

March 2018

ASCENT  
ENVIRONMENTAL

## ENVIRONMENTAL IMPACT REPORT ADDENDUM

# New Sacramento Courthouse

SCH # : 2011012045

**PREPARED FOR:**

Judicial Council of California  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833





**Environmental Impact Report Addendum**  
**For the**  
**New Sacramento Courthouse**

State Clearinghouse#: 2011012045

**PREPARED FOR:**

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**March 2018**



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## ACRONYMS AND ABBREVIATIONS

ATP	Archaeological Testing Plan
BMPs	best management practices
CEQA	California Environmental Quality Act
CSS	combined sewer system
diesel PM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
HABS	Historic American Building Survey
JCC's	Judicial Council of California's
LEED	Leadership in Energy and Environmental Design
MT CO <sub>2e</sub>	metric tons of carbon dioxide equivalent
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
ORMU	Office Residential Mixed Use"
project	New Sacramento Criminal Courthouse Project
PS&E	plans, specifications, and estimates
RSP	Railyards Specific Plan
RSPU	Railyards Specific Plan Update
RWQCB	Regional Water Quality Control Board's
SB	Senate Bill
SEIR	subsequent environmental impact report
sf	square feet
SMUD	Sacramento Municipal Utility District
SRWWTP	Sacramento Regional Wastewater Treatment Plant
TAC	Toxic Air Contaminant
VELB	Valley elderberry longhorn beetle

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# 1 INTRODUCTION AND PROJECT HISTORY

## 1.1 OVERVIEW

The Judicial Council of California (JCC) approved the New Sacramento Criminal Courthouse Project (project) on July 7, 2011. Implementation of the project includes construction and operation of a new courthouse at the Railyards north of downtown Sacramento, California. The proposed project is one of the “immediate and critical need” projects identified in 2008 and will address space constraints and physical and functional deficiencies of the existing Gordon D. Schaber Courthouse.

The JCC is the lead agency for compliance with the California Environmental Quality Act (CEQA). Along with project approval, the JCC certified an Environmental Impact Report (EIR), pursuant to CEQA, which evaluated the environmental impacts of the project. The environmental analysis contained in the EIR provided an evaluation of potentially significant effects on the environment that would occur as a result of implementing the project.

## 1.2 PROJECT BACKGROUND

The JCC is the policymaking body of the California court system. It was created by an amendment to article VI of the California Constitution in 1926. In accordance with the California Constitution and under the leadership of the Chief Justice of the Supreme Court of California, the JCC is responsible for ensuring the "consistent, independent, impartial, and accessible administration of justice." The JCC's staff is responsible for the implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State of California.

Following the Trial Court Facilities Act of 2002, the JCC conducted a survey to assess the physical condition of the state's courthouses. The survey showed that 90 percent of courthouses needed improvements to protect the safety and security of the public, litigants, jurors, and families who are served by California's courts. In October 2008, the JCC identified “immediate and critical need” courthouse projects in an effort to prioritize future courthouse construction and renovation. These projects are located in various counties across the state. Also in 2008, Senate Bill (SB) 1407 was passed by the State legislature and signed by the Governor. SB 1407 identified funding to address the “immediate and critical need” courthouse projects. Funding sources identified in SB 1407 include new court fines and fees and do not draw from the state's general fund.

The New Sacramento Criminal Courthouse is one of the “immediate and critical need” projects identified in 2008. It would be located on Lot 41 in the Railyards, a large site just north of downtown Sacramento, California, as shown on Exhibit 1-1. The site is approximately 2.4 acres in size and is bounded by H Street on the south, 5th Street on the west, G Street on the north and 6th Street on the east. The project would address space constraints and physical and functional deficiencies of the existing Gordon D. Schaber Courthouse by developing a new, approximately 538,000 square-foot (sf) criminal courthouse, including 53 courtrooms, and increased security functions. The Gordon D. Schaber Courthouse, built in 1965 with 22 courtrooms, has been renovated to include 44 courtrooms and is now operating over capacity, making it difficult to schedule hearings, accommodate juries, and provide basic access to judicial services. The Gordon D. Schaber Courthouse also lacks security features that are critical for the safe operation of criminal caseloads. The project would also allow for the consolidation of other facilities leased by the court, currently located in downtown Sacramento. The JCC will request authorization from the California Legislature to dispose of the existing Gordon D. Schaber Courthouse through an agreement with another party.



Source: Adapted by Ascent Environmental in 2018

**Exhibit 1-1**

**Project Location**



In July 2011, the JCC approved the New Sacramento Criminal Courthouse and filed a Notice of Determination after preparing and certifying an EIR pursuant to CEQA. The approved project was described as follows:

1. The acquisition of Lot 41 in the Sacramento Railyards, a property located on H Street, between 5<sup>th</sup> and 6<sup>th</sup> Streets in downtown Sacramento.
2. The construction and operation of an approximately 405,000 sf, and up-to-16 stories high new, criminal courthouse. The new courthouse would include 44 courtrooms, 35 of which would be relocated from Gordon D. Schaber Courthouse in downtown Sacramento and nine of which would be designated for new judicial positions;
3. The consolidation of three other satellite facilities, described below, with a total of 119 existing staff into the new courthouse:
  - a. 800 H Street: Credit Union Building, which housed the court reporters
  - b. 800 9th Street: civil law and motion proceedings, civil settlement conferences, and legal research (routine, non-jury hearings)
  - c. 901 H Street: Finance, Payroll and Human Resources which includes budget and finance, audits, and communications
4. The interior renovation of the Gordon D. Schaber Courthouse in downtown Sacramento. Gordon D. Schaber Courthouse was to be renovated to house all civil cases, including 17 courtrooms and the consolidation of other administrative functions currently housed in leased facilities in downtown Sacramento.

In October 2014, the JCC completed the acquisition of Lot 41 in the Railyards.

## 1.3 PURPOSE OF THIS DOCUMENT

The addendum is intended to evaluate and confirm CEQA compliance for proposed changes to the New Sacramento Criminal Courthouse project, which has been modified from what is described and evaluated in the Final EIR. This addendum is organized as an environmental checklist, and is intended to evaluate all environmental topic areas for any changes in circumstances or the project description, as compared to the certified Final EIR, and determine whether such changes were or were not adequately covered in the certified EIR. This checklist is not the traditional CEQA Environmental Checklist, that is found in Appendix G of the CEQA Guidelines. Rather, the purpose of this analysis is to evaluate the checklist categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the EIR. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

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## 2 CEQA GUIDANCE REGARDING PREPARATION OF AN ADDENDUM TO THE EIR

An addendum to an EIR is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA Section 21166 and CEQA Guidelines Sections 15162, 15163, and 15164. This addendum is intended to evaluate and confirm CEQA compliance for the proposed project, which would be a change to what is described and evaluated in the 2011 EIR.

Altered conditions, changes, or additions to the description of a project that occur after certification of an EIR may require additional analysis under CEQA. The legal principles that guide decisions regarding whether additional environmental documentation is required are provided in the State CEQA Guidelines, which establish three mechanisms to address these changes: a subsequent environmental impact report (SEIR), a Supplement to an EIR, (or) an Addendum to an EIR.

After a lead agency's certification of an EIR, if the lead agency proposes substantial changes to the project or substantial changes to the project's circumstances occur or there is new information of substantial importance, then Section 15162 of the State CEQA Guidelines describes the conditions under which a subsequent environmental impact report (SEIR) may be prepared. When an EIR has been certified for a project, no SEIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines states that a lead agency may choose to prepare a supplement to an EIR rather than a SEIR if:

- (1) any of the conditions described above for Section 15162 would require the preparation of a SEIR;  
and
- (2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

An addendum is appropriate if a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

## **3 PROJECT DESCRIPTION AND DESCRIPTION OF PROPOSED MODIFICATIONS**

### **3.1 PROPOSED PROJECT MODIFICATIONS**

Since the acquisition of Lot 41, the JCC is proposing modifications to the original project as follows:

1. The JCC now proposes to build one courthouse, the New Sacramento Courthouse, that consolidates the civil functions originally to be housed in the renovated Gordon D. Schaber Courthouse and the criminal functions originally planned for the New Sacramento Criminal Courthouse. Both functions would be located in the New Sacramento Courthouse on Lot 41 in the Railyards.
2. With proposed modifications, the new courthouse would be approximately 538,000 sf and 18 stories high (approximately 270 feet), which is approximately 133,000 sf larger and 2 stories taller than the original project. The proposed changes would not increase the basal footprint of the building or the belowground volume of the building. The new courthouse would include 53 courtrooms, compared to the 44 originally proposed. All 44 courtrooms in the Gordon D. Schaber Courthouse would be relocated, rather than the 35 originally proposed. The new courthouse would have underground parking for judges and court administrators, and the proposed changes include expansion of the underground parking for judges and court administrators.
3. The new courthouse includes the relocation of other court operations and associated staff currently located at five satellite facilities in Sacramento, including:
  - a. Civil Settlement/Law and Motion, located at 813 6th Street, with 48 staff persons. Lease would be terminated. (Moving staff from this facility was not included in project as originally proposed.);
  - b. Credit Union Building, located at 800 H Street, with 56 staff persons. Lease would be terminated. (Moving staff from this facility was included in project as originally proposed.);
  - c. Finance, Payroll and HR, located at 901 H Street, with 10 staff persons. Lease would be terminated. (Moving staff from this facility was included in project as originally proposed.);
  - d. Information Technology, located at 799 G Street, with 34 staff persons. (Moving staff from this facility was not included in project as originally proposed.) The County of Sacramento would retain this space; and
  - e. Family Relations Courthouse, located at 3341 Power Inn Road, with 32 staff persons (Moving staff from this facility was not included in project as originally proposed). Superior Court's lease will continue.
4. The modified project would not include renovation of Gordon D. Schaber Courthouse. Instead, after opening of the new courthouse, the JCC would close and secure the Gordon D. Schaber Courthouse and its parcel. Closure of the building would include measures to secure windows and doors on the building's ground floor and potentially other floors. Temporary security fencing and lighting may be installed as needed and appropriate. The JCC would continue to provide maintenance service and condition assessments for the building's interior, exterior, and grounds. The JCC would request Legislative approval for disposition of the Gordon D. Schaber Courthouse (e.g., through a sale or transfer of the property) in accordance with State requirements. The JCC would also complete a historic resources

inventory assessment of the property as required by Public Resources Code Section 5024(b), submitting the assessment to the State Historic Preservation Officer (who is responsible for National Register of Historic Places nominations for non-federal and non-Tribal properties within the State), and complying with the applicable provisions of Public Resources Code Section 5024.

## **3.2 EXISTING SETTING**

### **3.2.1 Gordon D. Schaber Courthouse**

The Superior Court of Sacramento County currently uses Gordon D. Schaber Courthouse, built in 1965, to process all Superior Court criminal and civil case proceedings. Currently, the Gordon D. Schaber Courthouse operates between the hours of 8:30 a.m. and 4:00 p.m. from Monday through Friday and includes 44 courtrooms and 410 staff. In addition, four other satellite facilities with a total of 148 staff are located near the Gordon D. Schaber Courthouse and support the Superior Court operations. The location and function of each nearby satellite facility is listed below:

1. Credit Union Building, located at 800 H Street;
2. Civil Settlement/Law and Motion, located at 813 6th Street;
3. Finance, Payroll and HR, located at 901 H Street; and
4. Information Technology, located at 799 G Street.

Additionally, the Family Relations Courthouse located at 3341 Power Inn Road, with 32 staff persons, operates as a satellite facility.

### **3.2.2 Lot 41-Railyards**

Lot 41-Railyards, is located within the “Railyards” area, an approximately 320-acre infill site just north of downtown Sacramento. The lot is a 2.4-acre parcel, located between 5th and 6th streets and between G and H streets (See Exhibit O-0). The Railyards Specific Plan, approved in 2007, designated the site as “Office Residential Mixed Use” (ORMU), which allows office, residential, educational, museum, and other “similar public uses.” In 2016, the Railyards Specific Plan Update designated the site as “Central Business District,” zoned it as C3-SPD, and placed it in the Depot District. In areas zoned C3-SPD in the Depot District, allowed uses are office, residential, commercial, educational, museums, theaters, and “other similar public uses.” Lot-41 is currently partially developed with a temporary parking lot that the City of Sacramento installed on space leased from the JCC. The remainder of the property consists of vacant land that is highly disturbed and sparsely vegetated with invasive species. The Sacramento Valley Station is adjacent to the site; it includes a train station and is planned to be a future intermodal transportation hub.

Prior to the JCC acquiring the site in 2014, Union Pacific relocated existing railroad tracks that ran through the property. The tracks were relocated to the north of Lot-41 to accommodate the intermodal transit facility and planned infrastructure for the Railyards. Following removal of the tracks, Union Pacific conducted an environmental assessment on the property next to and below the removed tracks. There were some hazardous materials identified during the environmental assessment, and Union Pacific, under the oversight of the Department of Toxic Substances Control (DTSC) completed remediation activities on the site. DTSC has since approved the closure of those activities. There is a recorded Covenant and Agreement to Restrict Use on the property, which is managed by the DTSC. The restriction allows commercial and similar uses, including a courthouse.

Following Union Pacific's cleanup activities, the City of Sacramento leased a portion of the site from the JCC for the purposes of building and leasing parking to the public. The City's parking lot is temporary and would be vacated prior to construction of the new courthouse.

In August 2016, the JCC initiated the geotechnical analysis of Lot-41, which included two soil borings at opposite sides of the site, at depths of 91 feet and 87 feet. There was considerable artificial fill for the first 25 feet of the boring locations, which would be excavated during the construction phase. The geotechnical analysis would inform the design process of the future courthouse; however, it is expected that auger cast in place piles would be used to support the building.

## 3.3 PROJECT DESCRIPTION

### 3.3.1 Project Objectives

A primary and fundamental objective of the proposed project is to develop a new courthouse facility to improve safety and security by increasing secure movement within the building and to provide sufficient capacity to the public, litigants, jurors, and families who are served by California's courts. This includes the ability to schedule hearings and trials in a manner that allows a case/issue to be heard in a reasonable amount of time, as well as the ability of the public to be served at the courthouse counters. Other project objectives include the following:

- ▲ improve access to justice. The existing courthouse is overcrowded, which affects scheduling, public services, jury services, and the general administration of justice. New courtrooms would improve access to justice by providing additional facilities to meet the court's demands and provide improved accessibility;
- ▲ create a modern, secure courthouse for centralized criminal proceedings for Sacramento County, and for the provision of basic services currently not adequately provided. These services include appropriately-sized jury assembly and deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting rooms, a children's waiting room, and security screening for all court users;
- ▲ maintain proximity to justice partners. The justice process includes a number of partners, including the public defender, district attorney, sheriff, police department, and probation office. To maintain an efficient judicial system, the courthouse must maintain a proximity to the justice partners to ensure operations are not affected by delays in transportation of parties and documentation;
- ▲ provide for additional and efficient parking for courthouse users; and
- ▲ create operational efficiencies and on-going savings through the consolidation of court services.

### 3.3.2 Design Principles

The JCC's proposed courthouse design would conform to the specifications of the California Trial Court Facilities Standards (JCC 2006). These standards include:

- ▲ court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system;

- ▲ court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;
- ▲ court buildings shall represent the best in architectural planning, design, and contemporary thought, and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice;
- ▲ court buildings shall be economical to build, operate, and maintain;
- ▲ court buildings shall provide a healthy, safe, and accessible environment for all occupants; and
- ▲ court buildings shall be designed and constructed using proven best practices and technology with careful use of natural resources.

The proposed project would implement sustainable elements throughout its design, operation, and maintenance. Pursuant to the California Trial Court Facilities Standards, the proposed project would be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED) Silver rating. Design components that qualify for LEED credits that the JCC would consider during design include those that increase energy efficiency, water efficiency, stormwater runoff quality, and decrease stormwater runoff rate and volume, vehicle miles traveled, etc. The JCC would seek certification of the LEED Silver rating by the US Green Building Council.

The JCC would implement the proposed project in compliance with standard conditions and requirements for state and/or federal regulations or laws that are independent of CEQA compliance. The standard conditions and requirements serve to prevent specific resource impacts. Typical standard conditions and requirements include the following:

- ▲ National Pollutant Discharge Elimination System (NPDES) for construction activities;
- ▲ Public Resources Code Section 5097 for the discovery of unexpectedly encountered human remains; and
- ▲ Sacramento Metropolitan Air Quality Management District rules.

The proposed project, using the California Trial Court Facilities Standards, would incorporate specific design elements into the construction and operation to reduce some potential environmental effects. For example, the parties constructing and/or operating the proposed project would use best management practices (BMPs) and technologies aimed at conserving natural resources and limiting operating costs over the life of the building. Because the JCC is incorporating these design features into the proposed project, the design features do not constitute mitigation measures as defined by CEQA.

### 3.3.3 Project Design and Operation

The proposed project includes construction of up-to-18-story (maximum), approximately 538,000 sf courthouse facilities (Exhibits 3-1 and 3-2). The quality of design would be consistent with other courthouse designs approved by the JCC and would also include design characteristics that consider the specific location of the project. Design criteria for the proposed project are provided in the California Trial Court Facilities Standards approved by the JCC in 2006.

**Exhibit 3-1 Lot 41-Railyards: Maximum Structural Envelope, Elevated View from Northwest\***

*Note: Since the project is still in the design process, it is not known exactly the number of stories or the specific orientation of the proposed structure. Because these basic design elements are unknown, this exhibit shows the maximum structural envelope to conservatively evaluate the potential impacts of the proposed project. The proposed new criminal courthouse structure could be smaller than shown in this exhibit.*



Source: JCC 2017

**Exhibit 3-2 Lot 41-Railyards: Maximum Structural Envelope, Entry View from Northwest\***

*Note: Since the project is still in the design process, it is not known exactly the number of stories or the specific orientation of the proposed structure. Because these basic design elements are unknown, this exhibit shows the maximum structural envelope to conservatively evaluate the potential impacts of the proposed project. The proposed new criminal courthouse structure could be smaller than shown in this exhibit.*



### 3.3.4 Project Access, Circulation, and Parking

#### ACCESS AND CIRCULATION

Vehicle access to secure onsite parking (and juror/visitor parking if located onsite) would be via 5th Street between G and H. Vehicles would exit the site onto and 5th Street, and in-custody detainee buses would exit onto 6<sup>th</sup> street. Building/emergency access points include G Street between 5th and 6th, and 6th Street between G and H. No vehicle access would be permitted along H Street. Site design would also allow for a separate, secure vehicle access for in-custody buses (approximately 12 to 15 times a day, generally off-peak).

#### PARKING

There would be 71 secure parking spaces in the basement onsite. Secure parking would be utilized by judges and select staff. The balance of courthouse parking would be provided offsite. The primary offsite parking locations include existing and future parking within the Railyard Specific Plan (RSP) area within approximately three blocks of the new courthouse. Secondary locations have been identified as the existing jury parking lot (entrance on 8th Street north of G Street), the existing parking at Railyards lot 46, and the existing County deck (entrance on G Street east of 7th Street). These facilities are located within three blocks of the project site. The Railyards also includes vacant land northeast of Lot 41-Railyards, including property along the west side of 7th Street from mid-block between H and G Streets to D Street. This property is already being used for surface parking. The JCC would also analyze the possibility of using this space for dedicated court parking.

### 3.3.5 Utilities

The railyards site is also located in an area of Sacramento served by the combined sewer-storm drain (CSS) where sanitary and storm flows remain combined. Existing storm water drainage treatment on much of the RSP Area consists primarily of evaporation and passive infiltration into ground surfaces throughout the Plan Area. An 18-inch city CSS line is currently located in H Street, south of Lot 41-Railyards. Two city water lines (36-inch and 12-inch) are located within H Street, south of the site. Water, sewer, and drainage lines are installed in 5th and 6th Streets (a 12-inch water line in 6th Street, an 8-inch sewer line in 5th Street, and an 18-inch storm drain is installed in both 5th and 6th Streets). The construction of the 5th and 6th Street extensions also included the construction of a temporary regional detention basin, which captures and holds runoff from the part of the specific plan area south of the railroad tracks, including the project site. The detention basin is necessary until a new stormwater pump station is constructed under Jibboom Street, located west of the Railyards.

The proposed project would connect to the 12-inch water line in 6th Street and the 8-inch sewer line in 5th Street. The project would connect to the 18-inch storm drain in 5th Street and/or the 18-inch storm drain in 6th Street. The proposed project would include design features consistent with the City's Storm Water Quality Design Manual. Sacramento Municipal Utility District (SMUD) would begin improvements approximately when JCC begins construction. Improvements would include installation of duct banks along 5th and 6th streets (ramping up to Railyard bridges) and also across the H Street frontage. Additionally, offsite extension of SMUD facilities would be required for implementation of the proposed project, including the installation of a duct bank to extend underground circuits from the G Street/H Street alley (to the east) to the southwest corner of 6th & H streets. This extension would occur within paved right of way.

### 3.3.6 Project Construction Schedule and Activities

Construction of the proposed project is scheduled to begin in late 2019 and would be completed by late 2022. Building occupancy, including the consolidation of court facilities and operations, would be completed by early 2023.

The proposed project includes the construction of a courthouse building including secure parking, the installation of a sally port, and modification of utilities. Construction activities would include excavation, auguring, framing, and architectural coating. At the project site, the construction contractor would reuse and keep a maximum amount of soil material onsite. Where there is excess soil material, this material may be stored within the project area. Construction would commence no earlier than 7:00 a.m. and would typically cease no later than 4:00 p.m. on weekdays. Construction work might occur on Saturdays; if so, it would typically commence no earlier than 7:00 a.m. and cease no later than 6:00 p.m.

Construction staging would be located on the site. Construction workers would be encouraged to carpool to the site and would report to the onsite staging area. The construction contractors would install fencing around the perimeter of the construction area.

Construction equipment necessary for site preparation includes a grader, a dozer, a loader/backhoe, and a water truck. During building construction, a crane, two forklifts, and a loader/backhoe would be necessary. Paving would require four cement mixers, a paver, a roller, and a loader/backhoe.

### 3.3.7 Environmental Protection Measures—Construction

The JCC would utilize BMPs and other measures throughout the construction phase to avoid or minimize potential impacts. Other than the biological resources measure, these BMPs and other measures were adopted in the 2011 EIR:

- ▲ General measures:
  - Designate a contact person for public interaction.
  - Inform the community through the use of a website that identifies the upcoming work and potential impacts to the surrounding communities.
- ▲ Biological resources:
  - Onsite trees will be removed outside of the nesting bird season (generally February 15 through August 31).
- ▲ Stormwater, water quality, and soil erosion management measures:
  - The JCC's construction contract would include provisions that require the construction contractor to obtain a Construction General Permit from the Central Valley Regional Water Quality Control Board's (RWQCB) and execute the permit's proposals.
  - The construction contractor would incorporate BMPs consistent with the guidelines provided in the California Storm Water Best Management Practice Handbooks: Construction (California Stormwater Quality Association 2003).

- For construction during the rainy season, the construction contractor would implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
- Wherever possible, the construction contractor would perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.
- ▲ Air quality management measures. Consistent with AQMD rules the construction contractor would:
  - Apply water or a stabilizing agent when necessary to exposed surfaces to prevent generation of dust plumes.
  - Moisten or cover excavated soil piles to avoid fugitive dust emissions.
  - Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions.
  - Install and use a wheel-washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site.
  - Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions.
  - Ensure that all construction and grading equipment is properly maintained.
  - Ensure that construction personnel turn off equipment when equipment is not in use.
  - Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
  - When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
  - Suspend heavy-equipment operations during first-stage and second-stage smog alerts.
- ▲ Noise and vibration measures. The construction contractor would:
  - Install sound barriers around the perimeter of the proposed project site when engaging in activities that will produce a prolonged noise exposure exceeding the ambient noise threshold of 65 dB.
  - Ensure that construction operations do not use impact or sonic pile drivers. Screw piles are appropriate.
  - When feasible, for construction operations use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

### 3.3.8 Post-Construction Environmental Protection Measures for Gordon D. Schaber Courthouse

The JCC maintains a condition assessment of the Gordon D. Schaber Courthouse and its parcel. After opening of the new courthouse, the JCC would close and secure the Gordon D. Schaber Courthouse and its parcel. Closure of the building would include continued maintenance and assessment of the building's interior, exterior, and grounds; adjusting building controls and systems to reduce utility consumption; and installing measures to secure windows and doors on the building's ground floor and potentially other floors. The JCC would also install a fence for safety and security purposes. Security lighting may be installed, which would be shielded to minimize light spillage onto adjacent properties and would face downward to minimize light pollution. The JCC regularly inspects closed courthouses and performs planned maintenance at the facilities. Examples of maintenance activities undertaken by JCC at other closed courthouses in California, and that are likely to occur at the Gordon D. Schaber Courthouse include:

- ▲ Remove graffiti from building exterior,
- ▲ Patch leaky roof and replace damaged roof components,
- ▲ Replace external lamps,
- ▲ Control pests,
- ▲ Repair and maintain HVAC system,
- ▲ Remove accumulated trash and debris,
- ▲ Maintain landscaping,
- ▲ Maintain and repair plumbing, and
- ▲ Adjust thermostat.

As part of the closure of Gordon D. Schaber Courthouse, the JCC would prepare a plan that includes documentation, closure, maintenance, monitoring, and other activities that would be undertaken at Gordon D. Schaber Courthouse. If the State Historic Preservation Officer determines that the facility is eligible for the National Register or listing as a California Landmark, the JCC would ensure that closure plans for the Gordon D. Schaber Courthouse are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties' Standards for Preservation and the National Park Service's Historic Preservation Brief No. 31 or other prudent and feasible measures that will eliminate or mitigate adverse effects, subject to concurrence by the State Historic Preservation Officer. Historic Preservation Brief No. 31 presents several steps to be included in a Mothballing Plan for successfully mothballing a building:

- ▲ Documentation: Document the architectural and historical significance of the building and prepare a conditions assessment of the building.
- ▲ Stabilization: Structurally stabilize the building, based on a professional condition assessment, exterminate or control pests, and protect the exterior from moisture penetration.
- ▲ Mothball: Secure the building and its component features to reduce vandalism or break-ins, provide adequate ventilation to the interior, secure or modify utilities and mechanical systems, develop and implement a maintenance and monitoring plan, and record all activities related to the mothballing and ongoing maintenance.

### 3.4 REQUIRED PROJECT APPROVALS

The JCC is the State agency responsible for certifying the updated CEQA document and approving the proposed project. The JCC must approve the next stage of the construction project, which includes production of working drawings for the proposed project. Because the JCC is the lead agency and is acting for the State of California, local government land use planning and zoning regulations would not apply to the proposed courthouse project.

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## 4 APPROACH TO ENVIRONMENTAL ANALYSIS

### EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the New Sacramento Courthouse EIR. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category; rather, “no” means that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the New Sacramento Courthouse EIR. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the project were adequately addressed in the Sacramento Courthouse EIR, and the environmental impact significance conclusions of the Sacramento Courthouse EIR remain applicable. The purpose of each column of the checklist is described below.

#### Where Impact Was Analyzed

This column provides a cross-reference to the pages of the New Sacramento Courthouse EIR where information and analysis may be found relative to the environmental issue listed under each topic.

#### Do Proposed Changes Involve New Significant Impacts?

The significance of the environmental impacts of the project-specific features not considered in the New Sacramento Courthouse EIR is indicated in the columns to the right of the environmental issues.

#### Any New Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

#### Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A–D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental

documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects or the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative, the question would be answered “yes” requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered “no” and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

## **Do Prior Environmental Document’s Mitigation Address/Resolve Impacts?**

This column indicates whether the prior environmental documents and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. In some cases, as shown in ~~strikethrough~~ and underline, minor revisions have been made to existing mitigation measures to reflect the modified project’s components, updated reference material, or to institute editorial changes (e.g., to revise “Administrative Office of the Courts” to reflect to reflect the agency’s change to the “Judicial Council of California”). A “yes” response will be provided in either instance. If “NA” is indicated, this Environmental Checklist Review concludes that there was no impact, or the impact was less than significant and, therefore, no mitigation measures are needed.

## **DISCUSSION AND MITIGATION SECTIONS**

### **Discussion**

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### **Mitigation Measures**

Applicable mitigation measures from the prior environmental review that would apply to the project are listed under each environmental category. New mitigation measures are included, if needed.

## 4.1 SECTIONS PREVIOUSLY SCOPED OUT BY 2011 INITIAL STUDY

Several environmental resource areas were determined not to have the potential to result in a significant impact and were not carried forward for additional analysis in the 2011 Draft EIR for the project as originally proposed. This analysis was contained in an Initial Study prepared for the project and included in the Notice of Preparation for the 2011 Draft EIR. Similarly, those resource areas do not necessitate additional detailed consideration in this addendum, as explained by resource area:

- ▲ **Agriculture and Forestry:** The 2011 Initial Study concluded the project as originally proposed would not impact agriculture and forestry resources because the site did not contain Farmland, land zoned for agricultural use, land zoned for timber harvest, forest land, or other forest or agricultural uses. The modified project would be in the same location analyzed in the 2011 Initial Study, and the site still does not have any of these resources or designations; therefore, the proposed project changes would not result in any impacts. The findings of the New Sacramento Courthouse EIR for agriculture and forestry therefore remain valid, and no further analysis is required.
- ▲ **Geology and Soils:** The 2011 Initial Study concluded the project as originally proposed would have less-than-significant impacts related to certain seismic conditions, erosion, and soil instability. The modified project would be in the same location analyzed in the 2011 Initial Study and therefore subject to the same geologic conditions as the originally proposed project. The same amount of disturbance is proposed under the modified project, which would result in the same level of erosion impacts as the originally proposed project. The findings of the New Sacramento Courthouse EIR for geology and soils therefore remain valid, and no further analysis is required.
- ▲ **Hydrology and Water Quality:** The 2011 Initial Study concluded the project as originally proposed would have less-than-significant impacts on hydrology and water quality. The modified project would be in the same location analyzed in the 2011 Initial Study and would be subject to the same hydrologic conditions as the originally proposed project. Since the 2011 Initial Study and EIR, railroad tracks have been removed from Lot 41-Railyards, and there is a slight depression at the site that likely pools water after rain events. However, as discussed in Section 4.11, “Utilities,” in this addendum stormwater from the modified project would flow into a retention basin in the Railroads Specific Plan area or a Stormwater Outfall into the Sacramento River instead of regional drainage facilities contemplated in the 2011 EIR. Therefore, modifications to the ground surface at Lot 41-Railyards would result in similar hydrology and water quality impacts as discussed in the 2011 EIR. The findings of the New Sacramento Courthouse EIR for hydrology and water quality therefore remain valid, and no further analysis is required.
- ▲ **Land Use and Planning:** The 2011 Initial Study concluded that there would be no impact related to division of an established community or conflict with an HCP or NCCP. Impacts related to a conflict with an applicable plan were deemed less than significant. The modified project would be in the same location as the project as originally proposed and would not divide an established community. Still, no HCP or NCCP applies to Lot 41-Railyards. The Railyards Specific Plan Update (RSPU) now designates Lot 41 as C3-SPD, which allows for non-residential development between a FAR of 3.0 and 15.0; the modified project’s square footage falls within this FAR. Therefore, the modified project is consistent with the RSPU, and the findings of the New Sacramento Courthouse EIR related to land use and planning remain valid. The RSPU zones and designates the project site as C3-SPD, which allows for non-residential development between a FAR of 3.0 and 15.0 (City of Sacramento 2016a). The modified project proposes a new courthouse at Lot 41-Railyards with a FAR of just over 5.0, which is within the allowed FAR and is therefore consistent with the RSPU. The RSPU is “consistent with the broad goals of the City of Sacramento 2035 General Plan” (City of Sacramento 2016b). As a result, the modified project is consistent with the land use designated in the 2035 City of Sacramento General Plan and would not conflict with the General Plan. No further analysis is required.

- ▲ **Mineral Resources:** The 2011 Initial Study concluded that there are no significant mineral deposits or that there is little likelihood for presence of minerals. The modified project is in the same location as that discussed in the 2011 EIR, and the area is still designated as MRZ 1. Therefore, the findings of the New Sacramento Courthouse EIR related to mineral resources remain valid, and no further analysis is required.
- ▲ **Population and Housing:** The 2011 Initial Study concluded that the proposed project would not displace homes or people because the project site was undeveloped. The Initial Study also concluded that development of an employment generating use in an area dominated with other employment generating uses would not spur significant secondary or indirect growth, and population growth impacts would be less than significant. The site is still undeveloped. The surrounding uses at the site are the same. Therefore, the findings of the New Sacramento Courthouse EIR related to population and housing remain valid, and no further analysis is required.
- ▲ **Public Services:** The 2011 Initial Study concluded that public services impacts would be less than significant because the proposed project would be consistent with the General Plan land use designation and would be similar in type and intensity to that analyzed under the City's General Plan MEIR. The modified project would only move additional existing employees from Gordon D. Schaber Courthouse to the New Sacramento Courthouse. The sites are about 900 feet away from each other, which would not change overall demand for public services in that part of downtown Sacramento. Therefore, the findings of the New Sacramento Courthouse EIR related to public services remain valid, and no further analysis is required.
- ▲ **Recreation:** The 2011 Initial Study concluded that recreation impacts would be less than significant because the New Sacramento Courthouse would not result in demand for recreational facilities beyond that analyzed in the General Plan MEIR. The modified project would only move additional existing employees from Gordon D. Schaber Courthouse to the New Sacramento Courthouse. The sites are about 900 feet away from each other, which would not change overall demand for recreation facilities in that part of downtown Sacramento. Therefore, the findings of the New Sacramento Courthouse EIR related to recreation remain valid, and no further analysis is required.

## 4.2 AESTHETICS

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>I. Aesthetics. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	Draft EIR, Impact 4.9-1	No	No	NA, no impact would occur
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR, Appendix A, Aesthetics, Impact b)	No	No	NA, no impact would occur
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Draft EIR, Impact 4.9-2, Impact 4.9-3	No	No	NA, impact remains less than significant
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR, Impact 4.9-4	No	No	Yes, impact remains less than significant with application of adopted Mitigation Measure 4.9-4

### 4.2.1 Discussion

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

The 2011 EIR concluded there were no scenic vistas in the vicinity of Lot 41-Railyards. There are still no scenic vistas in the vicinity of Lot 41-Railyards or Gordon D. Schaber Courthouse. Therefore, no impact related to a scenic vista would occur.

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

The Initial Study appended to the 2011 EIR concluded there are no scenic highways in the vicinity of Lot-41 Railyards. There are still no scenic highways in the vicinity of the Lot-41 Railyards or Gordon D. Schaber Courthouse. Therefore, no impact related to a scenic highway would occur.

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

##### New Sacramento Courthouse

The 2011 EIR concluded that the visual character of the Lot 41-Railyards site is of low quality and that development of the site with an architecturally appropriate structure would change the visual character of the undeveloped project site to better fit within the surrounding urban context. The 2011 EIR noted that the visual renderings in the Project Description (2011 EIR Exhibits 3-7 and 3-8) demonstrate the quality of

design of the New Sacramento Courthouse and that the courthouse would be built consistent with the *Court Facilities Standards*. Construction of the New Sacramento Courthouse would substantially change the visual character, but the impact would not be adverse. The modified project would result in construction of a building of the same visual quality as that described in the 2011 EIR, as demonstrated in the updated renderings provided in Figure 3-1 and Figure 3-2. Therefore, the modified project would still result in less-than-significant impacts to visual character and quality of the site.

The 2011 EIR concluded that the Lot 41-Railyards site is at the urban fringe, within an urban visual context that is quite variable, with several low- to mid-rise historic structures, as well as the adjacent federal courthouse, which is a modern high-rise structure. The 2011 EIR noted that the project would be designed consistent with the *Court Facilities Standards*, which require court buildings to respond to the local context and would also be designed to be consistent with Sacramento's urban design guidelines, to the extent feasible. The 2011 EIR concluded that impacts related to visual context surrounding the project site would be less than significant. The modified project would result in construction of a building to the same standards described in the 2011 EIR. Therefore, the modified project would still result in less-than-significant impacts to visual context surrounding the site.

#### **Gordon D. Schaber Courthouse**

The modified project would involve closure of the Gordon D. Schaber Courthouse, where the project as originally proposed would have involved renovation of only the interior of the Gordon D. Schaber Courthouse. With closure of Gordon D. Schaber Courthouse, the JCC would install a fence around the perimeter of the property for security. Security lighting may also be installed. While Gordon D. Schaber Courthouse is closed, the JCC would undertake maintenance and repair activities to maintain the exterior of the building. Relevant to Gordon D. Schaber Courthouse's appearance, the JCC would maintain landscaping, replace external lamps, remove any accumulated trash and debris, and remove graffiti from the building exterior. As a result, Gordon D. Schaber Courthouse would appear substantially the same as it currently appears. Impacts to visual character and visual context would therefore be less than significant.

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

#### **New Sacramento Courthouse**

The 2011 EIR concluded that the proposed project would add light-producing fixtures to the downtown area, mostly exterior lighting associated with the New Sacramento Courthouse. Internal lighting visible from outside the building would be minor because the building would not be open to the public after 6 p.m. The site is also located in a highly urbanized and substantially lighted area with no residences in the immediate vicinity of the site. The 2011 EIR therefore concluded that impacts would be less than significant. The proposed modifications would increase the size of the proposed courthouse by two stories. However, nighttime lighting could be only slightly greater than that of the original project since the building would still be closed to the public in the evening and at night. The area is still surrounded by substantial light sources, with no nearby residential receptors. Therefore, the modified project would still result in less-than-significant impacts related to nighttime lighting.

The 2011 EIR noted that the materials palette for the proposed courthouse, including potential glazing materials, was not known, resulting in the potential for use of highly reflective glazing and other materials. This could result in annoyance and hazards to motorists and pedestrians, which would be a potentially significant impact. The 2011 EIR identified Mitigation Measure 4.9-4, which prohibited the use of highly reflective glazing and materials in any locations where sun could reflect harshly onto pedestrian and/or vehicle traffic. Alternatively, if those materials were to be used, other architectural features would be incorporated into the design to obstruct the reflection. The 2011 EIR concluded this mitigation measure would reduce glare impacts to less than significant. Similarly, the modified project could use highly reflective glazing and materials. The building would be taller than the originally proposed project, potentially creating more glare. However, Mitigation Measure 4.9-4 would prohibit the use of highly reflective glazing in areas that would cause harsh reflections onto pedestrian and/or vehicle traffic or would otherwise require

architectural design to obstruct such reflection. Mitigation Measure 4.9-4 would therefore decrease the incrementally greater glare impact of the modified project. No new significant impacts or substantially more severe impacts would occur.

#### **Gordon D. Schaber Courthouse**

The modified project would involve closure of the Gordon D. Schaber Courthouse, where the project as originally proposed would have renovated only the interior of the Gordon D. Schaber Courthouse. As discussed under c), the exterior of the building would be maintained, and a fence would be installed. None of the proposed closure or maintenance activities at Gordon D. Schaber Courthouse would increase or add reflective surfaces at Gordon D. Schaber Courthouse. There would be no impact related to daytime glare.

Security lighting may be installed at Gordon D. Schaber Courthouse. Gordon D. Schaber Courthouse is in an urbanized area of downtown Sacramento. There are substantial sources of nighttime light on all sides of the building, including street lights, lights from vehicles traveling on city streets, and lights on other buildings. The addition of security lighting on the grounds of Gordon D. Schaber Courthouse would be consistent with other lighting in the urbanized area. The security lighting would also be shielded and directed downward. Security lighting therefore would not constitute a substantial source of nighttime light in the urbanized downtown environment. Impacts would be less than significant.

## **4.2.2 Mitigation Measures**

### **Mitigation Measure 4.9-4:**

The final courthouse design will not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic. OR if highly reflective windows are included for energy efficiency purposes, features such as blades, awnings, cantilevers, recessed windows, or other similar features, shall be incorporated into the design to obstruct most of the reflection to reduce exposure to nearby pedestrian and/or vehicular traffic.

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## 4.3 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>IV. Biological Resources. Would the project:</b>				
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 the U.S. Fish and Wildlife Service?	Draft EIR, Impact 4.5-1	No	No	Yes, impact would remain less than significant
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	Draft EIR, Appendix A, Biological Resources, Impact b	No	No	NA, no impact would occur
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR, Appendix A, Biological Resources Impact c	No	No	NA, no impact would occur
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR, Appendix A, Biological Resources Impact d	No	No	NA, no impact would occur
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Draft EIR, Appendix A, Biological Resources Impact e	No	No	NA, no impact would occur
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR, Appendix A, Biological Resources Impact f	No	No	NA, no impact would occur

### 4.3.1 Discussion

- 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 the U.S. Fish and Wildlife Service?**

#### Burrowing Owl

The 2011 Initial Study limited the special status species with potential to occur at Lot 41-Railyards to burrowing owl (*Athene cunicularia*) due to the presence of marginal burrowing owl habitat and a lack of habitat for other sensitive species. The 2011 Initial Study discusses the possibility of valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*) and purple martin (*Progne subis*), both special-status species, but concluded that they were not expected to occur at Lot 41-Railyards due to a lack of habitat. Neither elderberry (*Sambucus* spp.) shrubs nor nesting habitat for purple martins were observed on site during a site survey in September 2010. The RSPU EIR notes that there is a high potential for occurrence of the VELB and purple martin in the RSP area, similar to the RSP EIR. The RSPU EIR, which references surveys in 2006, 2015, and 2016, does not note any elderberry shrubs or purple martin within Lot 41-Railyards (City of Sacramento 2016). Therefore, the 2011 Initial Study findings regarding VELB and purple martin remain valid, and no further analysis of VELB or purple martin is required. Furthermore, the Schaber Courthouse site is fully developed and does not provide any special status species habitat; there would be no impact at the Schaber Courthouse site.

The 2011 EIR concluded that the construction of the project on the Lot 41-Railyards could result in impacts on burrowing owl. The EIR described the Lot 41-Railyards site as dominated by weedy vegetation species and containing mammal (e.g., ground squirrel) burrows, which could be utilized as nesting habitat by burrowing owls. In addition, burrowing owls are fairly tolerant of human activity near their nest burrows. The EIR concluded that, although the site currently provides marginal burrowing owl nesting habitat, because of the owl species' tolerance for human activity, there is potential for burrowing owl to utilize the project site for nesting, and therefore the implementation of the project could result in the loss of active and/or nesting burrows. The 2011 EIR concluded this impact would be significant. However, implementation of Mitigation Measure 4.5-1, which required surveys for burrowing owl prior to ground disturbance, discouraged nesting by eliminating any burrows, avoiding direct impacts on nests or nesting habitat, and relocating nesting owls if avoidance is infeasible, would reduce impacts to less than significant.

Since preparation of the 2011 EIR, there was substantial ground disturbance at the Lot 41-Railyards site associated with relocation of the railroad tracks. No burrows were observed on site during a site visit on January 22, 2018. The size of the site and quality of the site indicates it is not suitable breeding and foraging habitat. Furthermore, a CNDDDB query in December 2017 did not reveal any siting of burrowing owl on or within 1 mile of the Lot 41-Railyards Site. The RSPU EIR also does not identify the site as burrowing owl habitat (City of Sacramento 2016). As a result, the project, including proposed modifications, would not impact burrowing owl. Mitigation Measure 4.5-1 would no longer be necessary to reduce impacts to burrowing owl.

#### Other Nesting Birds

Since the 2011 Initial Study and EIR, several trees have sprouted at the Lot 41-Railyards site, primarily adjacent to the parking lot. The trees are visible on aerial imagery starting in July 2014, indicating they are young. Based upon a site visit in January 2018 by Ascent's biologist, the trees were confirmed as being small (up to 10 feet) willow and tree of heaven trees. Nesting bird habitat was not present at the time of the 2011 Initial Study and EIR, but the trees may support smaller nesting birds, which are protected under Fish and Game Code and the federal Migratory Bird Treaty Act. The project modifications include a requirement to remove these trees outside of the typical nesting period (generally February 15 through August 31). Therefore, removal of these trees would not result in the direct loss of potential nest sites. Impacts to nesting birds would be less than significant.

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

The 2011 Initial Study concluded that no riparian habitat or other sensitive natural communities occur on or within the vicinity of the Lot 41-Railyards. From review of aerial imagery and site photographs, there is still no riparian habitat or other sensitive natural communities on or within the vicinity of the project area. Therefore, no impact on riparian habitat or other sensitive natural communities would occur. The findings of the New Sacramento Courthouse EIR for riparian habitat remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that there are no wetlands or waters of the United States on or within the vicinity of the Lot 41-Railyards. From review of aerial imagery and site photographs, there are still no wetlands or waters of the United States on or in the vicinity of the project area. Therefore, no impact on wetlands or waters of the United States would occur.

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

The 2011 Initial Study concluded that the Lot 41-Railyards is surrounded by urban development and transportation facilities and located over 900 feet from the Sacramento River with substantial intervening urban development. The modified project would be located in the same location as the originally proposed project. Therefore, no impact related to wildlife movement would occur. The findings of the New Sacramento Courthouse EIR for wildlife migration remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that there would be no conflict with a local tree ordinance because the project site did not have trees meeting the ordinance's minimum circumference size. The ordinance analyzed in the 2011 Initial Study is no longer in effect and a new ordinance has been adopted with different criteria for protected trees. However, the modified project would not result in new or substantially more severe impacts resulting from conflicts with any local policies or ordinances. Onsite trees include willow and tree of heaven, are under 5 years old, and are under 10 feet tall. Replacement of these trees would not be required due to their size, and there would be no physical impact associated with conflict with the tree ordinance. Physical impacts from removal of vegetation, including trees, are addressed under a) and b) above. The findings of the New Sacramento Courthouse EIR for the City of Sacramento tree ordinance remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that the city does not have an adopted Habitat Conservation Plan or Natural Community Conservation Plan that applies to the project area. There is still no applicable HCP or NCCP. The findings of the New Sacramento Courthouse EIR for NCPs and HCCPs remain valid, and no further analysis is required.

## 4.3.2 Mitigation Measures

Mitigation Measure 4.5-1, which was included in the 2011 EIR to mitigate potential impacts to burrowing owl, is no longer necessary, as described above under a). No additional mitigation measures are required.

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## 4.4 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>V. Cultural Resources. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Draft EIR, Impact 4.6-1	Yes	Yes	Yes, impacts would remain less than significant with application of Mitigation Measure 4.6-1
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Draft EIR, Impact 4.6-1	No	No	Yes, impacts would remain less than significant with application of Mitigation Measure 4.6-1
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR, Appendix A, Cultural Resources criterion c)	No	No	N/A, impact would remain less than significant
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	Draft EIR, Impact 4.6-1	No	No	Yes, impacts would remain less than significant with application of adopted Mitigation Measure 4.6-1

### 4.4.1 Discussion

#### a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

##### Lot 41-Railyards

The 2011 EIR did not identify known archaeological or historical resources at the New Sacramento Courthouse site at Lot 41-Railyards. The EIR concluded that implementation of the proposed project could result in potential impacts to archaeological resources because the project site is located within two overlapping Archaeologically Sensitive Areas—Sutter Lake and General Foundry. Activities such as excavation and grading could adversely affect or physically destroy archeological resources. The 2011 EIR concluded this would be a significant impact. However, Mitigation Measure 4.6-1 would ensure identification of CRHR-eligible resources and recovery of important information. The EIR concluded that, with Mitigation Measure 4.6-1, impacts would be less than significant.

The RSPU EIR updated the archaeological sensitivity of the RSP with information gathered from more-recent excavation across the RSP, including within the General Foundry Area and Sutter Lake. The RSPU shows Lot 41-Railyards within the Sacramento Station Area ASA, noting that it is likely that archaeological features associated with a nearby CRHR- and NRHP-eligible site extended into the Sacramento Valley Station portion of the RSPU area. The RSPU EIR also notes that the area is also sensitive for prehistoric resources due to proximity to a known site near Old Folsom Powerhouse Sacramento Station A (City of Sacramento 2016). Although there is additional information that points to an elevated sensitivity of Lot 41-Railyards, the evidence is also consistent with the analysis in the 2011 EIR, which concluded the project site is archaeologically sensitive. Because the modified project would involve excavating and grading in the same location as the originally proposed project and recent information supports the sensitivity of the area described in the 2011 EIR, impacts to historical and archaeological resources at Lot 41-Railyards from the modified project would be similar to those discussed in the 2011 EIR. Impacts would therefore remain less than significant with Mitigation Measure 4.6-1.

### **Schaber Courthouse**

Although the 2011 EIR did not evaluate the historic status of the Schaber Courthouse. It found that the originally proposed renovation of the Schaber Courthouse would alter the building's interior, but the project would not affect the architectural integrity of the building. Therefore, the EIR concluded that impacts were less than significant.

Since completion of the 2011 EIR, the City of Sacramento performed a historical resources survey in 2017 that meets the requirements of Public Resources Code 5024.1 (GEI Consultants 2017). The survey's results include an evaluation of the Schaber Courthouse (Appendix A) that concludes that the Schaber Courthouse is eligible for the National Register of Historic Places under Criterion C, for the California Register of Historical Resources under Criterion 3, and for the City of Sacramento Register under Criteria iii. The courthouse is an important example of Brutalist architecture in Sacramento and was designed by notable architectural firm Starks, Jozens & Nacht. Although the courthouse has not been listed on the National Register, California Register, or Sacramento Register, the JCC considers the Schaber Courthouse to be a historical resource that meets the criteria in CEQA Guidelines Section 15064.5(a)(4) (Anderson pers. comm. 2018).

Ambacher and Bowen describe the significant stylistic features of Brutalist architecture as: large concrete masses that are poured on-site and left unpolished to convey honesty and texture through visible wood formwork and aggregate in the concrete, expansive glass windows that are typically recessed or hidden in dark voids, massing that is fully expressed in concrete formed into large blocks or sculptural forms, a flat roof, and angular and rectilinear forms.

CEQA Guidelines 15064.5 identifies a project with an effect on a historical resource as a project that will cause a substantial adverse change that impairs the significance of the historical resource. Substantial adverse change in the significance of the historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

The JCC's modified project proposes ceasing operations at the Schaber Courthouse, which would leave the property without tenants and without a proposed use. The JCC would continue to perform regular maintenance and repair of Schaber Courthouse during its closure pending legislative direction. If the Legislature declares the property is surplus, the JCC would dispose of the property. As described in the project description, maintenance and assessment activities such as regular building inspections, graffiti removal, patching roof leaks, pest control, and maintaining the HVAC system would continue during closure. Since the project does not include substantial alterations to the interior or exterior of the structure, the JCC would implement measures to secure and protect the building, and the JCC would continue maintenance of the facility. As described in Section 3.3.8, "Post-Construction Environmental Protection Measures for Gordon D. Schaber Courthouse," if the State Historic Preservation Officer determines that the facility is eligible for the National Register or listing as a California Landmark, the JCC would ensure that closure plans for the Gordon D. Schaber Courthouse are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties' Standards for Preservation and the National Park Service's Historic

Preservation Brief No. 31 or other prudent and feasible measures that will eliminate or mitigate adverse effects, subject to concurrence by the State Historic Preservation Officer. The project's impacts would be less than significant.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Refer to the discussion under a) regarding Lot 41-Railyards.

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

The Initial Study appended to the 2011 EIR concluded that there are no unique geologic resources at Lot 41-Railyards, and that the City of Sacramento is not considered sensitive for paleontological resources. The 2011 EIR concluded this impact would be less than significant. Excavation and grading activities for the modified project would occur in the same location as the project as originally proposed and analyzed in the 2011 EIR. As a result, impacts would still be less than significant.

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

The 2011 EIR concluded that potential impacts to human remains could occur from activities such as excavation and grading and concluded this could be a significant impact. However, Mitigation Measure 4.6-1 would require appropriate treatment of any human remains that are discovered. Because the modified project would involve excavating and grading in the same location as the originally proposed project, the modified project's impacts to undiscovered human remains at Lot 41-Railyards would be the same as contemplated in the 2011 EIR and would remain less than significant with Mitigation Measure 4.6-1.

## 4.4.2 Mitigation Measures

Mitigation Measure 4.6-1 was adopted with the New Sacramento Criminal Courthouse EIR and would continue to remain applicable. Revisions have been made and would be adopted to reflect the change of the AOC to the JCC.

### Mitigation Measure 4.6-1-Lot 41-Railyards

The AOC JCC will implement the following measures to reduce impacts on potential archaeological resources:

- ▲ Prior to any ground-disturbing activity, a focused Archaeological Testing Plan (ATP), that includes on-site test trenching/scraping, will be prepared and implemented by a qualified archaeologist to determine the presence/absence of archaeological resources and to assess their eligibility to the CRHR. The AOC JCC will coordinate with the City of Sacramento Preservation Director prior to implementation. The programmatic ATP prepared for the Railyards Specific Plan is included as Appendix E of this DEIR.
- ▲ If the ATP identifies CRHR-eligible archaeological resources, a project-site-specific Archaeological Mitigation Plan will be prepared and implemented.
- ▲ Earth-moving activities within areas identified in the ATP will be monitored by a qualified archaeologist. In the event that unanticipated archaeological resources or human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and human

remains will be required. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered.

- If the monitoring archaeologist believes that an archaeological resource has inadvertently been uncovered, all work adjacent to the discovery shall cease, and the appropriate steps will be taken, as directed by the archaeologist, to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with federal and state law. At a minimum, the area will be secured to a distance of 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. The archaeologist will conduct a field investigation and assess the significance of the find. Impacts to cultural resources will be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the federal Secretary of the Interior's Standards for Archaeological Documentation. All identified cultural resources will be recorded on the appropriate DPR 523 (A-L) form and filed with the North Central Information Center.
- In accordance with Health and Safety Code, if human remains are discovered at the project construction site during any phase of construction, all ground-disturbing activity within 50 feet of the resources will be halted and the County Coroner will be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) will be notified within 24 hours, and the guidelines of the NAHC will be adhered to in the treatment and disposition of the remains. If the remains are determined to be Chinese, or any other ethnic group, the appropriate local organization affiliated with that group will be contacted and all reasonable effort will be made to identify the remains and determine and contact the most likely descendant. The approved mitigation will be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.
- If the remains are of Native American origin, the AOC JCC will contact the Native American Heritage Commission to identify the Most Likely Descendant. That individual will be asked to make a recommendation to the AOC JCC for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.983. If the Most Likely Descendant fails to make a recommendation or the AOC JCC rejects the recommendation of the descendant, and if mediation by the Native American Heritage Commission fails to provide measures acceptable to the AOC JCC, then the AOC JCC will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

## 4.5 ENERGY

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>XIX. Energy.</b>				
a) Would the project result in inefficient, wasteful, and unnecessary consumption of energy?	Impact 4.4-1	No	No	N/A, impact remains less than significant

### 4.5.1 Discussion

#### a) Result in inefficient, wasteful, and unnecessary consumption of energy?

The 2011 EIR concluded that, based on the same factors that indicate the project would not make a considerable contribution to cumulative GHG emissions, the project would not result in inefficient, wasteful, or unnecessary consumption of energy. Those factors are explained in this Addendum in Section 4.8, "Greenhouse Gas and Climate Change, under the discussion for question a). As explained, as a result of the emissions reductions and the more-efficient building standards applicable to the New Sacramento Courthouse, GHG emissions from the modified project would not be substantially more severe than the emissions of the project as originally proposed. Therefore, the project as modified would not make a considerable contribution to cumulative GHG emissions. Like the project as originally proposed, the project would meet Title 24 energy efficiency requirements and the structure would be designed to achieve LEED silver certification, which would include energy conservation measures. Therefore, the modified project would not result in inefficient, wasteful, or unnecessary consumption of energy. Impacts would remain less than significant.

### 4.5.2 Mitigation Measures

No mitigation is required.

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## 4.6 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>VIII. Hazards and Hazardous Materials. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR, Impact 4.7-1	No	No	Yes, impact remains less than significant with application of adopted Mitigation Measure 4.7-1 with minor revisions
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	Draft EIR, Impact 4.7-2, Impact 4.7-3	No	No	NA, impact would remain less than significant
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR, page 4.7-9	No	Yes	NA, no impact would occur
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft EIR, Impact 4.7-1	No	No	Yes, impact remains less than significant with application of adopted Mitigation Measure 4.7-1 with minor revisions
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR, Appendix A, Hazards and Hazardous Materials, Impact e	No	No	NA, no impact would occur
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR, Appendix A, Hazards and Hazardous Materials, Impact f	No	No	NA, no impact would occur

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR, Appendix A, Hazards and Hazardous Materials, Impact g	No	No	NA, no impact would occur
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Draft EIR, Appendix A, Hazards and Hazardous Materials, Impact h	No	No	NA, no impact would occur
i) Create unsafe ground-level wind speeds or acceleration?	Draft EIR, Impact 4.7-4	No	No	Yes, impact remains less than significant with application of adopted Mitigation Measure 4.7-4 with minor revisions

**4.6.1 Discussion**

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

The 2011 EIR concluded that there was contamination at the proposed courthouse site that could remain after remediation and that there could be hazardous materials (e.g., asbestos, lead-based paint, PCBs, ballasts, and fuels) within the Gordon D. Schaber Courthouse. The modified project would result in similar activities at Lot 41-Railyards as considered in the 2011 EIR for the originally proposed project. Additionally, the modified project would not involve renovation of the Gordon D. Schaber Courthouse as originally proposed, but mothballing could include similar activities that could nonetheless expose workers to hazardous materials in Gordon D. Schaber Courthouse in a manner similar to the originally proposed project. These would be potentially significant impacts like those discussed in the 2011 EIR. However, Mitigation Measure 4.7-1 provides for a worker health and safety plan and environmental oversight during construction at Lot 41-Railyards. Mitigation Measure 4.7-1 has also been updated (as shown below under 4.6.2 “Mitigation Measures”) to reflect that activities at Gordon D. Schaber Courthouse would be related to mothballing the building rather than renovating it, requiring that the contractor be certified to handle and dispose of hazardous waste and that workers use appropriate protective measures and handle hazardous materials in compliance with OSHA regulations during mothballing activities. With Mitigation Measure 4.7-1, as revised, impacts from exposure to hazardous materials during construction would be less than significant.

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

**Construction**

The 2011 EIR concluded that hazardous materials would be used during construction of the proposed project. Materials would include substances such as fuels, oils, lubricants, and paints. Use of these materials could expose construction workers and the general public to hazards as a result of improper handling or use, accident, environmentally unsound disposal methods, fire, explosion, or other emergencies.

The 2011 EIR noted that the project would have to follow federal and state hazardous materials regulations and would have to comply with Cal/EPA's Unified Program. The 2011 EIR concluded that impacts from improper use of hazardous materials during project construction would be less than significant. Similar types of materials would be used for the modified project, resulting in a similar potential for impacts to the project as originally proposed. Construction of the modified project may take slightly longer due to the increased size of the proposed new courthouse, lengthening the period during which workers may be exposed to hazardous materials. Compliance with the same regulations and program would reduce risk of accidents. Impacts would therefore still be less than significant.

#### **Operation**

The 2011 EIR concluded that operation of the proposed project would also involve the use of some hazardous materials, such as solvents and lubricants, which could expose the general public to hazards similar to those described for construction. The 2011 EIR concluded that the proposed project would comply with all applicable federal, state, and local regulations for hazardous materials handling, safety, spill prevention, and other hazardous-materials related concerns and that impacts from improper use of hazardous materials during project operation would be less than significant. Similar types of materials would be used for the modified project, resulting in similar impacts to those of the project as originally proposed. Compliance with the same regulations and program would reduce risk of accidents. Gordon D. Schaber Courthouse would be secured to prevent access by the public, eliminating the potential for exposure to any hazardous materials inside Gordon D. Schaber Courthouse. Impacts would therefore still be less than significant.

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

The 2011 EIR concluded that no schools were located within one-quarter mile of the project site. There still are no schools within one-quarter mile of the New Sacramento Courthouse site. The Capital Innovations Academy is located about 0.1 mile (2 blocks) from the Gordon D. Schaber Courthouse and was opened in 2015, after certification of the original EIR. Mothballing activities would take place within and just outside the Gordon D. Schaber Courthouse, but all within the Gordon D. Schaber Courthouse site. As described under criterion b), hazardous materials would be handled in accordance with all applicable regulations. Given the distance from the Capital Innovations Academy, the nature of work at Gordon D. Schaber Courthouse, and the compliance with applicable hazardous waste regulations, there would be no hazardous materials impacts at Capital Innovations Academy.

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

Refer to the discussion under a).

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

The 2011 Initial Study concluded that the project site is not located within an airport land use plan or within two miles of an airport. Lot 41-Railyards and the Gordon D. Schaber Courthouse site are not located within an airport land use plan or within two miles of an airport. Therefore, no impact related to airports would occur. The findings of the New Sacramento Courthouse EIR for public airports remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that the project site is not located in the vicinity of a private airstrip. Lot 41-Railyards and the Gordon D. Schaber Courthouse site are still not located in the vicinity of a private airstrip.

Therefore, no impact related to private airstrips would occur. The findings of the New Sacramento Courthouse EIR for private airstrips remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that the proposed project was consistent with the City's General Plan land use designation. The site was not planned for use as part of an emergency response or evacuation plan. *The City of Sacramento Evacuation Plan for Floods and Other Emergencies* is dated September 2008, and the *City of Sacramento Emergency Operations Plan* is dated April 2005, both predating the 2011 Initial Study. Therefore, the site is still not planned for use as part of an emergency response or evacuation plan. There would be no impact related to interference with an adopted emergency response or evacuation plan. The findings of the New Sacramento Courthouse EIR for emergency response and emergency evacuation plans remain valid, and no further analysis is required.

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

The 2011 Initial Study concluded that no wildlands exist in the vicinity of the project site. There are still no wildlands in or adjacent to Lot 41-Railyards or the Gordon D. Schaber Courthouse site. Therefore, no impact related to wildland fires would occur. The findings of the New Sacramento Courthouse EIR for wildlands fires remain valid, and no further analysis is required.

**i) Create unsafe ground-level wind speeds or acceleration?**

The 2011 EIR concluded that the proposed courthouse building would be 16 stories tall and taller than many of the surrounding buildings if built to maximum height, with the potential to substantially increase ground-level winds if not designed with adequate articulation or landscaping. The modified project would be up to 18 stories high and, overall, larger than the project as originally proposed. Building massing is important in determining wind impacts because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above or at ground level. Therefore, the modified project still has the potential to result in a substantial increase in ground-level winds and may result in greater impacts than the project as originally proposed. This would be a potentially significant impact similar to that discussed in the 2011 EIR. However, Mitigation Measure 4.7-4 requires design features to eliminate ground-level wind acceleration or reduce it to a level that would not result in pedestrian imbalance. With Mitigation Measure 4.7-4, impacts would still be less than significant.

## 4.6.2 Mitigation Measures

The following mitigation measures were adopted with the New Sacramento Criminal Courthouse EIR and would continue to remain applicable. Several revisions have been made and would be adopted to reflect:

- ▲ The change of the AOC to the JCC,
- ▲ The modification of the project at Schaber Courthouse from renovations to mothballing.

### Mitigation Measure 4.7-1

The AOC/JCC will implement the following measures, consistent with the mitigation included in the Railyards Specific Plan EIR:

- ▲ The AOC/JCC or its representative will prepare a site-specific construction worker health and safety plan containing construction worker health and safety requirements based on the levels of remediation already performed in the project area.

- ▲ Contractors will be given a worker health and safety guidance document at the time of grading or building permit application to assist them in preparing site-specific worker health and safety plans. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require the use of personal protective equipment, onsite continuous air quality monitoring during construction, and other precautions.
- ▲ During construction, except in imported clean fill areas, all excavation, soil handling, and dewatering activities will be observed for signs of apparent contamination by the AOCJCC, or its representative, under DTSC oversight.
- ▲ DTSC shall provide for environmental oversight, including site inspection during construction and procedures for detecting previously undiscovered contamination during site excavation as well as contingency plans for investigation, remediation and disposal of such contamination.

During renovation/mothballing activities for the Schaber Courthouse, the AOCJCC will hire a qualified contractor certified to handle and dispose of hazardous materials. The contractor will comply with all appropriate OSHA regulations for worker safety and shall require that appropriate clothing and protective devices (i.e., breathing apparatus) are employed during renovation activities. Hazardous materials removed from the site will be handled in compliance with OSHA requirements and hauled to an appropriately permitted disposal facility.

#### **Mitigation Measure 4.7-4**

Final design of the proposed courthouse building, if taller than the average of the surrounding adjacent structures, will include, to the degree feasible, design features to reduce or eliminate ground-level wind acceleration impacts to a level that would not result in pedestrian imbalance (i.e., 36 mph). Features that could be implemented include: building setback for upper stories, rounded surfaces, orientation of the building so that the wide axis is not aligned with the prevailing wind direction. Once sufficient building design information is available and prior to final design, the AOCJCC will conduct scale model wind tunnel or computerized computational fluid dynamics testing to determine how strong winds will be between the proposed courthouse and adjacent buildings. If winds through the breezeway exceed 36 mph (the point at which balance is difficult to maintain), the building design will be altered to reduce wind speeds below this threshold. (Note that these design features are intended to reduce ground-level wind acceleration resulting from the development of structures. These design features are not intended to mitigate wind impacts for atmospheric wind speed above 36 mph.)

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## 4.7 AIR QUALITY

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>III. Air Quality.</b>				
Would the project:				
a) Cause construction-generated emissions to exceed the SMAQMD-recommended threshold of NO <sub>x</sub> or substantially contribute to emissions concentrations that exceed the air quality standards?	Draft EIR, Impact 4.3-1	No	No	NA, impact remains less than significant
b) Cause long-term regional emissions to exceed the SMAQMD-recommended threshold of ROG and NO <sub>x</sub> or substantially contribute to emissions concentrations that exceed the air quality standards?	Draft EIR, Impact 4.3-2	No	No	NA, impact remains less than significant
c) Cause local mobile-source emissions to exceed or substantially contribute to CO concentrations that violate the air quality standards?	Draft EIR, Impact 4.3-3	No	No	NA, impacts remain less than significant
d) Expose sensitive receptors to TAC emissions that exceed 10 in 1 million to contract cancer and/or a hazard index of 1?	Draft EIR, Impact 4.3-4	No	Yes	Yes, impact remains less than significant
e) Create objectionable odors affecting a substantial number of people?	Draft EIR, Impact 4.3-5	No	Yes	NA, impact remains less than significant

### 4.7.1 Discussion

#### a) Cause construction-generated emissions to exceed the SMAQMD-recommended threshold of NO<sub>x</sub> or substantially contribute to emissions concentrations that exceed the air quality standards?

The 2011 EIR concluded that the project as originally proposed would not exceed SMAQMD's significance thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>, which are expressed in pounds per day. Construction of the originally proposed project would have occurred between 2013 and 2015, lasting for up to 3 years. The modified project would be constructed between late 2019 and late 2022, lasting for up to slightly more than 3 years. Therefore, with the expanded size of the courthouse, the intensity of construction in any given day would be similar to the originally proposed project. Furthermore, equipment exhaust emission rates of construction in the future would decrease as newer, more emission-efficient construction equipment replaces older, less efficient equipment. Therefore, the modified project would still result in less than significant construction ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions impacts.

**b) Cause long-term regional emissions to exceed the SMAQMD-recommended threshold of ROG and NO<sub>x</sub> or substantially contribute to emissions concentrations that exceed the air quality standards?**

The 2011 EIR concluded that the project as originally proposed would not exceed SMAQMD's significance thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. While the modified project would be approximately 33 percent larger in floor area than the project as originally proposed, several other factors would reduce emissions of the modified project:

- ▲ All staff from Gordon D. Schaber Courthouse as well as staff from five satellite facilities would be relocated to the New Sacramento Courthouse. Emissions at Gordon D. Schaber Courthouse would be substantially reduced to only emissions from operations needed for mothballing (e.g., electricity or natural gas used for HVAC and security lighting). Emissions associated with satellite facilities would be eliminated.
- ▲ Based on the project-specific traffic report, the modified project would result in fewer project-generated vehicle trips than the project as originally proposed, reducing overall vehicle emissions. The project-generated daily vehicle trip rate would reduce from 9,198 daily vehicle trips to 8,669 daily vehicle trips (Fehr & Peers 2018).
- ▲ The New Sacramento Courthouse would comply with the 2016 California Building Energy Efficiency Standards (or most-current Title 24 building energy standards), which require well-insulated buildings and high-efficiency heating, ventilation, and air-conditioning units, reducing electricity demand and associated emissions.

As a result of the emissions reductions and the more-efficient building standards applicable to the New Sacramento Courthouse, operational ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from the modified project would not be substantially more severe than the emissions of the project as originally proposed. Impacts would remain less than significant.

**c) Cause local mobile-source emissions to exceed or substantially contribute to CO concentrations that violate the air quality standards?**

The 2011 EIR concluded that operation of the project would not result in or substantially contribute to CO concentrations that exceed air quality standards. Based on the project-specific traffic report, the modified project would result in a decrease in project-generated vehicle trips as compared to the project as originally proposed (Fehr & Peers 2018). The mix of vehicle types generated by the project is not anticipated to have a greater percentage of heavy-duty vehicles and would not be substantially different from the City average. As a result, impacts would likely be reduced from those discussed in the 2011 EIR. Impacts would therefore remain less than significant.

**d) Expose sensitive receptors to TAC emissions that exceed 10 in 1 million to contract cancer and/or a hazard index of 1?**

**Construction**

The 2011 EIR concluded that construction of the project as originally proposed would not result in the exposure of sensitive receptors to excessive diesel particulate matter (diesel PM) emissions due to the distance of the closest sensitive receptor (more than 550 feet away), incorporation of air quality control measures into the project description, and the dispersive properties of diesel PM. The project as modified would implement the same air quality control measures. However, a new residential building was constructed since 2011, located about 230 feet east of the Lot 41-Railyards site at the intersection of 7<sup>th</sup> Street and H Street and closer than the receptor contemplated in the 2011 EIR. However, as discussed in the 2011 EIR, the dose to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to Toxic Air Contaminant [TAC] emission levels that exceed applicable standards). Use of mobilized equipment would be

for up to slightly more than 3 years during construction of the project. This increased time period would constitute just slightly more than the 4 percent of the total health risk exposure period (70 years) analyzed for this impact in the 2011 EIR. As a result, impacts would still be less than significant.

### **Operation**

The 2011 EIR concluded that operation of the project as originally proposed would not result in the exposure of sensitive receptors to excessive TAC emissions that exceed the SMAQMD's significance threshold, and that SMAQMD permitting and BACT requirements would ensure TAC emissions do not exceed recommended thresholds. Operation of the project as originally proposed would use a backup generator and other sources that could emit TACs, and siting of the project as originally proposed (in relation to its distance from Interstate 5) was consistent with SMAQMD siting recommendations. The modified project would have the same TAC generation sources as the originally proposed project, would be in the same location as the originally proposed project, and would be subject to the same SMAQMD and BACT requirements, which would minimize potential exposure of TAC by the new residential building located 230 feet east of the site. Therefore, the findings of the certified New Sacramento Criminal Courthouse EIR remain valid and no further analysis is required. This impact would be less than significant.

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

The 2011 EIR found that neither the short-term construction nor the long-term operation of the project would result in the exposure of sensitive receptors to excessive odors. The 2011 EIR found that courthouse operation does not generate substantial objectionable odors. Construction could result in temporary generation of odors from diesel equipment and asphalt off-gassing, but the nearest sensitive receptor was over 500 feet away. No major odor sources were identified in the vicinity of the project site in the 2011 EIR, and the proposed land use is not a sensitive receptor.

A review of nearby land uses did not identify any new odor sources since preparation of the 2011 EIR. A new residential building was constructed since 2011, located about 230 feet away from the Lot 41--Railyards site at the intersection of 7<sup>th</sup> Street and H Street. Although a new sensitive receptor would be located closer to the project, the modified project would not generate substantial objectionable odors; therefore, the new residential receptor would not be exposed to excessive odors during construction or operation. This impact would remain less than significant.

## **4.7.2 Mitigation Measures**

No mitigation is required.

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## 4.8 GREENHOUSE GASES AND CLIMATE CHANGE

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>VII. Greenhouse Gas Emissions. Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft EIR, Impact 4.4-1	No	No	NA, impact remains less than significant
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR, Impact 4.4-2	No	No	NA, impact remains less than significant

### 4.8.1 Discussion

#### a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Construction**

The 2011 EIR concluded that the project as originally proposed would result in 1,787 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e) per year during construction, which was identified as a less-than-significant impact. Construction of the originally proposed project would have occurred between 2013 and 2015, lasting for up to 3 years. The modified project would be constructed between late 2019 and late 2022, lasting up to slightly more than 3 years. Therefore, the intensity of construction in any given year would be similar to the originally proposed project. Furthermore, the Low Carbon Fuel Standard went into effect on January 1, 2016, which would reduce GHG emissions from construction vehicles. Annual emissions of the modified project would therefore be slightly reduced compared those of the originally proposed project. Therefore, the modified project would still result in less than significant construction GHG impacts.

**Operation**

The 2011 EIR concluded that the project as originally proposed would result in a net increase in operational emissions of 3,629 MT CO<sub>2</sub>e per year, not taking into account the building’s adherence to LEED Silver rating requirements, location near public transit, and location at an infill site close to associated uses (e.g., banks and restaurants) that would further reduce GHG emissions. The operational GHG emissions were identified as a less-than-significant impact.

While the modified project would be approximately 33 percent larger in floor area than the project as originally proposed, several other factors would reduce emissions of the modified project:

- ▲ All staff from Gordon D. Schaber Courthouse as well as staff from five satellite facilities would be relocated to the New Sacramento Courthouse. Emissions at Gordon D. Schaber Courthouse would be substantially reduced, other than emissions from operations needed for mothballing (e.g., HVAC and security lighting). Emissions associated with satellite facilities would be eliminated.

- ▲ Based on the project-specific traffic report, the modified project would result in fewer project-generated vehicle trips than the project as originally proposed. The project-generated daily vehicle trip rate would reduce from 9,198 daily vehicle trips to 8,669 daily vehicle trips (Fehr & Peers 2018).
- ▲ There would be 41 fewer employees at the New Sacramento Courthouse compared to the project as originally proposed
- ▲ The New Sacramento Courthouse would comply with the 2016 California Building Energy Efficiency Standards (or most-current Title 24 building energy standards), which require well-insulated buildings and high-efficiency heating, ventilation, and air-conditioning units.

As a result of the emissions reductions and the more-efficient building standards applicable to the New Sacramento Courthouse, GHG emissions from the modified project would not be substantially more severe than the emissions of the project as originally proposed. Impacts would remain less than significant.

#### **b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

The 2011 EIR concluded that the project would not be expected to conflict with the City of Sacramento's then-in-process Climate Action Plan. The 2011 EIR reasoned that the CAP's GHG emissions projections would likely account for land uses proposed as part of the project because the New Sacramento Courthouse project as originally proposed was consistent with the land uses designated in the City of Sacramento General Plan and Railyards Specific Plan.

The 2035 City of Sacramento General Plan, adopted in 2015, now contains the City's' action plan for reducing GHG emissions and adapting to climate change. The Railyards Specific Plan Update (RSPU) zones and designates the project site as C3-SPD, which allows for non-residential development between a FAR of 3.0 and 15.0 (City of Sacramento 2016a). The modified project proposes a new courthouse at Lot 41-Railyards with an FAR of just over 5.0, which is within the allowed FAR and is therefore consistent with the RSPU. The RSPU is "consistent with the broad goals of the City of Sacramento 2035 General Plan" (City of Sacramento 2016b). As a result, the modified project is consistent with the land use designated in the 2035 City of Sacramento General Plan and would not conflict with the City of Sacramento's GHG emissions reductions and climate change adaptation plan. Impacts would remain less than significant.

### **4.8.2 Mitigation Measures**

No mitigation is required.

## 4.9 NOISE AND VIBRATION

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
<b>XII. Noise. Would the project result in:</b>				
a) Long-term exposure of existing sensitive receptors to project-generated operational-related increases in stationary source noise levels?	Draft EIR, Impact 4.3-1	No	Yes	NA, impact remains less than significant
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR, Impact 4.2-2	No	Yes	NA, impact remains less than significant.
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR, Impact 4.2-3	No	Yes	N/A, impact remains less than significant.
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR, Impact 4.2-4	No	No	NA, impact remains less than significant.
e) Compatibility of proposed onsite land uses with ambient noise and vibration levels?	Draft EIR, Impact 4.2-5	No	No	NA, impact remains less than significant.

### 4.9.1 Discussion

#### a) Long-term exposure of existing sensitive receptors to project-generated operational-related increases in stationary source noise levels?

The 2011 EIR concluded that implementation of the project as originally proposed would not result in increased noise levels from stationary-sources that exceed the applicable standards (8.68.060 of Sacramento's Municipal Code) at nearby offsite sensitive receptors at either of the potential project sites. The project would generate approximately 44 dB  $L_{eq}$  at the nearest residence approximately 500 feet from the site. The 2011 EIR concluded the impact would not exceed the daytime and nighttime standards of 55 and 50 dB for daytime and nighttime noise, respectively.

The modified project would not include any new operational noise sources compared to the project as originally proposed. However, a new residential building was constructed since 2011, located about 230 feet east of the courthouse site at the intersection of 7<sup>th</sup> Street and H Street and closer than the receptor contemplated in the 2011 EIR. The closer receptor could experience noise of about 50 dB; perceptible noise would likely be lower due to an intervening building between Lot 41-Railyards and the residential building. The new residential structure is a multi-family use, and standard building design and materials would reduce exterior noise by 25 dB; therefore, project-generated stationary-source noise would not exceed 45 dB interior noise standards. Operational noise would therefore still be less than significant.

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

The 2011 EIR concluded that vibration from construction (0.089 in/sec PPV at 25 feet and 87 VdB at 25 feet) would not result in an exceedance of the structural damage threshold (0.1 in/sec PPV) or human annoyance thresholds (80 VdB) at the nearest sensitive land uses. The nearest historical building was 75 feet from Lot-41 Railyards and the nearest residential receptor was 500 feet from the site. The 2011 EIR notes that operational vibration would be less than construction vibration.

The types of vibration-generating activities associated with the project would be the same as analyzed in the 2011 EIR. There are no new closer historic buildings identified since the 2011 EIR. However, a new residential building was constructed since 2011, located about 230 feet east of the courthouse site at the intersection of 7<sup>th</sup> Street and H Street and closer than the receptor contemplated in the 2011 EIR. Vibration from construction would attenuate to 58.1 VdB at this closer receptor, which is still below the human annoyance threshold. Operation of the modified project would generate vibration that is less than that of construction activities. Therefore, vibration impacts would still be less than significant.

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

The 2011 EIR concluded that project implementation would increase ambient noise levels due to increases in average daily vehicle trips. Implementation of the project as originally proposed would result in a maximum increase exceeding the allowable increase for residences along 7<sup>th</sup> Street between F and G Streets, along G Street between 7<sup>th</sup> and 8<sup>th</sup> Streets, and 5<sup>th</sup> Street between H and I Streets. In addition, project implementation would also exceed the allowable increase for institutional uses along the aforementioned segments of G and 7<sup>th</sup> Streets. However, there were no residences or institutional uses located along these segments. Thus, the 2011 EIR concluded that implementation of the project would not result in substantial permanent increase in ambient noise levels in the project vicinity.

Based on the project-specific traffic report, the modified project would result in a decrease in project-generated vehicle trips as compared to the project as originally proposed (Fehr & Peers 2018). Therefore, the traffic associated with the modified project would have less of a permanent impact on ambient noise levels compared to the project as originally proposed.

Since the 2011 EIR, however, a new residential building was constructed about 230 feet east of the courthouse site at the intersection of 7<sup>th</sup> Street and H Street. Ambient noise levels along 7<sup>th</sup> Street have also changed since the 2011 EIR due to construction of a light rail line along 7<sup>th</sup> Street. Principal contributors to ambient noise on 7<sup>th</sup> Street adjacent to the new residential building are traffic on 7<sup>th</sup> Street, the light-rail train, and noise from Amtrak trains located about 912 feet north of the residential building. Based on the light rail schedule, it was estimated that the light rail generates four pass-by events per hour on 7<sup>th</sup> Street between 6am and 9pm. The RSPU EIR notes that the  $L_{eq}$  for 15 minutes along 7<sup>th</sup> Street is 64 dBA, with light rail trains being the principal noise source. The noise from pass-by of an Amtrak train at the new residential building would be 59.9 dBA. A representative nighttime ambient noise levels in quiet urban areas during nighttime is 40 dBA. Therefore, based on these noise sources, the ambient noise level of traffic at the residential building is estimated to be 64.6 dBA  $L_{dn}$ , which is 7.6 dBA higher than the measured ambient traffic noise level of 57.0 dBA  $L_{dn}$  from the 2011 EIR. Because the project as modified would generate less noise than the project as originally proposed and the ambient baseline noise level has substantially increased by 7.6 dBA since 2011, the project as modified would result in less of a noise increase on 7<sup>th</sup> Street than originally proposed. As shown for the proposed project, where there are already elevated ambient noise levels (i.e., 61 dB and above), the net change resulting from the project would not be significant. On the south side of the residential building, H Street between 6<sup>th</sup> and 7<sup>th</sup> Streets was identified as experiencing a net decrease in noise. Because the modified project would result in less traffic than the proposed project, and because ambient noise levels are likely elevated due to the new light rail line on 7<sup>th</sup> Street, noise impacts on H Street near the new residential receptor would not be significant.

Additionally, since the 2011 EIR, a condominium and hotel complex was constructed along I street between 5<sup>th</sup> and 6<sup>th</sup> Streets. The 2011 EIR identified a net increase in noise on this road segment of 0.1 dB. Because the modified project would result in less traffic than the proposed project, noise impacts on I Street near the new residential/hotel receptor would still not be significant.

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

The 2011 EIR concluded that construction noise impacts would not expose sensitive receptors to a substantial temporary increase in ambient noise levels due to the consistency of the project's environmental protection measures with those listed in the City of Sacramento Municipal Code's (8.68 [Noise Control]) exemption of construction-source noise. The modified project would have the same construction methods and levels of intensity as well as the same environmental protection measures. The findings of the New Sacramento Criminal Courthouse EIR therefore remain valid and no further analysis is required.

**e) Compatibility of proposed onsite land uses with ambient noise and vibration levels?**

The 2011 EIR concluded that onsite noise and vibration would not exceed standards for the propose land use type because the site would not be located within a 70 dB  $L_{dn}$  noise contour for future traffic levels and would not be located in a category 3 vibration screening distance for various modes of transit.

According to Appendix C of the City of Sacramento 2035 General Plan, the project site would not be located within a 70-dB day-night average sound level ( $L_{dn}$ ) noise contour for future traffic noise levels on surrounding roadways. No new conventional commuter railroads, rail rapid transit, light rail transit, or intermediate capacity transit have been developed in the vicinity of the project area since certification of the 2011 EIR. Therefore, impacts would remain less than significant.

## 4.9.2 Mitigation Measures

No mitigation is required.

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## 4.10 TRAFFIC AND TRANSPORTATION

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>XVI. Transportation/Traffic. Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	New Sacramento Criminal Courthouse EIR Analysis: pp. 4.1-60 thru 4.1-62	No	Yes	No, but mitigation updated to resolve impacts
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	New Sacramento Criminal Courthouse EIR Analysis: pp. 4.1-60 thru 4.1-62	No	Yes	No, but mitigation updated to resolve impacts
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Not addressed	No	No	N/A
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	New Sacramento Criminal Courthouse EIR Analysis: pp. 4.1-62	No	No	N/A
e) Result in inadequate emergency access?	New Sacramento Criminal Courthouse EIR Analysis: pp. 4.1-63	No	No	N/A
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	New Sacramento Criminal Courthouse EIR Analysis: pp. 4.1-63 thru 4.1-65	No	No	N/A

## 4.10.1 Discussion

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

### Construction

The 2011 EIR concluded that construction activities would generate traffic associated with construction worker trips and the delivery of materials and equipment to the project site. It was determined that these trips could result in substantial increase in traffic on local roadways and thus result in a significant impact. However, the 2011 EIR found that this impact could be mitigated to a less than significant level if Mitigation Measure 4.1-1, on page 4.1-61, were implemented. Although the modified project would be two stories taller than the project as originally proposed, the intensity of construction of the modified project would be similar to the project as originally proposed. Therefore, the construction-related transportation impacts would be similar to the project as originally proposed. With implementation of Mitigation Measure 4.1-1 from the 2011 New Sacramento Criminal Courthouse EIR, this impact would still be reduced to a less-than-significant level.

### Operation

The 2011 EIR analyzed employment of 397 people at the originally proposed New Sacramento Courthouse, while 316 employees would be employed at the existing Gordon D. Schaber Courthouse site after its proposed renovation. Therefore, the originally proposed project included a total of 713 employees that would travel to and from downtown Sacramento.

The modified project is expected to employ a total 672 at the 18-story JCC Courthouse on Lot 41—Railyards, and the existing Schaber Courthouse site would be vacated and mothballed. Thus, the modified project would decrease the total number of trips to and from the project area through the consolidation of satellite facilities into a single courthouse with fewer total employees (672 employees compared to 713 employees) than previously analyzed in the 2011 EIR. The evaluation of potential new impacts resulting from the implementation of the proposed project modifications is based on the transportation analysis performed by Fehr & Peers in 2018 (see Appendix B).

Since JCC's certification of the New Sacramento Criminal Courthouse EIR in 2011, the City of Sacramento has adopted the 2035 General Plan. The Mobility Element of the City of Sacramento's 2035 General Plan outlines goals and policies for the transportation and circulation system, including M.1.2.2, which states that LOS F is allowed in the Tier 1 Priority Investment Area, where the project would be located.

The overall methodology, including the trip generation rates and mode split developed for use in the 2011 New Sacramento Criminal Courthouse EIR, was used for the modified project for the a.m. peak hour, p.m. peak hour, and daily conditions. Table 4.10-1 contains a comparison of the number of trips generated under the project as originally proposed and the number of trips generated by the modified project.

**Table 4.10-1 Proposed Project Trip Generation Analysis**

	AM Peak Hour 8AM – 9AM			PM Peak Hour 4:30 – 5:30PM			Daily
	In	Out	Total	In	Out	Total	
<b>Previously Approved Project Trips 316 Employees at Schaber Courthouse, 397 Employees at New Courthouse, Total of 713 Employees)</b>							
Person Trips	1,711	285	1,996	64	549	613	10,738
Vehicle Trips	1,497	214	1,711	57	542	599	9,198

**Table 4.10-1 Proposed Project Trip Generation Analysis**

	AM Peak Hour 8AM – 9AM			PM Peak Hour 4:30 – 5:30PM			Daily
	In	Out	Total	In	Out	Total	
<b>Proposed Modified Project Trips (0 Employees at Schaber Courthouse, 672 Employees at New Courthouse, Total of 672 Employees)</b>							
Person Trips	1,613	269	1,882	60	517	577	10,120
Vehicle Trips	1,411	202	1,613	54	510	564	8,669
<b>Proposed Modified Project Net New Trips</b>							
Person Trips	-98	-16	-114	-4	-32	-36	-618
Vehicle Trips	-86	-12	-98	-3	-32	-35	-529
Source: Fehr & Peers, January 2018							

As shown in Table 4.10-1, the modified project would result in 98 fewer vehicle trips to and from downtown Sacramento in the AM Peak Hour, 35 fewer vehicle trips to and from downtown Sacramento in the PM Peak Hour, and 529 fewer vehicle trips to and from downtown Sacramento on a typical weekday. Additionally, the trip distribution and assignment of the proposed project would not substantially differ from that of the project as originally proposed. Considering the 2035 General Plan LOS policy (LOS F) for the project area, the modified project would not cause exceedance of intersection LOS standards at any project study intersection. Thus, the proposed project would not result in any new or more severe intersection LOS impacts when compared to existing or future conditions than were previously evaluated in the 2011 New Sacramento Criminal Courthouse EIR.

#### **Cumulative Impacts**

Changes to the cumulative traffic conditions in the vicinity of the project have occurred since the 2011 New Sacramento Criminal Courthouse EIR was certified, which could create new potential impacts if conditions have worsened overtime. The recently certified RSPU EIR has altered cumulative conditions in the project area with the planned construction of new multi-modal connections between downtown Sacramento and the project area. The RSPU EIR also included major development projects including JCC's previously approved New Sacramento Criminal Courthouse project, the Kaiser Permanente Medical Center, Major League Soccer Stadium and additional employment, retail and residential growth in the vicinity of the proposed project. Additionally, the City of Sacramento recently completed the Final EIR for the Central City Specific Plan that encompasses downtown Sacramento. This Specific Plan, if approved, would alter the cumulative conditions in the project area from those identified in the 2011 EIR for the New Sacramento Criminal Courthouse.

The SACMET model was used to analyze the proposed project in the cumulative scenario which included the proposed RSPU and Central City Specific Plan land uses and multi-modal roadway network serving vehicles, transit (light rail and buses), pedestrians and bicyclists. The results of the proposed project trip generation analysis in Table 4.10-1 shows that the proposed project would result in a net decrease in vehicle, transit, pedestrian, and bicycle trips to and from downtown Sacramento. Therefore, based on trip generation analysis along with the transportation analysis completed for the RSPU and Central City Specific Plan, the proposed project would not result in any new or more severe cumulative impacts to roadway, freeway, transit, bicycle and pedestrian facilities. Implementation of Mitigation Measure 5-2 for the Lot 41-Railyards site from the 2011 New Sacramento Criminal Courthouse EIR requires payment of fair share traffic impact fees. Therefore, implementation of this measure, as revised below, would require payment of the currently applicable citywide development impact fee. Therefore, the project would not result in any new significant cumulative impacts or a substantial increase in the severity of previously-identified significant cumulative impacts.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Refer to the discussion under criterion a).

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

The Initial Study appended to the 2011 EIR found that the proposed courthouse would be consistent with the scale of existing and planned development surrounding the site and consistent with the General Plan land use designation for the site. The original project was not located within 2 miles of an existing airport and would not increase demand for air travel in a way that would change air traffic patterns.

The modified project would be two stories taller than the project as originally proposed but in the same location as the originally proposed project. It is still consistent with the scale of existing and planned development surrounding the site and consistent with the 2035 General Plan land use designation for the site, as explained in Section 4.1 of this addendum. Therefore, impacts would still be less than significant.

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

The 2011 EIR concluded that all driveways providing access to the project site would be constructed “mid-block” between existing or planned traffic controls, would be designed to minimize vehicle queues onto adjacent roadways, would be designed to reduce conflicts between exiting vehicles and pedestrians, and would include an audible warning device where sight distance is limited. The proposed project would be designed with these features and to meet all design and safety standards established by the City. Therefore, the findings of the 2011 New Sacramento Criminal Courthouse EIR remain valid and no further analysis is required.

**e) Result in inadequate emergency access?**

The 2011 EIR concluded that the project site would be accessible from two driveways such that if one of these driveways became blocked in an emergency, the other driveway could be used by emergency vehicles to access the site and would provide adequate emergency access. The proposed project would also have these features. Therefore, the findings of the 2011 New Sacramento Criminal Courthouse EIR remain valid and no further analysis is required.

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

The 2011 EIR concluded that the project would not result in any substantial changes to the existing or planned pedestrian, bicycle, a transit networks and operations and would not result in unsafe conditions or conflict with adopted policies, plans, or programs related to public transit, bicycle, or pedestrian facilities. The proposed modified project is substantially similar in overall scale, site layout, and development type and, similar to the originally proposed project, would also not result in any substantial changes to the existing or planned pedestrian, bicycle, or transit networks and operations. Therefore, the findings of the 2011 New Sacramento Criminal Courthouse EIR remain valid and no further analysis is required.

## 4.10.2 Mitigation Measures

Mitigation Measures 4.4-1 and 5-2 were adopted with the New Sacramento Criminal Courthouse EIR. Mitigation Measure 4.4-1 would continue to remain applicable. Mitigation Measure 5-2 is no longer applicable to the project as LOS standards within the City have changed since adoption of the 2011 New Sacramento Criminal Courthouse EIR, and the RSPU includes a set of new of new transportation improvements in the project area intended to accommodate non-auto modes of travel, which allow for an LOS F condition to be permitted. Thus, Mitigation Measure 5-2 is revised to reflect these changes.

## Mitigation Measure 4.1-1

To minimize construction impacts to the transportation system the following strategies will be implemented:

- ▲ Access to driveways and cross streets will be maintained during construction, in accordance with traffic control standard plans or traffic handling plans
- ▲ Pedestrian access will be maintained during construction, with at least one sidewalk open on one side of the roadway at all times. Additional signs will be required to detour pedestrians when sidewalks are closed for contract work.
- ▲ Bicycle traffic will be maintained during construction. Additional signs and striping will be required to direct bicycle traffic when bikeways are closed for contract work.
- ▲ Coordination with the city will be required to handle traffic through the work area.
- ▲ During the development of plans, specifications, and estimates (PS&E), the anticipated construction schedule(s) of adjacent project(s) will be reviewed to determine if nearby projects should be indicated in the special provisions as requiring cooperation of the contractor during construction.

## Mitigation Measure 5-2 (Lot 41-Railyards)

As a branch of state government, the AOC JCC is not required to pay local impact fees except to the extent that payment of such fees would serve to mitigate a significant impact of the project. In the instance of the proposed project, the city fees serve to fund, on a fair share basis, the mitigation measures needed to substantially reduce cumulative traffic impacts. Therefore, consistent with the RSPU and due to the location of the proposed modified project within the Tier 1 Priority Investment Area of the City, in which LOS F may be permitted under certain conditions, therefore, the AOC JCC will voluntarily provide "fair-share" funding for applicable improvements identified in the RSPU EIR. (Mitigation Measure 4.12-16) through payment of fair share traffic impact fees shall be determined in consultation with the City and be consistent with the Citywide Development Impact Fee Program and the RSPU EIR, in accordance with the Railyards Specific Plan Public Facilities Financing Plan (Financing Plan) adopted by City Council on December 11, 2011 under Resolution 2007-910. Consistent with the Financing Plan, the AOC's fair share traffic impact fee payment is the City fee associated with the Railyards Specific Plan, which is \$0.03 per square foot of building floor area. (Note that this cost is derived based on the transportation costs provided in Table VI-1 of the Financing Plan. The cost is then adjusted for the fact that much of traffic associated with the new courthouse building already exists in the downtown area. An operational expansion factor of 17% is assumed, which is the average taken between the percent expansion of courtrooms [14 new / 61 total] and the percent expansion of employees [82 new / 713 total]. The AOC will pay 17% of the traffic impact fees derived from the Financing Plan.) In addition, the AOC will pay the city traffic fee of \$0.12 per square foot of building floor area and the Sacramento Transportation Authority (STA) fee of \$0.24 per square foot of building floor area. (Note that these costs are derived based on the city traffic fees and STA fees outlined in Table C-2 in Appendix C of the Financing Plan. The same adjustment for 17% operational expansion is also applied to these fees.) All these The impact fees together would serve to provide the project's fair share of funding to mitigate cumulative traffic impacts. The total traffic impact fee will be \$0.39 per square foot of building floor area of the New Sacramento Criminal Courthouse.

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## 4.11 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the EIR	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Document's Mitigations Address/Resolve Impacts?
<b>XVIII. Utilities and Service Systems. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Draft EIR, Impact 4.8-2	No	Yes	NA, impact would remain less than significant
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft EIR, Impact 4.8-2	No	Yes	NA, there would be no impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft EIR, Impact 4.8-3	No	Yes	NA, impact would remain less than significant
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Draft EIR, Impact 4.8-1, Impact 4.8-2	No	Yes	NA, impact would remain less than significant
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	Draft EIR, Impact 4.8-3	No	No	NA, impact would remain less than significant
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Draft EIR, Impact 4.8-5	No	No	NA, impact would remain less than significant
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR, Impact 4.8-5	No	No	NA, impact would remain less than significant
h) Exceed capabilities of electrical and natural gas services providers?	Draft EIR, Impact 4.8-6	No	No	NA, impact would remain less than significant

i) Increase the amount of pollutants entering the stormwater system?	Draft EIR, Impact 4.8-4	No	No	NA, impact would remain less than significant
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### 4.11.1 Discussion

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

The 2011 EIR concluded that the project as originally proposed would generate wastewater but that impacts would be less than significant. The modified project involves transferring existing staff into the proposed New Sacramento Courthouse. As a result, the modified project would not increase overall generation of wastewater that would be conveyed to the SRWWTP. Furthermore, the 2016 RSPU EIR found that the City had sufficient treatment capacity to serve the RSPU (City of Sacramento 2016). As a result, impacts related to wastewater treatment would remain less than significant.

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

**Construction**

The 2011 EIR concluded that water may be required for dust suppression and soil compaction during construction. The water would come from the existing city water line adjacent to the site and would not require construction of new distribution facilities. The modified project would be in the same location and disturb the same amount of area as the original project, requiring the same amount of water in the same location as the originally proposed project. Therefore, the modified project would result in no impact from construction of new water facilities. The findings of the New Sacramento Courthouse EIR for water delivery facilities remain valid, and no further analysis is required.

**Operation**

The 2011 EIR concluded that planned water infrastructure has been designed to accommodate buildout of the RSPU, which included development consistent with the proposed project. Specifically, the EIR indicated that the 12-inch water line installed with the 6<sup>th</sup> Street extension would be able to serve the proposed project, and no additional improvements would be necessary. As a result, there would be adequate water supply lines to serve the project and the impact would be less than significant. Since certification of the 2011 EIR, the 6<sup>th</sup> Street water line discussed in the 2011 EIR has been installed (City of Sacramento 2016). The modified project would result in more staff in the New Sacramento Courthouse, which would increase the building’s use of water. The RSPU EIR found that the City had adequate conveyance systems and water treatment capacity to serve the RSPU. The RSPU zones and designates the project site as C3-SPD, which allows for non-residential development between a FAR of 3.0 and 15.0 (City of Sacramento 2016). The modified project proposes a new courthouse at Lot 41-Railyards with an FAR of just over 5.0. Therefore, the proposed modified project is consistent with the level of development evaluated for the Lot 41—Railyards site in the RSPU EIR. Conveyance systems and water treatment would be adequate and would not require construction of new water or wastewater treatment facilities. Therefore, the proposed project would not require construction of new water facilities beyond those contemplated in the RSPU, and impacts would be less than significant.

The 2011 EIR concluded that generation of wastewater would increase flows in the City of Sacramento’s combined sewer system (CSS), but that impacts would be less than significant. Planned stormwater and wastewater infrastructure of the RSP would accommodate buildout of the RSP, which included development consistent with the originally proposed project. The 2011 EIR notes that impacts to the CSS could be significant if development occurs faster than planned drainage infrastructure. However, the regional

drainage facilities serving Lot 41-Railyards would be installed prior to construction of the courthouse, which is one of the first developments proposed in the RSP area. The 2011 EIR therefore concluded impacts would be less than significant. The modified project would result in generation of more wastewater at Lot 41-Railyards than the project as originally proposed because more staff would be located at the new courthouse. The RSPU, unlike the original RSP, includes plans for a Stormwater Outfall into the Sacramento River so that stormwater would not be conveyed to the Sacramento Regional Wastewater Treatment Plant (SRWWTP), reducing the overall wastewater generated and conveyed to the SRWWTP compared to the RSP. The RSPU EIR states there is a potential for some development to occur prior to the Stormwater Outfall Construction, in which case the existing on-site retention basin south of Railyards Boulevard would be expanded and/or additional basins may be constructed and design to contain stormwater runoff volumes according to the City's design criteria. As explained, the modified project is consistent with development considered in the RSPU. The RSP served as the basis for analysis of the originally proposed project, and the RSPU would result in reduced impacts compared to the RSP. Therefore, the proposed project would not require construction of new wastewater facilities beyond those contemplated in the RSPU, and impacts would be less than significant.

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

The 2011 EIR concluded that the RSP would involve construction of regional drainage facilities that would serve the Lot 41-Railyards site and would be installed prior to construction of the proposed project. As a result, the 2011 EIR concluded stormwater drainage impacts would be less than significant. The RSPU, unlike the original RSP, identifies a Stormwater Outfall into the Sacramento River. The RSPU EIR states there is a potential for some development to occur prior to the Stormwater Outfall Construction, in which case the existing on-site retention basin south of Railyards Boulevard would be expanded and/or additional basins may be constructed and design to contain stormwater runoff volumes according to the City's design criteria. Retention basins would be outfitted with temporary discharge pumps and pipelines to the 3<sup>rd</sup> street CSS (City of Sacramento 2016). Therefore, the proposed project would not require construction of new stormwater facilities beyond those contemplated in the RSPU, and impacts would be less than significant.

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

**Construction**

The 2011 EIR concluded that water may be required onsite during construction activities for dust suppression and soil compaction, which would come from the existing city water line adjacent to the site. The 2011 EIR concluded that there would be adequate water supply to provide water during construction. The area disturbed and needing compaction for the modified project would be the same as analyzed for the originally proposed project, requiring the same amount of water as the originally proposed project. The 2016 RSPU EIR found that the RSPU would not result in an exceedance of available water supply in the City (City of Sacramento 2016). Dust suppression and soil compaction activities would be temporary and occur for only a short portion of construction. Therefore, construction would use less water than buildout. Impacts would therefore be less than significant.

**Operation**

The 2011 EIR concluded that the proposed project was consistent with the level of water demand that was already analyzed in the City of Sacramento's General Plan, resulting in a less than significant impact related to water demand. The modified project would only move staff from other facilities to the new courthouse and would not result in a net increase in staff and water use. Therefore, the modified project would not increase water demand compared to the project as originally proposed. Furthermore, the 2016 RSPU EIR found that the RSPU would not result in an exceedance of available water supply in the City (City of Sacramento 2016). As previously discussed, the modified project is consistent with the development contemplated to the RSPU. As a result, impacts during operation would remain less than significant.

The 2011 EIR also concluded that the proposed project's contribution to a significant and unavoidable increased demand for water treatment would be cumulatively considerable. The 2016 RSPU EIR determined that cumulative increase in demand for water treatment would be significant and unavoidable. The modified project would only move staff from other facilities to the new courthouse and would not result in a net increase in staff and water use. Therefore, the modified project would not result in a net increase in demand for water treatment compared to the project as originally proposed. Impacts would therefore not be substantially more severe and the conclusions in the 2011 EIR remain valid.

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

Refer to discussion under criterion b).

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

The 2011 EIR found that the project would increase solid waste generation but that there was adequate long-term landfill disposal capacity available in area landfills, with landfill closure dates that extend to 2064. The EIR also concluded that the project would have to comply with all federal and state statutes and regulations related to solid waste and recycling. The modified project would only move staff from other facilities to the new courthouse and would not result in a net increase in solid waste generation. Therefore, the modified project would not increase solid waste generation compared to the project as originally proposed. Furthermore, the RSPU EIR found that there would be sufficient landfill space to serve the RSPU without need for new or expanded solid waste management or disposal. As a result, impacts would remain less than significant.

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

Refer to the discussion under criterion f).

**h) Exceed capabilities of electrical and natural gas services providers?**

The 2011 EIR found that the estimated electrical demand of the project was consistent with the City of Sacramento's General Plan MEIR analysis conclusions. The 2011 EIR concluded that infrastructure was already in place to serve the project and the project would not exceed SMUD's electrical service capabilities. Impacts would be less than significant. The 2011 EIR also explained that PG&E could supply natural gas upon buildout of the General Plan without jeopardizing existing or projected service commitments. The 2011 EIR therefore concluded that the project would have a less than significant impact on natural gas services.

The modified project would increase the number of staff and the size of the building at Lot 41-Railyards, which would increase electrical consumption and natural gas assumed for the new courthouse building in the 2011 EIR. The courthouse proposed at Lot 41-Railyards associated with the modified project would have a LEED Silver rating, which requires design to increase energy efficiency, and far less electricity would be consumed at Schaber Courthouse following mothballing. Any increase in electricity consumption due to increase in building size at the New Sacramento Courthouse would therefore be incremental. For natural gas consumption, the modified project is consistent with the development contemplated under the RSPU. The RSPU is consistent with the General Plan, and PG&E has indicated it could supply natural gas for General Plan buildout. As for electricity, any increase in natural gas consumption at the New Sacramento Courthouse would be incremental. Due to relocation of staff from Gordon D. Schaber Courthouse and satellite facilities, overall demand for natural gas and electricity would likely decrease. Therefore, similar to the analysis in the 2011 EIR, there would be adequate capacity for electrical and natural gas services for the modified project. Impacts would remain less than significant.

**i) Increase the amount of pollutants entering the stormwater system?**

The 2011 EIR concluded that the proposed project would implement stormwater quality control measures designed using criteria in the *Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Design Manual)*, which includes stormwater quality requirements for new development as well as low impact development strategies. The 2011 EIR concluded that impacts would be less than significant because the JCC would implement practices in the *Design Manual* and comply to the extent feasible with city policies to protect stormwater quality. The modifications to the proposed project do not affect exterior landscaping or stormwater facility design at the New Sacramento Courthouse and therefore would not affect stormwater quality compared to the impacts of the originally proposed project. Impacts would still be less than significant. The findings of the New Sacramento Courthouse EIR for stormwater quality remain valid, and no further analysis is required.

**4.11.2 Mitigation Measures**

No mitigation is required.

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## 5 CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification that shows new or substantially more severe significant impacts that cannot be mitigated to less than significant. Therefore, approval of the project as modified would not result in new or substantially more severe significant impacts to any environmental resources. No additional environmental review is necessary.

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## 8 REFERENCES

### Chapter 3 Project Description

California Stormwater Quality Association. 2003. California Storm Water Best Management Practice Handbooks: Construction. January 2003.

JCC (Judicial Council of California). 2006. California Trial Court Facilities Standards.

\_\_\_\_\_. 2017. Renderings for New Sacramento Courthouse. Provided to Ascent Environmental, Inc.

### Section 4.1 Sections Previously Scoped Out by 2011 Initial Study

City of Sacramento. 2016a. Railyards Specific Plan Update Subsequent Environmental Impact Report. June 2016. Available at <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports/Railyards-Specific-Plan-EIR>. Accessed December 28, 2017.

City of Sacramento 2016b. Railyards Specific Plan Update. October 2016.

### Section 4.3 Biological Resources

City of Sacramento. 2016. Railyards Specific Plan Update Subsequent Environmental Impact Report. June 2016. Available at <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports/Railyards-Specific-Plan-EIR>. Accessed December 28, 2017.

### Section 4.4 Cultural Resources

Anderson, Carson. 2018. Preservation Director of the City of Sacramento. Personal communication with Jerry Ripperda, Judicial Council of California. February 8.

City of Sacramento. 2016. Railyards Specific Plan Update Subsequent Environmental Impact Report. June 2016. Available at <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports/Railyards-Specific-Plan-EIR>. Accessed December 28, 2017.

GEI Consultants. 2017. Mid-Century Modern in the City of Sacramento Historic Context Statement and Survey Results. Prepared for the City of Sacramento. Available at [http://www.cityofsacramento.org/-/media/corporate/files/cdd/planning/urban-design/preservation/mcm-context-statement-report\\_update-website.pdf](http://www.cityofsacramento.org/-/media/corporate/files/cdd/planning/urban-design/preservation/mcm-context-statement-report_update-website.pdf). Accessed March 2, 2018.

### Section 4.7 Air Quality

Fehr & Peers. 2018. *Supplemental Transportation Analysis for the Judicial Council of California Courthouse Project at Lot 41 – Railyards in Sacramento, CA*.

### Section 4.8 Greenhouse Gases and Climate Change

City of Sacramento. 2016a. Railyards Specific Plan Update Subsequent Environmental Impact Report. June 2016. Available at <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports/Railyards-Specific-Plan-EIR>. Accessed December 28, 2017.

City of Sacramento 2016b. Railyards Specific Plan Update. October 2016.

Fehr & Peers. 2018. *Supplemental Transportation Analysis for the Judicial Council of California Courthouse Project at Lot 41 – Railyards in Sacramento, CA.*

#### **Section 4.9 Noise and Vibration**

Fehr & Peers. 2018. *Supplemental Transportation Analysis for the Judicial Council of California Courthouse Project at Lot 41 – Railyards in Sacramento, CA.*

#### **Section 4.10 Traffic and Transportation**

Fehr & Peers. 2018. *Supplemental Transportation Analysis for the Judicial Council of California Courthouse Project at Lot 41 – Railyards in Sacramento, CA.*

#### **Section 4.11 Utilities**

City of Sacramento. 2016. Railyards Specific Plan Update Subsequent Environmental Impact Report. June 2016. Available at <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports/Railyards-Specific-Plan-EIR>. Accessed December 28, 2017.

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# **Appendix A**

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**Schaber Courthouse DPR Form 523**

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_ 3S, 3CS, 5S3  
Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

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\*Resource Name or # (Assigned by recorder) Gordon D. Schaber County Courthouse

**P1. Other Identifier:** Sacramento County Courthouse

\*P2. Location:  Not for Publication  Unrestricted  
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*a. County Sacramento

\*b. USGS 7.5' Quad Sacramento East Date 1967 (Rev. 1980) T \_\_\_\_; R \_\_\_\_; \_\_\_\_ ¼ of Sec \_\_\_\_; \_\_\_\_ B.M.

c. Address 720 9<sup>th</sup> Street City Sacramento Zip 95814

d. UTM: (give more than one for large and/or linear resources) Zone \_\_\_\_; \_\_\_\_ mE/ \_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

APN: 002-0145-026-0000

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Gordon D. Schaber Sacramento County Courthouse (County Courthouse) is a 6-story rectangular building designed in the Brutalist style (**Photograph 1, 2, and 3**). **Figure 1** provides a basic site plan of the property. It features a small elevator floor at the top of the building and a basement level parking garage. The sixth floor is recessed and of steel construction. Floors two through five are concrete and feature rectangular, pre-cast concrete panels that function as solar louvers to control sunlight (**Photograph 4**). The first floor is also concrete but is clad with black granite veneer (**Photograph 5**) and is accessed by glass doors at the east side main entrance. A second entrance is on the west side as are two entrances to the underground parking garage. Brick pavers run along the base of the building on all four façades. The east side of the building features an elevated entry plaza with several steps connecting the building to the plaza. (See Continuation Sheet)

\*P3b. Resource Attributes: (List attributes and codes) HP14. Government Building

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5b. Description of Photo: (View, date, accession #) Photograph 1, County Courthouse, camera facing northwest, August 11, 2017

\*P6. Date Constructed/Age and Sources:  
 Historic  Prehistoric  Both  
1965/Dedication Program

\*P7. Owner and Address:  
Judicial Council of California –  
Administrative Office of the Courts

\*P8. Recorded by: (Name, affiliation, address)  
Patricia Ambacher and Mark Bowen  
GEI Consultants, Inc.  
2868 Prospect Park Drive  
Rancho Cordova, CA 95670

\*P9. Date Recorded:  
August 11, 2017

\*P10. Survey Type: (Describe)  
Intensive



\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") GEI Consultants, Inc. and Mead & Hunt. 2017. Mid-Century Modern in the City of Sacramento Historic Context Statement and Survey Results. Prepared for City of Sacramento.

\*Attachments: NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  
 District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  
 Other (list) \_\_\_\_\_

DPR 523A (1/95)

\*Required Information