Resources Code Section 21000-21177), and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council typically acts as the CEQA Lead Agency for courthouse projects. The Judicial Council has delegated its project approval authority to the Administrative Director of the Courts. Due to these actions, the AOC is now the Lead Agency for construction and operation of the proposed New San Diego Central Courthouse Project.

2.2 CEQA EIR PROCESS

This EIR provides evaluation of potential environmental impacts resulting from implementation of the proposed Project and assessment of a range of alternatives that may avoid or reduce potential environmental effects resulting from the proposed Project. The CEQA process for preparing the EIR includes:

- Initial Scoping - Determination of whether the Project requires an EIR or a Negative Declaration;
- Filing and Distribution of Notice of Preparation (May 4, 2010);
- Public Scoping Meeting (May 18, 2010);
- Preparation of the Draft EIR;
- Release of the Draft EIR for 45-Day Public Review and Comment;
- Draft EIR Public Hearing;
- Preparation of the Final EIR / Response to Comments on Draft EIR and Mitigation Monitoring Program;
- Distribution of Lead Agency's Responses to Comments received from Public Agencies; and
- Lead Agency certification of the Final EIR and Approval or Denial of Project.

2.2.1 Notice of Preparation

As noted above, the County initially issued a Notice of Preparation (SCH #2000021015) for a San Diego County Courthouse Replacement Project (the "2000 County Project") in 2000 for the Superior Court. Pursuant to the provision of CEQA Guidelines Section 15063, the AOC completed an Expanded Notice of Preparation for the AOC's Project to identify potential environmental impacts. The Expanded Notice of Preparation included an updated Project description, exhibits, phasing information, anticipated permits/approvals, and an overview of the potential impacts for the EIR.

The AOC filed the Expanded Notice of Preparation with the State of California Office of Planning and Research on May 4, 2010 and distributed the Expanded Notice of Preparation to local agencies and potential interested parties; refer to Appendix A, *Expanded Notice of Preparation (NOP) / Public Responses Received*. The Expanded Notice of Preparation circulated from Tuesday, May 4, 2010 to Wednesday, June 2, 2010 to allow for public review and comment. The comment period closed on June 2, 2010, following the State-mandated 30-day Notice of Preparation public review period.

In addition, the AOC held a public scoping meeting on May 18, 2010 in downtown San Diego to discuss the Project and the CEQA process and to provide an opportunity for those interested to provide comments. Appendix A provides the public comments received on the Expanded Notice of Preparation and at the public scoping meeting.

2.2.2 Draft EIR

This EIR evaluates the potential for significant impacts to occur as the result of Project implementation and considers public and agency comments received on the NOP and comments received from the public during the scoping period. The EIR identifies potential impacts resulting from the Project and provides appropriate measures to mitigate potentially significant impacts. It also identifies those impacts that cannot be mitigated to levels less than significant, if any. In addition to CEQA-mandated discussions, environmental issues evaluated within the EIR include:

- Aesthetics and Visual Resources;
- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural and Historic Resources;
- Geology, Soils, and Seismicity;
- Hazards and Hazardous Materials;
- Land Use and Planning;
- Minerals;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Traffic and Circulation;
- Utilities and Service Systems; and
- Water Quality and Hydrology.

The EIR provides significance criteria for evaluation of impacts, and it classifies the effects of the Project as either “less than significant” or “potentially significant.” It recommends

appropriate mitigation measures for potentially significant impacts, to avoid or lessen such impacts.

The AOC ~~is filing this~~ the Draft EIR for the Project with the California State Clearinghouse and ~~circulating~~ the Draft EIR for review and comment by the public and interested agencies and organizations. The review period was August 9, 2010 through September 22, 2010. The AOC made copies of the Draft EIR available for public review at the San Diego Central Library in downtown San Diego. The AOC also made the EIR available on the AOC's website at:

http://www.courtinfo.ca.gov/programs/occm/projects_sandiego.htm

During the public review period, interested parties ~~may were able to~~ submit public comments and questions on the Draft EIR to the following contact person:

Mr. Jerome Ripperda
Administrative Office of the Courts
Office of Court Construction and Management
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509
E-mail: Jerry.Ripperda@jud.ca.gov
Phone: (916) 263-8865
Fax: (916) 263-8140

In addition, the AOC ~~will hold~~ held a public meeting in San Diego on September 8, 2010 for discussion of the Draft EIR. The public ~~will have had~~ the opportunity to submit oral and written comments on the Draft EIR during the meeting.

2.2.3 Final EIR and EIR Certification

The Final EIR allows the Lead Agency an opportunity to present revisions to the Draft EIR, comments submitted by interested parties, the Lead Agency's responses to comments, and other components of the EIR. The Final EIR serves as the environmental document to support the Lead Agency's decision on a project. This Final EIR includes the Draft EIR and associated revisions; comments received on the Draft EIR; a list of the persons, organizations, and public agencies commenting on the Draft EIR; the AOC's written responses to significant environmental issues raised during the public review and comment period (see Section II, Draft EIR Comments and Responses); and the project's Mitigation Monitoring and Reporting Plan (see Appendix I).

The Lead Agency may provide an opportunity for interested parties to review the Final EIR before approving a project, and in any case, shall provide written proposed responses to a public agency on comments made by that public agency 10 days prior to certifying the EIR.

(14 California Code of Regulations Section 15088(b)). The AOC typically makes the Final EIR available to interested parties shortly after the Administrative Director of the Court's adoption of the Final EIR.

Before approving a project, CEQA Guidelines Section 15090 requires the Lead Agency to make the following three certifications:

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving a project; and
- The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, the AOC must make findings on the proposed Project's impacts and the adequacy of the mitigation measures proposed for the Project. If the Project results in significant impacts after implementation of all feasible mitigation measures, the decision-makers may approve the Project based on a "Statement of Overriding Considerations." This determination requires the decision-makers to provide a discussion of how the benefits of the Project outweigh identified unavoidable significant impacts. The CEQA Guidelines provide the following (Section 15093):

- CEQA requires that the decision-maker balance the benefits of a project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.

If the proposed Project results in significant unavoidable impacts, the AOC must indicate the reasons for which it elects to approve the Final EIR and include a Statement of Overriding Considerations in the administrative record of Project approval and the Notice of Determination (CEQA Guidelines Section 15093.c).

2.3 USE OF THE EIR

This Draft EIR enables the AOC, responsible agencies, and interested parties to evaluate the environmental impacts of the New San Diego Central Courthouse Project. The EIR provides

environmental compliance for the Project, and the AOC will utilize the document to satisfy CEQA requirements for Project-related approvals and/or permits.

2.4 ORGANIZATION OF THE EIR

This Draft EIR has the following sections:

- *Section 1.0, Executive Summary*, provides a brief Project description and summary of the environmental impacts and mitigation measures.
- *Section 2.0, Introduction*, provides CEQA compliance information.
- *Section 3.0, Project Description*, provides a detailed Project description indicating Project location, background, and history; Project characteristics, phasing, and objectives; and any required associated discretionary actions.
- *Section 4.0, Environmental Effects*, contains a detailed environmental analysis of the existing conditions, Project impacts, and recommended mitigation measures, as applicable. The analysis of each environmental category in Section 4.0 includes:
 - “Environmental Setting” describes the physical conditions that exist at this time and that may influence or affect the issue under investigation.
 - “Analytical Framework” discusses the analytical methodology and regulatory background for each of the issue areas evaluated in the EIR.
 - “Standards of Significance” provides the thresholds that are the basis of conclusions of significance, for which the primary source is the AOC’s established thresholds of significance.
 - “Potential Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions that may occur if the AOC implements the Project, compares the magnitude of the projected impact to the relevant threshold of significance, and presents one of the following conclusions:
 - A designation of “no impact” indicates no adverse changes in the environment are expected.
 - A “less than significant impact” will not cause a substantial adverse change in the environment.
 - A “less than significant impact with mitigation incorporated” avoids a substantial adverse impact on the environment through adoption of mitigation.

- A “significant and unavoidable impact” will cause a substantial adverse effect on the environment, and feasible mitigation measures are not available to reduce the impact to a less than significant level.
- Per Section 15370 of CEQA, “Mitigation Measures” are those specific measures that may be required of the Project to:
 - Avoid a significant adverse impact altogether by not taking a certain action or parts of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
 - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or,
 - Compensating for the impact by replacing or providing substitute resources or environments.
 - If the Project results in significant unavoidable impacts, the AOC must indicate the reasons for which it elects to approve the Final EIR and include a Statement of Overriding Considerations in the administrative record of Project approval and the Notice of Determination (CEQA Guidelines Section 15093.c).
- *Section 5.0, Alternatives*, describes a reasonable range of alternatives to the Project or to the location of the Project that can feasibly attain the basic Project objectives.
- *Section 6.0, Other CEQA Considerations*, discusses significant and irreversible and significant and unavoidable environmental changes that will occur due to implementation of the proposed action; growth-inducing impacts; and cumulative impacts of the Project.
- *Section 7.0, Literature Cited and Persons and Organizations Contacted*, identifies references and documentation used in preparing the EIR and Federal, State, or local agencies, other organizations, and individuals that the EIR’s preparers consulted during preparation of the EIR.
- *Section 8.0, Report Preparation*, identifies the preparers of the EIR.

2.5 INCORPORATION BY REFERENCE

This EIR cites pertinent documents in accordance with CEQA Guidelines Section 15148, which encourages incorporation by reference to minimize redundancy and length of environmental reports. The following paragraphs provide a brief synopsis of the scope and content of each document that the EIR cites.

City of San Diego General Plan - City of Villages, adopted March 10, 2008. The *General Plan* is a policy document designed to give long-range guidance for decision-making affecting the future character of the City of San Diego (“City”). It represents the official statement of the community’s physical development as well as its economic, social, and environmental goals. The *General Plan* contains the following elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation. The Housing Element is provided under separate cover. This EIR utilizes the *General Plan* as the City’s fundamental planning document governing the City’s development of the General Plan’s project area. Several sections of the EIR cite background information and policy information from the *General Plan*.

City of San Diego General Plan Program Final Environmental Impact Report (FEIR), certified September 2007 (the “General Plan”). The *General Plan Program FEIR* provides basic analysis of the potentially significant effects on the human and natural environment that may occur with buildout of the General Plan. The General Plan’s implementation program incorporates mitigation measures; however, project-specific impacts will be assessed at the application stage. The City’s Municipal Code provides the regulations that must be followed by all City-approved projects within the City’s jurisdictional area. The Municipal Code establishes land use districts with specific district-related regulations, such as density, structure, height and size, and development character. The Ordinance consists of two primary parts: (1) a map that delineates the boundaries of the zoning districts; and (2) text that explains the purpose of the districts, specifies permitted and conditional uses, and establishes development and performance standards. This EIR utilizes information within the Municipal Code in various sections of this EIR to identify additional constraints and requirements that govern City-approved development. The Municipal Code contains Chapter 15, Planned Districts, Article 6, Division 3: The Centre City Planned District Ordinance applies to the area that includes the AOC’s proposed Project site.

Redevelopment Plan for the Centre City Redevelopment Project, adopted May 11, 1992. Last Amended September 4, 2007. The Centre City Development Corporation’s Redevelopment Plan provides guidelines for future development within the City’s Centre City area which includes the area south and west of I-5, generally south of Laurel Street; east and north of San Diego Bay; and west of 17th Street. The Redevelopment Plan addresses

permitted land uses and planning considerations, proposed redevelopment activities, and methods of financing projects within the area.

Environmental Impact Report for San Diego Court / Office Building Expansion, certified January 11, 1993 (the "1993 County EIR"). The County prepared an EIR in 1993 to evaluate three potential sites for locating additional space for the Superior Court and office functions in downtown San Diego. The County identified three alternative sites and evaluated potential environmental impacts that would occur with development of each site. The three sites included the Bentall site (bounded by Broadway and C Street between State Street and Union Street); the Lankford site (the same site as the AOC's proposed Project site); and the County-owned site (bounded by B and C Streets between Front and First Street). The project intended to accommodate 16 Superior Courts, Superior Court Administration, the District Attorney, Grand Jury, and Adult Probation, and potentially, to house private sector tenants and retail uses. Significant environmental impacts identified for the Lankford site included Land Use/Community Character; Urban Design/Visual Issues; Public Utilities/Emergency Services; Transportation; Air Quality; Historic Resources; Hazardous Materials; and Geology/Soils.

City of San Diego Downtown Community Plan, Adopted March 2006. In 2006, the Centre City Development Corporation adopted the Downtown Community Plan which is intended to guide "development of a magnificent, vital urban setting. It seeks to ensure that intense development is complemented with livability through strategies such as the development of new parks and Neighborhood Centers, and emphasis on the public realm. Downtown will contain a lively mix of uses in an array of unique neighborhoods, a refurbished waterfront, and a walkable system of streets, taking full advantage of its climate and setting." The Downtown Community Plan identifies Guiding Principles that "express a vision for downtown and its emergence as a major center "Rising on the Pacific," together creating the overarching goals that the Plan strives to achieve. The Principles are the target for the future, and provide the platform for the detailed policies of the Plan and implementing ordinances. They have been shaped by input from community members and stakeholders, research into overall existing conditions and opportunities, enduring historical and cultural attributes, and specific issues such as economic and market conditions." The Downtown Community Plan is consistent with the Strategic Framework Element of the City's General Plan, accommodating in an urban environment a significant portion of the growth expected in the San Diego region over upcoming years.

Other Relevant Plans and Policies

Other plans and policies relevant to the AOC's proposed Project area include:

- San Diego County Air Pollution Control District's Regional Air Quality Strategy Revision, 2009

- Regional Transportation Improvement Program for San Diego Association of Governments, 2004
- Centre City Streetscape Manual, 2003
- Centre City Planned District Ordinance, Municipal Code: Chapter 15, Article 6: Planned Districts, Division 3: The Centre City Planned District, Sections 156.0301 – 156.0315 (as amended October 18, 2007)
- Final Environmental Impact Report for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Certified January 2006. Amended 2007.

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3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The AOC proposes to demolish several existing buildings and remove existing parking facilities; construct a new courthouse facility; consolidate the Superior Court's operations from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice; and operate the new facility to serve the Superior Court. The new facility will include a tunnel to connect the new courthouse with the County's Central Jail and will include a bridge over C Street to connect the new courthouse with the County's Hall of Justice.

Construction of the New Central San Diego Courthouse will require approximately 28 months. The AOC plans to begin construction of the new courthouse in mid-2014 and complete construction in 2016. The AOC anticipates that the Superior Court will begin operations in the new building in late 2016.

In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, the AOC does not currently have funding to demolish the structures. Since the County's chilled water supply to the Central Jail and Hall of Justice extends through the County Courthouse, the AOC's demolition activities will replace the chilled water supply to the Central Jail and Hall of Justice.

3.2 PURPOSE AND OBJECTIVES OF THE PROJECT

The purpose of the Project is to provide a new trial court facility that meets the needs of the Superior Court's downtown San Diego County operations.

The AOC's objectives for the New San Diego Central Courthouse Project are:

- Provide the Superior Court with a new courthouse with improved facilities with sufficient size, as much as approximately 750,000 building gross square feet ("BGSF") for 71 courtrooms, to accommodate current and future needs of judicial operations in downtown San Diego and enhance security and the efficiency of judicial operations;
- Improve public access to judicial facilities;
- Provide consolidated space for the Superior Court's staff and operations;

- Preserve or improve the efficient interactions of the Superior Court, the District Attorney, and San Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new courthouse; and,
- Remove judicial facilities that lack adequate seismic safety, security, and public access.

The AOC initially prepared an in-depth analysis, the *Budget Package¹ for the Superior Court of California – County of San Diego New San Diego Central Courthouse* (September 2009), to assess the anticipated development and operational needs required to adequately support future Superior Court operations. The Budget Study identifies space programming objectives and needs for facilities. A project design that does not provide for the anticipated programming needs will therefore likely not be adequate to support court requirements. The AOC formulated the Project's objectives to reflect the Superior Court's anticipated programming needs for the facilities.

3.3 PROJECT LOCATION

The Project site is located in downtown San Diego, which is a highly urbanized environment; refer to *Figure 3-1, Regional/Local Vicinity Map*. The City lies approximately 120 miles south of the City of Los Angeles and approximately 20 miles north of the U.S. border with Mexico. To the west and south of the City lies the Pacific Ocean.

The proposed Project site for the new courthouse includes County Assessor parcels 533-483-01 through 533-483-09, and the Judicial Council owns the parcels. The Project site is located within the U.S. Geological Survey's 7.5-minute San Diego topographic quadrangle. Interstate 5 (I-5), the San Diego Freeway, is roughly 0.5 miles north and approximately 1.0 miles east of the Project site.

The Project will construct a new courthouse and relocate staff from several existing facilities in the downtown San Diego area. Refer to *Figure 3-2, Proposed Improvements*; *Figure 3-3, Project Site*; and, *Figure 3-4, Existing Civic Uses in Project Area*. The affected facilities are:

- Proposed New San Diego Central Courthouse site — The proposed courthouse facility's site is a one-block parcel bounded by B Street on the north, Union Street on the east, C Street on the south, and State Street on the west; refer to *Figure 3-1, Regional/Local Vicinity Map*. This site is relatively flat with a slight uphill gradient to the northeast. Three buildings, which have approximately 46,000 BGSEF, occupy the northeast portion of the site and face Union Street. A paved parking lot occupies the remainder of the lot.

¹ Available at: http://www.courtinfo.ca.gov/programs/occm/documents/sandiego_budgetpackage.pdf

- Existing County Courthouse — The State acquired the existing courthouse from the County in 2009 under the provisions of Senate Bill 1732. The building is at 220 West Broadway. The County Courthouse extends northward from Broadway to the block north of B Street with multi-level bridges over C and B Streets. The County Courthouse shares the center block with the former County Jail (Old Jail); refer to *Figure 3-2, Proposed Improvements*.

The existing courthouse is approximately 503,000 BGSF in size, varies in height from seven to three stories tall with a mezzanine and one basement, and occupies approximately 2.25 City blocks with an area of approximately three acres. The Superior Court occupies approximately 383,000 BGSF² of space within the building. The County's Child Support Services and Health and Human Services occupy approximately 88,000 BGSF of space in the building. The facility has approximately 40 surface parking spaces.

The building has a concrete and steel frame. The southern end of the building facing Broadway has a civic presence and monumentality appropriate for a large-scale public building entrance. The remainder of the building has a utilitarian design.

- Hall of Justice — This County-owned building is on Broadway Street and extends from Union Street west to State Street. The facility supports the District Attorney, Grand Jury, Adult Probation Department, and 16 civil court courtrooms of the Superior Court. The structure is 13 stories in height and approximately 379,000 BGSF in size and includes an enclosed bridge that connects to the County Courthouse. The facility has 517 parking spaces provided by three levels of underground parking for County and Superior Court employees and a gated surface parking lot on the north side of the building for County staff.
- Madge Bradley Building — This County-owned facility is at 1409 Fourth Avenue, at the northeast corner of Ash Street and Fourth Avenue. The building is approximately 33,000 BGSF in size and six stories in height. The building provides space for four courtrooms and associated operational areas. The facility includes 31 parking spaces located on the first and second floors for use by staff of the Superior Court and County Sheriff's Department.

² The Superior Court occupies approximately 243,000 useable square feet of space within the building, the County's Child Support Services and Health and Human Services occupy approximately 56,000 square feet of useable space in the building, and the Sheriff's Department occupies approximately 20,000 square feet of useable space; these uses total 319,000 useable square feet. BGSF includes common areas in a building, such as lobby space, restrooms, and building support space. The AOC calculated each use's percentage of the total useable square feet and multiplied each use's percentage by 503,000 BGSF to determine each use's BGSF.

- Family Law Court — This County-owned facility is at 1501-1555 Sixth Avenue. The facility extends from Beech Street northward to Cedar Street. The structure is approximately 43,000 BGSF in size and consists of two separate buildings that are linked together by a stairwell and hallway. The site slopes north to south, which creates nearly a full story height change from Cedar Street to Beech Street. The building ranges in height from two to three stories and provides space for six courtrooms and associated operational areas. The facility has approximately 60 parking spaces located on top of the building for staff of the Superior Court; however, the Superior Court has limited use of this parking due to structural concerns for the south rooftop parking area. Vehicular access to the facility is from Cedar Street to the rooftop parking above the northern portion of the facility.
- Old Jail — This AOC-owned 8-story building houses jail cellblocks and other operations associated with the detention facility. The County leases the facility, which has approximately 134,000 BGSF, from the Judicial Council and sub-leases operation of the facility to a private vendor for detention operations that are unrelated to the Superior Court or Central Jail.

3.4 PROJECT COMPONENTS

3.4.1 Proposed Courthouse Facility

The Project will construct a courthouse building with approximately 20 stories and three basement levels. To date, the AOC has developed only a preliminary site plan for the Project; however, the AOC expects that the building will be as much as approximately 400 feet in height with approximately 750,000 BGSF. The main public entrance to the new courthouse will be on C Street, Union Street, or the intersection of C Street/Union Street.

The new courthouse will include 71 courtrooms with associated judicial chambers and operational areas. The new courthouse will support felony and misdemeanor judicial activities and other judicial activities that may include civil, probate, and family law functions. To maximize functional flexibility, all of the courtrooms will have holding capability for in-custody detainees and space for juries. The facility's lowest floors will provide an entrance, security screening facilities, and lobby on the first floor; additional public areas, support offices, and high volume courtrooms on the lower floors; and, other courtrooms and judicial facilities on the upper floors. The building will also provide space for administrative and staff offices, juror assembly area, and building support space. To promote security inside the new courthouse, the building will provide separate corridors and elevators for movement of in-custody detainees, judicial staff, and visitors.

To improve operational efficiency, the Project will include construction of a bridge over C Street to connect the new facility to the Hall of Justice. The AOC presumes that the bridge will be constructed approximately 45 feet above the street and approximately 20 feet wide, 16 feet high, and 150 feet long.

Pedestrian access to the courthouse will occur from Union Street and from C Street; refer to *Figure 3-5, Proposed Site Access*. Visitors will enter into the lobby area and will be screened for security purposes, prior to entering the main courthouse facilities.

The building's upper basement level will include in-custody detainee handling facilities that will connect via a tunnel to the County's Central Jail, which is located approximately 325 feet east of the proposed courthouse site. There will also be building support space in the basement for mechanical equipment and building operational support needs. A lower basement level will provide approximately 115 secured parking spaces for judicial officers and judicial executives and may also provide additional building support areas; refer to *Figure 3-5, Proposed Site Access*, which shows the location of the secure parking/sally port entry.

After completion of the new courthouse, the Superior Court will relocate existing staff and operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley Building, Family Court, and portions of the Kearny Mesa Facility into the new courthouse. The Superior Court will continue to use its existing space in the Hall of Justice, but will abandon its space in the County Courthouse, Madge Bradley Building, and Family Court. The proposed new courthouse will add two new courtrooms and will transfer the staff and operations of a small claims courtroom from the Kearny Mesa Facility to the proposed new courthouse. For the Superior Court's downtown San Diego operations, the Project will increase juror population by an estimated 28 persons per day and visitor population by approximately 2.9 percent per day.³

3.4.2 Parking

The Project's proposed courthouse site currently provides approximately 170 public surface parking spaces that a private party manages. In addition, approximately ten on-street parking spaces are located adjacent to the eastern side of the Project site along the western side of Union Street. The County Courthouse provides approximately 44 parking spaces primarily for County staff, and there are an additional 89 parking spaces for judicial officers,

³ The existing Superior Court currently has a total of 69 existing courtrooms in the downtown San Diego area housed in the County Courthouse, Hall of Justice, and Family Court. The 71 courtrooms proposed with the Project represent a 2.9-percent increase from the existing 69 courtrooms. One jury is composed of 14 jurors (12 jurors and two alternates). The juror population will therefore increase by an estimated 28 people per day over the Superior Court's existing juror population.

some Superior Court staff, and County staff on the County-owned block between B Street, Union Street, A Street, and Front Street.

The Project will eliminate all public parking spaces on the proposed courthouse site and will eliminate all non-public parking spaces in the area between B Street, Front Street, Broadway, and Union Street. Since the Project will reserve adjacent on-street parking spaces for use by public law enforcement vehicles, the Project will also eliminate the on-street public parking spaces presently located along the western side of Union Street. The Project will provide approximately 115 secured parking spaces for judicial officers and Superior Court executives, but all other staff and visitors will park in offsite locations. *Figure 3-5, Proposed Site Access*, shows the location of the entrance to the proposed secure parking/sally port (secured) entry area.

Regional Transit System buses currently park in on-street parking spaces on the eastern side of Front Street and south side of B Street that are adjacent to the Project site. As the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will enlist the City's and Regional Transit System's efforts to eliminate the Regional Transit System's on-street bus waiting spaces.

3.4.3 Real Estate-Related Actions

The Judicial Council already owns the parcels for the new courthouse site and the buildings on the parcels. The AOC will terminate leases for the parcels and their improvements.

The AOC will work with the City and County to determine and document what real property rights and interests the AOC may need to construct and operate a pedestrian tunnel to connect the new courthouse to the Central Jail. After completion of the tunnel, the AOC will transfer title to the tunnel and all related real property rights to the County to complete an existing obligation created by the 2009 agreement between the County and the AOC for the AOC's acquisition of the County Courthouse and other properties. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the tunnel that will be located on or under the County's property.

As stated previously, the Project will include construction of a bridge over C Street to connect the new courthouse to the Hall of Justice. The AOC will work with the City to determine and document what real property rights and interests the AOC will need to procure to construct and operate the bridge over C Street. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the bridge that will be located on or over the County's property.

As previously noted, at some point in the future, the AOC intends to dispose of the existing County Courthouse and Old Jail parcels; however, at this time, the AOC has not made and is not making any disposition arrangements. When the AOC develops proposals for disposition of these properties, the AOC will prepare additional, necessary, and appropriate CEQA documentation for the disposition activities.

3.4.4 Project Design Considerations

The Project will construct an approximately 20-story building with three basement levels, and the building's height will be as much as approximately 400 feet tall. In addition, the Project will construct a tunnel between the new courthouse and the County's Central Jail. The Project will also construct a bridge over C Street between the new courthouse and the County's Hall of Justice. The AOC will operate the proposed new facility for the Superior Court. After completion of the new courthouse, the AOC will demolish the existing County Courthouse and Old Jail; refer to *Figure 3-2, Proposed Improvements*.

The AOC's proposed courthouse design will conform to the requirements of the California Trial Court Facilities Standards⁴ including Design Excellence Principles. The AOC adapted these principles from the Guiding Principles for Federal Architecture⁵ by Daniel Patrick Moynihan, Hon. AIA (American Institute of Architects) and on the Excellence in Public Buildings Initiative, by Stephan Castellanos, FAIA (Fellow, American Institute of Architects), and former State Architect of California. These principles include the following:

- Court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system;
- Court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;
- Court buildings shall represent the best in architectural planning, design, and contemporary thought and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice;
- Court buildings shall be economical to build, operate, and maintain;
- Court buildings shall provide a healthy, safe, and accessible environment for all occupants; and,

⁴ Judicial Council of California. 2006. California Trial Court Facilities Standards. 226 p. Available at: http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf.

⁵ Available at: http://www.tpub.com/content/gsa/criteria/design_excellence_pp/design_excellence_pp0011.htm.

PROJECT DESCRIPTION

- Court buildings shall be designed and constructed using proven best practices and technology with careful use of natural resources.

Since the AOC is the Project's Lead Agency and is acting for the State of California on behalf of the Judicial Council of California, local land use planning and zoning regulations do not apply to the proposed courthouse Project; however, the AOC intends to continue to consult with local government representatives to provide a courthouse that is consistent with the quality of the local architectural environment.

The AOC will apply the codes and standards of the California Building Code⁶ (edition in effect as of the commencement of schematic design phase of the Project); California Code of Regulations, Title 24; California Energy Code, Americans with Disabilities Act; American Disability Act Accessibility Guidelines⁷; and Division of the State Architect's Access Checklist.⁸ The Project will implement sustainable elements throughout its design, operation, and maintenance. The AOC's design will incorporate features that conform to standards of a Leadership in Energy and Environmental Design (LEED) silver-certified building, and the building's design will include features to reduce energy consumption by at least 15% from that achieved through compliance with the California Building Code. The LEED Rating System for New Construction includes criteria for features related to sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes.

The AOC's preparations for Project implementation presume that all parties responsible for constructing and operating the Project will comply with standard conditions and requirements of applicable Federal, State, or local regulations or laws that are independent of CEQA compliance. The standard conditions and requirements serve to prevent specific impacts. Typical standard conditions and requirements include compliance with the provisions of the National Pollutant Discharge Elimination System (NPDES) permit system and San Diego Air Pollution Control District's Rules and permitting requirements.

The Project will include specific design elements that the AOC has incorporated into the Project's construction and operation to prevent the occurrence of potential adverse environmental effects or to reduce the significance of potential environmental effects. The Project design features are actions that conform to the California Trial Court Facilities Standards' design requirements. For example, the AOC presumes that the parties implementing the Project will use best management practices (BMPs) and technologies aimed at limiting the use of natural resources and reducing the Project's operating cost over the life of the building.

6 California Building Code. 2008. Building Standards Commission. Available at: <http://www.bsc.ca.gov/default.htm>.

7 Available at: <http://www.access-board.gov/adaag/html/adaag.htm>

8 Available at: http://www.documents.dgs.ca.gov/dsa/pubs/checklists_rev_08-01-09.pdf

Prior to the start of construction, the AOC will prepare a new geotechnical report and utilize the report's recommendations to prepare design criteria that will ensure that the Project's design meets requirements of the California Building Code with regard to geological, seismic, and soil issues.

3.4.5 Related Facilities and Actions

The Project also proposes improvements in the area surrounding the Project site. To improve pedestrian safety at the intersections of Union Street and Front Street with B Street and C Street, the AOC will add pedestrian corner-crossing enhancements.

3.4.6 Construction Scenario

The Project will remove the existing structures, surface parking facilities, utilities, and other structures; construct a new courthouse facility; relocate utilities in the area surrounding the proposed courthouse site; and, construct a tunnel to connect the new courthouse with the County's Central Jail. In addition, the AOC will construct a bridge over C Street to connect the Hall of Justice and the new courthouse. The Project will not construct any additional public parking facilities.

The Project includes demolition of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, since the AOC does not currently have funding for the intended demolition, such activities will occur at an unknown date in the future. When demolition activities occur, the AOC will replace the existing chilled water supply and related connections that currently extend from the County's Central Plant through the County Courthouse to other County facilities to ensure continued service.

Construction of the proposed courthouse building will begin with closure of the on-site parking facility, termination of leases for the on-site buildings and closure of the buildings, and installation of perimeter fencing and sound barriers around the periphery of the proposed courthouse site. Construction personnel will require limited off-site construction staging areas due to the proposed Project design and on-site constraints for available land not affected by excavation and construction activities. The AOC has coordinated with surrounding parking vendors to secure adjacent facilities for minimal tool and laydown areas. The AOC anticipates that this need may be satisfied by an approximately 150-foot by 150-foot area (0.5 acre) at the parking lot located at the northwest corner of Union Street and B Street. The AOC will minimize use of such off-site areas; however, they are necessary to accommodate the trade tool needs on a daily basis. Construction workers will likely park in nearby off-site parking areas. When possible, workers will carpool to the Project site and will report to a designated on-site staging area.

PROJECT DESCRIPTION

Construction activities will include excavation, grading, framing, paving, and coating. Construction of the New San Diego Central Courthouse will take as much as approximately 28 months from mid-2014 to 2016. *Table 3.4-1: Project Construction Activities* provides a description of the proposed construction activities and an estimate of the duration of anticipated individual construction activities. Some individual construction activities may overlap. Construction of a tunnel to connect the New San Diego Central Courthouse with the County's Central Jail and the bridge to connect to the Hall of Justice will coincide with construction of the new courthouse. Tunneling operations will require temporary closure of portions of Front Street.

The Project's construction operators will implement BMPs and other measures throughout the construction phase to avoid or minimize potential impacts. These BMPs and other measures will include:

- General Measures
 1. Designate a Project contact person to communicate with the San Diego community and interested stakeholders regarding construction activities;
 2. Inform the San Diego community and interested stakeholders through the use of a monthly newsletter or website that identifies the construction schedule and upcoming construction activities;
- Storm Water, Water Quality, and Soil Erosion Management Measures
 1. Prior to the start of construction activities, the AOC will ensure that the construction contractor prepares a Storm Water Pollution Prevention Plan and secures the Regional Water Quality Control Board's approval of the plan;
 2. The AOC will ensure that the construction contractor implements the Regional Water Quality Control Board's approved Storm Water Pollution Prevention Plan;
 3. For the construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, or other measures;
- Air Quality Management Measures

1. Unless weather conditions make dust generation unlikely, apply water or a stabilizing agent to exposed soil surfaces in sufficient quantity at least two times a day to prevent generation of dust plumes;
 2. Moisten or cover excavated soil piles to avoid fugitive dust emissions;
 3. Discontinue construction activities that generate substantial blowing dust on unpaved surfaces during windy conditions;
 4. Install and use a system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site;
 5. Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions;
 6. Ensure that all construction and grading equipment is properly maintained;
 7. Ensure that construction personnel will turn off equipment when equipment is not in use;
 8. Ensure that all vehicles and compressors will utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times;
 9. When feasible, construction operations will use electric construction power instead of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations;
 10. Suspend heavy-equipment operations during first-stage and second-stage smog alerts;
- Noise and Vibration Measures
 1. Equip construction equipment with the best available noise attenuation device such as mufflers or noise attenuation shields;
 2. Install plywood sound barriers (or noise attenuation blankets or other appropriate measures) around the perimeter of the Project site;
 3. Designate a “noise coordinator” for the Project to meet with interested stakeholders and respond to complaints concerning construction noise; and,

PROJECT DESCRIPTION

4. When feasible, use electric construction power in lieu of diesel powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

Although the AOC does not yet have specific engineering design information for the Project, the AOC estimates that Project will require excavation of approximately 140,000 cubic yards⁹ of soil materials, and excavation operations at the site will export all of the material to an off-site location for proper disposal. During the later stages of construction, the Project will import and replace approximately 14,000¹⁰ cubic yards of material.

Table 3.4-1: Project Construction Activities

Construction Phase	Construction Activity	Projected Duration (Months)	Notes
Mobilization	Prepare for construction	0.5	
Demolition	Remove on-site buildings, pavement, utilities, and debris	1.25	
Mass grading & excavation	Excavate basement	3 (double shifts)	The upper basement will occupy approximately 60,000 gross square feet; the two lower basements will occupy approximately 40,000 gross square feet. Excavation volume will be 135,000 CY assuming 14 CY/load and 400 loads per double shift day.
	Excavate tunnel	1	Excavation volume will total approximately 6,800 CY at 14 CY/load. Tunnel work will commence during the last month of basement excavation.
	Construct foundation	2	
Trenching	Relocate utilities	2	
Building construction	Assemble frame and floors	5	
	Install exterior and roof	4	
	Finish interior	12	

9 Excavation assumptions: B1(Basement 1) = 44,444 CY; B2 (Basement 2) = 35,555 CY; B3 (Basement 3 – Optional) = 35,555 CY; Mat Slab @ 8 feet overall = 17,777 CY; Tunnel = 6,680 CY; Total =140,001 CY

10 Assumption: 14,000 = 20' setback volume = B1's 46,000 CY – (160*265*20)

Table 3.4-1: Project Construction Activities, continued

Construction Phase	Construction Activity	Projected Duration (Months)	Notes
	Install tunnel exterior, finish interior, and provide appropriate access to County Jail	3	
Coatings	Apply exterior coating	2	Spray paint and apply water sealants with brushes
	Apply interior coating	4	Spray paint and coatings
Paving	Install drives, sidewalks, plazas, and other structures	1	Includes concrete installation but no asphalt use
Fine grading	Grade and contour site	1	AOC estimates grading area will cover approximately 0.4 acres ¹¹
Finish	Complete Inspections, testing, clean-up, and other activities	2	
Mobilization for demolition of County Courthouse, Old Jail, and bridges	Preparations for construction	0.5	Future work
Demolition of County Courthouse, Old Jail, and associated bridges	Remove buildings, pavement, utilities, and other debris	3	Future work: The AOC estimates that debris volume of the structures will be approximately 175,000 ¹² cubic yards.
Trenching	Relocate utilities	4	Future work
Installation of new machinery for buildings' chilled water system	Install necessary components	2	Future work
Finish	Complete inspections, testing, clean-up, and other activities	1	Future work

CY - cubic yards, AC – acre, SF – square feet

Construction will typically commence no earlier than 7:00 a.m. and will typically cease no later than 5:00 p.m. on weekdays; as explained below, excavation operations will utilize a more intensive work schedule. Some construction activities may occasionally continue on some weekdays until 10:00 p.m. Construction work may also occur on Saturdays; typical

¹¹ Assumption: $305' \times 20' \times 2' + (200-40) \times 20' \times 2' = 0.4$ Acre

¹² Assumptions: 111,000 SF buildings footprint x 6 stories @ 20ft/story x 35% debris volume: building volume

Saturday operations will extend between 7:00 a.m. and 4:00 p.m., but some operations might continue until 10:00 p.m.

Excavation operations will have an atypical schedule. To reduce the duration of excavation operations and demolition operations on the Stahlman Block, construction personnel will utilize double shifts from as early as 6:00 a.m. until as late as 10:00 p.m. The AOC expects that demolition and excavation activities for the new courthouse will require approximately three months.

Outbound trucks will exit the Stahlman Block onto B Street and will return to Interstate 5 via State Street, A Street, and 5th Avenue to the 5th Avenue freeway on-ramp. Inbound trucks will exit Interstate 5 at the Front Street exit and approach the Project site via Cedar Street, Union Street, and B Street. Excavation hauling will typically end approximately two hours prior to the end of the second excavation shift.

3.4.7 Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court

After completion of the New San Diego Central Courthouse, the Superior Court will move from the County Courthouse, Madge Bradley building, Family Court building, and Kearney Mesa to the new courthouse; the County will move some of its Sheriff's Department operations to the new courthouse and will move its other operations from the County Courthouse to other facilities.

After the Superior Court and other parties vacate the buildings, the AOC will close and secure the existing County Courthouse and Old Jail. Closure of the building will include measures to secure windows and doors on the buildings' ground floor and potentially other floors. The AOC will also secure the buildings' driveway on C Street, and the AOC will install fencing to secure the plaza at the northwest corner of Broadway/Front Street and the plaza and driveway area at the southwest corner of Front Street/C Street. In addition, the AOC will continue to provide maintenance service for the buildings' exterior and portions of the buildings' interior.

Since the buildings have structural limitations and an earthquake fault bisects the property where the buildings are located, the AOC intends to demolish the County Courthouse and Old Jail. The AOC will remove the structures to the level of the basement floors, stabilize all exposed erodible surfaces, and secure the site's perimeter.

Since the existing County Courthouse contains infrastructure connections between several County facilities, the AOC must provide replacement infrastructure for the affected County facilities. The AOC and County will design the replacement infrastructure as part of the AOC's future planning for demolition of the County Courthouse and Old Jail, and the AOC will provide the replacement infrastructure as part of the AOC's demolition activities.

Once the Superior Court relocates its operations from the Madge Bradley Building, Family Court, and portions of the Hall of Justice, the County or another party will occupy the vacated space. When the Superior Court relocates from these facilities, the new occupants will utilize the buildings' existing parking spaces.

Although the Project will construct a new courthouse with as much as approximately 750,000 BGSF, 69 of the proposed 71 courtrooms are currently operating in downtown San Diego and will relocate from other downtown locations to the new courthouse. As a result, much of the Project's traffic analysis focuses on accounting for how the Project will redistribute traffic in the downtown area. Although the new courthouse will increase the Superior Court's downtown operating space, the Project adds only two new downtown courtrooms. Since courtrooms are the dominant factor determining a courthouse's daytime population and associated traffic generation, the Project will add few new vehicle trips to downtown San Diego for the two new courtrooms. In contrast to the slight two-courtroom-related generation of new downtown traffic, the Project's demolition of the Stahlman Block's buildings (with 46,000 BGSF), the 134,000 BGSF Old Jail, and the County's 88,000 BGSF of office space in the County Courthouse will eliminate a substantial number of existing downtown trips. Considering the relocation of the existing downtown courtrooms, demolition of the existing Stahlman Block buildings and County Courthouse and Old Jail, and relocation of County personnel, the Project generates fewer trips than the existing Project-affected buildings' land uses are currently generating in the downtown area. However, in an effort to provide a conservative analysis for issues such as noise, air quality, and green house gas emissions, analysts evaluated the additional trips generated by the two new courtrooms as new or additional trips into the downtown area. Although, the Project reduces total downtown daily traffic, analysts utilized 136 average daily trips to model potential impacts for traffic, noise, and air quality issues.

3.4.8 Project Schedule

The AOC plans to begin construction of the new courthouse in mid 2014 and complete construction in 2016. The Superior Court will begin operations in the new building in late 2016. The tunnel between the new courthouse and the Central Jail and the bridge between the new courthouse and the Hall of Justice will open at the same time as the new courthouse. After the Superior Court and other parties vacate the County Courthouse and Old Jail, the AOC will close and secure the buildings and their grounds. As stated previously, the AOC does not currently have funding to demolish the existing County Courthouse and Old Jail, and therefore, the AOC has not determined a schedule for demolition of these buildings.

3.5 GENERAL PLAN LAND USE DESIGNATION

The State of California is not subject to land use planning and zoning regulations established by local authorities. Government Code Section 70391 gives the Judicial Council of California full responsibility, jurisdiction, control, and authority over trial court facilities including property acquisition, planning, construction and disposal of property. The California Trial Court Facilities Standards,¹³ which the Judicial Council of California published in April 2006, provide direction for development of trial court facilities; however, the State is coordinating closely with the City of San Diego and Centre City Development Corporation (CCDC) to ensure that the Project is generally compatible with local land use plans and policies.

3.6 EXISTING CONDITIONS

3.6.1 Land Uses

The proposed courthouse site is in downtown San Diego, which is a highly urbanized area. Three buildings occupy the northeast portion of the site and house a restaurant, offices, and bail bond functions. The remainder of the site supports surface parking available to the general public on a fee basis.

The existing County Courthouse and Old Jail are directly to the east of the Project site; the Hall of Justice is south of the site; a parking lot and commercial buildings are west of the site; and, a parking lot and various commercial buildings are north of the site.

The Superior Court provides parking for judicial officers and limited staff; however, it does not provide parking for visitors or jurors within the downtown San Diego area.

3.7 DISCRETIONARY PROJECT APPROVALS

The AOC is the Lead Agency for the Project. The Administrative Director of the Courts is ultimately responsible for approving the Project.

Since the AOC will need to acquire real property rights and interests from the City and the County to construct and operate a pedestrian tunnel to connect the new courthouse to the Central Jail and to construct and operate the bridge between the new courthouse and the Hall of Justice, the City and the County will act as responsible agencies. No other agency must make a discretionary approval of the real estate, construction, or operational portions of the Project.

13 Available at http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf

3.8 CONTACT PERSON

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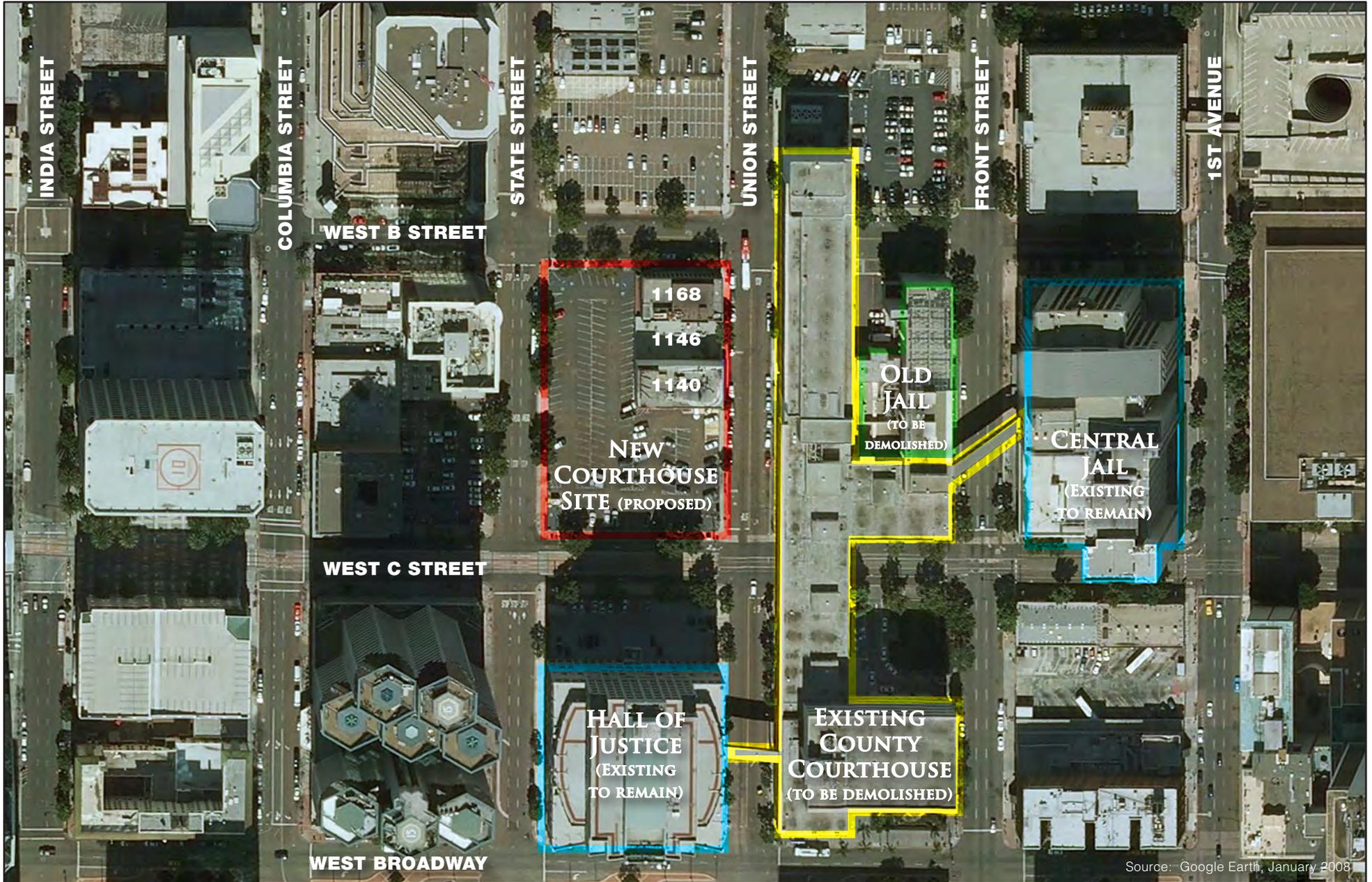
1140, 1146, & 1168 Union Street
San Diego, California
RBF April 2010

NEW SAN DIEGO
CENTRAL COURTHOUSE
REGIONAL / LOCAL VICINITY MAP

Figure 3-1

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Source: Google Earth, January 2008

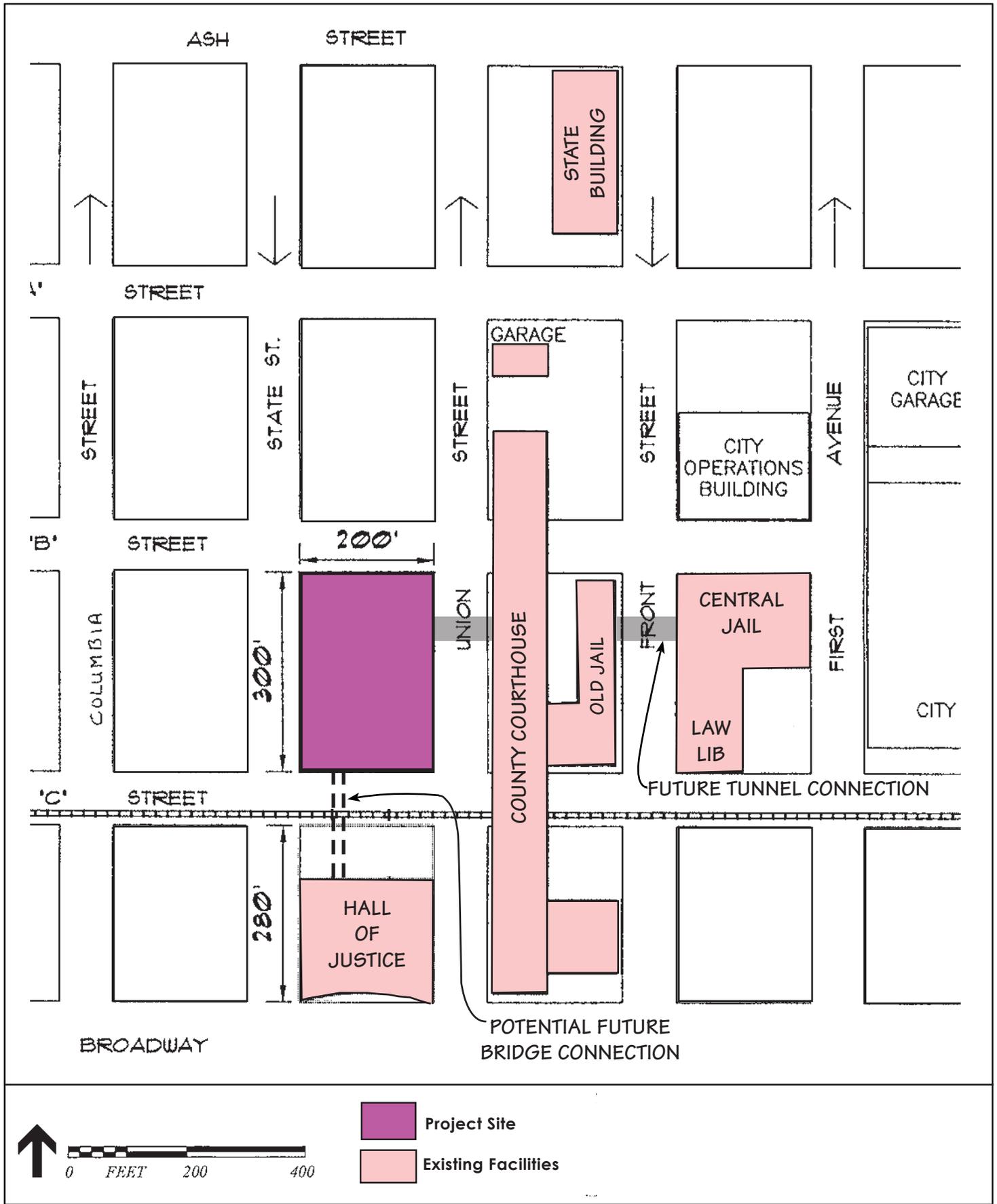


Not to Scale

NEW SAN DIEGO
CENTRAL COURTHOUSE
PROPOSED IMPROVEMENTS

Figure 3-2

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NEW SAN DIEGO
CENTRAL COURTHOUSE
PROJECT SITE

Figure 3-3

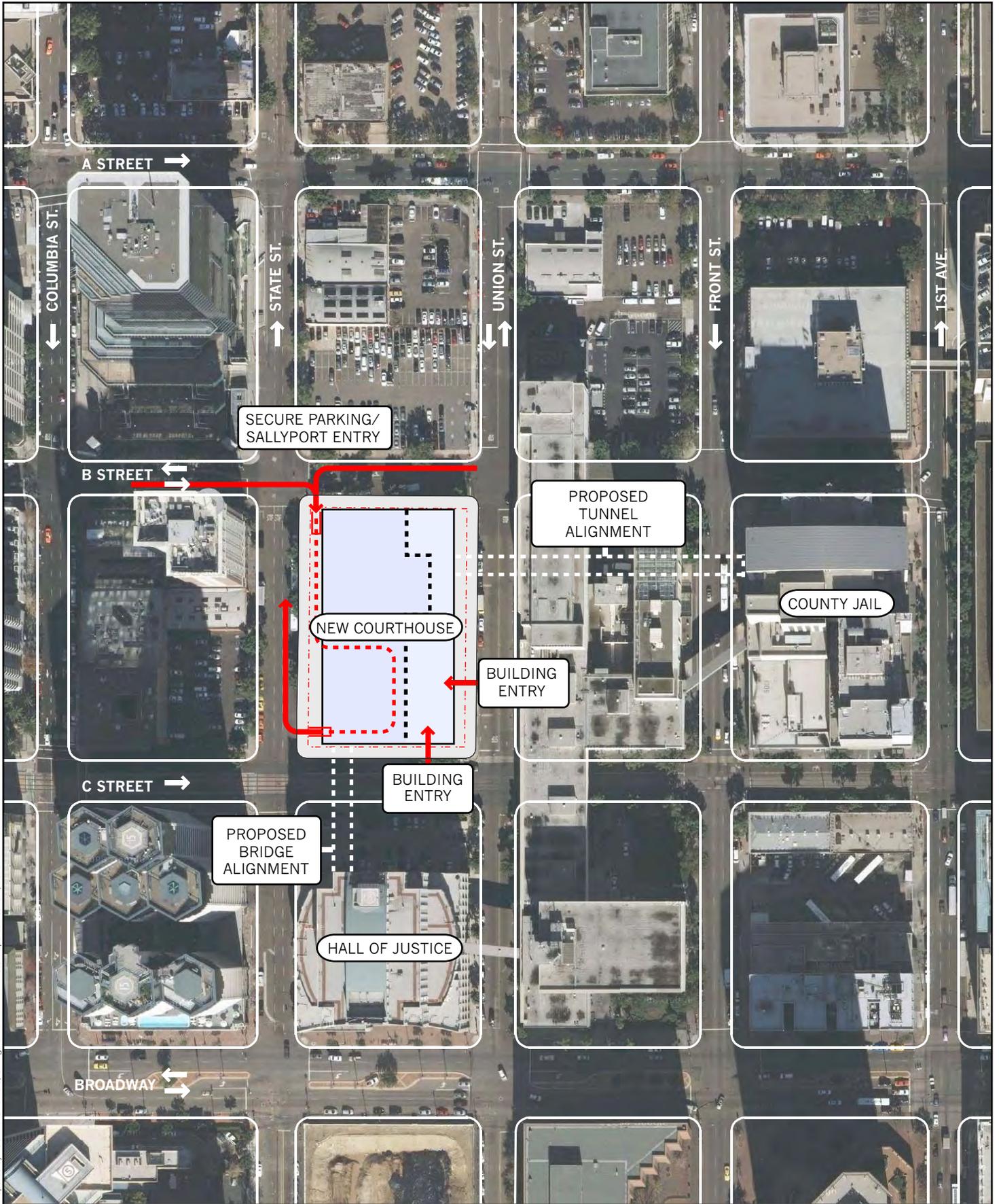


SOURCE: San Diego County Courthouse Replacement Project Program EIR, Prepared by RECON, February 2001
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Prepared by: SOM | Skidmore, Owings & Merrill LLP | Date Prepared: June 2, 2010



NEW SAN DIEGO
CENTRAL COURTHOUSE
PROPOSED SITE ACCESS

Figure 3-5

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