



New Sixth Appellate District
Courthouse Project

FINAL Environmental Impact
Report

SCH Number 2024040386

Prepared for:
Judicial Council of California

OCTOBER 2024

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NEW SIXTH APPELLATE DISTRICT COURTHOUSE

Final Environmental Impact Report

Prepared for:

Judicial Council of California
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San Francisco, CA 94102-3688

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Appendix A Mitigation Monitoring and Reporting Program

Acronyms and Abbreviations

ADA	American Disabilities Act
BMP	Best Management Practices
CEQA	California Environmental Quality Act
CWA	Clean Water Act
CMP	Construction Management Plan
DEIR	Draft EIR
EIR	Environmental Impact Report
FEIR	Final EIR
SWPPP	Stormwater Pollution Prevention Plan
Judicial Council	Judicial Council of California
NPDES	National Pollutant Discharge Elimination System
NOP	Notice of Preparation
Project	New Sixth Appellate District Courthouse Project
Site	Project site
TDM	Transportation Demand Management
VTA	Valley Transportation Authority
VMT	Vehicle Miles Traveled

1 Introduction

The Judicial Council of California (Judicial Council) prepared an environmental impact report (EIR) to evaluate the potential environmental effects of the proposed New Sixth Appellate District Courthouse Project (Project or proposed Project) in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.) and the CEQA Guidelines (California Code of Regulations sections 15000 et seq.).

1.1 Environmental Review Process

A Notice of Preparation (NOP) for the Draft EIR (DEIR) was circulated to inform agencies and the general public that an EIR was being prepared and invite comments on the scope and content of the DEIR document. The Judicial Council considered comments submitted in response to the NOP during preparation of the DEIR.

The Judicial Council prepared a DEIR (State Clearinghouse Number 2024040386) for the proposed Project and published required notices to provide responsible agencies and other interested parties with notice that the DEIR was available for review, and to solicit comments and concerns regarding the environmental issues associated with the proposed Project. The public review period occurred from July 17, 2024, through August 30, 2024. The Judicial Council held a Public Comment Meeting at Sunnyvale City Hall on July 25, 2024.

This Final EIR (FEIR) includes copies of comments submitted, responses to the comments, and changes to the text of the DEIR. In this FEIR, the Judicial Council separately provided responses to all comments received during the DEIR public review period, including the California Department of Transportation Caltrans District 4 and the City of Sunnyvale. There were no comments received during the July 25, 2024, EIR Public Comment Meeting.

1.2 Requirements for Responding to Comments

In accordance with Section 15088 of the CEQA Guidelines, the Judicial Council, as the lead agency, has reviewed the comments received on the DEIR for the proposed Project and has prepared written responses to the comments received.

1.3 Requirements for Certification and Future Steps in Project Approval

The FEIR allows the public and the Judicial Council decision-makers an opportunity to review revisions to the DEIR and the Responses to Comments. The FEIR serves as the environmental document that informs decision-makers of the proposed Project and the alternatives to the Project discussed in the DEIR. As required by Section 15090 of the CEQA Guidelines, a lead agency, in certifying a FEIR, must make the following three determinations:

1. The FEIR has been completed in compliance with CEQA.
2. The FEIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the FEIR prior to approving the project.
3. The FEIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

1.4 Document Organization

The Judicial Council prepared this FEIR, which includes:

- **Chapter 1**, Introduction to the Final EIR, environmental review requirements, response to comment requirements, and requirements for certification and future steps in Project approval
- **Chapter 2**, “Comments and Responses to Comments,” of this FEIR includes the comments received on the DEIR and responses to each of these comments (as required by the CEQA Guidelines section 15132). The range of responses include providing clarification on the DEIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by decision-makers when the comment does not relate to the adequacy of the EIR for addressing potential adverse physical environmental effects of the Project.

In some instances, responses to comments may warrant modification of the text of the DEIR. In those cases, the text of the DEIR is revised, and the changes compiled in Chapter 3, “Errata” of this FEIR.

- **Chapter 3**, Errata. The text deletions are shown in ~~strikeout~~ and additions are shown in underline. The revisions summarized in Chapter 3 of this FEIR include clarifications, minor revisions, and/or additional supportive information regarding the analysis and mitigation measures and do not change the analysis or conclusions presented in the DEIR. This document and the DEIR together constitute the FEIR for consideration of certification by the Judicial Council.

2 Comments and Responses to Comments on the Draft EIR

Written comments on the DEIR received during the public review period are included in this section. The comment letters are provided at the end of the section, following all the responses. When a comment is made by multiple parties, the response is provided the first time the comment is made, and all other similar comments are referred back to that response.

The format of the responses to all the comments is based on a unique letter and number code for each comment. The letter and number immediately following the letter refer to an individual agency, business, group, organization, or member of the general public comment letter. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each comment has a unique code assignment. For example, comment L-1 is the first comment in letter L1.

Comments were received on the DEIR and they were reviewed to determine whether there is substantial disagreement about the potential significance of impacts. Any issues raised concerning potentially significant impacts were reviewed, addressed, and clarified.

The following comment letters were received:

Written comments received from State Agencies:	<u>1</u>
Written comments received from Regional and Local Agencies:	<u>1</u>
Written comments received from Interest Groups:	<u>0</u>
Written comments received from the General Public:	<u>0</u>
<u>Total Comment Letters Received:</u>	<u>2</u>

Comments Received

Name of Commenter	Date of Comment	Comment Letter No.
Comments from California Department of Transportation, Caltrans District 4	August 28, 2024	L1
City of Sunnyvale George Schroeder, Principal Planner, Community Development Department Arnold Chu, Assistant City Engineer, Public Works Stephanie Huang, Civilian Fire Marshal, Public Safety Russell Chung, Civilian Assistant Fire Marshal, Public Safety Eric Evans, Senior Environmental Engineer, Environmental Services Emitiss Soroosh, Traffic Engineering Technician 1, Public Works Alyssa Hagerbrant, Environmental Programs Specialist 1, Environmental Services	August 30, 2024	L2

2.1 Comment Letters Received



CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

1

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

August 28, 2024

Kim Bobic, Senior Project Manager
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

SCH #: 2024040386
GTS #: 04-SCL-2024-01308
GTS ID: 32500
Co/Rt/Pm: SCL/82/17.149

Re: New Sixth Appellate District Courthouse – Draft Environmental Impact Report

Dear Kim Bobic:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the New Sixth Appellate District Courthouse. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding
The proposed project will involve the demolition of the existing buildings and the construction of a new courthouse with additional parking. The site is located along State Route 82 (SR-82), also known as El Camino Real, and near S Mathilda Ave. The Project site is 2.03 acres, and the new construction will be approximately 50,000 square feet and up to three stories with approximately 77 parking spots.

Travel Demand Analysis
With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

1-1

1-2

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Kim Bobic, Senior Project Manager
 August 28, 2024
 Page 2

The project VMT analysis and significance determination are undertaken in a manner consistent with the Santa Clara Valley VMT Evaluation Tool. Per the DEIR, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

1-2
 cont.

Hydrology

A Hydraulic report will be required as part of the Encroachment Permit package to evaluate stormwater drainage that is designed to mitigate post-development flows would be adequate. Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

1-3

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

1-4

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Lead Agency

As the Lead Agency, the Judicial Council of California is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

1-5

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

1-6

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. Any changes to the access opening to West El Camino (SR-82) will also require a permit.

1-7

As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital

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Kim Bobic, Senior Project Manager
August 28, 2024
Page 3

copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,



MARLEY MATHEWS
Acting Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

1-7
cont.

"Provide a safe and reliable transportation network that serves all people and respects the environment."



456 West Olive Avenue
Sunnyvale, CA 94088-3707
TDD/TTY 408-730-7501
sunnyvale.ca.gov

SENT BY EMAIL

August 30, 2024

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

Re: DEIR Comments for the New Sixth Appellate District Courthouse Project

Dear Kim,

Thank you for the opportunity to review the draft environmental impact report for the new Sixth Appellate District Courthouse project located at 605 West El Camino Real in the City of Sunnyvale. We understand the project consists of demolishing the existing vacant courthouse building and repaving the existing drive access road and parking lot and constructing a three-story, 50,000 square foot courthouse in the same footprint as the existing building. The City of Sunnyvale has reviewed the associated environmental documents and have the following comments for consideration.

2-1

General Comments

1. Many of the comments within this letter pertain to project-level details to be addressed during the design phase and are not necessarily CEQA-related. Please consider these comments in the proposed site, offsite, and architectural design.
2. City of Sunnyvale planning/building permits are not required and codes, plans, and policies that apply to private property development are encouraged to be met, but do not apply since the proposed development is occurring on a state-owned property for governmental purposes. However, City encroachment permits are required for any work in the public right-of-way. Given the proximity of the project site next to the Sunnyvale Civic Center campus, we request close collaboration on project-level details.

2-2

Community Development Department, Planning Division Comments

If you have questions on the following planning-related items, please contact George Schroeder, Principal Planner, Community Development Department, at gschroeder@sunnyvale.ca.gov or 408-730-7443.

2-3

Heart of Silicon Valley™



1. The site is located within the El Camino Real Specific Plan (ECRSP) and is also designated in the General Plan as El Camino Real Specific Plan. The site is zoned ECR-PF (El Camino Real, Public Facilities district) and buildings and facilities used by government agencies for government purposes are permitted uses. The City recommends the site planning and architectural design follow development standards in the [El Camino Real Specific Plan Zoning Code](#). Additionally, the City encourages the project to incorporate the design standards from the [ECRSP](#). See the urban design guidelines starting on page 111 of the plan. 2-4

2. Although parking is not necessarily a CEQA issue, the City is concerned about potential automobile parking spillover onto the Sunnyvale Civic Center campus due to lack of sufficient proposed supply on the courthouse site. There is not an existing parking or access agreement and courthouse employees and visitors may only use City-owned parking spaces if conducting business with the City.

The draft EIR notes that a total of approximately 50 onsite parking spaces are proposed, including 12 secured parking spaces for the justices and up to 38 surface parking spaces for the public and staff. The draft EIR estimates 78 full-time employees and six part-time employees on a daily basis. It is unclear how many daily jurors are anticipated. 2-5

While the project is not subject to the City's parking requirements, the project site appears to be under-parked. The City's Parking Code does not have a land use category for a courthouse, but a 50,000 square foot professional office building would require 165 parking spaces (at a rate of 3.3 spaces/1,000 square feet) and the less-intensive corporate office (at a rate of 2 spaces/1,000 square feet) would require 100 spaces.

The City encourages exploration of a below-grade parking structure, a robust TDM program, and/or parking arrangements with offsite facilities to avoid impacting parking spaces on the Sunnyvale Civic Center property. We also request that employees and visitors are made aware that they cannot park on the City's property. 2-6

3. In the project description, please specify the typical daily visitors to the courthouse to understand whether jury pools and parties associated with litigants would regularly be accessing the site. 2-6

4. City staff recommends making the following site plan updates:
 - a. Consider a public entry on the façade facing El Camino Real. The ECRSP design standard 2.2.1.a specifies that buildings should be designed to face the 2-7



primary street, with at least one commercial entry facing the street and accessible to pedestrians directly from the street.

- b. Consider a designated pick up and drop off area for court visitors near the building entrance. 2-8
 - c. Specify which trees are proposed to remain, new, and proposed for removal. 2-9
 - d. The label for "All American Way" should be changed to "All America Way." 2-10
 - e. The label for "City of Sunnyvale Police Parking" should be updated to only "City of Sunnyvale Parking." 2-11
 - f. For the existing parking shown north of the proposed courthouse building, update the label to, "Existing Parking (City)." 2-12
5. Even though the draft EIR finds that all calculated construction noise levels are below the FTA's construction noise criterion, the project construction is expected to generate noise impacts to the Civic Center campus. We recommend the project include the ECRSP EIR (2021) noise mitigation measures (NOI-1):
- a. Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. 2-13
 - b. Place noise-generating construction equipment and construction staging areas away from sensitive uses. 2-14
 - c. Construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays, pursuant to SMC Chapter 16.08. 2-15
 - d. Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. 2-16
 - e. Use electric air compressors and similar power tools rather than diesel equipment, where feasible. 2-17
 - f. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. 2-18
 - g. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. 2-19
 - h. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Department. 2-20



6. Specify whether any pile driving is proposed. We encourage use of pile drilling to reduce noise and vibration. 2-21

7. We recommend preparation of a construction management plan (CMP) to identify measures to minimize the impacts of project construction, given the proximity to the Sunnyvale Civic Center campus. We request consultation on the review of the CMP. 2-22

8. In the Biological Resources chapter, impact analysis for tree preservation, page 4.38, there is a statement that none of the trees to be removed fall under the City's Tree Protection Ordinance. While the ordinance does not technically apply to a state property, many of these trees are considered protected since they have a trunk circumference measurement of 38 inches or greater and would normally require replacements based on the City's Tree Replacement Standards. The City encourages tree replacements for removal of any trees of this size according to the replacement standards: 2-23

Tree to be Removed	Replacement Tree(s)
12" – 18" diameter (36" – 56" circumference)	One 24" box tree, or three 15-gallon trees
18" – 24" diameter (56" – 75" circumference)	One 36" box tree, or two 24" box trees
Over 24" diameter (greater than 75" circumference)	One 48" box tree, or two 36" box trees, or four 24" box trees

Fire Prevention Comments

If you have questions on the following fire prevention-related items, please contact Russell Chung, Civilian Assistant Fire Marshal, Department of Public Safety, at rchung@sunnyvale.ca.gov or 408-730-7148; and Stephanie Huang, Civilian Fire Marshal, Department of Public Safety, at shuang@sunnyvale.ca.gov or 408-730-7213. All these issues were discussed with the design team on May 7, 2024 and August 6, 2024. 2-24

1. Provide fire department vehicle access. Access shall not cross property lines unless easements are provided. (SMC 18.40.030) 2-25



- 2. Provide a utility plan that shows backflow device, FDC, onsite hydrants, and fire water supply lines. Identify the location, number, and type of all existing and proposed public and onsite hydrants within 300 feet of the site. (507.5.1) 2-26
- 3. FDC shall be with 50 feet of a public hydrant. (SMC 507.5.1.2) 2-27
- 4. Construction plans shall include a Fire Apparatus Access Road and Hydrant Plan page that clearly: 2-28
 - a. Identifies the location, number, and type of all existing and proposed public and onsite hydrants within 300 feet of the site;
 - b. Identifies the location and dimensions of all fire apparatus access roads, including turning radius and turnarounds; and
 - c. Illustrates that every portion of the facility and every portion of the exterior walls of the first floor of every building is within 150 feet of an approved fire apparatus access road.
- 5. Approved emergency responder radio coverage is required throughout the building and project site. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to CFC Section 510 and SMC 16.52.510. 2-29
- 6. Knox boxes (key boxes) may be required in accordance with Sunnyvale Fire Prevention guidelines. (CFC 506) 2-30

Public Works Land Development Comments

If you have questions on the following items, please contact Arnold Chu, Assistant City Engineer, Public Works Department, at achu@sunnyvale.ca.gov or 408-730-7524. 2-31

- 1. The Department of Public Works acknowledges that local government land use planning and zoning regulations do not apply to the project. However, the City encourages the Judicial Council consider and incorporate the below frontage improvements in the scope of work as part of the project. 2-32
- 2. Streetscape improvements of 12' wide sidewalk with 4' x 5' tree wells along El Camino Real per the [El Camino Real Specific Plan](#). Streetscape improvements of 8' wide sidewalk along All America Way per the Civic Center Modernization Plan with replacement of existing streetlight poles along project frontage to match civic center streetlight poles. 2-33



- 3. The existing driveway approach along El Camino Real intended for project access is not in ADA compliance. The existing driveway approach shall be removed and replaced per City standard details. 2-34
- 4. Due to age and existing conditions, all existing water services shall be abandoned and new services installed. 2-35
- 5. Due to age and existing condition, remove and replace existing fire hydrant barrel and existing fire hydrant lateral with Clow 75 along All America Way. 2-36
- 6. Above-ground Reduced Pressure Detector Assembly (RPDA) for fire service line shall be installed per City standard detail 21B. 2-37
- 7. Proposed 50,000 sq. ft. building subject to incremental water and connection fees to be assessed by Department of Public Works. 2-38
- 8. Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. 2-39

Solid Waste and Recycling Comments

If you have questions on the following solid waste and recycling-related items, please contact Alyssa Hagerbrant, Environmental Programs Specialist 1, Environmental Services Department, at ahagerbrant@sunnyvale.ca.gov or 408-730-7796. 2-40

- 1. Show fully dimensioned truck egress and ingress with Sunnyvale's truck turning radii ([Design Guidelines for Recycling, Organics and Solid Waste Services](#), page 20). All trucks require a minimum of 15 ft. vertical clearance for travel and 16 ft. horizontal clearance for travel. The length of the longest truck to operate at this site is 34.2 ft. On a site where driveways do not extend from street to street, a turnaround area for the truck shall be provided. Trucks must exit the property moving forward and trucks must not back up more than 50 feet for safety. For all truck dimensions, including operational clearances and other truck requirements, please see the Design Guidelines for Recycling, Organics and Solid Waste services, pages 9, 10, and 21. 2-41
- 2. Show dimensioned staging area including the stress pad material type, a level slope, a minimum of 10 feet by 20 feet stress pad to support the weight of trucks during operation, and a stress pad comprised of a 5-inch aggregate base (Class II compacted) with a 6-inch Portland cement overlay. 2-42



- 3. Provide the enclosure drawing and all required details listed in the design guidelines. Enclosure details include, but are not limited to, lighting, wheel stops, gate, cane bolt sleeves in open (150 degrees) and closed positions, etc. 2-43

- 4. Provide a dimensioned enclosure to hold the following containers and sizes. Show dimensioned containers and clearances inside the enclosure. For details on clearance requirements, please see page 8 of the design guidelines. For details on container dimensions see page 18 of the design guidelines. 2-44
 - Food scraps = one 35-gallon cart serviced 1-3 times per week depending on service needs.
 - Garbage = one 3-cubic yard bin serviced 1-3 times per week depending on service needs.
 - Paper = two 96-gallon recycling carts serviced 1 time per week.
 - Containers = one 96-gallon recycling cart serviced 1 time per week.

Traffic and Transportation Comments

- If you have questions on the following traffic related items, please contact Emitiss Soroosh, Traffic Engineering Technician 1, Department of Public Works at esoroosh@sunnyvale.ca.gov or (408) 730-7543. 2-45
- 1. The City of Sunnyvale understands that the Judicial Council is the lead agency and is acting as the judicial branch of state government, local land use planning and zoning regulations would not apply to the Project. However, please consider the following requests based on the City’s local policies, Municipal Code, and adopted plans. 2-46

 - 2. Revise the site plan design to show and comply with the requirements per Sunnyvale Municipal Code Section 19.34.060 at all driveways for standard vision triangles. 2-47

 - 3. Provide the following minimum bicycle facilities at the main entrance and/or high visibility areas per Table 19.36.120B: 2-48
 - 13 Class I secured bicycle parking (1 parking space/4,000 SF) 2-49
 - 5 Class II bicycle racks (1 parking space/10,000 sf)

 - 4. The developer should install up to two pedestrian-scaled lights along the El Camino Real project frontage in accordance with the [El Camino Real Specific Plan](#). The first new pedestrian-scaled lights should be installed approximately 255’ west of the 2-50



existing traffic signal pole on the northwest corner of El Camino Real and Mathilda Avenue. The second new pedestrian-scaled lights should be installed 255' west of the first new pedestrian scaled lights. The developer should replace or upgrade conduits, wires, pull boxes, and conductors along the project frontage (to current City standards), unless otherwise directed by the City.

- All LED fixtures should be of the same make and model (current approved manufacturer is Philips Lumec).
- The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-approved products list. All LED fixtures should have a 10-year warranty.
- Submit separate streetlight plans concurrently with the off-site improvement plan to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment per latest City standard details and specifications and National Electric Code.
- Developer should comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.
- Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance.
- Upon completion of the streetlight improvements, developer should provide drawings to the City in AutoCAD format.

2-51

5. Developer should install five new streetlights on All America Way along the project frontage. They should be streetlight detail XL11 per the [Sunnyvale Civic Center Modernization Plan](#). The new streetlights along All America Way should be installed behind the sidewalk. The first new streetlight should be installed at the west property line and the rest of streetlights should have a spacing of 50 feet east of the first streetlight.

2-52

6. Remove existing driveway approach and install new driveway approach along the project frontage to comply with the Americans with Disabilities Act (ADA) requirements and City standard details and specifications. The proposed driveway approach should comply with City Standard Detail 6C-4 for the driveway along El Camino Real.

2-53

7. If the developer is proposing any work in the public right of way, then the developer must submit a traffic control plan with off-site improvement plans for review and approval. Per the City's Temporary Traffic Control (TTC) Checklist, the traffic control plan set shall include a summary of the traffic control types, dates, times, and blocks affected. All construction-related materials, equipment and construction

2-54



worker parking need to be stored onsite and the public streets need to be kept free and clear of construction debris.

- 8. The developer is responsible for restoring and replacing any damage in the public right of way or any damage to the traffic control devices caused due to construction activities. | 2-55
- 9. Maintain access to the driveway, drive aisles and existing City of Sunnyvale parking spaces and ensure they are accessible to City staff and public use both during construction and after completion of the project. | 2-56
- 10. A Local Transportation Analysis (LTA) is not required as the project is not expected to generate over 100 net new AM or PM peak hour trips. | 2-57
- 11. Per Council Policy 1.2.8 Transportation Analysis Policy, vehicle miles traveled (VMT) is now used to identify potential transportation impacts of a proposed land use project to comply with CEQA. This project is exempt from a VMT analysis per Council policy 1.2.8 Exemption C. | 2-58

Water and Sewer Comments

If you have questions on the following water and sewer-related items, please contact Eric Evans, P.E., Senior Environmental Engineer, Environmental Services Department, at EEvans@sunnyvale.ca.gov or 408-730-7783. | 2-59

- 1. No comments.

Thank you for your consideration in this matter. Please contact me at (408) 730-7443 or gschroeder@sunnyvale.ca.gov if you have any questions or concerns about items discussed in this letter. We look forward to working with you as your plans progress. | 2-60

Sincerely,

George Schroeder
George Schroeder
Principal Planner
Community Development Department

Cc: Tim Kirby, City Manager

2 Comments and Responses to Comments on the Draft EIR



Trudi Ryan, Director, Community Development
Chip Taylor, Director, Public Works
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Shaunn Mendrin, Planning Officer, Community Development
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Russell Chung, Civilian Assistant Fire Marshal, Public Safety
Mansour Nasser, Water & Sewer Systems Manager, Environmental Services
Eric Evans, Senior Environmental Engineer, Environmental Services
Emitiss Soroosh, Traffic Engineering Technician 1, Public Works
Alyssa Hagerbrant, Environmental Programs Specialist 1, Environmental Services

2.2 Responses to Comments

L1 – Response to Comments from California Department of Transportation, Caltrans District 4, dated August 28, 2024

L1-1 **Comment:** Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the New Sixth Appellate District Courthouse. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 DEIR. Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding. The proposed project will involve the demolition of the existing buildings and the construction of a new courthouse with additional parking. The site is located along State Route 82 (SR-82), also known as El Camino Real, and near S Mathilda Ave. The Project site is 2.03 acres, and the new construction will be approximately 50,000 square feet and up to three stories with approximately 77 parking spots.

Response: Thank you for your Comment Letter dated August 28, 2024. It is understood this correspondence does not indicate an official position by Caltrans on this Project and is for informational purposes only. While the Initial Study stated up to 77 parking stalls may be required for the Project, this was revised in the DEIR to approximately 50 onsite parking spaces, including 12 secure parking spaces for justices and surface parking for the public and court staff (refer to Section 2, Project Description, of the DEIR). This change was made considering employee commute and parking survey data collected by the Judicial Council from May 2023 to March 2024 (refer to Appendix K of the DEIR) as well as refinements made to the Project design since preparation of the Initial Study.

L1-2 **Comment:** Travel Demand Analysis. With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)). The project VMT analysis and significance determination are undertaken in a manner consistent with the Santa Clara Valley VMT Evaluation Tool. Per the DEIR, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

Response: Caltrans concurs with the methods used in the DEIR to calculate Project Vehicle Miles Traveled (VMT) analysis and significance determination, and that the Project is found to have a less than significant VMT impact, and therefore working towards meeting the State's VMT reduction goals.

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- L1-3** **Comment:** Hydrology. A Hydraulic report will be required as part of the Encroachment Permit package to evaluate stormwater drainage that is designed to mitigate post-development flows would be adequate. Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.
- Response:** This comment is acknowledged. Should any permanent work or temporary traffic control be required on Caltrans' right-of-way, the Judicial Council will obtain an Encroachment Permit from Caltrans which would include a Hydraulic Report (if applicable) to evaluate stormwater drainage associated with the Project. Updates have been integrated within the FEIR as indicated in Chapter 3 Errata.
- L1-4** **Comment:** Construction-Related Impacts. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).
- Response:** This comment is acknowledged but does not relate to environmental issues about the proposed Project requiring a written response.
- L1-5** **Comment:** Lead Agency. As the Lead Agency, the Judicial Council of California is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.
- Response:** As the Lead Agency, the Judicial Council understands its responsibility for Project mitigation. Please note there is no Project fair share contribution or financing associated with any mitigation measures for this Project.
- L1-6** **Comment:** Equitable Access. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.
- Response:** The Judicial Council understands the requirements of the American Disabilities Act (ADA) Standards. As noted in the City of Sunnyvale's August 30, 2024, Comment Letter, the existing driveway approach along El Camino Real may not be accessible. This will be reviewed by the Project architect to determine Path of Travel compliance with the ADA. Also, refer to section 4.10.3.2(a) of the DEIR stating that

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construction activities will not affect existing or future bicycle facilities, except for in limited circumstances during construction.

L1-7 **Comment:** Encroachment Permit. Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. Any changes to the access opening to West El Camino (SR-82) will also require a permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Response: This comment is acknowledged. Should any permanent work or temporary traffic control be required on Caltrans' right-of-way, the Judicial Council will obtain an Encroachment Permit from the Department of Transportation, Caltrans District 4. Updates have been integrated within the FEIR as indicated in Chapter 3 Errata. Refer to response to comment L1-3 and L1-6.

L2 – Response to Comments from City of Sunnyvale, dated August 30, 2024

L2-1 **Comment:** Thank you for the opportunity to review the draft environmental impact report for the new Sixth Appellate District Courthouse project located at 605 West El Camino Real in the City of Sunnyvale. We understand the project consists of demolishing the existing vacant courthouse building and repaving the existing drive access road and parking lot and constructing a three-story, 50,000 square foot courthouse in the same footprint as the existing building. The City of Sunnyvale has reviewed the associated environmental documents and have the following comments for consideration.

Response: Thank you for your Comment Letter dated August 30, 2024, and your indication of Project understanding.

L2-2 **Comment:** 1) Many of the comments within this letter pertain to project-level details to be addressed during the design phase and are not necessarily CEQA-related. Please consider these comments in the proposed site, offsite, and architectural design. 2) City of Sunnyvale planning/building permits are not required and codes, plans, and policies that apply to private property development are encouraged to be met, but do not apply since the proposed development is occurring on a state-owned property for governmental purposes. However, City encroachment permits are required for any work in the public right-of-way. Given the proximity of the project site next to the Sunnyvale Civic Center campus, we request close collaboration on project-level details.

Response: The City acknowledges that the Project occurs on a state-owned property for government purposes and as such City planning and building permits are not required. The City also acknowledges that many of the comments within the City's August 30, 2024 letter are not necessarily CEQA-related and rather pertain to details that may be addressed during the design phase of the Project. The Judicial Council has previously initiated engagement with the City of Sunnyvale to collaborate on this Project and will continue to do so.

L2-3 **Comment:** Community Development Department, Planning Division Comments. If you have questions on the following planning-related items, please contact George Schroeder, Principal Planner, Community Development Department, at gschroeder@sunnyvale.ca.gov or 408-730-7443.

Response: Thank you for your comments. The Judicial Council will contact the listed City representative should any planning-related items arise.

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L2-4 **Comment:** 1) The site is located within the El Camino Real Specific Plan (ECRSP) and is also designated in the General Plan as El Camino Real Specific Plan. The site is zoned ECR-PF (El Camino Real, Public Facilities district) and buildings and facilities used by government agencies for government purposes are permitted uses. The City recommends the site planning and architectural design follow development standards in the El Camino Real Specific Plan Zoning Code. Additionally, the City encourages the project to incorporate the design standards from the ECRSP. See the urban design guidelines starting on page 111 of the plan.

Response: The Judicial Council acknowledges the location of the Project site within the El Camino Real Specific Plan (ECRSP) and is zoned (ECR-PF) which this Project is consistent with being used by a government agency for a government purpose. The Judicial Council appreciates the City's recommendation to follow the development standards of the ECRSP Zoning Code and incorporate the design standards from the ECRSP; however, the Judicial Council as the lead agency for the proposed Project, and acting for the State of California, is not subject to local government land use planning and zoning regulations. The Judicial Council may consider the City's policies and guidelines, as appropriate, to determine consistency with the Site's character and surroundings.

L2-5 **Comment:** 2) Although parking is not necessarily a CEQA issue, the City is concerned about potential automobile parking spillover onto the Sunnyvale Civic Center campus due to lack of sufficient proposed supply on the courthouse site. There is not an existing parking or access agreement and courthouse employees and visitors may only use City-owned parking spaces if conducting business with the City. The draft EIR notes that a total of approximately 50 onsite parking spaces are proposed, including 12 secured parking spaces for the justices and up to 38 surface parking spaces for the public and staff. The draft EIR estimates 78 full-time employees and six part-time employees on a daily basis. It is unclear how many daily jurors are anticipated. While the project is not subject to the City's parking requirements, the project site appears to be under-parked. The City's Parking Code does not have a land use category for a courthouse, but a 50,000 square foot professional office building would require 165 parking spaces (at a rate of 3.3 spaces/1,000 square feet) and the less-intensive corporate office (at a rate of 2 spaces/1,000 square feet) would require 100 spaces. The City encourages exploration of a below-grade parking structure, a robust TDM program, and/or parking arrangements with offsite facilities to avoid impacting parking spaces on the Sunnyvale Civic Center property. We also request that employees and visitors are made aware that they cannot park on the City's property.

Response: The Judicial Council acknowledges the City's concern for sufficient parking and that it is not a CEQA issue requiring a written response. It should be noted that the proposed courthouse will be an appellate courthouse for the Court of Appeal and will not have jury trials or similar high volume superior court proceedings, which significantly reduces the volume of court users as compared to a county superior court.

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Below-grade parking is not currently part of this Project's scope. The Judicial Council will take this suggestion under advisement.

The following analysis was undertaken in the DEIR regarding required parking for the Project:

Section 2.3 Proposed Project Characteristics: *The new courthouse would be staffed by approximately 78 full-time employees and six part-time employees daily. However, it is not expected that all employees would be onsite at the same time as the Judicial Council would utilize Transportation Management Strategies including work from home, hybrid in-person workplace models, and increased use of virtual meetings and remote appearances during oral arguments.*

Section 4.10 Transportation: *Based on the commute and parking survey data for months from May 2023 through March 2024 provided by the Judicial Council, the actual number of court staff/employees ranges from 19 to 35 onsite per day. To be conservative, 35 employees were assumed for calculating the trip generation.*

Even at the peak level of 35 employees attending work in person, there are 15 remaining parking spaces available for public use. As this appellate courthouse will not have jury trials or high-volume superior court proceedings, the remaining parking spaces have been verified to be sufficient for the anticipated public use. As the City notes, parking is not necessarily a CEQA issue.

L2-6 **Comment:** 3) In the project description, please specify the typical daily visitors to the courthouse to understand whether jury pools and parties associated with litigants would regularly be accessing the site.

Response: There are no juries or jury pools associated with the Project as it is an appellate court. Public participation is limited, and generally consists of the attorney and "appellant" that files the appeal and the attorney and "respondent"; the person against whom the lawsuit has been filed. Refer to Response to Comment L2-5 above.

L2-7 **Comment:** 4) City staff recommends making the following site plan updates: a) Consider a public entry on the façade facing El Camino Real. The ECRSP design standard 2.2.1.a specifies that buildings should be designed to face the primary street, with at least one commercial entry facing the street and accessible to pedestrians directly from the street.

Response: The Judicial Council acknowledges the City's request to consider a public entry on the façade facing El Camino Real. Based on the Judicial Council's review of the ECRSP design standard 2.2.1.a, the Project will be consistent with Exception 1, which allows for entry from a courtyard or plaza rather than the street. No site plan update will be considered.

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L2-8 **Comment:** b) Consider a designated pick up and drop off area for court visitors near the building entrance.

Response: Based on the function and limited public use of an appellate court, a designated pick-up and drop-off area for court visitors near the courthouse entrance, is not warranted. Refer to Response to Comment L2-5 above.

L2-9 **Comment:** c) Specify which trees are proposed to remain, new, and proposed for removal.

Response: The Project's design and construction documents will identify any proposed new trees and any existing trees that are planned to remain or be removed.

L2-10 **Comment:** d) The label for "All American Way" should be changed to "All America Way."

Response: Figure 2.3-1 Proposed Courthouse Layout has been updated from "All American Way" to "All America Way". Updates have been integrated within the FEIR as indicated in Chapter 3 Errata.

L2-11 **Comment:** e) The label for "City of Sunnyvale Police Parking" should be updated to only "City of Sunnyvale Parking."

Response: Figure 2.3-1 Proposed Courthouse Layout has been updated from "City of Sunnyvale Police Parking" to "City of Sunnyvale Parking". Updates have been integrated within the FEIR as indicated in Chapter 3 Errata.

L2-12 **Comment:** f) For the existing parking shown north of the proposed courthouse building, update the label to, "Existing Parking (City)."

Response: Figure 2.3-1 Proposed Courthouse Layout has been updated to include (CITY) to the "Existing Parking" to the north of the proposed courthouse building. Updates have been integrated within the Final EIR as indicated in Chapter 3 Errata.

L2-13 **Comment:** a). Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.

Response: In response to the comment recommending inclusion of the ECRSP EIR (2021) noise mitigation measures, the Judicial Council intends to follow standard noise-related Best Management Practices (BMP) applicable to the Project. The Judicial Council is not subject to the City's ECRSP noise reduction measures.

L2-14 **Comment:** b) Place noise-generating construction equipment and construction staging areas away from sensitive uses.

Response: Refer to Response to Comment L2-13.

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L2-15 **Comment:** c) Construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays, pursuant to SMC Chapter 16.08.

Response: Refer to Response to Comment L2-13.

L2-16 **Comment:** d) Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.

Response: Refer to Response to Comment L2-13.

L2-17 **Comment:** e) Use electric air compressors and similar power tools rather than diesel equipment, where feasible.

Response: Refer to Response to Comment L2-13.

L2-18 **Comment:** f) Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

Response: Refer to Response to Comment L2-13.

L2-19 **Comment:** g) The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

Response: Refer to Response to Comment L2-13.

L2-20 **Comment:** h) Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Department.

Response: Refer to Response to Comment L2-13.

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L2-21 **Comment:** 6) Specify whether any pile driving is proposed. We encourage use of pile drilling to reduce noise and vibration.

Response: The Judicial Council does not anticipate the use of piles for this Project. Section 4.9 of the FEIR (Noise) has been updated to clarify that pile driving is not being proposed. Updates have been integrated within the FEIR as indicated in Chapter 3 Errata.

L2-22 **Comment:** 7) We recommend preparation of a construction management plan (CMP) to identify measures to minimize the impacts of project construction, given the proximity to the Sunnyvale Civic Center campus. We request consultation on the review of the CMP.

Response: The preparation of a construction management plan (CMP) is included as part of the Judicial Council's typical processes and procedures for a project. The Judicial Council will follow internal policies and procedures in the development of a CMP and will implement internal review. This comment does not raise specific environmental issues about the proposed Project requiring a detailed response.

L2-23 **Comment:** 8) In the Biological Resources chapter, impact analysis for tree preservation, page 4.38, there is a statement that none of the trees to be removed fall under the City's Tree Protection Ordinance. While the ordinance does not technically apply to a state property, many of these trees are considered protected since they have a trunk circumference measurement of 38 inches or greater and would normally require replacements based on the City's Tree Replacement Standards. The City encourages tree replacements for removal of any trees of this size according to the replacement standards:

Tree to be Removed	Replacement Tree(s)
12 to 18 inches diameter (36 to 56 inches circumference)	One 24-inch box tree, or three 15-gallon trees
18 to 24 inches diameter (56 to 75 inches circumference)	One 36-inch box tree, or two 24-inch box trees
Over 24 inches diameter (greater than 75 inches circumference)	One 48-inch box tree, or two 36-inch box trees, or four 24-inch box trees

Response: Section 4.3-3 Biological Resources Impact Analysis has been updated to clarify that some of the existing trees may fall under the City of Sunnyvale Tree Protection Ordinance. Updates have been integrated within the Final EIR as indicated in Chapter 3 Errata.

The Judicial Council acknowledges the City's request for tree replacement in accordance with the City's Tree Protection Ordinance replacement standards, however the Judicial Council is not subject to the City's Tree Protection Ordinance. The Judicial Council will consider the City's tree replacement standards during the design phase of the project, where feasible. The Judicial Council's consideration of the City's tree replacement

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standards does not constitute a new environmental impact beyond the potential impact to nesting birds that was analyzed in DEIR Section 4.3.3. Any potential conflict between the Judicial Council's tree replacement at the Project site and the City's tree replacement standards is negligible.

L2-24 **Comment:** Fire Prevention Comments. If you have questions on the following fire prevention-related items, please contact Russell Chung, Civilian Assistant Fire Marshal, Department of Public Safety, at rchung@sunnyvale.ca.gov or 408-730-7148; and Stephanie Huang, Civilian Fire Marshal, Department of Public Safety, at shuang@sunnyvale.ca.gov or 408-730-7213. All these issues were discussed with the design team on May 7, 2024 and August 6, 2024.

Response: Thank you for your comments. The Judicial Council will contact the listed City representatives with fire prevention-related items should they arise.

In response to items 1 through 6 of the Fire Prevention Comments, the Judicial Council acknowledges the listed items were discussed during the May 7, 2024, and August 6, 2024, design team meetings with the Judicial Council and will be provided and/or complied with as presented.

L2-25 **Comment:** 1) Provide fire department vehicle access. Access shall not cross property lines unless easements are provided. (SMC 18.40.030)

Response: Refer to Response to Comment L2-24.

L2-26 **Comment:** 2) Provide a utility plan that shows backflow device, FDC, onsite hydrants, and fire water supply lines. Identify the location, number, and type of all existing and proposed public and onsite hydrants within 300 feet of the site. (507.5.1)

Response: Refer to Response to Comment L2-24.

L2-27 **Comment:** 3) FDC shall be with 50 feet of a public hydrant. (SMC 507.5.1.2)

Response: Refer to Response to Comment L2-24.

L2-28 **Comment:** 4) Construction plans shall include a Fire Apparatus Access Road and Hydrant Plan page that clearly: a) Identifies the location, number, and type of all existing and proposed public and onsite hydrants within 300 feet of the site; b) Identifies the location and dimensions of all fire apparatus access roads, including turning radius and turnarounds; and c) Illustrates that every portion of the facility and every portion of the exterior walls of the first floor of every building is within 150 feet of an approved fire apparatus access road.

Response: Refer to Response to Comment L2-24.

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L2-29 **Comment:** 5) Approved emergency responder radio coverage is required throughout the building and project site. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to CFC Section 510 and SMC 16.52.510.

Response: Refer to Response to Comment L2-24.

L2-30 **Comment:** 6) Knox boxes (key boxes) may be required in accordance with Sunnyvale Fire Prevention guidelines. (CFC 506)

Response: Refer to Response to Comment L2-24.

L2-31 **Comment:** Public Works Land Development Comments. If you have questions on the following items, please contact Arnold Chu, Assistant City Engineer, Public Works Department, at achu@sunnyvale.ca.gov or 408-730-7524.

Response: Thank you for your comments. The Judicial Council will contact the listed City representative regarding land development-related items if they arise.

L2-32 **Comment:** 1) The Department of Public Works acknowledges that local government land use planning and zoning regulations do not apply to the project. However, the City encourages the Judicial Council consider and incorporate the below frontage improvements in the scope of work as part of the project.

Response: Thank you for your comments regarding Public Works Land Development. As the Judicial Council is the lead agency for the Project and is acting for the state of California, local government land use and planning policies do not apply to this Project. The Judicial Council plans to reconstruct the existing Sunnyvale Courthouse property for a new courthouse for the Court of Appeal, Sixth Appellate District. The City's comments are acknowledged and do not relate to CEQA.

L2-33 **Comment:** 2) Streetscape improvements of 12 feet wide sidewalk with 4-foot by 5-foot tree wells along El Camino Real per the El Camino Real Specific Plan. Streetscape improvements of 8-foot wide sidewalk along All America Way per the Civic Center Modernization Plan with replacement of existing streetlight poles along project frontage to match civic center streetlight poles.

Response: Refer to Response to Comment L2-32.

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L2-34 **Comment:** 3) The existing driveway approach along El Camino Real intended for project access is not in ADA compliance. The existing driveway approach shall be removed and replaced per City standard details.

Response: The Judicial Council acknowledges the request to remove the existing driveway approach along El Camino Real and replace per City standard details in the same location. This request will be reviewed by the Project architect for Path of Travel ADA compliance. Any decision to replace the driveway approach during the design phase will not cause the Project to have a significant environmental impact.

L2-35 **Comment:** 4) Due to age and existing conditions, all existing water services shall be abandoned and new services installed.

Response: As recommended by the City Public Works Department due to age and existing conditions, the Judicial Council plans to abandon the existing water services and install new water services to serve the Project. The replacement of utilities is analyzed in the DEIR under Section 3, Utilities and Service Systems, subsection (a).

L2-36 **Comment:** 5) Due to age and existing condition, remove and replace existing fire hydrant barrel and existing fire hydrant lateral with Clow 75 along All America Way.

Response: Refer to Response to Comment L2-32.

L2-37 **Comment:** 6) Above-ground Reduced Pressure Detector Assembly (RPDA) for fire service line shall be installed per City standard detail 21B.

Response: Refer to Response to Comment L2-32.

L2-38 **Comment:** 7) Proposed 50,000 sq. ft. building subject to incremental water and connection fees to be assessed by Department of Public Works.

Response: The Judicial Council understands there may be an incremental water and connection fee increase beyond the existing building square footage.

L2-39 **Comment:** 8) Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works.

Response: The Judicial Council recognizes an Encroachment Permit may be necessary should work be required in the (City) public right-of-way.

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- L2-40** **Comment:** Solid Waste and Recycling Comments. If you have questions on the following solid waste and recycling-related items, please contact Alyssa Hagerbrant, Environmental Programs Specialist 1, Environmental Services Department, at ahagerbrant@sunnyvale.ca.gov or 408-730-7796.
- Response:** Thank you for your comments. The Judicial Council will contact the listed City representative regarding solid waste or recycling-related items if they arise.
- L2-41** **Comment:** 1) Show fully dimensioned truck egress and ingress with Sunnyvale's truck turning radii ([Design Guidelines for Recycling, Organics and Solid Waste Services](#), page 20). All trucks require a minimum of 15 feet. vertical clearance for travel and 16 feet. horizontal clearance for travel. The length of the longest truck to operate at this site is 34.2 feet. On a site where driveways do not extend from street to street, a turnaround area for the truck shall be provided. Trucks must exit the property moving forward and trucks must not back up more than 50 feet for safety. For all truck dimensions, including operational clearances and other truck requirements, please see the Design Guidelines for Recycling, Organics and Solid Waste services, pages 9, 10, and 21.
- Response:** The Judicial Council acknowledges the solid waste and recycling comments. The Project design documents will incorporate the noted design guidelines for recycling, organics and solid waste services, but does not raise environmental issues about the proposed Project requiring a written response.
- L2-42** **Comment:** 2) Show dimensioned staging area including the stress pad material type, a level slope, a minimum of 10 feet by 20 feet stress pad to support the weight of trucks during operation, and a stress pad comprised of a 5-inch aggregate base (Class II compacted) with a 6-inch Portland cement overlay.
- Response:** Refer to Response to Comment L2-41.
- L2-43** **Comment:** 3) Provide the enclosure drawing and all required details listed in the design guidelines. Enclosure details include, but are not limited to, lighting, wheel stops, gate, cane bolt sleeves in open (150 degrees) and closed positions, etc.
- Response:** Refer to Response to Comment L2-41.

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- L2-44** **Comment:** 4) Provide a dimensioned enclosure to hold the following containers and sizes. Show dimensioned containers and clearances inside the enclosure. For details on clearance requirements, please see page 8 of the design guidelines. For details on container dimensions see page 18 of the design guidelines.
- Food scraps = one 35-gallon cart serviced 1-3 times per week depending on service needs.
 - Garbage = one 3-cubic yard bin serviced 1-3 times per week depending on service needs.
 - Paper = two 96-gallon recycling carts serviced 1 time per week.
 - Containers = one 96-gallon recycling cart serviced 1 time per week.

Response: Thank you for calculating and providing container types and quantities. The Judicial Council acknowledges the container needs and will accommodate the container counts recommended and the enclosure will be designed per the listed container guidelines. This comment does not raise environmental issues about the proposed Project requiring a written response.

- L2-45** **Comment:** Traffic and Transportation Comments. If you have questions on the following traffic related items, please contact Eritiss Soroosh, Traffic Engineering Technician 1, Department of Public Works at esorooosh@sunnyvale.ca.gov or (408) 730-7543.

Response: Thank you for your comments. The Judicial Council will contact the listed City representative should any traffic-related items arise.

- L2-46** **Comment:** 1) The City of Sunnyvale understands that the Judicial Council is the lead agency and is acting as the judicial branch of state government, local land use planning and zoning regulations would not apply to the Project. However, please consider the following requests based on the City's local policies, Municipal Code, and adopted plans.

Response: Thank you for your comments regarding Traffic and Transportation. As the Judicial Council is the lead agency for the Project and is acting for the state of California, local government land use and planning policies do not apply to this Project. The Judicial Council plans to reconstruct the existing Sunnyvale Courthouse property for a new courthouse for the Court of Appeal, Sixth Appellate District. The City's comments are acknowledged and do not relate to CEQA.

- L2-47** **Comment:** 2) Revise the site plan design to show and comply with the requirements per Sunnyvale Municipal Code Section 19.34.060 at all driveways for standard vision triangles.

Response: The Project site plan included in the DEIR is not the final site plan. The Judicial Council is not subject to the City's Municipal Code; however, the final site plan will consider Sunnyvale Municipal Code Section 19.34.060 for standard vision triangles.

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- L2-51** **Comment:**
- All LED fixtures should be of the same make and model (current approved manufacturer is Philips Lumec).
 - The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-approved products list. All LED fixtures should have a 10-year warranty.
 - Submit separate streetlight plans concurrently with the off-site improvement plan to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment per latest City standard details and specifications and National Electric Code.
 - Developer should comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.
 - Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance.
 - Upon completion of the streetlight improvements, developer should provide drawings to the City in AutoCAD format.

Response: Refer to Response to Comment L2-46.

- L2-52** **Comment:** 5) Developer should install five new streetlights on All America Way along the project frontage. They should be streetlight detail XL11 per the [Sunnyvale Civic Center Modernization Plan](#). The new streetlights along All America Way should be installed behind the sidewalk. The first new streetlight should be installed at the west property line and the rest of streetlights should have a spacing of 50 feet east of the first streetlight.

Response: Refer to Response to Comment L2-46. The Judicial Council acknowledges subsequent receipt of the attachment titled "Schedules-Electrical Lighting Photometric."

- L2-53** **Comment:** 6) Remove existing driveway approach and install new driveway approach along the project frontage to comply with the Americans with Disabilities Act (ADA) requirements and City standard details and specifications. The proposed driveway approach should comply with City Standard Detail 6C-4 for the driveway along El Camino Real.

Response: Refer to Response to Comment L2-34.

2 Comments and Responses to Comments on the Draft EIR

L2-54 **Comment:** 7) If the developer is proposing any work in the public right of way, then the developer must submit a traffic control plan with off-site improvement plans for review and approval. Per the City's Temporary Traffic Control (TTC) Checklist, the traffic control plan set shall include a summary of the traffic control types, dates, times, and blocks affected. All construction-related materials, equipment and construction worker parking need to be stored onsite and the public streets need to be kept free and clear of construction debris.

Response: The Judicial Council acknowledges a Traffic Control Plan may be necessary should work be proposed within the City public right-of-way.

L2-55 **Comment:** 8) The developer is responsible for restoring and replacing any damage in the public right of way or any damage to the traffic control devices caused due to construction activities.

Response: This comment is acknowledged but does not raise environmental issues about the proposed Project requiring a written response.

L2-56 **Comment:** 9) Maintain access to the driveway, drive aisles and existing City of Sunnyvale parking spaces and ensure they are accessible to City staff and public use both during construction and after completion of the project.

Response: The Judicial Council acknowledges the easements on the state-owned courthouse property to the existing City of Sunnyvale parking spaces and has begun to address this with the City of Sunnyvale Public Works Director and Property Administrator to resolve access and use-related items to both entities' satisfaction. This comment does not raise environmental issues about the proposed Project requiring a written response.

L2-57 **Comment:** 10) A Local Transportation Analysis (LTA) is not required as the project is not expected to generate over 100 net new AM or PM peak hour trips.

Response: The Judicial Council acknowledges and agrees.

L2-58 **Comment:** 11) Per Council Policy 1.2.8 Transportation Analysis Policy, vehicle miles traveled (VMT) is now used to identify potential transportation impacts of a proposed land use project to comply with CEQA. This project is exempt from a VMT analysis per Council policy 1.2.8 Exemption C.

Response: The Judicial Council acknowledges and agrees.

2 Comments and Responses to Comments on the Draft EIR

L2-59 **Comment:** Water and Sewer Comments. If you have questions on the following water and sewer-related items, please contact Eric Evans, P.E., Senior Environmental Engineer, Environmental Services Department, at EEvans@sunnyvale.ca.gov or 408-730-7783.

Response: Thank you for your comment. The Judicial Council will contact the listed City representative with water and/or sewer-related items should they arise.

L2-60 **Comment:** Thank you for your consideration in this matter. Please contact me at (408) 730-7443 or gschroeder@sunnyvale.ca.gov if you have any questions or concerns about items discussed in this letter. We look forward to working with you as your plans progress.

Response: Thank you for your comment letter. The Judicial Council will contact the listed City representative should any additional questions or concerns regarding the City's August 30, 2024 Comment Letter arise.

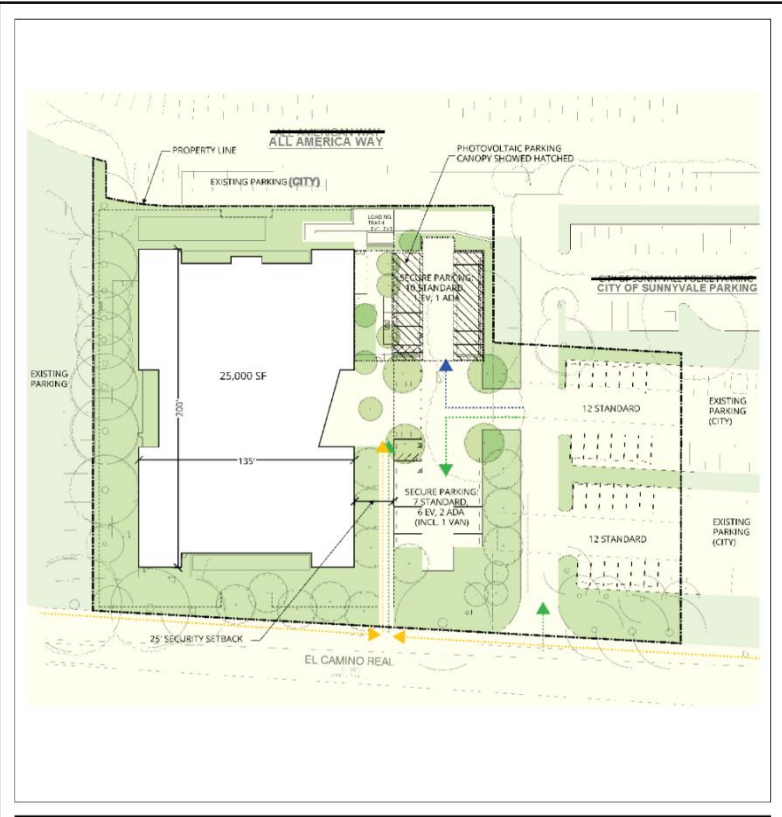
3 Errata

Chapter 3 identifies revisions to the DEIR. The changes are presented in the order in which they appear and identified by page number. Text deletions are shown in ~~strikeout~~ and additions are underlined. The revisions summarized here include clarifications, minor revisions, and/or additional supportive information regarding the analysis and mitigation measures and do not change the analysis or conclusions presented in the DEIR.

The following changes are hereby made to the following entries:

Section	Page Number	Identified Revision
Table ES-1	xiv and xv	BIO-1: If demolition and/or construction (including any tree removal) occurs during the typical nesting season (February 1 through September 1) a pre-construction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed at a minimum of two weeks <u>no more than 7 days</u> prior to the start of Project demolition and/or construction activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. During vegetation removal, if an active nest is identified within the Site, a biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.
Table ES-1	xviii	HAZ-2: Preparation of a site-specific Health and Safety Plan (HASP) to protect the health and safety of construction workers and the environment. The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120). The HASP shall be made available to construction workers for review prior to starting work at the Site. The HASP shall identify potential hazards (including stained or odorous soils at any location where earth-moving activities would occur within the proposed development area), chemicals of concern (e.g., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered onsite during construction activities that <u>would necessitate</u> the Judicial Council shall <u>to</u> retain a licensed environmental professional <u>or equivalent</u> to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis, and potential soil vapor analysis. Recommendations contained in the <u>The Phase II Environmental Site Assessment to shall include recommendations to address any contamination that is discovered during demolition and/or construction activities the investigation shall be implemented before re-initiating ground-disturbing activities in these areas.</u> The HASP shall also require notification of the appropriate federal, state, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, Department of Toxic Substance Control, the Sunnyvale Department of Public Safety (i.e., designated CUPA), County of Santa Clara Department of Environmental Health, and/or other appropriate federal or state regulatory agencies.

Section	Page Number	Identified Revision																		
1.3.2	1.3	<p>The following agencies could be required to act as a responsible agency for the Project:</p> <table border="1" data-bbox="537 326 1656 875"> <thead> <tr> <th data-bbox="537 326 1096 367">Agency</th> <th data-bbox="1100 326 1656 367">Permits and Other Approvals</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="537 370 1656 410">State</td> </tr> <tr> <td data-bbox="537 414 1096 537">San Francisco Bay Regional Water Quality Control Board</td> <td data-bbox="1100 414 1656 537">Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) General Construction Permit/ Stormwater Pollution Prevention Plan (SWPPP).</td> </tr> <tr> <td data-bbox="537 540 1096 581">Office of the State Fire Marshal</td> <td data-bbox="1100 540 1656 581">Approvals to construct and occupy.</td> </tr> <tr> <td data-bbox="537 584 1096 625"><u>Department of Transportation Caltrans District 4</u></td> <td data-bbox="1100 584 1656 625"><u>Encroachment permit, if required.</u></td> </tr> <tr> <td colspan="2" data-bbox="537 628 1656 669">Local</td> </tr> <tr> <td data-bbox="537 672 1096 737">City of Sunnyvale Department of Public Works, Engineering Division</td> <td data-bbox="1100 672 1656 737">Encroachment permits, if required.</td> </tr> <tr> <td data-bbox="537 740 1096 805">City of Sunnyvale Department of Public Works, Engineering Division</td> <td data-bbox="1100 740 1656 805">Water supply and sewer connection; wastewater discharge permit.</td> </tr> <tr> <td data-bbox="537 808 1096 873">City of Sunnyvale Public Safety Department</td> <td data-bbox="1100 808 1656 873">Fire Department review of emergency access and fire flow.</td> </tr> </tbody> </table>	Agency	Permits and Other Approvals	State		San Francisco Bay Regional Water Quality Control Board	Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) General Construction Permit/ Stormwater Pollution Prevention Plan (SWPPP).	Office of the State Fire Marshal	Approvals to construct and occupy.	<u>Department of Transportation Caltrans District 4</u>	<u>Encroachment permit, if required.</u>	Local		City of Sunnyvale Department of Public Works, Engineering Division	Encroachment permits, if required.	City of Sunnyvale Department of Public Works, Engineering Division	Water supply and sewer connection; wastewater discharge permit.	City of Sunnyvale Public Safety Department	Fire Department review of emergency access and fire flow.
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City of Sunnyvale Department of Public Works, Engineering Division	Water supply and sewer connection; wastewater discharge permit.																			
City of Sunnyvale Public Safety Department	Fire Department review of emergency access and fire flow.																			

Section	Page Number	Identified Revision
2.3	2.8	<p>Figure 2.3-1 Proposed Courthouse Layout</p>  <p>Stantec <small>Project Location: Sunnyvale, CA Prepared by: WMO on 2024-06-11 City of Sunnyvale TR by: BET on 2024-06-17 State Clerk County, California JF by: LM on 2024-06-17 Date: 16559027</small></p> <p>Notes 1. SEE Plan, Page 4 Turnbul Inc. June 11, 2024.</p> <p>2.3-1 Proposed Courthouse Layout</p> <p><small>Disclaimer: This document has been prepared based on information provided by others as cited in the Index section. Stantec has not verified the accuracy and/or completeness of the information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.</small></p>

Section	Page Number	Identified Revision
4.3.3	4.37	<p>Mitigation Measures</p> <p>BIO-1: If demolition and/or construction (including any tree removal) occurs during the typical nesting season (February 1 through September 1) a pre-construction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed at a minimum of two weeks <u>no more than 7 days</u> prior to the start of Project <u>demolition and/or construction</u> activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. During vegetation removal, if an active nest is identified within the Site, a biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.</p> <p>Level of Significance After Mitigation</p> <p>Less than Significant Impact.</p> <p>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p> <p>Demolition and Construction</p> <p>It was determined after the submittal of the Initial Study that removal of trees at the Site may be required, and therefore this impact category was brought forward to the Draft EIR for additional analysis.</p> <p>The Site may provide suitable foraging habitat for monarch butterflies, but it does not provide suitable habitat for other special-status species. There were also no special-status species observed during the biological field survey. The Site does contain large trees, including African yellow trees (<i>Afrocarpus sp.</i>), pepper trees (<i>Schinus sp.</i>), ash trees (<i>Fraxinus sp.</i>) and pine trees (<i>Pinus sp.</i>) and on the perimeter of the Site. None <u>Some</u> of the trees <u>may</u> fall under the City of Sunnyvale Tree Protection Ordinance (City of Sunnyvale 2024). <u>While not required, the Judicial Council will consider the City’s tree replacement standards during the design phase of the Project, where feasible.</u></p> <p>Operation</p> <p>Operation of the Project would include traditional courthouse and judiciary activities that would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be no impact from operation of the Project.</p> <p>Level of Significance Before Mitigation</p> <p>Potentially Significant Impact.</p>

Section	Page Number	Identified Revision
4.7.3.2	4.84	<p>HAZ-2: Preparation of a site-specific HASP to protect the health and safety of construction workers and the environment. The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120). The HASP shall be made available to construction workers for review prior to starting work at the Site. The HASP shall identify potential hazards (including stained or odorous soils at any location where earth-moving activities would occur within the proposed development area), chemicals of concern (e.g., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered onsite during construction activities that <u>would necessitate</u> the Judicial Council shall <u>to</u> retain a licensed environmental professional <u>or equivalent</u> to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis, and potential soil vapor analysis. Recommendations contained in the The Phase II Environmental Site Assessment to shall include recommendations to address any contamination that is discovered during demolition and/or construction activities the investigation shall be implemented before re-initiating ground-disturbing activities in these areas. The HASP shall also require notification of the appropriate federal, state, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, Department of Toxic Substance Control, the Sunnyvale Department of Public Safety (i.e., designated CUPA), County of Santa Clara Department of Environmental Health, and/or other appropriate federal or state regulatory agency.</p>
4.8.3.2	4.92	<p>a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</p> <p>DEMOLITION AND CONSTRUCTION</p> <p>Site preparation would require the demolition of an existing 19,994 square foot one-story building with a partial basement as well as an unused shed structure currently within the parking lot. The proposed Project would additionally involve demolition of approximately 19,760 SF of existing paving, full repaving of 4,580 SF of existing drive access road, resurfacing of 9,800 SF of existing parking area, and paving of 13,200 SF of new parking area to build a new courthouse within the 2.03-acre Site. The parking lot contains an unused structure that would be demolished, and the underlying area resurfaced for additional parking space.</p> <p>Since the Project would disturb an area greater than one acre, an NPDES permit will be required from the SFRWQCB through enrollment in SMARTS. NPDES permit coverage is accomplished by submitting a NOI, permit fees, and all necessary documents to the SFRWQCB. Preparation and submittal of a SWPPP prior to the commencement of grading activities and implementation of the SWPPP during construction activities would also be required.</p>

Section	Page Number	Identified Revision
		<p>The primary objective of the SWPPP is to identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in stormwater discharges and authorize non-stormwater discharges from the construction site during construction activities. BMPs may include programs, technologies, processes, practices, and devices that control, prevent, remove, or reduce pollution. The SWPPP would also address BMPs developed specifically to reduce pollutants in stormwater discharges following the completion of construction activities.</p> <p>Compliance with of the regulatory controls discussed above, which include implementation of a SWPPP with site-specific BMPs during project construction, compliance with City’s Municipal Code, Chapter 12.60 Stormwater Management, and usage of the SCVURPPP Stormwater Guidance Handbook, would minimize risk of erosion and sedimentation from alteration and addition of new impervious surfaces at the Site during demolition and construction. Therefore, demolition and construction impacts would be less than significant.</p> <p>OPERATION</p> <p>Stormwater within the existing facility flows via surface sheet flow to existing local gutters and storm drains. Under the Project, stormwater would be managed through stormwater catchment, treatment, dispersal, and drainage systems designed to capture, convey and treat stormwater runoff onsite. The Project would implement standard LID design criteria to manage stormwater runoff and protect water quality of receiving waterbodies by reducing the overall volume of runoff from impervious surfaces and pollutants to the maximum extent practicable. The Project would implement stormwater drainage that is designed to mitigate post-development flows to a level that is no greater than existing conditions. <u>Should any permanent work or temporary traffic control be required on Caltrans’ right-of-way, an Encroachment Permit will be obtained from Caltrans. A Hydraulic Report will be required as part of the Encroachment Permit package to evaluate stormwater drainage associated with the Project.</u> Therefore, operational impacts would be less than significant.</p> <p>Level of Significance Before Mitigation Less than Significant Impact.</p> <p>Mitigation Measures No mitigation required.</p> <p>Level of Significance After Mitigation Less than Significant Impact.</p>

Section	Page Number	Identified Revision
4.9	4.111	<p>4.9.3 IMPACTS ANALYSIS</p> <p>4.9.3.1 Methodology</p> <p>Short-term ambient noise level measurements were used to provide baseline noise conditions at nearby sensitive receptors and within the Site and vicinity. For the purpose of this analysis, potential sensitive receptors were determined by reviewing aerial photography of the Project vicinity in 2024 and from Site observations.</p> <p>Impacts from Project-related traffic was estimated using peak hour trip generation numbers contained within the transportation technical study prepared by Stantec in April 2024 (Stantec 2024) and the 2022 Annual Average Daily Traffic volumes for El Camino Real published on the Caltrans Traffic Census Program website. Noise from the Project's stationary mechanical systems, such as air handling units and exhaust fans, and operational activities were analyzed based on site conditions. <u>The Judicial Council does not anticipate the use of piles for this Project.</u></p> <p>The FHWA Roadway Construction Noise Model (RCNM) was used to estimate the impact from short-term construction activities. The RCNM is used as the FHWA's national standard for predicting noise generated from construction activities. The RCNM analysis includes the calculation of noise levels at a defined distance for a variety of construction equipment. The spreadsheet inputs include acoustical use factors and distance to receptors and calculates the expected Lmax values and Leq values at a selected receptor. The RCNM output files are provided in Appendix J.</p> <p>Groundborne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, taking into account the distance from construction activities to nearby structures and typically applied criteria for structural damage and human annoyance.</p>
5.4.7	5.9	<p>Hazardous materials impacts associated with past or current uses of a project site usually occur on a project-by-project basis and are site-specific rather than regional in nature. Any hazardous materials uncovered during construction activities would be managed consistent with applicable federal, state, and local laws as well as mitigation measures HAZ-1 through and HAZ-2 HAZ-3. In addition, the use, storage, transport, disposal of hazardous materials would be managed in accordance with applicable federal and state requirements to limit risk of exposure. Other projects considered in this cumulative analysis that could create similar hazardous material effects during standard demolition and construction activities would also be required to comply with measures that would minimize and/or avoid exposure of hazardous materials to people or the environment. Therefore, there would be no cumulative impact associated with hazardous materials use, storage, transport, or accidental spills.</p>

Section	Page Number	Identified Revision
7.5.2.4	7.12	<p>BIO-1: If demolition and/or construction (including any tree removal) occurs during the typical nesting season (February 1 through September 1) a pre-construction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed at a minimum of two weeks <u>no more than 7 days</u> prior to the start of Project demolition and/or construction activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. During vegetation removal, if an active nest is identified within the Site, a biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.</p>
7.5.2.4	7.15	<p>HAZ-2: Preparation of a site-specific HASP to protect the health and safety of construction workers and the environment. The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120). The HASP shall be made available to construction workers for review prior to starting work at the Site. The HASP shall identify potential hazards (including stained or odorous soils at any location where earth-moving activities would occur within the proposed development area), chemicals of concern (e.g., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered onsite during construction activities that <u>would necessitate</u> the Judicial Council shall <u>to</u> retain a licensed environmental professional <u>or equivalent</u> to conduct a Phase II ESA that includes appropriate soil and/or groundwater analysis, and potential soil vapor analysis. Recommendations contained in the <u>The Phase II ESA to shall include recommendations to</u> address any contamination that is discovered during <u>demolition and/or construction activities</u> the investigation shall be implemented before re-initiating ground-disturbing activities in these areas. The HASP shall also require notification of the appropriate federal, state, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, Department of Toxic Substance Control, the Sunnyvale Department of Public Safety (i.e., designated CUPA), County of Santa Clara Department of Environmental Health, and/or other appropriate federal or state regulatory agencies.</p>
Appendix D – BRTR 6.3.2	31	<p>If tree removal occurs during the typical nesting season (February 1 through September 1) the Project would implement avoidance and minimization measures to avoid impacts to migratory nesting birds. If tree removal occurs during the typical nesting season (February 1 through September 1), a preconstruction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed at a minimum of two weeks <u>no more than 7 days</u> prior to the start of Project <u>demolition and/or construction</u> activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. A biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.</p>

APPENDICES

Appendix A Mitigation Monitoring and Reporting Program



New Sixth Appellate District Courthouse Project

Mitigation Monitoring and Reporting Program

SCH Number 2024040386

Prepared for:
Judicial Council of California

OCTOBER 2024

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NEW SIXTH APPELLATE DISTRICT COURTHOUSE

Mitigation Monitoring and Reporting Program

Prepared for:

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- 1 MITIGATION MONITORING AND REPORTING PROGRAM 1.1**
- 1.1 California Environmental Quality Act Requirement 1.1
- 1.2 Purpose of Mitigation and Monitoring and Reporting Program 1.1
- 1.3 Roles and Responsibilities 1.1
- 1.4 Support Documentation..... 1.2

Acronyms and Abbreviations

AMP	Archaeological Monitoring Plan
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
HASP	Site-specific Health and Safety Plan
Judicial Council	Judicial Council of California
MMRP	Mitigation Monitoring and Reporting Program
NWIC	Northwest Information Center
Project	New Sixth Appellate District Courthouse Project
Site	Project site
WEAP	Worker’s Environmental Awareness Program

1 Mitigation Monitoring and Reporting Program

1.1 California Environmental Quality Act Requirement

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the New Sixth Appellate District Courthouse Project (Project or proposed Project), as set forth in the Environmental Impact Report (EIR).

The Judicial Council of California (Judicial Council) is the lead agency that must adopt the MMRP for development and operation of the Project. This report will be kept on file with the Judicial Council, 455 Golden Gate Avenue, San Francisco, CA 94102.

1.2 Purpose of Mitigation and Monitoring and Reporting Program

The intent of the MMRP is for the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by the Judicial Council staff, construction contractors, and others responsible for Project implementation.

This document identifies the individual mitigation measures, the party responsible for monitoring implementation of the measure, the timing of implementation, and space to confirm implementation of the mitigation measures.

1.3 Roles and Responsibilities

The Judicial Council will oversee monitoring and documenting the implementation of mitigation measures. The Judicial Council or its construction contractor is responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures may require coordination with one or more other public agencies in implementing mitigation measures specified herein.

1.4 Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request. This MMRP will be kept on file at:

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

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
Biological Resources					
<p>Impact a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p> <p>The Project Site does provide potentially suitable habitat for migratory nesting birds in the form of large trees and shrubs. Disturbances to nesting birds through construction noise, vibrations, possible tree removal, and human presence could have a potentially significant impact on nesting birds.</p>	<p>Mitigation Measure</p> <p>BIO-1: If demolition and/or construction (including any tree removal) occurs during the typical nesting season (February 1 through September 1) a pre-construction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed no more than 7 days prior to the start of Project demolition and/or construction activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. During vegetation removal, if an active nest is identified within the Site, a biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>If demolition and/or construction occurs between February 1 through September 1, the Judicial Council and its contractor(s) will conduct a pre-construction nesting bird survey no more than 7 days prior to the start of demolition and/or construction activities. Pre-construction surveys shall be repeated if demolition and/or construction activities lapse for more than 7 days. If nesting birds are detected, the qualified biologist shall establish and maintain suitable avoidance buffers.</p> <p>If demolition and/or construction activities are completed outside of this nesting season, no additional measures are required to avoid adverse effects on nesting birds.</p> <p>Timing: Prior to and during demolition and/or construction activities.</p>	<p>Monitoring: When demolition and/or construction activities must occur during the nesting season, the Judicial Council and its contractor(s) shall retain a qualified biologist to conduct pre-construction nesting bird surveys. If demolition and/or construction activities having potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by the qualified biologist.</p> <p>The qualified biologist shall prepare a letter report documenting the methods and results of the pre-construction nesting bird survey and submit to the Judicial Council.</p>	<p>Surveys</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Report Submittal</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>
<p>Impact e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p> <p>The Project Site does contain large trees, including African yellow trees (<i>Afrocarpus</i> sp.), pepper trees (<i>Schinus</i> sp.), ash trees (<i>Fraxinus</i> sp.) and pine trees (<i>Pinus</i> sp.) on the perimeter of the Site. Some of the trees may fall under the City of Sunnyvale Tree Protection Ordinance (City of Sunnyvale 2024), but removal of trees at the Site may be required. This is considered a potentially significant impact.</p>	<p>Mitigation Measure</p> <p>BIO-1: If demolition and/or construction (including any tree removal) occurs during the typical nesting season (February 1 through September 1) a pre-construction nesting bird survey will be conducted during the nesting season to document any nests on the Site. Nesting bird surveys will be performed no more than 7 days prior to the start of Project demolition and/or construction activities. If an active nest is observed, a protective buffer will be established around the nest to avoid any disturbances. During vegetation removal, if an active nest is identified within the Site, a biological monitor may also be required to monitor the nest during Project activities to ensure there are no disturbances to the nesting bird and prevent nest failure.</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>If demolition and/or construction occurs between February 1 through September 1, the Judicial Council and its contractor(s) will conduct a nesting bird survey no more than 7 days prior to the start of demolition and/or construction activities. Pre-construction surveys shall be repeated if demolition and/or construction activities lapse for more than 7 days. If nesting birds are detected, the qualified biologist shall establish and maintain suitable avoidance buffers. If demolition and/or construction activities are completed outside of this nesting season, no additional measures are required to avoid adverse effects on nesting birds.</p> <p>Timing: Prior to and during demolition and/or construction activities.</p>	<p>Monitoring: When construction activities must occur during the nesting season, the Judicial Council and its contractor(s) shall retain a qualified biologist to conduct pre-construction nesting bird surveys. If demolition and/or construction activities having potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by the qualified biologist.</p> <p>The qualified biologist shall prepare a letter report documenting the methods and results of the pre-construction nesting bird survey and submit to the Judicial Council.</p>	<p>Surveys</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Report Submittal</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>
Cultural Resources					
<p>Impact a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?</p> <p>Depending on the Project's final design and depth of proposed building foundations, Project Site preparation may disturb areas beyond what have been previously disturbed. In addition, the existing Site utilities would be expanded, which could require additional excavation in previously undisturbed areas. Therefore, excavations related to Project construction could encounter archaeological deposits and result in an adverse change to a buried archaeological deposit that could qualify as a historical resource. Thus, potentially significant impacts related to buried archaeological deposits could result from construction of the Project</p>	<p>Mitigation Measure</p> <p>CUL-1: Development of an Archaeological Monitoring Plan [AMP] and Archaeological Monitoring.</p> <p>a. Prior to any Project-related ground disturbance, an Archaeological Monitoring Plan (AMP) shall be developed by a qualified archaeologist who meets the Secretary of the Interior's (SOI) Professional Qualifications Standards for Archaeology for review and approval by the Judicial Council.</p> <p>i. The AMP shall include but not limited to: 1) archaeological monitoring methods specific to Project grading, utilities, and foundation exaction; 2) protocols and a chain of contact if unanticipated archaeological discoveries are encountered during Project-related ground disturbance; 3) a summary of documentation procedures for unanticipated discoveries; 4) a description of the types of archaeological deposits that are likely to be encountered specific to the Site; and</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>Prior to Project-related ground disturbance, an Archaeological Monitoring Plan (AMP) shall be developed. During Project-related ground disturbance a qualified archaeologist shall implement the AMP.</p> <p>Prior to Project-related ground disturbance, all workers involved in ground-disturbing activities shall receive cultural resource sensitivity training. The training shall cover procedures for discoveries of archaeological deposits or human remains.</p> <p>In the event that Archaeological Deposits (pre-contact, historic-age, or suspected deposits) are encountered during construction, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council Project Manager shall be notified.</p>	<p>Monitoring: The Judicial Council and its contractors shall ensure final bid, contract, engineering, and site plan (e.g., building, grading, and improvement plans) construction documents include cultural resources mitigation.</p> <p>The Judicial Council and its contractor(s) shall retain a Secretary of the Interior's (SOI) qualified archaeologist to prepare and submit an Archaeological Monitoring Plan (AMP) to the Judicial Council for review and approval. The qualified SOI archaeologist shall implement the AMP and oversee monitoring Project ground disturbing work as outlined in the AMP.</p> <p>The qualified archaeologist shall conduct and ensure all workers involved in ground-disturbing activities receive cultural resource sensitivity training.</p> <p>This training shall be provided once to each worker involved in ground-disturbing activities before they</p>	<p>Archaeological Monitoring Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Cultural Resource Sensitivity Training</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Archaeological Monitoring</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Archaeological Monitoring Report Submittal</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
	<p>5) procedures for evaluating these archaeological deposit types as historical resources or unique archaeological resources pursuant to PRC Section 5024.1 or PRC Section 21083.2(g).</p> <p>b. Prior to any Project-related ground disturbance, the Judicial Council shall retain the services of an SOI qualified archaeologist to implement the AMP and oversee archaeological monitoring of</p> <p>Project grading, utilities, and foundation excavation pursuant to the AMP.</p> <p>i. If archaeological deposits are encountered during Project-related ground disturbance, the monitoring archaeologist shall have the authority to stop work in the area (50-foot radius) and implement the procedures outlined in the AMP.</p> <p>ii. Work shall not resume until the monitoring archaeologist under the oversight if the SOI qualified archaeologist and, in consultation with the Judicial Council, determines that all applicable protocols of the AMP have been met and that the archaeological deposit does not qualify as a historical resource or unique archaeological resource pursuant to PRC Section 5024.1 or PRC Section 21083.2(g) and no further archaeological investigation is necessary.</p> <p>iii. Should the monitoring archaeologist under the oversight of the SOI qualified archaeologist and, in consultation with the Judicial Council, determine the archaeological deposit does qualify as a historical resource or unique archaeological resource pursuant to PRC Section 5024.1 or PRC Section 21083.2(g), a treatment plan with appropriate protection and preservation measure will be developed for review, approval, and implementation by the Judicial Council to mitigate impacts to the resource.</p> <p>iv. Following the completion of all ground disturbance associated with Project construction, the results of the archaeological monitoring will be summarized in a technical document. The technical document shall be provided to the Judicial Council for review and approval and submitted to the NWIC.</p> <p>CUL-2: Conduct cultural resource sensitivity training.</p> <p>Prior to any Project-related ground disturbance, the Judicial Council shall retain the services of an SOI qualified archaeologist to oversee and ensure that all construction workers involved in ground-disturbing activities receive cultural resource sensitivity training by an archaeologist who is experienced in teaching non-specialists to recognize archaeological resources in the event that any are discovered during construction. Construction staff directly overseeing or engaged in ground-disturbing activities must participate in this training. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work and shall be documented in training records submitted to the Judicial Council. This training shall be administered as standalone trainings or</p>	<p>Work shall not resume until the monitoring archaeologist under the oversight if the SOQ qualified archaeologist and, in consultation with the Judicial Council, determines that all applicable protocols of the AMP have been met and that the archaeological deposit does not qualify as a historical resource or unique archaeological resource pursuant to PRC Section 5024.1 or PRC Section 21083.2(g) and no further archaeological investigation is necessary.</p> <p>If human remains are discovered, the qualified archaeologist shall stop all work within a 50-foot radius and immediately contact the County Coroner as required by existing law. The qualified archaeologist shall also notify the Judicial Council Project Manager of the discovery and that the County Coroner was contacted.</p> <p>Following completion of Project ground disturbance, the Judicial Council's qualified archaeologist shall summarize the archaeological monitoring in a technical document submitted to the Judicial Council and submit any findings documenting resource and data recovery to the Northwest Information Center (NWIC).</p> <p>Timing: Prior to and during Project-related ground disturbance.</p>	<p>begin work and shall be documented in training records submitted to the Judicial Council.</p> <p>The Judicial Council shall review the AMP for compliance with the mitigation measures. The Judicial Council shall review all reports from the qualified archaeologist for compliance with the mitigation measures and the approved AMP.</p> <p>In the event an Archaeological Deposit is encountered and the qualified archaeologist determines that it meets the definition of a historic or unique resource, the qualified archaeologist shall follow the procedures outlined in the AMP and coordinate with the Judicial Council's Project Manager to develop an appropriate treatment plan for the resource(s) and submit to the Judicial Council.</p> <p>The Judicial Council shall review any treatment plan for compliance with the mitigation measures. The Judicial Council shall review all reports from the qualified archaeologist for compliance with the approved treatment plan(s).</p> <p>In the event human remains are discovered, the Judicial Council shall ensure remains shall be treated in accordance with existing state laws, including California PRC Section 5097.98 and California Health and Safety Code Section 7050.5</p>	<p>Initials: _____ Date: _____</p> <p>Archaeological Treatment Plan (if applicable)</p> <p>Initials: _____ Date: _____</p> <p>Reporting/Notification (if applicable)</p> <p>Initials: _____ Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
	<p>included as part of the overall environmental awareness training required by the Project. The training shall include, at minimum, the following:</p> <ul style="list-style-type: none"> the appearance and types of cultural and archaeological resources that are likely to be encountered. the notification procedures and protocols to be taken in the event of an inadvertent cultural or archaeological resource discovery. the penalties for disturbing or destroying cultural resources. <p>CUL-3: Stop Work if Archaeological Deposits and/or Human Remains Are Encountered During Ground-Disturbing Activities. If archaeological deposits are encountered during Project-related ground disturbance, work in the area (50-foot radius) shall stop immediately and the procedures outlined in the AMP will be implemented. If any human remains are discovered during ground-disturbing activities, there shall be no further excavation or disturbance of the Site, or any nearby area reasonably suspected to overlie adjacent human remains. These remains shall be treated in accordance with existing state laws, including California PRC Section 5097.98 and California Health and Safety Code Section 7050.5.</p>				
<p>Impact b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</p> <p>According to the State CEQA Guidelines, archaeological sites that do not qualify as historical resources shall be assessed to determine if they qualify as “unique archaeological resources” (PRC Section 21083.2; State CEQA Guidelines Section 15064.5[c][3]). As discussed above, excavations related to Project construction could encounter archaeological deposits and result in an adverse change to a buried archaeological deposit that could qualify as an archaeological resource. Thus, potentially significant impacts related to unidentified archaeological resources could result from construction of the Project.</p>	<p>Mitigation Measure</p> <p>CUL-1: Development of an Archaeological Monitoring Plan (AMP) and Archaeological Monitoring.</p> <p>CUL-2: Conduct cultural resource sensitivity training.</p> <p>CUL-3: Stop Work if Archaeological Deposits and/or Human Remains Are Encountered During Ground-Disturbing Activities</p> <p>Refer to Impact a. for a complete statement of mitigation measures CUL-1, CUL-2, and CUL-3.</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>Refer to Impact a. for a complete statement of responsibilities for implementing mitigation measures CUL-1, CUL-2, and CUL-3.</p> <p>Timing: Prior to and during Project-related ground disturbance</p>	<p>Monitoring: The Judicial Council and its contractor(s) shall ensure final bid, contract, engineering and site plan (e.g., building, grading, and improvement plans) construction documents include cultural resource mitigation.</p> <p>Refer to Impact a. for a complete statement of monitoring activities for CUL-1, CUL-2, and CUL-3.</p>	<p>Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Treatment Plan</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>
<p>Impact c. Disturb any human remains, including those interred outside of dedicated cemeteries?</p> <p>Based on the records search results and the desktop archaeological sensitivity assessment described above, excavations related to Project construction could result in substantial adverse changes to historical resources and/or archaeological deposits that may contain human remains. Thus, potentially significant impacts and disturbance of human remains outside of dedicated cemeteries could result from construction of the Project.</p>	<p>Mitigation Measure</p> <p>CUL-1: Development of an Archaeological Monitoring Plan and Archaeological Monitoring.</p> <p>CUL-2: Conduct cultural resource sensitivity training.</p> <p>CUL-3: Stop Work if Archaeological Deposits and/or Human Remains Are Encountered During Ground-Disturbing Activities</p> <p>Refer to Impact a. for a complete statement of mitigation measures CUL-1, CUL-2, and CUL-3.</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>If human remains are discovered, the qualified archaeologist shall stop all work within a 50-foot radius and immediately contact the County Coroner as required by existing law. The qualified archaeologist shall also notify the Judicial Council Project Manager of the discovery and that the County Coroner was contacted.</p> <p>Refer to Impact a. for a complete statement of responsibilities for implementing mitigation measures CUL-1, CUL-2, and CUL-3.</p> <p>Timing Human remains are found during Project implementation.</p>	<p>Monitoring: The Judicial Council and its contractor(s) shall ensure final bid, contract, engineering and site plan (e.g., building, grading, and improvement plans) construction documents include cultural resource mitigation.</p> <p>In the event human remains are discovered, the Judicial Council shall ensure remains shall be treated in accordance with existing state laws, including California PRC Section 5097.98 and California Health and Safety Code Section 7050.5.</p> <p>Refer to Impact a. for a complete statement of monitoring activities for CUL-1, CUL-2, and CUL-3.</p>	<p>Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Surveys</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Report Submittal</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
Geology and Soils					
<p>Impact f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Should Project activities exceed five feet in depth and encounter previously undisturbed sediments, they may encounter paleontological resources. The damage or destruction of scientifically important resources would constitute a significant impact.</p>	<p>Mitigation Measure</p> <p>PALEO-1: A qualified paleontologist meeting professional standards as defined by Murphey et al. (2019) will be retained as the designated Project Paleontologist to oversee a paleontological mitigation program. The Project Paleontologist should draft and oversee the implementation of a Paleontological Mitigation Plan that reviews detailed Project plans and establishes monitoring plans that provide for paleontological monitoring of earthwork and ground-disturbing activities into undisturbed geologic units with high paleontological potential to be conducted by a paleontological monitor meeting industry standards (Murphey et al. 2019). This plan should include provisions for worker training, depths and locations for monitoring, monitoring procedures, a fossil discovery plan in the event a fossil is found during construction, including a plan for assessment and treatment, and requirements for final reporting of the results of the mitigation program. The plan should include a review of geotechnical data, if available, to refine the depth at which Pleistocene-aged sediments are present.</p> <p>PALEO-2: Full-time paleontological monitoring should be implemented once excavations reach five feet in depth in previously undisturbed sediments across the Project area. The Project Paleontologist may alter the frequency or depth of monitoring based on subsurface conditions.</p> <p>PALEO-3: The Project Paleontologist should develop a Worker’s Environmental Awareness Program (WEAP) training outlining the requirements and procedures if inadvertent discovery of fossils is identified during construction, to be delivered by the paleontological monitor. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work and shall be documented in training records submitted to the Judicial Council.</p> <p>PALEO-4: In the event fossils are encountered during construction activities, all work must stop in the immediate vicinity of the finds while the paleontological monitor documents the find. The Project Paleontologist shall assess the discovery. Should the Project Paleontologist assess the discovery as meeting criteria of scientific importance to be considered a paleontological resource, the discovery shall be collected and curated in an accredited repository along with all necessary associated data and curation fees.</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>Prior to Project-related ground disturbance, a Paleontological Mitigation Plan shall be developed. Prior to starting ground disturbing activities, all workers involved in ground-disturbing activities shall receive paleontological Worker’s Environmental Awareness Program (WEAP) training. During Project ground disturbance activities, monitoring will be implemented as outlined in the Paleontological Mitigation Plan and will include full time monitoring once excavations reach five feet in depth, or altered depth by the Project Paleontologist, in previously undisturbed sediments. In the event that fossils are discovered during ground disturbance activities, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council’s Project Manager shall be notified, and the Project paleontologist shall document and assess the discovery within 48 hours to determine if it meets the criteria of scientific importance to be considered a paleontological resource. If the discovery is confirmed as a paleontological resource, it shall be collected and curated in an accredited repository along with all necessary associated data and curation fees.</p> <p>During Project ground disturbance activities, if fossils are discovered, the Project paleontologist will assess the discovery and recommend further action if needed.</p> <p>Timing: Prior to and during Project-related ground disturbance.</p>	<p>Monitoring: The Judicial Council and its contractor(s) shall retain a qualified paleontologist (Project paleontologist) to draft and submit a Paleontological Mitigation Plan, including the development of a Worker’s Environmental Awareness Program (WEAP) training to the Judicial Council for review and approval. The Project paleontologist will oversee implementation of the plan once approved.</p> <p>The Project paleontologist will monitor ground disturbing Project activities as outlined in the Paleontological Mitigation Plan and will monitor full-time once excavations reach five feet in depth, or otherwise altered depth, in previously undisturbed sediments.</p> <p>The Project paleontologist shall ensure all workers involved in ground-disturbing activities receive paleontological Worker’s Environmental Awareness Program (WEAP) training. The qualified paleontologist will submit training records, including attendance, to the Judicial Council. Copies of all documentation shall be kept on file with the Judicial Council.</p> <p>Following the completion of Project ground disturbance and the monitoring program, the Project paleontologist will draft a paleontological monitoring report to document compliance with the Project’s Mitigation Measures, for approval by the Judicial Council. If fossils are curated as part of the monitoring program, the report will also be provided to the repository.</p>	<p>Plan Submittal Initials: _____ Date: _____</p> <p>Monitoring Initials: _____ Date: _____</p> <p>WEAP Training Records Initials: _____ Date: _____</p> <p>Paleontological Resources Report (if applicable) Initials: _____ Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
Hazardous Materials					
<p>Impact a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p> <p>The quantities of hazardous materials that will be used onsite during construction will be limited to the quantities required to complete construction of the Project. The potential exists for fuels, oil, and grease to drip from construction equipment. The volume of incidental drips of petroleum products is not anticipated to require clean up or disposal of hazardous materials. Spills of fuel may occur during onsite refueling operations if refueling operations are not conducted properly. Thus, potentially significant impacts from hazardous materials could result from construction of the Project.</p>	<p>Mitigation Measure</p> <p>HAZ-1: Preparation of a Hazardous Materials Management Plan. Structures to be demolished containing asbestos and lead paint shall be appropriately handled prior to demolition at the Site and disposed in accordance with an Asbestos and Lead Paint Management Plan prepared by the contractor and submitted to the Judicial Council for review and approval prior to initiating demolition activities. Prior to demolition of the Site hazardous materials or other universal wastes onsite shall be inventoried, packaged, removed, and disposed of in accordance with a Hazardous Materials Management Plan prepared by the contractor and submitted to the Judicial Council for review and approval prior to initiating demolition activities. Hazardous materials used during construction shall be limited to the quantities required for construction and shall be stored and handled in accordance with regulatory requirements. Utility trucks and refueling trucks operating onsite shall have a spill kit onboard at all times. Small spills of petroleum products or other hazardous materials during construction operations shall be reported to the construction supervisor and a spill response form completed with a description of the type and quantity of the spill accompanied by photographs and a description of the disposition of the spill material. Hazardous spill material shall be disposed according to regulatory requirements. In the event of a large spill of hazardous materials equal to or above reportable quantities federal, state, and applicable local reporting requirements shall be followed.</p> <p>HAZ-2: Preparation of a site-specific Health and Safety Plan (HASP) to protect the health and safety of construction workers and the environment. The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120). The HASP shall be made available to construction workers for review prior to starting work at the Site. The HASP shall identify potential hazards (including stained or odorous soils at any location where earth-moving activities would occur within the proposed development area), chemicals of concern (e.g., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered onsite during construction activities that would necessitate the Judicial Council to retain a licensed environmental professional or equivalent to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis, and potential soil vapor analysis. The Phase II Environmental Site Assessment shall include</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>A licensed environmental professional or equivalent shall develop a Hazardous Materials Management Plan and an Asbestos and Lead Paint Management Plan for hazardous materials that are to be removed from the Project Site including a plan for material disposal. These plans shall be submitted to the Judicial Council. The Judicial Council's contractor shall prepare a site-specific Health and Safety Plan (HASP) in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association (OSHA) regulations and approved by a competent person as defined by OSHA. The HASP shall identify potential hazards, chemicals of concern, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered on site during ground disturbing activities which may necessitate conducting a Phase II Environmental Site Assessment and/or agency notification.</p> <p>Timing: Prior to and/or during any demolition and/or construction activities.</p>	<p>Monitoring: The Judicial Council's contractor shall prepare and submit a Hazardous Materials Management Plan and an Asbestos and Lead Paint Management Plan to Judicial Council review prior to site demolition.</p> <p>The Judicial Council's contractor shall document compliance with the Hazardous Materials Management Plan and the Asbestos and Lead Paint Management Plan during demolition and construction and submit documentation to Judicial Council. Copies of all documentation shall be kept on file with the Judicial Council.</p> <p>In the case of small spills of hazardous material(s) during construction the Judicial Council's contractor shall document the event using a spill response form submitted to Judicial Council. Copies of all documentation shall be kept on file with the Judicial Council</p> <p>The Judicial Council's contractor shall submit its site-specific Health and Safety Plan (HASP) to Judicial Council for review. The HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings.</p> <p>In the event stained or odorous soil is encountered during ground disturbance activities, the Judicial Council shall retain a licensed environmental professional or equivalent to conduct a Phase II Environmental Site Assessment and notify the appropriate agencies if evidenced and required.</p>	<p>Plan Submittal Initials: _____ Date: _____</p> <p>Spill Response Form Submittal (if applicable) Initials: _____ Date: _____</p> <p>HASP Submittal Initials: _____ Date: _____</p> <p>Agency Notification (if applicable) Initials: _____ Date: _____</p> <p>Phase II Environmental Site Assessment (if applicable) Initials: _____ Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
	<p>recommendations to address any contamination that is discovered during demolition and/or construction activities before re-initiating ground-disturbing activities in these areas. The HASP shall also require notification of the appropriate federal, state, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, Department of Toxic Substance Control, the Sunnyvale Department of Public Safety (i.e., designated CUPA), County of Santa Clara Department of Environmental Health, and/or other appropriate federal or state regulatory agency.</p>				
<p>Impact b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p>The Project includes the demolition of the existing courthouse facilities. Given that the Project would demolish existing long-standing structures that contain ACMs and LBPs, workers and the public may be exposed to asbestos and lead via inhalation of demolition dust. The Project also has the potential to create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment should subsurface soil impacts be encountered during demolition and construction. Thus, potentially significant impacts from hazardous materials could result from construction of the Project.</p>	<p>Mitigation Measure</p> <p>HAZ-1: Preparation of a Hazardous Materials Management Plan. Structures to be demolished containing asbestos and lead paint shall be appropriately handled prior to demolition at the Site and disposed in accordance with an Asbestos and Lead Paint Management Plan prepared by the contractor and submitted to the Judicial Council for review and approval prior to initiating demolition activities. Prior to demolition of the Site hazardous materials or other universal wastes onsite shall be inventoried, packaged, removed, and disposed of in accordance with a Hazardous Materials Management Plan prepared by the contractor and submitted to the Judicial Council for review and approval prior to initiating demolition activities. Hazardous materials used during construction shall be limited to the quantities required for construction and shall be stored and handled in accordance with regulatory requirements. Utility trucks and refueling trucks operating onsite shall have a spill kit onboard at all times. Small spills of petroleum products or other hazardous materials during construction operations shall be reported to the construction supervisor and a spill response form completed with a description of the type and quantity of the spill accompanied by photographs and a description of the disposition of the spill material. Hazardous spill material shall be disposed according to regulatory requirements. In the event of a large spill of hazardous materials equal to or above reportable quantities federal, state, and applicable local reporting requirements shall be followed.</p> <p>HAZ-2: Preparation of a site-specific Health and Safety Plan (HASP) to protect the health and safety of construction workers and the environment. The HASP shall be prepared in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120). The HASP shall be made available to construction workers for review prior to starting work at the Site. The HASP shall identify potential hazards (including stained or odorous soils at any location where earth-moving activities would occur within the proposed development area), chemicals of</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>A licensed environmental professional or equivalent shall develop a Hazardous Materials Management Plan and an Asbestos and Lead Paint Management Plan for hazardous materials that are to be removed from the Project Site including a plan for material disposal. These plans shall be submitted to the Judicial Council. The Judicial Council's contractor shall prepare a site-specific Health and Safety Plan (HASP) in accordance with Title 8 of the CCR State and federal Occupational Safety and Health Association (OHSA) regulations and approved by a competent person as defined by OSHA. The HASP shall identify potential hazards, chemicals of concern, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered on site during ground disturbing activities which may necessitate conducting a Phase II Environmental Site Assessment and/or agency notification.</p> <p>Timing: Prior to and/or during any demolition and/or construction activities.</p>	<p>Monitoring: The Judicial Council's contractor shall prepare and submit a Hazardous Materials Management Plan and an Asbestos and Lead Paint Management Plan to Judicial Council review prior to site demolition.</p> <p>The Judicial Council's contractor shall document compliance with the Hazardous Materials Management Plan and the Asbestos and Lead Paint Management Plan during demolition and construction and submit documentation to Judicial Council. Copies of all documentation shall be kept on file with the Judicial Council.</p> <p>In the case of small spills of hazardous material(s) during construction the Judicial Council's contractor shall document the event using a spill response form submitted to Judicial Council. Copies of all documentation shall be kept on file with the Judicial Council</p> <p>The Judicial Council's contractor shall submit its site-specific Health and Safety Plan (HASP) to Judicial Council for review. The HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings.</p> <p>In the event stained or odorous soil is encountered during ground disturbance activities, the Judicial Council shall retain a licensed environmental professional to conduct a Phase II Environmental Site Assessment and notify the appropriate agencies if evidenced and required.</p>	<p>Plan Submittal Initials: _____ Date: _____</p> <p>Spill Response Form Submittal (if applicable) Initials: _____ Date: _____</p> <p>HASP Submittal Initials: _____ Date: _____</p> <p>Agency Notification (if applicable) Initials: _____ Date: _____</p> <p>Phase II Environmental Site Assessment (if applicable) Initials: _____ Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
	<p>concern (e.g., volatile organic compounds, heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall provide direction in the event stained or odorous soil is encountered onsite during construction activities that would necessitate the Judicial Council to retain a licensed environmental professional or equivalent to conduct a Phase II Environmental Site Assessment that includes appropriate soil and/or groundwater analysis, and potential soil vapor analysis. The Phase II Environmental Site Assessment shall include recommendations to address any contamination that is discovered during demolition and/or construction activities before re-initiating ground-disturbing activities in these areas. The HASP shall also require notification of the appropriate federal, state, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the RWQCB, Department of Toxic Substance Control, the Sunnyvale Department of Public Safety (i.e., designated CUPA), County of Santa Clara Department of Environmental Health, and/or other appropriate federal or state regulatory agencies.</p>				
Tribal and Cultural Resources					
<p>Impact a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074?</p> <p>Although not expected, archaeological deposits that may qualify as tribal cultural resources could be encountered during Project excavation. Such resources may be eligible for listing in the CRHR or a local register of historical resources, or the lead agency, in its discretion and supported by substantial evidence, could determine the resources to be significant pursuant to the criteria set forth in subdivision (c) of PRC Section 5024.1. Should deposits be encountered during Project excavation, this could result in an adverse change to a tribal cultural resource. Thus, potentially significant impacts related to tribal cultural resources could result from construction of the Project.</p>	<p>Mitigation Measure</p> <p>CUL-1: Development of an Archaeological Monitoring Plan and Archaeological Monitoring.</p> <p>CUL-2: Conduct cultural resource sensitivity training.</p> <p>CUL-3: Stop Work if Archaeological Deposits and/or Human Remains Are Encountered During Ground-Disturbing Activities.</p> <p>Refer to Cultural Resources Impact a. for a complete statement of mitigation measures CUL-1, CUL-2, and CUL-3.</p> <p>TCR-1: Inadvertent/Unanticipated Tribal Cultural Resources Discovery Protocols. If tribal cultural resources or potential tribal cultural resources are discovered during Project implementation, all activities within a 50-foot radius of the find shall be stopped, the Judicial Council's Project Manager and Tribal Representative from the Amah Mutsun Tribal Band of Mission San Juan Bautista shall be immediately notified. The Tribal Representative(s) shall evaluate the find(s) within 48-hours and make recommendations to the Judicial Council if it meets the definition of a tribal cultural resource (PRC Section 21074) and follow the procedures below. The qualified archaeologist shall make recommendations to the Judicial Council and the Judicial Council will make the determination. Should the Amah Mutsun Tribal Band of Mission San Juan Bautista be unable to evaluate the find(s) within this defined</p>	<p>Implementation: The Judicial Council and its contractor(s).</p> <p>If potential tribal cultural resources are discovered during ground disturbing activities, the qualified archaeologist shall stop work within 50-feet of the discovery and notify the Judicial Council Project Manager and a Tribal Representative from the Amah Mutsun Tribal Band of Mission San Juan Bautista. The Tribal Representative shall evaluate the find(s) within 48-hours and make recommendations to the Judicial Council Project Manager. The qualified archaeologist shall make recommendations to the Judicial Council Project Manager regarding the identification of tribal cultural resources and culturally appropriate treatment.</p> <p>Tribal Representative(s) from the Amah Mutsun Tribal Band of Mission San Juan Bautista, if available, shall make recommendations regarding the culturally appropriate treatment and disposition of such find(s) and significant impacts to such tribal cultural resources shall be mitigated in accordance with the recommendations of the Amah Mutsun Tribal Band of Mission San Juan Bautista prior to resuming construction activities within the 50-foot radius.</p> <p>Refer to Cultural Resources Impact a. for a complete statement of responsibilities for implementing mitigation measures CUL-1, CUL-2, and CUL-3.</p> <p>Timing: Prior to and during Project-related ground disturbance.</p>	<p>Monitoring: The Judicial Council and its contractor(s) shall ensure final bid, contract, engineering and site plan (e.g., building, grading, and improvement plans) construction documents include cultural resource and tribal cultural resource mitigation.</p> <p>The Judicial Council shall review any recommendations by the Tribal Representative and those of the qualified archaeologist regarding tribal cultural resource(s) and the culturally appropriate treatment of tribal cultural resources for compliance with the mitigation measures and applicable law. The Judicial Council shall make the determination.</p> <p>In the event human remains are discovered, the Judicial Council shall ensure remains shall be treated in accordance with existing state laws, including California PRC Section 5097.98 and California Health and Safety Code Section 7050.5</p> <p>Refer to Cultural Resources Impact a. for a complete statement of monitoring activities for CUL-1, CUL-2, and CUL-3.</p>	<p>Archaeological Monitoring Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Cultural Resource Sensitivity Training</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Archaeological Monitoring</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Archaeological Monitoring Report Submittal</p> <p>Initials: _____</p> <p>Date: _____</p> <p>Archaeological Treatment Plan (if applicable)</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/Timing	Monitoring Responsibility	Verified Implementation	Status
	<p>period, only the qualified archaeologist shall make the recommendation.</p> <p>i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource, or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation.</p> <p>ii. If the find(s) does meet the definition of a tribal cultural resource, then it shall be avoided by Project activities and preserved in place, if feasible. The contractor shall implement any measures deemed by the Judicial Council to be necessary and feasible to preserve in place, avoid, or minimize impacts to the tribal cultural resource. If avoidance is not feasible, as determined by the Judicial Council, the Tribal Representative(s) from the Amah Mutsun Tribal Band of Mission San Juan Bautista, if available, shall make recommendations regarding the culturally appropriate treatment and disposition of such find(s) and significant impacts to such tribal cultural resources shall be mitigated in accordance with the recommendations of the Amah Mutsun Tribal Band of Mission San Juan Bautista prior to resuming construction activities within the 50-foot radius.</p>			<p>Reporting/Notification (if applicable) Initials: _____ Date: _____</p> <p>Tribal Notification (if applicable) Initials: _____ Date: _____</p>	