SAN BERNARDINO COURTHOUSE FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO:

Final Initial Study and Mitigated Negative Declaration

Issue Date: April 30, 2008

Prepared for:

Judicial Council of California
Administrative Office of the Courts
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LIST OF ABBREVIATIONS AND ACRONYMS

§	Section
AB	Assembly Bill
ADOC	Administrative Director of the Courts
AOC	Administrative Office of the Courts
AQMP	Air Quality Management Plan
BMP	Best Management Practice
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CRHR	California Register of Historical Resources
CO	Carbon monoxide
dB	Decibel
dBA	Decibels A-scale
DFG	Department of Fish and Game
EIR	Environmental Impact Report
HRCR	Historical Resources Compliance Report
ITE	Institute of Transportation Engineer
LEED	Leadership in Energy and Environmental Design
LOS	Level of service
MGD	Million gallons per day
NAHC	Native American Heritage Commission
NO2	Nitrogen dioxide
NOx	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O3	Ozone
PM10	Particulate matter less than 10 microns in diameter
PM2.5	Particulate matter less than 2.5 microns in diameter
ROG	Reactive Organic Gases
SBIA	San Bernardino International Airport
SCAQMD	South Coast Air Quality Management District

SO2	Sulfur dioxide
SOM	Skidmore, Owings, and Merrill, LLP
SOx	Sulfur oxide
SWPPP	Storm Water Pollution Prevention Plan
Tg	Teragram
VOC	Volatile organic compound
USFWS	U.S. Fish and Wildlife Service
Water Board	Santa Ana Regional Water Quality Control Board

1.0 INTRODUCTION

The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council of California. The AOC is responsible for implementation of the Trial Court Facilities Act of 2002, landmark legislation that shifts governance of California courthouses from California counties to the State of California. The AOC began negotiations for transfer of responsibility of all trial court facilities from the counties to the State in 2004.

The AOC proposes to construct a new 356,000-square foot courthouse facility containing 36 courtrooms in the City of San Bernardino for the Superior Court of California, County of San Bernardino (Superior Court). This project would bring the total number of courtrooms in downtown San Bernardino to 47 courtrooms, 13 courtrooms more than the current total. The proposed site is located on vacant City-owned land, adjacent to the existing courthouse complex.

The project would consolidate the various courthouse facilities into a single courthouse complex. The project would increase space by an estimated 13 courtrooms and associated staffing and facilities. The document includes analysis of construction, as well as operational, effects resulting from this net increase in courtrooms.

The AOC will act as the California Environmental Quality Act (CEQA) Lead Agency for this project, as discussed further in the following section. Therefore, the AOC is responsible for implementing the CEQA review process for this project, including preparation and adoption of the Initial Study and Mitigated Negative Declaration.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with Government Code Section (§) 70391 and CEQA (Public Resources Code Section 21000-21177) and pursuant to § 15063 of Title 14 of the *California Code of Regulations*, the Judicial Council typically acts as the CEQA Lead Agency for courthouse projects. The Judicial Council has delegated its project approval authority to the Administrative Director of the Courts (ADOC). The ADOC considers a project's potential environmental impacts in its evaluation of the proposal project. If the ADOC finds that there is no evidence that the project (either as proposed or modified to include mitigation measures) may cause a significant effect on the environment, then the ADOC will find that the proposed project will not have a significant effect on the environment and will adopt a Negative Declaration for the project. Alternatively, if the ADOC finds evidence that any aspect of the proposed project may cause a significant environmental effect (after addition of mitigation measures); the ADOC will determine that an Environmental Impact Report (EIR) is necessary to analyze project-related and cumulative environmental impacts. The determination to prepare a Mitigated Negative Declaration rather than an EIR can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Public Resources Code Section 21080).

1.2 PURPOSE

The purposes of this Initial Study are to:

1. Facilitate environmental assessment early in the design of the project
2. Provide the ADOC with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration
3. Eliminate unnecessary EIRs
4. Enable the AOC to modify the proposed project to mitigate significant environmental impacts in order to avoid preparation of an EIR
5. Provide factual documentation for a Negative Declaration finding that the proposed project will not have a significant environmental effect

§ 15063 of the CEQA Guidelines identifies the following specific disclosure requirements for inclusion in an Initial Study:

1. A description of the project, including the location of the project
2. An identification of the environmental setting
3. An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries
4. A discussion of ways to mitigate any significant effects identified in the Initial Study
5. An examination of whether the project is compatible with existing zoning, plans, and other applicable land-use controls
6. The name of the person or persons who prepared or participated in preparation of the Initial Study

2.0 PROJECT DESCRIPTION

The AOC proposes to construct a new courthouse in the City of San Bernardino for the Superior Court of California, County of San Bernardino. The Superior Court consists of 11 regional court districts located in Barstow, Big Bear, Chino, Fontana, Joshua Tree, Needles, Rancho Cucamonga, Redlands, San Bernardino, Twin Peaks, and Victorville. Table 1 lists the project-related current and future Superior Court facilities in San Bernardino County.

The AOC is responsible for implementation of the Trial Court Facilities Act of 2002, Senate Bill 1732, that requires the transfer of responsibility for funding and operation of trial court facilities from California counties to the State of California. San Bernardino County transferred responsibility for several Superior Court facilities in the City of San Bernardino and other parts of San Bernardino County to the State in 2007.

The new courthouse will support felony, misdemeanor, traffic, juvenile delinquency, probate, family law (excluding AB 1058 child support proceedings), and other judicial functions. To maximize functional flexibility of the courtrooms, all of the courtrooms will have holding capability for in-custody detainees and access to a secure circulation system.

2.1 PROPOSED PROJECT

The AOC's proposed project consists of:

- Acquisition of a ~~7.7~~ ***7.1***-acre parcel from the City of San Bernardino,
- Design and construction of a new courthouse facility,
- Operation of the new courthouse by the Superior Court, and
- Withdrawal from several buildings currently occupied by the Superior Court.

The new courthouse will include 36 courtrooms, The Office of the Clerk of the Court, Executive Administrative offices, security operations and holding areas, and building support space. Secure parking, sallyport (a secured building entrance that connects to a secured building area), and in-custody detainee holding facilities will be located on the basement level. In planning for the new courthouse, the AOC estimates that each courtroom will hold approximately 50 visitors and 6 judicial staff. An additional 10-12 judicial staff would be necessary for operations at the courtrooms.

The AOC will design the building to conform to standards of a Leadership in Energy and Environmental Design (LEED) silver certified building. The LEED Rating System for New Construction includes criteria for green practices that include sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes. Points are awarded for attaining criteria listed in the LEED checklist (Attachment A). For silver certification, at least 33 of 39 criteria out of 69 must be met.

Table 1. Project-Related Current and Future Superior Court Facilities in San Bernardino County

Building Name	City	# of Courtrooms		Comments
		2008	Post-Project	
Redlands Courthouse	Redlands	2	0	Will relocate to current Superior Court facilities in City or to proposed new courthouse
Appellate and Appeals North Annex (401 North Arrowhead Ave.)	San Bernardino	0	0	Will relocate to current Superior Court facilities in City or to proposed new courthouse
Court Executive Office (172 West 3rd Street, 2nd FL)	San Bernardino	0	0	Will relocate to current Superior Court facilities in City or to proposed new courthouse
Juvenile Delinquency Courthouse (900 East Gilbert St.) 36-B1	San Bernardino	3	0	Will relocate to proposed new courthouse
San Bernardino Historic Courthouse (351 N. Arrowhead Ave.)	San Bernardino	15	9	Superior Court staff offices will occupy ~~six vacated courtrooms~~ ***nine courtrooms and utilize six current courtrooms as staff offices***
San Bernardino Courthouse - Annex (351 N. Arrowhead Ave.)	San Bernardino	11	0	Superior Court will vacate; space will become storage space
New San Bernardino Courthouse	San Bernardino	0	36	
San Bernardino Juvenile Traffic (175 West 5th St.)	San Bernardino	2	0	Will relocate to current Superior Court facilities in City or to proposed new courthouse
303 W. 3rd St.	San Bernardino	6[1]	2	Superior Court will vacate six courtrooms and continue operation of two courtrooms
Downtown San Bernardino		**34**	**47**	
City of San Bernardino		**37**	**47**	
Other Outside City of San Bernardino		**2**	**0**	

[1] The building currently contains 8 courtrooms, but one to three courtrooms function as replacements for construction-idled courtrooms in the Historic Courthouse and/or T-Wing Annex.

2.2 PROJECT BACKGROUND

San Bernardino County is the nation's largest county in total area, and the county's population has grown considerably over the last two decades, nearly doubling since 1980. With the influx of people has come an increased load on the County's Superior Court, resulting in facilities that are overcrowded, in poor physical condition, and lacking adequate security.

2.3 PURPOSE, GOALS, AND OBJECTIVES OF THE PROPOSED PROJECT

The purpose of the proposed project is to:

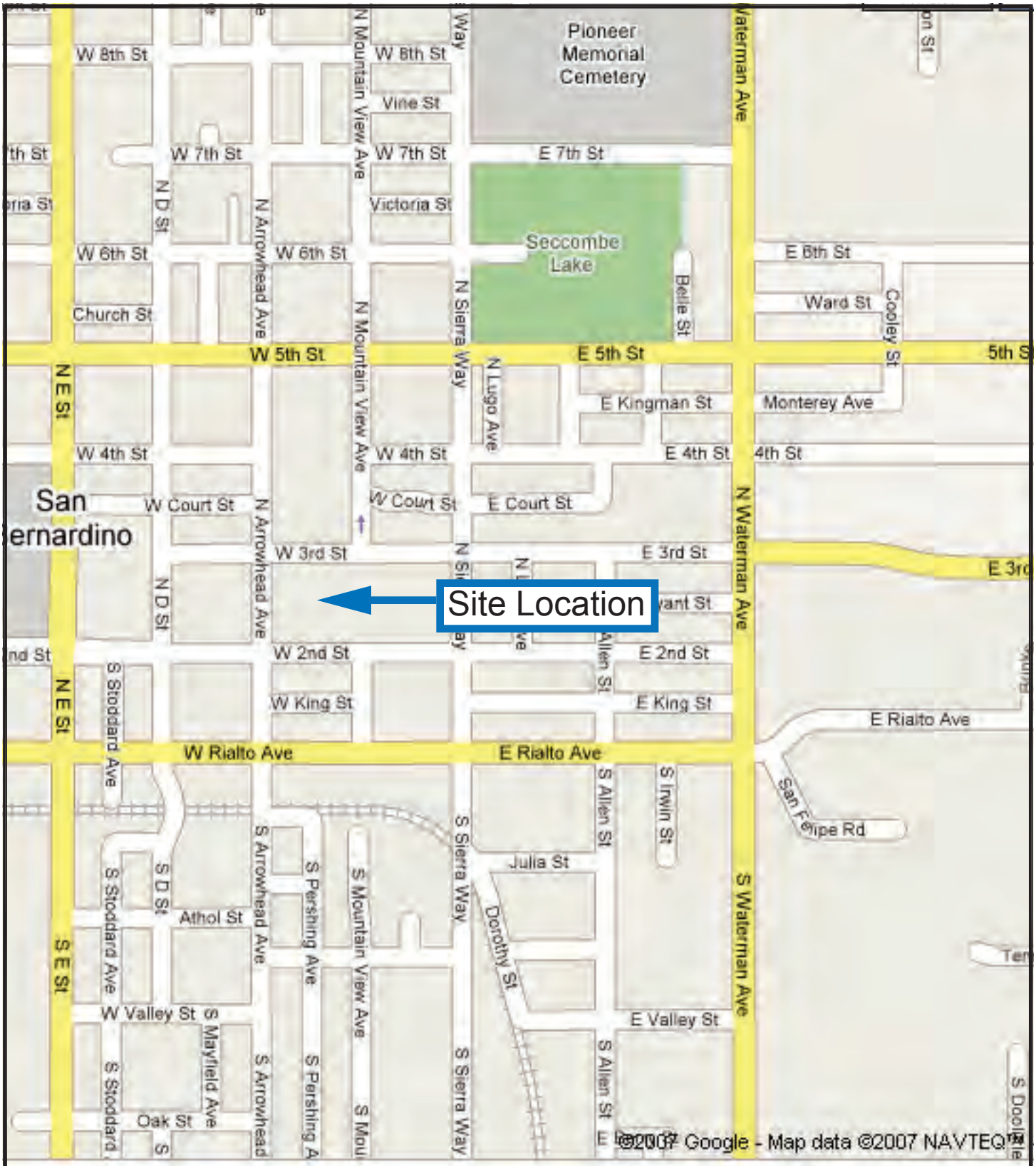
- Consolidate court operations from several facilities and replace outdated, worn, and undersized buildings in the City of San Bernardino.
- Relieve the Court's current shortage of space.
- Provide space for new judicial services and improved facilities with better security and access for judicial staff and the public.
- Increase the number of courtrooms in downtown San Bernardino by 13 (from 34 to 47) to relieve the overcrowded conditions and improve efficiency and overall quality of the workplace for both visitors and judicial staff.

The AOC expects that completion of the new courthouse will help the Superior Court improve the efficiency of its operations, offer new services, and serve more court visitors. Although the Superior Court's geographic coverage and service territory will remain unchanged, the Superior Court currently has a case backlog and the new courthouse will help the Superior Court reduce this backlog.

2.4 PROJECT LOCATION

The proposed Courthouse property is across the street from the existing courthouse facilities within the "Downtown Area" at 247 West 3rd Street in San Bernardino, California. The new facility will face Arrowhead Avenue between West 2nd Street and West 3rd Street. The proposed project location is shown in Figures 1 and 2, and a conceptual site plan is illustrated in Figure 3.[2]

[2] Figures 1 and 2 are from Earth Tech's *Preliminary Draft: Phase I Environmental Site Assessment* (2007). Figure 3 is from Skidmore, Owings, and Merrill, LLP's *Architectural Narrative* (2008).



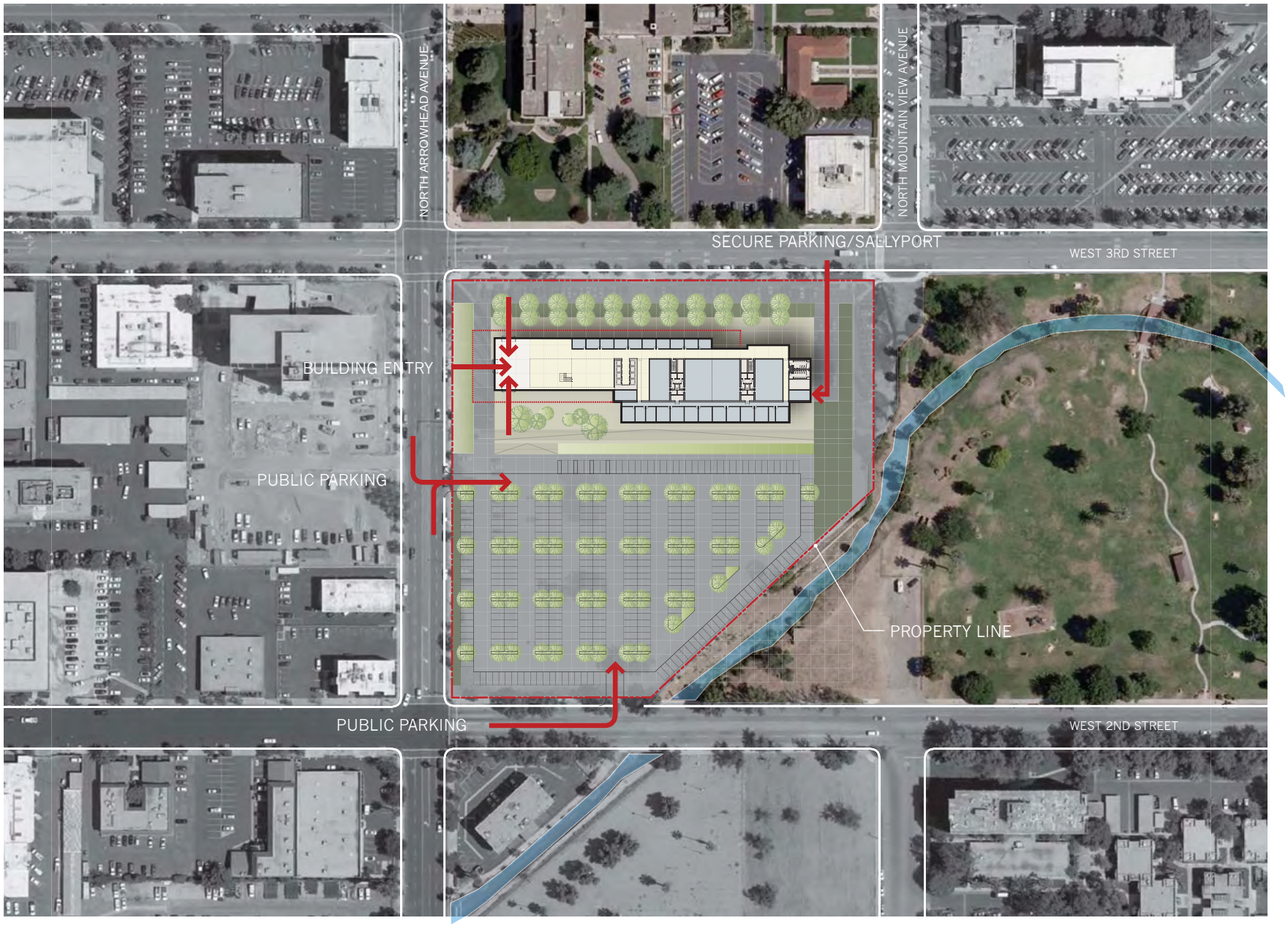
Vicinity Map

NORTH

Date: 10/07	Proposed San Bernardino County Courthouse 247 West 3rd Street, San Bernardino, CA 92401	Figure 1
Project No. 102251.01		

Location of Proposed Courthouse

Date: 10/07	Proposed San Bernardino County Courthouse 247 West 3rd Street, San Bernardino, CA 92401	Figure 2
Project No. 102251.01		



NEW SAN BERNARDINO COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

JUDICIAL COUNCIL OF CALIFORNIA | ADMINISTRATIVE OFFICE OF THE COURTS

SOM
SKIDMORE, OWINGS & MERRILL LLP

SITE PLAN

N

Site Acquisition
April 2008

2.4.1 Environmental Setting

The City of San Bernardino is located in San Bernardino County, part of the Inland Empire of Southern California, and is situated between the San Gabriel and San Bernardino Mountains. The region has high seismicity because of its proximity to active and potentially active earthquake faults, including San Jacinto, San Andreas, and Cucamonga. However, the site is not located within a zone of mandatory study for active faulting, and no known active faults trend toward the project site. The topography is relatively level with a gradual downward sloping gradient from north to south. Preliminary geotechnical investigations indicate that groundwater levels are approximately 45 feet below ground surface, although historically groundwater has been found at depths of approximately 10 feet below ground surface in this general area (SOM 2008). The site is located within the Santa Ana River drainage basin, approximately 3 miles north of the San Bernardino and Riverside County Line. The site is adjacent to Warm Creek, which crosses through the southeast corner of the property, and flows southwest to the Santa Ana River located approximately 1 mile to the south.

2.4.2 Existing Land Uses

The project site is approximately ~~7.7~~ ***7.1*** acres and is located on the city block identified with the Assessors Parcel Number 135-221-22. The site is vacant with no permanent structures, and the north portion of the site currently contains a parking lot. The site is partially vegetated with grasses, shrubs, and eight mature trees.

2.4.3 Surrounding Land Uses

The following land uses are immediately adjacent to the project site:

- North – the existing court facilities along North Arrowhead Avenue and County facilities along West 3rd Street;
- South – multi-story commercial buildings and a vacant lot on West 2nd Street;
- East – Meadowbrook Park, a municipal park; and
- West – multi-story commercial buildings and a parking lot on North Arrowhead Avenue.

2.5 PROJECT CHARACTERISTICS

New Courthouse

The proposed project includes the acquisition of a parcel from the City of San Bernardino, design and construction of a new courthouse, and operation of the courthouse for the Superior Court. The new courthouse will include 36 courtrooms; support space for court administration, court

clerk counters, and security operations; and building support space. Secure parking, sallyport, and in-custody detainee holding facilities will be located on the basement level.

~~The AOC estimates that the total project cost will be approximately $303 million without financing or land costs.~~ The AOC's proposed project schedule is as follows:

- Acquire the site in 2008,
- Begin construction in late 2010,
- Complete construction in late 2012, and
- Begin Superior Court operations in the new courthouse in December 2012.

The proposed building will face Arrowhead Avenue and will be approximately 12 stories ***and less than 200 feet*** tall and approximately 356,000 building gross square feet, including a basement of approximately 57,000 square feet. The ground floor will contain central clerk functions and public counters, with remaining clerk and court support space on the second floor. High volume courtrooms will be located on the third floor, and the remaining courtrooms, additional court support space, and court administration offices will occupy the upper floors.

The new courthouse will primarily support felony, misdemeanor, juvenile delinquency, and family law functions. To maximize functional flexibility of the courtrooms, all of the courtrooms will have holding capability for in-custody detainees and access to the secure circulation system.

Parking

The project will provide 40 secure parking spaces in the building's basement for Superior Court staff, and approximately 385 surface parking spaces for staff, jurors, and visitors. ~~Approximately 1,000 parking spaces will continue to be available at the existing surface parking lots shared with the County, with the exception of Lot 10 located on the north portion of the project site that will be removed prior to construction.~~ ***Approximately 820 parking spaces will continue to be available at the existing surface parking lots shared with the County, and additional spaces will be available on public streets around the proposed new courthouse and in public parking structures and lots in the downtown area.***

Superior Court's Withdrawal from Current Buildings

After completion of the new courthouse, the Superior Court will vacate the Court Executive Office in the County building at 172 West 3rd St., North Court Annex, Juvenile Delinquency Courthouse at 900 East Gilbert Street, and Informal Juvenile and Traffic Court at 175 West 5th Street. The Superior Court will also relinquish County-provided parking assignments for over 180 parking spaces near these buildings. The Superior Court will also vacate portions of the 303 Building and relinquish County-provided parking assignments provided by the Superior Court's

303 Building lease. Finally, the Superior Court will vacate its public judicial operations and staff support spaces from the T-Wing Annex and use the building for storage.

2.6 EXISTING CONDITIONS

The center of the Superior Court's operations is in the "Downtown Area" of San Bernardino, bounded by North Arrowhead Avenue, West 5th Street, Sierra Way, and West 3rd Street. The court facilities are described below.

2.6.1 Existing Facilities

San Bernardino County Courthouse

The County constructed the historic San Bernardino County Courthouse in 1926 as a County office and court facility, and the courthouse is listed in the National Register of Historic Places (NRHP). Located at 351 North Arrowhead Avenue, it is four stories tall and has approximately 113,000 square feet of space; the Superior Court uses most of the space in this building. The courthouse originally had two courtrooms and a boardroom, but the County modified the building to house 15 courtrooms, judicial chambers, a hearing room, public counter areas, staff support areas, building support areas, an in-custody detainee holding area, and a sallyport.

The County and AOC agreed to a transfer of responsibility and deferred transfer of title for the historic courthouse in June 2007. The AOC will manage the central courthouse building.

The County began work on a seismic upgrade project in February 2007 for the facility. The project includes seismic retrofit work; historic preservation work; interior renovations; and modifications and upgrades to the existing heating, ventilation, air conditioning, electrical, and plumbing systems. The County agreed to perform the upgrade project in a manner that allows the Historic Courthouse to remain partially operational at all times and to close no more than three courtrooms at any time during the construction project. After the completion of the seismic upgrade project, the Courthouse will house courtrooms, public areas, and staff areas to support the Superior Court.

San Bernardino Courthouse Annex

The County constructed the adjoining San Bernardino Courthouse Annex in 1958, directly behind and due east of the historic courthouse. The addition, referred to as the "T-Wing," was originally an office building for county agencies with no courtrooms, but the Superior Court uses most of the space in the building. The T-Wing facility now houses 11 courtrooms, judicial chambers, public counter areas, staff support areas, a jury assembly area, building support space, and a sallyport. The building has six stories including a penthouse with building machinery rooms, known as a "mechanical penthouse."

The County and AOC agreed to a transfer of responsibility and deferred transfer of title for the historic T-Wing Annex in June 2007. The AOC now manages this building.

The County is renovating The T-Wing Annex along with the Historic Courthouse described above. The County agreed to perform the upgrade project in a manner that allows the Historic Courthouse and the T-Wing Annex to remain partially operational at all times and to close no more than three courtrooms at any time during the construction project. The County originally planned to include major T-Wing Annex renovation work in its upgrade project. However, the County and the AOC agreed that the County would eliminate improvements in the annex and use the saved funds for construction of the new courthouse.

303 W. 3rd Street Building

The county has purchased a building at 303 W. 3rd Street in San Bernardino and constructed eight additional courtrooms in this building. Two of the courtrooms are functioning as temporary swing space during the County's retrofit of the San Bernardino Courthouse. The Superior Court has also agreed to a 10-year lease with the County of approximately 23,000 square feet of additional space for two courtrooms and the Superior Court's Executive Office.

North Court Annex

The Superior Court's North Court Annex is at 401 North Arrowhead Avenue. The building houses the Superior Court's Appellate and Appeals Division. The Superior Court occupies approximately 3,000 gross square feet of space, approximately one-sixth of the building.

Juvenile Delinquency Courthouse

The Juvenile Delinquency Courthouse is at 900 East Gilbert Street, and the County constructed this building in 1968. The courthouse has three courtrooms, judicial chambers, holding areas for in-custody detainees, the Office of the Clerk of the Court, and staff support space. The Superior Court occupies approximately 5,500 square feet of space, which is approximately 70 percent of the building's total space.

Informal Juvenile and Traffic Court

The Informal Juvenile and Traffic Court is at 175 West 5th Street. The Superior Court occupies approximately 3,000 square feet of space, which is approximately 3 percent of the building's space. This facility has two hearing rooms.

2.6.2 Current Court Operations

The Superior Court supports civil, criminal, family, juvenile delinquency, juvenile dependency, probate, and traffic operations in the city. The Superior Court's staff includes a Management Services unit, an Administrative Services Unit, a Family and Children's Court Services unit, and a Court Technical Services unit. The Superior Court summons jurors for judicial proceedings. When jurors are needed, the court's goal is to secure approximately 350 jurors for the Historic Courthouse and T-Wing Annex and 150 jurors for the 303 W. 3rd Street building. The Superior Court typically draws jurors from within a 25-mile radius of the courthouse, but for major cases the Superior Court will draw jurors from the entire county.

For the Superior Courts of California, Mondays are typically the days with the greatest number of courthouse visitors, while other days have successively lower courthouse populations. In addition, the hours from 8:30 to 10:30 AM are typically the hours with the greatest courthouse population (AOC 2008a). The courthouse population typically declines from the early peak until noon, rises to a second peak from 1:00 to 2:00 PM, and then declines steeply to a population low during the 4:00 to 5:00 PM hour. In the Downtown Area, the Superior Court's facilities are typically open from 8:00 AM to 5:00 PM, but the Historic Courthouse and T-Wing Annex open at 7:00 AM for some traffic and criminal proceedings.

The County transports in-custody detainees to the Historic Courthouse and T-Wing Annex by bus. The sallyport is located on the northeast corner of the T-Wing Annex. The secure intake area is not fenced. Sheriff's staff members take inmates into the east side of the building at the access way between the courthouse and the Central Courthouse Annex.

2.7 EXISTING PLANS AND POLICIES

Existing plans and policies include the City of San Bernardino Development Code (2007a) and General Plan (2005b) designations described in this section.

2.7.1 Zoning

The project site is located in the Commercial Office District within the southern portion of the Downtown City Center. The Commercial Office District is intended to provide for the continued use, expansion, and new development of administrative and professional offices, hospitals, and supporting retail uses in proximity to major transportation corridors and to ensure their compatibility with adjacent residential and commercial uses (City of San Bernardino Development Code, Title 19 Article II – Land Use Zoning, Chapter 19.06 – Commercial Districts).

2.7.2 General Plan

The City of San Bernardino General Plan (2005b) identifies public facilities and services issues, stating that "as our City continues to grow, we will need to continue to provide a high level of services and enhance and expand public facilities to meet the needs of residents and businesses. We want our libraries, streets, recreational and cultural amenities, civic services, and infrastructure to be continually upgraded to be as efficient, cost effective, and valuable as possible." The General Plan designates the project site as Commercial, and it is within the Central City Redevelopment Project Area.

The General Plan does not mention Assembly Bill (AB) 32 or the issue of climate change. Energy conservation and transit supportive plans and policies are addressed in the General Plan.

2.7.3 Other Relevant Plans and Policies

Other relevant plans and policies include the following:

- South Coast Air Quality Management Plan
- Regional Transportation Improvement Plan
- Storm Water Pollution Prevention Plan (SWPPP)
- Water Quality Management Plan (WQMP)
- Countywide Integrated Waste Management Plan
- Source Reduction and Recycling Element
- County of San Bernardino General Plan
- City of San Bernardino Redevelopment Plan

2.8 PROJECT APPROVALS

The ADOC is responsible for approving this project. The State of California's Public Works Board must also approve the selection and acquisition of real property for the location or expansion of State of California facilities, and it approves plans, allocates funds, and determines the timing of major construction projects.

The City of San Bernardino will need to transfer title to the land to the State. The San Bernardino City Council will rely on the AOC Mitigated Negative Declaration to transfer the property to the State.

3.0 INITIAL STUDY CHECKLIST

3.1 PROJECT INFORMATION

The proposed project is described in Section 2.0. Specific project information is provided in Table 2.

Table 2. Project Information

1.	**Project title: New San Bernardino Courthouse**	
2.	**Lead agency name and address:**	Administrative Director of the Courts Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3660
3.	**Contact person and phone number:**	Jerome Ripperda, Environmental Analyst Administrative Office of the Courts Office of Court Construction and Management 2860 Gateway Oaks Drive, Suite 400 Sacramento, CA 95833-3509 Phone: (916) 263-8865 Fax: (916) 263-8140 e-mail: Jerry.Ripperda@jud.ca.gov
4.	**Project location:** The project is in San Bernardino in San Bernardino County. The project site is at the intersection of Arrowhead Ave and West 3rd St. See Figures 1, 2, and 3.	
5.	**Assessor Parcel Number:** 135-221-22	
6.	**General plan designation:** Commercial	
7.	**Zoning:** Commercial Office District	
8.	**Description of project:** Refer to Section 2.0, Project Description.	
9.	**Surrounding land uses and setting:** Refer to Section 2.4 Project Location.	
10.	**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** The City Council and Redevelopment Authority to approve property transfer to AOC	

3.2 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. Table 3 lists the environmental resources evaluated in this Initial Study. The environmental analysis in this section uses a slightly modified version of the CEQA Guidelines' checklist for the environmental review process.[3]

[3] The checklist is available at <http://ceres.ca.gov/ceqa/guidelines/pdf/appendix_g-3.pdf>.

Table 3. Environmental Resources Analyzed in This Initial Study

Aesthetics	Land Use Planning
Agricultural Resources	Mineral Resources
Air Quality	Noise
Biological Resources	Population and Housing
Cultural Resources	Public Services
Geology and Soils	Recreation
Hazards and Hazardous Materials	Transportation/Traffic
Hydrology and Water Quality	Utilities and Service Systems

As a preliminary environmental assessment, this Initial Study determines whether potentially significant impacts exist that warrant additional analysis and comprehensive mitigation measures to minimize the level of impact to environmental resources. The assessment analyzes on-site, off-site, long-term, direct, indirect, and cumulative impacts for the construction and operation of the proposed project. For each environmental resource, the Initial Study poses questions with four possible responses for each question:

- **No Impact.** The environmental issue does not apply to the project, and the project will therefore have no environmental impact.
- **Less Than Significant Impact.** The environmental issue does apply to the project site, but the associated impact will be below thresholds that the ADOC considers significant.
- **Potentially Significant Impact Unless Mitigated.** The project will have the potential to produce significant impacts to the environmental resource. However, mitigation measures modifying the project will reduce environmental impacts to a less-than-significant level.
- **Potentially Significant Impact.** The project will produce significant impacts, and further analysis is necessary.

Table 4 lists the initial evaluation of the proposed project's environmental effects. Section 4.0 provides additional information on the analyses.

Table 4. CEQA Checklist

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
I. AESTHETICS/VISUAL RESOURCES–Will the project:				
a) Substantially degrade the existing visual character or quality of the site and its surroundings? (Section 4.1.1)			X	
b) Have a substantial adverse effect on a scenic vista? (Section 4.1.2)			X	
c) Substantially damage scenic resources, including trees, rock outcroppings, and historic buildings within a state scenic highway? (Section 4.1.3)			X	
d) Create a new source of substantial light or glare that will adversely affect day or nighttime views? (Section 4.1.4)			X	
II. AGRICULTURAL RESOURCES–Will the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? (Section 4.2.1)				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Section 4.2.2)				X
c) Involve other changes in the existing environment, which could result in conversion of Farmland, to non-agricultural use? (Section 4.2.3)				X
III. AIR QUALITY–Will the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? (Section 4.3.1)			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Section 4.3.2)		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? (Section 4.3.3)			X	
d) Expose sensitive receptors to substantial pollutant concentrations? (Section 4.3.4)			X	
e) Create objectionable odors affecting a substantial number of people? (Section 4.3.5)			X	
f) Create conflict with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the timetable established in Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006? (Section 4.3.6)			X	

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES–Will the project:				
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 Game (DFG) or U.S. Fish and Wildlife Service (USFWS)? (Section 4.4.2)				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the DFG or USFWS? (Section 4.4.2)				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act? (Section 4.4.3)			X	
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? (Section 4.4.4)				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Section 4.4.5)		X		
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? (Section 4.4.6)				X
V. CULTURAL RESOURCES–Will the project:				
a) Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.5? (Section 4.5.1)			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Section 4.5.2)		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? (Section 4.5.3)		X		
d) Disturb any human remains, including those interred outside of formal cemeteries? (Section 4.5.4)		X		

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS–Will the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault[4], as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Section 4.6.1)			X	
ii) Strong seismic ground shaking? (Section 4.6.2)		X		
iii) Seismic-related ground failure, including liquefaction? (Section 4.6.3)		X		
iv) Landslides? (Section 4.6.4)				X
b) Result in substantial soil erosion or the loss of topsoil? (Section 4.6.5)		X		
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (Section 4.6.6)		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Section 4.6.7)			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Section 4.6.8)				X
VII. HAZARDS AND HAZARDOUS MATERIALS–Will the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Section 4.7.1)				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Section 4.7.2)				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Section 4.7.3)				X
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment? (Section 4.7.4)				X

[4] As delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
e) Result in a safety hazard for people residing or working in the project area, for a project located within an airport land-use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport? (Section 4.7.5)				X
f) Result in a safety hazard for people residing or working in the project area, for a project within the vicinity of a private airstrip? (Section 4.7.6)				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Section 4.7.7)				X
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? (Section 4.7.8)				X
VIII. HYDROLOGY AND WATER QUALITY–Will the project:				
a) Violate any water quality standards or waste discharge requirements? (Section 4.8.1)		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level? (Section 4.8.2)			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation on site or off site? (Section 4.8.3)		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site? (Section 4.8.4)		X		
e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Section 4.8.5)		X		
f) Otherwise substantially degrade water quality? (Section 4.8.6)		X		
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Section 4.8.7)				X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Section 4.8.8)				X

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (Section 4.8.9)			X	
j) Cause inundation by seiche, tsunami, or mudflow? (Section 4.8.10)				X
IX. LAND USE AND PLANNING–Will the project:				
a) Physically divide an established community? (Section 4.9.1)				X
b) Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect? (Section 4.9.2)				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Section 4.9.3)				X
X. MINERAL RESOURCES–Will the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Section 4.10.1)			X	
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan? (Section 4.10.2)				X
XI. NOISE–Will the project result in:				
a) Generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Section 4.11.1)		~~X~~	~~X~~	
b) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Section 4.11.2)			X	
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Section 4.11.3)		X		
d) Generation of excessive ground-borne vibration or ground-borne noise levels? (Section 4.11.4)		X		
XII. POPULATION AND HOUSING – Will the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Section 4.12.1)				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Section 4.12.2)				X

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Section 4.12.3)				X
XIII. PUBLIC SERVICES				
a) Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services including: i) Fire protection? (Section 4.13.1)				X
ii) police protection? (Section 4.13.2)			X	
iii) schools, iv) parks, or v) other public facilities? (Section 4.13.3, 4.13.4, and 4.13.5)				X
XIV. RECREATION				
a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Section 4.14.1)				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? (Section 4.14.2)				X
XV. TRANSPORTATION/TRAFFIC–Will the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, a road's volume-to-capacity ratio, or intersection congestion)? (Section 4.15.1)			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Section 4.15.2)			X	
c) Would the project 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? (Section 4.15.3)				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Section 4.15.4)			X	
e) Result in inadequate emergency access? (Section 4.15.5)			X	
f) Result in inadequate parking capacity? (Section 4.15.6)			X	

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Section 4.15.7)			X	
XVI. UTILITIES AND SERVICE SYSTEMS–Will the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Section 4.16.1)			X	
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? (Section 4.16.2)			X	
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? (Section 4.16.3)				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Section 4.16.4)				X
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? (Section 4.16.5)			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Section 4.16.6)			X	
XVII. MANDATORY FINDINGS OF SIGNIFICANCE–Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (Section 4.17.1)				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Section 4.17.2)				X
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Section 4.17.3)			X	

4.0 ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS/VISUAL RESOURCES

4.1.1 Will the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact: The proposed site is currently a paved parking lot with minimal landscaping and an unpaved vacant lot with a few trees. The proposed project would result in visual changes caused by the construction of the new, 12-story San Bernardino Courthouse and public parking and secured parking areas. However, the proposed site is located in a developed area zoned as Commercial Office and is surrounded by land developed for government and commercial uses (San Bernardino 2007c). The ~~220-foot~~ ***12 story*** high courthouse would be taller than surrounding buildings, and would therefore have greater visibility from surrounding viewpoints. It has been designed as a visible landmark for the city (Skidmore, Owings, and Merrill, LLP [SOM] 2008).

Two court facilities currently exist on adjacent corners to the proposed project, the historic San Bernardino Court and a facility at 303 W. 3rd Street. Both of these existing court facilities face away from the new court site and towards the center of the city. The New San Bernardino Court would maintain the setbacks of its context and create complimentary urban spaces to unite the three court sites (SOM 2008).

Although the project's courthouse would change the existing visual character of the site, the courthouse would provide attractive architectural elements and features on the site and will positively contribute to the character of downtown. It would contribute infill development to enhance the visual redevelopment of downtown. Additionally, the current design would place the existing parking lot behind the courthouse, thus making the walkway on West 3rd Street pedestrian friendly and visually more appealing. In addition, the project design will be generally consistent with development standards of the City of San Bernardino Development Code. The architectural features of the building, color, and massing, would be consistent with the features of surrounding buildings (SOM 2008).

Short-term visual impacts would occur during construction activities from construction debris and equipment. These impacts, however, would no longer exist after project completion. Therefore, impacts to the visual character or quality would be less than significant.

Mitigation Measures: No mitigation measures are required.

4.1.2 Will the Project Have A Substantial Adverse Effect On A Scenic Vista?

Less than Significant Impact: The site of the proposed project, and the surrounding area, is level. The San Bernardino Mountains are located to the north and west of the proposed project site. The view of these mountains from the project site is currently partially obstructed by the city skyline to the north. Though some mountains are still visible it is not a pristine view. The addition of the 12-story courthouse may further impede the viewshed from south of the project site. However, the view is currently obstructed by other buildings that currently exist and therefore, the proposed project would have a less than significant impact on scenic vistas.

Mitigation Measures: No mitigation measures are required.

4.1.3 Will the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact: While the site of the proposed project is located in proximity to Interstate 215, it is not a designated scenic highway (City of San Bernardino [San Bernardino] 2005a). There are no natural rock outcroppings or other scenic resources on the site. The project site is located across the street from the historic San Bernardino courthouse listed on the NRHP and is located within the City of San Bernardino's Main Street Overlay District (San Bernardino 2007a - Article II.19- Development Code). This district was established to maintain and enhance the historic downtown area as the functional and symbolic center of the city. Though the district is not designated specifically as a "historic" district, the city's development code provides standards for new and infill projects located within this district so that new buildings relate harmoniously with the older buildings which surround them.

The City development code associated with the Main Street Overlay District (Article II.19.19; Article II.19.19.50) (San Bernardino 2007a) provides standards for the construction of the new courthouse located within this district. The code stipulates that "visually, the design of an infill building, particularly its front façade, should be designed by repeating rhythms, cornice lines, window and door arrangement with the other facades on the street…" (San Bernardino 2007a). The design of the new courthouse would be compatible with the neighboring historic courthouse and not detract from the character of the historic courthouse or the district. Therefore, the proposed project would have a less than significant impact on scenic resources.

Mitigation Measures: No mitigation measures are required.

4.1.4 Will the project create a new source of substantial light or glare that will adversely affect day or nighttime views in the area?

Less than Significant Impact: The proposed project would create light sources for exterior and interior building lighting and security lighting on courthouse grounds. Most of the building's interior lighting will be limited to the Superior Court's typical weekday operational hours and the periods immediately before and after the court's operations. The building's security lighting will not be substantially different from nearby City and County buildings, so the security lighting will not be a source of substantial light. Also, as noted in Section 4.1.1, the building's design will be generally consistent with the City's development standards. All light sources would be shielded to minimize glare impacts on surrounding properties, and landscaping also would block light from these properties (SOM 2008). Furthermore, light sources are currently present on the project site from adjacent buildings and their parking lots and traffic on North Arrowhead Avenue and West 3rd Street. The project would not add building features such as metallic finishes that generate substantial glare. In addition, the project would add new trees as landscaping and to provide shade for the parking areas (SOM 2008). The added trees would help attenuate glare. Therefore, light or glare impacts from the proposed project would be less than significant.

Mitigation Measures: No mitigation measures are required.

4.2 AGRICULTURAL RESOURCES

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

No Impact: The site of the proposed project is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (San Bernardino 2007c). Therefore, the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

Mitigation Measures: No mitigation measures are required.

4.2.2 Will the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact: The project site has no agricultural zone designation or agricultural use, or Williamson Act contract. Therefore, there is no impact on these resources.

Mitigation Measures: No mitigation measures are required.

4.2.3 Will the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

No Impact: The proposed project does not involve any changes to the existing environment that could affect the conversion of farmland to non-agricultural use.

Mitigation Measures: No mitigation measures are required.

4.3 AIR QUALITY

4.3.1 Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact: The site is within the South Coast Air Basin. The South Coast Air Quality Management District (SCAQMD) has the primary responsibility for ensuring that the South Coast Basin attains and maintains compliance with federal and state ambient air quality standards for ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), suspended coarse particulate matter less than 10 and 2.5 microns in diameter (PM10 and PM2.5, respectively), and lead. The region is currently not in attainment (nonattainment) with the state and federal O3, PM10, and PM2.5 standards. The SCAQMD is tasked with implementing the Air Quality Management Plan (AQMP) designed to achieve attainment status for all criteria pollutants. The most recent AQMP was released by the SCAQMD in 2007 (SCAQMD 2007).

A project is inconsistent with an AQMP if it would result in population and/or employment growth that exceeds growth estimates included in the applicable AQMP. The proposed project would not result in population growth and not significantly increase employment. Therefore, the project is consistent with all zoning and general plan use designed and does not conflict with the AQMP.

Mitigation Measures: No mitigation measures are required.

4.3.2 Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Potentially Significant Impact Unless Mitigated: The SCAQMD established regional significance thresholds for Reactive Organic Gases (ROG), an ozone precursor, nitrogen oxide (NOx), CO, sulfur oxide (SOx), PM10 and PM2.5. Regional thresholds are presented in Table 5. Projects within the South Coast Air Basin with emissions in excess of any of these regional thresholds are considered significant.

Table 5. Regional Thresholds

	ROG	NOx	CO	SOx	PM10	PM2.5
Regional Threshold (pounds per day)						
Construction	75	100	550	150	150	55
Operations	55	55	550	150	150	55

Short-Term Emissions (Construction): On-site construction emissions principally consist of exhaust emissions (NOx, SOx, CO, volatile organic compounds [VOC], PM10, and PM2.5) from heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM10) from disturbed soil. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, as well as worker traffic, but also include road dust (PM10). Major construction-related activities with assumed duration of activities are presented below.

- Fine Grading (2 months)
- Trenching (2 month)
- Paving (2 months)
- Building Construction[5] (14 months)
- Application of architectural coatings (4 months)

The site is currently a relatively flat vacant lot. Therefore, no demolition or mass grading activities will be conducted. Construction is scheduled to begin in late 2010 and last for approximately 24 months.

URBEMIS2007, an emission estimation program, was used to evaluate potential emissions from construction of the site. URBEMIS2007 defaults were used unless discussed in this section. The site covers approximately 7.7 acres and the proposed office building will contain 12 floors with approximately 356,000 square feet of office space. The URBEMIS2007 data files are provided in Appendix A. For each pollutant, the highest daily emissions were used to compare the construction impacts to the SCAQMD's regional threshold and presented in Table 6.

Table 6. Estimated Construction Emissions Compared to Regional Thresholds

	ROG	NOx	CO	SOx	PM10	PM2.5
Maximum Daily Emissions	84.76	25.05	35.99	0.04	39.66	9.17
Regional Threshold	75	100	550	150	150	55
Significant Impact?	YES	NO	NO	NO	NO	NO

Note: Emissions and thresholds in units of pounds per day

[5] Building construction activities includes the assembly of the structure and façade of the courthouse.

Architectural coatings emissions exceeded the regional threshold for ROGs. Architectural coatings contain VOCs that may release ROGs and are O3 precursors. At this stage of the project planning, no detailed architectural coatings information is available. The design of this building is to be LEED silver certified. Criteria for reduced VOC-content coatings are included for LEED certification and will likely lower VOC emissions below the significance level. However, Mitigation Measure Air Quality 1 has been added to ensure short-term VOCs from architectural coatings emissions are below the significance level. Therefore, with this mitigation, short-term construction emissions would not cause a significant impact.

Long-Term Emissions (Operations): URBEMIS2007 was also used to evaluate operational emissions and the results are presented in Table 7. Operational emissions include mobile and area source emissions and are largely dominated by vehicle traffic emissions. Trip generation used to evaluate vehicle traffic emissions are discussed in Section 4.15.1. Vehicle traffic related to courthouse operations will largely be diverted from other areas (to work, to run errands, etc.) and therefore additional operational emissions generated is limited. However, as a conservative estimate, the total number of trips was evaluated in URBEMIS2007.

Table 7. Estimated Operational Emissions Compared to Regional Thresholds

	ROG	NOx	CO	SOx	PM10	PM2.5
Maximum Daily Emissions	33.80	47.39	399	0.52	85.22	16.57
Regional Threshold	55	55	550	150	150	55
Significant Impact?	NO	NO	NO	NO	NO	NO

No significance thresholds were exceeded for operational emissions. Therefore, the proposed project's impact is less than significant and no mitigation measures are required. CO hot spot is a localized concentration of CO that is above the state or national 1-hour or 8-hour CO ambient air standards. Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SCAQMD recommends that a local CO hotspot analysis be conducted for intersections with a level of service (or LOS) of D or worse. A LOS of F represents extreme congestion, and a LOS of A represents free flowing traffic conditions. As described in Section 4.15.1, all evaluated intersections had a level of service of A or B; therefore, a CO hotspot analysis was not conducted.

Mitigation Measures: The following mitigation measure would reduce air quality impacts to less than significant levels:

Air Quality 1: The AOC and the AOC's contractors will ~~ensure the~~ use ~~of~~ low ~~VOC~~ ***volatile organic compound*** paints and coating transfer or spray equipment with high transfer efficiency to reduce the emissions associated with architectural coatings.

4.3.3 Would the project result in a cumulative considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact: As stated in Section 4.3.1, the region is currently in nonattainment with the federal and state O3, PM10, and PM2.5 standards. Since the project includes only a small increase in the Superior Court's staff, and courthouse visitor-related vehicle traffic related will largely be diverted from other trips to other areas (to work, to run errands, etc.), the AOC believes that additional operational-related emissions of criteria pollutants will be limited and will not be a cumulatively considerable increase. Therefore, the AOC has determined that the cumulative impacts are less than significant.

Mitigation Measures: No mitigation measures are required.

4.3.4 Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact: The project will not result in air concentrations that exceed SCAQMD thresholds. Therefore, sensitive receptors will not be subject to a substantial pollutant concentration as a result of the proposed project.

Mitigation Measures: No mitigation measures are required.

4.3.5 Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact: During construction, odors may be generated from the exhaust of diesel-powered equipment. However, the odors would be temporary in nature and are not expected to significantly affect a substantial number of people. Once the proposed project is constructed, no new sources of odors would be generated. Therefore, the overall impacts from odors are anticipated to be less than significant.

Mitigation Measures: No mitigation measures are required.

4.3.6 Would the project create conflict with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32, California Global Warming Solutions Act of 2006?

Less Than Significant Impact: In 2006, the State Legislature signed AB 32 that charged the California Air Resources Board to develop regulations on how the State would address global climate change. There are currently no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. However, to assess the significance

of the contribution to global climate change, CO2 emissions were estimated for operational activities using UBEMIS2007. Approximately 0.009 teragrams (Tg) (9,500 tons per year) of CO2 is calculated for operational emissions (Appendix A). In comparison, California produced 492 Tg CO2 equivalents in 2004 (State of California 2006).

Consistent with greenhouse gas emission reduction strategies contained in the California Climate Action Team's Report to the Governor (State of California 2006), the following steps will be taken:

- Comply with vehicle climate change standards for any vehicles that access the site
- Post signs that restrict idling of diesel vehicles
- Design locations for separate waste and recycling receptacles
- Utilize recycled components in the building design
- Increase water use efficiency
- Increase energy efficiency by 20 percent beyond Title 24 of *California Building Code* requirements
- Use energy efficient appliances
- Use of green building design

Many of these steps will be part of the proposed project's LEED silver certification. In addition, alternative transportation will be encouraged as detailed in Section 4.15.7. To address AB32, mitigation measures detailed in Section 4.15.7 will be enacted to address greenhouse gas emission reductions. Since this project will be consistent with the strategies above, the project will not be significantly contributing to a cumulative global climate change impact.

Mitigation Measures: No mitigation measures are required.

4.4 BIOLOGICAL RESOURCES

4.4.1 Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact: The proposed site is currently a paved parking lot with minimal landscaping and a vacant dirt lot with a few trees. The proposed site is located in a developed area zoned as Commercial Office and is surrounded by land developed for government and commercial uses. A park exists to the east of the project site, and consists of open grass areas and trees. Minimal

native vegetation remains on or near the proposed project site. The City of San Bernardino General Plan EIR (San Bernardino 2005b) concluded that no species identified as candidate, sensitive, or special status species are known to occur in the immediate area (Attachment B). Therefore, the proposed project would have no impact on special status species.

Mitigation Measures: No mitigation measures are required.

4.4.2 Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No Impact: Warm Creek runs along the southeast edge of the proposed project site and has been greatly altered over the past 100 years. Much of the natural flow to the creek has ceased or been diverted and minimal native vegetation remains in the creek bed (Earth Tech 2007; San Bernardino 2005b). Warm Creek has not been designated as riparian habitat or as other sensitive natural community by the City of San Bernardino General Plan (San Bernardino 2005a). As mentioned in Section 4.4.1, minimal native vegetation remains on or near the proposed project site. No riparian habitat or other sensitive natural community identified in local or regional plans is present on the project site or within the vicinity of the proposed project site (San Bernardino 2005a). Therefore, the proposed project would not have an impact on riparian habitats or sensitive communities.

Mitigation Measures: No mitigation measures are required.

4.4.3 Will the project 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?

Less than Significant Impact: Warm Creek is under U.S jurisdiction as it flows to navigable waters of the U.S. (Santa Ana River). However, the project will not have a substantial adverse effect though direct removal, filling, or hydrological interruption as these impacts would not occur as a result of this project. The project may impact the creek through runoff (see Section 4.8).

Mitigation Measures: No mitigation measures are required.

4.4.4 Will the project 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?

No Impact: The project site is paved parking lot with minimal landscaping and a vacant dirt lot with a few trees. Minimal native vegetation remains on or around the proposed project site. No wildlife corridors or wildlife nursery sites are known to exist (San Bernardino 2005b). Therefore, the proposed project would not interfere with the movement of any wildlife species.

Mitigation Measures: No mitigation measures are required.

4.4.5 Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Potentially Significant Impact Unless Mitigated: City Ordinance MC-1027, 9-8-98 and MC-682, 11-6-89 (Municipal Code, Title 15, Chapter 15.34, San Bernardino 2007b) prohibits the removal and/or destruction of more than five trees within any 36 month period from a development site or parcel of property without first being issued a permit from the Development Services Department. Per the ordinances, a permit shall not be required when a lawful order to remove the trees for health and safety purposes has been issued by a local, state or federal government agency; nor shall a permit be required if a removal is to be accomplished by, or under the auspices of a governmental entity.

There are eight large mature trees, including 3 plane trees (*Plantanus* x *acerifolia*), 4 chinese elms (*Ulmus parvifolia*), an ash (*Fraxinus* spp.), and a eucalyptus (*Eucalyptus* spp.), located within the unpaved portion of the proposed site. Additionally, there are approximately 10 young trees incorporated as recent landscaping for the existing paved parking lot. Many of these trees would be removed during construction of the new courthouse and new parking lot. Although the project would be exempt as a state project, the proposed project would have potentially significant impacts to existing trees unless mitigated.

Mitigation Measures: The following mitigation measures would reduce impacts to existing trees to less than significant levels:

Biological Resources 1: If feasible, project design will incorporate plans to preserve existing mature trees. ~~Several of these trees are located in the southern portion of the project site where the parking lot is proposed.~~ Additionally, if feasible, the young trees will be relocated and used for landscaping of the new courthouse. If it is not feasible to design the project around the mature trees and/or the immature trees have become too large to relocate, replacement trees will be included in the landscape design. Four trees will be used to replace the loss of each mature tree, and one new tree will be used to replace the loss of each immature tree.

4.4.6 Will the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact: There is no adopted Habitat Conservation Plan or other approved plan that apply to the proposed site (San Bernardino 2005b). The proposed project would therefore not conflict with Habitat Conservation Plan provisions.

Mitigation Measures: No mitigation measures are required.

4.5 CULTURAL RESOURCES

4.5.1 Will the project cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.5?

Less Than Significant Impact: The proposed project site is located within the City of San Bernardino and consists of a paved parking lot with minimal landscaping and a vacant dirt lot with a few trees. This site was previously occupied by the California Department of Transportation (Caltrans) District 8 Office complex. Sometime in the early 2000s, this complex was demolished, and the property was transferred to the Redevelopment Agency of the City of San Bernardino. In 2003, prior to demolition, Caltrans Region 8 staff prepared a Historical Resources Compliance Report (HRCR) that evaluated the potential presence of cultural resources on the site (California Department of Transportation 2003; Attachment C). The same property lines bound this site and the current project site. The HRCR report was prepared in compliance with the provisions of CEQA and the California Public Resources Code, Section 5024, State-owned Historic Buildings.

During the process of the HRCR, Caltrans staff researched several sources regarding the potential for cultural resources to occur on the project site. Additionally, Phase II archaeological testing and evaluation, and Phase III archaeological data recovery excavations, artifact analysis, and report preparation were conducted. As a result of the research conducted for the HRCR, nine potential cultural resources were identified within the project site. As part of the project for which the HRCR was conducted, six of these resources (Caltrans buildings) were demolished. These buildings did not have historical significance and were, therefore, not eligible for the NRHP or California Register of Historical Resources (CRHR) (Caltrans 2003). The remaining three potentially significant cultural resources included:

7. A segment of the historical alignment of the San Bernardino and Redlands Railroad

8. Archaeological site of a nineteenth-century residence

9. Archaeological site of the Chinese section of historical San Bernardino

These three resources are discussed further in Section 4.5.2. The Caltrans report indicated that no significant historical resources exist on the property (Caltrans 2003) and therefore, there would be no impacts to historical resources on the project site itself.

The project site is located within the City of San Bernardino's Main Street Overlay District (San Bernardino 2007a - Article II.19). This District was established to maintain and enhance the historic downtown area as the functional and symbolic center of the city. Though the District is not designated specifically as a "historic" district, the city's development code provides standards for new and infill projects located within this district so that new buildings relate harmoniously with the older buildings that surround them. The current San Bernardino Courthouse is located across the street from the project site, on the northeast corner of Arrowhead Avenue and 3rd Street. This property was built in 1926 and is listed on the NRHP.

The City development code associated with this district (Article II.19.19; Article II.19.19.50) (San Bernardino 2007a) provides standards for the construction of the new courthouse located within this district. The code stipulates that "visually, the design of an infill building, particularly its front façade, should be designed by repeating rhythms, cornice lines, window and door arrangement with the other facades on the street…" (San Bernardino 2007a). Compliance with these standards would ensure that the design of the new courthouse be compatible with the neighboring historic courthouse and not detract from the character of the historic courthouse or the District.

Mitigation Measure: No mitigation measures are required.

4.5.2 Will the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section15064.5?

Potentially Significant Impact Unless Mitigated: As stated in Section 4.5, the Caltrans HRCR (2003) noted three archeological resources potentially on site:

1. A segment of the historical alignment of the San Bernardino and Redlands Railroad
2. Archaeological site of a nineteenth- century residence
3. Archaeological site of the Chinese section of historical San Bernardino

The HRCR determined that the segment of railroad and the residence were not eligible for inclusion in the NRHP or CRHR. Both sites were investigated through field excavations during the Phase II and Phase III studies. Appropriate archaeological site records were prepared for both sites, and no further investigation is said to be warranted by the archaeological consultants hired by Caltrans staff (Caltrans 2003). The Chinese section of historical San Bernardino was described in the HRCR as potentially eligible for listing as a historic property. However, as a result of the demolition activities, damage to this resource was thought to be unavoidable. Therefore, Phase II and Phase III analyses and associated reports were conducted as mitigation for loss of the Chinese section on site. Recommendations of the Phase III indicated that no

further investigation on the Chinese section of historical San Bernardino was warranted (Caltrans 2008).

Caltrans determined that the three archaeological sites present within the project site have been adequately documented and no further action is needed (Caltrans 2008). However, the following measures shall be incorporated to mitigate any potential impacts to Native American and historical archaeological resources, in the event that unanticipated archaeological remains were encountered during construction.

Mitigation Measure: The following mitigation measures would reduce archaeological resource impacts to less than significant levels:

Cultural Resources 1: The AOC and the AOC's contractors shall inform all personnel connected with ~~construction of the project~~ ***excavation and grading operations*** of the possibility of finding archaeological resources. If such resources are encountered during construction, all work shall be halted within the area of the find and a qualified archaeologist shall ~~be retained to ascertain~~ ***evaluate*** the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect cultural resources that are discovered on the site. ~~Prehistoric cultural material includes, but is not limited to, chert or obsidian flakes, projectile points, mortars, and pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, human burials, shell midden deposits, hearth remains, and stone and/or shell artifacts. Historic material, including but not limited to, stone or adobe foundations or walls, structures and remains with square nails, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur within the project area in deposits such as old privies or dumps. Any identified cultural resources shall be recorded on California Department of Parks and Recreation 523 historic resource record forms.~~

4.5.3 Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact Unless Mitigated: The proposed project site has been disturbed and consists of fill material to approximately 10 feet and fluvial deposition soils, where the original soils remain (Earth Tech 2007). There are no unique geological features currently present. Historical documentation indicates that Native Americans camped along Warm Creek in the vicinity of the proposed project area. Phase II excavations conducted prior to the Caltrans demolition (see Section 4.5.1) included geomorphological trenching in this area. The excavations discovered no evidence of paleontological resources.

Current building design extends more than 50 feet below existing grade. Because the site has been disturbed to approximately 10 feet below existing grade and previous excavations did not reveal paleontological resources, the likelihood of the project affecting any significant paleontological resources is minimal. However, a mitigation measure has been added to reduce the level of impact to less than significant, in the unlikely event that paleontological resources would be encountered during the construction of the project.

Mitigation Measures: The following mitigation measures would reduce paleontological impacts to less than significant levels:

Cultural Resources 2: ***The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding paleontological resources.*** If paleontological resources are encountered during construction, all work shall be halted within a 30-foot radius of the findings and a qualified paleontologist shall ***evaluate*** ~~be retained to ascertain~~ the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect paleontological resources that are discovered on the site;

4.5.4 Will the project disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Impact Unless Mitigated: As noted in Section 4.5.1, the project site has previously been disturbed by development, and sufficient archaeological studies have been performed on site. However, there is a remote chance that human remains exist on the site, although no evidence of human remains is known to exist for the site. If human remains of Native American origin are discovered on the site during project construction, it would be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code § 5097). In addition, State law (CEQA Guidelines § 15064.5 and the Health and Safety Code § 7050.5) requires that the following mitigation be implemented.

Mitigation Measures: The following mitigation measures would reduce impacts to human remains to less than significant levels:

Cultural Resources 3: ***The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding human remains***. If human remains are found during project demolition and construction activities, the project proponent must contact the San Bernardino County Coroner who in turn must contact the N***ative*** A***merican*** H***eritage*** C***ommission (NAHC)*** within 24 hours if it is determined that the finds are of Native American origin. There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted. ~~The NAHC will contact a most likely descendant who will have the opportunity to make a recommendation within 24 hours after being notified by the NAHC as to how the remains will be treated.~~

4.6 GEOLOGY AND SOILS

4.6.1 Will the project expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Less Than Significant Impact: The proposed project site is located in a seismically active area of southern California. The project site is near active and potentially active earthquake faults including the San Jacinto (2.5 miles), San Andreas (5.5 miles) and Cucamonga (10 miles). Earthquakes have previously occurred within the vicinity of the city of San Bernardino and are expected to occur again. Surface rupture is considered most likely to occur along an active or potentially major fault trace. According to the California Geological Survey Alquist-Priolo Earthquake Fault Zoning Map, no designated or potentially active fault trace passes through the subject property (San Bernardino 2005a). The probability of ground rupture at the proposed project site is highly unlikely. Therefore, the proposed project is not expected to expose people or structures to potential adverse effects.

Mitigation Measures: No mitigation measures are required.

4.6.2 Will the project expose people or structures to potential substantial adverse effects involving strong seismic ground shaking?

Potentially Significant Impact Unless Mitigated: Ground-shaking intensity is measured on the Modified Mercalli Scale, which ranges from I (not felt) to XII (widespread devastation). The degree of shaking an earthquake will have on the proposed project site depends on a number of factors such as the location of the fault, distance to the epicenter, size of the earthquake, and the geology of the area. The proposed project site is within close proximity to active faults and is therefore expected to experience ground shaking if a moderate-size earthquake in the vicinity or a major earthquake with an epicenter located at a distance from the proposed project site were to occur. The San Bernardino planning area has been regionally designated as a high severity zone where major probable damage of probable maximum intensity IX or X, as defined by the Mercalli Intensity Scale, may occur from a maximum expectable earthquake (San Bernardino 2005b). A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned.

Mitigation Measures: The following mitigation measure would reduce impacts to people or structures from strong seismic ground shaking to less than significant:

Geology and Soils 1: ***A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned.*** The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property ~~(SOM 2008)~~.

4.6.3 Will the project expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction?

Potentially Significant Impact unless Mitigated: Liquefaction occurs when saturated, loose, fine-grained sediment temporarily transforms to a fluid-like state due to earthquake ground shaking. A Phase I Environmental Site Assessment conducted for the proposed project site identified the soils in the area as generally sandy to clayey sand, underlain by sand/silty sand interbedded with gravel to silty gravel and gravelly sands (Earth Tech 2007). The City of San Bernardino is located outside a mapped area for Seismic Hazard Zones, which establishes regulatory zones that encompass areas prone to liquefaction (failure of water-saturated soil) and earthquake-induced landslides. However, two general zones have been identified within the regional area, "high" and "moderately high to moderate" zones based on past technical studies. High zones are concentrated adjacent to the San Andreas Fault zone north and northeast of the city and in the old artesian area between the San Andreas and San Jacinto Faults in the central and southern parts of the city. These zones delineate regional susceptibility; however, they can vary greatly due to groundwater level changes (San Bernardino 2005b).

Mitigation Measures: The following mitigation measure would reduce impacts to people or structures from seismic related ground failure to less than significant:

Geology and Soils 2: ~~A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned.~~ Project designers will use the geotechnical report and other data to: (1) ensure that the building's design does not expose people to substantial adverse effects related to potential liquefaction of supporting soils under strong seismic ground shaking, and (2) construct the building in conformance with the requirements of the California Building Code to withstand any anticipated ground shaking. Based on preliminary geotechnical findings, the building foundation loads will be transferred to firm subgrades below footings using a deep foundation system. ~~Cast-in-place reinforced concrete drilled piers or precast piling extending greater than 50 feet below existing grades is expected.~~

4.6.4 Will the project expose people or structures to potential substantial adverse effects involving landslides?

No Impact: The General Plan describes areas susceptible to landsliding. Slope stability is defined by a number of factors including slope, vegetative cover, wildlife, bedrock, soil, precipitation, and human alteration. Seismic shaking may also include slope failure. However, the proposed project site is not in an area prone to landslides. The terrain of the proposed project site and surrounding areas is generally level and there are no unusual geomorphic features. Therefore, there is no potential for landsliding at the site or in surrounding areas.

Mitigation Measures: No mitigation measures are required.

4.6.5 Will the project result in substantial soil erosion or the loss of topsoil?

Potentially Significant Impact unless Mitigated: The proposed project would include extensive site preparation and excavation prior to construction. These activities may temporarily expose soils to erosion potential. However, the proposed project site has level terrain with a low potential for soil erosion. The applicant would also be required to prepare a SWPPP and WQMP in accordance with the requirements of the Santa Ana Regional Water Quality Control Board (Water Board), which would presumably include measures to reduce erosion. However, preparation of these plans shall be included as mitigation in order to provide a vehicle for tracking, monitoring, and enforcement and thereby the additional assurance the erosion control measures would be addressed and implemented.

Mitigation Measures: The following mitigation measure would reduce soil erosion to less than significant:

Geology and Soils 3: ~~A SWPPP and WQMP shall be prepared that include specific Best Management Practices (BMPs)~~ ***The AOC's construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Monitoring Plan (WQMP)*** to reduce the potential for erosion during construction and operation~~, respectively~~. ***The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.*** ~~The SWPPP and WQMP shall include a tracking mechanism, an implementation schedule, and the agencies and/or individuals responsible for monitoring and enforcement. An AOC point-of-contact shall be designated in these Plans, who shall be ultimately responsible for implementation of the SWPPP and WQMP. The SWPPP and WQMP shall be prepared in consultation with the City Development Services Department. Furthermore, the WQMP shall be prepared at the earliest possible opportunity in order to provide for "proactive" site planning and project design (at least prior to final design).~~

4.6.6 Will the project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Potentially Significant Impact unless Mitigated: According to the General Plan, the proposed project site is located in an area that is susceptible to subsidence and liquefaction. However, past construction activities at the site have probably altered the soil, particularly the soil material under previous buildings and paved areas. The design process includes a geotechnical analysis and preparation of a geotechnical report to support design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned. The design will comply with California Building Code (2001) § 1804.4 requirements to incorporate special provisions for foundation design and construction as provided by the geotechnical report. Since the project site has been previously developed with buildings, landscaping, and storm drains, the AOC cannot accurately predict the site's soil horizons and soil properties. Implementation of standard geotechnical measures designed to address subsidence and liquefaction, in conformance with the California Building Code, would reduce potentially significant impacts to below a significant level. Therefore, the mitigation measures below are included in order to ensure these measures are included and implemented.

Mitigation Measures: The following mitigation measure would reduce impacts due to unstable soil to less than significant:

Geology and Soils 4: The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property (SOM 2008).

4.6.7 Will the project be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?

Less Than Significant Impact: According to the Phase I report prepared for the portions of the proposed project site, the site is underlain by soils described as generally sandy to clayey sand, underlain by sand/silty sand interbedded with gravel to silty gravel and gravelly sands (Earth Tech 2007). Clayey soils may be characterized as expansive. Past construction activities at the site have probably altered the soil, particularly the soil material under previous buildings and paved areas.

The design process includes a geotechnical analysis and preparation of a geotechnical report to support design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned. The design will comply with California Building Code (2001) § 1804.4 requirements to incorporate special provisions for foundation design and construction as provided by the geotechnical report. Table 18-1-B of the California Building Code (2002) classifies the potential expansion of soils as very low, low, medium, high, or very high. Since the project site has been previously developed with buildings,

landscaping, and storm drains, the AOC cannot accurately predict the site's soil horizons and soil properties. However, the site's flat terrain and previous successful construction of buildings indicates that expansive soil problems would not create substantial risks to property or life.

The project designers will use the geotechnical report and other data to: (1) ensure that the building's design and construction does not create substantial risks to life or property, and (2) construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to expansive soils. Therefore, the impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

4.6.8 Will the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact: The proposed project does not propose to use septic tanks or alternative waste disposal systems. Sanitary sewer services in the area are currently supplied by the City of San Bernardino, Department of Public Works. No further analysis is required.

Mitigation Measures: No mitigation measures are required.

4.7 HAZARDS AND HAZARDOUS MATERIALS

4.7.1 Will the project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?

No Impact: The project proposes the construction and operation of a new courthouse facility that will not require the routine transport, use, or disposal of hazardous materials. The use of potentially hazardous materials would be limited to small amounts of commonly available, routinely used cleaning products and infrequent applications of pesticides and herbicides to landscaped areas. Use of these materials would be similar to maintenance operations at typical office facilities. Construction activities would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because construction of the facilities would not involve such activities. Therefore, there is no impact.

Mitigation Measures: No mitigation measures are required.

4.7.2 Will the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact: As explained in Section 4.7.1, the project does not involve the transport, use, or disposal of hazardous materials. The use of materials would be limited to small amounts of commonly available, routinely used cleaning products and infrequent applications of pesticides and herbicides to landscaped areas. Use of these materials will be similar to maintenance operations at typical office facilities.

Hazardous or toxic materials transported in association with construction of the project may include items such as oils, paints, and fuels. All materials required during construction will be kept in compliance with State and local regulations. With implementation of BMPs and compliance with all applicable regulations, potential impacts from the use of hazardous materials are considered less than significant. Therefore, the project has no impact.

Mitigation Measures: No mitigation measures are required.

4.7.3 Will the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: As stated in Section 4.7.1, the construction and operation of the new courthouse facility will not involve the use, storage, transport, or disposal of hazardous materials other than commonly available, routinely used maintenance products. Use of these materials would be similar to maintenance operations at typical office facilities. Therefore, there would be no impacts related to hazardous materials, substances, or waste.

Mitigation Measures: No mitigation measures are required.

4.7.4 Will the project be located on a site that is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?

No Impact: The project site is not on a list of hazardous materials sites (Earth Tech 2007). Therefore, the construction or operation of the proposed courthouse facility will not create any impact related to hazardous sites.

Mitigation Measures: No mitigation measures are required.

4.7.5 For a project located within an airport land-use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?

No Impact: The San Bernardino International Airport (SBIA) is located approximately 2 miles east of the project site. As of the writing of this document, the Airport Master Plan and the Comprehensive Land Use Plan for the SBIA were in the process of being prepared. In the interim, the City General Plan has designated the Airport Influence Area to define the area of potential concern. The project site is located outside of the Airport Influence Area. Therefore, the project would have no impact on safety levels with respect to public airports.

Mitigation Measures: No mitigation measures are required.

4.7.6 For a project within the vicinity of a private airstrip, Will the project result in a safety hazard for people residing or working in the project area?

No Impact: The project site is not in the vicinity of a private airstrip. Therefore, the project would have no impact on safety levels with respect to private airstrips.

Mitigation Measures: No mitigation measures are required.

4.7.7 Will the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: The proposed project will not create barriers, access limits, or dead-end roadways that interfere with emergency response efforts or evacuation plans. Therefore, the project would have no impact.

Mitigation Measures: No mitigation measures are required.

4.7.8 Will the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact: The General Plan describes areas susceptible to wildland fires. The project site is not located within the Fire Hazard Area. The area surrounding the project site is developed, except for Meadowbrook Park located immediately to the southeast. However, Meadowbrook Park is not designated as wildland. Therefore, there is no impact related to wildland fires.

Mitigation Measures: No mitigation measures are required.

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Will the project violate any water quality standards or waste discharge requirements?

Potentially Significant Impact Unless Mitigated: The proposed project site is generally level with gradual downward sloping grade from the north to the south. Currently storm water sheet flow drains to Warm Creek and to off-site storm drains (Earth Tech 2007).

The AOC will design the building to conform to standards of a LEED silver-certified building. Specific requirements concerning impacts to water quality will be incorporated in the design of the building. Such design measures would create a system of water retention that would be employed to limit overloading nearby creeks with site runoff during post construction (SOM 2008).

During construction, the proposed project site would be excavated, soil stockpiled, and the site graded. Site preparation and excavation could expose loose soil to potential erosion and potential movement off site.

The California Water Resources Control Board, through the Santa Ana Regional Water Quality Control Board, regulates waste discharges into waters of the State through the National Pollutant Discharge Elimination System (NPDES) permit system. Under the NPDES permit, two permits may apply to projects: (1) construction projects over 1 acre must obtain coverage under the statewide general construction permit through the development of a SWPPP, and (2) projects of new development and significant redevelopment must obtain coverage under the statewide permit through the development of a WQMP.

The purpose of the SWPPP is to identify potential pollutant sources that may affect the quality of discharge associated with construction, to identify non-storm water discharges, and to design the use and placement of BMP to effectively prohibit the entry of pollutants from the construction site into the storm drain system during construction. Erosion and sediment source control BMPs must be considered for both active and inactive (previously disturbed) construction areas. BMPs for wind erosion and dust control are also included (California Water Quality Association 2006).

The purpose of the WQMP is to guide the permittees that have land-use planning and development authority, in the development and implementation of a program to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutant loads and changes in hydrology. These effects may be minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing on-site infiltration, source-control BMPs, and/or either on-site structural treatment control BMPs, or participation in regional or watershed-based structural treatment control BMPs (San Bernardino County 2005).

During construction, short-term water quality impacts may occur. Extensive site preparation and excavation may expose loose soil to potential erosion, that, if not controlled, could be transported to local waterways and cause increased suspended sediment load. As the proposed project is greater than 1 acre, the project would be required to prepare an SWPPP to identify sources of sediments and pollution that could potentially affect storm water quality. In addition, as the proposed project creates parking lots larger than 5,000 square feet that are exposed to storm water and the project development is greater than 100,000 square feet, the project would be required to prepare a WQMP to minimize post-construction impacts to water quality. Building design would incorporate LEED silver certification measures, which could potentially minimize runoff. These LEED design measures, together with the WQMP and SWPPP may reduce potential storm water pollution impacts to below a significant level. However, these plans have yet to be completed and, therefore, the potential for significant impacts remain. Mitigation measures to reduce these impacts to less than significant are, therefore, included herein.

Mitigation Measures: The following mitigation measures would reduce impacts to water quality and waste discharge to less than significant levels:

Water Quality 1: The project sponsor shall reserve a portion of the site for construction of a landscaped bio-drainage swale, designed to naturally filter pollutants from the site's storm water. Storm water runoff from the building's roofs and courthouse's parking lots shall be directed via a combination of sheet flow, catch basins, and subsurface drains to the bio-swale. The swale shall be designed to eliminate the site's storm water runoff through evaporation and groundwater recharge.

Water Quality 2: ~~Any newly constructed parking and sidewalk areas shall incorporate a permeable paving surface to reduce storm water runoff from the site~~. ***Parking and sidewalk areas shall incorporate a permeable paving surface or other measures to reduce storm water runoff from the site.***

Water Quality 3: Low water-consuming landscaping (drought tolerant or native plants) shall be used in order to minimize runoff from the site and consequent introduction of pesticides and fertilizers into watercourses.

4.8.2 Will the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact: The proposed project site is in a developed area that does not contribute significantly to the depletion or recharge of underground water supplies. Furthermore, the project would not intercept an aquifer. Therefore, potential groundwater impacts from the proposed project are expected to be less than significant.

Mitigation Measures: No mitigation measures are required.

4.8.3 Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation on site or off site?

Potentially Significant Impact Unless Mitigated: The proposed project would not alter the course of the adjacent Warm Creek. However, the proposed project would increase the amount of impervious surface on the site from existing conditions. Construction may increase the chance for erosion or siltation on site or off site.

Mitigation Measures: The following mitigation measure would reduce impacts to the existing drainage pattern through erosion to less than significant levels:

Water Quality 4: ~~As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction.~~ ***As part of the project, the AOC's construction contractor will secure the Santa Ana Regional Water Quality Board's approval of a SWPPP and WQMP to protect water quality. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.***
Therefore, impacts from the proposed project would be less than significant.

4.8.4 Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that will result in flooding on site or off site?

Potentially Significant Impact Unless Mitigated: The proposed project would not alter the course of the adjacent Warm Creek. However, the proposed project would increase the amount of impervious surface on the site. Construction may increase the rate or amount of surface runoff that could result in flooding on site or off site.

Mitigation Measures: The following mitigation measure would reduce impacts to the existing drainage pattern through runoff to less than significant levels:

Water Quality 5: ~~As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction.~~ ***As part of the project, the AOC's construction contractor will secure the Santa Ana Regional Water Quality Board's approval of a SWPPP and WQMP to protect water quality. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.***

4.8.5 Will the project create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Potentially Significant Impact Unless Mitigated: The proposed project would increase the impervious surface of the site and construction may increase the rate or amount of surface runoff that could result in flooding on site or off site.

Mitigation Measures: The following mitigation measure would reduce impacts to existing storm water drainage systems to less than significant levels:

Water Quality 6: As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction ensuring that the capacity of water drainage systems would not be exceeded.

4.8.6 Will the project otherwise substantially degrade water quality?

Potentially Significant Impact Unless Mitigated: Issues of water quality are discussed in Sections 4.8.1 through 4.8.5.

Mitigation Measures: The following mitigation measure would reduce impacts to water quality and waste discharge to less than significant levels:

Water Quality 7: As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction ensuring that the project would not substantially degrade water quality.

4.8.7 Will the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact: The proposed project does not include housing and is not located within a designated 100- year floodplain. Therefore, the project has no impact.

Mitigation Measures: No mitigation measures are required.

4.8.8 Will the project place within a 100-year flood hazard area structures that will impede or redirect flood flows?

No Impact: As discussed above, the site is not within a designated flood zone. Therefore, the proposed project has no impact.

Mitigation Measures: No mitigation measures are required.

4.8.9 Will the project expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam?

Less than Significant Impact: The Seven Oaks Dam is the closest dam to the city, located 10 miles east of the city. During flood conditions, the dam creates a lake 500 feet deep extending 3 miles back into the canyon. In the unlikely event of dam failure, the southeastern portion of the city would be inundated. The project site is located on the periphery of the inundation zone. Although failure of the dam would release a significant amount of water (approximately 145,600 acre-feet of water during flood conditions) the dam is engineered to withstand an earthquake measuring 8.0 on the Richter scale, with any point able to sustain a displacement of 4 feet without causing any overall structural damage. The likelihood of dam failure is very low and speculative. Therefore, the impact is less than significant.

Mitigation Measures: No mitigation measures are required.

4.8.10 Will the project expose people or structures to a significant risk involving inundation by seiche, tsunami, or mudflow?

No Impact: There is no water body near the project site that would be susceptible to a seiche or tsunami; therefore, there is no risk of seiche or tsunami. Since the project site is relatively level and distant from slopes, there is no risk of mudflows. Therefore, the project has no impact.

Mitigation Measures: No mitigation is required.

4.9 LAND USE AND PLANNING

4.9.1 Will the project physically divide an established community?

No Impact: The project site is approximately 7.7 acres and is consistent with the City's General Plan and Redevelopment Plan (San Bernardino Economic Development Agency 2008). The project would not physically divide the community. Therefore, the project would have no impact.

Mitigation Measures: No mitigation measures are required.

4.9.2 Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact: The proposed project is consistent with the General Plan designation and the redevelopment plan for the site. Therefore, the project would have no impact.

Mitigation Measures: No mitigation measures are required.

4.9.3 Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact: There is no adopted Habitat Conservation Plan or other approved conservation plan that apply to the proposed site. The proposed project would therefore not conflict with Habitat Conservation Plan provisions.

Mitigation Measures: No mitigation measures are required.

4.10 MINERAL RESOURCES

4.10.1 Will the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Less Than Significant Impact: Construction aggregate is found in the natural sand and gravel deposits of Warm Creek, and other washes and creeks in the city. The proposed project site is located adjacent to Warm Creek and the site had been designated by the California Department of Conservation, Division of Mines and Geology as MRZ-2, Significant Mineral Deposits are Likely, Development should be Controlled (San Bernardino 2005b). This criterion is based solely on geologic factors. The EIR for the General Plan identifies regionally significant construction aggregate sectors within the city based on potential availability from a land use perspective in addition to the MRZ designation. The proposed project site does not fall within a significant construction aggregate sector (San Bernardino 2005b). Additionally, as noted previously, the site has been developed and approximately 10 feet of fill material is currently present on the site. Therefore, the proposed project would have less than significant impact on the loss of availability of a known mineral resource.

Mitigation Measures: No mitigation measures are required.

4.10.2 Will the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?

No Impact: The proposed site is not designated as a locally important mineral resource recovery site. Therefore, there would be no impact.

Mitigation Measures: No mitigation measures are required.

4.11 NOISE

4.11.1 Will the project result in generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

~~**Potentially Significant Impact Unless Mitigated**~~ ***Less Than Significant Impact*:** The City of San Bernardino Noise Ordinance (§ 19.20.030.15 of the Development Code) specifies the maximum acceptable levels of noise for residential uses in the city. According to the Noise Ordinance, in residential areas, no exterior noise level shall exceed 65 decibels A-scale (dBA) and no interior noise level shall exceed 45 dBA. The proposed project site is located in a commercial office area, for which no maximum noise levels are listed within the City Noise Ordinance.

~~Noise from the operation of construction equipment is governed under the local Municipal Code, § 8.54. Section 8.54.020 of the Municipal Code prohibits the operation or use between the hours of 10 PM and 7 AM of any pile driver, steam shovel, pneumatic hammers, derrick, steam or electric hoist, power driven saw, or any other tool or apparatus, the use of which is attended by loud and excessive noise, except with the approval of the city. Section 8.54.070 of the City of San Bernardino Municipal Code limits the hours of construction activity to between the hours of 7 AM and 8 PM.~~

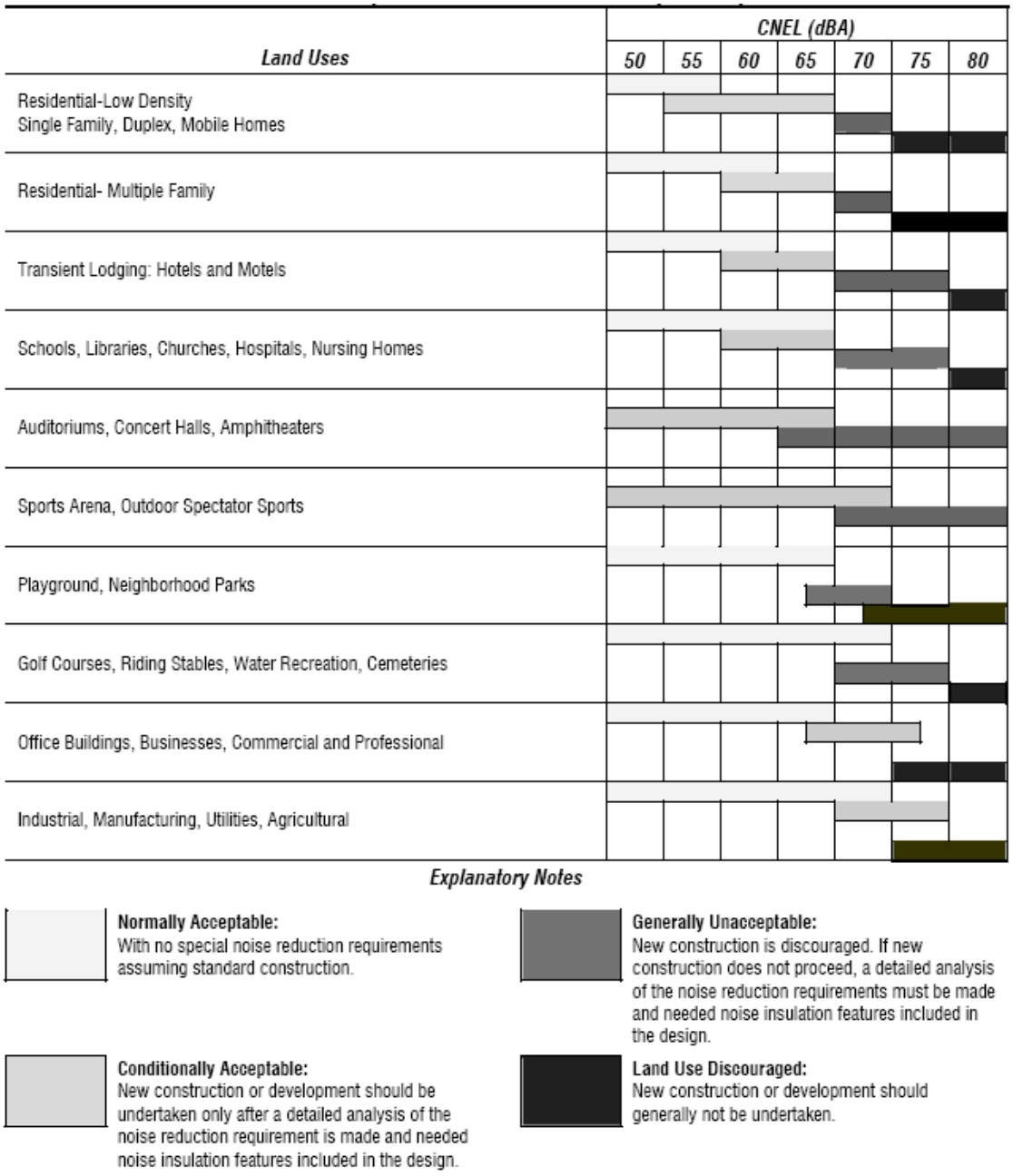
The General Plan identifies degrees of acceptable usage for new development depending on land use and noise levels (measured as decibels or dB) as shown in Table 8. These noise levels are based on daily averages with nighttime noise effectively having more weight in the averages. The proposed project is adjacent to a park, courthouse, and other governmental offices. Taking into account the nearby land uses, this table can be used as a guide for determining significance thresholds.

~~During construction, short-term noise would be generated from workers traveling in their vehicles to and from the site and from the use of construction equipment. While the noise contribution from worker vehicles would be temporary and small, the noise from construction equipment may be appreciable. The operation of construction equipment can result in maximum short-term noise levels ranging from 80 dB to 95 dB. These levels may be significant depending on the duration, but mitigation measures would minimize the impacts.~~

~~For example, following the General Plan policies, noise levels associated with the construction activities would be limited 7 AM to 8 PM. Given the short-term nature of the noise, the impacts would be less than significant with the mitigation measures below.~~

Section 4.11.3 analyzes construction-related noise impacts. The courthouse will generate some noise from heating, ventilating, air conditioning mechanical equipment. Since the mechanical equipment will be typical for office buildings, the equipment's noise generation is not expected to exceed 50 dBA at a distance of 100 feet.

Table 8. San Bernardino General Plan Compatibility Guidelines.



Source: City of San Bernardino General Plan 2005a.

After ~~construction is complete~~ ***the Superior Court begins its operations in the new courthouse***, the additional vehicles traveling to the site would increase noise levels adjacent to nearby roads. However, the increase would be minimal and thus impacts from the additional vehicles to the park users, the only sensitive receptors in the vicinity, are expected to be less than significant.

Mitigation Measures: ***No mitigation measures are required.*** ~~The following mitigation measures would reduce construction noise impacts to less than significant levels:~~

~~**Noise 1:** Limit generation of loud noises to normal business hours between 7 AM and 8 PM.~~

~~**Noise 2:** Locate staging area and stationary equipment as far as possible from sensitive receptors (such as the Meadowbrook Park).~~

~~**Noise 3:** Ensure all construction equipment is properly maintained and operated and are equipped with mufflers.~~

For example, following the General Plan policies, noise levels associated with the construction activities would be limited 7 AM to 8 PM. Given the short-term nature of the noise, the impacts would be less than significant with the mitigation measures below.

4.11.2 Will the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact: As explained in Section 4.11.1, the building's mechanical equipment is not expected to generate substantial noise. Therefore, the project's mechanical sound will therefore not produce a substantial increase in ambient noise levels. As also explained in Section 4.11.1, the project's traffic is not expected to generate substantial traffic or traffic-related noise. Therefore, the project's traffic-related noise impacts on traffic-related ambient noise levels will be less than significant.

Mitigation Measures: No mitigation measures are required.

4.11.3 Will the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact Unless Mitigated: During construction, workers' operation of construction equipment will generate noise. While the noise contribution from worker vehicles will be temporary and small, the noise from construction equipment may be appreciable for short periods of time. Pile driving is typically the most significant source of construction noise impact. Impacts can result from both elevated single event or "impact" noise levels and vibratory impacts. Pile driving may produce noise levels in excess of acceptable limits, even when feasible noise reduction methods are used. The greatest potential impacts are experienced within 50-100 feet of the source, resulting in noise levels approximately 90 dBA. The existing

courthouse buildings are at least 65 feet from the proposed project site, which would allow for substantial noise attenuation. Moreover, potential vibratory impacts would be negligible. The project's pile driving operations could, nevertheless, generate noise levels in excess of 75dBA at the adjacent park. Excessive noise levels could also impact activities at the existing Old Courthouse and County buildings, as well as nearby businesses. Daytime exterior noise levels of 75 and 80 dBA for affected sensitive receptors and commercial land uses, respectively are considered significant, despite the fact that the City's Noise Ordinance does not prescribe maximum noise levels in commercially-zoned areas. Therefore, a potentially significant impact would result.

Various dampening and shielding methods can attain some reduction from pile driving impacts. However, such methods rarely reduce the noise level to an acceptable level for the sensitive receptors close to the site. Therefore, restrictions governing the hours of construction-related pile driving have been included, in addition to the various technical measures described below. Proposed mitigation would reduce potentially significant impacts to below significant.

Mitigation Measures: ***The following mitigation measures would*** ~~In addition to implementing Mitigation Measures Noise-1 through 3, implementation of the following measures to the extent feasible is expected to~~ reduce the potential construction-related noise impacts to a less than significant level:

~~**Noise-4:** Limit pile driving to the hours of 4:30 P.M. to 10 P.M. in order to avoid impacts to the existing courthouse facilities, as well as other County Government Center facilities, and surrounding businesses.~~

~~**Noise-5:** Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).~~

~~**Noise-6:** Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.~~

~~**Noise-7:** Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.~~

~~**Noise-8:** If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.~~

~~**Noise 9:** To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible:~~

- ~~Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot;~~
- ~~Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;~~
- ~~Use noise control blankets on building structures as buildings are erected to reduce noise emissions from the site;~~
- ~~Monitor the effectiveness of noise attenuation measures by taking noise measurements.~~

~~**Noise 10:** The project applicant shall be responsible for implementing the following measures in order to further control and monitor construction noise:~~

- ~~A procedure for notifying the AOC staff of complaints;~~
- ~~Posting of onsite signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem;~~
- ~~A listing of telephone numbers (during regular construction hours and off-hours);~~
- ~~Designation of an onsite construction complaint manager for the project;~~
- ~~Notification to the City, County, Courthouse Administrator, and any other land uses within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and,~~
- ~~A pre-construction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.~~

Noise 1: Locate staging area and stationary equipment as far as possible from sensitive receptors (such as Meadowbrook Park);

Noise 2: Muffle stationary noise sources and enclose within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible;

Noise 3: Use equipment and trucks equipped with the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible);

Noise 4: Ensure all construction equipment is properly maintained and operated and equipped with mufflers;

Noise 5: Limit pile driving operations to the hours of 4:30 P.M.-10 P.M., and limit generation of other loud noise-generating operations to normal business hours between 8AM and 5 PM. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time;

Noise 6: Use hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible. Quieter methods or tools, such as using drills rather than impact tools, shall be used whenever feasible;

Noise 7: To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible: A). Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot; B). Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; C). Use noise control blankets on building structures to reduce noise emissions from the site; and D). Monitor the effectiveness of noise attenuation measures by taking noise measurements;

Noise 8: The project applicant shall be responsible for implementing the following measures to further control and monitor construction noise: A). Establishing a procedure for notifying the AOC staff of complaints; B). Posting on-site signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem; C). Listing telephone numbers (during regular construction hours and off-hours); D). Designating an on-site construction complaint manager for the project; E). Notifying the City, County, Courthouse Administrator, and any other land users within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and, F). Conducting a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.

4.11.4 Will the project result in generation of excessive ground-borne vibration or ground-borne noise levels?

Potentially Significant Impact Unless Mitigated: During construction, ground-borne vibration and noise may be generated by large trucks and other heavy equipment during grading, and construction of buildings. Generally, the ground-borne vibration and noise of large trucks and other heavy equipment such as cranes or bulldozers would have a minimal impact on nearby sensitive receptors because the impacts would be irregular and persist for only short durations. However, at particular phases of construction (e.g., foundation construction), ground-borne vibration from operations such as pile driving may be regular and persistent for periods of several days. These vibrations would not reoccur when construction is complete. Given the short-term nature of the vibrations, construction impacts to vibration levels are expected to be less than significant with the application of Mitigation Measure Noise 1, which limits generation of loud noises.

Mitigation Measures: Implement Mitigation Measures Noise 1 through 10.

4.12 POPULATION AND HOUSING

4.12.1 Will the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact: The project proposes to construct a new courthouse on an approximately 8-acre site. The proposed project would not induce substantial population growth or result in a significant increase in employment. Therefore, the project would have no impact.

Mitigation Measures: No mitigation measures are required.

4.12.2 Will the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact: The proposed project involves construction of a new courthouse on a currently vacant lot and would not displace any existing housing. Therefore, the project would have no impact on existing housing.

Mitigation Measures: No mitigation measures are required.

4.12.3 Will the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact: The proposed project involves construction of a new courthouse and would not displace any people. Therefore, the project will have no impact on replacement housing.

Mitigation Measures: No mitigation measures are required.

4.13 PUBLIC SERVICES

4.13.1 Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?

No Impact: The City of San Bernardino Fire Department has 12 fire stations within the city limits. The nearest station to the project site is Fire Station No. 230, located approximately 1.5 miles northeast at 502 South Arrowhead Avenue. The Fire Department is staffed with 51 personnel available to respond to emergencies, including two Battalion Chief Officers. The City adopted response time is 5 minutes or less for 90 percent of the emergency calls for service. The project is proposed adjacent to existing development and within close proximity to a fire station. Therefore, the project would not have a significant impact on fire response times and would not otherwise create a substantially greater need for fire protection than already exists.

Mitigation Measures: No mitigation measures are required.

4.13.2 Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?

Less Than Significant Impact: The proposed project is construction and operation of a new courthouse facility in order to consolidate existing facilities. The City of San Bernardino Police Department provides law enforcement services for businesses and residents within the city limits. The police substation nearest the project is located at 204 Inland Center Mall, approximately 0.5 miles northeast of the site. The proposed courthouse is approximately 0.1 mile from the current police department headquarters.

The County of San Bernardino's Sheriff's Department and contract security firms provides security at the Superior Court's courthouse facilities. The project will reduce police protection needs since the project will consolidate Superior Court operations into fewer and more secure facilities and therefore require fewer security personnel, the new courthouse will have improved security features that improve the efficiency of Superior Court security operations, and the new courthouse will reduce the number of Superior Court building entrances requiring security personnel. Therefore, the project would not have a significant impact on police services.

Mitigation Measures: No mitigation measures are required.

4.13.3 Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools?

No Impact: The project is located within the boundary of the San Bernardino City Unified School District. The proposed project would construct and operate a new courthouse facility. Residential development is not a part of the project and the additional school-age children indirectly resulting from the additional jobs generated by the project would be minimal. Therefore, the project would not create a substantially greater need for schools than already exists.

Mitigation Measures: No mitigation measures are required.

4.13.4 Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

No Impact: The proposed project does not involve residential development and will not cause an increase in residential housing and the need for related additional parks in the surrounding area. Therefore, the project will have no impact.

Mitigation Measures: No mitigation measures are required.

4.13.5 Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

No Impact: The proposed project does not involve residential development, and it will not cause an increase in residential housing and the need for related additional public facilities. Therefore, the project will have no impact.

Mitigation Measures: No mitigation measures are required.

4.14 RECREATION

4.14.1 Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact: The nature of the activity of the proposed project would not result in an increase in the use of neighborhood and regional parks or other recreational facilities.

Mitigation Measures: No mitigation measures are required.

4.14.2 Will the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No Impact: The proposed project does not involve residential development or recreational facilities, and it will not require related construction or expansion or cause an increase in residential housing or an increase in the use of neighborhood and regional parks or other recreational facilities. Therefore, the project will have no impact.

Mitigation Measures: No mitigation measures are required.

4.15 TRANSPORTATION/TRAFFIC

4.15.1 Would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

Less than Significant Impact: The primary roadways serving the courthouse are 3rd Street, 2nd Street, Arrowhead Avenue, Mountain View, Sierra Way, and Waterman Avenue. The highest visitor numbers occur during the first hours of the morning after a court opens. Visitor numbers decline throughout the morning as courts conclude proceedings, courts release jurors, and visitors conclude their business; therefore, for this Initial Study, the AOC's traffic analysis will focus on the AM peak hour traffic and not consider the P.M. peak hour traffic. Table 9, which follows the bulleted list below, summarizes existing weekday AM peak hour traffic counts obtained from the County of San Bernardino at the intersections expected to be most impacted by courthouse traffic (details of the traffic counts are provided in Attachment D). These major intersections include:

- 3rd Street/Arrowhead Avenue
- 3rd Street/Mountain View
- 3rd Street/Sierra Way

- 3rd Street/Waterman Avenue
- 2nd Street/Arrowhead Avenue
- 2nd Street/Sierra Way
- 2nd Street/Waterman Avenue

Table 9. Total AM Peak Hour Approach Volume and Level of Service (LOS) at Study Intersections

(AM peak hour of ambient traffic is 7:30 – 8:30 AM)

Intersection	Volume	LOS
3rd Street/Arrowhead Avenue	1,701	A
3rd Street/Mountain View	654	A
3rd Street/Sierra Way	1,255	A
3rd Street/Waterman Avenue	2,179	B
2nd Street/Arrowhead Avenue	1,591	B
2nd Street/Sierra Way	989	A
2nd Street/Waterman Avenue	1,910	A

The AM commute peak traffic hour was found to occur from 7:30 to 8:30 AM for each of the evaluated intersections. Table 9 also provides a summary of the intersection analysis for existing conditions represented by level of service. Details of the level of service calculations are provided in Attachment E. The level of service (also called LOS) standard is a qualitative ranking (A to F) with LOS A being a free flow conditions and LOS F representing extreme congestion. The City of San Bernardino General Plan (San Bernardino 2005a) states that the minimum acceptable LOS is established as D for intersections; the AOC considers LOS D appropriate for this project. Analysis indicates that the 3rd Street/Arrowhead Avenue, 3rd Street/Mountain View, 3rd Street/Sierra Way, 2nd Street/Sierra Way, and 2nd Street/Waterman intersections are operating acceptably at a LOS ranking of A during the AM peak hour and the 3rd Street/Waterman Avenue and 2nd Street/Arrowhead Avenue intersections are operating acceptably at LOS B during the AM peak hour.

Table 10 shows maximum anticipated project trip generation during the AM peak hour based on Institute of Transportation Engineer (ITE) trip generation rates.

Table 10. Proposed Courthouse Trip Generation (ITE), AM Peak Hour

Time	Area (Square Feet)	Inbound	Outbound	Total
Proposed Courtrooms	356,000	1,759	335	2,094
Existing Courtrooms	228,500	1,129	215	1,344
Change	+127,500	+630	+120	+750

The proposed project is calculated to generate a maximum of 630 inbound and 120 outbound new vehicle trips during the AM peak hour based on the difference in office space between the existing and proposed courthouses. Actual new vehicle trips would be less based on courthouse-specific information. A previous study estimated that each additional courtroom would increase courthouse traffic by 30 inbound and 4 outbound new vehicle trips in the AM peak hour (ERM 2007). Therefore, the increase of 13 courtrooms would result in 390 inbound and 52 outbound new vehicle trips in the AM peak hour. Additional***ly***, the AM peak hour is expected to consist of 30 percent of the total daily traffic to the courthouse.

AOC staff observed no indications of substantial traffic load or inadequate street system capacity on W. 2nd St., W. 3rd St. or N. Arrowhead Ave. in the vicinity of the courthouse (AOC 2008b). Given the LOS ratings of A and B for the evaluated intersections, the limited number of new courthouse-related trips during the AM peak hour (see Table 10), and the existing traffic volumes shown in Table 9, the AOC concludes that the project is not likely to produce a substantial increase in the volume of traffic in relation to the existing traffic load and capacity of the street system. ***Urban Crossroads prepared a traffic impact analysis (Attachment F) to assess the potential impacts of the proposed site on the roadway system in the study area. Future condition analysis without and with the project were completed for the AM peak hour. All study intersections were determined to operate at acceptable levels of service.*** Therefore, no significant impacts are anticipated.

Mitigation Measures: No mitigation measures are required.

4.15.2 Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Less than Significant Impact: The San Bernardino County Congestion Management Plan (San Bernardino County 2003) requires all segments and intersections to have LOS E or better. As presented in Section 4.15.1, all evaluated intersections were LOS A or LOS B; therefore, the proposed project will not cause the level of service to exceed standards established by the county congestion management agency.

Mitigation Measures: No mitigation measures are required.

4.15.3 Would the project 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?

No Impact: ~~Expansion of the courthouse would have no impact on air traffic patterns or air traffic levels, and would not result in any substantial increase in aviation safety.~~ ***The courthouse project will not change air traffic patterns, air traffic levels, or air traffic locations so that there will be an increase in safety risks.***

Mitigation Measures: No mitigation measures are required.

4.15.4 Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact: The new courthouse design will conform to the California Building Code and will be generally consistent with City of San Bernardino design standards. Therefore, the AOC concludes that the proposed project would not be expected to result in any increased hazards due to a design feature. Therefore, there will be no significant impacts related to the building's design.

After discussions with the City's Engineer, the AOC learned that the City's staff have hazards concerns related to persons jaywalking between the existing parking lot on the proposed project site and Superior Court buildings and County buildings that are north of W. 3rd St. AOC staff observed numerous examples of jaywalking pedestrians (AOC 2008b). The AOC believes that the proposed new courthouse will substantially reduce the jaywalking pedestrian problem since the proposed new courthouse will eliminate the existing parking lot that is the source or destination of many jaywalking pedestrians, place the new courthouse's public entrance next to the signalized N. Arrowhead/W 3rd St. intersection, and install a public-restricted entrance on the W. 3rd St. side of the new courthouse. Therefore, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.15.5 Would the project result in inadequate emergency access?

Less Than Significant Impact: The AOC's development of the project site will conform to recommendations of the Superior Court of California (County of San Bernardino), the San Bernardino Sheriff's Department, and the San Bernardino County Fire District to ensure adequate emergency access considerations. The San Bernardino County Fire District would review plans to ensure emergency access. The proposed project does not include closure of any public through street that is currently used for emergency services, and would not be expected to interfere with the adopted emergency response plan. Therefore, no significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.15.6 Would the project result in inadequate parking capacity?

Less Than Significant Impact: The proposed project will provide 385 public surface parking spaces and 40 secure spaces below the building. Existing public parking lots are within a 10-minute walk from the site including the pubic garage on 4th and D Street. On-street parking for approximately 50 vehicles can be found on 2nd Street, 3rd Street, and Arrowhead Avenue

around the periphery of the courthouse site, and additional on-street parking is available around near-by blocks. In addition, the project's withdrawal of the Superior Court operations and staff from the T-Wing Annex makes some of the Superior Court's current parking spaces available for post-project Superior Court visitors and staff. As described in Section 4.15.7, alternative modes of transportation will be encouraged that will reduce the need for parking spaces. The AOC expects the project parking lot to be sufficient for the courthouses needs. Therefore parking impacts will be less than significant.

Mitigation Measures: No mitigation measures are required.

4.15.7 Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less Than Significant Impact: The proposed project would not be expected to conflict with adopted policies, plans, or programs supporting alternative transportation. Bus transportation is available to the project site today along the northern, southern, and western edges of the site. Several other lines pass within two blocks of the site. A planned transit center on West Rialto Avenue and North E Street will serve light rail and provide additional access to the site. This is not anticipated to change due to the project. In addition, the AOC would encourage alternative transportation by implementing a Parking, Transit, and Alternative Modes Plan, which shall include the following elements:

- Preferential parking for high efficiency/low impact vehicles
- Compact vehicle and motorcycle parking
- Courthouse Vanpool/Shuttle
- Transit Passes for Courthouse Employees
- Secure bike parking/bike lockers
- Shower facilities for bike commuters

No significant impacts are therefore anticipated.

Mitigation Measures: No mitigation measures are required.

4.16 UTILITIES/SERVICE SYSTEMS

4.16.1 Will the project exceed wastewater treatment requirements of the applicable Water Board?

Less Than Significant Impact: The project would result in an estimated net increase of 650 courthouse visitors and 90 additional staff for the additional 13 courtrooms (see Section 2.1 for the number of visitors and staff per courtroom). The City's General Plan EIR indicates that the San Bernardino Municipal Water Department would serve the project. The New San Bernardino Courthouse's projected water and sewer demand, based upon assumptions for "institutional uses," is as follows:

Water demand: 3000 gallons per day/acre gallons per day (gpd)
Site = 7.7 acres; water demand = 23,100 gpd or 25.80 Acre Feet/Year
Sewer demand: 1,000 gpd/acre or (7.7 acres *1,000 gpd=7,700 gpd)[6]

Solid waste services are provided by the City of San Bernardino Refuse and Recycling Division.

The San Bernardino Water Reclamation Plant is a regional wastewater facility with a capacity of 33 million gallons per day (MGD) design capacity. Although current flows total 28 MGD, projected growth is estimated to exceed design capacity by 15 MGD, according to the City's Wastewater Master Plan. The City's General Plan EIR recommends that the facility be expanded to approximately 40 MGD (45,345 acre-feet per year) by 2012. Therefore, the AOC concludes that the project would not exceed wastewater treatment requirements of the Water Board.

Mitigation Measures: No mitigation measures are required.

4.16.2 Will the project 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?

Less Than Significant Impact: As explained for Section 4.16.1, the AOC's proposed project would not contribute to a significant increase in water or wastewater demand and could be accommodated by the city's existing treatment capacity. Therefore, the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

Mitigation Measures: No mitigation measures are required.

[6] Source: Roger Turner Associates, Eastern Municipal Water District Sanitary Sewer System Planning and Design Principal Guidelines Criteria, Revised 9/1/2006; Water System Planning and Design Criteria, Revised 7/2/2007.

4.16.3 Will the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

No Impact: Storm drains and flood control facilities are administered by the City of San Bernardino and San Bernardino County Flood Control District. The City Development Services Department, Public Works Division, is responsible for design and construction of storm drain facilities. Stormwater runoff from the project site would flow into Warm Creek, which drains to the Santa Ana River. The proposed project would not require the construction of new off-site storm water facilities. Stormwater would be controlled by proposed on-site facilities including bio swales and infiltration basins within the landscape and new parking areas, porous pavement, and landscape water conservation measures, in addition to other stormwater reduction measures. Proposed measures would be developed in consultation with City Public Works Staff. Therefore, no significant impacts are anticipated.

Mitigation Measures: No mitigation measures are required.

4.16.4 Will the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact: As noted in Section 4.16.1, the AOC's proposed project would not contribute to a significant demand and would, therefore, not impact water supply entitlements.

Mitigation Measures: No mitigation measures are required.

4.16.5 Will the project 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?

Less Than Significant Impact: As noted in Section 4.16.1, the AOC's proposed project wastewater treatment demand will be minor. Therefore, the AOC concludes that the project will not have significant wastewater treatment capacity impacts.

Mitigation Measures: No mitigation measures are required.

4.16.6 Will the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact: The proposed project would be served by the City of San Bernardino Refuse and Recycling Division. The solid waste generated by the project would contribute incrementally to existing landfill capacity. A recycling program is planned to be implemented as part of this project, which will substantially reduce the quantity of waste that

would otherwise be generated. Therefore, the AOC concludes that the project would not have significant solid waste disposal impacts.

Mitigation Measures: No mitigation measures are required.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

4.17.1 Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

No Impact: The proposed project site does not contain any endangered plant or animal species or cultural resources. Therefore, the proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Mitigation Measures: No mitigation measures are required.

4.17.2 Does the project have impacts that are individually limited, but cumulatively considerable?[7]

No Impact: The proposed project is consistent with the City's General Plan, and the AOC's analysis did not identify any project-related cumulatively considerable impacts. The proposed project will not cause any impact.

Mitigation Measures: No mitigation measures are required.

4.17.3 Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact: Potentially significant impacts are discussed in Section 4.3.2 (Air Quality); Section 4.4.5 (Biological Resources); Sections 4.5.2, 4.5.3, and 4.5.4 (Cultural Resources); Sections 4.6.2, 4.6.3, 4.6.5, and 4.6.6 (Geology and Soils); Sections 4.8.1, 4.8.3, 4.8.4, 4.8.5, and 4.8.6 (Hydrology and Water Quality); and Sections ~~4.11.1~~, 4.11.3, and 4.11.4 (Noise). Mitigation measures have been proposed to reduce these potential significant impacts to

[5.] "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

a level that will not be significant. There are no other foreseeable substantial effects on human beings.

Mitigation Measures: Sections 4.3.2, 4.4.5, 4.5.2, 4.5.3, 4.5.4, 4.6.2, 4.6.3, 4.6.5, 4.6.6, 4.8.1, 4.8.3, 4.8.4, 4.8.5, 4.8.6, ~~4.11.1,~~ 4.11.3, and 4.11.4 already provide sufficient mitigation measures to reduce the impacts to levels that are not significant. No additional mitigation measures are required.

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6.0 REPORT PREPARATION PERSONNEL

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7.0 INVENTORY OF PROJECT MEASURES TO AVOID ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

7.1. PROJECT MEASURES TO AVOID ENVIRONMENTAL IMPACTS

The project is subject to the requirements of federal and state environmental laws and associated regulations. In most cases, such requirements are not included as mitigation. Mitigation measures are considered above-and-beyond regulatory requirements. The key regulatory requirements pertain to Comprehensive Environmental Response, Compensation, and Liability Act requirements governing preparation of environmental site assessments, Federal Clean Water Act and State Porter-Cologne Water Quality Act, and related legislation requiring preparation of SWPPPs and WQMPs, discharge permits (NPDES permits) governing wastewater treatment plant operations, and Federal Clean Water Act Section 404 requirements protecting wetlands. The California Clean Air Act Amendments provide air quality standards, which are implemented through SCAQMD regulations for the City of San Bernardino. In addition, California Building Code (2002) requirements provide guidance related to geological hazards, such as related to fault hazards, landslides, and expansive soils.

Senate Bill 610 (Chapter 643, Statutes of 201) amended State law, effective January 1, 2002, to require water supply availability information, to be provided to City/County decision-makers prior to approval of certain large development projects and incorporated into CEQA documents for these projects. The relevant development project would be a commercial office employing more than 1,000 persons or more than 250,000 square feet of floor space. Although the new courthouse would exceed this threshold, the "project's" contribution (constituting roughly 37 percent of the total courtrooms) would remain under this threshold. The AOC may decide, nevertheless, to request preparation of a Water Supply Assessment by the water supplier and include the results in the Administrative Record. This would allow the AOC to implement any additional design requirements as may be necessary to avoid any significant impacts on water supply.

The California Global Warming Solutions Act of 2006 (AB 32) requires the impacts of CO2 emissions on "Climate Change" to be addressed in this CEQA document. AB 32 has been addressed and mitigation measures proposed.

Relevant local regulations include the City General Plan and Zoning Ordinance, City Noise Ordinance, requirements for Development Impact Fees, compliance with the City Building Code, and requirements for a City Building Permit may or may not apply to State building projects in this case. In the event such requirements are deemed inapplicable, public facility impacts may result as a result of the project, unless alternative financial and institutional arrangements are implemented. The Countywide Integrated Waste Management Plan, Airport Master Plan, and Comprehensive Land Use Plan are also applicable to the proposed project.

The project is being designed to meet the requirements of LEED silver certification. The project would, therefore, avoid or minimize impacts in the areas of hazardous materials and solid waste, water consumption and stormwater runoff, and transportation. A recycling program would also

be implemented in order to minimize waste generation. The recycling program shall be subject to City review and approval, prior to issuance of a building permit or in lieu of which, prior to final AOC project approval.

7.2. MITIGATION MEASURES

Section 4.3.2 (Air Quality); Section 4.4.5 (Biological Resources); Sections 4.5.2, 4.5.3, and 4.5.4 (Cultural Resources); Sections 4.6.2, 4.6.3, 4.6.5, and 4.6.6 (Geology and Soils); Sections 4.8.1, 4.8.3, 4.8.4, 4.8.5, and 4.8.6 (Hydrology and Water Quality); and Sections ~~4.11.1~~, 4.11.3, and 4.11.4 (Noise) identified potentially significant environmental impacts. The following mitigation measures have been added to reduce the potential impacts to a level that is less than significant:

- Air Quality 1: The AOC and the AOC's contractors will ~~ensure the~~ use ~~of~~ low ~~VOC~~ ***volatile organic compound*** paints and coating transfer or spray equipment with high transfer efficiency to reduce the emissions associated with architectural coatings.

- Biological Resources 1: If feasible, project design will incorporate plans to preserve existing mature trees. ~~Several of these trees are located in the southern portion of the project site where the parking lot is proposed.~~ Additionally, if feasible, the young trees will be relocated and used for landscaping of the new courthouse. If it is not feasible to design the project around the mature trees and/or the immature trees have become too large to relocate, replacement trees will be included in the landscape design. Four trees will be used to replace the loss of each mature tree, and one new tree will be used to replace the loss of each immature tree;

- Cultural Resources 1: The AOC and the AOC's contractors shall inform all personnel connected with ~~construction of the project~~ ***excavation and grading operations*** of the possibility of finding archaeological resources. If such resources are encountered during construction, all work shall be halted within the area of the find and a qualified archaeologist shall ~~be retained to ascertain~~ ***evaluate*** the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect cultural resources that are discovered on the site. ~~Prehistoric cultural material includes, but is not limited to, chert or obsidian flakes, projectile points, mortars, and pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, human burials, shell midden deposits, hearth remains, and stone and/or shell artifacts. Historic material, including but not limited to, stone or adobe foundations or walls, structures and remains with square nails, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur within the project area in deposits such as old privies or dumps. Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms;~~

- Cultural Resources 2: ***The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding paleontological resources***. If paleontological resources are encountered during construction, all work shall be halted within a 30-foot radius of the findings and a qualified paleontologist shall ***evaluate*** ~~be retained to ascertain~~ the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect paleontological resources that are discovered on the site;

- Cultural Resources 3: ***The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding human remains.*** If human remains are found during project demolition and construction activities, the project proponent must contact the San Bernardino County Coroner who in turn must contact the ***Native American Heritage Commission (NAHC)*** within 24 hours if it is determined that the finds are of Native American origin. There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted; ~~The NAHC will contact a most likely descendant who will have the opportunity to make a recommendation within 24 hours after being notified by the NAHC as to how the remains will be treated.~~

- Geology and Soils 1: ***A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned.*** The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property ~~(SOM 2008)~~;

- Geology and Soils 2: ~~A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned.~~ Project designers will use the geotechnical report and other data to: (1) ensure that the building's design does not expose people to substantial adverse effects related to potential liquefaction of supporting soils under strong seismic ground shaking, and (2) construct the building in conformance with the requirements of the California Building Code to withstand any anticipated ground shaking. Based on preliminary geotechnical findings, the building foundation loads will be transferred to firm subgrades below footings using a deep foundation system; ~~Cast-in-place reinforced concrete drilled piers or precast piling extending greater than 50 feet below existing grades is expected;~~

- Geology and Soils 3: ~~A SWPPP and WQMP shall be prepared that include specific Best Management Practices (BMPs)~~ ***The AOC's construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Monitoring Plan (WQMP)*** to reduce the potential for erosion during construction and operation~~, respectively~~. ***The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.*** ~~The SWPPP and WQMP shall include a tracking mechanism, an implementation schedule, and the agencies and/or individuals responsible for monitoring and enforcement. An AOC point-of-contact shall be designated in these Plans, who shall be ultimately responsible for implementation of the SWPPP and WQMP. The SWPPP and WQMP shall be prepared in consultation with the City Development Services Department. Furthermore, the WQMP shall be prepared at the earliest possible opportunity in order to provide for "proactive" site planning and project design (at least prior to final design).~~

- Geology and Soils 4: The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property;

- Water Quality 1: The project sponsor shall reserve a portion of the site for construction of a landscaped bio drainage swale, designed to naturally filter pollutants from the site's storm water. Storm water runoff from the building's roofs and courthouse's parking lots shall be directed via a combination of sheet flow, catch basins, and subsurface drains to the bio swale. The swale shall be designed to eliminate the site's storm water runoff through evaporation and groundwater recharge;

- Water Quality 2: Any newly constructed parking areas shall incorporate a permeable paving surface to reduce storm water runoff from the site;

- Water Quality 3: Low water consuming landscaping (drought tolerant or native plants) shall be used in order to minimize runoff from the site and consequent introduction of pesticides and fertilizers into water courses;

- Water Quality 4 through 7: ~~As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction;~~ ***As part of the project, the AOC's construction contractor will secure the Santa Ana Regional Water Quality Board's approval of a SWPPP and WQMP to protect water quality. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP;***

- ~~Noise 1: Limit generation of loud noises to normal business hours between 7AM and 8 PM;~~

- Noise 2: Locate staging area and stationary equipment as far as possible from sensitive receptors (such as the Meadowbrook Park);

- Noise 3: Ensure all construction equipment is properly maintained and operated and are equipped with mufflers;

- Noise 4: Limit pile driving to the hours of 4:30 P.M. 10 P.M. in order to avoid impacts to the existing courthouse facilities, as well as other County Government Center facilities, and surrounding businesses;

- Noise 5: Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible);

- Noise 6: Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible;

- Noise 7: Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible;

- Noise 8: If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance;

- Noise 9: To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible:

    - Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot;

    - Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

    - Use noise control blankets on building structures as buildings are erected to reduce noise emissions from the site;

- ~~Monitor the effectiveness of noise attenuation measures by taking noise measurements;~~

- ~~Noise 10: The project applicant shall be responsible for implementing the following measures in order to further control and monitor construction noise:~~

  - ~~A procedure for notifying the AOC staff of complaints;~~

  - ~~Posting of onsite signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem;~~

  - ~~A listing of telephone numbers (during regular construction hours and off-hours);~~

  - ~~Designation of an onsite construction complaint manager for the project;~~

  - ~~Notification to the City, County, Courthouse Administrator, and any other land uses within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and,~~

  - ~~A pre-construction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.~~

- ***Noise 1: Locate staging area and stationary equipment as far as possible from sensitive receptors (such as Meadowbrook Park);***

- ***Noise 2: Muffle stationary noise sources and enclose within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible;***

- ***Noise 3: Use equipment and trucks equipped with the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible);***

- ***Noise 4: Ensure all construction equipment is properly maintained and operated and equipped with mufflers;***

- ***Noise 5: Limit pile driving operations to the hours of 4:30 P.M.-10 P.M., and limit generation of other loud noise-generating operations to normal business hours between 8AM and 5 PM. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time;***

- ***Noise 6: Use hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible. Quieter methods or tools, such as using drills rather than impact tools, shall be used whenever feasible;***

- ***Noise 7: To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible: A). Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot; B). Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; C). Use noise control blankets on building structures to reduce noise emissions from the site; and D). Monitor the effectiveness of noise attenuation measures by taking noise measurements;***

- ***Noise 8: The project applicant shall be responsible for implementing the following measures to further control and monitor construction noise: A). Establishing a procedure for notifying the AOC staff of complaints; B). Posting on-site signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem; C). Listing telephone numbers (during regular construction hours and off-hours); D). Designating an on-site construction complaint manager for the project; E). Notifying the City, County, Courthouse Administrator, and any other land users within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and, F). Conducting a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.***

8.0 LEAD AGENCY DETERMINATION

8.1 DETERMINATION

Based on the initial study checklist (Table 3) and related analyses included in Section 4:

☐ I find that the proposed project will not have a significant effect on the environment, and the Judicial Council will prepare a Negative Declaration for the project.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect on the environment because the Administrative Office of the Courts has added mitigation measures that will reduce the project's impacts to a level that are not significant, and the Administrative Office of the Courts will prepare a Mitigated Negative Declaration for the project.

☐ I find that the proposed project may have a significant impact on the environment, and the Administrative Office of the Courts will prepare an Environmental Impact Report for the project.

☐ I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, all potentially significant effects have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and all potentially significant effects have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

8.2 CERTIFICATION

I certify that the statements furnished above and in the attached sections present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature	Date
Jerome J. Ripperda	Administrative Office of the Courts
Printed Name	For

9.0 RESPONSES TO COMMENTS

This document presents the Judicial Council of California, Administrative Office of the Courts (AOC) responses to comments on the "Draft Initial Study and Proposed Mitigated Negative Declaration, New San Bernardino Courthouse for the Superior Court of California, County of San Bernardino," dated March 19, 2008. The comments addressed below were received via letter from the Native American Heritage Commission on April 7, 2008, and the California Department of Transportation on April 1, 2008. The agency comment letters are provided in Appendix B.

RESPONSES TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION

General Comments

Comment: Public Utilities Code Section 21659 prohibits structural hazards near airports. Since the proposed structure exceeds 200 feet in height, a Notice of Proposed Construction or Alteration (Form 7460-1) will be required by the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace."

Response: The AOC has reduced the proposed structure's design height to less than 200 feet. Consequently, AOC will not need to file Form 7460-1. The comment is noted.

RESPONSES TO COMMENTS FROM NATIVE AMERICAN HERITAGE COMMISSION

General Comments

Comment: To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- Contact the appropriate California Historical Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- Contact the Native American Heritage Commission for a Sacred Lands File (SLF) search of the project area.
- Be aware that the lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
- Construction or excavation should be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American.
- Should consider avoidance when significant cultural resources are discovered during the course of project planning and implementation.

Response: The recommended steps above were included in the IS/MND. In addition, an electronic copy of the IS/MND has been provided to each of the Native American contacts, provided by the NAHC, to receive input on potential impacts from the project.

10.0 OTHER REVISIONS TO THE DRAFT INITIAL STUDY

The Lead Agency has made the following revisions to the Draft Initial study. The deleted text from the Draft Initial Study is shown in strike-through below, and the new text is shown in bold italics. The changes have been incorporated within the Final Initial Study.

1. Revision: On Page iii, the following text was added under Attachments:

F Traffic Impact Analysis

2. Revision: On Page 7, Figure 2, the following changes have been made:

~~Vacant~~ Lot and EarthTech's ~~labels and symbols for previous Phase 1 sites~~.

3. Revision: On Page 8, Figure 3, the following change has been made:

An updated figure has been added to reflect that the City of San Bernardino and AOC negotiated a slight parcel boundary change to preserve the City's ownership of the Warm Creek channel.

4. Revision: On Page 10, the following change has been made:

The proposed building will face Arrowhead Avenue and will be approximately 12 stories ***and less than200 feet*** tall and approximately 356,000 building gross square feet, including a basement of approximately 57,000 square feet.

5. Revision: On Page 24, the following change has been made:

The ~~220-foot-~~***12 story*** high courthouse

6. Revision: On Page 29 and 71, under Mitigation Measure Air Quality 1, the following changes have been made:

The AOC and the AOC's contractors will ~~ensure the~~ use ~~of~~ low ~~VOC~~ ***volatile organic compound*** paints and coating transfer or spray equipment with high transfer efficiency to reduce the emissions associated with architectural coatings.

7. Revision: On Page 33 and 71, under Mitigation Measure Biological Resources 1, the following changes have been made:

If feasible, project design will incorporate plans to preserve existing mature trees. ~~Several of these trees are located in the southern portion of the project site where the parking lot is proposed.~~ Additionally, if feasible, the young trees will be relocated and used for landscaping of the new courthouse.

8. Revision: On Page 36 and 71, under Mitigation Measure Cultural Resources 1, the following changes have been made:

The AOC and the AOC's contractors shall inform all personnel connected with ~~construction~~***, excavation, and grading operations*** ~~of the project~~ of the possibility of

finding archaeological resources. If such resources are encountered during construction, all work shall be halted within the area of the find and a qualified archaeologist shall ***evaluate*** ~~be retained to ascertain~~ the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect cultural resources that are discovered on the site. ~~Prehistoric cultural material includes, but is not limited to, chert or obsidian flakes, projectile points, mortars, and pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, human burials, shell midden deposits, hearth remains, and stone and/or shell artifacts. Historic material, including but not limited to, stone or adobe foundations or walls, structures and remains with square nails, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur within the project area in deposits such as old privies or dumps. Any identified cultural resources shall be recorded on California Department of Parks and Recreation 523 historic resource record forms.~~

9. Revision: On Page 36 and 72, under Mitigation Measure Cultural Resources 2, the following changes have been made:

The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding paleontological resources. If paleontological resources are encountered during construction, all work shall be halted within a 30-foot radius of the findings and a qualified paleontologist shall ***evaluate*** ~~be retained to ascertain~~ the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect paleontological resources that are discovered on the site.

10. Revision: On Page 37 and 72, under Mitigation Measure Cultural Resources 3, the following changes have been made:

The AOC and the AOC's contractors shall inform all personnel connected with excavation and grading operations of the possibility of finding human remains. If human remains are found during project demolition and construction activities, the project proponent must contact the San Bernardino County Coroner who in turn must contact the N***ative*** A***merican*** H***eritage*** C***ommission (NAHC)*** within 24 hours if it is determined that the finds are of Native American origin. There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted. ~~The NAHC will contact a most likely descendant who will have the opportunity to make a recommendation within 24 hours after being notified by the NAHC as to how the remains will be treated.~~

11. Revision: On Page 38 and 72, under Mitigation Measure Geology and Soils 1, the following changes have been made:

A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned. The project designers will use the geotechnical report and other data to construct the

building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property (~~SOM 2008~~).

12. Revision: On Page 39 and 72, under Mitigation Measure Geology and Soils 2, the following changes have been made:

~~A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned~~. Project designers will use the geotechnical report and other data to: (1) ensure that the building's design does not expose people to substantial adverse effects related to potential liquefaction of supporting soils under strong seismic ground shaking, and (2) construct the building in conformance with the requirements of the California Building Code to withstand any anticipated ground shaking. Based on preliminary geotechnical findings, the building foundation loads will be transferred to firm subgrades below footings using a deep foundation system. ~~Cast-in-place reinforced concrete drilled piers or precast piling extending greater than 50 feet below existing grades is expected.~~

13. Revision: On Page 40, and 72, under Mitigation Measure Geology and Soils 3, the following changes have been made:

~~A SWPPP and WQMP shall be prepared that include specific Best Management Practices (BMPs)~~ ***The AOC's construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Monitoring Plan (WQMP)*** to reduce the potential for erosion during construction and operation~~, respectively~~. ***The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.*** ~~The SWPPP and WQMP shall include a tracking mechanism, an implementation schedule, and the agencies and/or individuals responsible for monitoring and enforcement. An AOC point-of-contact shall be designated in these Plans, who shall be ultimately responsible for implementation of the SWPPP and WQMP. The SWPPP and WQMP shall be prepared in consultation with the City Development Services Department. Furthermore, the WQMP shall be prepared at the earliest possible opportunity in order to provide for "proactive" site planning and project design (at least prior to final design).~~

14. Revision: On Page 46, 47, and 73, under Mitigation Measure Water Quality 4-7, the following changes have been made:

~~As discussed in Section 4.8.1, as part of the project a SWPPP and WQMP would be developed to protect water quality during construction and post-construction.~~ ***As part of the project, the AOC's construction contractor will secure the Santa Ana Regional Water Quality Board's approval of a SWPPP and WQMP to protect water quality. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.***

15. Revision: On Page 50, the following changes have been made as Section 4.11.3 provides analysis of construction-related impacts:

4.11.1 Will the project result in generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

~~**Potentially Significant Impact Unless Mitigated**~~ ***Less Than Significant Impact*:** The City of San Bernardino Noise Ordinance (§ 19.20.030.15 of the Development Code) specifies the maximum acceptable levels of noise for residential uses in the city. According to the Noise Ordinance, in residential areas, no exterior noise level shall exceed 65 decibels A-scale (dBA) and no interior noise level shall exceed 45 dBA. The proposed project site is located in a commercial office area, for which no maximum noise levels are listed within the City Noise Ordinance.

~~Noise from the operation of construction equipment is governed under the local Municipal Code, § 8.54. Section 8.54.020 of the Municipal Code prohibits the operation or use between the hours of 10 PM and 7 AM of any pile driver, steam shovel, pneumatic hammers, derrick, steam or electric hoist, power driven saw, or any other tool or apparatus, the use of which is attended by loud and excessive noise, except with the approval of the city. Section 8.54.070 of the City of San Bernardino Municipal Code limits the hours of construction activity to between the hours of 7 AM and 8 PM.~~

The General Plan identifies degrees of acceptable usage for new development depending on land use and noise levels (measured as decibels or dB) as shown in Table 8. These noise levels are based on daily averages with nighttime noise effectively having more weight in the averages.

The proposed project is adjacent to a park, courthouse, and other governmental offices. Taking into account the nearby land uses, this table can be used as a guide for determining significance thresholds.

~~During construction, short-term noise would be generated from workers traveling in their vehicles to and from the site and from the use of construction equipment. While the noise contribution from worker vehicles would be temporary and small, the noise from construction equipment may be appreciable. The operation of construction equipment can result in maximum short-term noise levels ranging from 80 dB to 95 dB. These levels may be significant depending on the duration, but mitigation measures would minimize the impacts.~~

~~For example, following the General Plan policies, noise levels associated with the construction activities would be limited 7 AM to 8 PM. Given the short-term nature of the noise, the impacts would be less than significant with the mitigation measures below.~~

The courthouse will generate some noise from heating, ventilating, air conditioning mechanical equipment. Since the mechanical equipment will be typical for office buildings, the equipment's noise generation is not expected to exceed 50 dBA at a distance of 100 feet.

After ~~construction~~ ***the project*** is complete, the additional vehicles traveling to the site would increase noise levels adjacent to nearby roads. However, the increase would be minimal and thus impacts from the additional vehicles to the park users, the only sensitive receptors in the vicinity are expected to be less than significant.

Mitigation Measures: ***No mitigation measures are required.*** ~~The following mitigation measures would reduce construction noise impacts to less than significant levels:~~

~~**Noise 1:** Limit generation of loud noises to normal business hours between 7 AM and 8 PM.~~

~~**Noise 2:** Locate staging area and stationary equipment as far as possible from sensitive receptors (such as the Meadowbrook Park).~~

~~**Noise 3:** Ensure all construction equipment is properly maintained and operated and are equipped with mufflers.~~

16. Revision: On Page 53, the following changes have been made:

Mitigation Measures: ***The following mitigation measures would*** ~~In addition to implementing Mitigation Measures Noise 1 through 3, implementation of the following measures to the extent feasible is expected to~~ reduce the potential construction-related noise impacts to a less than significant level:

~~**Noise 4:** Limit pile driving to the hours of 4:30 P.M. to 10 P.M. in order to avoid impacts to the existing courthouse facilities, as well as other County Government Center facilities, and surrounding businesses.~~

~~**Noise 5:** Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).~~

~~**Noise 6:** Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.~~

~~**Noise 7:** Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.~~

~~**Noise 8:** If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.~~

~~**Noise 9:** To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible:~~

- ~~Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot;~~
- ~~Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;~~
- ~~Use noise control blankets on building structures as buildings are erected to reduce noise emissions from the site;~~
- ~~Monitor the effectiveness of noise attenuation measures by taking noise measurements.~~

~~**Noise 10:** The project applicant shall be responsible for implementing the following measures in order to further control and monitor construction noise:~~

- ~~A procedure for notifying the AOC staff of complaints;~~
- ~~Posting of onsite signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem;~~
- ~~A listing of telephone numbers (during regular construction hours and off-hours);~~
- ~~Designation of an onsite construction complaint manager for the project;~~
- ~~Notification to the City, County, Courthouse Administrator, and any other land uses within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and,~~
- ~~A pre-construction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.~~

Noise 1: Locate staging area and stationary equipment as far as possible from sensitive receptors (such as Meadowbrook Park);

Noise 2: Muffle stationary noise sources and enclose within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible;

Noise 3: Use equipment and trucks equipped with the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible);

Noise 4: Ensure all construction equipment is properly maintained and operated and equipped with mufflers;

Noise 5: Limit pile driving operations to the hours of 4:30 P.M.-10 P.M., and limit generation of other loud noise-generating operations to normal business hours between 8AM and 5 PM. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time;

Noise 6: Use hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible. Quieter methods or tools, such as using drills rather than impact tools, shall be used whenever feasible;

Noise 7: To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible: A). Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot; B). Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; C). Use noise control blankets on building structures to reduce noise emissions from the site; and D). Monitor the effectiveness of noise attenuation measures by taking noise measurements;

Noise 8: The project applicant shall be responsible for implementing the following measures to further control and monitor construction noise: A). Establishing a procedure for notifying the AOC staff of complaints; B). Posting on-site signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem; C). Listing telephone numbers (during regular construction hours and off-hours); D). Designating an on-site construction complaint manager for the project; E). Notifying the City, County, Courthouse Administrator, and any other land users within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and, F). Conducting a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.

17. Revision: On Page 21, Table 4, the following changes have been made:

Table 4. CEQA Checklist (Continued)

Environmental Resource	Pot. Significant Impact	Pot. Sig. Impact Unless Mitigated	Less Than Significant Impact	No Impact
XI. NOISE–Will the project result in:				
a) Generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Section 4.11.1)		~~X~~	***X***	
b) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Section 4.11.2)			X	
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Section 4.11.3)		X		
d) Generation of excessive ground-borne vibration or ground-borne noise levels? (Section 4.11.4)		X		

18. Revision: On Page 60, the following changes have been made:

. . . Additional***ly***, the AM peak hour is expected to consist of 30 percent of the total daily traffic to the courthouse.

AOC staff observed no indications of substantial traffic load or inadequate street system capacity on W. 2nd St., W. 3rd St. or N. Arrowhead Ave. in the vicinity of the courthouse (AOC 2008b). Given the LOS ratings of A and B for the evaluated intersections, the limited number of new courthouse-related trips during the AM peak hour (see Table 10), and the existing traffic volumes shown in Table 9, the AOC concludes that the project is not likely to produce a substantial increase in the volume of traffic in relation to the existing traffic load and capacity of the street system. ***Urban Crossroads prepared a traffic impact analysis (Attachment F) to assess the potential impacts of the proposed site on the roadway system in the study area. Future condition analysis without and with the project were completed for the AM peak hour. All study intersections were determined to operate at acceptable levels of service.*** Therefore, no significant impacts are anticipated.

Mitigation Measures: No mitigation measures are required.

19. Revision: On Page 60, the following changes have been made:

4.15.3 Would the project 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?

No Impact: ~~Expansion of the courthouse would have no impact on air traffic patterns or air traffic levels, and would not result in any substantial increase in aviation safety.~~

The courthouse project will not change air traffic patterns, air traffic levels, or air traffic locations so that there will be an increase in safety risks.

Mitigation Measures: No mitigation measures are required.

20. Revision: On Page 72, the following changes have been made:

Sections ~~4.11.1~~, 4.11.3, and 4.11.4

11.0 MITIGATION MONITORING PLAN

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a Mitigated Negative Declaration or specified environmental findings related to an Environmental Impact Report.

The Administrative Office of the Courts (AOC) prepared this Mitigation Monitoring Plan for the San Bernardino Courthouse project. The intent of the Mitigation Monitoring Plan is to prescribe and enforce a means for properly and successfully implementing the required mitigation measures to reduce or avoid significant environmental impacts. Mitigation measures identified in this Mitigation Monitoring Plan were developed in the Initial Study prepared for the proposed project. This Mitigation Monitoring Plan is intended to be used by AOC representatives and other parties to ensure compliance with mitigation measures during project implementation.

The following table provides a summary of all mitigation measures and monitoring actions that will be conducted for the project. It also identifies the responsible monitoring party and implementation phase.

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
AIR QUALITY				
Air Quality (Section 4.3.2)	**Air Quality 1:** The AOC and the AOC's contractors will use low volatile organic compound paints and coating transfer or spray equipment with high transfer efficiency to reduce the emissions associated with architectural coatings.	Incorporate requirements into contractor's bid package	During preparation of bid documents	AOC Project Manager (PM)
		Ensure that applicable measures are followed	During construction	AOC's construction contractor and AOC's Construction Inspectors
BIOLOGICAL RESOURCES				
Biological resources- local tree ordinance (Section 4.4.5)	**Biological Resources 1:** If feasible, project design will incorporate plans to preserve existing mature trees. Additionally, if feasible, young trees will be relocated and used for landscaping of the new courthouse. If it is not feasible to design the project around the mature trees and/or the immature trees have become too large to relocate, replacement trees will be included in the landscape design. Four trees will be used to replace the loss of each mature tree, and one new tree will be used to replace the loss of each immature tree.	Incorporate tree preservation into landscape design	During project design	AOC PM

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
CULTURAL RESOURCES				
Archaeological resources (Section 4.5.2)	**Cultural Resources 1:** The AOC and the AOC's contractors shall inform all personnel connected with construction excavation and grading operations of the possibility of finding archaeological resources. If such resources are encountered during construction, all work shall be halted within the area of the find and a qualified archaeologist shall evaluate the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect cultural resources that are discovered on the site.	Incorporate restrictions into contractor's bid package	During preparation of bid documents	AOC's PM and CEQA Analyst
		Ensure restrictions are enforced during construction	During construction	AOC's construction contractor and AOC's PM, CEQA Analyst, and Construction Inspectors
Paleontological resources (Section 4.5.3)	**Cultural Resources 2:** The AOC and the AOC's contractors shall inform all personnel connected with construction excavation and grading operations of the possibility of finding paleontological resources. If paleontological resources are encountered during construction, all work shall be halted within a 30-foot radius of the findings and a qualified paleontologist shall evaluate the nature of the discovery, the significance of the find, and provide proper management recommendations. Project personnel shall not collect paleontological resources that are discovered on the site.	Incorporate restrictions into contractor's bid package	Prior to initiation of construction activities	AOC's PM and CEQA Analyst
		Ensure restrictions are enforced during construction	During construction	AOC's PM, CEQA Analyst, and Construction Inspectors

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
CULTURAL RESOURCES (Continued)				
Disturbance of human remains (Section 4.5.4)	**Cultural Resources 3:** The AOC and the AOC's contractors shall inform all personnel connected with construction excavation and grading operations of the possibility of finding human remains. If human remains are found during project demolition and construction activities, the project proponent must contact the San Bernardino County Coroner who in turn must contact the Native American Heritage Commission (NAHC) within 24 hours if it is determined that the finds are of Native American origin. There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted.	Incorporate restrictions into contractor's bid package	Prior to initiation of construction activities	AOC's PM and CEQA Analyst
		Ensure restrictions are enforced during construction	During construction	AOC's PM, CEQA Analyst, and Construction Inspectors
GEOLOGY AND SOILS				
Strong seismic ground shaking (Section 4.6.2)	**Geology and Soils 1:** A geotechnical report will be prepared by registered geologists and registered engineers. The report will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the site can be developed as planned. The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property.	Ensure preparation of geotechnical report and include requirements in architect's contract	During project design	AOC PM
Seismic-related ground failure, including liquefaction (Section 4.6.3)	**Geology and Soils 2:** Project designers will use the geotechnical report and other data to: (1) ensure that the building's design does not expose people to substantial adverse effects related to potential liquefaction of supporting soils under strong seismic ground shaking, and (2) construct the building in conformance with the requirements of the California Building Code to withstand any anticipated ground shaking. Based on preliminary geotechnical findings, the building foundation loads will be transferred to firm subgrades below footings using a deep foundation system.	Include requirements in architect's contract	During project design	AOC PM

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
GEOLOGY AND SOILS (Continued)				
Substantial soil erosion or the loss of topsoil (Section 4.6.5)	**Geology and Soils 3:** The AOC's construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Monitoring Plan (WQMP) to reduce the potential for erosion during construction and operation. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.	Ensure approval of a SWPP and WQMP	Prior to any grading	AOC's construction contractor and AOC's PM and Construction Inspectors
Unstable soil, or soil that will become unstable as a result of the project (Section 4.6.6)	**Geology and Soils 4:** The project designers will use the geotechnical report and other data to construct the building in conformance with the requirements of the California Building Code to withstand any anticipated risks related to liquefaction and subsidence in order that the building's design and construction does not create substantial risks to life or property.	Include requirements in architect's contract	During project design	AOC PM
WATER QUALITY				
Water quality standards or waste discharge requirements (Section 4.8.1)	**Water quality 1-3:** 1. The project sponsor shall reserve a portion of the site for construction of a landscaped bio drainage swale, designed to naturally filter pollutants from the site's storm water. Storm water runoff from the building's roofs and courthouse's parking lots shall be directed via a combination of sheet flow, catch basins, and subsurface drains to the bio swale. The swale shall be designed to eliminate the site's storm water runoff through evaporation and groundwater recharge; 2. Parking and sidewalk areas shall incorporate a permeable paving surface or other measures to reduce storm water runoff from the site; 3. Low water consuming landscaping (drought tolerant or native plants) shall be used to minimize runoff from the site and consequent introduction of pesticides and fertilizers into water courses.	Incorporate landscape design and permeable pavement requirement in project plans	During project design	AOC PM

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
WATER QUALITY (Continued)				
Water drainage from the site (Sections 4.8.3, 4.8.4, 4.8.5, & 4.8.6).	**Water Quality 4 through 7:** As part of the project, the AOC's construction contractor will secure the Santa Ana Regional Water Quality Board's approval of a SWPPP and WQMP to protect water quality. The construction contractor shall furnish the AOC with a copy of the Santa Ana Regional Water Quality Board's approval of the SWPPP and WQMP.	Ensure approval of a SWPP and WQMP	Prior to any grading	AOC's construction contractor and AOC's PM and Construction Inspectors
NOISE				
Substantial temporary or periodic increases in ambient noise levels in the project vicinity (Section 4.11.3)	**Noise 1-8** The construction contactor will: 1. Locate staging area and stationary equipment as far as possible from sensitive receptors (such as Meadowbrook Park), 2. Muffle stationary noise sources and enclose within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible 3. Use equipment and trucks equipped with the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible); 4. Ensure all construction equipment is properly maintained and operated and equipped with mufflers; 5. Limit pile driving operations to the hours of 4:30 P.M.-10 P.M., and limit generation of other loud noise-generating operations to normal business hours between 8AM and 5 PM. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time;	Incorporate construction noise minimization measures into contractor's bid package	During preparation of bid documents	AOC PM and CEQA Analyst

Impact	Mitigation Measure	Implementation Method/ Monitoring Action	Mitigation Timing	Monitoring Party/ Parties
NOISE (Continued)				
(see above)	6. Use hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible. Quieter methods or tools, such as using drills rather than impact tools, shall be used whenever feasible;. 7. To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible: A). Erect temporary plywood noise barriers around the construction site, particularly along the boundary of the County Government Center Parking Lot; B). Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; C). Use noise control blankets on building structures to reduce noise emissions from the site; and D). Monitor the effectiveness of noise attenuation measures by taking noise measurements; The project applicant shall be responsible for implementing the following measures to further control and monitor construction noise: A). Establishing a procedure for notifying the AOC staff of complaints; B). Posting on-site signs pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem; C). Listing telephone numbers (during regular construction hours and off-hours); D). Designating an on-site construction complaint manager for the project; E). Notifying the City, County, Courthouse Administrator, and any other land users within 300 feet of the project construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and, F). Conducting a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, notification of area businesses, posted signs, etc.) are completed.	Ensure that applicable measures are followed	During construction	AOC's construction contractor and AOC's Construction Inspectors