

## 4.0 ENVIRONMENTAL EFFECTS

### 4.1 DESCRIPTION OF ENVIRONMENTAL SETTING, PROJECT IMPACTS, AND MITIGATION MEASURES

Chapter 4.0 provides an assessment of the proposed Project's potential environmental effects; evaluates the significance of each impact; and, identifies mitigation measures for impacts identified as potentially significant for each environmental issue area considered in the EIR, as applicable.

Per CEQA Guidelines Section 15125, the EIR provides a description of the existing physical environmental conditions both onsite and for surrounding areas, as appropriate, to establish a "baseline condition" that analysts will compare to conditions following project implementation to determine a project's potential environmental effects. The baseline condition is typically the condition that exists when the Lead Agency releases the Notice of Preparation to notify the public that the Lead Agency is preparing an EIR. The AOC filed the Notice of Preparation for the New San Diego County Courthouse on May 4, 2010. Since physical environmental conditions may vary over a range of time periods, the Lead Agency may establish an environmental baseline different from the date of the Notice of Preparation, as appropriate, if the new baseline will provide greater accuracy for assessing the potential environmental effects of a project.

The EIR identifies the analytical methods used in assessing impacts for each issue area and provides a summary of the regulatory background (e.g. regulations, plans, policies, etc.) relevant to each. The EIR identifies the AOC's thresholds of significance for each issue area to provide a quantitative, qualitative, or performance level of a particular environmental effect per CEQA Guidelines Section 15064.07.

Per CEQA Guidelines Section 15382, a "significant effect" is "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment [but] may be considered in determining whether the physical change is significant." The EIR uses the following levels of significance identify impacts resulting from the proposed Project:

- "No impact" occurs when no adverse changes in the environment are expected.
- A "less than significant impact" will cause no substantial adverse change in the environment.

- A “less than significant impact with mitigation incorporated” avoids substantial adverse impacts on the environment through mitigation. “Mitigation Measures” are those specific measures that may be required of a project to avoid a significant adverse impact; minimize a significant adverse impact; rectify a significant adverse impact by restoration; reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or, compensate for the impact by replacing or providing substitute resources or environment.
- A “significant and unavoidable impact” will cause a substantial adverse effect on the environment, and feasible mitigation measures are not available to reduce the impact to a less than significant level.

As appropriate, per CEQA Guidelines Section 15126.2(a), the EIR analysis considers potential direct, indirect, short-term, long-term, and onsite and offsite effects during both construction and operational phases for each environmental issue area. If analysts identify a potentially significant impact or a significant impact, the EIR provides appropriate mitigation measures to minimize or avoid such impacts. Impacts that cannot be reduced to a less than significant level with the implementation of feasible mitigation measures are considered significant and unavoidable.

## 4.2 AESTHETICS AND VISUAL RESOURCES

This section evaluates the potential impacts of the Project to aesthetics and visual resources. The purpose of this section is to describe the existing aesthetic environment onsite and in the site vicinity and analyze potential Project impacts on the existing aesthetic character, public scenic vistas and views, scenic resources, and the introduction of new sources of light and glare.

### 4.2.1 Environmental Setting

As a highly urbanized area, downtown San Diego is largely built-out. Elements within the visual landscape include the grid street network and infrastructure supporting the trolley and rail system; largely mid-rise to high-rise structures for commercial, public, institutional, and multi-family residential uses; low-rise industrial uses; surface and aboveground parking structures; and, a variety of parks, waterfront areas, and other public spaces and amenities.

Although the topography of downtown San Diego varies, ranging from sea level to approximately 180 feet above sea level, unique natural landforms, areas of natural or native vegetation, and other scenic natural or built resources are generally non-existent or frequently obscured by existing development. Vegetation is largely comprised of ornamental vegetation including landscaped frontage areas, street trees, and undeveloped, vacant lots.

#### 4.2.1.1 Visual and Aesthetic Features

As a surface parking lot currently occupies the majority of the Project site, the site is not an aesthetic feature of high visual quality. The onsite structures do not exhibit a distinct or unique architectural character and do not significantly contribute to a high overall visual quality of the property.

The existing County Courthouse and Old Jail are east/southeast of the New San Diego Central Courthouse site. These blocks generally support the civic facilities with little supporting landscaping or other aesthetic features of noted visual quality or aesthetic value. Architectural design of the structures is largely utilitarian in nature, with no significant design features considered to contribute to an overall high aesthetic value or quality.

As designated by the City of San Diego Downtown Community Plan,<sup>1</sup> the Project site is located within the Columbia District; adjacent to the east of the Project site lies the Civic/Core District. Visual characteristics of these Districts include:

### 4.2.1.2 Columbia

- A mix of buildings containing various scales, uses, and architectural styles;
- Marine travel infrastructure such as the Broadway Pier, the Cruise Ship Terminal, and boat docks;
- Trains and trolleys moving through the western edge of Columbia on California Street;
- The historic Santa Fe Depot (the downtown hub for train and trolley), which has a Spanish Mission architectural style;
- Small-scale office buildings, hotels, and surface parking lots, and public art located along the waterfront; and,
- A number of tall, architecturally distinctive high-rise developments located inland from the waterfront.

### 4.2.1.3 Civic/Core

- A cluster of high-rise office buildings located west of Eighth Avenue. A number of these buildings were built in the 1980's and have a modern architectural style with rectangular, unarticulated appearances and facades with reflective glass windows, neutral tones, or painted steel;
- Older high-rise administrative and institutional buildings near Third Avenue, including the Civic Center Complex (which contains city administration offices, Golden Hall, and the Civic Theater), the Concourse Plaza on C Street, and various mid-rise to high-rise historic structures exhibiting more elaborate facades; and,
- Small-scale commercial and light industrial buildings with few architecturally-distinguishing features and surface parking lots.

Refer to *Figure 4.2-1: View Location Map*, and *Figures 4.2-2A to 4.2-2C, Views to the Project Site*, which show the Project site and its relation to surrounding land uses.

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<sup>1</sup> Final Environmental Impact Report for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project. SCH No. 2003041001. Certified January 12, 2006.



#### 4.2.1.4 Wind and Microclimate

A microclimate is a local atmospheric zone where the climate differs from the surrounding area. Microclimates may affect a few square feet or in a larger area (e.g., a valley or canyon). Microclimates may occur near water bodies that may cool the surrounding or in densely developed urban areas that exhibit large areas of paved surface area that heat up from the sun's energy and reradiate such heat (e.g., heat island effect). Tall buildings can create microclimates that affect large areas by cooling the environment or by funneling winds to the ground level. The siting and/or design of tall structures can create groundborne winds by blocking wind patterns, resulting in the creation of isolated microclimates where winds circulate. Wind speeds at ground level are generally lower than wind speeds higher above ground level, where airflow is generally unobstructed by elements along a landscape surface. When winds at higher elevations contact a tall building with a flat surface area, the pattern of wind flow generally divides at a point at approximately three fourths of the total building height. Air will therefore generally flow up the face of the building and over the roof above the division point, and it will flow down the face of the building to ground level below the division point. The wind-flow creates a vortex in front of the building prior to flowing around the corners of the structure. As a result, the downward wind-flow and vortex can increase wind speeds at the front and sides of the building, although resulting wind speeds are influenced by building height, building width, and the wind effects of surrounding structures. Such conditions can create uncomfortable or even dangerous conditions for pedestrians.

The Municipal Code, Chapter 15: Planned Districts addresses the potential for buildings within the Centre City Planned District to create wind acceleration. Section 151.0312, Performance Standards, states the following:

*(c) Wind acceleration studies may be required as part of the project review process to evaluate potential adverse impacts of wind acceleration onto public rights-of-way, urban open space areas, and other public spaces. Vertical wall surfaces 100 feet and taller shall employ changes in the horizontal canopy or volumetric step to break wind shear before reaching the ground level.*

#### 4.2.1.5 Scenic Vistas / Key Vantage Points and View Corridors

The Downtown Community Plan identifies the following six key public vantage points located in and around the downtown area and offer views of one or several scenic resources such as the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado and the downtown skyline:

- Waterfront – North Embarcadero. Views from this vantage point include San Diego Bay and Point Loma;

- Waterfront – South Embarcadero. Views from this vantage point include San Diego Bay, the City of Coronado, and the San Diego-Coronado Bay Bridge;
- Balboa Park. Views from this vantage point include the downtown San Diego skyline, San Diego Bay, and San Diego-Coronado Bay Bridge;
- Interstate 5. Views from this vantage point include the downtown San Diego skyline and San Diego Bay;
- Highway 94. Views from this vantage point look over East Village to the San Diego Bay; and,
- San Diego-Coronado Bay Bridge. Views from this vantage point include San Diego Bay and the downtown San Diego skyline.

Although the City's oceanfront area offers an attractive scenic vista, the San Diego Bay is located over 0.7 miles south of the Project site, and views are generally blocked by the Hall of Justice.

As downtown San Diego is based on a grid system and is largely built-out, many views to surrounding areas have been affected or obstructed over time, particularly views to the San Diego Bay. Many mid- to high-rise mixed-use and residential structures occupy the downtown, in addition to numerous large-scale commercial and civic uses (for example, Horton Plaza, Ballpark, Convention Center, and County Administration Building), many of which obscure or limit views to the Bay and other important features within the visual landscape from surrounding land uses or vantage points; however, views have also been preserved along a number of streets within the downtown.

*Figure 4.2-3: View Corridors*, shows important view corridors within downtown San Diego, as designated in the existing Centre City Community Plan. As indicated in the Final EIR for the Downtown Community Plan, views of San Diego Bay and Point Loma occur from Hawthorne Street, Grape Street, Ash Street, and Broadway. Views of San Diego Bay also occur west of Union, B, C, and E Streets. Although the Plan designates portions of B Street and C Street as designated view corridors, the B Street and C Street segments in the vicinity of the Project site are not part of the designated view corridors. North-south trending streets, including Sixth Avenue and Park Boulevard, also offer views of San Diego Bay. The Bay is located approximately 0.5 mile to the west of the Project site; however, intermittent development and elevational differences limit views along C Street.

### 4.2.1.6 Scenic Resources

The Final EIR for the City of San Diego Downtown Community Plan concludes that the downtown planning area lacks natural scenic resources such as natural landforms, waterways, or open space that are more likely found in areas with lower-density

characteristics; however, several natural and constructed visual resources lie just outside of the highly developed area of downtown San Diego. These resources include the San Diego Bay and views from various points within the downtown area to Point Loma, the City of Coronado, the San Diego-Coronado Bay Bridge, and Balboa Park. In addition, looking to downtown from distant offsite locations provides highly aesthetic views of the distinct San Diego skyline, which is considered to be an important constructed resource.

#### 4.2.1.7 Light and Glare

Downtown San Diego is a highly urbanized area that supports a highly-diversified range of uses including residential, commercial, civic/institutional, industrial, and others. These land uses have varying operating characteristics (for example, business office, restaurant, government facilities, retail, and residential uses) throughout a typical day, and their lighting requirements also vary. Exterior lighting is generally provided for purposes of security and safe circulation, as well as for display and/or advertisement. Interior light passing through transparent or translucent surfaces (e.g., windows) can also contribute to overall lighting effects, particularly in highly urbanized, densely developed areas.

Glare is intense, blinding light, and it can occur in urban areas from sunlight or artificial light reflecting off of a surface. Typical building materials with high potential to create glare effects may include reflective glass, windows, or metallic elements. Although the City implements a design review process to reduce potential glare effects, glare effects still occur with some downtown structures.

#### 4.2.1.8 Shadows

Within the Northern Hemisphere, the sun arcs across the southern portion of the sky; however, the angle of the sun and the character of shadows vary depending on the time of day and the time of the year. Shadow length and direction depend on the location of the sun on the horizon (azimuth), the height of the sun in the sky (altitude), and the height of the object that creates the shadow. Azimuth and altitude vary due to the physical location on the earth's surface, the time of day, and time of year. Shadows extend in the direction that is opposite from the sun. The lower the sun becomes in the sky, the longer the shadow become; therefore, shadows formed during winter months are the longest shadows of the year. At midday in winter, the position of the sun is directly south, thereby creating shadows that extend to the north. Similar shadow patterns occur during summer months; however, summer shadows do not extend as far as winter shadows because the arc of the sun starts and ends farther north and the sun is higher in the sky.

Generally, a single object does not generate sufficient shadows to shade an area for a substantial portion of the day. As the sun traverses the sky, shadows generated by various structures move from west to east and do not remain on any particular area for extended

periods of time. Therefore, only a facility that borders an area on two or more sides has the potential to shade an area for a substantial portion of the day.

As a highly urbanized area, structures within downtown San Diego typically cast shadows on other buildings in adjacent areas during the hours of sunlight. Street trees, trees within open space areas, and other natural and constructed elements within the urban landscape also provide shade and create shadow effects. Due to the dense nature of the downtown and the numerous mid- to-high rise structures, most areas experience shadow effects to some degree during daylight hours. In addition, as indicated by the *San Diego Downtown Community Plan for the Centre City District* (January 2006), the Project site is not located within an area where development regulations for building height restrictions relative to sun access are intended to apply.

The W Hotel and Emerald Plaza are the west of the proposed courthouse site, the Hall of Justice is south of the proposed courthouse site, and the existing County Courthouse and Old Jail are east of the proposed courthouse site. These buildings range in height from taller than the proposed courthouse to less tall than the proposed, and these buildings currently create shadows on the Project site. The Downtown Community Plan identifies the block directly to the east of the proposed courthouse site, which includes the Old Jail and part of the County Courthouse, as the future location of a public park, or “Civic Square;” refer also to *Figure 4.9-2, Proposed Land Use Map*. CCDC identifies the site for development of a 1.4-acre full-block, centrally located, public park within the Civic/Core District that will offer a combination of grassy areas and plazas; gathering areas; an iconic venue for public events, gatherings, and demonstrations; open grounds for public events; and, an opportunities site for food vendors.

## 4.2.2 Analytical Framework

### 4.2.2.1 Analytical Methodology

Analysts performed a site reconnaissance and document review and reviewed the City’s General Plan and General Plan Final EIR and other pertinent documents to evaluate potential impacts resulting from the Project on visual character and site quality and to identify scenic vistas and scenic resources. In addition, analysts visited the Project site to identify and document potential sources of light, glare, and shading, as well as existing significant elements within the landscape and the overall quality of the site. Evaluation of aesthetic and visual resources onsite and within the surrounding areas generally included the following:

- Identification of the visual features that define the visual character of the viewsheds;

- Assessment of the quality of the identified visual resources relative to overall regional visual character; and,
- Assessment of the Project's impacts on identified scenic resources.

To evaluate the potential range of shadow direction and length that will occur with the Project, analysts created three shadow plots for the Project site using the proposed location of the new courthouse and the proper azimuth and altitude for the City of San Diego on each of the four equinoxes and solstices (March 21/September 21, June 21, and December 21). For each date, analysts assessed six time periods (8:00 a.m., 10:00 a.m., 12:00 p.m., 2:00 p.m., 4:00 p.m., and 6:00 p.m.). Analysts assumed the height of the new courthouse will be 400 feet. The model assumed a flat Project site with no other sources of shadows; however, there are numerous sources of shadows within close proximity to the proposed site, due to the height of surrounding buildings and other elements within the urban landscape. For this EIR, analysts limited the evaluation of shading and shadow to consideration of daytime shadows created by objects that block daylight and the resulting impact. Consideration of shadows created by objects that block artificial light sources is excluded in the analysis.

#### 4.2.2.2 Regulatory Background

#### 4.2.2.3 Local

The intent of the *City of San Diego General Plan – City of Villages* (March 2008) is to guide the City's overall form and to foster a compact, environmentally-sensitive pattern of development by enhancing a series of "villages" to direct future growth into areas where a concentrated level of activity and transit service occurs. The General Plan Urban Design Element identifies the following goals and policies relevant to the general area of the Project site with regard to aesthetic resources and visual character:

### *City of San Diego General Plan - Urban Design Element*

#### **A. General Urban Design**

##### **Policies**

##### *Sustainable Development*

UD-A.4. Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.

##### *Architecture*

UD-A.5. Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.

- c. Provide architectural features that establish and design a building's appeal and enhance the neighborhood character.

UD-A.6. Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience.

*Landscape*

UD-A.8. Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.

*Structured Parking*

UD-A.11. Encourage the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking.

*Surface Parking*

UD-A.12. Reduce the amount and visual impact of surface parking lots.

**E. Public Spaces and Civic Architecture**

**Goals**

Distinctive civic architecture, landmarks, and public facilities.

**Policies**

*Public Spaces*

UD-E.1. Include public plazas, squares or other gathering spaces in each neighborhood and village center.

*Civic Architecture and Landmarks*

UD-E.2. Treat and locate civic architecture and landmark institutions prominently.

- a. Where feasible, provide distinctive public open space, public art, greens, and/or plazas around civic buildings such as courthouses, libraries, post offices, and community centers to enhance the character of these civic and public buildings. Such civic and public buildings are widely used and should form the focal point for neighborhoods and communities.
- b. Incorporate sustainable building principles into building design.

***San Diego Downtown Community Plan***

In addition, the Downtown Community Plan provides the following goals and policies with regard to urban design in the Centre City District and addresses street grid and views; centers and main streets, bulk, skyline, and sun access; streetscape and building interface;

wayfinding and signs; linkages to surrounding neighborhoods; and, sustainable development:

*Street Grid and Views*

5.1-G-1: Maintain the downtown's street grid system and extend it to the waterfront and other larger sites as they are redeveloped.

5.1-P-5: Prohibit the construction of "sky-walks" or any visible structure in view corridors. Discourage "sky-walks" above all streets. If they occur, make them minimal in size and encourage open-air construction or transparency.

5.1-P-6: Ensure that streetscape design in the designated corridors is sensitive to views.

*Wind Acceleration*

5.3-P-9: Maintain review procedures in Planned District Ordinance to ensure that tall/bulky buildings do not result in wind acceleration that produces pedestrian discomfort.

*Streetscape and Building Interface*

5.4-G-3: Ensure development along streets offers a rich visual experience; is engaging to pedestrians; and, contributes to street life, vitality, and safety.

*Sustainable Development*

5.8-P-1: Prepare and implement Green Building guidelines and/or standards, appropriate to the intense San Diego downtown context, to ensure high levels of energy efficiency and reduction of life-cycle environmental impacts associated with construction and operations of buildings.

5.8-P-8: In accordance with established City policy, ensure that public projects – including buildings, streets, and parks – incorporate sustainable design and construction practices.

### ***City of San Diego Municipal Code***

The San Diego Municipal Code,<sup>2</sup> Chapter 15: Planned Districts, addresses the potential for building treatments within the Centre City Planned District to result in adverse effects on surrounding uses with regard to glare. Section 151.0312, Performance Standards, states the following:

- (a) General Standards
  - (1) All outdoor lighting shall be shielded or directed away so that direct light or glare does not adversely impact adjacent land uses or the public right-of-way.

<sup>2</sup> City of San Diego Municipal Code – Centre City Planned District Ordinance, as amended October 18, 2007. Chapter 15; Article 6; Division 3: The Centre City Planned District; Section 151.0312.

(b) Building Reflectance

In order to maximize daylight on streets and open spaces and reduce heat-island build up, materials with high light reflectance shall be used, without producing glare. Above a height of 75 feet, exterior building finishes shall be predominantly lighter colors and materials.

Other documents intended to guide development within the downtown area may provide additional general design measures that may be integrated into the overall building and/or site design for the new courthouse.

### 4.2.3 Standards of Significance

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

- Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings;
- Have a substantial adverse affect on a scenic vista;
- Substantially damage scenic resources; or,
- Create a new substantial source of light or glare that will adversely affect day or nighttime public views in the area or cause extended periods of shading of public facilities.

### 4.2.4 Potential Impacts and Mitigation Measures

#### 4.2.4.1 Visual Character and Aesthetic Quality

#### 4.2.4.2 Construction

**Potential Impact:** (AES-1a) Will the Project substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?

**Less than Significant Impact.**

As a surface parking lot currently occupies the majority of the Project site, the site does not offer aesthetic features of high visual quality. The onsite structures do not exhibit a distinct or unique architectural character, and do not significantly contribute to a high overall visual quality of the property.

The use of heavy equipment, stockpiling of construction materials, and accumulation of debris and waste materials will occur during construction of the new courthouse and related facilities. During the construction phase, the AOC will install temporary fencing



around the perimeter of the Project site to restrict public access to ensure public safety and to provide a visible barrier to reduce potential visual and aesthetic impacts resulting from construction activities. Construction activities will be visible from adjacent streets and sidewalks and surrounding structures with views to the site. Similar large-scale construction projects occur within the downtown area on an ongoing basis. As Project-related construction activities will require approximately 28 months to complete (mid 2014 to 2016), effects will for a short period and will cease when the facilities are completed. As such, the proposed Project's construction activities will be temporary and will not substantially degrade the existing visual character or aesthetic quality of the site. Impacts will be less than significant.

In addition, the Project will involve future demolition of the existing County Courthouse and Old Jail at an unknown date in the future when funding is available. The demolition activities will produce temporary, short-term impacts are anticipated for similar to construction of the new courthouse. As such, the Project's construction and demolition activities will not substantially degrade the existing visual character or aesthetic quality of the site. Impacts of the demolition activities will be less than significant.

Mitigation Measures: None required.

#### 4.2.4.3 Post-Construction, Operation, and Maintenance

**Potential Impact:** (AES-1b) Will the Project substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?

**Less than Significant Impact with Mitigation Incorporated.**

Approximately 75 percent of the proposed site currently has surface parking, which has no aesthetic value. Views of this portion of the proposed courthouse site are either a vacant asphalt-surfaced areas or of parked vehicles. The three structures on the remaining portion of the site do not exhibit significant architectural features or contribute aesthetic quality of the site. Limited to no ornamental vegetative material exists onsite. Since a parking lot and ordinary buildings occupy the proposed site, the Project's new courthouse will not substantially degrade the existing visual character or aesthetic quality of the site or its surroundings, and Project impacts to the site will be less than significant.

The proposed site is in an urban setting, and surrounding buildings include a wide variety of styles and materials. The design of the new courthouse will be consistent with the Judicial Council's design standards. The AOC will consult with the CCDC during the AOC's design process, and the AOC presumes that the courthouse design will generally conform to City and Downtown Community Plan and Planned District Ordinance design standards.

The Project may construct a pedestrian bridge over C Street to connect the new courthouse with the existing Hall of Justice building. Existing bridges span B and C Streets between

Front and Union Street and between the adjacent County Courthouse and structures to the east of the Project site. These bridges are constructed of materials similar in appearance and color to the adjoining buildings, and as they are elevated above the ground, are not readily visible to pedestrians at street level.

The proposed pedestrian bridge's design will be visually compatible with surrounding uses. The bridge will not significantly degrade the existing visual character or aesthetic quality of the Project site or the Hall of Justice's parking lot area since they are paved surface parking areas with little aesthetic value. In addition, C Street has a highly urbanized character with the roadway, paved sidewalks, and limited vegetation to enhance the visual character. Therefore, the pedestrian bridge is not anticipated to significantly degrade the existing visual character or aesthetic quality of the site or its surroundings. Impacts will be less than significant.

Although the new courthouse will be approximately 400 feet tall, many mid- to high-rise level structures are present in areas surrounding the Project site, and therefore, the Project will not visually degrade the area by constructing a building of height that is incompatible with the existing visual character or visual quality. Since the courthouse will conform to the AOC's design standards, the physical appearance of the new courthouse will not substantially degrade the existing visual character or aesthetic quality of the Project site's surroundings. The AOC's courthouse design standards require achieving the LEED Silver rating standards. Therefore, the building's appearance will not degrade the visual character or aesthetic quality of the vicinity, and the Project's impacts will be less than significant.

The Project will replace many of the uses at the County Courthouse and it will not create adverse effects on the existing character of the site or surrounding areas for operational effects such as traffic generation, parking, or vehicular and pedestrian access or safety. Operation of the new courthouse will be similar to the operations of the present courthouse. Therefore, the Project's operations will not degrade the visual character or aesthetic quality of the vicinity, and the Project's impacts will be less than significant.

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

As the new courthouse will be approximately 20 stories in height (or approximately 400 feet tall), the building has potential to generate high-velocity groundborne winds. The building's interactions with winds may adversely affect pedestrians or others occupying the sidewalks

and public spaces below, thereby significantly degrading the aesthetic quality of the existing pedestrian environment around the Project site.

Mitigation Measures:

(AES-1b) To prevent the new courthouse from generating high-velocity groundborne winds, the AOC shall include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians.

Incorporation of mitigation measure AES-1 into the Project design will reduce potential building-related wind generation impacts to a level that is less than significant.

#### 4.2.4.4 Scenic Vistas

**Potential Impact:** (AES-2) Will the Project have a substantial adverse affect on a scenic vista?

**Less than Significant Impact.**

As stated above, due to the existing grid layout and intervening existing development largely consisting of mid- to high-rise level structures in the highly urbanized downtown environment, limited scenic views exist in the downtown area. The Final EIR for the Downtown Community Plan identifies six key public vantage points located in and around the downtown area, each of which offer views of one or several scenic resources such as the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, and the downtown skyline. Development of the Project site will add another tall building to the downtown skyline, and the Project's lack of proximity to the other scenic features means it will not significantly obstruct or adversely affect any of the key views.

The Project will not obstruct any public scenic vistas. Although the Project will result in construct an approximately 20-story tall building, the building will be compatible with the heights of surrounding development such as the eleven-story Hall of Justice to the south; the 20-story W Hotel to the west, and the 26-story Emerald Towers to the northwest. Views to the San Diego Bay to the south and west from surrounding buildings are largely already limited or obstructed by other existing structures in the Project vicinity. The City identifies the downtown skyline as a scenic resource, and the new courthouse will add a new tower to the downtown skyline.

Since the existing County Courthouse's C Street bridge already blocks views along the C Street corridor and the Project will remove the existing bridge in the future, the proposed new bridge will not add a new obstruction to unobstructed views along the C Street corridor. In addition, the pedestrian bridge's design will be visually compatible with surrounding buildings. As the bridge will be approximately four stories above ground level,

the bridge will not be readily noticeable to pedestrians or passengers in vehicles traveling along C Street. In addition, due to the limited size of the bridge compared to surrounding structures, the bridge will not represent a significant element within the visual setting. Finally, the Project's future demolition of the County Courthouse and its bridge to the Hall of Justice will improve views along Union Street; the demolition of the bridge to the Central Jail will improve views along Front Street; and, the demolition of the County Courthouse's bridge over B Street will improve the views along B Street. Therefore, the Project will not obstruct any scenic vistas, and the AOC concludes that the Project will have less than significant impacts on scenic vistas.

Mitigation Measures: None Required.

#### 4.2.4.5 Scenic Resources

**Potential Impact:** (AES-3) Will the Project substantially damage scenic resources?

**Less than Significant Impact.**

As stated above, as a highly urbanized environment, limited views of scenic resources occur for occupants of the downtown area, due to the existing grid layout and intervening existing development largely consisting of mid- to high-rise level structures.

The Downtown Community Plan Final EIR identifies several scenic resources including the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, and the downtown skyline. As these resources are distanced from the Project site, they will not be affected by implementation of the Project. Development of the Project site will add another tall building to the downtown skyline, and the Project's compliance with the AOC's design standards and intended cooperation with the CCDC make the AOC confident that the proposed building will have an attractive presence.

The Project site and adjacent properties do not support any identified scenic resources, and therefore, development of the Project site with the new courthouse will not substantially damage such resources. Similarly, the existing County Courthouse and Old Jail are not of scenic value, and future demolition of these structures will not substantially damage scenic resources. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.2.4.6 Light and Glare

**Potential Impact:** (AES-4) Will the Project create a new source of substantial light or glare that will adversely affect day or nighttime views?

**Less than Significant Impact.**

The Project site is located within a highly urbanized setting and is largely built-out. Light and glare are currently generated on the property from lighting associated with the surface parking lot, street lighting, and the existing onsite structures. In addition, lighting effects occur from existing surrounding residential, commercial, and institutional uses, as well as from streetlights, security lighting, and from vehicles traveling along adjacent roadways. Existing outdoor lighting in the area is generally limited to that necessary for safety and access, as well as security of outdoor areas, and both interior and exterior structural lighting.

The Project's excavation operations will utilize double shifts which will require the use of construction lighting during dark times of day. Excavation activities will take as much as approximately four months to complete. However, since the AOC expects construction operations to begin in mid 2014, which has day-lengths of over 14 hours in San Diego on June 21 and 13 over hours on August 21,<sup>3</sup> the duration of construction lighting for excavation operations may operate for only a very limited time during the morning and evening hours. Project-related nighttime construction activities are unlikely after excavation operations are complete.

Construction personnel will limit nighttime construction lighting to the minimum necessary to provide adequate lighting for worker safety and to accurately perform the required excavation and shield and direct lights to minimize potential illumination on surrounding land uses. In addition, as nighttime light effects are currently generated by surrounding land uses, construction lighting for the Project will not represent a significant source of new nighttime lighting in the area. Therefore, the spillover of light to adjacent uses, and particularly mid- to upper stories of surrounding structures, will be limited. Since the daily duration of the construction lighting will include only limited portions of the early morning and early nighttime hours and construction personnel will limit illumination of surrounding areas, construction lighting impacts will be less than significant.

As the proposed development occurs on the Project site, potential new sources of light or glare may be introduced to the area. Potential sources of light would largely be from lighting for outdoor safety and circulation, structural lighting, and daily weekday operation of the facilities (from interior lighting). Security lighting for the facility will not substantially differ from that of surrounding buildings, and will not create a substantial new source of light. All future lighting will be shielded and directed downward to prevent spillover into adjacent properties.

Site and building design for the proposed new courthouse will comply with the Judicial Council's Design Standards, include measures to meet LEED Silver standards, and generally conform to City standards for structural, street, and security lighting to ensure that significant lighting impacts at either a local level or preservation of dark skies for the San

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<sup>3</sup> Calculated from sunrise and sunset data available at [http://aa.usno.navy.mil/cgi-bin/aa\\_rstablew2.pl](http://aa.usno.navy.mil/cgi-bin/aa_rstablew2.pl). Accessed on July 30, 2010.

Diego region do not occur. In addition, the AOC will apply for a LEED Silver rating for the Project. The AOC intends to implement a lighting plan that complies with LEED requirements to reduce both the generation of exterior light and the potential for light trespass to affect offsite areas. The AOC concludes that the Project will not create a new source of substantial light that will adversely affect day or nighttime views in the area because the Project will comply with LEED criteria for reducing light pollution.

In addition, the Judicial Council's Design Standards require courthouse projects to control glare in public spaces. The AOC will actively select appropriate exterior building materials to ensure that potential for glare effects will be minimized. Project impacts relative to light and glare issues will be less than significant.

Mitigation Measures: None required.

#### 4.2.4.7 Shading

**Potential Impact:** (AES-5) Will the Project create a new source of substantial shading that would adversely affect surrounding properties?

**Less than Significant Impact.**

As the new courthouse will have as many as 20 stories and will be as tall as approximately 400 feet, the building will cast a shadow on surrounding buildings and other elements within the landscape. *Figures 4.2-4A through 4.2-4C* illustrate the anticipated shade effects during varied times of the year. During late autumn and winter mornings when shadows are at their longest, the building's shadow will extend west to approximately India Street during the morning hours and to approximately 1<sup>st</sup> Avenue to the east in the late afternoon.

The shadow plots created for the new courthouse for the spring and fall months will be similar, and shade created by the proposed structure will be similar at these times of year. The proposed building will shade portions of State Street, B Street, and Union and Front Streets to the north in the morning, noon and early afternoon hours; refer to *Figure 4.2-4A: Shadow Analysis (March/September)*; however, none of these areas include existing public parks or other public areas, and the Project's shading of the areas will not occur for an extended number of hours. Therefore, the AOC concludes that the Project's shading impacts will be less than significant.

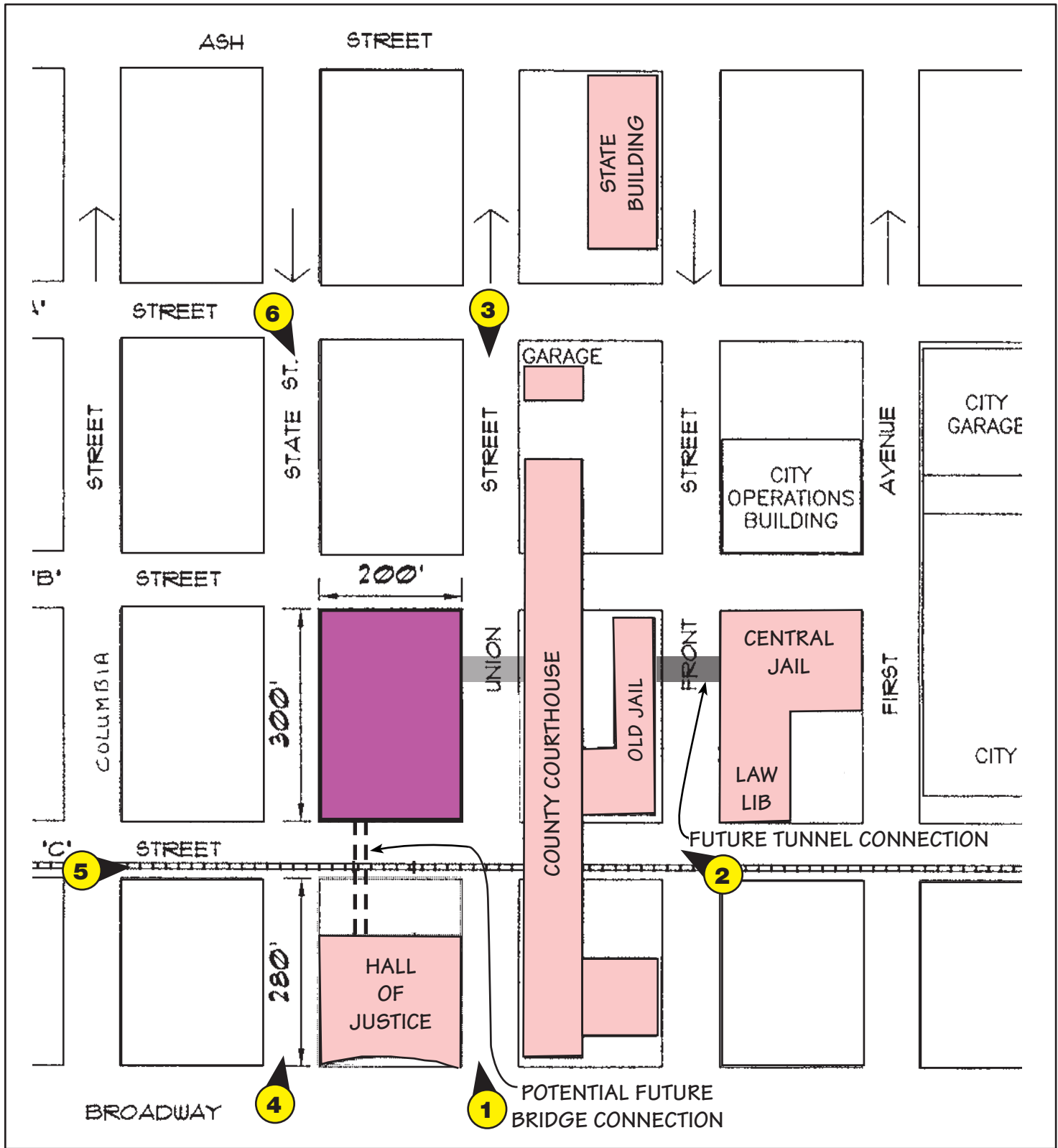
As noted in Section 4.2.1.8, the Downtown Community Plan identifies the block directly east of the proposed courthouse site, which includes the Old Jail and part of the County Courthouse, as the future location of a public park. As shown in *Figures 4.2-4A to 4.2-4C*, the proposed courthouse and existing structures in the surrounding area will create a shadow effect on the proposed location of the Civic Square during the mid-to-late afternoon hours. During most of the daytime hours when the park will typically be occupied by people working or visiting the surrounding area, neither the proposed Project nor surrounding

buildings will substantially shade the proposed park area. Therefore, the AOC concludes that shading impacts are less than significant.

Mitigation Measures: None Required.

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Project Site  
Existing Facilities



View position refers to  
Figures 4.2-2A to 4.2-2C

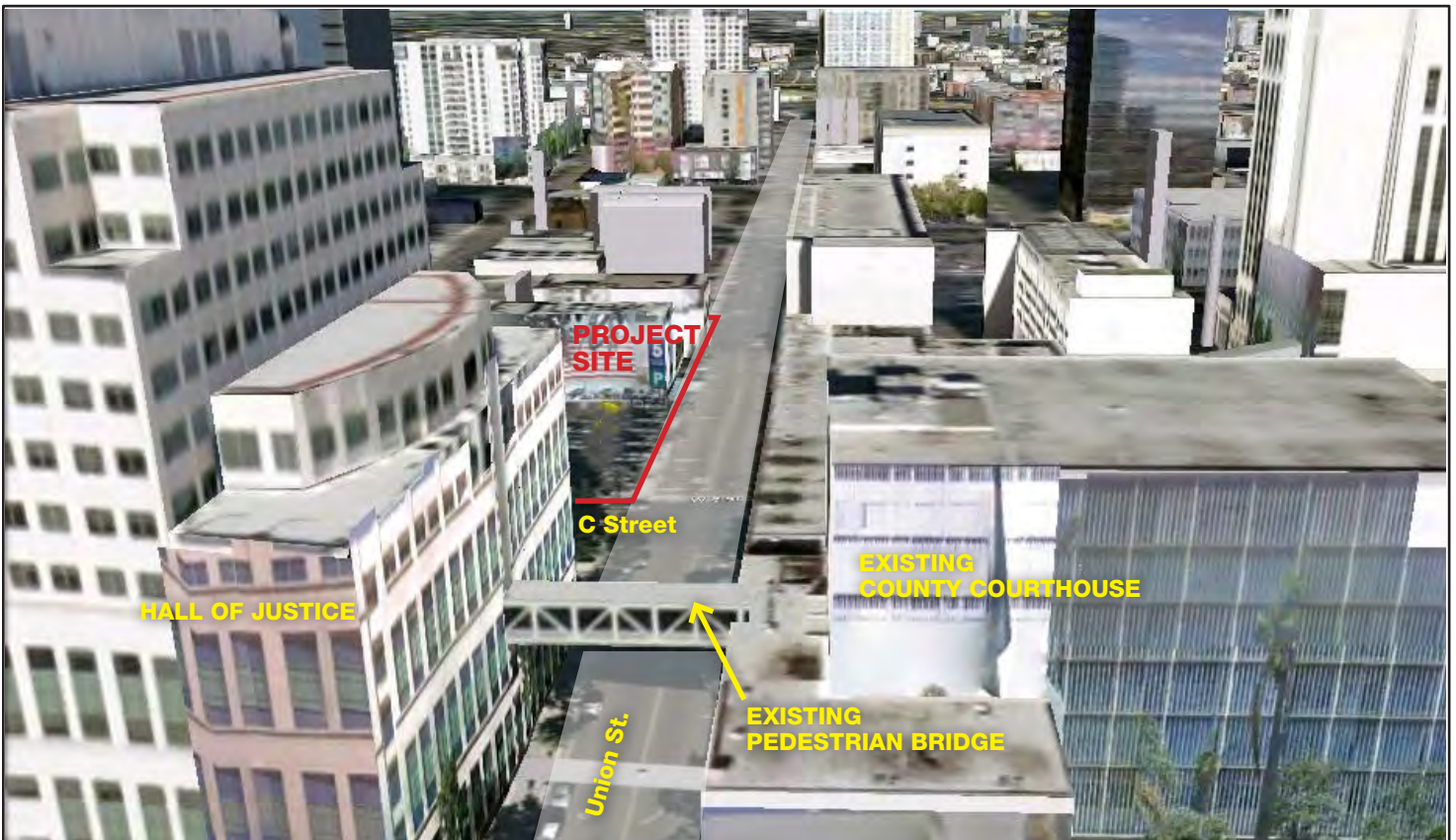


SOURCE: San Diego County Courthouse Replacement Project Program EIR, Prepared by RECON, February 2001  
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NEW SAN DIEGO  
CENTRAL COURTHOUSE  
**VIEW LOCATION MAP**

Figure 4.2-1

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View 1: Looking north along Union Street from Broadway.



View 2: Looking west from Front Street towards Project Site.

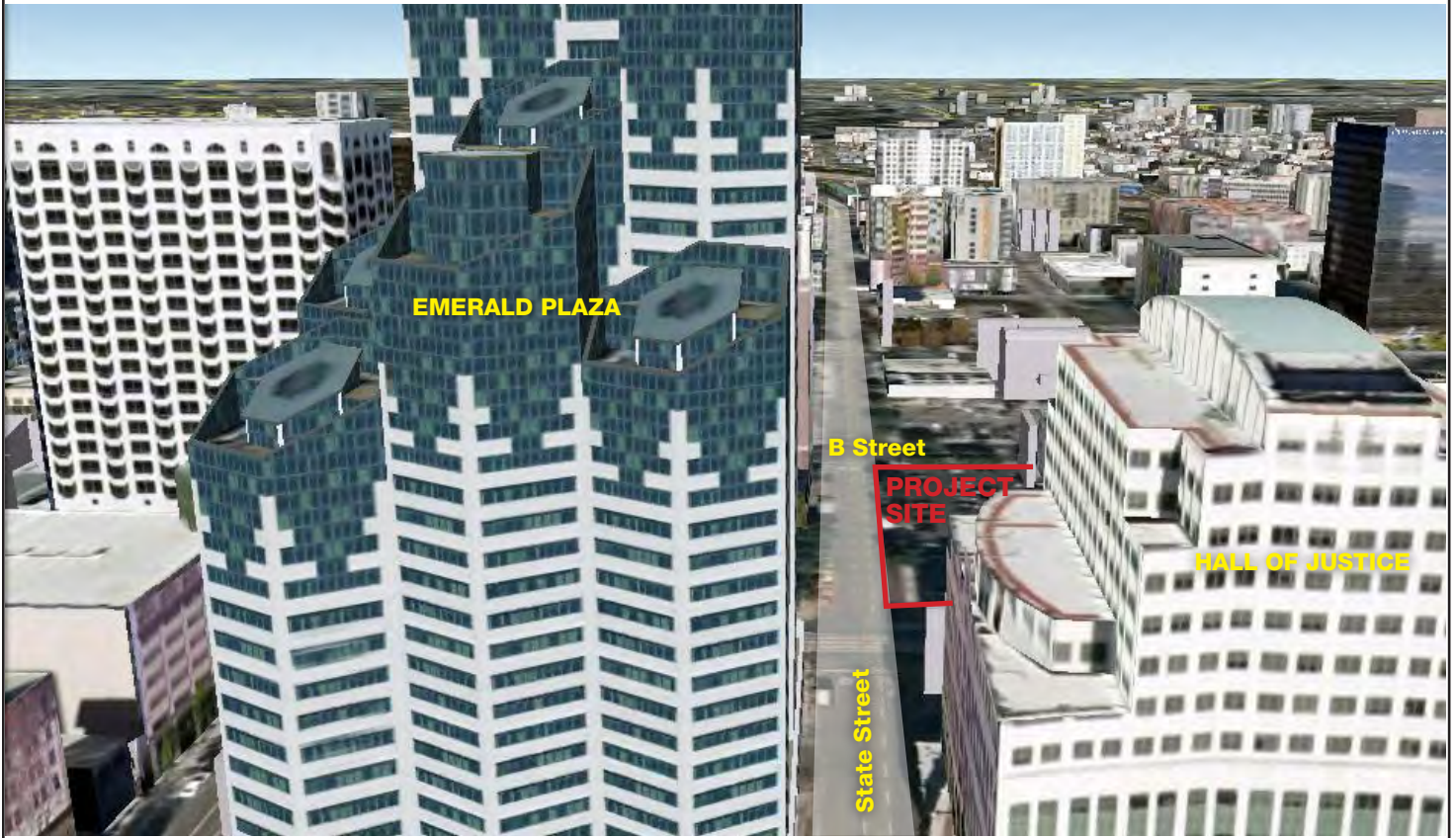
Source: Google Maps 2010.

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View 3: Looking south along Union Street from A Street.



View 4: Looking north along State Street from Broadway.

Source: Google Maps 2010.

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View 5: Looking east along C Street from India Street.



View 6: Looking south along State Street from A Street.

Source: Google Maps 2010.

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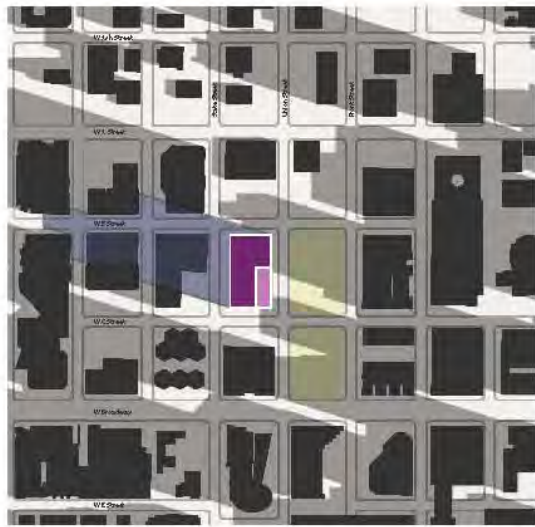


SOURCE: San Diego Downtown Community Plan, www.ccdc.com  
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NEW SAN DIEGO  
CENTRAL COURTHOUSE  
**VIEW CORRIDORS**

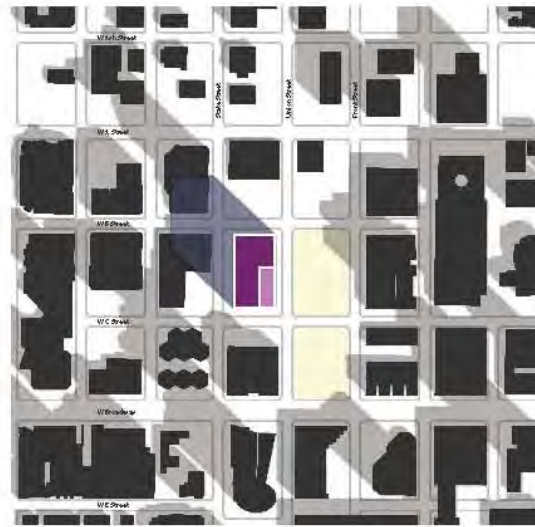
Figure 4.2-3

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March/September 21

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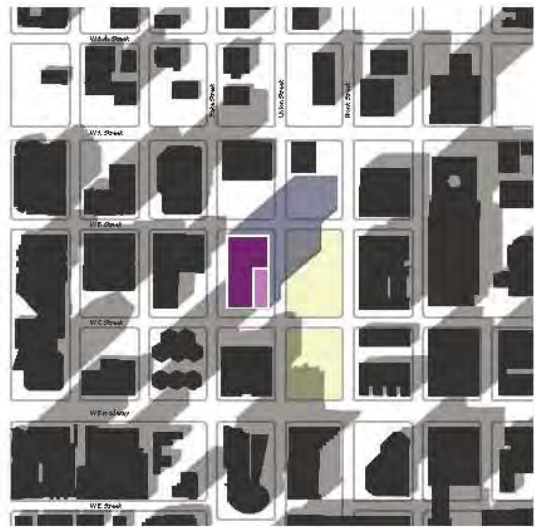
March/September 21

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March/September 21

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March/September 21

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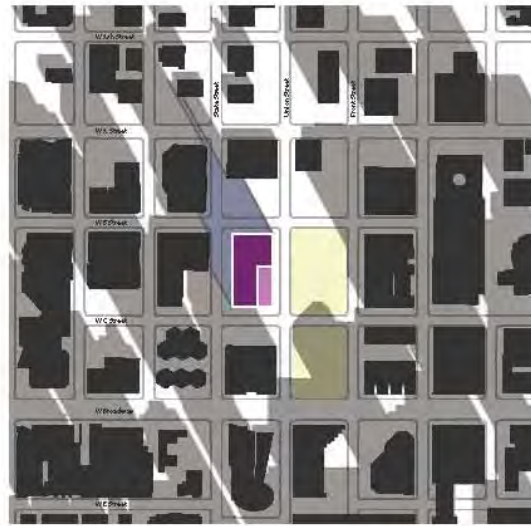
NEW SAN DIEGO  
CENTRAL COURTHOUSE  
**SHADOW ANALYSIS (JUNE)**

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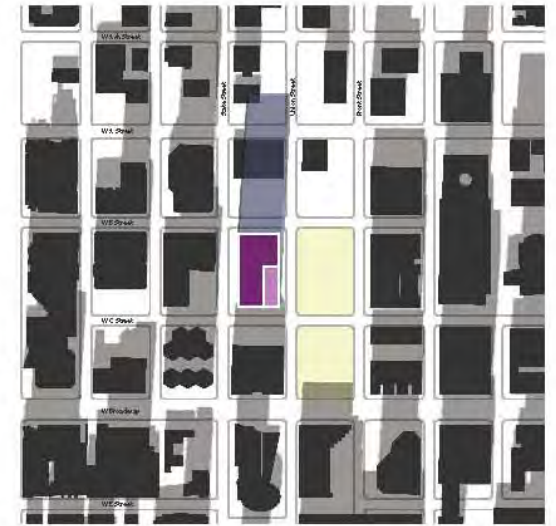
December 21

08 AM



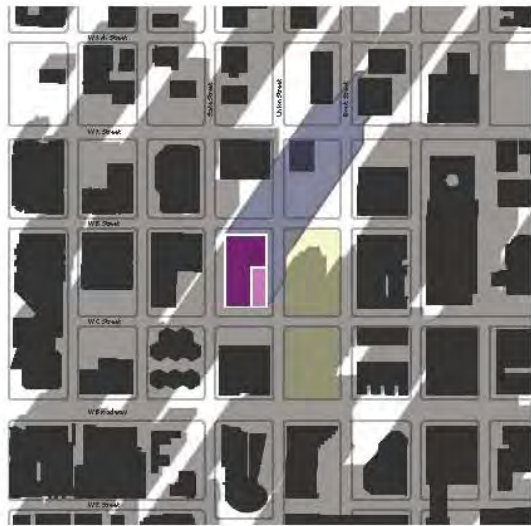
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## 4.3 AGRICULTURAL RESOURCES

This section has been prepared to address potential impacts on agricultural resources associated with the proposed Project.

### 4.3.1 Environmental Setting

The Project site is located in an urban area of downtown San Diego. The Project site is currently developed with several existing commercial uses, with the majority of the site supporting a surface parking lot. The surrounding area is generally developed with high density civic uses and commercial businesses. There are no known active agricultural uses or operations on the Project site or within the surrounding area.

### 4.3.2 Analytical Framework

As the Project is located in an urban setting in downtown San Diego, there are no agricultural resources in the surrounding area. The Project was found to have no impact on agricultural resources.

### 4.3.3 Standards of Significance

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

- The Project will convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- The Project will conflict with existing zoning for agricultural use, or a Williamson Act contract; or,
- The Project will involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

### 4.3.4 Potential Impacts and Mitigation Measures

**Potential Impact:** (AG-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 Project site does not contain any lands identified as 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. As such, the Project will not result in the conversion of such lands to non-agricultural use. No significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

**Potential Impact:** (AG-2) Will the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**No Impact.**

The Project will not affect any properties zoned for agricultural use or affected by a Williamson Act Contract. No significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

**Potential Impact:** (AG-3) Will the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

**No Impact.**

The Project site is in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. As such, no Farmland or agricultural lands are present. Development of the Project site with the proposed Central Courthouse will therefore not result in impacts to existing agricultural uses, or cause the conversion of agricultural lands to a non-agricultural use. Therefore, no significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

## 4.4 AIR QUALITY

This section describes the existing air quality within the Project area and evaluates the Project's potential impacts on air quality.

### 4.4.1 Environmental Setting

The Project is located within the State of California's San Diego Air Pollution Control District (the "Air District"), which includes the entire County. San Diego County encompasses an area of over 4,000 square miles in the southwest corner of California. The County is bounded on the north by Orange County and Riverside County, on the east by Imperial County, on the south by Mexico, and on the west by the Pacific Ocean. The northwest to southeast trending Peninsular Range is the most prominent topographic feature in the regions. The Peninsular Range includes the Santa Ana, Agua Tibia, Palomar, Hot Springs, Aguanga, Volcan, Cuyamaca, and Laguna Mountain systems and reaches a maximum elevation of over 6,500 feet above mean sea level.<sup>1</sup>

#### 4.4.1.1 Climate and Meteorology

The Project area, like the rest of San Diego County, has a warm-summer Mediterranean climate characterized by warm, dry summers and mild, wet winters. The maximum and minimum average temperatures are 84°F and 44° F, respectively. Precipitation in the area averages 13 inches annually, 90 percent of which falls between November and April. The prevailing wind direction is from the west-northwest with an annual mean speed of 8 to 10 miles per hour.<sup>2</sup> Sunshine is usually plentiful in the Project area, but night and morning cloudiness is common during the spring and summer. Fog can occur occasionally during the winter.

The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that which occurs at the base of the coastal mountain range.

Fluctuations in the strength and pattern of winds from the Pacific High Pressure Zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the San Diego Air Basin. Beneath the inversion layer, pollutants become "trapped" as their ability to disperse diminishes. The

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<sup>1</sup> [http://www.projectcleanwater.org/html/watershed\\_sdhr.html](http://www.projectcleanwater.org/html/watershed_sdhr.html)

<sup>2</sup> NOAA 2006

mixing depth is the area under the inversion layer. Generally, the morning inversion layer is lower than the afternoon inversion layer. The magnitude of the change between the morning and afternoon mixing depths determines the ability of the atmosphere to disperse pollutants.

The prevailing westerly wind pattern is sometimes interrupted by regional “Santa Ana” conditions. A Santa Ana condition occurs when a strong high pressure develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds over the mountains and out to sea.

Strong Santa Ana winds tend to blow pollutants out over the ocean and produce clear days; however, at the onset or during breakdown of these conditions or if the Santa Ana condition is weak, local air quality may degrade. In these cases, winds blow the San Diego Air Basin emissions out over the ocean, and low pressure over Baja California draws this pollutant-laden air mass southward. As the high pressure weakens, prevailing northwesterly winds reassert themselves and send these pollutants ashore in the San Diego Air Basin. When this event does occur, the combination of transported and locally produced contaminants produce the worst air quality measurements recorded in the basin.

#### 4.4.1.2 Criteria Air Pollutants

Regulatory agencies have classified a group of pollutants as “criteria air pollutants” and adopted ambient standards and region-wide pollution reduction plans for the pollutants. This group of pollutants includes ozone, carbon monoxide, nitrogen dioxide, sulfur oxides, particulate matter (PM), and lead. The Air District also regulates volatile organic compounds (or “reactive organic gases”) and oxides of nitrogen as criteria pollutants because they are precursors to ozone formation. The primary health effects of the criteria air pollutants are as provided in *Table 4.4-1: Criteria Air Pollutants’ Effects on Health*.

**Table 4.4-1: Criteria Air Pollutants’ Effects on Health**

Pollutant	Health Effect
Ozone	Aggravation of respiratory and cardiovascular diseases; impairment of cardiopulmonary function; and eye irritation
Carbon Monoxide	Impairment of oxygen transport in the bloodstream; aggravation of cardiovascular disease; impairment of central nervous system function; fatigue, headache, confusion, dizziness; death at high levels of exposure; and aggravation of some heart diseases (angina).
Nitrogen Dioxide	Risk of acute and chronic respiratory disease
Sulfur Dioxide	Aggravation of respiratory diseases (asthma, emphysema); reduced lung function; and irritation of eyes
Particulate Matter	Increased risk of chronic respiratory disease; reduced lung function; increased cough and chest discomfort; and particulates may lodge in and irritate the lungs.

*Table 4.4-2: Local Air Quality Levels* summarizes the frequency of violations and current air quality conditions at the closest station near the Project for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

Table 4.4-2: Local Air Quality Levels

Pollutant	California Standard	Federal Primary Standard	Year	Maximum <sup>2</sup> Concentration	Days (Samples) State/Federal Std. Exceeded
1-hour Ozone <sup>1</sup>	0.09 ppm for 1 hour	NA <sup>5</sup>	2005	0.074 ppm	0/0
			2006	0.082	0/0
			2007	0.087	0/0
			2008	0.087	0/0
8-hour Ozone <sup>1</sup>	0.07 ppm for 8 hours	0.075 ppm for 8 hours	2005	0.063 ppm	0/0
			2006	0.071	1/0
			2007	0.073	1/0
			2008	0.073	1/0
Carbon Monoxide <sup>1</sup>	9.0 ppm for 8 hour	9.0 ppm for 8 hour	2005	3.10 ppm	0/0
			2006	3.27	0/0
			2007	3.01	0/0
			2008	2.60	0/0
Nitrogen Dioxide <sup>1</sup>	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2005	0.100 ppm	0/NA
			2006	0.094	0/NA
			2007	0.098	0/NA
			2008	0.091	0/NA
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>1, 4</sup>	No Separate Standard	35µg/m <sup>3</sup> for 24 hours	2005	44.1 µg/m	NA/NM
			2006	63.3	NA/2.1
			2007	69.6	NA/8.9
			2008	42.0	NA/3.5
Particulate Matter (PM <sub>10</sub> ) <sup>1, 3, 4</sup>	50 µg/m <sup>3</sup> for 24 hours	150 µg/m <sup>3</sup> for 24 hours	2005	78.0 µg/m	5/0
			2006	74.0	11/0
			2007	111.00	4/0
			2008	59.0	4/0

Source: Aerometric Data Analysis and Measurement System (ADAM), summaries from 2004 to 2008, <http://www.arb.ca.gov/adam>.

ppm = parts per million; PM<sub>10</sub> = particulate matter 10 micrometers in diameter or less; NM = not measured; µg/m<sup>3</sup> = micrograms per cubic meter; PM<sub>2.5</sub> = particulate matter 2.5 micrometers in diameter or less; NA = not applicable.

Notes:

1. Data collected from the San Diego Monitoring Station- 1110A Beardsley St, San Diego CA 92112.
2. Maximum concentration is measured over the same period as the California Standards.
3. PM<sub>10</sub> exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
4. PM<sub>10</sub> and PM<sub>2.5</sub> exceedances are derived from the number of samples exceeded, not days.
5. The Federal standard was revoked in June 2005.

## Ozone

Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratosphere (the "good" ozone layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays.

“Bad” ozone is a photochemical pollutant. Volatile organic compounds and nitrogen oxides react with sunlight to form ozone. To reduce ozone concentrations, it is necessary to control the emissions of these ozone precursors. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

### *Carbon Monoxide*

Carbon monoxide is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all carbon monoxide emissions.

### *Nitrogen Dioxide*

Nitrogen oxides are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. Nitrogen dioxide (often used interchangeably with nitrogen oxides) is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of nitrogen dioxide occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries and other industrial operations).

### *Coarse Particulate Matter (PM<sub>10</sub>)*

PM<sub>10</sub> refers to suspended particulate matter which is smaller than 10 micrometers or ten one-millionths of a meter. PM<sub>10</sub> arises from sources such as road dust, diesel soot, combustion products, construction operations and dust storms. PM<sub>10</sub> scatters light and significantly reduces visibility. In addition, PM<sub>10</sub> tends to collect in the upper portion of the respiratory system and can potentially damage the respiratory tract. Major sources of PM<sub>10</sub> include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning activities; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions.

### *Fine Particulate Matter (PM<sub>2.5</sub>)*

Fine particulate matter, or PM<sub>2.5</sub>, refers to particles that are 2.5 micrometers or less in diameter, roughly 1/28th the diameter of a human hair. Sources of primary PM<sub>2.5</sub> emissions include fuel combustion from motor vehicles, power generation, industrial facilities,

residential fireplaces, and wood stoves. In addition, PM<sub>2.5</sub> can be formed in the atmosphere from gases such as sulfur dioxide, nitrogen oxides, and volatile organic compounds. PM<sub>10</sub> tends to collect in the upper portion of the respiratory system, but PM<sub>2.5</sub> can penetrate deeper into the lungs and damage lung tissues.

### ***Reactive Organic Gases and Volatile Organic Compounds***

There are several subsets of organic gases including reactive organic gases and volatile organic compounds. Both reactive organic gases and volatile organic compounds are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

#### **4.4.1.3 Sensitive Receptors**

Some land uses' population groups or activities are more sensitive to substantial pollutant concentrations than others. Sensitive population groups include children, the elderly, and the acutely and the chronically ill, especially those with cardio-respiratory diseases. Residential areas are also sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present.

Since the proposed courthouse site has commercial buildings and a parking lot, it has no sensitive receptors. Adjacent buildings and land uses include the Hall of Justice south of the Stahlman Block, a parking lot and commercial building and the W Hotel along State Street next to the courthouse site, a parking lot and commercial buildings north of the Stahlman Block, and the County Courthouse; these buildings and land uses also have no sensitive receptors. There are no sensitive receptors adjacent to the County Courthouse and Old Jail. The adjacent buildings and land uses include the County Motor Pool, the City's Central Fire Station and the Development Services Department, the Central Jail, a bus station, and the Sofia Hotel.

#### **4.4.1.4 Greenhouse Gases**

The natural process through which heat is retained in the troposphere is called the "greenhouse effect."<sup>3</sup> The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and, greenhouse gases in the upper atmosphere absorb this long wave radiation and emit

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<sup>3</sup> The troposphere is the bottom layer of the atmosphere, which extends 10 to 12 miles above the Earth's surface.

this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant greenhouse gases are water vapor and carbon dioxide. Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of greenhouse gases, scientists have established a Global Warming Potential for each greenhouse gas based on its ability to absorb and re-radiate long wave radiation and uses carbon dioxide as the reference gas with a Global Warming Potential of one (1).

Greenhouse gases include:<sup>4</sup>

- Water Vapor. Although water vapor has not received the scrutiny of other greenhouse gases, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers and transpiration from plants, contribute approximately 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human-related source of water vapor comes from fuel combustion in motor vehicles; however, this is not believed to contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor.
- Carbon Dioxide. Carbon dioxide is the most widely emitted greenhouse gas; fossil fuel combustion in stationary and mobile sources is the primary source of emissions. Due to the emergence of industrial facilities and mobile sources in the past 250 years, the concentration of carbon dioxide in the atmosphere has increased 35 percent.<sup>5</sup>
- Methane. Methane emissions come from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. In the United States, the top three sources of methane are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, which is used for space and water heating, steam production, and power generation. The Global Warming Potential of methane is 21.
- Nitrous Oxide. Nitrous oxide production sources include natural and human-related sources. Primary human-related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The Global Warming Potential of nitrous oxide is 310.

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<sup>4</sup> All Global Warming Potentials are given as 100-year Global Warming Potential. Unless noted otherwise, all Global Warming Potentials were obtained from the Intergovernmental Panel on Climate Change. (Intergovernmental Panel on Climate Change, *Climate Change, The Science of Climate Change – Contribution of Working Group I to the Second Assessment Report of the IPCC*, 1996).

<sup>5</sup> United States Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990 to 2004*, April 2006, <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>.



- *Hydrofluorocarbons.* Hydrofluorocarbons are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of hydrofluorocarbons for cooling and foam blowing is growing, as the continued phase out of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) gains momentum. The Global Warming Potential of hydrofluorocarbons range from 140 for Hydrofluorocarbon-152a to 6,300 for Hydrofluorocarbon-236fa.
- *Perfluorocarbons.* Perfluorocarbons are compounds consisting of carbon and fluorine. They are primarily created as a by-product of aluminum production and semiconductor manufacturing. Perfluorocarbons are potent greenhouse gases with a Global Warming Potential several thousand times that of carbon dioxide, depending on the specific perfluorocarbon. Another area of concern regarding perfluorocarbons is their long atmospheric lifetime (up to 50,000 years).<sup>6</sup> The Global Warming Potential of perfluorocarbons range from 5,700 to 11,900.
- *Sulfur hexafluoride.* Sulfur hexafluoride is a colorless, odorless, nontoxic, nonflammable gas. It is most commonly used as an electrical insulator in high voltage equipment that transmits and distributes electricity. Sulfur hexafluoride is the most potent greenhouse gas that has been evaluated by the Intergovernmental Panel on Climate Change with a Global Warming Potential of 23,900; however, its global warming contribution is not as high as the Global Warming Potential indicates due to its low mixing ratio compared to carbon dioxide (4 parts per trillion in 1990 versus 365 parts per million).<sup>7</sup>

### *Electricity Consumption*

The process of generating electricity is the single largest source of emissions in the United States, representing 34 percent of emissions from all sources across the country in 2007. Electricity generation also accounted for the largest share of carbon dioxide emissions from fossil fuel combustion, approximately 42 percent in 2007. Electricity was consumed primarily by users in the residential, commercial, and industrial sectors for lighting, heating, electric motors, appliances, electronics, and air conditioning.<sup>8</sup>

The electricity consumption by the existing courthouse in the year 2009 was 4,561,854 kilowatt hours. This existing courthouse, which the County completed in 1961, is 503,000 BGSF, and the Old Jail is 133,825 BGSF. The electrical usage equates to approximately 9

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<sup>6</sup> Energy Information Administration, *Other Gases: Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride*, October 29, 2001, [http://www.eia.doe.gov/oiaf/1605/gg00rpt/other\\_gases.html](http://www.eia.doe.gov/oiaf/1605/gg00rpt/other_gases.html).

<sup>7</sup> United States Environmental Protection Agency, *High GWP Gases and Climate Change*, October 19, 2006, <http://www.epa.gov/highgwp/scientific.html#sf6>.

<sup>8</sup> United States Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2008*, April 15, 2010, <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>

kilowatt hours per year per square foot. The Old Central Jail's electrical consumption in 2009 was 2,044,813 kilowatt hours,<sup>9</sup> which is approximately 15 kilowatt hours per year per square foot.

### *Effects of Climate Change on the Project*

Changes to the global climate system and ecosystems and to California might include:

- The loss of sea ice and mountain snowpack resulting in higher sea levels and higher sea surface evaporation rates with a corresponding increase in tropospheric water vapor due to the atmosphere's ability to hold more water vapor at higher temperatures;<sup>10</sup>
- Rise in global average sea level primarily due to thermal expansion and melting of glaciers and ice caps and the Greenland and Antarctic ice sheets;<sup>11</sup>
- Changes in weather that include widespread changes in precipitation, ocean salinity, and wind patterns, and more energetic extreme weather including droughts, heavy precipitation, heat waves, extreme cold, and the intensity of tropical cyclones;<sup>12</sup>
- Decline of the Sierra snowpack (which accounts for approximately half of the surface water storage in California) by 70 percent to as much as 90 percent over the next 100 years;<sup>13</sup>
- Increase in the number of days conducive to ozone formation by 25 to 85 percent (depending on the future temperature scenario) in high ozone areas of Los Angeles and the San Joaquin Valley by the end of the 21<sup>st</sup> century;<sup>14</sup> and,
- High potential for erosion of California's coastlines and sea water intrusion into the Delta and levee systems due to the rise in sea level.<sup>15</sup>

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<sup>9</sup> Personal communication, Eric Noonan, Warden, Western Region Detention Facility to Jerome Ripperda, Environmental Analyst, AOC, July 7, 2010.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> California Environmental Protection Agency, Climate Action Team, Climate Action Team Report to Governor Schwarzenegger and the Legislature (Executive Summary), March, 2006.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

## 4.4.2 Analytical Framework

### 4.4.2.1 Analytical Methodology

#### *Criteria Air Pollutant Emissions*

The EIR's analysts assessed potential impacts from the Project's air emissions by estimating emission rates from construction and on-going operations using the publicly available software, URBEMIS version 9.2.4 and then comparing the emissions with significance criteria. URBEMIS allows users to estimate construction and operational emissions of inhalable particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), carbon monoxide, reactive organic gases, sulfur oxides, oxides of nitrogen, and carbon dioxide.

Diesel particulate matter and other particulate matter are the two pollutants of greatest concern for the construction portion of this project. Diesel particulate matter emissions are primarily attributable to on- and off-road construction vehicles. Particulate matter emissions are a result, primarily, of soil-disturbing activities during construction. In URBEMIS, analysts can divide construction into the following seven components:

- Demolition
- Fine Site Grading
- Mass Site Grading
- Trenching
- Building Construction
- Architectural Coating
- Paving

Operational emissions will occur primarily from, worker commute traffic, maintenance vehicle travel to and from the sites, and use of backup and emergency generators. Ozone precursors (volatile organic compounds/reactive organic gases), diesel particulate matter and particulate matter are the pollutants of primary concern for the operational phase of this project.

Input parameters and model results for URBEMIS model runs are in *Appendix B*. The air quality analysis compares output from URBEMIS with significance criteria to evaluate whether a threshold will be exceeded. The URBEMIS model also allows the user to input mitigation measures and predict their effects on chemical and particle emission rates. Analysts can infer diesel particulate matter emissions by assessing the PM<sub>2.5</sub> levels identified in the URBEMIS output data.

### ***Health Risk Assessment***

Health risk assessments for diesel emission's particulate matter are typically conducted for areas that expose sensitive receptors to high concentrations of diesel engine particulate over a long period of time. Per guidelines of the California Office of Environmental Health Hazard Assessment and the California Air Pollution Control Officers Association, estimating the cancer risk from diesel engine particulate is typically not required for construction activities as the construction activities occur for a short period of time and therefore will not measurably increase cancer risk. To provide a conservative analysis of construction impacts, analysts performed a screening analysis using the U.S. Environmental Protection Agency-approved SCREEN3 model.

Equipment used in construction operations only operate in one location for a short time relative to the length of time required for carcinogenic and chronic health impacts. No official non-cancer acute (short-term) reference exposure level exists for diesel particulates. Although a cancer risk factor has been established for diesel particulate matter, the California Office of Environmental Health Hazard Assessment cancer risk factors assume a continuous exposure over a 70-year timeframe. Construction activities will be temporary (approximately 28 months) and will not result in a 70-year exposure.

### ***Greenhouse Gases***

The Project will generate carbon dioxide, nitrogen dioxide, and methane, but it will not generate other forms of greenhouse gas emissions in quantities that will facilitate a meaningful analysis. Therefore, this analysis focuses on carbon dioxide, nitrogen dioxide, and methane. Analysts used the URBEMIS 2007 version 9.2.4 computer model to calculate carbon dioxide emissions. After calculating nitrogen dioxide and methane emissions in metric tons/year, analysts converted the emissions to metric tons of carbon dioxide equivalent per year utilizing the U.S. Environmental Protection Agency's greenhouse gas equivalencies calculator. Converting emissions to comparable units (metric tons of carbon dioxide equivalent per year) allows for the summation of all greenhouse gas emissions.

### **Construction Emissions**

Analysts calculated projected construction-related carbon dioxide, nitrogen dioxide, and methane emissions for years 2014 through 2017. The AOC's analysis considers construction emissions from the 2014-2017 construction phases separately from the operational phase's emissions.

### **Operational Emissions**

For mobile emissions, the air quality analyst's URBEMIS 2007 model relied upon trip data within the *Traffic Impact Analysis Report* and Project-specific land use data to calculate

emissions. *Appendix H's Traffic Impact Analysis Report* accounts for the Project's changes to existing traffic circulation patterns in the vicinity of the Project's new courthouse site. For calculation of mobile source emissions, the Project adds 134 trips for the new courtrooms, and analysts used 134 daily traffic trips in the analysis to calculate direct Project-related greenhouse gas emissions.

For natural gas, electricity, and water emissions, analysts based calculations on 247,000 BGSF, which is the difference between the proposed new courthouse's projected 750,000 BGSF and the existing County Courthouse's 503,000 BGSF. To account for the Project's demolition of 45,000 BGSF buildings on the Stahlman Block, which equals approximately 18 percent of the area of the 247,000 BGSF, analysts subtracted 18 percent of the emissions as a credit for removal of the Stahlman Block buildings.

Pursuant to the Judicial Council's Design Standards and the Green Building Order signed by the Governor, all new State buildings must meet a LEED Silver or higher standard. Furthermore, the California Green Building Standards (Title 24) require building materials and building codes to implement energy efficient designs. Therefore, analysts incorporated a 15% enhanced efficiency-related deduction into calculations of the new courthouse's natural gas, electricity, and water consumption.

Analysts included Project-related natural gas consumption as an "area source" component of direct emissions. To estimate natural gas consumption, analysts followed the recommendations provided in the South Coast Air Quality Management Districts' *CEQA Air Quality Handbook*, and utilized land use specific usage rates, which are calculated from an average provided by Southern California Edison, and Los Angeles Department of Water and Power. Analysts used the usage rate of 2.0 (average for Southern California Edison and Los Angeles Department of Water and Power) and multiplied it by the net increase in building square-feet to obtain greenhouse gas emissions associated with natural gas.

Analysts calculated electricity consumption emissions using the South Coast Air Quality Management District's *California Environmental Quality Act Air Quality Handbook*, which has the most comprehensive demand factors available,<sup>16</sup> the U.S. Energy Information Administration,<sup>17</sup> and Project-specific land use data provided by the Applicant; refer to *Appendix B, Air Quality Analysis Data*. The emission factors for electricity use (771.62 pounds of carbon dioxide per megawatt hour, 0.00659 pounds of nitrous oxide per megawatt hour, and 0.4037 pounds of methane per megawatt hour) are from the U.S. Energy Information Administration

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<sup>16</sup> South Coast Air Quality Management District's California Environmental Quality Act Air Quality Handbook,<sup>16</sup> Table A9-11, November 1993.

<sup>17</sup> U.S. Energy Information Administration, Domestic Electricity Emissions Factors 1999-2002.

Analysts estimated water usage based on typical end usage rates for restaurant, commercial, and office uses. Emissions are based on energy usage factors for water conveyance from the California Energy Commission, *Water Energy Use in California*.<sup>18</sup> Analysts based the Project's ~~Water~~-water demand on the existing water consumption of the County Courthouse, which was 8.3 acre-feet in 2009.<sup>19</sup>

### 4.4.2.2 Regulatory Background

#### *Ambient Air Quality Standards*

##### Federal

The U.S. EPA is responsible for implementing the Federal Clean Air Act, which was first enacted in 1955 and amended numerous times after. The Federal Clean Air Act established Federal air quality standards known as the National Ambient Air Quality Standards. These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare. The criteria pollutants are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter less than 10 and 2.5 micrometers in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively), and lead; refer to *Table 4.4-3: Ambient Air Quality Standards and Air Pollution Control District Attainment Status*.

##### State

The Air Resources Board administers the air quality policy in California. The California Ambient Air Quality Standards were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the National Ambient Air Quality Standards in *Table 4.4-3*, are generally more stringent and apply to more pollutants than the National Ambient Air Quality Standards. In addition to the criteria pollutants, California Ambient Air Quality Standards have been established for visibility-reducing particulates, hydrogen sulfide, and sulfates.

The California Clean Air Act, which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan to achieve compliance with the California Ambient Air Quality Standards. These Air Quality Management Plans also serve as the basis for preparation of the State Implementation Plan for the State of California.

Like the U.S. EPA, the Air Resources Control Board also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the

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<sup>18</sup> Accessed March 2010. <http://www.energy.ca.gov/research/iaw/industry/water.html>

<sup>19</sup> Personnel communication, Amie Meagen, County of San Diego to Jerome Ripperda, AOC, July 21, 2010.

California Ambient Air Quality Standards have been achieved. Under the California Clean Air Act, areas are designated as nonattainment for a pollutant if air quality data shows that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. Under the California Clean Air Act, the San Diego Air Basin has a nonattainment designation for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The Basin has an attainment designation for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead; refer to *Table 4.4-3*. Similar to the Federal Clean Air Act, all areas designated as nonattainment under the California Clean Air Act are required to prepare plans showing how the area will meet the California Ambient Air Quality Standards by its attainment dates. The Air Quality Management Plan is the plan for improving air quality in the region.

*Table 4.4-3* shows the standards currently in effect in California and the nation. The U.S. EPA or the California Air Resources Board designates each air basin as a nonattainment area if violations of ambient air quality standards are persistent. *Table 4.4-3* provides the current Air Pollution Control District's attainment status.

Violations of the National Ambient Air Quality Standards and California Ambient Air Quality Standards (discussed below under Federal and State regulations) for ozone, particulate matter, and carbon monoxide have occurred historically in the Project area. Since the early 1970s, the San Diego Air Pollution Control District has made substantial progress toward controlling these pollutants, but violations of ambient air quality standards for ozone and particulate matter persist in the San Diego Air Basin.

#### U.S. Environmental Protection Agency/ California Air Resources Board Off-Road Mobile Sources Emission Reduction Program

Portable sources and temporary activities that emit air contaminants are also managed through the Environmental Protection Agency/California Air Resources Board Off-Road Mobile Sources Emission Reduction Program. The California Clean Air Act mandates that the California Air Resources Board achieve the maximum degree of emission reductions from all off-road mobile sources to attain the California Ambient Air Quality Standards. Off-road mobile sources include construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. The standards require historically unregulated construction equipment of model year 2000 and later to achieve exhaust standards for nitrogen oxides, volatile organic compounds, carbon monoxide, and PM<sub>10</sub>. These standards and ongoing rulemaking jointly address emissions of nitrogen oxides and toxic particulate matter from diesel combustion. The Air Resources Board is also developing a control measure to reduce diesel particulate matter emissions as well as nitrogen oxides from in-use (existing) off-road diesel equipment throughout the State. The Air Resources Board Owners and began requiring operators of

off-road diesel equipment and vehicles to meet fleet emissions targets in 2009. Public agencies and utilities are subject to fleet rules to reduce diesel particulate matter.

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

Pollutant	Averaging Time	California <sup>1</sup>		Federal <sup>2</sup>	
		Standard <sup>3</sup>	Attainment Status	Standards <sup>4</sup>	Attainment Status
Ozone	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Nonattainment	NA <sup>5</sup>	NA <sup>5</sup>
	8 Hours	0.07 ppm (137 µg/m <sup>3</sup> )	Nonattainment	0.075 ppm (147 µg/m <sup>3</sup> )	Nonattainment
Particulate Matter (PM <sub>10</sub> )	24 Hours	50 µg/m <sup>3</sup>	Nonattainment	150 µg/m <sup>3</sup>	Attainment
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	Nonattainment	NA <sup>6</sup>	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hours	No Separate State Standard		35 µg/m <sup>3</sup>	Attainment
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Nonattainment	15 µg/m <sup>3</sup>	Unclassified
Carbon Monoxide	8 Hours	9.0 ppm (10 mg/m <sup>3</sup> )	Attainment	9 ppm (10 mg/m <sup>3</sup> )	Attainment
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Attainment	35 ppm (40 mg/m <sup>3</sup> )	Attainment
Nitrogen Dioxide <sup>7</sup>	Annual Arithmetic Mean	0.030 ppm (56 µg/m <sup>3</sup> )	NA	0.053 ppm (100 µg/m <sup>3</sup> )	Attainment
	1 Hour	0.18 ppm (338 µg/m <sup>3</sup> )	Attainment	0.100 ppm	NA
Lead	30 days average	1.5 µg/m <sup>3</sup>	Attainment	N/A	NA
	Calendar Quarter	N/A	NA	1.5 µg/m <sup>3</sup>	Attainment
Sulfur Dioxide	Annual Arithmetic Mean	N/A	NA	0.030 ppm (80 µg/m <sup>3</sup> )	Attainment
	24 Hours	0.04 ppm (105 µg/m <sup>3</sup> )	Attainment	0.14 ppm (365 µg/m <sup>3</sup> )	Attainment
	3 Hours	N/A	NA	N/A	NA
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Attainment	N/A	NA
Visibility-Reducing Particles	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	<b>No Federal Standards</b>	
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Unclassified		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Unclassified		

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million; km = kilometer(s);  
RH = relative humidity; PST = Pacific Standard Time. N/A = Not Applicable

- California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, suspended particulate matter-PM<sub>10</sub> and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards



**Table 4.4-3: Ambient Air Quality Standards and Air Pollution Control District Attainment Status, continued**

in Section 70200 of Title 17 of the California Code of Regulations. In 1990, the California Air Resources Board (CARB) identified vinyl chloride as a toxic air contaminant, but determined that there was not sufficient available scientific evidence to support the identification of a threshold exposure level. This action allows the implementation of health-protective control measures at levels below the 0.010 parts per million ambient concentration specified in the 1978 standard.

2. National standards (other than ozone, particulate matter and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. EPA also may designate an area as *attainment/unclassifiable*, if: (1) it has monitored air quality data that show that the area has not violated the ozone standard over a three-year period; or (2) there is not enough information to determine the air quality in the area. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
3. Concentration is expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
5. The Federal 1-hour ozone standard was revoked on June 15, 2005 in all areas except the 14 8-hour ozone nonattainment Early Action Compact (EAC) areas.
6. The Environmental Protection Agency revoked the annual PM<sub>10</sub> standard in 2006 (effective December 16, 2006).
7. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010).

Source: California Air Resources Board and U.S. Environmental Protection Agency, February 16, 2010.

### California Air Resources Board Portable Equipment Registration Program and Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines

The Portable Equipment Registration Program allows owners or operators of portable engines and associated equipment to register the units under a Statewide program to operate throughout California without obtaining individual permits from multiple local air districts. The Portable Engine Airborne Toxic Control Measure requires all portable diesel engines to meet the most stringent of the Federal or California emission standards for particulate matter from non-road engines in effect at the time they are registered. The Airborne Toxic Control Measure applies to all diesel-fueled portable engines that are 50 horsepower and larger.

### San Diego Air Pollution Control District

The Air Resources Board has designated San Diego County as a discrete air basin under the jurisdiction of the San Diego Air Pollution Control District (the "Air District"). In addressing its planning role with respect to National Ambient Air Quality Standards, the Air District has most recently developed an Ozone Redesignation Request and Maintenance Plan, which served as the basis for the U.S. EPA redesignating the Basin as an attainment zone for the one-hour ozone standard on July 28, 2003. The basis for that request was the demonstration that over a three-year period, the Basin had fewer than four instances of one-hour ozone

concentrations exceeding the 0.09 parts per million threshold at any single monitoring station.

The Air District established the Regional Air Quality Strategy in 1991 to address State air quality planning requirements (focusing on ozone). The Air District is responsible for the overall development and implementation of the Regional Air Quality Strategy. The Regional Air Quality Strategy control measures focus on emission sources under the Air District’s authority, specifically, stationary emission sources and some area-wide sources; however, the emission inventories and emission projections in the Regional Air Quality Strategy reflect the impact of all emission sources and all control measures, including those under the jurisdiction of the Air Resources Board (for example, on-road motor vehicles, off-road vehicles and equipment, and consumer products) and the U.S.EPA (e.g., aircraft, ships, trains, and pre-empted off-road equipment). Thus, while legal authority to control different pollution sources is separated, the Air District is responsible for reflecting Federal, State, and local measures in a single plan to achieve ambient air quality standards in San Diego County.

Each local air quality management or air pollution control district establishes criteria to assess a project’s impacts on air quality. The Air District has established annual significance thresholds for oxides of nitrogen and reactive organic gases for stationary sources; however, the Air District has not established rules for characterizing impacts from construction. Absent formal California Environmental Quality Act guidelines on construction thresholds from the Air District, the Air District informally recommends quantifying construction emissions and comparing them to significance thresholds found in the Air District regulations for stationary sources (pursuant to Rule 20.1, et seq.) and shown in *Table 4.4-4: Air Pollution Control District’s Screening Level Thresholds*. If construction-phase emissions exceed these thresholds for a stationary source air quality impact analysis, then construction has the potential to violate air quality standards or to contribute substantially to existing violations.

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

<b>Pollutant</b>	<b>Pounds/Day</b>	<b>Tons/Year</b>
Carbon Monoxide	550	100
Oxides of Sulfur	250	40
Volatile Organic Compounds	75 <sup>1</sup>	40
Oxides of Nitrogen	250	40
Particulate Matter (PM <sub>10</sub> )	100	15
Particulate Matter (PM <sub>2.5</sub> ) <sup>2</sup>	55	Not Applicable
1. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007. 2. The San Diego Air Pollution Control District does not have thresholds of significant for PM <sub>2.5</sub> . As Such, the PM <sub>2.5</sub> Threshold from the South Coast Air Quality Management District (SCAQMD) was utilized <sup>20</sup> Source: San Diego Air Pollution Control District Rule 1501, 20.2(d)(2), 1995.		

<sup>20</sup> Phone conversation with Carl Selnick, Air Quality Specialist, from the San Diego Air Pollution Control District (SDAPCD) on July 17, 2009.

The Air District is the primary agency responsible for planning, implementing, and enforcing Federal and State ambient standards in the County of San Diego. The San Diego Air Pollution Control District has established the following rules and regulations:

Rule 50 – Visible Emissions—The purpose of this rule is to prohibit the emissions of visible air contaminants from agricultural operations, open fires, abrasive blasting operations, training missions, and other activities to the atmosphere for 3 minutes in any 1 hour;

Rule 51 – Nuisance—The purpose of this rule is to prohibit the emission of air contaminants that are a nuisance or detriment to the public;

Rule 55 – Fugitive Dust Control – The purpose of this rule is to limit fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities;

Rule 67– Architectural Coatings – The purpose of this rule is to limit volatile organic compound emissions from the application of architectural coatings;

Rule 67.7 – Cutback and Emulsified Asphalts – The purpose of this rule is to limit the emissions of volatile organic compounds from the application and production of certain types of asphalt products; and,

Rule 1501 – Federal Conformity – The Federal Conformity Rule prohibits any Federal actions that may be inconsistent with Air Pollution Control District’s efforts to achieve national ambient air quality standards.

## *Greenhouse Gas Measures*

### State

Assembly Bill 32. Assembly Bill 32 the California Global Warming Solutions Act of 2006 (Stats 2006, Ch. 488, Assembly Bill 32, (Nuñez); hereafter, AB 32), represents the first enforceable State-wide program to limit greenhouse gas emissions from all major industries, with penalties for noncompliance. Its goal is to limit 2020 greenhouse gas emissions limit to the equivalent of 1990 levels. AB 32 directs the Air Resources Board to develop the programs and requirements necessary to achieve the goals of AB 32. The foremost responsibilities are to adopt regulations that require the reporting and verification of State-wide greenhouse gas emissions, to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, and to monitor compliance and enforcement of any adopted rule, regulation, order, emission limitation, emission reduction measure, or market-based compliance mechanism. Assembly Bill 32 allows the Air Resources Board to adopt market-based compliance mechanisms to meet the specified requirements.

In December 2008, the Air Resources Board adopted a scoping plan to achieve reductions in greenhouse gas emissions in California. The plan indicates how the Air Resources Board

believes that the State can achieve reductions in significant greenhouse gas sources through regulations, market mechanisms, and other actions. The Board's Scoping Plan (California Air Resources Board 2008a) presented a comprehensive set of actions designed to reduce overall carbon emissions in California, improve California's environment, reduce dependence on oil, diversify California's energy sources, save energy, and enhance public health while creating new jobs and enhancing the growth of California's economy. For State of California agencies, the Scoping Plan emphasized the State's role of setting an example to meet improved energy standards for new State buildings. The Board also concluded that the State of California should set an example by requiring all new State buildings to exceed existing energy standards and meet nationally recognized building sustainability standards such as LEED Gold Certified ratings. However, the Judicial Council established a LEED Silver standard for new State courthouses, and Governor Schwarzenegger's Green Building Order (State of California, 2004) requires new State buildings to be built to LEED Silver or higher standard. The California Building Standards Commission adopted green building standards on 17 July 2008 by amending the 2007 California Green Building Standards Code, Title 24 of the California Code of Regulations, Part 11.

Senate Bill 97. Senate Bill 97 of 2007 required the California Office of Planning and Research to develop California Environmental Quality Act guidelines for analysis and, if necessary, the mitigation of effects of greenhouse emissions to the Resources Agency. The California Environmental Quality Act Guidelines Amendments became effective on March 18, 2010.

### San Diego Air Pollution Control District

The Air District has not established rules or thresholds for greenhouse gas emissions.

### South Coast Air Quality Management District

Since the Air District has not established rules or thresholds for greenhouse gas emissions. However, the adjacent South Coast Air Quality Management District (the South Coast Air District) currently has proposed interim thresholds,<sup>21</sup> and the AOC considered the South Coast Air District's threshold for guidance. For the purposes of determining whether or not greenhouse gas emissions from affected projects are significant, the South Coast Air District assumes that project emissions will include direct, indirect, and life cycle (if available) emissions during construction and operation. It defines the life of the project as 30 years, amortizes construction emissions over the 30-year period, and adds amortized construction emissions to the operational emissions to determine combined emissions.

The South Coast Air District directs lead agencies to compare combined emissions to an applicable interim greenhouse gas significance threshold tier. Tier 1 consists of an evaluation of whether a project qualifies for any applicable exemption under CEQA; if the

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<sup>21</sup> Available at <http://www.aqmd.gov/hb/2008/December/081231a.htm>. Accessed July 27, 2010.

project qualifies for an exemption, no further action is required. If the project does not qualify for an exemption, then it will move to the next tier, Tier 2, which determines whether the project is consistent with a greenhouse gas reduction plan that complies with AB 32 greenhouse gas reduction goals, includes emissions estimates agreed upon by either Air Resources Board or the South Coast Air District, and has a certified Final CEQA document. Further, the greenhouse gas reduction plan must include a greenhouse gas emissions inventory tracking mechanism; process to monitor progress in achieving greenhouse gas emission reduction targets, and a commitment to remedy the excess emissions if greenhouse gas reduction goals are not met (enforcement). If the proposed project is consistent with the qualifying local greenhouse gas reduction plan, the AOC concludes that the South Coast Air District will conclude that the Project's greenhouse gas emission impacts are less than significant.

### City of San Diego

#### City of San Diego General Plan – Conservation Element

The General Plan's Conservation Element reflects key goals contained in many other City and regional plans and programs and will help guide their future updates. The Conservation Element ties various natural resource-based plans and programs together using a village strategy of growth and development. It contains policies for sustainable development, preservation of open space and wildlife, management of resources, and other initiatives to protect the public health, safety, and welfare.

Policies which address local greenhouse gas mitigation strategies in San Diego are integrated within the General Plan. Together, this collection of policies support and promote the adopted recommendations outlined in the City's Climate Protection Action Plan (describe in further detail below). The City is continuing to investigate additional steps that can be taken to help reduce greenhouse gas emissions, identify adaptation goals, and curb the impact of climate change at the local level.

#### San Diego Sustainable Community Program

In 2002, the City Council adopted the San Diego Sustainable Community Program. This program established the partnership with the Cities for Climate Protection (CCP) Campaign, which is a program administered by the International Council for Local Environmental Initiatives. To date, more than 800 local governments worldwide participate in the campaign, including 30 cities and counties located in California. The campaign is based on a performance framework structured around five milestones that local governments commit to undertake. Local governments identify the source of greenhouse gas emissions, calculate the volume contributed from energy use, transportation, and waste management, and then develop an action plan to reduce those emissions. The Sustainable

Community Program also established San Diego's Greenhouse Gas reduction goal of 15 percent below 1990 levels by the year 2010.

City of San Diego Climate Protection Action Plan

The City has a Climate Protection Action Plan that addresses both the greenhouse gas emissions from the community (residential, commercial and industrial sectors) and the greenhouse gas emissions specifically from the operations provided by City government. Each category is broken down into the three major sources: Energy, Waste and Transportation. It tracks greenhouse gas emissions using a standardized computer software program, and the comparison between 1990 and 2004 reveal an interesting trend. The City organization has continued to reduce its share of greenhouse gas emissions through fuel efficiency, energy conservation and the use of renewable energy, and the use of methane gas (biogas) to generate electricity. While this is a good step forward, the larger community has increased the per capita fuel, energy and water use.

### 4.4.3 Standards of Significance

The AOC considers an impact significant if the Project will:

- Conflict with or obstruct implementation of the applicable air quality plan or an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- 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 emission which exceed quantitative thresholds for ozone precursors) or generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment;
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people.

### 4.4.4 Potential Impacts and Mitigation Measures

#### 4.4.4.1 Applicable Air Quality Plan Conflicts

**Potential Impact:** Will the Project obstruct implementation of the applicable air quality plan?

**No Impact.**

For the Project's operational impacts, the new courthouse's consolidation of 69 existing downtown courtrooms and related demolition of the existing County Courthouse and Old Jail make the Project essentially a replacement of the existing County Courthouse with a new courthouse. Future development of the Project's new courthouse is consistent with the adopted land use plans for the site and will not conflict with the intended land use for the property. The proposed use of the site is consistent with the adopted Downtown Community Plan and Planned Development Ordinance that govern future development within the area. Since the AOC's future development of the Project's courthouse site will be consistent with the adopted land use and zoning, the proposed development will be consistent with regional projections and applicable Regional Transportation Improvement Programs, and it will not create a significant air quality impact. Therefore, the Project will be consistent with the *Regional Air Quality Strategy*, and there are no conflicts with other related State or Federal initiatives.

For construction operations, the AOC requires contractors to comply with regulatory agencies' requirements, which include the Air District's Rule 55 for control airborne dust and vehicles' potential track-out/carry-out, Rule 67 for architectural coatings, Rule 67.7 for asphalt products, and other related Air District rules. Therefore, the project will comply with the Air District's plans.

Since the Project will have no conflicts with applicable plans, the Project will have no impacts.

Mitigation Measures: None required.

#### 4.4.4.2 Air Quality Standard Violations

**Potential Impact:** (Construction) Will the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less than Significant Impact.**

Construction activities associated with the proposed Project include more than 10 different phases; refer to *Table 3-1: Project Construction Activities*, and *Appendix B, Air Quality Analysis Data*. The first phase consists of the demolition of the existing Stahlman Block Buildings and will occur in mid-year of 2014. The next phase, mass grading and excavation of the proposed Project of the site, will commence in 2014 and will last for approximately three months. The excavation work will utilize double shifts. Excavated material will total approximately 140,000 cubic yards, and the destination for the material will most likely be the Otay Landfill, located approximately 11 miles southeast of the proposed Project site. Trenching and the commencement of building construction will also occur in 2014, with the majority of other construction work efforts continuing late into 2016. Architectural coatings will occur in late 2015 and early 2016. The remaining efforts associated with the

construction of the new courthouse, including paving of sidewalks, drives, plazas and other structures will occur in 2016. Mobilization for demolition and the actual demolition of the old courthouse might occur in 2017.

Analysts' performed URBEMIS modeling for this project, and the URBEMIS assumptions and output are in *Appendix B*. URBEMIS results are in *Table 4.4-5: Criteria Air Pollutant Emissions from Construction*. Unmitigated PM<sub>10</sub> and PM<sub>2.5</sub> emissions are highest during the mass grading and excavation phase of a project. Fugitive dust emissions are created from the movement of large amounts of dirt, which occurs the most during this phase. Although mass grading results in PM<sub>2.5</sub> emissions from fugitive dust, the quantity of PM<sub>2.5</sub> fugitive dust emissions are not as large as PM<sub>10</sub> emissions. Exhaust from construction equipment will also contribute PM<sub>10</sub> and PM<sub>2.5</sub> emissions, but on a much smaller scale than compared to mass site grading and excavation. The URBEMIS model provides projected air emission quantities for both unmitigated and mitigated emissions. The URBEMIS default mitigation measures significantly reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions by including measures such as watering the project site at least twice daily when needed to reduce the amount of fugitive dust emissions associated with mass grading and excavation, as well as additional soil stabilizing measures such as quickly replacing ground cover in disturbed areas; refer to *Appendix B* for details. Additional mitigation includes reducing idling time of construction equipment which will reduce both PM<sub>10</sub> and PM<sub>2.5</sub> exhaust emissions. As indicated in *Table 4.4-5: Criteria Air Pollutant Emissions from Construction*, the calculated mitigated emissions are all below the established Air District's thresholds; therefore, the Project's construction-related impacts will be less than significant. In addition, as stated previously, the Project's construction and demolition operations will comply with the Air District's requirements including Rule 55 Fugitive Dust Control, Rule 67 Architectural Coatings, Rule 67.7 Asphalt, and other rules, further ensuring the Project's construction-related impacts will be less than significant.

Mitigation Measures:           None required.

**Table 4.4-5: Criteria Air Pollutant Emissions from Construction**

Emissions Source	Pollutant (pounds/day) <sup>1</sup>				
	Reactive Organic Gases	Nitrogen Oxides	Carbon Monoxide	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>2</sup>
2014 Construction Emissions	19.47	203.63	91.48	306.59	69.68
2014 Mitigated Construction Emissions	19.47	203.63	91.48	42.39	14.80
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2015 Construction Emissions	3.72	21.02	26.59	1.33	1.16



**Table 4.4-5: Criteria Air Pollutant Emissions from Construction, continued**

2015 Mitigated Construction Emissions	3.72	21.02	26.59	1.33	1.16
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2016 Construction Emissions	25.27	16.26	25.55	1.10	0.94
2016 Mitigated Construction Emissions	23.06	16.26	25.55	1.10	0.94
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2017 Construction Emissions	2.80	19.47	20.56	2.17	1.11
2017 Mitigated Construction Emissions	2.80	19.47	20.56	2.17	1.11
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

## Notes:

1. Analysts calculated emissions using the URBEMIS 2007, Version 9.2.4, as recommended by the Air District. Emissions are presented as a total aggregate of emissions from all construction sources.
2. The Air District does not have thresholds of significance for PM<sub>2.5</sub>. The analysis uses PM<sub>2.5</sub> threshold from the South Coast Air Quality Management District.
3. In the absence of thresholds for reactive organic gases from the Air District, the County of San Diego's thresholds of significance were utilized. Refer to County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007.

#### 4.4.4.3 Criteria Air Pollutant Emissions

**Potential Impact:** (Post-Construction, Operations, and Maintenance) Will the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less than Significant Impact.**

The criteria air pollutant emissions from the operation and maintenance of the Project are included in *Table 4.4-6: Criteria Air Pollutant Emissions from Operations*. These emissions are all below the Air District's thresholds; therefore, the Project's post-construction, operations, and maintenance impacts will be less than significant.

**Table 4.4-6: Criteria Air Pollutant Emissions from Operations**

Emissions Source	Pollutant (pounds/day) <sup>1</sup>				
	Reactive Organic Gases	Nitrogen Oxides	Carbon Monoxide	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>2</sup>
Area Source	1.69	1.67	2.93	0.01	0.01
Operational (Vehicle)	1.87	0.78	7.12	2.10	0.41
<b>Total Area Source and Operational</b>	3.56	2.45	10.05	2.11	0.42
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<i>Is Threshold Exceeded After Mitigation?</i>	No	No	No	No	No

Notes:

1. Emissions were calculated using the URBEMIS 2007, Version 9.2.4, as recommended by the Air District. Emissions are presented as a total aggregate of emissions from all construction sources.
2. The Air District does not have thresholds of significance for PM<sub>2.5</sub>. The analysis uses PM<sub>2.5</sub> threshold from the South Coast Air Quality Management District.
3. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007.

Mitigation Measures: None required.

#### 4.4.4.4 Cumulative Increase of Any Criteria Pollutant

**Potential Impact:** Will the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Less than Significant Impact.**

The Air District currently has non-attainment status for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Within the air district, the California Air Resources Board has estimated that daily emissions in the year 2008 of volatile organic compounds, which are precursor chemicals to ozone, and PM<sub>2.5</sub> were 156.6 tons per day for volatile organic compounds, 114.5 tons per day for PM<sub>10</sub>, and 31.6 tons per day for PM<sub>2.5</sub>.<sup>22</sup> In order to determine the Project’s contribution of criteria pollutant emissions into the air basin, analysts compared the maximum modeled emissions from the Project to the estimated emissions within the air district. Analysts calculated the maximum modeled emissions associated with operations of the Project using the URBEMIS2007 land use assumptions. Analysts utilized the Project’s net increase of 134 traffic trips from the

<sup>22</sup>[http://www.arb.ca.gov/app/emsinv/emssumcat\\_query.php?F\\_YR=2008&F\\_SEASON=A&SP=2009&F\\_DIV=-4&F\\_AREA=DIS&F\\_DIS=SD](http://www.arb.ca.gov/app/emsinv/emssumcat_query.php?F_YR=2008&F_SEASON=A&SP=2009&F_DIV=-4&F_AREA=DIS&F_DIS=SD)

Traffic Study prepared for the Project in the URBEMIS2007 modeling. Based on these assumptions, the maximum modeled emissions from operations of the Project were 3.56 pounds per day of ozone precursors, 2.11 pounds per day of PM<sub>10</sub>, and 0.42 pounds per day of PM<sub>2.5</sub>; as shown in *Table 4.4-6*, the calculated emissions are below the Air District's thresholds. Since the Project will not considerably increase the emission of either ozone, PM<sub>10</sub>, or PM<sub>2.5</sub> in the Air District, the AOC concludes that the Project's impacts will be less than significant.

Mitigation Measures:           None required.

#### 4.4.4.5 Sensitive Receptor Exposure to Substantial Pollutant Levels

**Potential Impact:** (Construction) Will the Project expose sensitive receptors to substantial pollutant concentrations?

**Less than Significant Impact.**

As shown in *Table 4.4-5*, the Project's projected construction-related emissions do not exceed the Air District's thresholds. The AOC concludes that the impacts are less than significant since the emissions are below the Air District's thresholds and construction operations that generate substantial emissions will have a limited duration.

#### 4.4.4.6 Short-Term Construction Diesel Particulate Matter Emissions

The proposed courthouse site is approximately 1.4 acres. Section 3.4.6 provides the duration of estimated construction activities. Analysts assumed that the project will disturb a maximum of 0.40 acres per day.

Construction vehicle pollutant emission generators primarily include haul truck activities, graders, pavers, contractor vehicles, and diesel-electric lifts. Analysts derived construction emissions utilized within the SCREEN3 model from URBEMIS2007 construction outputs for the Project; refer to *Table 4.4-7*. Note that for cancer-risk potential, PM<sub>10</sub> from diesel exhaust rather than inert silicates from dust is the single most contributing factor.

According to analysts' URBEMIS2007 modeling output, the greatest PM<sub>10</sub> emissions will total 28.70 pounds per day of PM<sub>10</sub>, which includes 1.93 pounds per day of diesel exhaust; refer to *Appendix B, Air Quality Analysis Data*, for modeling output information. Typically, grading and earthwork activities generate the greatest amount of diesel engine particulate matter. Based upon the on-site emission levels, analysts used the aggregate emission rate as input into the SCREEN3 model. This methodology essentially applies all of the diesel emissions over this working area and provides a worst-case assessment of the impacts to sensitive receptors.

The expected diesel construction emission concentrations from the SCREEN3 model are in Table 4.4-7: SCREEN 3 Predicted Emission Concentrations. Based upon the model results, the particulate matter concentrations are below the inhalation Chronic Risk Factor of 1.0 and the Cancer Risk Threshold of 10 in one million. Therefore, impacts for cancer risks from toxic air emissions during construction activities will be less than significant.

**Potential Impact:** (Post-Construction, Operations, and Maintenance) Will the Project expose sensitive receptors to substantial pollutant concentrations?

**Less than Significant Impact.**

Operations and maintenance associated with this project are typical of other activities in the area. The air emissions from operations and maintenance are diffuse in nature and are below Air District’s threshold levels. Therefore, these emissions are unlikely to affect sensitive receptors, and their potential impact is less than significant.

**Table 4.4-7: SCREEN 3 Predicted Emission Concentrations**

Construction Year	Pollutant Concentration (pounds per day)	Calculated Cancer Risk (in a million)	Inhalation Chronic Risk Factor	Significant?
2014	29.48	0.16	0.007	No

Notes:

1. SCREEN3 inputs were calculated by converting the diesel engine particulate matter emissions in lbs/day for 2010 construction activities to grams per second per meters squared. The following conversion factors were utilized.

- 1 day = 86,400 seconds
- 1 pound = 453.592 grams
- 1 acre = 4,046.873 square meters

2. Pollutant concentrations based upon SCREEN3 modeling results.

3. The calculated cancer risk was based upon the following equation:

$$Risk = \frac{F_{wind} \times EMFAC \times URF_{70\text{ year exposure}}}{Dilution}$$

Risk = is the excess cancer risk (probability in one-million);  $F_{wind}$  = the frequency of the wind blowing from the exhaust source to the receptor (the default value is 1.0); EMFAC = the exhaust particulate emission factor (the level from the screening model);  $URF_{70\text{ year exposure}}$  = the CARB unit risk probability factor (300 x 10<sup>-6</sup>, or 300 in a million cancer risk per µg/m<sup>3</sup> of diesel combustion generated PM<sub>10</sub> inhaled in a 70-year lifetime based upon the California Air Resources Board (CARB) 1999 Staff Report from the Scientific Review Panel [SRP] on Diesel Toxics); and, Dilution = the atmospheric dilution ratio during source-to-receptor transport (the default value of 1.0 assumes no dilution).

4. The inhalation chronic risk was based upon the following equation:

$$\text{Inhalation cancer risk} = ((C_{air} \times DBR \times A \times EF \times ED \times 1 \times 10^{-6}) / AT) \times \text{Inhalation Cancer Potency Factor}$$

$C_{air}$  = concentration in the air of DPM; DBR = daily breathing rate (303 L/kg-day); A = inhalation absorption factor (1); EF = exposure frequency (250 days/year); AT = average time period of exposure (25,550 days); Inhalation Cancer Potency Factor = 1.1 mg/kg-d)<sup>-1</sup>

Source: Refer to Appendix B, Air Quality Analysis Data.

#### 4.4.4.7 Carbon Monoxide Hotspots

As indicated in Section 4.15, in *Tables 4.15-1*, and *4.15-12*, and *4.15-14*, all Project-vicinity intersections are currently operating at acceptable levels of service and will continue to operate at acceptable levels of service after completion of the Project. Since intersections operating at acceptable levels of service do not produce vehicle and congestion-related emission and production of elevated carbon monoxide levels, the AOC concludes that there is no evidence to indicate that carbon monoxide is a problem in the Project's vicinity, and the absence of intersections with unacceptable levels of service makes an analysis of a carbon monoxide "hotspot" analysis unnecessary. The Project's carbon monoxide impacts will be less than significant.

Mitigation Measures: None required.

#### 4.4.4.8 Objectionable Odors

**Potential Impact:** Will the project create objectionable odors affecting a substantial number of people?

**Less than Significant Impact.**

Typical odor nuisances include hydrogen sulfide, ammonia, chlorine, and other sulfide-related emissions. There will not be any significant sources of these pollutants during construction, operation, or maintenance of this project. Impacts caused by odor will therefore be less than significant.

Mitigation Measures: None required.

#### 4.4.4.9 Greenhouse Gas Emission Reduction Plan

**Potential Impact:** Will the Project conflict with an applicable plan, or policy, or regulation adopted to reduce the emissions of greenhouse gases?

**Less than Significant Impact.**

#### *Consistency with the Air Resources Board's Scoping Plan*

The Air Resources Board's December 2008 *Climate Change Scoping Plan* (the "Scoping Plan") provides goals and standards for every part of California's economy. The Project's compliance with the *Climate Change Proposed Scoping Plan* will indicate if Project emissions could conflict with the State's Assembly Bill 32 goals for reducing greenhouse gas emissions. The Scoping Plan's Appendix C requires that the design, construction, and operations of new State government buildings meet LEED silver certification. The Scoping Plan's requirements also stipulate that facility sites will be consistent with the State's planning priorities and regional planning processes, will promote resource-efficient development,

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and will support public transit. Since the AOC’s design requirements mandate LEED Silver measures, the project is in downtown San Diego near public transit facilities, and the Project develops a previously developed site, the AOC concludes that the Project is consistent with the Scoping Plan’s goals for State Government actions.

The Scoping Plan provides recommended greenhouse gas reduction measures that lead to emission reductions for sources that are within the capped sectors of the California economy and sources or sectors not covered by cap-and-trade program.

*Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan* presents these recommended measures are described in greater detail. The measures most applicable to the Project are actions related to energy efficiency, water conservation, and transportation.

*Table 4.4-8* presents each applicable measure and the Project’s consistency with the measures.

**Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan**

<b>ID #</b>	<b>Sector</b>	<b>Strategy Name</b>	<b>Applicable to Project?</b>	<b>Will Project Conflict With Implementation?</b>
T-1	Transportation	Pavley I and II – Light-Duty Vehicle Greenhouse Gas Standards	No	No
T-2	Transportation	Low Carbon Fuel Standard (Discrete Early Action)	No	No
T-3	Transportation	Regional Transportation-Related Greenhouse Gas Targets	No	No
T-4	Transportation	Vehicle Efficiency Measures	No	No
T-5	Transportation	Ship Electrification at Ports (Discrete Early Action)	No	No
T-6	Transportation	Goods-movement Efficiency Measures	No	No
T-7	Transportation	Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure – Aerodynamic Efficiency (Discrete Early Action)	No	No
T-8	Transportation	Medium and Heavy-Duty Vehicle Hybridization	No	No
T-9	Transportation	High Speed Rail	No	No
E-1	Electricity and Natural Gas	Increased Utility Energy efficiency programs More stringent Building and Appliance Standards	Yes	No
E-2	Electricity and Natural Gas	Increase Combined Heat and Power Use by 30,000 gigawatt hours	No	No

Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan, continued

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
E-3	Electricity and Natural Gas	Renewable Portfolio Standard	No	No
E-4	Electricity and Natural Gas	Million Solar Roofs	No	No
CR-1	Electricity and Natural Gas	Energy Efficiency	Yes	No
CR-2	Electricity and Natural Gas	Solar Water Heating	No	No
GB-1	Green Buildings	Green Buildings	Yes	No
W-1	Water	Water Use Efficiency	Yes	No
W-2	Water	Water Recycling	No	No
W-3	Water	Water System Energy Efficiency	Yes	No
W-4	Water	Reuse Urban Runoff	No	No
W-5	Water	Increase Renewable Energy Production	No	No
W-6	Water	Public Goods Charge (Water)	No	No
I-1	Industry	Energy Efficiency and Co-benefits Audits for Large Industrial Sources	No	No
I-2	Industry	Oil and Gas Extraction Greenhouse Gas Emission Reduction	No	No
I-3	Industry	Greenhouse Gas Leak Reduction from Oil and Gas Transmission	No	No
I-4	Industry	Refinery Flare Recovery Process Improvements	No	No
I-5	Industry	Removal of Methane Exemption from Existing Refinery Regulations	No	No
RW-1	Recycling and Waste Management	Landfill Methane Control (Discrete Early Action)	No	No
RW-2	Recycling and Waste Management	Additional Reductions in Landfill Methane – Capture Improvements	No	No
RW-3	Recycling and Waste Management	High Recycling/Zero Waste	No	No
F-1	Forestry	Sustainable Forest Target	No	No

**Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan, continued**

<b>ID #</b>	<b>Sector</b>	<b>Strategy Name</b>	<b>Applicable to Project?</b>	<b>Will Project Conflict With Implementation?</b>
H-1	High Global Warming Potential Gases	Motor Vehicle Air Conditioning Systems (Discrete Early Action)	No	No
H-2	High Global Warming Potential Gases	SF <sub>6</sub> Limits in Non-Utility and Non-Semiconductor Applications (Discrete Early Action)	No	No
H-3	High Global Warming Potential Gases	Reduction in Perfluorocarbons in Semiconductor Manufacturing (Discrete Early Action)	No	No
H-4	High Global Warming Potential Gases	Limit High GWP Use in Consumer Products (Discrete Early Action, Adopted June 2008)	No	No
H-5	High Global Warming Potential Gases	High GWP Reductions from Mobile Sources	No	No
H-6	High Global Warming Potential Gases	High GWP Reductions from Stationary Sources	No	No
H-7	High Global Warming Potential Gases	Mitigation Fee on High GWP Gases	No	No
A-1	Agriculture	Methane Capture at Large Dairies	No	No

Source: California Air Resources Board, *Assembly Bill 32 Scoping Plan*, 2008.

***Electricity and Natural Gas***

- Action E-1 aims to reduce electricity demand by implementing Utility Energy Efficiency Programs and adopting more stringent building and appliance standards. The Project will include energy efficient heating/cooling systems, appliances, and fixtures in the Project design. Therefore, the Project will help implement and will not conflict with Action E-1.
- Action CR-1 relates to energy efficiency in commercial and residential buildings. The Project will incorporate cool roofs, pavements, and shade trees. Therefore, the Project will be consistent with Action CR-1.



### ***Green Buildings***

- Action GB-1 expands the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The AOC's design effort includes the objective of achieving a LEED Silver certification, which complies with the Scoping Plan and the California Building Standards Commission's green building standards in the 2007 California Green Building Standards Code, CCR, Title 24, Part 11. Therefore, the Project is consistent with this Recommended Action.

### ***Water Use***

- Recommended Action W-1 pertains to implementation of water use efficiency measures. The Project design will incorporate water-efficient landscaping measures in accordance with the Municipal Code and may include drought-resistant landscaping. Therefore, the Project is consistent with this Recommended Action.
- Action W-3 relates to water system energy efficiency. The Project will incorporate water-efficient fixtures and appliances into proposed buildings in accordance with LEED Silver measures. Therefore, the Project is consistent with Action W-3.

The Project is consistent with the California Environmental Protection Agency Climate Action Team proposed early action measures to mitigate climate change. These early action measures such as the proposed Project's emission reductions of heavy-duty vehicles as related to construction vehicles are designed to ensure that projects meet the Governor's climate reduction targets, and are documented in the *Climate Action Team Report to Governor Schwarzenegger at the Legislature*, March 2006.

### ***San Diego Sustainable Community Program***

Since the Project's design will incorporate features that conform to standards of a LEED Silver building, the Project will be consistent with the City's goal of reducing greenhouse gas emissions through fuel efficiency, energy conservation and the use of renewable energy.

Since the Project is consistent with applicable State and City plans, impacts are less than significant.

Mitigation Measures:           None required.

#### **4.4.1.10 Greenhouse Gas Emissions**

**Potential Impact:**     Will the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Less than Significant Impact.**

**Construction Emissions of Greenhouse Gases**

Direct Project-related greenhouse gas emissions include emissions from construction activities, area sources (natural gas), and mobile sources. *Table 4.4-9: Estimated Greenhouse Gas Emissions*, provides estimates of the Project’s future carbon dioxide, nitrous oxide, and methane emissions.

**Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse**

Source	Carbon Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric Tons of Carbon Dioxide Eq/yr) <sup>6</sup>	Methane (Metric tons/year)	Methane (Metric Tons of Carbon Dioxide Equiv./yr) <sup>6</sup>	Total Metric Tons of Carbon Dioxide Equiv./yr <sup>6</sup>
<b>Total Construction Emissions<sup>1</sup></b>						
2014	1,450.92	0.01	0.25	0.05	15.88	1,467.05
2015	494.57	0.01	0.21	0.06	18.23	513.01
2016	494.02	0.01	0.20	0.06	17.90	512.12
2017	298.77	0.01	0.21	0.05	16.44	315.42
<b>Total Construction Emissions (Metric Tons of Carbon Dioxide Equivalent)<sup>7</sup></b>	<b>2,807.60</b>					
<b>Operational Emissions (Per Year)</b>						
<b>Direct Emissions</b>						
Natural Gas (Area Source) <sup>2</sup>						
Gross Consumption (247,000 BGSF)	80.71	0.00	0.46	0.00	0.03	81.20
15% Deduction Realized From Enhanced Energy Efficiency	12.11	0.00	0.07	0.00	0.00	12.18
18% Offset From Demolition of Stahlman Block buildings	14.53	0.00	0.08	0.00	0.01	14.62
Net Natural Gas	54.07	0.00	0.31	0.00	0.02	<b>54.40</b>
Mobile Source <sup>2,3</sup>	239.14	0.01	4.47	0.01	0.29	243.90

Table 4.4-9: Estimated Greenhouse Gas Emissions, continued

Source	Carbon Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric Tons of Carbon Dioxide Eq/yr) <sup>6</sup>	Methane (Metric tons/year)	Methane (Metric Tons of Carbon Dioxide Equiv./yr) <sup>6</sup>	Total Metric Tons of Carbon Dioxide Equiv./yr <sup>6</sup>
<b>Total Direct Emissions (Area Source Plus Mobile Source)<sup>7</sup></b>	<b>293.21</b>	<b>0.01</b>	<b>4.78</b>	<b>0.01</b>	<b>0.31</b>	<b>298.3</b>
<b>Indirect Emissions</b>						
Electricity Consumption <sup>4</sup>						
Gross Consumption (247,000 BGSF)	784.49	0.01	2.08	0.04	0.86	787.43
15% Deduction Realized From Enhanced Energy Efficiency	117.67	0.00	0.31	0.00	0.13	118.11
18% Offset From Demolition of Stahlman Block buildings	141.21	0.00	0.37	0.01	0.15	141.74
NET ELECTRICITY CONSUMPTION	672.60	0.00	1.67	0.04	0.69	<b>629.95</b>
Water Supply <sup>5</sup>	0.01	0.00	0.00	0.00	0.00	0.01
<b>Total Indirect Emissions<sup>7</sup></b>	<b>525.61</b>	<b>0.01</b>	<b>1.40</b>	<b>0.03</b>	<b>0.58</b>	<b>527.58</b>
<b>Total Project-Related Operational Emissions (Direct and Indirect Operational Emissions)</b>	<b>825.89 MTCO<sub>2</sub>eq/year<sup>7</sup></b>					

## Notes:

1. Emissions calculated using Air Resources Board's Construction Equipment Emissions Table and the URBEMIS 2007 computer model.
2. Emissions calculated using URBEMIS 2007 computer model and the SCAQMD's CEQA Handbook.
3. Emissions calculated using URBEMIS 2007 computer model and EMFAC 2007, *Highest (Most Conservative) Emission Factors for On-Road Passenger Vehicles and Delivery Trucks*.
4. Electricity Consumption emissions calculated using the usage rates provided by the AOC and using the SCAQMD's CEQA Handbook (note that SCAQMD has the most comprehensive demand factors available).
5. Water usage calculations based on usage in 2009 provided by AOC. Emissions are based on energy usage factors for water conveyance from the California Energy Commission, *Water Energy Use in California*, Accessed March 2010. <http://www.energy.ca.gov/research/iaw/industry/water.html>. Based on calculations carbon dioxide equivalent associated with water usage is less than 0.01; refer to Appendix B.
6. CO<sub>2</sub> Equivalent values calculated using the U.S. Environmental Protection Agency Website, *Greenhouse Gas Equivalencies Calculator*, <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>, accessed March 2010.
7. Totals may be slightly off due to rounding.
8. Greenhouse gas emissions threshold is based on the Bay Area Air Quality Management District, *California Environmental Quality Act Guidelines Update*, May 2010.

Refer to Appendix B, Air Quality Analysis Data, for detailed model input/output data.

Construction of the Project will result in direct emissions of approximately 1,467 metric tons of carbon dioxide equivalent in 2014, 513 metric tons of carbon dioxide equivalent in 2015, 512 metric tons of carbon dioxide equivalent in 2016, and 315 metric tons of carbon dioxide equivalent in 2017. Total construction emissions for 2014 through 2015 will be approximately 2,808 metric tons of carbon dioxide equivalent. Over the lifetime of the AOC's 50-year projected lifespan for the new courthouse, amortized construction emissions are approximately 56 metric tons of carbon dioxide equivalent per year; for the South Coast Air District's 30-year lifespan, amortized greenhouse gas emissions are approximately 94 metric tons of carbon dioxide equivalent per year.

### *Operational Emissions*

The construction of the New San Diego Central Courthouse will be approximately 750,000 square feet; an increase of approximately 247,000 square feet from the existing 503,000 square-foot building. As stated in Section 4.4.2.1, the greenhouse gas analysis analyzes only the net increase in traffic, water, and electricity of the proposed new courthouse after consideration of demolition of the Stahlman Block buildings, demolition of the County Courthouse, and the proposed new courthouse's mandated elevated energy efficiency.

As indicated in the *Traffic Impact Analysis Report*, the Project will slightly modify existing traffic circulation patterns within the roadway network in the vicinity of the Project and will eliminate some traffic trips due to the demolition of Stahlman Block's buildings, the County Courthouse, and the Old Jail. The Project will result in an overall net increase of 134 daily traffic trips. Mobile source emissions will represent the greatest amounts of greenhouse gases generated from the Project.

As shown in *Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse*, the Project will result in 244 metric tons of carbon dioxide equivalent per year of mobile source greenhouse gas emissions and approximately 54 metric tons of carbon dioxide equivalent per year from natural gas consumption. Mobile emission will be approximately 82 percent of the direct operational emissions.

Indirect emissions include emissions from the Project's consumption of electricity and water. As shown in *Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse*, the Project will indirectly result in approximately 528 metric tons of carbon dioxide equivalent per year due to a net increase in electricity usage. Emissions from indirect energy impacts due to water supply will be negligible with less than 0.01 total metric tons of carbon dioxide equivalents per year.

Total calculated operational emissions are approximately 826 metric tons of carbon dioxide equivalents per year. For the total emissions, direct mobile-related emissions will be approximately 30 percent of the total emissions, natural gas emission will be approximately

7 percent of the total, electricity emissions will be approximately 64 percent of the total emissions, and water-related emissions will be a negligible part of the total emissions.

As stated in Section 4.4.4.9, the AOC concludes that the Project is consistent with the Air Resource Board Scoping Plan's goals for State Government actions, and the AOC concludes that the Project's construction and operational emissions are not substantial. Although the Air District has not set thresholds for greenhouse gas emissions, the Project's emissions are consistent with the South Coast Air District's proposed interim greenhouse gas emission threshold. Therefore, the Project's impacts are less than significant.

### *Effects of Climate Change on the Project*

The following climate change effects might affect the Project; however, the type and degree of the impacts that climate change will have on humans and the environment is difficult to predict at the local scale.

- Sea Level Rise. According to the Intergovernmental Panel on Climate Change, climate change might raise sea levels by up to four feet. The Project area is approximately one-half mile from the Pacific Ocean and approximately 32 feet above mean sea level. Therefore, a rise in sea level of this magnitude will not inundate the Project area. Additionally, the effects related to sea level rise are speculative at this time. If determined to be a significant threat, regional and local governments likely install protective measures such as levees to protect such a densely urbanized area.
- Natural Disasters. Climate change might result in increased flooding and weather-related disasters. The Project is located approximately one-half mile from the Pacific Ocean and may not be exposed to intense coastal storms. The frequency of large floods on rivers and streams also might increase. Although the Project includes habitable structures, it will not impede flood flows or be susceptible to increased flooding; thus, flood-related impacts will be less than significant even under an intensified flooding scenario.
- Wildfires. Climate change could result in increased occurrences and duration of wildfire events. The Project site (and majority of the City) is located in a very highly urbanized area; however, many areas on the outskirts of the City are in a high fire severity zone, as delineated by the California Department of Forestry and Fire Protection, exposing those areas to wildfire hazards. The warming climate could cause those areas of the City to experience more frequent wildfires of great intensity. Therefore, wildfire risks as a result of global climate change will be significant; however, the Project site's location makes the exposure to more frequent wildfires much smaller than the surrounding non-urban areas.

## ENVIRONMENTAL EFFECTS

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- Air Quality. Climate change will compound negative air quality impacts in the San Diego Air Basin, resulting in respiratory health impacts.<sup>23</sup>

Other predicted physical and environmental impacts associated with climate change include heat waves, alteration of disease vectors, biome shifts, impacts on agriculture and the food supply, reduced reliability in the water supply, and strain on the existing capacity of sanitation and water-treatment facilities. While these issues are a concern for society at large, none of these effects will have a substantial effect on the Project.

The AOC concludes that the project's greenhouse gas emissions will be less than significant.

Mitigation Measures: None.

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<sup>23</sup> California Environmental Protection Agency, *AB 1493 Briefing Package*, 2008.

## 4.5 BIOLOGICAL RESOURCES

This section has been prepared to address potential impacts on biological resources associated with the proposed Project.

### 4.5.1 Environmental Setting

The Project site is located in an urban area of downtown San Diego. The Project site is currently developed with several existing commercial uses and a surface parking lot. The surrounding area is developed with high density civic uses and commercial businesses. No native or sensitive biological resources are present on the Project site or within the immediate surrounding area.

### 4.5.2 Analytical Framework

As the Project is located in an urban setting in downtown San Diego, there are no biological resources on the Project site or in the surrounding area. The Project was found to have no impact on biological resources.

### 4.5.3 Standards of Significance

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

- The Project will have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- The Project will have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- The Project will have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means; or,
- The Project will result in potentially significant adverse effects to wildlife dispersal corridors.

## 4.5.4 Potential Impacts and Mitigation Measures

### 4.5.4.1 Special Status Species

**Potential Impact:** (BIO-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 the U.S. Fish and Wildlife Service?

**No Impact.**

The Project site is devoid of vegetation, and the Project site presently supports a surface parking lot, commercial buildings, and associated urban facilities and infrastructure. Downtown San Diego is almost entirely devoid of native vegetation and its associated wildlife. Ornamental trees, parkways, occasional lawns and gardens largely comprise the perennial vegetation within the downtown area. As such, no impacts on biological resources will occur with the Project, and no mitigation is required.

### 4.5.4.2 Sensitive Habitat

**Potential Impact:** (BIO-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, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

**No Impact.**

The Project site does not support nor is it adjacent to any riparian habitat or other sensitive natural community. The property does not support any native vegetation or have any features that would make it suitable for sensitive habitat to grow on the site. The Project does not conflict with any regional plans, policies, or regulations that have been established for the protection of sensitive habitats. As such, no impacts on biological resources will occur with the Project, and no mitigation is required.

### 4.5.4.3 Wetlands

**Potential Impact:** (BIO-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 removal, filling, hydrological interruption, or other means?

**No Impact.**

No wetlands as defined by Section 404 of the Clean Water Act or any other state or local definition are present on the Project site. In addition, no hydrological features or riparian



habitat occur on the property or in the vicinity. As such, no impacts on wetlands will occur with the Project, and no mitigation is required.

#### 4.5.4.4 Wildlife Dispersal Corridors

**Potential Impact:** (BIO-4) Will the proposal result in potentially significant adverse effects to wildlife dispersal corridors?

**Not Applicable.**

The Project site is completely developed in a high density urban setting and does not support any biological habitat. The Project will therefore not disrupt any wildlife migratory patterns or dispersal corridors. As such, no impacts on wildlife dispersal will occur with the Project, and no mitigation is required.

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## 4.6 CULTURAL AND HISTORIC RESOURCES

This section evaluates the potential impacts of the Project on cultural, archaeological, and historic resources. Analysts based the cultural and historical resources analysis on the *Historic Structure Assessment and Archaeological Review for the New San Diego Central Courthouse Project* (the “Smith Assessment”), prepared by Brian F. Smith and Associates, dated May 17, 2010, revised December 1, 2010. Appendix C of this EIR contains the report.

Historic development of downtown San Diego has impacted the physical evidence of earlier human use; however, intact archaeological resources exist under present structures and peripheral to the disturbed zone. There are records for both prehistoric and historic archaeological sites attributable to human land use for downtown San Diego. In the downtown area today, discoveries of archaeological features and deposits that date to the last half of the nineteenth century and the first half of the twentieth century are commonly underneath older buildings during construction excavations associated with redevelopment activities. These archaeological discoveries include residential and commercial features and refuse that allow researchers to identify historic lifeways in the early years of downtown San Diego development.

### 4.6.1 Environmental Setting

#### 4.6.1.1 Prehistoric Setting

The prehistory of the San Diego region is supported by archaeological remains indicating up to 10,500 years of occupation by Native Americans. The earliest archaeological remains suggest a nomadic hunting culture and gathering culture largely dependent upon shellfish and plant foods from littoral (near shore) resources of the area. Ancestors to the current Kumeyaay people are the primary representatives of the Late Prehistoric Period (AD 0 to 1769) in the City. Prehistorically, the Kumeyaay were a hunting and gathering culture, adapted to a range of ecological zones from the Pacific Ocean Coast to the Peninsular Range.

#### 4.6.1.2 Ethnographic Setting

The ethnohistoric period began in the San Diego region in approximately 1769 with the Spanish colonization of Alta California, which established the mission system and changed the lives of the Kumeyaay people. Ethnohistoric accounts of the coastal Kumeyaay are limited and instead largely represent the people living further inland in the mountain and desert regions.

#### 4.6.1.3 Historic Setting

Historic development of downtown San Diego began in the 1850s. The Boom Period of the mid-1880s saw San Diego's population expand at a tremendous rate. The late 1870s to mid-1880s saw the gradual abandonment of private wells and cisterns; by 1905, no windmills could be seen in downtown photographs. Once the wells and cisterns were abandoned, they often became ready-made refuse pits. This factor is partly responsible for the historic archaeological deposits being discovered as New Town is redeveloped.

The first decade of the twentieth century started off with steady development in San Diego; however, by the end of the decade, announcements such as a direct rail connection to the east and plans to hold a World Exposition to celebrate the completion of the Panama Canal had increased the pace of development in the City. The population doubled from 17,700 to 39,578 over the course of the decade.<sup>1</sup> The Spreckles Wharf at Pacific and Market Streets became the focus of commercial attention and soon "D" Street (Broadway) replaced Fifth Avenue as the main thoroughfare into downtown.

From 1870 to the 1910s, the area peripheral to the wharfs and warehouses at the bayside was developed as largely residential. The main streets of Fifth Avenue and Broadway were the focus of commercial and retail establishments with workers living in the immediately surrounding area. During the 1920s and 1930s, the City began to expand north and east. As the population grew, so did the commercial portion of downtown. Warehouses and other commercial buildings were constructed on land that was formerly given to residences. Workers began to move to the suburbs and commute to their downtown jobs.

The 1930s brought the Depression and a shift in industries to southern California. Development in San Diego was reduced during the thirties, although the City was not hit as hard as other U. S. cities. At the close of the decade, several of the old harbor and manufacturing industries gave way to a burgeoning aircraft industry, and San Diego's numerous naval installations began to prepare for the possibility of war. The U. S. Navy took control of the waterfront and all shipping. As the economy and job market improved, the City's increased population spread into the residential areas and suburbs away from downtown proper. The focus of downtown San Diego development shifted from mixed residential and commercial use to primarily a commercial and industrial zone of warehouses and factories by World War II.<sup>2</sup> Residential use of downtown has reestablished itself with the establishment of the CCDC in 1975.

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<sup>1</sup> U.S. Bureau of the Census

<sup>2</sup> Schaefer 1999

#### 4.6.1.4 Project Site-Specific History

Sanborn maps from 1887 and 1888 indicate the presence of several dwellings and windmills and water tanks on the central and southern portions of the property. The older Sanborn Fire Insurance Maps of 1886 to 1949 show a pattern of early residential use that was gradually replaced by light business and commercial use sometime between 1921 and 1949, according to the two available issues of the fire insurance maps. Review of historical information indicates that, over time, the Project site supported numerous auto repair and service facilities, extending as far back as 1927. In addition, suspected commercial paint operations were identified in the northwestern portion of the site, and a plating and manufacturing business was identified onsite in 1927.<sup>3</sup> According to the Sanborn Fire Insurance Map of 1949, small businesses had replaced the earlier residential land use on the blocks that comprise the Project area.

The San Diego County Courthouse and Old Jail were designed by the firm of Sam W. Hamill, Frank L. Hope, Sr., George Lykos, Richard G. Wheeler, and E.L. Freeland Associated Architects and Engineers. According to the San Diego County General Services, Real Estate Division, the County Courthouse and Old Jail were completed on June 30, 1961 (Snyder, 2010).<sup>4</sup> The County transferred ownership of the County Courthouse and Old Jail to the State of California in 2009. No known significant historical events occurred in the complex, and there is no evidence of known significant events associated with the buildings to support a conclusion that the facilities are significant resources. The City recently prepared a study of local modernism movement's history.<sup>5</sup> Although the study includes discussion of modernism styles, modernism architects, and 1960-1970 urban renewal-related buildings in downtown San Diego, the study does not include any mention of the County Courthouse.

The City has given "Master Architect" status to Sam W. Hamill and Frank L. Hope, Sr.<sup>6</sup> The City considers Hamill's notable works to include the County Administration Building with Richard Requa, William Templeton Johnson, and Louis Gill; the Veterans' War Memorial Building with John Siebert; Casa de Tempo – Samuel Wood Hamill House; Mickey Wright/Samuel Hamill House; Del Mar Fairgrounds and Racetrack; House of Hospitality (Redesign) in Balboa Park; the San Diego Civic Center and Community Concourse; and the Union Title Insurance Company Headquarters.

<sup>3</sup> Report of Phase I and Limited Phase II Environmental Site Assessments. Prepared by LAW/Crandall. July 24, 2000.

<sup>4</sup> Historic Structure Assessment and Archaeological Review. Prepared by Brian F. Smith & Associates. May 17, 2010, revised December 1, 2010.

<sup>5</sup> City of San Diego. 2007. San Diego Modernism: Historic Context Statement. Submitted to State of California office of Historic Preservation. 146 p. Available at: <http://www.parks.ca.gov/pages/1054/files/san%20diego%20modernism%20context.pdf>

<sup>6</sup> Historical Resources Board. 2009. Biographies of Established Masters. 55 p.

#### 4.6.1.5 Historic District and Historic Properties

The City's General Plan Historic Preservation Element provides a summary of the regional history of the downtown area from the Pre-Historic Period to the American Development Period (present-day). Table HP-1 of the Historic Preservation Element identifies designated historical resources within the City for each of these periods. Chapters 11, 12, and 14 of the City's Municipal Code establish the City's Historic Resources Board, which has the authority to nominate resources within the City to State and National registers.

The Smith Assessment reports on analysts' archaeological records search update at the South Coastal Information Center. There are records of 13 cultural resource sites within one-quarter mile of the Project area. Eleven of these resources are historic and two are multi-component. In addition, there are records of 66 historic addresses within a one-quarter mile radius of the Project area. The existing County Courthouse and Old Jail buildings are not listed as important historical resources.

#### 4.6.1.6 Archaeological Resources

As noted above, the archaeological records searchers found sixty-three previous studies for sites within one-quarter mile radius of the Project site, some of which overlap the properties affected by the Project. Thirteen cultural resources sites are within one-quarter mile of the Project area. Eleven of these resources are historic and two are multi-component.

The adjacent County Courthouse and Old Jail may have similar unknown archaeological resources on their parcels; however, since these structures have basements, the excavation required to construct the basements reduces the potential for undiscovered resources and adds previous disturbance to the sites.

### 4.6.2 Analytical Framework

#### 4.6.2.1 Analytical Methodology

Brian F. Smith and Associates prepared a cultural resources investigation for the proposed New San Diego Central Courthouse site and an historical evaluation of the existing County Courthouse and Old Jail. The Project site is currently developed with several buildings and a surface parking lot. As the parking lot has a paved surface and three structures are present onsite, analysts did not perform an archaeological field investigation since any archaeological resources would not be readily visible. Analysts identified potential cultural resources either onsite or within a one-mile radius of the Project area that might be affected by the Project through archival research and a review of cultural resources surveys previously conducted for the Project area. This research was intended to identify cultural resources within the study area that have been previously discovered and recorded as the

result of development that disturbed the earth's surface and allowed for the uncovering of buried resources.

The historical evaluation was performed by a 36 CFR 61 Principal Investigator-qualified historian for Archaeology, History, and Architectural History to determine if the County Courthouse or Old Jail buildings contained any historically significant features. The analysis consisted of reviewing County Real Estate Records, architectural plans, and a review of local history in the downtown area.

Analysts reviewed the following resources to evaluate potential cultural and historical resources in the Project area:

- The General Plan;
- City of San Diego General Plan Final Program Environmental Impact Report (~~September 2007~~ March 2008); and,
- The Smith Assessment;
- San Diego Modernism: Historic Context Statement; and,
- Biographies of Established Masters.

#### 4.6.2.2 Regulatory Background

##### *Federal*

##### National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966, as amended (14 U.S.C. §470), established a national policy of historic preservation and encourages such preservation. The National Historic Preservation Act established the Advisory Council on Historic Preservation and provided procedures for the agency to follow if a proposed action affects a property that is included, or that may be eligible for inclusion, on the National Register of Historic Places. The National Register of Historic Places was developed as a direct result of the National Historic Preservation Act.

##### National Register of Historic Places

The National Register of Historic Places is the official list of properties recognized for significance and worthiness of preservation. The National Register Criteria for Evaluation provides guidelines to be used by the Federal, State, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. As established in the National Historic Preservation Act of 1966, to be listed in the National Register of Historic Places or determined eligible for listing, properties must meet certain criteria for historic or

cultural significance. Qualities of significance may be found in aspects of American history, architecture (interpreted in the broadest sense to include landscape architecture and planning), archaeology, engineering, or culture. A property is eligible for the National Register of Historic Places if it is significant under one or more of the following criteria:

- Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion B: It is associated with the lives of persons who are significant in our past.
- Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or it represents the work of a master or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D: It has yielded, or may be likely to yield, information important in prehistory and history.

To be eligible for listing on the National Register of Historic Places, qualities of integrity must also be evident in the resource, measured by the degree to which it retains its historic location, design, setting, materials, workmanship, feeling, and association. In general, the resource must be a minimum of 50 years of age to be considered for the National Register of Historic Places, but there are exceptions and overriding considerations to this requirement.

A property or structure that is listed on the National Register of Historic Places does not in and of itself provide protection for a historic resource. The primary result of National Register of Historic Places listing for the owners of these properties is the availability of financial and tax incentives for the rehabilitation or preservation of such resources.

### *State*

#### California Environmental Quality Act (CEQA)

CEQA requires that the lead agency must examine whether a project will have a significant adverse effect on unique historical and archaeological resources.<sup>7</sup> CEQA Guidelines Section 15064.5(b) states that a substantial adverse change means physical demolition, destruction, relocation, or alteration in the resource, such that the resource is “materially impaired.” A historical resource is considered to be materially impaired when a project demolishes or materially alters the physical characteristics that justify the determination of its significance.

In addition, under CEQA Guidelines Section 15064.5(b)(3), a project that seeks to improve a historic resource in accordance with either of the following publications will be considered as mitigated to a level of less-than-significant:

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<sup>7</sup> CEQA Guidelines Section 15064.5.



- Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings
- Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

As stated in CEQA Guidelines Section 15064.05(a), public agencies are required to assess the effects of a project on historical resources, and it considers “historical resources” to include:

*(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.01).*

*(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.01(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*

*(3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, the lead agency will consider a resource to be “historically significant” if the resource meets the criteria for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.01).*

In addition to retaining physical integrity, historic resources are typically 45 years of age or greater. Historic resources are required to meet at least one of the criteria for listing in the California Register, as described above (CEQA Guidelines Section 15064.05 (a)(3)).

Archaeological resources that are not considered to be “historical resources” may instead be considered as “unique archaeological resources” as defined in Public Resources Code Section 21083.2. Resources that are considered “non-unique archaeological resources” are not subject to protection with regard to CEQA. If a resource is not a unique archaeological resource or a historical resource, potential project effects on such a resource are not significant for the CEQA.

### California Health and Safety Code

If human remains are encountered during site disturbance activities, California Health and Safety Code Section 7050.5 requires that all ground-disturbing activities at the site and

within proximity where human remains are reasonably suspected to exist shall cease until the county coroner is contacted. If the coroner concludes that the human remains are of Native American origin, the coroner shall contact the Native American Heritage Commission within 24 hours. All activities shall proceed consistent with applicable State laws relative to the disposition of Native American burials, as regulated by the Native American Heritage Commission (Public Resource Code Sec. 5097).

### **California Register of Historical Resources**

The California Office of Historic Preservation established the California Register as an authoritative guide to historical resources in the State of California. Criteria used for inclusion of properties on this listing are as follows:

*“While the significance criteria for the California Register are similar to those used by the National Register of Historic Places this new California Register will document the unique history of the Golden State.”*

To qualify for listing in the California Register, the resource must retain integrity and meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or,
- Has yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in the National Register of Historic Places program as a property’s ability to convey its significance. Evaluation of integrity may be a somewhat subjective judgment; however, it must be founded on “an understanding of a property’s physical features and how they relate to its significance.”

Per the California Public Resources Code (Section 5024.1, 14 California Code of Regulations Section 4850), properties of local significance that are designated under a local preservation ordinance, or that have been identified in a local historical resources inventory, may be eligible for listing in the California Register. Resources that are eligible for listing in the National Register of Historical Resources are automatically listed by the State in the California Register of Historical Resources.

Criteria for listing historical resources on the California Register are consistent with those identified by the U.S. National Park Service for listing properties on the National Register;

however, such criteria for State listing have been adapted to adequately recognize historical resources and events that represent the extensive history of the State of California. Historical resources eligible for nomination to the California Register of Historical Resources include the following:

*“[a] historical resource... designated or listed as a city or county landmark... pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been approved by the Office (Historic Preservation) as meeting standards set by the Commission.”*

*“[a] historic resource or a group of local landmarks or historic properties designated under a municipal or county ordinance.”*

No historic resources currently listed in the California Register or determined eligible for listing in the California Register of Historical Resources by the State Historical Resources Commission are located on the Project site.

## **Local**

### **City of San Diego General Plan (March 2008)**

The General Plan’s Historic Preservation Element is intended to “guide the preservation, protection, restoration, and rehabilitation of historical and cultural resources and maintain a sense of the City...to improve the quality of the built environment, encourage appreciation for the City’s history and culture, maintain the character and identity of communities, and contribute to the City’s economic vitality through historic preservation.”<sup>8</sup>

Goals and policies identified within the Historic Preservation Element include:

#### **A. Identification and Preservation of Historical Resources**

##### **Goals**

- Identification of the historical resources of the City
- Preservation of the City’s important historical resources

##### **Policies**

HP-A.4. Actively pursue a program to identify, document, and evaluate the historical and cultural resources in the City of San Diego.

- b. Include Native American monitors during all phases of the investigation of archaeological resources including survey, testing, evaluation, data recovery, and construction monitoring.

<sup>8</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

- c. Treat with respect and dignity any human remains discovered during implementation of public and private projects within the City and fully comply with the California Native American Graves Protection and Repatriation Act and other appropriate laws.

HP-A.5. Designate and preserve significant historical and cultural resources for current and future generations.

### City of San Diego Municipal Code

The Municipal Code (Chapters 11, 12 and 14) establishes the authority of the City's Historical Resources Board. In addition, the Municipal Code defines the procedural process for nominating and designating historical resources, and identifies development regulations for such resources. These regulations are intended to provide protection, preservation, and, where damaged, restoration of the City's historical resources. The Municipal Code requires preservation of designated historical resources, important archaeological sites, and traditional cultural properties unless findings can otherwise be made as part of the discretionary permit process. Limited development may be allowed to encroach into important archaeological sites if appropriate mitigation measures are identified and adopted as conditions of approval.

In addition, the City's Land Development Manual identifies Historical Resources Guidelines, intended to provide specific guidance for ongoing management of the City's historical resources. The *Guidelines for the Application of Historical Resources Board Designation Criteria* (adopted August 27, 2009 by the Historical Resources Board) are included as Appendix E, Part 2 of the Historical Resources Guidelines of the Land Development Manual and shall be used when evaluating a resource's eligibility for listing on the local register. The guidelines are intended to allow for implementation of regulations pertaining to historical resources and to guide the development review process. The guidelines identify the need for a resources survey; provide report requirements; and, identify how impacts are to be assessed, available mitigation strategies, and proper treatment of historical resources.

### Certified Local Government

In 1986, the City became a Certified Local Government per measures given in the National Historic Preservation Act. The City must comply with the following basic requirements:

- Enforce appropriate State and local laws and regulations for the designation and protection of historic properties, including adoption of a historic preservation plan or inclusion of a historic preservation element in the General Plan;
- Establish a historic preservation review commission by local ordinance;
- Maintain a system for the survey and inventory of historic properties;

- Provide for public participation in the local preservation program; and,
- Satisfactorily perform responsibilities delegated to it by the State.

As a certified local government, the City gains the “prestige and credibility of associating the local preservation program with time-tested State and national preservation programs. Other benefits include technical assistance offered by knowledgeable staff at Office of Historic Preservation and statewide Certified Local Governments; ability to compete for annual Historic Preservation Fund grants; direct participation in the nomination of historic properties to the National Register; and, ability to perform other preservation functions delegated by the Office of Historic Preservation under the National Historic Preservation Act. These may include the responsibility to review and comment on development projects for compliance with federal and State environmental regulations, including such activities as review under Section 106 of the National Historic Preservation Act, review of National Register nominations, and review of rehabilitation plans for projects seeking Federal Rehabilitation Tax Credit.”<sup>9</sup>

### San Diego Register of Historical Resources

Any improvement, building, structure, sign, interior element and fixture, feature, site, place, district, area, or object may be designated a historical resource by the City's Historical Resources Board if one or more of the following designation criteria are met:

- Exemplifies or reflects special elements of the City's, a community's, or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.
- Is identified with persons or events significant in local, state or national history.
- Embodies distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.
- Is representative of the notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist, or craftsman.
- Is listed or has been determined eligible by the National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the State Historical Preservation Office for listing on the State Register of Historical Resources.
- Is a finite group of resources related to one another in a clearly distinguishable way; or is a geographically definable area or neighborhood containing improvements

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<sup>9</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

which have a special character, historical interest or aesthetic value; or which represent one or more architectural periods or styles in the history and development of the City.

In 1967, the City of San Diego designated Balboa Park's El Prado as the first designated historic resource. More than 750 buildings, structures, objects, districts, cultural landscapes, and archaeological sites had been listed by the City's Historical Resources Board by the year 2006.<sup>10</sup>

### 4.6.3 Standards of Significance

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

- Cause a substantial adverse change in the significance of a historic resource;
- Cause a substantial adverse change in the significance of an archaeological resource; or,
- Disturb any known location of human remains.

### 4.6.4 Potential Impacts and Mitigation Measures

#### 4.6.4.1 Historic Resources

**Potential Impact:** (CR-1) Will the Project cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.05?

**Potentially Significant Impact.**

The Project site currently has a surface parking lot and several structures housing various commercial uses. These structures do not represent a notable architectural style, nor have they been the site of notable historic activities or events. The onsite structures also do not represent structures of potential historical significance. Demolition of these structures will not cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.05. Impacts will be less than significant, and no mitigation is required.

The architectural designs of the County Courthouse and Old Jail are simple and utilitarian, as are the various additions to the complex. The County let design and construction contracts to the lowest responsible bidder, thereby limiting expensive and creative design features that would have possibly made the buildings more aesthetically interesting or

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<sup>10</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

attractive. The buildings are rather plain, functional structures, and their additions resemble boxes of various sizes whose footprint fit in the space allowed and accommodated maximum use of interior space. The overall appearance reflects the age of the buildings with some wear and tear in the form of worn entries, oxidized window frames, and fading exterior building color, for example. The activities and persons associated with the existing County Courthouse and Old Jail have not had the high historic profile of those that reach the State Supreme Court or the United States Supreme Court. No known significant historical events occurred in the complex, and there is no evidence of known significant events associated with the buildings or evidence that the buildings represents a notable or representative work to support a conclusion that the facilities are significant resources.

The existing County Courthouse is located one block to the west of the Sofia Hotel (formerly known as the Pickwick Hotel). The Sofia Hotel is located 150 West Broadway between Front and 1<sup>st</sup> Avenue. In 2007, the Sofia Hotel was inducted into the National Trust Historic Hotels of America for the preservation of the hotel's heritage.<sup>11</sup> The hotel building, first built in 1927 is notable for its continued presence through the evolution of downtown San Diego as well as the notable San Diegans who have been involved with the hotel.

The demolition of the existing County Courthouse and Old Jail will not detract from the historical nature of the Sofia Hotel. The hotel's history is independent of the County Courthouse and Old Jail and is not connected architecturally or thematically to the buildings or landscape of the Courthouse property. Therefore, demolition of the existing County Courthouse and Old Jail will have no impact on the historical significance of the Sofia Hotel.

Due to the lack of historical activities or events and the utilitarian architectural style, the structures do not represent significant historic resources. Demolition of the existing County Courthouse or Old Jail will not cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.05. Impacts will be less than significant, and no mitigation is required.

Mitigation Measures: None required.

#### 4.6.4.2 Archaeological Resources

**Potential Impact:** (CR-2) Will the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.05?

**Less than Significant Impact with Mitigation Incorporated.**

Analysts found records of thirteen cultural resources on sites within one-quarter mile of the Project area as the result of prior resource investigations within the downtown San Diego area. Eleven of these resources are historic and two are multi-component.

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<sup>11</sup> From <http://www.thesofiahotel.com/history.html> accessed on July 21, 2010.

Based on the 1949 Sanborn Fire Insurance Map and subsequent aerial photographs, there has been no substantial disturbance of the site's topography; therefore, there remains some potential for undisturbed subsurface archaeological features/deposits such as wells and cisterns whose lower portions likely contain refuse dating to the early residential and small business era period between 1870 and 1930. The Smith Assessment indicates that the site proposed for the New San Diego Central Courthouse has the potential to support subsurface archaeological features/deposits, such as wells and cisterns whose lower portions likely contain refuse dating to the early residential and small business era period between 1870 and 1930. The potential archaeological deposits also include old privy pits and trash pits nearer to the original land surface than the deeper wells and cistern deposits. Other archaeological deposits associated with early development in the downtown include casual disposal of refuse between old buildings, disposal on vacant lots, and disposal on the ground around older structures. These archaeological resources have the potential to address important research questions with a demonstrated interest among members of the academic community and the public at large. For this reason, the potential for archaeological deposits qualifies the Project site as significant under California Environmental Quality Act Criterion 15064.5 (a), (3), (D) *"Has yielded, or may be likely to yield, information important in history or prehistory."*

The AOC concludes that significant cultural resources may be present on the Project site, and the Project's grading, excavation, construction, and demolition activities will cause potential significant impacts to unknown archaeological resources. Therefore, the AOC will adopt the following mitigation measures to reduce potential Project impacts to a level that is less than significant.

Mitigation Measures: (CR-1) The AOC will require its developer to retain a qualified archaeologist who shall inform all excavation operations personnel of the Project's cultural resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize archaeological artifacts, features, or deposits. Personnel working on the Project will not collect archaeological resources. The qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations. If construction operations discover resources in the uppermost 15 feet of soil and the resources extend below 15 feet, the archaeologist may evaluate the resources that are located below the uppermost 15 feet of soil. If construction personnel encounter soil conditions or other indicators which suggest that resources may be located below 15 feet, the AOC's qualified archaeologist will evaluate the unusual soil conditions and any resources.

Prior to construction, the qualified archaeologist shall submit a cultural resources management plan to the AOC that outlines the procedures that the AOC and



construction personnel will follow if personnel discover cultural resources during excavation operations and the documentation that the qualified archaeologist shall prepare for the monitoring effort. If the archaeologist requires assistance from a Native American monitor to evaluate potential Native American-related cultural resources, the AOC will support such assistance.

If construction operation personnel discover buried cultural resources such as chipped or ground stone or building foundations during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting archaeologist can assess the significance of the find. The archaeologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation. Within three months of the completion of cultural resources monitoring activities, the qualified archaeologist shall summarize the resources in a report prepared to current professional standards.

#### 4.6.4.3 Disturbance of Any Human Remains, Including Those Interred Outside of Formal Cemeteries

**Potential Impact:** (CR-3) Will the Project disturb any human remains, including those interred outside of formal cemeteries?

**Less than Significant Impact.**

The Project will require excavation and grading for construction of the New San Diego Central Courthouse. Future demolition of the existing County Courthouse and Old Jail will also require ground disturbance activities for removal of the structures.

Analysts found no recorded prehistoric archaeological sites on the Project site, and no known evidence exists to indicate that burials occurred within the Project area. The AOC has no information that indicates that the discovery of human remains during ground-disturbing activities is likely to occur. Therefore, the AOC concludes that the proposed Project will not cause significant impacts related to the disturbance of human remains. In the event that human remains are unexpectedly encountered during excavation or grading, the AOC will comply with State laws relating to the disposition of Native American burials, as regulated by the Native American Heritage Commission (Public Resource Code Sec. 5097). Impacts will be less than significant, and no mitigation is required.

Mitigation Measures: None required.

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## 4.7 GEOLOGY, SOILS, AND SEISMICITY

This section evaluates the potential impacts of the Project for geology, soils, and seismicity.

### 4.7.1 Environmental Setting

#### 4.7.1.1 Regional Geology

The majority of San Diego County lies within the Peninsular Ranges province bounded by the coastal province to the west and the Salton Trough province to the east. The western edge of the Peninsular Ranges province corresponds with the eastern hills and mountains along the edges of the communities of Lakeside, Poway, and El Cajon. The province ends to the east of Julian and Jacumba along a series of faults. The Peninsular Ranges province continues to the north into the Los Angeles basin area, and comprises the peninsula of Baja California to the south.

The uplifting of the Peninsular Ranges province created a series of large faults. These faults include the Elsinore Fault and San Jacinto Fault, which developed along the edge of the province. In the eastern portion of the Peninsular Ranges province, the province “dropped” down and created the Salton Trough-Gulf of California depression. Since the Salton Trough province is lower than the surrounding landscape, drainages of the Peninsular Ranges carried sediment deposits to the area. Marine waters from the Gulf of California occasionally inundated the Salton Trough, carrying marine deposits to the sediment.

The City lies within the coastal plain province that extends from the western edge of the Peninsular Ranges and generally parallels the coastline. The province is composed of dissected, mesa-like terraces that become rolling hills further inland. The terrain overlies sedimentary rocks composed mainly of sandstone, shale, and conglomerate beds caused by erosion of the Peninsular Ranges to the east.

#### 4.7.1.2 Local Geology

Downtown San Diego overlies predominantly the late Pleistocene Bay Point Formation. This Formation is largely composed of marine and non-marine, poorly consolidated fine to medium-grained, pale brown, fossiliferous sandstone. The Bay Point Formation overlies the Pliocene San Diego Formation at varying depths in downtown San Diego. The San Diego Formation is not exposed within the area of the Project site; however, it is evident in exposed areas along Interstate 5. Along the shoreline in the downtown area, Holocene beach and estuarine deposits overlie the Pleistocene sediments of the Bay Point Formation and are

typically fine-grained and consist of interlayered fine sand, silt, and clay. Law/Crandall<sup>1</sup> reported that the Holocene age sediments are obscured by artificial fill placed along the shoreline and inland areas to allow for site development.

Law/Crandall evaluated the existing County Courthouse and Old Jail site in 2000 to identify existing conditions and potential geologic hazards. Geology at this site is similar to the proposed new courthouse site. The Bay Point Formation consisted of clayey and silty sandstone. The San Diego Formation consisted of poorly cemented sandstone with local gravel beds. Older alluvium, consisting of fine sand and silt and younger alluvial soils, consisting of loose, well-sorted sand and clayey sand beds, were also present over the Bay Point Formation.

The proposed courthouse site and the vicinity have relatively flat topography. The Law/Crandall evaluation found artificial fill in several borings with of mixtures of sand, silt, and clay that included debris such as nails and brick fragments. Analysts' review of the U.S. Department of Agriculture's Soil Survey, San Diego Area did not identify onsite soils that have a high shrink-swell behavior. All soils mapped onsite have a low to moderate shrink-swell behavior. Therefore, onsite soil conditions are considered to be stable and do not pose adverse potential for development.

Potential ground failure problems include liquefaction, which is a phenomenon that occurs when strong ground motion induced by earthquakes causes loose, saturated coarse-grained soils (with less than 50% passing the No. 200 sieve) to lose their strength and acquire some mobility. The secondary effects of liquefaction include sand boils, soil settlement, reduced soil shear strength, and lateral spreading due to liquefaction (flow slides) in areas with sloping ground. As stated previously, the Bay Point Formation, a sedimentary deposit of Pleistocene-age, underlies the site. Since the Bay Point Formation is geologically older consolidated sediment, the potential for liquefaction and its secondary effects at the site is probably very low

#### **4.7.1.3 Paleontological Resources**

As discussed in the General Plan Final EIR, "Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent a limited, non-renewable, sensitive scientific and educational resource. The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within

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<sup>1</sup> Report of Fault Surface Rupture Investigation. San Diego County Property Between Broadway and "A" Street and Union Street and Front Street. Law/Crandall. September 22, 2000.

which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will or will not be encountered.”<sup>2</sup> Paleontological resources include fossil remains, fossil sites, fossil-producing geologic formations, and geologic formations that have the potential for containing fossil remains or other paleontological resources. Important fossil remains are considered to be: 1) well preserved; 2) identifiable; 3) type/topotypic specimens; 4) age diagnostic; 5) useful in environmental reconstruction; and/or, 6) represent new, rare, and/or endemic taxa.

San Diego County has various distinct geologic rock formations that provide a physical record of the past 450 million years of history in the area; however, only the past 75 million years are well-documented. The General Plan Final EIR concludes that there is a high potential for paleontological resources to occur in the downtown area due to the underlying Bay Point and San Diego Formations.

Brian F. Smith & Associates prepared a site-specific *Paleontological Resource and Monitoring Assessment*, dated May 6, 2010, to evaluate potential impacts to paleontological resources and identify appropriate paleontological monitoring requirements. This document is included as *Appendix D* to this EIR. The assessment confirms that the majority of the downtown area overlies the upper Quaternary (upper Pleistocene) Bay Point Formation. The assessment gives the Bay Point Formation a high Paleontological Resource Sensitivity/Resource Potential ranking. The assessment’s paleontological literature and collections and records review did not reveal any recorded fossil localities on the Project site; however, many such resources were not recorded prior to the redevelopment activities in downtown that largely began in the 1980’s and continued in the 1990’s and 2000’s. Records since the 1980’s document more than 75 fossil localities or fossil collections in the downtown area, which indicates the high potential for resources. In the vicinity of the Project site, the Bay Point Formation and sedimentary units have yielded rich marine invertebrate faunas in addition to rare marine and terrestrial vertebrates.

#### 4.7.1.4 Seismic Activity

Southern California represents one of the most seismically active regions in the United States. The region has a long history of the occurrence of destructive earthquakes and many active faults exist today. The City is approximately 100 miles to the west of the San Andreas Fault, which is the major active earthquake hazard in California. The City is also near a number of large active faults that are capable of producing intense ground shaking events. Local faults include the Elsinore, San Jacinto, Coronado Bank, San Diego Trough, San Clemente, and La Nación Faults. Downtown San Diego overlies the active Rose Canyon

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<sup>2</sup> City of San Diego General Plan Final EIR. Certified September 2007.

Fault, while the majority of communities within the City of San Diego overlie numerous smaller faults, which all represent a potential seismic risk to the City; refer to *Figure 4.7-1: Fault Map* The Coronado Bank, Rose Canyon, and La Nación Faults are sufficiently long to produce earthquakes of significant magnitude, which are estimated at 6.5, 6.75, and 7.0 magnitude on the Richter Scale, respectively.<sup>3</sup> The Rose Canyon Fault is the nearest active fault to the site, located approximately 0.5 mile away.

The Rose Canyon Fault Zone and other related faults traverse the downtown San Diego area in a generally north to north-northwest direction and continues across San Diego Bay to the Silver Strand. Portions of this fault zone are exposed, particularly in areas of Mount Soledad, Old Town, and downtown south of Broadway between 14th and 15th Streets. The fault is active.

Although the entire San Diego Region is located within a seismically-active zone, the Project site is not located within a mapped hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Fault-Rupture Hazards Zones of California (1994). No active or potentially active faults are known to occur beneath the proposed site for the new courthouse.

An identified fault traverses the existing County Courthouse and Old Jail; refer to *Figure 4.7-1: Fault Map*. Law/Crandall's investigation suggested that the San Diego Fault runs through the northern and central portions of the existing County Courthouse/Old Jail site. Several offsite exposed fault locations indicate that the Fault is active or potentially active. The investigation determined that the San Diego Fault is active in the area of Market Street and First Avenue, approximately 1,500 feet to the southeast of the County Courthouse/Old Jail site.<sup>4</sup>

LAW/Crandall's study determined that the geologic structure at the existing courthouse/Old Jail site was complex with possible splaying of the San Diego Fault as it trends through the area of the County Courthouse/Old Jail site. The study determined that the San Diego Fault may splay though the B Street Transect to trend to a fault beneath Front Street and northwest to Union Street. A conjugate fault subparallel to B Street may connect the two faults. The study recommended additional site-specific investigation and exposure of the interpreted faults to confirm their existence, location, and history of activity. It also recommended that if any party plans new any new structures for the site, the design for the structures shall provide a building setback of 25 to 50 feet from the potential rupture zone.

In addition, BFL-Owen & Associates prepared a Phase-II Structural Seismic Assessment of the Central Courthouse Complex in July 2006 to assess the block site of the existing County

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<sup>3</sup> City of San Diego General Plan Final EIR. Certified September 2007.

<sup>4</sup> Report of Fault Surface Rupture Investigation. San Diego County Property Between Broadway and "A" Street and Union Street and Front Street. Law/Crandall. September 22, 2000.

Courthouse and Old Jail<sup>5</sup> per Senate Bill 1732 requirements. The structural evaluation found the buildings to be non-conforming and deficient. The study evaluated the potential risks of the underlying fault and made recommendations for potential upgrades to the structures to reduce the risk of adverse effects from seismic events. The study concluded that no technological viable option exists to eliminate the deficiency for the northern portion of the County Courthouse structure that is north of B Street. Analysts recommended further studies to evaluate an appropriate setback distance from the fault. However, the currently proposed courthouse site is west of the existing courthouse/Old Jail site, and the new courthouse will be more than 50 feet from the potential rupture zone identified by LAW/Crandall.

BFL-Owen & Associates concluded that no financially viable option is available for elimination of the surface rupture-related deficiencies in the southern portion of the County Courthouse structure that is south of B Street. If a potential project planned to separate the County Courthouse's northern structure and southern structures, the southern building will require a seismic retrofit; however, only a portion of the southern structure that is located safely beyond the potential fault zone can be retrofitted to meet Senate Bill 1732's seismic safety requirements. The northern building may be maintained in its present condition; however, the study states that it cannot be used for court-related services due to the inability to bring the building into conformance with Senate Bill 1732's seismic safety requirements.

## 4.7.2 Analytical Framework

### 4.7.2.1 Analytical Methodology

Analysts obtained information for geology, soils, seismicity, and paleontological resources to support the EIR analysis from the following documents:

- Report of Fault Surface Rupture Investigation County of San Diego Property Between Broadway and "A" Street and Union Street and Front Street;<sup>6</sup>
- Phase-II Structural Seismic Assessment of Central Courthouse Complex;<sup>7</sup>
- Paleontological Review and Resource and Monitoring Assessment, Brian F. Smith and Associates, Inc. (May 6, 2010); *refer to Appendix D*;
- The General Plan (Adopted March 2008);
- Seismic Safety Study, Geologic Hazards and Faults (2008);<sup>8</sup> and,

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<sup>5</sup> Phase II Structural Seismic Assessment of Central Courthouse Complex. Prepared by BFL-Owen & Associates for the County of San Diego. July 2006.

<sup>6</sup> Law Crandall, September 2000.

<sup>7</sup> BFL-Owen & Associates, July 2006.

- The General Plan Final EIR (Certified September 2007).

#### 4.7.2.2 Regulatory Background

#### 4.7.2.3 City of San Diego

Title 24 of the California Building Code provides design standards for buildings to reduce the potential for structural damage to occur as the result of a seismic event. The City refers to the California Building Code for engineering design review.

The City's Development Services Department updated its Seismic Safety Study, Geologic Hazards and Faults in 2008. The Seismic Safety Study provides information to determine the geologic conditions that underlie potential development sites. The study includes map locations of suspected or known faults and other geologic hazards within the City. Mapped hazards include ground rupture, potential slope instability, potential ground failure, coastal bluff stability, and other conditions. It rates relative risks of hazards and specifies geotechnical study requirements. The City uses the information for geotechnical reviews of plans, development proposals, and building permits.

In addition, the City's Municipal Code and the General Plan's Public Facilities, Services, and Safety Element also provide general guidance for development with regard for geologic and seismic issues. As identified in the Public Facilities, Services, and Safety Element, the Project site lies within an area designated as Moderate to High risk with regard to geotechnical issues and relative risk; refer also to *Figure 4.7-1: Fault Map*.

The City updated the Seismic Safety Study in 2008.<sup>8</sup> The Seismic Safety Study delineates the seismic fault and liquefaction zones within the City. In the downtown area, the Seismic Safety Study delineates the Downtown Special Fault Zone, shown in Figure 4.7-1. The City requires new development within the Downtown Special Fault zone, which includes the Project site, to prepare project-specific fault investigations. These fault investigations include site-specific geotechnical investigations of potential fault hazards and setbacks from active faults to ensure that new buildings are designed to withstand the seismic conditions of the property. The City also requires as-built geotechnical reports to document subsurface geologic conditions encountered in excavations.

### 4.7.3 Standards of Significance

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

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<sup>8</sup> Located at: <http://www.sandiego.gov/development-services/hazards/pdf/seismicstudy.pdf>



- Expose people or structures to substantial potential adverse effects involving rupture of a known earthquake fault;
- Expose people or structures to substantial potential adverse effects involving strong seismic ground shaking;
- Expose people or structures to substantial potential adverse effects involving ground failure (including subsidence or liquefaction- induced lateral spreading);
- Expose people or structures to substantial potential adverse effects involving expansive soil;
- Destroy a unique paleontological resource or site;
- Expose people or structures to substantial potential adverse effects involving landslides;
- Expose people or structures to substantial potential adverse effects involving soil erosion or the loss of topsoil; or,
- Destroy a unique geological feature.

#### 4.7.4 Potential Impacts and Mitigation Measures

##### 4.7.4.1 Rupture of a Known Earthquake Fault

**Potential Impact:** (GEO-1) Will the Project expose people or structures to substantial potential adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault?

**Less than Significant Impact.**

The proposed courthouse site is not in a hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1994, Fault Rupture Hazards Zones in California. Based on the Law/Crandall preliminary geotechnical investigation, the proposed courthouse site does not exhibit geologic features that the AOC anticipates will result in fault rupture. In addition, the design and construction of the proposed new courthouse will be in accordance with the applicable California Building Code and other standards. The AOC will also prepare an as-built geotechnical report to document geologic conditions encountered during excavation and grading of the courthouse site, which will confirm the adequacy of foundation design assumptions for the new courthouse. If necessary, these investigations will allow the AOC's incorporation of structural engineering measures into the design and construction of the courthouse to minimize the potential for fault rupture-related damage. Therefore, the AOC concludes that the courthouse's fault rupture-related impacts will be less than significant.

The proposed tunnel may be underlain by possible splays of the San Diego Fault as identified by LAW/Crandall. The AOC will perform additional fault rupture investigations to provide estimates of potential fault displacement at tunnel-fault crossing locations. Based on these investigations, the AOC will incorporate structural engineering measures into the design and construction of the tunnel to provide life-safety measures and features that will minimize the potential for damage due to fault rupture. In addition, the design and construction of the tunnel will be in accordance with the applicable California Building Code and other standards. In addition, the Sheriff Department will use the tunnel only intermittently for the transfer of prisoners, and the AOC does not consider the tunnel to be a habitable structure. Due to the intermittent use of the tunnel and the safety-related design measures, the AOC concludes that the tunnel's fault rupture-related impacts will be less than significant.

As noted above, the San Diego Fault runs through the northern and central portions of the existing County Courthouse/Old Jail site. Closure and demolition of the County Courthouse and Old Jail will eliminate fault-related risks for these existing facilities. Impacts from demolition will be less than significant.

Mitigation Measures: None required.

#### **4.7.4.2 Strong Seismic Ground Shaking**

**Potential Impact:** (GEO-2) Will the Project expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

**Less than Significant Impact.**

Based on a preliminary geotechnical investigation,<sup>9</sup> the proposed courthouse site does not exhibit geologic features that are anticipated to result in strong seismic ground shaking. However, the site lies in the seismically active Southern California region, and a number of active faults are near and within the downtown area. Therefore, the site has a moderate to strong potential for strong seismic shaking.

The AOC will prepare a site-specific geotechnical investigation during the Project design process and incorporate the investigation's recommendations into the building design to ensure compliance with the California Building Code and avoid adverse potential effects resulting from seismic ground shaking. The AOC will also prepare an as-built geotechnical report to document geologic conditions encountered during excavation and grading of the courthouse site and the tunnel alignment, which will confirm the adequacy of design

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<sup>9</sup> Law/Crandall 1991.

assumptions for the new courthouse and tunnel. Impacts will therefore be less than significant.

Demolition of the County Courthouse and Old Jail will eliminate ground shaking-related risks for these existing facilities. Therefore, impacts of the demolition activities will be less than significant.

Mitigation Measures: None required.

#### 4.7.4.3 Ground Failure

**Potential Impact:** (GEO-3) Will the Project expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving ground failure (including subsidence or liquefaction-induced lateral spreading)?

**Less than Significant Impact.**

The proposed courthouse site and the vicinity have relatively flat topography, and the courthouse design will include an extensively excavated and adequately supported foundation. Although liquefaction may have the potential to occur with a major earthquake event (6.0 or greater), major regional faults are located at a distance from the Project site and the potential for strong seismic ground shaking is considered low to moderate.<sup>10</sup>

In addition, the AOC will prepare a site-specific geotechnical investigation during the Project design process and incorporate the investigation's recommendations into the building design to ensure compliance with the California Building Code and avoid adverse potential seismic ground motion-related ground failure effects. Seismic ground motion-related ground failure impacts will therefore be less than significant.

Excavations for project facilities might potentially cause unstable earth conditions that can result in ground failure or settlement, which might damage other structures. The potential for a subsidence over the tunnel excavation and its influence on buildings in the settlement zone is an important concern for any tunnel project. The construction contractor will use temporary shoring to support excavation operations for the courthouse and the tunnel between the new courthouse and Central Jail. The construction contractor will also implement a program to monitor deformation of the shoring and the ground surrounding the excavations for possible subsidence. The AOC concludes that these measures will mitigate the risk of distress to existing infrastructure from potential horizontal or vertical movement of the ground surrounding the proposed excavations. Excavation-related ground failure impacts will therefore be less than significant.

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<sup>10</sup> Phase I Environmental Site Assessment. Prepared by ERM. August 2007.

Demolition of the County Courthouse and Old Jail will not add soil fill that might enhance ground failure-related risks at these existing facilities. Therefore, impacts of the demolition activities will be less than significant.

Mitigation Measures: None required.

#### 4.7.4.4 Expansive Soils

**Potential Impact:** (GEO-4) Will the Project expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving expansive soils?

**Less than Significant Impact.**

The Project includes extensive excavation of the proposed courthouse site to construct an adequate foundation. The AOC will prepare a site-specific geotechnical investigation during the Project design process and incorporate the investigation's recommendations into the building design to ensure compliance with the California Building Code and avoid adverse potential expansive soils. If construction personnel encounter expansive soils at the site, construction personnel will either remove these soils or treat the soils to meet design requirements. Impacts will therefore be less than significant.

Demolition of the County Courthouse and Old Jail will not add soil fill that might produce expansive soil-related risks at the site of these existing facilities. Therefore, impacts of the demolition activities will be less than significant.

Mitigation Measures: None required.

#### 4.7.4.5 Unique Paleontological Resource

**Potential Impact:** (GEO-5) Will the Project destroy a unique paleontological resource or site?

**Less than Significant Impact with Mitigation Incorporated.**

Impacts to paleontological resources occur when excavation activities disturb fossiliferous geological deposits and destroy fossil remains. Grading or excavation activities may uncover buried paleontological resources. Downtown San Diego has underlying interbedded deposits of the Bay Point and the San Diego Formations. As noted in the General Plan Final Environmental Impact Report, the Bay Point Formation is a near shore marine sedimentary deposit that is about 220,000 years old. The formation has a high sensitivity rating for paleontological resources and has produced a diverse amount of well-preserved marine invertebrate and vertebrate fossils to date. The San Diego Formation has high-resource sensitivity and is a marine sedimentary deposit with rich fossil beds that have produced diverse assemblages of marine organisms. On occasion, rare remains of terrestrial

mammals, fossil wood, and leaves have been discovered. According to the General Plan Final Environmental Impact Report, for those formations with a high sensitivity rating, a significant impact may occur if grading exceeds 1,000 cubic yards and is ten or more feet deep (the volume count starts at the surface).<sup>11</sup>

Since excavation and construction of the new courthouse and demolition of the existing County Courthouse and Old Jail may potentially disturb the ground surface and expose or damage important paleontological resources, the AOC concludes that Project impacts are potentially significant. The AOC will adopt the following mitigation measures to reduce impacts to potential paleontological resources during Project-related excavation, tunneling, or trenching activities.

Mitigation Measures:

(GEO-1)

The AOC will require its developer to retain a qualified paleontologist who shall inform all construction excavation operations personnel of the Project's paleontological resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize paleontological artifacts, features, or deposits. Personnel working on the Project will not collect paleontological resources. The qualified paleontologist will be present for pre-construction meetings and any Project-related excavations in undisturbed marine sediments of the upper Pleistocene Bay Point Formation and/or middle Pleistocene "upper Broadway" and "lower Broadway" formations, as well as where over-excavation of any thin veneer of younger alluvial sediments with Pleistocene marine sediments in the subsurface. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain or yield fossil resources.

Prior to construction, the qualified paleontologist shall submit a paleontological resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover paleontological resources during excavation operations. Monitoring of excavation and trenching activities shall occur in areas that the qualified paleontologist or paleontological monitor determines are likely to yield paleontological resources.

If construction operations personnel discover buried paleontological resources during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting paleontologist can assess the

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<sup>11</sup> City of San Diego General Plan Final EIR. Certified September 2007.

significance of the find. The paleontologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation.

The qualified paleontologist shall summarize the resources in a report prepared to current professional standards.

#### 4.7.4.6 Landslides

**Potential Impact:** (GEO-6) Will the Project expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving landslides?

**Less than Significant Impact.**

The Project site is relatively flat. No significant slopes are located on surrounding properties, as adjacent areas are urban in nature and largely support mid-to high-rise structures or surface parking. Due to these conditions, the potential for the occurrence of landslides is very low. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.7.4.7 Soil Erosion/Loss of Topsoil

**Potential Impact:** (GEO-7) Will the Project result in substantial soil erosion or the loss of topsoil?

**Less than Significant Impact.**

The Project site is flat and presently has a surface parking lot and three small-scale structures that house office, restaurant, and bail bond uses. Removal of these features with Project construction may result in temporary exposure of underlying soils; however, the AOC will comply with State and local regulations relative to control of storm water runoff and soil erosion. Since adjacent streets are paved and parcels have only minor areas without structures, the Project will not substantially change drainage patterns or creates steep slopes subject to increased runoff. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.7.4.8 Unique Geologic Features

**Potential Impact:** (GEO-8) Will the Project result in potentially significant adverse effects to unique geologic features?

**No Impact.**

Based on a preliminary geological investigation,<sup>12</sup> the Project site does not have known unique geologic features. As no such features are present onsite, the Project will not result in adverse impacts. No impacts will occur with the proposed Project.

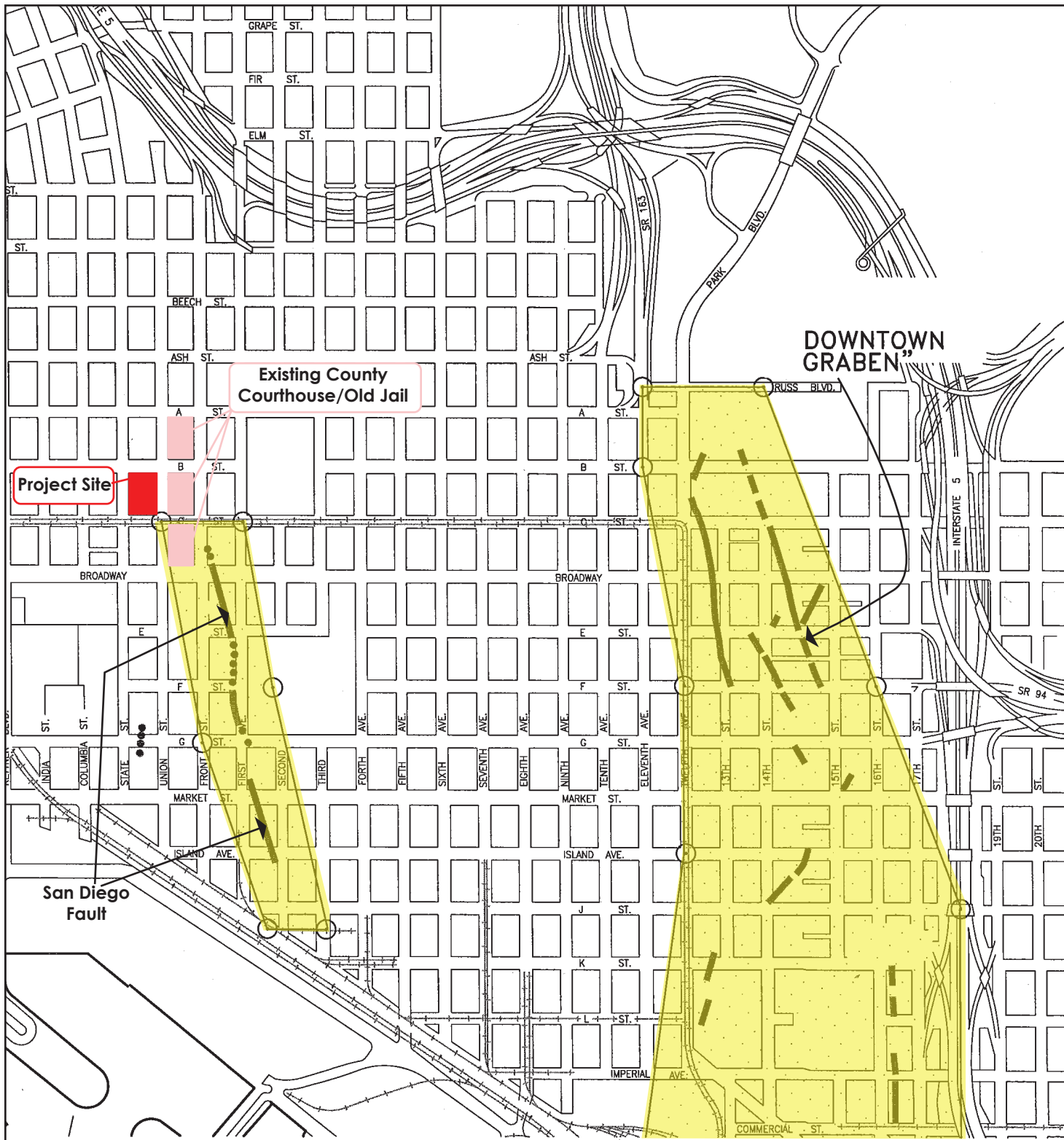
Mitigation Measures: None required.

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<sup>12</sup> Leroy Crandall 1991.

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**DOWNTOWN GRABEN**



**Existing County Courthouse/Old Jail**

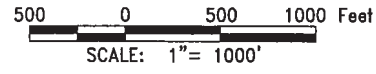
**Project Site**

FAULTS MODIFIED FROM CDMG MAPSHEET 40, KENNEDY AND WELDAY, 1980, TREIMAN, AND WCC, 1994, CDMG OFR 97-10A, 1999.



**LEGEND**

-  KNOWN ACTIVE FAULT
-  EARTHQUAKE FAULT ZONE



SOURCE: URS, 8-2-04  
SDMac: 25104231figure(let-port).indd

NEW SAN DIEGO  
CENTRAL COURTHOUSE

**FAULT MAP**

Figure 4.7-1

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## 4.8 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential impacts of the Project in terms of hazards and hazardous materials.

### 4.8.1 Environmental Setting

#### 4.8.1.1 Hazards

The Project site is approximately 1.0 mile southeast of the San Diego International Airport. The Project site is in an area of downtown San Diego that is near the approach zone to San Diego International Airport. The Project site is within the City of San Diego's Airport Approach Overlay Zone which provides supplemental regulations for the property surrounding the approach path for San Diego International Airport. The flight path generally stretches in an east-west direction, with planes approaching the landing strip from the east, across the downtown area. The proposed courthouse site is located to the south of the flight path. In addition, the proposed courthouse site is an area that is surrounded by high rise development and other large-scale buildings. In particular, a number of high-rise buildings occur along the west side of State Street between Broadway and A Street, including the Emerald Plaza; refer to *Figures 4.2-2A to 4.2-2C*. The Project is subject to regulations pertaining to height restrictions for structures within the Airport Approach Overlay Zone and as implemented by the FAA, as applicable.

#### 4.8.1.2 Hazardous Materials

The Project site is flat, and a paved parking lot covers most of the surface. There are three attached buildings located in the northeast corner of the site. The onsite elevation is approximately 47 feet above mean sea level. Groundwater flow in the Project vicinity is to the southwest. The approximate depth to groundwater in the vicinity of the site is between 22 to 29 feet. The existing uses (i.e., parking lot, office buildings) onsite are not uses that are typically associated with operations that would generate hazardous waste. The Project site does not support any native vegetation, and there are no wetland areas or drainages on or adjacent to the property.

Agencies have prepared a series of Phase I Environmental Site Assessments for the Project site over the past 10 years as part of the due diligence efforts to develop the property for use as a courthouse. Previous investigations have identified multiple monitoring wells onsite in the area of the existing paved parking lot. In the year 2000, monitoring wells were installed onsite to evaluate a suspected underground storage tank under the parking lot.

## 4.8.2 Analytical Framework

### 4.8.2.1 Analytical Methodology

To identify potential Project impacts for hazards and hazardous materials, analysts conducted a document search and site reconnaissance to assess existing environmental conditions onsite and in the surrounding areas. Analysts reviewed the following documentation as part of the site assessment and EIR analysis:

- Phase I Environmental Site Assessment (Prepared by ERM, August 2007) (refer to Appendix F of this EIR);
- Summary of Findings – Limited Subsurface Investigation (Prepared by ERM, January 2008) (refer to Appendix F of this EIR);
- Report of Phase I and Limited Phase II Environmental Site Assessments (Prepared by Law/Crandall, July 2000) (refer to Appendix F of this EIR);
- Hazardous Materials Screening (Prepared by SCS Engineers, November 2009) (refer to Appendix F of this EIR);
- City of San Diego Municipal Code (Sections 132.0201 to 132.0209, Airport Approach Overlay Zone);
- City of San Diego General Plan (March 2008);
- City of San Diego General Plan Final EIR (Certified September 2007); and,
- Review of the Project for compliance with applicable Federal, State, and local requirements relative to hazards and hazardous materials.

### 4.8.2.2 Regulatory Background

#### *Hazards*

The City of San Diego's *Airport Environs Overlay Zone* provides supplemental regulations for properties within proximity to Brown Field, Montgomery Field, San Diego International Airport at Lindbergh Field, and Marine Corps Air Station Miramar. The intent of these regulations is to ensure that:

- Projects comply with the Federal Aviation Administration and California Department of Transportation (Caltrans) airspace protection regulations;
- The San Diego County Regional Airport Authority (Airport Authority) is provided the opportunity to participate in the evaluation process; and,

- Projects provide minimum vertical buffers between the Federal Aviation Administration-established airspace protection surfaces and proposed structures constructed within the approach path.

Although the intent of these regulations is to ensure that land uses are compatible with the operation of airports by implementing the Airport Land Use Compatibility Plans, the *Airport Environs Overlay Zone* boundaries cover less land area than the boundaries of the airport influence areas used by the Airport Land Use Compatibility Plans.

The Federal Aviation Administration has established criteria for the review of proposed structures within the vicinity of an airport. If a proposed structure will rise above a line extending from the centerline of an airport runway longer than 3,200 feet at a slope of 100 feet horizontal to one foot vertical, to the project proponent must file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration.

### *Hazardous Materials*

Activities and operations that use, manage, or store hazardous or potentially hazardous materials have the potential to create a hazardous situation if the materials are released into the environment. The frequency and severity of hazardous situations are dependent on several conditions, including type of substance, quantity used or managed, nature of the activity, and the operation. Federal, State, and local entities regulate the use and management of hazardous or potentially hazardous substances.

The U.S. Environmental Protection Agency and the California Department of Toxic Substance Control ("Toxic Substance Control") have developed and frequently update lists of hazardous wastes subject to regulation. State and Federal agencies are responsible for the regulation of hazardous wastes.

The term "hazardous material" refers to both hazardous substances and hazardous waste. A material is defined as "hazardous" if it appears on a list of hazardous materials prepared by a Federal, State, or local regulatory agency, or if it has characteristics defined as hazardous by such an agency. A "hazardous waste" is a solid waste that exhibits toxic or hazardous characteristics, specifically ignitability, corrosivity, reactivity, or toxicity. The U.S. EPA has defined the term "solid waste" to include many types of discarded materials, including any gaseous, liquid, semiliquid, or solid material that is discarded or has served its intended purpose, unless the material is specifically excluded from regulation. Such materials are considered waste whether they are discarded, reused, recycled, or reclaimed.

The term "recognized environmental condition" is the presence or likely presence of any hazardous substance or petroleum product on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous or non-hazardous substances that are designated wastes or petroleum products into structures on

the property or into the ground, groundwater, or surface water of the property. Furthermore, the term includes hazardous substances or petroleum products, even under conditions in compliance with rules, regulations, and/or law.

### *Federal*

On December 11, 1980, the U.S. Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), commonly referred to as Superfund. CERCLA created a tax on the chemical and petroleum industries, while providing Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.<sup>1</sup>

CERCLA requires the listing of hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Information System database. The database includes known or suspected uncontrolled or abandoned hazardous waste sites. Sites listed in the database have been previously investigated or are under investigation by the U.S. EPA.

CERCLA authorizes: 1) short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and, 2) long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening. These actions occur only at sites listed on the U.S. EPA's National Priorities List.

In addition, the Resource Conservation and Recovery Act requires the listing of identified hazardous waste sites in the Resource Conservation and Recovery Information System database. This database includes small quantity generators, generating between 100 and 1,000 kilograms of hazardous waste on a monthly basis, and large quantity generators, generating more than 1,000 kilograms per month.

### *State*

The Hazardous Materials Release Response Plans and Inventory Act, also known as the California Business Plan Act, codified in Health and Safety Code Sections 25500 - 25546.5, requires the listing of facilities that are subject to this law. The Act requires that each non-exempt facility prepare a hazardous materials business plan that describes the facility, provides an inventory of hazardous materials, and establishes an emergency response plan and emergency training programs.

The California Hazardous Waste Control Act, codified in Health and Safety Code Section 25100, *et seq.*, authorizes Toxic Substances Control and local certified unified program

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<sup>1</sup> U.S. Environmental Protection Agency. <http://www.epa.gov/superfund/policy/cercla.htm>. Accessed May 2010.

agencies to regulate facilities that generate or treat hazardous waste and requires the safe management, handling, and transport of hazardous waste within the State of California. Toxic Substances Control is responsible for restoration, protection, and enhancement of the environment; ensuring public health, environmental quality, and economic vitality through regulating hazardous waste; conducting and overseeing cleanups; and, developing and promoting pollution prevention. Toxic Substance Control implements programs that oversee cleanups and prevent releases by ensuring waste is properly generated, handled, transported, stored, and disposed of; enforcing laws; promoting pollution reduction; encouraging recycling and reuse; conducting toxicological evaluations; and, involving the public in decisions.

### California Government Code

Government Code Section 65962.5 requires Toxic Substances Control, the State Department of Health Services, the State Water Resources Control Board, and the California Integrated Waste Management Board to assemble and annually update lists of hazardous waste sites and hazardous waste properties within California. The Secretary for Environmental Protection distributes these lists to each city and county where sites on the lists are located. Prior to approval of a development project by a lead agency, the applicant shall consult these lists to determine that a project site is not listed.

### CEQA Guidelines

CEQA Guidelines Section 15186 requires that proposed school projects and any project located near a school to be examined for potential health impacts caused by hazardous materials, wastes, and substances. These impacts are to be discussed in an environmental document.

### California Public Resources Code

Public Resources Code Section 21092.6 requires land agencies to consult with the compiled lists discussed above to determine whether a project or alternatives are located on a hazardous waste site.

### *Local*

The County's Office of Emergency Services ("Emergency Services") coordinates the overall County response to disasters such as natural disasters, human events, and technological incidents, including both peacetime and wartime nuclear defense operations in order to protect life and property and the well-being of the population. The County prepared its San Diego Regional Fire Prevention and Emergency Preparedness Task Force Final Report (April 1, 2006) to provide guidance in (a) alerting and notifying appropriate agencies when disaster strikes and coordinating responding agencies, (b) ensuring resources are available

and mobilized in times of disaster, (c) developing plans and procedures for response to and recovery from disasters, and (d) developing and providing preparedness materials for the public. Emergency Services operates the Operational Area Emergency Operations Center which provides regional coordinated emergency response. In addition, the Operational Area Emergency Operations Center also acts as staff to the Unified Disaster Council, a joint powers agreement between all 18 incorporated cities and the County of San Diego. The Unified Disaster Council is responsible for the coordination of plans and programs on a County-wide basis to ensure protection of life and property.

The General Plan's Public Facilities, Services, and Safety Services Element gives goals and policies with regard to the safe handling of hazardous materials. The Element addresses goals with regard to hazard prevention and safety education and provides policies aimed at encouraging advance disposal fees to prevent the disposal of materials that cause handling problems or hazards at landfills and encouraging cooperation on a regional basis with local governments, state agencies, and private solid waste companies to find the best practicable, environmentally safe, and equitable solutions to solid and hazardous waste management.

Through the use of technology, the City coordinates efforts to improve its ability to manage vital information and limited resources during a major emergency such as an earthquake, chemical spill, or act of terrorism. The City also manages homeland security and other grant funds to enhance the City's security and overall preparedness to prevent, respond to, and recover from any hazard whether natural or man-made.

The City actively participates in the County's 2004 Multi-Jurisdictional Hazard Mitigation Plan, as approved by City Council Resolution R-2991 on April 26, 2004 and the Federal Emergency Management Agency on February 22, 2005. The Plan identifies potential risks represented by both natural and manmade disasters which may include fire and/or wildfire, earthquakes, landslides, and floods. The Plan provides measures to minimize potential damage from such disasters; enhance public awareness and understanding; create decision tools for management; promote compliance with Federal and State program requirements; enhance local policies for hazard mitigation capability; and provide inter-jurisdictional coordination. All local governments are required to create a disaster plan to qualify for available funding, per requirements of the Federal Disaster Mitigation Act of 2000.<sup>2</sup>

### City of San Diego Municipal Code

The Municipal Code - Chapter 5, Public Safety, Morals and Welfare, provides measures for handling of hazardous materials; cleanup of contaminated property; emergency planning and preparedness; fire prevention and fire protection systems; and, requirements for wildland-urban interface areas among other issues. In addition, Chapter 5 addresses public

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<sup>2</sup> General Plan.



emergency procedures for the preparation and carrying out plans for the protection of persons and property within the City in the event of an emergency.

### 4.8.3 Standards of Significance

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

- Will produce a substantial safety hazard in the vicinity of an airport or airstrip for people visiting or working in the Project area;
- Will create a significant hazard to the public or the environment through the routine transport, use or dispose of hazardous materials;
- Will create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment;
- Will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste;
- Is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and will create a significant hazard to the public or the environment;
- Will impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or,
- Will 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.

### 4.8.4 Potential Impacts and Mitigation Measures

#### 4.8.4.1 Result in Safety Hazards in the Vicinity of an Airport or Airstrip for People Visiting or Working in the Project Area

**Potential Impact:** (HAZ-1) Will the Project result in a safety hazard in the vicinity of an airport or private airstrip for people visiting or working in the Project area?

**Less Than Significant Impact.**

The proposed site is located approximately 1.0 mile southeast of the San Diego International Airport and is within the City's Airport Approach Overlay Zone. The AOC expects the proposed courthouse to be approximately 400 feet tall. The Project's design will be

consistent with Federal Aviation Administration and/or other laws and regulations, if applicable, aimed at ensuring continued public safety and the avoidance of interference with airport operations. In addition, the proposed courthouse will be lower than many existing buildings within the surrounding area. As such, the proposed Project will not result in a safety hazard in the vicinity of an airport or airstrip for people visiting or working in the Project area. Impacts will be less than significant.

Mitigation Measures: None required.

#### **4.8.4.2 Public Exposure to Hazards**

**Potential Impact:** (HAZ-2) Will the Project create a significant hazard to the public or the environment through the routine transport, use or dispose of hazardous materials?

**Less than Significant Impact.**

The Project will construct a new courthouse and demolish several buildings on the Stahlman Block, the existing County Courthouse, and the Old Jail. Although limited amounts of hazardous materials may be transported to the proposed site for construction or used during the construction phases (e.g., certain building materials, equipment, diesel engines, engine oil, etc.), this will be temporary and short-term. Due to their age, the existing structures on the Project's courthouse site, the County Courthouse, and the Old Jail contain asbestos and may contain hazardous materials such as lead paint or polychlorinated biphenyls. Removal, treatment, and offsite disposal of such materials will occur consistent with applicable Federal, State, and local regulations pertaining to the handling of hazardous substances. Therefore, the Project will not create hazardous conditions or result in significant impacts to the public.

Long-term operation of the new courthouse will be similar to that of the existing courthouse. Operation of the new courthouse will not create a significant increase in the use, transport, or disposal of hazardous materials.

In addition, the AOC intends to construct the new courthouse to achieve a LEED Silver Rating, which will require the use of materials that are made with compounds with reduced hazardous materials content (e.g., low volatile organic compound paints and finishes, sustainable building materials, etc.), and therefore, will potentially reduce the quantity of hazardous materials or processes relative to Project construction and operation. Project impacts are therefore considered less than significant.

Mitigation Measures: None required.

#### 4.8.4.3 Release of Hazardous Materials

**Potential Impact:** (HAZ-3) Will the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment?

**Less than Significant Impact with Mitigation Incorporated.**

The Phase I Environmental Site Assessment (August 2007) indicated that other than one drum of solvent material stored onsite (in good condition) at the 1140 Union Street building, no other hazardous materials or leaks or spills were observed. No aboveground or below ground storage tanks were identified onsite or were listed in the database report for the subject site;<sup>3</sup> however, the Phase I and Limited Phase II Site Assessments<sup>4</sup> noted a magnetic anomaly detected by an underground utility locator approximately 20 feet west of onsite Monitoring Well 1 (conducted prior to the drilling for Monitoring Well 1). The assessment indicates that this anomaly may represent a buried storage tank and needs further evaluation, whether prior to or during site excavation, to ensure that if a tank is uncovered, the tank is removed or inactivated in accordance with County of San Diego or State requirements, as applicable.

Analysts identified no documented hazardous release sites on the Project site, and the County of San Diego Department of Environmental Health does not identify the site as a hazardous release site warranting enforcement action. In addition, the results of the soils and soil gas samples taken as part of the Limited Subsurface Investigation (January 2008) to investigate the potential for soil contamination caused by former onsite uses consisting of an automobile repair service and a plating and manufacturing works indicated a low likelihood that past historical operations have significantly impacted subsurface conditions at the site.

In addition, the November 2009 Hazardous Materials Screening conducted by SCS Engineers indicated that 13 facilities within 0.20 mile of the Project site stored or used hazardous materials, generate hazardous waste, or have leaking underground storage tanks. Three of these were open leaking underground storage tank (LUST) cases; however, the report concluded that none of these sites pose significant risk to future development or operation of the New San Diego Central Courthouse facility.

SCS Engineers' assessment also noted the potential for burned or incinerated ash from backyard incinerators or burn pits and metal-bearing fill material (i.e., from imported fill from an unknown source, aerially deposited lead, paint on historical residences, etc.) to be present or mixed with the soil. Burn-ash impacted soils and metal-bearing fill may contain

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<sup>3</sup> ERM, August 2007.

<sup>4</sup> Law/Crandall, 2000.

high concentrations of contaminants of concern, particularly metals such as copper, lead, zinc, mercury, and cadmium). Enforcement requiring the remediation of burn-ash and metal-bearing fill material is typically caused by redevelopment activities, excavation, and potential exposure concerns. If present at the Project site during redevelopment activities, a recognized environmental condition may occur. If such materials are encountered at the Project site, the AOC will comply with all applicable laws and regulations for proper waste management, handling, and disposal. Through compliance with such measures, impacts would be reduced to less than significant.

Mitigation Measures: (HAZ-1) Prior to grading or construction on the Project site, the AOC shall excavate the area approximately 20 feet west of Monitoring Well 1 evidence of an underground storage tank. If an underground storage tank is found, the AOC shall remove the tank under permit and inspection of the County of San Diego Department of Environmental Health, Underground Storage Tank Program.

#### 4.8.4.4 Emit or Handle Hazardous Materials

**Potential Impact:** (HAZ-4) Will the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste?

**Less than Significant Impact.**

Due to the nature of the proposed use as a replacement courthouse and consideration for typical daily operation requirements, the Project will not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.8.4.5 Documented Hazardous Materials Sites

**Potential Impact:** (HAZ-5) Will the Project be on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?

**Less than Significant Impact.**

Analysts identified no documented hazardous release sites on the Project site, and County's Department of Environmental Health has not identified the site as a hazardous release site warranting enforcement action. In addition, the results of the soils and soil gas samples taken as part of the Limited Subsurface Investigation (January 2008) indicated a low likelihood that past historical operations have significantly impacted subsurface conditions. If construction personnel encounter undocumented sources of groundwater or soil

contamination during grading or construction activities, construction personnel shall report the discovery and remove the contamination in compliance with applicable Federal, State, or local regulations. With compliance to standard regulations pertaining to remediation requirements, impacts are considered to be less than significant.

If construction personnel encounter abandoned, improperly destroyed wells during excavation or grading activities on the Project site, construction personnel will destroy the wells in accordance with applicable State and local regulations.

The Project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and the AOC concludes that the Project will not create a significant hazard to the public or the environment. Impacts will be less than significant.

Mitigation Measures: None Required.

#### 4.8.4.6 Emergency Response Plan

**Potential Impact:** (HAZ-6) Will the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

**Less than Significant Impact.**

Development of the Project site will not impair the implementation of or physically interfere with an adopted emergency response plan. The Project will replace the existing County Courthouse, and will not require offsite improvements that will substantially interfere with traffic flow patterns. Although temporary lane closures may occur during the construction phase, the AOC's construction contractor will prepare a Traffic Control Plan prior to construction to minimize Project effects on traffic patterns and emergency access. No long-term operational effects will hinder emergency response. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.8.4.7 Wildland Fires

**Potential Impact:** (HAZ-7) 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?

**Less than Significant Impact.**

The Project site lies within an urban setting and the surrounding area is built-out. As such, the threat for hazards to occur as the result of wildland fires is very low. The Project will

## *ENVIRONMENTAL EFFECTS*

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therefore not 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. Impacts will be less than significant.

Mitigation Measures: None required.

## 4.9 LAND USE AND PLANNING

This section evaluates the potential impacts of the Project in terms of land use and planning.

### 4.9.1 Environmental Setting

The Project's proposed courthouse site is approximately 1.4 acres. An office, restaurant, and bail bond functions (three attached structures) fronting onto Union Street are on the northeastern one-quarter of the block. These structures range from one to four stories in height. The balance of the site supports a surface parking lot for public use.

Surrounding land uses include the existing County Courthouse/Old Jail to the east; a variety of surface parking lots, mixed retail establishments, and high-rise office buildings, surface parking and a mixture of commercial uses are located to the west and south. To the north are surface parking lots, an auto maintenance use, and mixed commercial uses. To the northeast is a County-operated auto maintenance use. Directly to the south, the site is currently utilized for surface parking, with the Hall of Justice located just across C Street. To the south of Broadway, land uses include large-scale commercial and institutional uses, as well as limited residential uses. Structures in the general area are generally high-rise and mid-rise structures. C Street to the south of the Project site carries both vehicular traffic and supports a light rail transit line for the San Diego Trolley. The County Courthouse's existing bridges span B and C Streets between Front and Union Street, and bridges connect the County Courthouse to the Hall of Justice and Central Jail.

As a State agency, the AOC is not subject to land use planning and zoning regulations established by local authorities. Government Code Section 70391 gives the Judicial Council of California full responsibility, jurisdiction, control, and authority over trial court facilities including property acquisition, planning, construction, and disposal of property. The California Trial Court Facilities Standards,<sup>1</sup> which the Judicial Council of California published in April 2006, provide direction for development of trial court facilities; however, the State is coordinating closely with the City of San Diego and CCDC to ensure that the Project generally conforms with local land use plans and policies.

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<sup>1</sup> Available at [http://www.courtinfo.ca.gov/programs/occm/documents/06\\_April\\_Facilities\\_Standards-Final-Online.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf)

## 4.9.2 Analytical Framework

### 4.9.2.1 Analytical Methodology

Analysts reviewed the following land use and planning documents for relevance to the Project site and surrounding area:

- The General Plan (March 2008);
- The General Plan Final EIR (Certified ~~September 2007~~ March 2008);
- Municipal Code;
- Municipal Code: Chapter 15, Article 6: Planned Districts, Division 3: The Centre City Planned District, Sections 156.0301 – 156.0315 (as amended October 18, 2007);
- San Diego Downtown Community Plan (Adopted February 28, 2006); and,
- Airport Land Use Compatibility Plan for the San Diego International Airport (Lindbergh Field) (adopted February 1992, amended October 2004).

### 4.9.2.2 Regulatory Background

#### *City of San Diego General Plan / Downtown Community Plan*

As a component of the City's of San Diego's General Plan, the San Diego Downtown Community Plan includes policies, standards, and implementation strategies for each of the seven elements of the General Plan. The Centre City Planned District Ordinance provides regulations and controls for land use, density and intensity, building massing, sun access, architectural design, with the intent of implementing the policies of the Downtown Community Plan. The Downtown Community Plan provides guidelines for future development within each of the Centre City district's communities; refer to *Figure 4.9-1: Proposed Neighborhoods and Districts*.

The Project site is within the Columbia District, which the City envisions as a combination of high-intensity office, residential, hotel, and cultural uses in a largely high-rise environment, linked to the waterfront. Adjacent to the east of the Columbia District is the Civic/Core District, which is a center of concentrated business and civic activity for the downtown area and the region, with the pending redevelopment of the Civic Center and Concourse, as well as the adjacent County court. The Project site has a Public/Civic zoning classification with a General Plan land use designation of Public/Civic; refer to *Figure 4.9-2: Proposed Land Use Map*. The Civic/Core District accommodates a variety of uses, including government, business and professional offices, as well as judicial facilities. The City intends to develop the Civic/Core area to reinforce the area as a center of business and civic activity



for the downtown and the region, and to accommodate new high-rises containing office and mixed-use development, supported by the active civic uses.

The AOC is the Lead Agency for the State for the Project, and the AOC is not subject to the City's land use approval or permits. The AOC will continue to cooperate with the Centre City Development Corporation to ensure that the Project generally conforms to local land use plans and policies.

### *City of San Diego Municipal Code*

The City's San Diego's Planned District Ordinance of the Municipal Code pertains to the Project site and identifies design and performance standards for the implementation of the Downtown Community Plan. Design standards guide future land use, floor area ratios, and structural bulk, among other design elements (City of San Diego Planned District Ordinance Sections 156.0301-156.0315). Other design standards given in the Planned Development Ordinance address outdoor lighting, shielding of outdoor mechanical equipment and storage areas, as well as standards for building setbacks, architectural design, height limits (subject to Federal Aviation Administration and the City's San Diego's Airport Approach Overlay Zone, as applicable), access, parking requirements, protection of view corridors, and other design elements. The Project site is not within an area designated for sun access or for building setbacks intended to protect the City's designated view corridors. The AOC will generally conform with the City's policies pertaining to vehicular access and avoidance of curb cuts.

Other Municipal Code policies and design standards for the Centre City area include facilitating public transit to the Centre City area, reducing single-occupancy vehicle and related off-street parking demands, and reducing land area devoted to parking. There are no minimum off-street parking requirements for non-residential uses for proposed uses within the Centre City area; however, there are Transportation Demand Management measures to reduce the number of single-occupancy vehicle trips to the City Centre. The Project site is within the City's Transit Area Overlay Zone (Diagram 132-10A). The Transit Area Overlay Zone provides supplemental parking regulations for areas within the City that receive a high level of transit service (Section 132.1001-131.1002). The zone is intended to identify areas with reduced parking demand and to lower off-street parking requirements if applicable.

### *Airport Land Use Plans*

The Project site is located approximately 1.0 mile southeast of the San Diego International Airport (Lindbergh Field). In addition, the Project may be subject to Federal Aviation Administration regulations (e.g., height limits).

According to Section 132.0201 of the City's Municipal Code, the Project site lies within the Airport Approach Overlay Zone (see also Diagram 132-02A) for the San Diego International Airport. According to Section 132.0302 of the Code, the Project site is not located within the Airport Environs Overlay Zone.

The Airport Land Use Commission of the San Diego County Regional Airport Authority is responsible for creating or updating Airport Land Use Compatibility Plans for the region's 16 public-use and military airports, in accordance with applicable State and Federal law. The San Diego County Regional Airport Authority prepared the Airport Land Use Compatibility Plan for the San Diego International Airport (Lindbergh Field) (adopted February 1992, amended October 2004). The Plan discusses the potential operational effects of the airport on surrounding land uses and evaluates potential land use conflicts with regard to public safety. According to the Land Use Compatibility Plan, the Project site lies outside of the Airport Approach Zone. The Project site is outside of the Federal Aviation Authority's Area of Influence for this Airport.

### 4.9.3 Standards of Significance

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

- 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; or,
- Physically divide an established community.

### 4.9.4 Potential Impacts and Mitigation Measures

#### 4.9.4.1 Conformance with Local Plans and Policies

**Potential Impact:** (LU-1) Will the Project conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?

**Less Than Significant Impact.**

The Project will demolish the existing onsite structures and construct a new courthouse that will replace the existing courthouse. Due to the urban, highly developed nature of the downtown San Diego area and the Project's replacement of the existing courthouse facilities on a currently developed site, the AOC concludes that the Project is consistent with land use plans, policies, or regulations. The proposed use of the site is consistent with the adopted Downtown Community Plan and Planned Development Ordinance that govern future

development within the area. The Project is consistent with Federal Aviation Administration regulations, established applicable policies, and land use compatibility plans with regard to operation of the San Diego International Airport. As stated earlier, local agencies' planning jurisdictions do not apply to the AOC. For the above reasons, Project impacts are less than significant.

Mitigation Measures: None required.

#### 4.9.4.2 Physically Divide a Community

**Potential Impact:** (LU-2) Will the Project physically divide a community?

**Less than Significant Impact.**

The Project will convert the existing onsite land uses (small-scale commercial uses and surface parking) to the new courthouse. Similar judicial facilities are located in the area surrounding the Project site (e.g., existing courthouse/Old Jail, Hall of Justice, etc.); refer to *Figure 4.9-2: Proposed Land Use Map*. The Project will not significantly divide or disrupt the arrangement of land uses in the area of the Project, and it will not displace any dwelling units or residents. In addition, the proposed use will not conflict with or disrupt the daily operations of surrounding commercial, residential, or governmental uses presently existing in the area. Project impacts will be less than significant.

Mitigation Measures: None required.

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SOURCE: Final EIR for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, January 2006  
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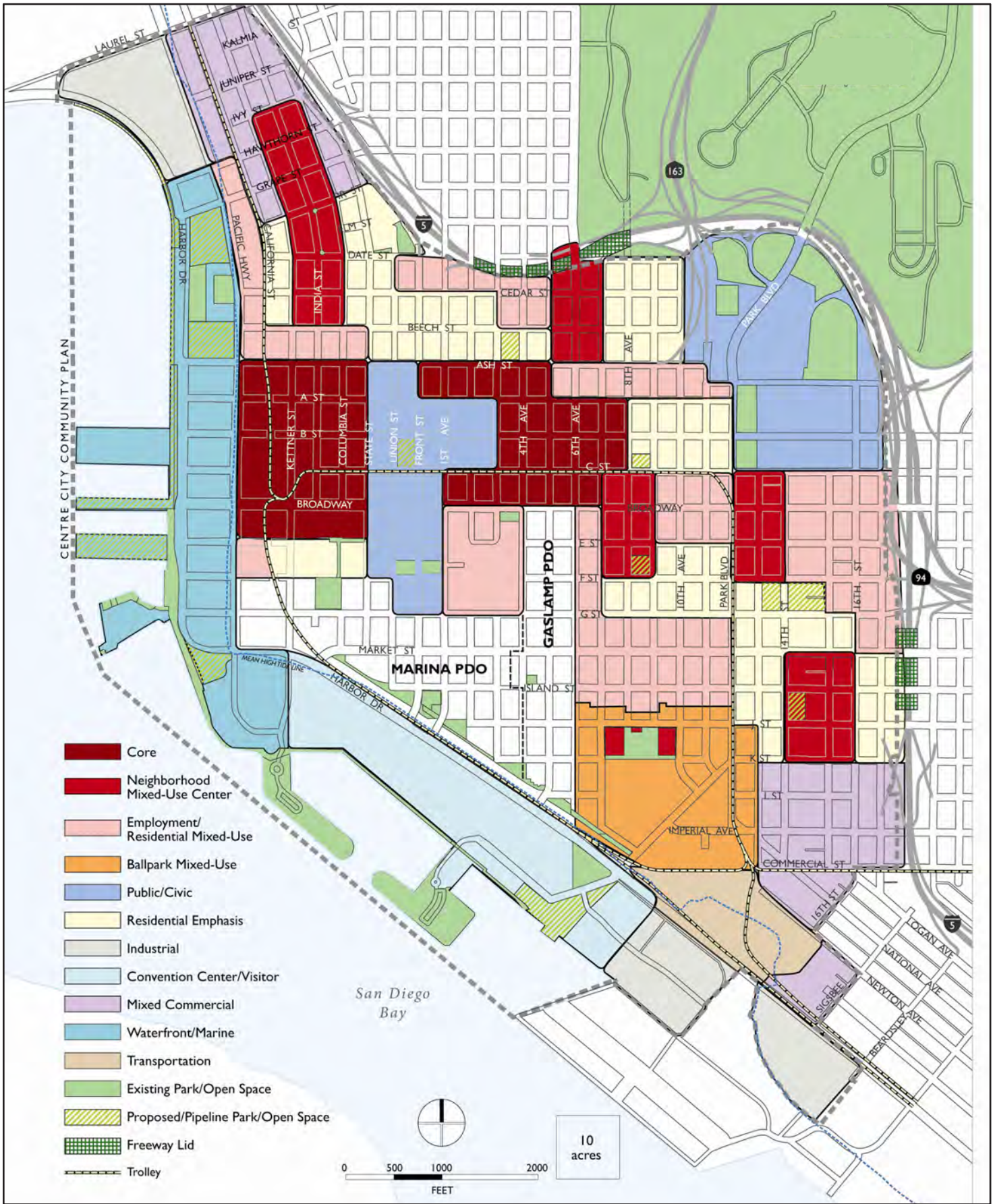
NEW SAN DIEGO  
CENTRAL COURTHOUSE

**PROPOSED NEIGHBORHOODS AND DISTRICTS**

Figure 4.9-1

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SOURCE: Final EIR for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, January 2006  
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NEW SAN DIEGO  
 CENTRAL COURTHOUSE  
**PROPOSED LAND USE MAP**

Figure 4.9-2

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## 4.10 MINERAL RESOURCES

This section addresses the proposed Project's potential impacts on mineral resources.

### 4.10.1 Environmental Setting

The Project site is in a high-density urban area of downtown San Diego, and most properties in the surrounding area are fully developed. The Project site is currently developed with existing commercial and surface parking uses; the surrounding area is generally developed with high-density civic uses and commercial businesses. There are no known mineral resources or mineral extraction operations on the Project site or within the surrounding area.

### 4.10.2 Analytical Framework

Analysts found no mineral resources in the surrounding area. The City has not designated the Project area as a mineral resource zone.

### 4.10.3 Standards of Significance

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

- 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; or,
- 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.

### 4.10.4 Potential Impacts and Mitigation Measures

**Potential Impact:** (MIN-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?

**No Impact.**

The Project is not located in a designated resource zone area, and no mining operations are active in the area. Implementation of the Project will not result in the loss of availability of a known mineral resource that would be of value to the region or to the residents of the State. No local or State designations for mineral extraction have been identified for the Project site. Therefore, the Project will have no impact on mineral resources, and no mitigation is required.

**Potential Impact:** (MIN-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 Project site is not currently being utilized for mineral extraction and does not contain any known mineral resources that will be of value to the region. The Project area is not delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, the Project will have no impact, and no mitigation is required.

Mitigation Measures: None required.

## 4.11 NOISE

This section addresses potential noise and vibration impacts from short-term and long-term activities associated with the proposed Project. Data used to prepare this analysis were drawn from the City of San Diego General Plan Noise Element and the City of San Diego Municipal Code.

### 4.11.1 Environmental Setting

#### 4.11.1.1 Noise Scales and Definitions

Sound is technically described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In general, a 1 dB change in the sound pressure levels of a given sound is detectable only under laboratory conditions. A 3 dB change in sound pressure level is considered a “just detectable” difference in most situations. A 5 dB change is readily noticeable and a 10 dB change is considered a doubling (or halving) of the subjective loudness. It should be noted that, generally speaking, a 3 dBA increase or decrease in the average traffic noise level is realized by a doubling or halving of the traffic volume, or by about a 7 mile per hour increase or decrease in speed.

For each doubling or distance from a point noise source (a stationary source, such as a loudspeaker or loading dock), the sound level will decrease by 6 dBA. For example, if a person is 100 feet from a machine, and moves to 200 feet from that source, sound levels will drop approximately 6 dBA. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud; 20 dBA higher four times as loud; and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are shown in *Figure 4.11-1: Sound Levels and Human Response*.

Many methods have been developed for evaluating community noise to account for the variation of noise levels over time, the influence of periodic individual loud events, and a

community's response to changes in the community noise environment. *Table 4.11-1: Noise Descriptors*, lists several methods.

**Table 4.11-1: Noise Descriptors**

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level ( $L_{eq}$ )	The sound level containing the same total energy as a time varying signal over a given time period. The $L_{eq}$ is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level ( $L_{max}$ )	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level ( $L_{min}$ )	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average ( $L_{dn}$ )	The $L_{dn}$ is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the $L_{eq}$ . The $L_{dn}$ is calculated by averaging the $L_{eq}$ s for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM), by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level ( $L_n$ )	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% ( $L_{01}$ , $L_{10}$ , $L_{50}$ , $L_{90}$ , respectively) of the time during the measurement period.

Source: Cyril M. Harris, Handbook of Noise Control, dated 1979.

#### 4.11.1.2 Effects of Noise on People

The effects of noise on people include:

- Subjective effects of annoyance, nuisance, and dissatisfaction;
- Interference with activities such as speech, sleep, and learning; and,
- Physiological effects such as hearing loss or sudden startling.

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual's experiences with noise.

Thus, an important way of predicting a person's reaction to a new noise environment is the way the new noise environment compares with the existing environment where the person has already adapted: the "ambient noise" level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. For increases in the A-weighted noise level, the following relationships may occur:<sup>1</sup>

- Under controlled conditions in an acoustics laboratory, the trained healthy human ear is able to discern changes in sound levels of 1 dBA;
- Outside these controlled conditions, the trained ear can detect changes of 2 dBA in normal environmental noise;
- It is widely accepted that the average healthy ear, however, can barely perceive changes in the noise level of 3 dBA;
- A change in level of 5 dBA is a readily perceptible increase in noise level; and,
- A 10 dBA change is recognized as twice as loud as the original source.

These relationships occur in part because of the logarithmic nature of sound and the decibel system. Two noise sources do not combine in a simple linear fashion, but rather logarithmically, because the decibel scale is based on logarithms. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level will be 53 dBA, not 100 dBA.

#### 4.11.1.3 Sensitive Receptors

Some land uses are considered more sensitive to ambient noise levels than others because of the amount of noise exposure, in terms of both duration and insulation from noise, and the types of activities typically involved. Receptors in residences, schools, libraries, churches, hospitals, nursing homes, and parks and other outdoor recreation areas generally are more sensitive to noise than are commercial and industrial land uses. Sensitive receptors in the vicinity of the Project site include the W Hotel, which is approximately 100 feet west of the Project site across State Street, and the Sophia Hotel, which is approximately 100 feet east of

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<sup>1</sup> Caltrans 1998

the County Courthouse. In addition, the AOC considers the Superior Court's courtrooms, judicial chambers, and conference facilities in the County Courthouse to be sensitive receptors. Other land uses surrounding the Project site generally include commercial uses and government-related facilities.

#### **4.11.1.4 Existing Noise Environment**

The 20-story W Hotel and a single-story commercial office building are approximately 100 feet west of the proposed courthouse building; a single-story office building is approximately 250 feet north of the proposed courthouse building; the County Courthouse is approximately 100 feet east of the proposed courthouse building; the Sofia Hotel is approximately 75 feet east of the County Courthouse; and, the Hall of Justice is approximately 150 feet south of the proposed courthouse building and 65 feet west of the County Courthouse. The 20-story W Hotel has public facilities on its lowest two floors, and hotel rooms on the remaining floors (third floor and higher). The County Courthouse has offices on its two lowest floors and courtrooms and other noise-sensitive uses are on the building's third, fourth, and fifth floors opposite the proposed new courthouse site. The 7-story Sofia Hotel has public facilities on its first floor and hotel rooms on its other floors. Analysts found no other sensitive receptors near the Project's site.

The primary source of existing noise at the proposed courthouse site is automobile and truck traffic on Union Street, State Street, Front Street, West B Street, West C Street, and West Broadway. No major stationary or industrial noise sources are located in close proximity.

Analysts collected three short-term (10-minute) noise measurements to characterize ambient noise conditions in the Project vicinity (see Analytical Methodology, below). *Table 4.11-2: Summary of Existing Noise Measurements*, describes noise measurement locations, noise levels, and noise sources.

Table 4.11-2: Summary of Existing Noise Measurements

Location	Time Period	10-minute Noise Measurements (dB)	Noise Sources
<b>Site 1.</b> Public Pay Parking lot (New Courthouse site) on the northwest corner of the Union Street/C Street intersection, approximately 100 feet west of the existing courthouse.	2:26 - 2:36 PM	Leq – 64.6 Lmin – 55.4 Lmax – 81.5 Peak – 92.9	Traffic (both cars and buses) from Union Street and C Street were primary source of noise. In addition the San Diego Trolley runs east/west along C Street providing intermittent moments of substantial noise, including horn noise.
<b>Site 2.</b> Sophia Hotel - Approximately 50 feet east of existing courthouse (to be demolished).	2:57 - 3:07 PM	Leq – 68.5 Lmin – 59.3 Lmax – 83.4 Peak – 101.7	Traffic was primary source of noise. In addition police sirens, cars unloading in front of the Sophia Hotel, conversations of hotel workers and large trucks contributed substantial amounts of noise.
<b>Site 3.</b> The W Hotel – Approximately 50 feet west of New Courthouse site.	3:24 – 3:34 PM	Leq – 66.2 Lmin – 60.3 Lmax – 81.3 Peak – 91.5	Primary sources of noise included cars unloading in front of hotel, conversations of guests and workers, and traffic on State Street.

Source: RBF Consulting, July 2010.

#### 4.11.1.5 Mobile and Stationary Noise Sources

The primary noise sources in the vicinity of the Project area include roadway traffic, including buses, large trucks and automobiles, the San Diego Trolley, and the San Diego International Airport. Both mobile and stationary noise sources, such as from operations of existing buildings, contribute to the existing noise levels within the Project area.

In order to assess the potential for mobile source noise impacts, it is necessary to determine the noise currently generated by vehicles traveling through the Project area. Analysts modeled the existing roadway noise levels in the vicinity of the Project area using the Federal Highway Administration's Highway Noise Prediction Model (FHWA-RD-77-108) together with several roadway and site parameters; please refer to *Appendix G, Noise Analysis Data*. These parameters determine the projected impact of vehicular traffic noise and include the roadway cross-section (e.g., number of lanes), roadway width, average daily traffic, vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-view, and site conditions ("hard" or "soft"). The model does not account for ambient noise levels (i.e., noise from adjacent land uses) or topographical differences between the roadway and adjacent land uses. Noise projections are based on modeled vehicular traffic as derived

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from ADT calculations provided in the Traffic Impact Analysis Report, dated May 12, 2010, prepared by RBF Consulting. The posted speed limits are 25 mile per hour for local streets and 35 miles per hour for major streets throughout the Project area. Existing modeled traffic noise levels can be found in *Table 4.11-3: Existing Traffic Noise Levels*.

**Table 4.11-3: Existing Traffic Noise Levels**

Roadway Segment	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 Ldn Noise Contour	65 Ldn Noise Contour	70 Ldn Noise Contour
<b>Ash Street</b>					
Columbia Street to State Street	11,660	62.1	201	64	20
State Street to Union Street	12,100	62.3	209	66	21
Union Street to Front Street	13,474	62.7	232	73	23
Front Street to First Avenue	14,847	63.2	256	81	26
<b>A Street</b>					
Columbia Street to State Street	8,740	60.9	151	48	15
State Street to Union Street	8,422	60.7	145	46	15
Union Street to Front Street	11,462	62.0	198	62	20
Front Street to First Avenue	12,630	62.5	218	69	22
<b>B Street</b>					
Columbia Street to State Street	4,812	58.3	83	26	8
State Street to Union Street	4,994	58.4	86	27	9
Union Street to Front Street	3,536	56.9	61	19	6
<b>C Street</b>					
Columbia Street to State Street	1,100	51.9	19	6	2
<b>Broadway</b>					
Kettner Boulevard to India Street	14,070	62.9	242	77	24
Union Street to Front Street	16,130	63.5	278	88	28
Front Street to First Avenue	20,754	64.6	358	113	36
<b>State Street</b>					
Ash Street to A Street	2,190	54.9	38	12	4
B Street to C Street	3,800	57.2	66	21	7
C Street to Broadway	3,221	56.5	56	18	6



Table 4.11-3: Existing Traffic Noise Levels, continued

Roadway Segment	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 Ldn Noise Contour	65 Ldn Noise Contour	70 Ldn Noise Contour
<b>Front Street</b>					
Ash Street to A Street	16,025	63.5	277	87	28
A Street to B Street	14,532	63.1	250	79	25
<b>First Avenue</b>					
Ash Street to A Street	19,860	64.4	343	108	34
A Street to B Street	15,849	63.4	273	86	27

ADT = average daily trips; dBA = A-weighted decibels; Ldn = the day/night average sound level

Source: RBF Consulting, Traffic Impact Analysis Report, dated July 2010.

## 4.11.2 Analytical Framework

### 4.11.2.1 Analytical Methodology

Analysts collected three short-term (10-minute) noise measurements to characterize ambient noise conditions in the Project vicinity. *Table 4.11-2: Summary of Existing Noise Measurements*, lists noise measurement locations, noise levels, and noise sources. *Figure 4.11-2: Noise Measurement Locations*, shows where the noise measurements were recorded. Noise measurements were recorded on May 18, 2010. Meteorological conditions consisted of a clear sunny day, with temperatures approximately 65 degrees Fahrenheit, wind speeds approximately five miles per hour, and a barometric pressure of 30.06 inches.

Noise monitoring equipment consisted of a Larson Davis Laboratories Model LDL 820 sound level analyzer equipped with a Larson Davis Free Field Model 2561 microphone and Preamp Model PRM828. Analysts calibrated the instrumentation prior to use with a Larson Davis Model CA250 acoustical calibrator to ensure the accuracy of the measurements, which complies with applicable requirements of the American National Standards Institute for Type I (precision) sound level meters. The microphone, covered by the windscreen, was on top of a tripod at an approximate height of five feet above ground surface.

### *Cumulative Analysis*

The analysis of cumulative mobile noise is a two-step process. First, the analysis compares the combined effects of the proposed Project and other projects. Second, for combined effects that are determined to be cumulatively significant, the analysis evaluates the Project's

incremental effects. The combined effect compares the “cumulative with Project” condition to “existing” conditions. The Project’s contribution to a cumulative traffic noise increase will be significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. This comparison accounts for the traffic noise increase from the Project generated in combination with traffic generated by projects included in the cumulative projects list.

#### **4.11.2.2 Regulatory Background**

Federal, State, and local agencies regulate different aspects of environmental noise. Noise regulations established at different administrative levels are described below.

##### ***State***

The State of California Office of Planning and Research *Noise Element Guidelines* include recommended interior and exterior level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Guidelines describe the compatibility of various land uses with a range of environmental noise levels in terms of dBA CNEL.

A noise environment of 50 dBA CNEL to 60 dBA CNEL is considered to be “normally acceptable” for residential uses. The State indicates that locating residential units, parks, and institutions (such as churches, schools, libraries, and hospitals) in areas where exterior ambient noise levels exceed 65 dBA CNEL is undesirable. The Office of Planning and Research recommendations also note that, under certain conditions, more restrictive standards than the maximum levels cited may be appropriate. As an example, the standards for quiet suburban and rural communities may be reduced by 5 to 10 dB to reflect their lower existing outdoor noise levels in comparison with urban environments.

In addition, Title 25, Section 1092 of the California Code of Regulations, sets forth requirements for the insulation of multiple-family residential dwelling units from excessive and potentially harmful noise. Whenever multiple-family residential dwelling units are proposed in areas with excessive noise exposure, the developer must incorporate construction features into the building’s design that reduce interior noise levels to 45 dBA CNEL.

##### ***Local***

Local regulation of noise involves implementation of general plan policies and noise ordinance standards. Local general plans identify general principles intended to guide and influence development plans. General plans recognize different sensitivities toward the noise environment for different types of land uses. Residential areas are generally

considered the most sensitive type of land use to noise, and industrial/commercial areas are generally considered the least sensitive. Noise ordinances set the specific standards and procedures for addressing particular noise sources and activities. Local noise ordinances typically set standards related to construction, nuisance-type noise sources, and noise levels at the industrial property line. The City of San Diego noise regulations and standards apply to the land uses near the Project site.

**City of San Diego General Plan**

The City has adopted noise compatibility guidelines for various land uses that are contained in the Noise Element of the General Plan. As shown in *Table 4.11-4: Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards)*, the General Plan considers a noise environment of up to 65 L<sub>dn</sub> compatible for office uses which is the category most similar to the courthouse. A noise environment of up to 75 L<sub>dn</sub> is allowed for new development of these types of uses only when a detailed analysis of noise reduction requirements has been conducted and the best practicable and available noise insulation features have been incorporated into the Project design.

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

Land Use Category	Exterior Noise Exposure			
	60	65	70	75
<b>Open Space and Parks and Recreational</b>				
Community & Neighborhood Parks, Passive Recreation				
Regional Parks, Outdoor Spectator Sports, Golf Courses, Athletic Fields, Outdoor Spectator Sports, Water Recreational Facilities, Horse Stables, Park Maintenance Facilities				
<b>Agricultural</b>				
Crop Raising & Farming, Aquaculture, Dairies, Horticulture Nurseries & Greenhouses, Animal Raising, Maintain & Keeping, Commercial Stables				
<b>Residential</b>				
Single Units, Mobile Homes, Senior Housing		45		
Multiple Units, Mixed-Use Commercial/Residential, Live Work, Group Living Accommodations, <i>*For uses affected by aircraft noise, refer to Policies NE-D.2 &amp; NE-D.3</i>		45	45*	
<b>Institutional</b>				
Hospitals, Nursing Facilities, Intermediate Care Facilities, Kindergarten through Grade 12 Educational Facilities, Libraries, Museums, Places of Worship, Child Care Facilities		45		

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

Land Use Category	Exterior Noise Exposure			
	60	65	70	75
Vocational or Professional Educational Facilities, Higher Education Institution Facilities (Community or Junior Colleges, Colleges, or Universities)		45	45	
Cemeteries				
<b>Sales</b>				
Building Supplies/Equipment, Food, Beverages & Groceries, Pets & Pet Supplies, Sundries, Pharmaceutical, & Convenience Sales, Wearing Apparel and Accessories			50	50
<b>Commercial Services</b>				
Building Services, Business Support, Eating & Drinking, Financial Institutions, Assembly & Entertainment, Radio & Television Studios, Golf Course Support			50	50
Visitor Accommodations		45	45	45
<b>Offices</b>				
Business & Professional, Government, Medical, Dental & Health Practitioner, Regional & Corporate Headquarters			50	50
<b>Vehicle and Vehicular Equipment Sales and Services Use</b>				
Commercial or Personal Vehicle Repair & Maintenance, Commercial or Personal Vehicle Sales & Rentals, Vehicle Equipment & Supplies Sales & Rentals, Vehicle Parking				
<b>Wholesale, Distribution, Storage Use Category</b>				
Equipment & Materials Storage Yards, Moving & Storage Facilities, Warehouse, Wholesale Distribution				
<b>Industrial</b>				
Heavy Manufacturing, Light Manufacturing, Marine Industry, Trucking & Transportation Terminals, Mining & Extractive Industries				
Research & Development			50	

Table 4.11-4 Legend			
	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level. Refer to Section 1.
		Outdoor Uses	Activities associated with the land use may be carried out.

**Table 4.11-4: Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards), continued**

<b>Table 4.11-4 Legend</b>			
	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas. Refer to Section 1.
	Conditionally Compatible	Outdoor Uses	Feasible noise mitigation techniques should be analyzed and incorporated make the outdoor activities acceptable. Refer to Section 1.
	Incompatible	Indoor Uses	New construction should not be undertaken.
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.

The City's General Plan recognizes noise pollution as a significant source of environmental degradation and identifies community noise goals and policies to reduce noise pollution. Many of the goals and policies address new residential development. The General Plan goals and policies are:

### Goal

Consider existing and future noise levels when making land use planning decisions to minimize people's exposure to excessive noise.

### *Policies*

- NE-A.1. Separate excessive noise-generating uses from residential and other noise-sensitive land uses with a sufficient spatial buffer of less sensitive uses.
- NE-A.2. Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use (shown on *Table 4.11-4*) to minimize the effects on noise-sensitive land uses.
- NE-A.3. Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.
- NE-A.4. Require an acoustical study consistent with Acoustical Study Guidelines for proposed developments in areas where the existing or future noise level exceeds or would exceed the "compatible" noise level thresholds as indicated on the Land Use - Noise Compatibility Guidelines (*Table 4.11-4*), so that noise mitigation measures can be included in the Project design to meet the noise guidelines.
- NE-A.5. Prepare noise studies to address existing and future noise levels from noise sources that are specific to a community when updating community plans.

### City of San Diego Noise Ordinance

The Municipal Code includes prohibited activities and noise standards that apply to the City's approval of projects in the vicinity of the AOC's Project.

**59.5.0401 - Sound Level Limits**

- a) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in *Table 4.11-5: Table of Applicable Limits – San Diego Municipal Code*, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

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

<b>Land Use</b>	<b>Time of Day</b>	<b>One-Hour Average Sound Level Decibels</b>
1. Single-Family Residential	7 AM to 7 PM	50
	7 PM to 10 PM	45
	10 PM to 7 AM	40
2. Multi-Family Residential (Up to a maximum density of 1/2000)	7 AM to 7 PM	55
	7 PM to 10 PM	50
	10 PM to 7 AM	45
3. All other Residential	7 AM to 7 PM	60
	7 PM to 10 PM	55
	10 PM to 7 AM	50
4. Commercial	7 AM to 7 PM	65
	7 PM to 10 PM	60
	10 PM to 7 AM	60
5. Industrial or Agricultural	Anytime	75

- b) The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 of this Chapter 5, Article 9.5, Division 4.

**59.5.0404 - Construction Noise**

- (a) It shall be unlawful for any person, between the hours of 7:00 PM of any day and 7:00 AM of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington’s Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the

- proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and, shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.
- (b) Except as provided in Subsection C hereof, it shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 AM to 7:00 PM.
- (c) The provisions of Subsection B of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within 48 hours after commencement of work.

### 4.11.3 Standards of Significance

The AOC considers an impact to be significant if the Project will:

- Cause a 5 dBA permanent increase in ambient noise levels or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies. For evaluation of cumulative noise impacts, if the “Future With Project” causes a 5 dBA increase in noise over the “Existing Plus Cumulative Without Project” noise level and the AOC’s Project contributes 1 dBA of the cumulative 5 dBA increase, the AOC will consider the Project’s contribution to be significant;
- Cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels that would exist without the Project;
- Generate excessive ground-borne vibration or ground-borne noise levels; or,
- Expose people residing or working in the Project area to excessive noise levels from a public airport, public use airport, or private airstrip.

## 4.11.4 Potential Impacts and Mitigation Measures

### 4.11.4.1 Permanent Noise

**Potential Impact:** (N-1) Will the Project cause a substantial permanent increase in ambient noise levels or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies?

**Less than Significant Impact.**

#### *Building Equipment Noise*

The City's noise ordinance (Section 59.5.0401 of the Municipal Code) specifies the maximum sound level for commercial land uses. The one-hour average sound level (Leq) produced by commercial land uses must not exceed 65 dB during daytime hours or 60 dB during nighttime hours as measured at the property line of any other adjoining commercial zoning district. If commercial land uses are adjacent to any noise-sensitive land uses, they must comply with the performance standards contained in Section 59.5.0401(b) and Section 59.5.0404(c).

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 4.11-4: Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards)*. These noise levels are based on daily averages with more weight in the averages for nighttime noise. The Project will be adjacent to a hotel, office buildings, commercial and professional businesses, a courthouse, and other governmental offices. Taking into account the nearby land uses, this table can be used as a guide for evaluating significance thresholds.

As shown in *Table 4.11-5: Table of Applicable Limits – San Diego Municipal Code*, the City of San Diego's normally acceptable maximum allowable ambient noise exposure for office buildings is 65 Ldn. The courthouse will generate some noise from heating, ventilating, and air conditioning mechanical equipment that is typical of the equipment used in the surrounding office buildings and hotels in the Project vicinity. Since the mechanical equipment will be typical for office buildings, the AOC does not expect the equipment's noise generation to exceed 50 Ldn at a distance of 100 feet. In addition, much of the equipment will be at the top of the new courthouse, which will reduce the noise impacts. Also, the Project will remove the County Courthouse, the Old Jail, and the Stahlman Block's existing buildings and their equipment and the related noise. Therefore, sound from the Project's mechanical equipment will not produce a substantial increase in ambient noise levels.



In addition, as discussed below under *Operational Traffic Noise*, the Project's traffic will not generate a substantial permanent increase in traffic-related noise. Therefore, any Project-related permanent increase in ambient noise, either from operational uses or traffic generation, will be less than significant.

### ***Operational Traffic Noise***

The proposed Project will result in an increase of 134 average daily trips (a.m. peak trips) within the vicinity of the Project area. *Table 4.11-6: Future Noise Scenarios*, compares the "Future Without Project" scenario to the "Future With Project" scenario and depicts what would typically be heard 100 feet perpendicular to the roadway centerline. As indicated in *Table 4.11-6* under the "Future Without Project" scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 52.4 dBA to 64.9 dBA. The highest noise levels under the "Future Without Project" conditions occur along Broadway (between Front Street and First Avenue). Under the "Future With Project" scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 52.9 dBA to 64.9 dBA, the highest noise levels occurring along the same roadway segment as the "Future Without Project" condition. The highest noise level increase would be 0.5 dBA along C Street, and the AOC considers the impact to be less than significant. *Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios*, lists the traffic noise effects along roadway segments in the Project vicinity for "Existing Without Project," "Future Without Project," and "Future With Project," including incremental and net cumulative impacts. Based on the an evaluation of the difference between "Existing Without Project" and "Cumulative With Project, the Project's Ash Street traffic noise between Columbia Street and State Street traffic will have the highest increase in traffic noise levels in the Project area (0.7 dBA). Since this increase is below the AOC's threshold and will not be perceptible, cumulative impacts will be less than significant.

Mitigation Measures: None Required.

Table 4.11-6: Future Noise Scenarios

Roadway Segment	Future Without Project dBA Ldn @ 100 Feet from Roadway Centerline	Future With Project dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA between “Future Without Project” and „Future With Project”	Significant Impact?
<b>Ash Street</b>				
Columbia Street to State St	62.8	62.8	0.0	No
State Street to Union Street	62.5	62.5	0.0	No
Union Street to Front Street	62.9	63.0	0.1	No
Front Street to First Avenue	63.4	63.4	0.2	No
<b>A Street</b>				
Columbia Street to State St	61.2	61.2	0.0	No
State Street to Union Street	61.0	61.1	0.1	No
Union Street to Front Street	62.3	62.4	0.1	No
Front Street to First Avenue	62.7	62.8	0.1	No
<b>B Street</b>				
Columbia Street to State St	58.6	58.7	0.1	No
State Street to Union Street	58.8	58.9	0.1	No
Union Street to Front Street	57.4	57.5	0.1	No
<b>C Street</b>				
Columbia Street to State St	52.4	52.9	0.5	No
<b>Broadway</b>				
Kettner Blvd to India St	63.3	63.3	0.0	No
Union Street to Front Street	63.8	63.8	0.0	No
Front Street to First Avenue	64.9	64.9	0.0	No
<b>State Street</b>				
Ash Street to A Street	55.3	55.3	0.0	No
B Street to C Street	57.3	57.7	0.4	No
C Street to Broadway	56.9	56.9	0.0	No
<b>Front Street</b>				
Ash Street to A Street	63.6	63.7	0.1	No
A Street to B Street	63.1	63.1	0.0	No

Table 4.11-6: Future Noise Scenarios, continued

Roadway Segment	Future Without Project dBA Ldn @ 100 Feet from Roadway Centerline	Future With Project dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA between “Future Without Project” and „Future With Project”	Significant Impact?
<b>First Street</b>				
Ash Street to A Street	64.5	64.5	0.0	No
A Street to B Street	63.5	63.5	0.0	No

#### 4.11.4.2 Temporary or Periodic Noise

**Potential Impact:** (N-2) Will the Project produce a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

##### **Significant Impact Despite Mitigation.**

As explained earlier, the State of California is not subject to local governments’ planning and zoning requirements or municipal codes and ordinances, but the AOC is coordinating closely with the City and CCDC to ensure that the Project is generally compatible with local plans and policies. Like the AOC, the City has recognized that noise from construction is temporary, is an inevitable part of construction activities that are necessary for development, will occur in the least noise-sensitive times of the day, and will not result in a permanent increase in ambient noise levels.

As stated earlier, construction activities will typically occur during the hours from 7:00 AM to 4:00 PM on weekdays (although it is possible that some construction activities might continue until 7:00 PM) and 9:00 AM to 4:00 PM on Saturdays. In order to shorten the duration of the overall construction process, the AOC plans to perform construction demolition and excavation activities from 6:00 AM to 10:00 PM. Truck hauling of excavated material will typically end at approximately 8:00 PM. As explained earlier, the AOC will coordinate with the CCDC and City to perform any such activities in a manner that is generally compatible with the City's noise standards.

It is anticipated that construction of the proposed Project will commence in 2014 and end in 2016. Potential noise impacts associated with construction of the proposed Project will typically occur in several distinct phases, and each phase has individual noise characteristics.

The site preparation phase and the demolition phase are generally the noisiest phases of construction and have the shortest duration. Activities that occur during these phases

include earth and debris moving and hauling as well as compacting of soils. High noise levels occur during this phase from the operation of heavy-duty trucks, cranes, backhoes, and front-end loaders. The noise levels indicated in *Table 4.11-7: Typical Noise Levels from Construction Equipment*, represent the typical noise levels associated with construction equipment that will operate on-site. *Table 4.11-7: Typical Noise Levels from Construction Equipment*, lists typical maximum noise levels of common construction machines and *Table 4.11-9: Typical Vibration Levels for Construction Equipment*, lists noise levels for construction operations with more than one piece of construction equipment in operation at a time for various phases of construction.

The AOC will implement the following BMPs as part of the construction of the proposed Project:

- Designate a Project contact person to communicate with the San Diego community and interested stakeholders regarding construction activities;
- Inform the San Diego community and interested stakeholders through the use of a monthly newsletter that identifies the construction schedule and upcoming construction activities;
- As part of the public outreach efforts, designate a “noise coordinator” for the Project to meet with interested stakeholders and respond to complaints concerning construction noise;
- Equip construction equipment with the best available noise attenuation device, such as mufflers or noise attenuation shields;
- Install sound barriers (such as plywood barriers or noise attenuation blankets) around of the perimeter of the Project site along Union Street and portions of State Street, opposite the W Hotel and the adjacent single-story commercial building; and,
- When feasible, use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, cranes, and general construction operations.

The Project’s construction operations will include the following noise impacts:

- Excavation of the basement for the court building will require operation of excavators, loaders, and trucks. The operations will occur in an area that is approximately 20 feet to 250 feet east of the west side of State Street, which is approximately 20 feet to 250 feet west of the west side of Union Street. Due to location of the excavation operations, the AOC expects excavation noise to generate approximately 80 dBA (at a distance of 100 feet) during ground-level excavation operations; refer to *Table 4.7-8, Outdoor Construction Noise*. Since the excavation operations will lower the topographical elevation of the construction site, the sides of

the lowered elevation area will act as a sound barrier to attenuate noise. The Project's perimeter sound barrier will also attenuate the noise of excavation operations. However, excavation-related noise levels at the W Hotel and Superior Court will exceed 75 dBA, and the AOC considers this impact to be significant;

- During excavation haul trucks will export excess soil away from the Project site to a disposal site at the Otay Landfill.<sup>2</sup> The AOC expects trucks to exit Interstate 5 at the Front Street exit and approach the Project site via Cedar Street, Union Street, and B Street. Trucks will exit onto B Street and will return to Interstate 5 via State Street, A Street, and 5<sup>th</sup> Avenue to the 5<sup>th</sup> Avenue freeway on-ramp. A truck traveling down the street can generate a 71 dBA  $L_{eq}$  noise level at 50 feet. Since the loaded trucks traveling on State Street, A Street, and 5<sup>th</sup> Avenue will travel through commercial areas, there will likely be few sensitive receptors. Therefore, the AOC concludes that the trucks' noise impacts on the outbound route will be less than significant;
- The empty trucks traveling on Front Street between Date Street and Beech Street to the Project site will travel past the Doubletree Hotel and residential complexes. Since the trucks will be empty and Front Street has a downhill slope between Date Street and Beech Street, the truck operators will need much lower engine power to accelerate and cruise than loaded trucks. Therefore, the trucks will generate less noise than typical operations. AOC concludes that the trucks' noise impacts on the return route will be less than significant;
- Trenching operations for utility relocation will occur around the periphery of the proposed courthouse site, and construction personnel will probably utilize jackhammers and backhoes to gain access to existing utilities and prepare alignments for new utilities. As noted in Table 3-1, the AOC expects utility relocation operations to require approximately two months of work, but excavation operations for the relocation will occur for only a very small amount of this time. Operations will probably occur along between B Street and C Street and along B Street between State Street and Union Street. Excavation work for trenches in these locations will require only one or two days of work and during this time, the use of jackhammers and backhoes will be sporadic and last for only several minutes at a time;
- Foundation operations for the Project's tower will occur in the excavated basement area. As stated previously, foundation construction operations will not include use of pile drivers. The distance to nearby receptors and the depth of the basements' excavation area will attenuate noise from foundation operations;

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<sup>2</sup> Personal Communication: John McRitchie, Rudolph and Stetten, Inc. to Jerome Ripperda, Environmental Analyst, AOC, July 6, 2010.

- Assembly of the Project's steel frame and installation of its exterior will utilize one or more cranes. Assembly of the courthouse's frame and exterior will generate sporadic hammering sounds. As shown in *Table 4.11-9, Typical Vibration Levels for Construction Equipment*, structural work can produce 83 dBA noise at 50 feet; however, most of the building's structure will be more than 100 feet from the W Hotel and Superior Court's noise-sensitive judicial facilities, and the structural work-related sounds will be 77dBA or less at the outside walls of the buildings. Since the structural work-related sounds will be intermittent and sporadic, will occur for only a limited time, and the W Hotel's and County Courthouse's exterior walls will reduce receptors' perception of the construction-related sound, the AOC considers the structural work-related sound impacts to be less than significant. Once the construction contractor assembles the building's walls, interior work will generate only minor noise;
- Final grading of the site and installation of driveways, sidewalks, other hard surfaces, and landscaping will occur over most of the Project site and will require use of backhoe tractors, light tractors equipped with graders, and concrete trucks; however, the AOC expects that these operations will be low intensity and not require high-power operation of the equipment or vehicles. The Project's perimeter sound barrier will also reduce noise levels along the perimeter of the courthouse site; and,
- Demolition of the County Courthouse and Old Jail will require operation of excavators, loaders, trucks, and one or more cranes. The operations will occur in an area that is approximately 65 feet to 265 feet west of the east side of Front Street. The southern portion of the County Courthouse includes a seven-story tower on the west side of Front Street, and the seven-story Sofia Hotel is on the east side of Front Street directly opposite the courthouse's tower. Other commercial buildings are north of the Sofia Hotel. Due to location of the demolition operations, the AOC expects equipment noise may generate approximately 80 dBA (at a distance of 100 feet) at the Sofia Hotel during demolition operations; refer to *Table 4.7-8, Outdoor Construction Noise*. Since demolition-related noise levels at the Sofia Hotel may exceed the AOC's 75 dBA threshold, the AOC considers this impact to be significant. Noise levels at the other commercial buildings will be less than significant because the cinder-block building adjacent to the Sofia Hotel has no windows and the buildings adjacent to the Front Street/C Street intersection are over 100 feet from the County Courthouse and support commercial uses.

Noise attenuation from the Project's perimeter sound barrier and the basement excavation's walls will reduce construction-related noise levels at ground level, but the sound barriers will provide no noise attenuation for sensitive receptors on floors above ground level.

The Project's BMPs will reduce noise, construction noise will be temporary and often sporadic and will typically occur only during the least noise-sensitive hours specified by the City's Municipal Code, and the surrounding land uses do not include sensitive receptors; however, since the Project's excavation and demolition operations may exceed 75 dBA and the exceedances for excavation operations may occur after 7:00 PM or between 6:00 AM and 7:00 AM, the AOC concludes that the Project's excavation-related and demolition-related noise impacts will be potentially significant, and mitigation will be required to reduce impacts. The noise impacts of the non-excavation and non-demolition operations will be less than significant.

The Project site is greater than 800 feet away from the nearest residential zone property.<sup>3</sup> As shown in *Table 4.11-7* and *Table 4.11-8*, at a distance of 800 feet, the Project would be below the City's noise limit of a 12-hour average of 75 dBA at the property lines of residentially zoned properties. Potential impacts to residential zone properties will be less than significant.

The Project will implement Mitigation Measure NOI-1 which will reduce noise levels emitted from construction equipment. Despite implementation of the mitigation measure, the AOC concludes that construction excavation and demolition noise impacts will remain significant.

**Table 4.11-7: Typical Noise Levels from Construction Equipment**

Noise Level (dBA) /a/* 400 Feet	Noise Level (dBA) /a/*				
	50 Feet	100 Feet	200 Feet	400 Feet	800 Feet
Jackhammer	81-98	75-92	69-86	63-82	57-76
Pneumatic impact equipment	83-88	77-83	71-77	65-71	59-65
Trucks	82-95	76-89	70-83	64-77	58-71
Backhoe	73-95	67-89	61-83	56-77	50-71
Cranes (moveable)	75-88	69-82	63-76	57-70	51-64
Front loader	73-86	67-80	61-74	56-68	50-62
Concrete mixer	75-88	69-82	63-76	57-70	51-64

**Note:** /a/ assumes a 6-dBA decline for noise generated by a "point source" and traveling over hard surfaces.

\***Source:** City of Los Angeles. 2003. L.A. CEQA Thresholds Guide. Los Angeles, CA for 50 feet and 100 feet. columns.

Calculations of noise levels for 200 feet, 400 feet, and 800 feet columns assume that dBA decline by 6 dBA with doubling of the distance between noise source and receptor.

<sup>3</sup> The City's Centre City Zoning Map can be reviewed at the following link: <http://www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf>

**Table 4.11-8: Outdoor Construction Noise Levels**

Construction Phase	Noise Level (dBA)*				
	50 Feet	100 Feet	200 Feet	400 Feet	800 Feet
Grading/excavation	86	80	74	68	62
Foundations	77	71	65	59	53
Structural	83	77	71	65	59
Finishing	86	82	76	70	64

\*Source: City of Los Angeles. 2003. L.A. CEQA Thresholds Guide. Los Angeles, CA for 50 feet and 100 feet columns. Noise levels for 100 feet, 200 feet, 400 feet, and 800 feet columns calculated from the assumption that dBA decline by 6 dBA with doubling of the distance between noise source and receptor.

Mitigation Measures:

NOI-1 Prior to site mobilization, the following shall be demonstrated to the AOC and noted on construction bid documents:

- All construction equipment shall have properly operating and maintained mufflers and other State-required noise attenuation devices;
- The AOC’s construction contractor shall post notices, legible at a distance of 50 feet, at the Project construction site. All notices shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints;
- The AOC’s construction contractor shall designate a Noise Disturbance Coordinator and make the coordinator responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall immediately determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint; and,
- Where feasible during construction, the construction contractor shall place stationary construction equipment in locations where the emitted noise is away from sensitive noise receivers.

4.11.4.3 Vibration

**Potential Impact:** (N-3) Will the Project generate excessive ground-borne vibration or ground-borne noise levels?

**Less Than Significant Impact.**

Project construction can generate varying degrees of ground-borne vibration, depending on the construction procedure and the construction equipment used. Operation of construction



equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The vibration produced by construction equipment is illustrated in *Table 4.11-9: Typical Vibration Levels for Construction Equipment*.

**Table 4.11-9: Typical Vibration Levels for Construction Equipment**

<b>Equipment</b>	<b>Approximate peak particle velocity at 25 feet (inches/second)</b>	<b>Approximate peak particle velocity at 75 feet (inches/second)</b>
Large bulldozer	0.089	0.017
Loaded trucks	0.076	0.015
Small bulldozer	0.003	0.001
Jackhammer	0.035	0.007

Notes:

1 - Peak particle ground velocity measured at 25 feet unless noted otherwise.

2 - Root mean square amplitude ground velocity in decibels (VdB) referenced to 1 micro-inch/second.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Guidelines*, May 2006.

Ground-borne vibration decreases rapidly with distance. Based on the Federal Transit Administration (FTA) data presented in *Table 4.11-9: Typical Vibration Levels for Construction Equipment*, projected vibration velocities from typical heavy construction equipment operation range from 0.003 to 0.089 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. At 75 feet from the source activity, vibration velocities range from 0.001 to 0.017 inch-per-second peak PPV. For the proposed Project, ground-borne vibration will occur primarily during site clearing, excavation, and grading activities and by off-site haul-truck travel. The closest occupied structures with a daytime use are approximately a minimum of 75 feet from potential heavy construction activity. Since each projected vibration value at 75 feet is below the 0.2 inch-per-second PPV significance

threshold, vibration impacts associated with Project construction will be less than significant, and no mitigation measures are required.

#### 4.11.4.4 Exposure to Airport Noise

**Potential Impact:** (N-4) Will the Project expose people residing or working in the Project area to excessive noise levels from a public airport, public use airport, or private airstrip?

**Less than Significant Impact.**

The Project is not located in the vicinity of a private airstrip. The Project's proposed courthouse site is near the San Diego International Airport, which is approximately one mile northwest of the Project site. The Project site is adjacent to the existing courthouse, which already experiences increased noise levels associated with the San Diego International Airport. The Project will not alter the existing operational uses of the courthouse. As such, implementation of the Project will not increase the exposure to the existing noise associated with the San Diego International Airport. Impacts will be less than significant, and no mitigation is required.

Mitigation Measures: None required.

Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios

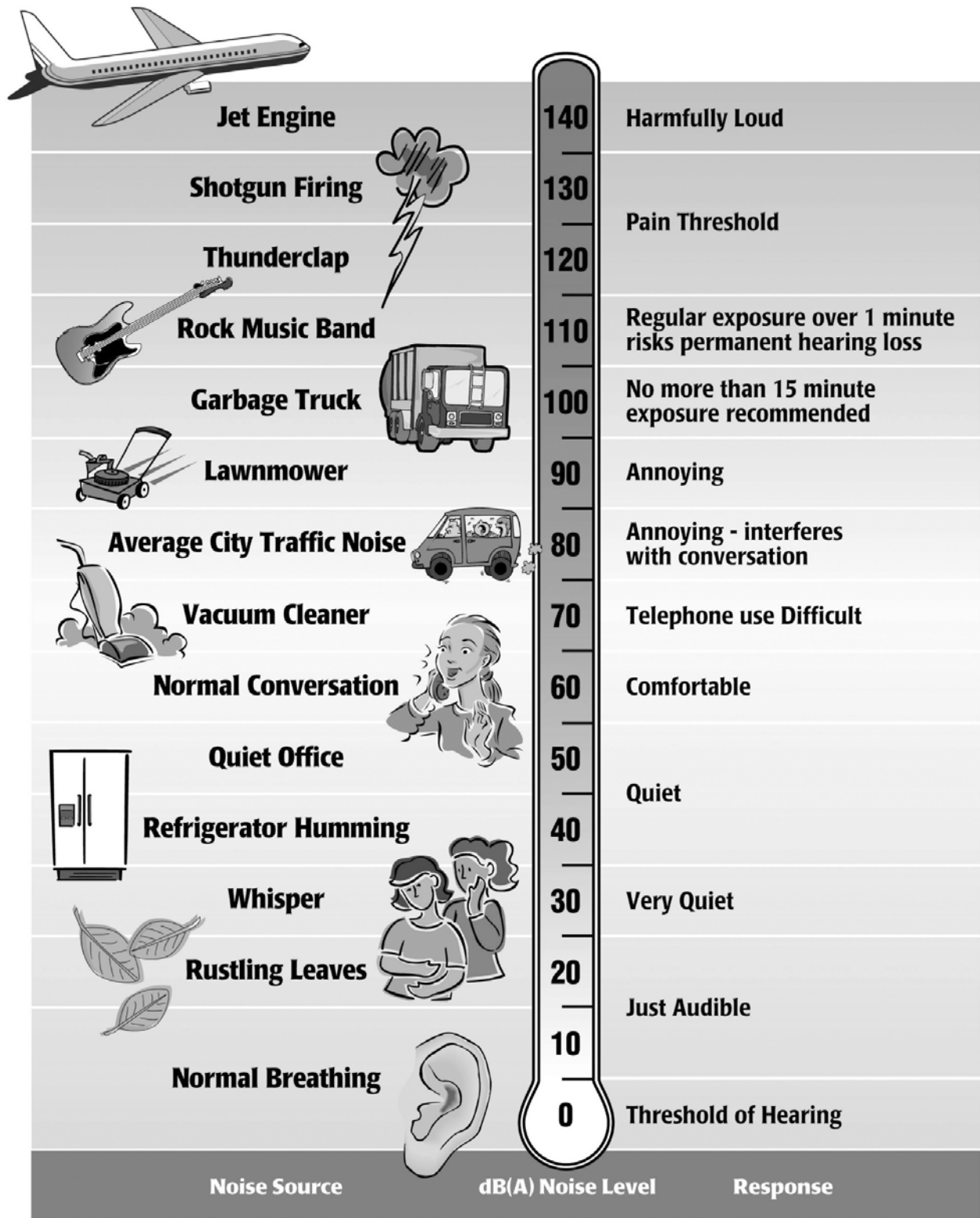
Roadway Segment		Existing Without Project	Cumulative Without Project	Cumulative With Project	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
		dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA Between "Existing Without Project" and „Cumulative With Project”	Difference In dBA between "Cumulative Without Project" and „Cumulative With Project”	
Ash Street	Columbia Street to State St	62.1	62.8	62.8	0.7	0.0	No
	State Street to Union Street	62.3	62.5	62.5	0.2	0.0	No
	Union Street to Front Street	62.7	62.9	63.0	0.3	0.1	No
	Front Street to First Avenue	63.2	63.4	63.4	0.2	0.2	No
A Street	Columbia Street to State St	60.9	61.2	61.2	0.3	0.0	No
	State Street to Union Street	60.7	61.0	61.1	0.4	0.1	No
	Union Street to Front Street	62.0	62.3	62.4	0.2	0.1	No
	Front Street to First Avenue	62.5	62.7	62.8	0.3	0.1	No
B Street	Columbia Street to State St	58.3	58.6	58.7	0.4	0.1	No
	State Street to Union Street	58.4	58.8	58.9	0.5	0.1	No
	Union Street to Front Street	56.9	57.4	57.5	0.5	0.1	No
C Street	Columbia Street to State St	51.9	52.4	52.9	1.0	0.5	No

Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios, continued

Roadway Segment		Existing Without Project	Cumulative Without Project	Cumulative With Project	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
		dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA Between “Existing Without Project” and „Cumulative With Project”	Difference In dBA between “Cumulative Without Project” and „Cumulative With Project”	
Broadway	Kettner Blvd to India St	62.9	63.3	63.3	0.4	0.0	No
	Union Street to Front Street	63.5	63.8	63.8	0.3	0.0	No
	Front Street to First Avenue	64.6	64.9	64.9	0.3	0.0	No
State Street	Ash Street to A Street	54.9	55.3	55.3	0.4	0.0	No
	B Street to C Street	57.2	57.3	57.7	0.5	0.4	No
	C Street to Broadway	56.5	56.9	56.9	0.4	0.0	No
Front Street	Ash Street to A Street	63.5	63.6	63.7	0.2	0.1	No
	A Street to B Street	63.1	63.1	63.1	0.0	0.0	No
First Street	Ash Street to A Street	64.4	64.5	64.5	0.1	0.0	No
	A Street to B Street	63.4	63.5	63.5	0.1	0.0	No

ADT = average daily trips; dBA = A-weighted decibels; Ldn = the day/night average sound level.

Source: Traffic Impact Analysis Report, dated July 2010.



**Source:**

Melville C. Branch and R. Dale Beland, *Outdoor Noise in the Metropolitan Environment*, 1970.

Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA/ONAC 550/9-74-004)*, March 1974.

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## 4.12 POPULATION AND HOUSING

This section evaluates the potential impacts of the Project in terms of population and housing.

### 4.12.1 Environmental Setting

Between 2000 and 2009, the City's population grew by approximately 11% from 1,223,400 residents. In 2009, the City of San Diego had an estimated population of 1,353,993 residents. In 2009, the number of housing units totaled 510,726, with 480,024 (or 94%) occupied and 30,702 (or 6%) vacant.<sup>1</sup>

It is estimated that by the year 2050, the City's population will increase from 1,223,400 to 1,945,569 residents, representing a 49% increase from the year 2000. Similarly, a 44% increase in housing is anticipated, with the total number of housing units increasing from 469,689 in 2000 to an estimated 722,280 by the year 2050. Reflecting this increase in population and housing, the number of jobs will increase 22% from 777,600 in 2000 to an estimated 1,042,649 by the year 2050.<sup>2</sup>

### 4.12.2 Analytical Framework

#### Analytical Methodology

To identify potential Project impacts for population and housing, a document review was conducted to identify existing conditions in the City, and specifically, the downtown San Diego area. Analysts reviewed the following documentation as part of the assessment and EIR analysis:

- City of San Diego General Plan, Adopted March 2008;
- City of San Diego General Plan Final Program EIR, Certified September 2007;
- 2030 Regional Growth Forecast (Prepared by San Diego Association of Governments, June 2004);
- 2030 Regional Growth Forecast Update (Prepared by San Diego Association of Governments, July 2008, No. 2);
- 2050 Regional Growth Forecast Update (Prepared by San Diego Association of Governments, February 26, 2010; and,

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<sup>1</sup> *Fast Facts – City of San Diego*. San Diego Association of Governments. February 2010.

<sup>2</sup> *Fast Facts – City of San Diego*. San Diego Association of Governments. February 2010.

- *Fast Facts – City of San Diego*. San Diego Association of Governments. February 2010.

## Regulatory Background

### City of San Diego General Plan - Housing Element

The City of San Diego General Plan provides growth assumptions for the buildout of the City over the next 20 years. The General Plan is intended to provide long-range guidance and identifies the City's economic, social, and environmental goals with regard to future development. Refer also to Section 4.9, *Land Use and Planning*, for additional discussion of anticipated future development within the City of San Diego.

The General Plan's Housing Element establishes a number of goals and policies aimed at the provision of adequate housing within the City of San Diego. The Element represents a five-year plan with established objectives for the implementation of the goals and policies of the Housing Element.

According to the City's Draft Housing Element (2005-2010), the lack of affordable housing is a particular concern. The underlying problems include a limited land supply available for housing, infrastructure deficiencies, and community opposition or resistance to increased density on available land. Gradually, an increase in development of multi-family housing units at varying densities has occurred, but not enough has been built to satisfy the growing demand. The single-family units being built are increasingly only for the high end of the real estate market.

The Housing Element also indicates a dramatic increase in the pace of housing development in the downtown San Diego area. Developers completed 6,344 units in downtown from 2001-2005 and had 4,623 units under construction in 2005. The City anticipates that the population of downtown will rise from 27,000 in 2005 to 80,000 over the next 15-20 years.<sup>3</sup>

In October 2002, the City adopted a new element of the General Plan called the Strategic Framework. This new element provides principles and guidelines for guiding San Diego's anticipated growth through 2020. The Strategic Framework Element provides a long-range plan for the next 20 years in San Diego and addresses critical issues pertaining to infrastructure adequacy and funding mechanisms, appropriate development densities, and the relationship between economic growth and population growth. The Strategic Framework Plan recommends a development concept referred to as "The City of Villages," which represents the foundation on which the current General Plan was prepared. The concept calls for the City's pedestrian-oriented residential and commercial areas, of various

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<sup>3</sup> City of San Diego General Plan Housing Element FY2005-FY2010.

scales, to be located in proximity to transit nodes. Future development patterns within the City are expected to reflect the “villages” concept, where appropriate.

To address regional housing needs, the San Diego Association of Governments is responsible for the preparation of the Regional Housing Needs Assessment. It adopted the current Regional Housing Needs Assessment for the years 2005 to 2010 in February 2005. The current Regional Housing Needs Assessment indicates that the City has adequate land zoned and designated for housing to meet its Regional Housing Needs Assessment housing supply goals for the 2005 to 2010 housing cycle. However, the Assessment indicates that it will be necessary to rezone and redesignate more land to create capacity for additional housing supply, particularly after 2015.

### 4.12.3 Standards of Significance

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

- Potentially induce substantial growth either directly or indirectly; or,
- Displace a potentially significant amount of existing housing, especially affordable housing.

### 4.12.4 Potential Impacts and Mitigation Measures

#### Population Growth

**Potential Impact:** (POP-1) Will the proposal potentially induce substantial growth either directly or indirectly?

**No Impact.**

The Project site is in a highly urbanized area, and development of the site with courthouse-related uses is generally consistent with the adopted plans and policies applicable to the Project site. The Project will not induce substantial population growth or the construction of additional housing. No impacts will occur.

#### Housing

**Potential Impact:** (POP-2) Will the proposal displace a potentially significant amount of existing housing, especially affordable housing?

**No Impact.**

There is no residential housing located on the Project site, and therefore, no housing will be displaced by the Project. No impacts will occur.

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## 4.13 PUBLIC SERVICES

This section evaluates the Project's potential impacts on public services.

### 4.13.1 Environmental Setting

The Project site is in a highly urbanized area where public services are readily available and within close proximity. The City of San Diego Fire-Rescue Department provides fire protection services for the Project site. The Department serves an approximately 331 square-mile area within the City boundaries, with 47 fire stations and nine permanent lifeguard stations.<sup>1</sup>

The Project site is within Fire District 1, and Fire Station 1, which is at 1222 First Avenue and approximately 0.1 mile to the northeast of the Project site, will serve the new courthouse. A second station, Fire Station 3, is at 725 West Kalmia Street, approximately 0.8 mile to the northwest of the Project site, and provides additional fire protection or emergency services if needed.

The City's Police Department provides law enforcement services within the City. The Project site is within the City's Central Division, which supports three stations within the Division's 9.7 square-mile service area. The Central Division's main station, at 2501 Imperial Avenue, will serve the Project site. The Central Division serves an estimated population of approximately 85,927 people.<sup>2</sup>

The Sheriff's Department, in combination with contracted private security personnel, currently provides law enforcement services for the existing courthouse and will provide similar law enforcement services for the New San Diego Central Courthouse. City Police Department personnel also currently provide law enforcement services for the existing courthouse, when needed, although such services are not part of courthouse security responsibilities. City police officers will provide similar services once the new courthouse is constructed, on an as-needed basis.

Due to the nature of the courthouse and the associated operational activities and occupants (e.g., potentially convicted criminals), a number of other law enforcement and/or service agencies may frequently utilize the court facilities. These agencies may include the City and/or District Attorney, County Public Defender, County Child Support, California Highway Patrol, County Public Health Division, County Human Services Agency, County Mental Health Division/Office of Substance Abuse, County Probation Department, or other

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<sup>1</sup> City of San Diego Fire-Rescue Department. <http://www.sandiego.gov/fireandems/about/overview.shtml>. July 2010.

<sup>2</sup> City of San Diego Police Department. <http://www.sandiego.gov/police/about/index.shtml>. July 2010.

public service responsibilities that involve interactions with the court and use of the court's facilities in the City of San Diego.

## 4.13.2 Analytical Framework

### 4.13.2.1 Analytical Methodology

Analysts conducted a site reconnaissance and researched affected agencies to assess existing public services conditions and to evaluate the potential impacts of the Project on public systems. The AOC's evaluation of public systems on and near the proposed new Central Courthouse Project included review of the following:

- The General Plan – City of Villages (March 2008);
- The General Plan Final Program EIR (September 2007); and,
- Assessment of Project compliance with applicable Federal, State, and local legal requirements with regard to public services.

### 4.13.2.2 Regulatory Background

Analysts conducted research and contacted agencies to identify existing and anticipated conditions with regard to the provision of public services by the affected agencies.

#### *City of San Diego*

The Public Facilities, Services, and Safety Element of the City's General Plan states the following policy:

##### D. Fire-Rescue

###### *Policies*

PF-D.1. Locate, staff, and equip fire stations to meet established response times. Response time objectives are based on national standards. Add one minute for turnout time to all response time objectives on all incidents.

- Total response time for deployment and arrival of the first-in engine company for fire suppression incidents should be within four minutes 90 percent of the time.
- Total response time for deployment and arrival of the full first alarm assignment for fire suppression incidents should be within eight minutes 90 percent of the time.
- Total response time for the deployment and arrival of first responder or higher-level capability at emergency medical incidents should be within four minutes 90 percent of the time.

- Total response time for deployment and arrival of a unit with advanced life support (ALS) capability at emergency medical incidents, where this service is provided by the City, should be within eight minutes 90 percent of the time.

### 4.13.3 Standards of Significance

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

- Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection services;
- Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for police protection services; or,
- Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities.

### 4.13.4 Potential Impacts and Mitigation Measures

#### 4.13.4.1 Fire Protection Services

**Potential Impact:** (UPS-1) Will the Project result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?

**Less than Significant Impact.**

The Project site is within a highly urbanized area. The City currently provides fire protection services to the existing uses on the site and to the existing courthouse.

Construction of the new Central Courthouse and demolition of the County Courthouse, Old Jail, and buildings on the Stahlman Block do not represent a significant increase in intensity of use over other high-rise building in the immediate vicinity of the Project and will not create unacceptable service ratios. As noted above, two fire stations are within close proximity to the Project site, and required response times can therefore be met. For these reasons, the Project will have a less than significant impact on fire response times and will not otherwise create a substantially greater need for fire protection services than that which presently exists.

Mitigation Measures: None required.

#### 4.13.4.2 Police Protection Services

**Potential Impact:** (UPS-2) Will the Project result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

**Less than Significant Impact.**

The City Police Department does not provide regular daily police protection services for the current judicial operations, and it will not provide services for court operations in the proposed new courthouse. Instead, security is provided by personnel from the County Sheriff's Department in combination with contracted private security personnel. Similar law enforcement services will be provided for the New San Diego Central Courthouse once the new courthouse is in operation. Although limited City Police Department personnel may provide law enforcement services for the new courthouse vicinity, such services are not part of courthouse security responsibilities. The City Police Department has indicated that the site will be served by Police Beat 524, located at the Central Division at 2501 Imperial Avenue. The Department has indicated that it can provide service to the Project site and meet response times established by the City.<sup>3</sup> Since the new courthouse will not significantly increase the intensity of use over the existing courthouse operations, will consolidate operations that are currently scattered among the County Courthouse and Madge Bradley building and the Family Court building, and will provide improved security facilities, the Project's impacts will be less than significant.

Mitigation Measures: None required.

#### 4.13.4.3 Schools, Parks, and Other Public Services

**Potential Impact:** (UPS-3) Will the Project result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities?

**Less than Significant Impact.**

The New San Diego Central Courthouse will not generate new residential housing or other land uses that will result in an increase in population or housing demands. As such, the Project will not increase demands on local schools due to an increase in the number of

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<sup>3</sup> City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.



school-aged children in the area that will require educational services provided by the public school system. Similarly, the Project will replace the existing courthouse and Old Jail, and does not represent a new land use that will significantly increase demand for public parks, libraries, or other public services over that currently generated by operation of the existing courthouse and jail. As such, the Project will not ~~result in~~ create a significant demand for the provision of new or physically altered governmental facilities that will adversely affect acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities. Impacts will be less than significant.

Mitigation Measures: None required.

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## 4.14 RECREATION

This section evaluates the potential impacts of the Project in terms of recreation.

### 4.14.1 Environmental Setting

The City has over 38,930 acres of existing developed and undeveloped park and open space lands that offer a range of recreational opportunities.<sup>1</sup> The City's park and recreation system includes population-based, resource-based, and open space parks. As the City has grown over time, so have the quantity, quality, and distribution of available recreation amenities. The City has acquired new parks and open space and expanded existing facilities and services to meet demands created by the growing population.

Although the Project site is located in downtown San Diego where high-density development is prevalent, a number of public parks are present within the downtown area. These parks include Outfield Park at Petco Park, City Park at Broadway and 4<sup>th</sup> Street, Pantoja Park just west of State Street and G Street, Embarcadero Park North and Embarcadero Marina Park South along the San Diego Bay, and a park occurring along Martin Luther King Promenade and east of Front Street. In addition, the San Diego Bayfront, Broadway Park, and Balboa Park represent larger-scale recreational resources available for public enjoyment in the downtown area.

### 4.14.2 Analytical Framework

Impacts on recreational resources can result either directly through the elimination of a recreational resource or indirectly from additional population growth that places greater demand on the need for or availability of such resources. Analysts considered these factors in the EIR analysis for existing and planned recreational resources in the vicinity of the Project. The EIR also considers local City planning policies and funding mechanisms for construction and long-term maintenance of such facilities.

#### 4.14.2.1 Regulatory Background

The General Plan recommends that population-based parks provide a minimum ratio of 2.8 useable acres per 1,000 residents.<sup>2</sup> Table 2.2-2, Community Planning Area Population Based Park Summary, of the General Plan Final Program EIR identifies areas of the City where

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<sup>1</sup> City of San Diego General Plan. Adopted March 2008.

<sup>2</sup> City of San Diego General Plan Final Program EIR. Certified September 2007.

acreage deficiencies for recreational facilities exist. Since obtaining land for parks and open space in urbanized communities is challenging, the General Plan provides a framework for developing alternative methods, or “equivalencies,” to meet part of the required park acreage within a community. Equivalencies are a means to provide recreation facilities where land constraints limit the potential for land acquisition or where community-specific park preferences occur. Implementation of equivalencies may result in additional park acreage, additional square footage of facility space, or enhancements to increase the usability of existing park lands. The Recreation Element of the General Plan also recommends that a comprehensive Parks Master Plan be prepared to identify criteria for the use of equivalencies and to identify specific projects that could be funded or provided through the use of equivalencies. The Parks Master Plan is also intended to inventory and assess all City park lands, recreational uses, facilities and services, set priorities for protection and enhancement of existing park and recreation assets, and develop implementation strategies to meet present and future community needs.

Recreation Element policies also support joint use and cooperative agreements; protection and enjoyment of the City’s canyonlands; creative methods of providing “equivalent” recreation facilities and infrastructure in restricted areas; and, implementation of a financing strategy to finance park development and maintenance. The Recreation Element recommends that the City (a) pursue long-term joint use agreements with schools, other public agencies, or private entities; (b) ensure that adequate park fees are collected to provide for the park needs generated by new development; and, (c) allow for alternative means of providing timely and equitable park and recreation facilities.

~~The proposed Parks Master Plan is intended to provide criteria on how to apply the “equivalencies.” Equivalencies are limited to no more than 50 percent of the required parklands, and equivalency determinations occur as part of the City’s discretionary project review process.~~

The Recreation Element specifically notes that “downtown San Diego has a small block pattern and limited vacant land, and as the regional core is targeted for extensive, high-intensity vertical development, therefore necessitating creative and flexible methods for downtown to fulfill citywide goals, policies, and standards” relative to providing parks and recreational facilities for public use.<sup>3</sup> The number of parks in the downtown area is limited, and other means of funding recreational resources are common with proposed development.

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<sup>3</sup> City of San Diego General Plan – Recreation Element. Adopted March 2008.

### 4.14.3 Standards of Significance

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

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or accelerate; or,
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

### 4.14.4 Potential Impacts and Mitigation Measures

**Potential Impact:** (REC-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?

**Potential Impact:** (REC-2) Will the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

**No Impact.**

The Project will not increase the use of existing neighborhood or regional parks or other recreational facilities, as the Project does not propose housing that will have the potential to indirectly increase public demand for area recreational facilities. In addition, as the Project does not represent a significant increase in intensity of use over that of the existing courthouse facilities, an increase in demand for public recreational facilities is not anticipated. As such, no significant impacts on recreation facilities have been identified for the Project, and no mitigation is required.

Mitigation Measures: None required.

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## 4.15 TRANSPORTATION AND CIRCULATION

This section evaluates the potential impacts of the Project in terms of traffic and circulation and is based on the July 2010 *Traffic Impact Analysis Report (updated October 2010)*, prepared by RBF Consulting; refer to *Appendix H* of this EIR. This section provides information on potential traffic impacts of the Project on local roadways and intersections. The analysis also evaluates potential impacts on public transit operations, traffic hazards, bicycle facilities, site access, circulation, and parking.

The traffic analysis utilizes the 71-courtroom Project as the basis for evaluating traffic impacts. Of the 71 courtrooms, 59 will relocate from the existing courthouse located immediately east of the Project site, and the relocated courtrooms will involve essentially no change in their associated traffic patterns. Ten of the 71 courtrooms will relocate from the Madge Bradley and Family Law Courthouse located several blocks east of the proposed site; this relocation will not change the courtroom's associated trips to downtown San Diego, but it will change the distribution of traffic in the downtown area. One courtroom will relocate from Kearney Mesa and one new courtroom will be added; these additions will add new traffic to downtown San Diego. Along with the traffic changes associated with the new judicial facilities, the Project will demolish the existing buildings on the proposed courthouse site, the County Courthouse, and the Old Jail. Demolition of these buildings will displace current workers in these buildings, and the demolitions will therefore reduce downtown traffic and related parking demand.

After the completion of the new courthouse, the courts will vacate the Madge Bradley and the Family Law facilities. The AOC assumes that other parties will use the vacated office space in the Madge Bradley and the Family Law facilities. The AOC currently has no plans to redevelop the existing County Courthouse and Old Jail sites.

The proposed New San Diego Central Courthouse is consistent with the planned land use identified in the Downtown Community Plan and Downtown Community Plan Environmental Impact Report. Therefore, the proposed Courthouse will not generate traffic volumes that are inconsistent with that anticipated with future development of the area.

### 4.15.1 Environmental Setting

This section discusses site access and the existing street system; public transit, bicycle and pedestrian facilities; current traffic operations; hazards; and, parking supply in the Project area.

#### 4.15.1.1 Site Access and Existing Street Systems

Analysts conducted a thorough field investigation of the existing roadway and intersection conditions specifically for this Project and identified traffic signal operations, lanes, parking and other factors that may affect the capacity of the roadway. A description of the street system providing direct access and circulation to the Project site is included below. *Figure 4.15-1: Existing Intersection Geometry*, shows existing intersection geometry and traffic signal control for the following streets:

- Ash Street is a one-way westbound street providing three travel lanes. Ash Street is a one-way Major Street within the study area. Metered curbside parking is on both sides of the street.
- A Street is a one-way eastbound street providing three travel lanes. A Street is a one-way Major Street within the study area. Metered curbside parking is on both sides of the street.
- B Street is a two-lane street oriented in an east-west direction. B Street is a two-lane Local Street within the study area. Metered curbside parking is on both sides of the street.
- C Street is a one-way eastbound street providing two travel lanes. Trolley tracks runs in between each eastbound travel lane. C Street is a two-lane Local Street within the study area. No curbside parking is provided along C Street.
- Broadway is a four-lane divided road oriented in an east-west direction. Broadway is a Collector Street within the study area. Most of Broadway's intersections in the study area have restricted left turn access from Broadway onto side streets. Metered curbside parking is on both sides of the street.
- Kettner Boulevard is a one-way southbound street from Ash Street to A Street providing two travel lanes and is considered a Major Street within the study area. From A Street to Broadway, Kettner Boulevard is two-lane Major Street within the study area. Metered curbside parking is on both sides of the street.
- State Street is a one-way northbound street providing three travel lanes. State Street is a one-way Local Street within the study area. Metered curbside parking is on both sides of the street.
- Union Street is a two-lane street oriented in a north-south direction. Union Street is a two-lane Local Street within the study area. Metered curbside parking is on both sides of the street.
- Front Street is a one-way southbound street providing three travel lanes. Front Street is a one-way Major Street within the study area. Metered curbside parking is on both sides of the street.



- First Avenue is a one-way northbound street providing three travel lanes. First Avenue is a one-way Major Street within the study area. Metered curbside parking is on both sides of the street.

#### 4.15.1.2 Current Traffic Operation

The traffic impact analysis report evaluated intersection traffic operations for morning (7:30 to 9:30 a.m.) peak hours to estimate current traffic level of service. Since the courts typically end prior to the p.m. peak period, analysis was not performed for this time period. Analysts collected average daily traffic (ADT) volumes over a 24-hour period. Level of service (LOS) is traffic engineers' qualitative measure of traffic flow characteristics for evaluations of traffic intersection and roadway service levels. This methodology employs a Level A through F scale, with Level A being optimum operating conditions and Level F below standard. *Table 4.15-1: Existing Condition Intersection Levels of Service (LOS) – AM Peak*, shows the level of service criteria and the existing operating conditions of intersection traffic. Results showed that all of the study intersections currently operate at Level of Service B or better, indicating short traffic delays with low-level congestion. *Figure 4.15-2: Existing Conditions Traffic Volumes*, shows existing a.m. peak hour and daily traffic volumes.

Analysts calculated roadway segment levels of service based on established capacity thresholds defined by roadway classification and ADT volumes, *Table 4.15-2: Existing Conditions Roadway Segment Levels of Service (LOS)*, presents the results of the existing conditions roadway segment level of service analysis. As shown in *Table 4.15-2*, all of the roadway segments operate at acceptable levels of service.

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

Study Intersection	Control	Delay - LOS	
Ash Street / Union Street	S	6.2	A
Ash Street / Front Street	S	19.9	B
First Avenue / A Street	S	17.2	B
B Street / State Street	U	9.3	A
B Street / Union Street	U	10.3	B
B Street / Front Street	S	6.1	A
C Street / State Street	U	10.9	B
C Street / Union Street	U	10.5	B
Broadway / State Street	S	0.0	A
Broadway / Union Street	S	8.5	A

**Note:** Deficient intersection operation shown in **bold**.

Control: S= signalized, U= unsignalized

**Table 4.15-2: Existing Conditions Roadway Segment Levels of Service (LOS)**

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing ADT	V/C	LOS
Ash Street	Columbia Street to State St.	Major one-way (3)	25,000	11,660	0.47	B
	State Street to Union Street	Major one-way (3)	25,000	12,100	0.48	B
	Union Street to Front Street	Major one-way (3)	25,000	13,474	0.54	B
	Front Street to First Avenue	Major one-way (3)	25,000	14,847	0.59	C
A Street	Columbia Street to State St.	Major one-way (3)	25,000	8,740	0.35	A
	State Street to Union Street	Major one-way (3)	25,000	8,422	0.34	A
	Union Street to Front Street	Major one-way (3)	25,000	11,462	0.46	B
	Front Street to First Avenue	Major one-way (3)	25,000	12,630	0.51	B
B Street	Columbia Street to State St.	Local (2)	8,000	4,812	0.60	C
	State Street to Union Street	Local (2)	8,000	4,994	0.62	C
	Union Street to Front Street	Local (2)	8,000	3,536	0.44	C
C Street	Columbia Street to State St.	Local one-way (2)	8,000	1,100	0.14	A
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	14,070	0.47	C
	Union Street to Front Street	Collector (4)	30,000	16,130	0.54	C
	Front Street to First Avenue	Collector (4)	30,000	20,754	0.69	D
State Street	Ash Street to A Street	Local one-way (3)	10,000	2,190	0.22	A
	B Street to C Street	Local one-way (3)	10,000	3,800	0.38	A
	C Street to Broadway	Local one-way (3)	10,000	3,221	0.32	A
Front Street	Ash Street to A Street	Major one-way (3)	25,000	16,025	0.64	C
	A Street to B Street	Major one-way (3)	25,000	14,532	0.58	C

Table 4.15 2: Existing Conditions Traffic Volumes, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing ADT	V/C	LOS
1 <sup>st</sup> Avenue	Ash Street to A Street	Major one-way (3)	25,000	19,860	0.79	C
	A Street to B Street	Major one-way (3)	25,000	15,849	0.63	C

Note: Deficient roadway segment operations shown in **bold**.

#### 4.15.1.3 Parking

The Project's proposed courthouse site currently provides 181 public parking spaces, and there are approximately eight on-street parking spaces on the west side of Union Street next to the Stahlman Block. The County Courthouse provides approximately 40 parking spaces for Sheriffs and County staff in the area between Broadway and B Street. In the County-owned block between State Street, A Street, Union Street, and B Street, the County and Superior Court share approximately 89 parking spaces on the eastern half of the block.

To determine the existing available parking around the Project, RBF traffic engineers conducted an inventory of available public parking near the proposed courthouse site. The inventory revealed that there are more than 2,620 public parking spaces within a three block radius of the Project site. The parking spaces located in surface parking lots (874 spaces) and parking structures (1,746 spaces). Although the parking lots are currently shared by other uses downtown, a survey of the 15 surface parking lots in closest proximity to the Project site demonstrates that the existing parking lots are not fully occupied and sufficient parking is available to serve the Project. *Table 4.15-3: Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site*, summarizes the results of a survey of existing available parking in surface parking lots within three blocks of the Project site. The survey was conducted from 7:30 a.m. to 9:30 a.m. on March 24, 2010 specifically for this Project. As shown in *Table 4.15-3*, the 15 surface parking lots inventoried account for 874 parking spaces. The Project site currently provides 181 pay parking spaces.

CCDC's 2009 Comprehensive Parking Plan for Downtown San Diego (the "Parking Plan") tabulated on-street and off-street parking spaces in the downtown and also made field reviews of vacancies. Although the Parking Plan's survey areas were larger than the Project's survey areas and the boundaries of the Parking Plan's areas did not correspond to the Project's vicinity, the Parking Plan reported midday parking space vacancies of 25 percent for the Civic Core area and 16 percent for the Columbia area. These values are within the range of values reported in *Table 4.15-3: Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site*. The Parking Plan concluded that there is sufficient parking supply to meet demand in downtown San Diego, but the location and availability of public parking supply is not consistent across neighborhoods or time of day.

**Table 4.15-3: Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site**

Parking Lot	Total Spaces	Observed Unoccupied Spaces					% Available at 8:30 AM
		7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM	
A	61	7	8	1	6	3	1.6%
B	163	111	85	77	60	53	47.2%
C	49	42	32	28	23	18	57.1%
D	45	22	17	6	0	1	13.3%
E	17	16	15	14	10	7	82.4%
F	22	20	16	15	15	11	68.2%
G	19	11	13	12	9	8	63.2%
H	68	36	30	22	20	15	32.4%
I	58	34	26	13	13	14	22.4%
J	88	72	62	51	43	30	58.0%
K	40	32	28	20	20	16	50.0%
L	28	20	17	14	11	9	50.0%
M	34	26	21	18	15	11	52.9%
N	94	64	49	44	28	19	46.8%
O	88	80	67	60	50	43	68.2%
<b>TOTAL</b>	<b>874</b>	<b>593</b>	<b>486</b>	<b>395</b>	<b>323</b>	<b>258</b>	<b>45.2%</b>

Note: See Figure 4.15-14 for parking lot locations.

#### 4.15.1.4 Public Transit, Bicycle and Pedestrian Facilities

The Project site is approximately one-quarter mile from San Diego Union Station which is the City’s downtown transit center at 1050 Kettner Boulevard. This transportation center provides services to Amtrak, the San Diego Coaster, the San Diego Trolley, and the San Diego Metropolitan Transit System bus system. Bus routes that serve the area of the existing and proposed court building include Routes 2, 11, 923, and 992, with bus stops on Broadway and Union Street, and Broadway and Front Street. Trip generation survey results for the existing court indicated approximately 27 percent of County Courthouse staff and approximately 20 percent of jurors use public transportation for work or to conduct business at the courthouse.

There are no striped bike lanes near the Project site; however, pedestrian sidewalks are on both sides of Broadway and other streets in the area. Pedestrian crosswalks with audible signals are available at the Broadway/Front Street intersection, the Broadway/Union Street Intersection, and the Front Street/C Street intersection. A future pedestrian bridge may be

constructed to link the existing Hall of Justice to the new Central Courthouse to provide a safe pedestrian connection.

## 4.15.2 Analytical Framework

### 4.15.2.1 Analytical Methodology

To identify the potential traffic impact with the Project, the traffic study evaluated traffic operations at nearby street intersections and roadways that provide access to the Project site. Analysts prepared the traffic analysis in accordance with the SANTEC/ITE Traffic Study Guidelines and City's Traffic Impact Study Manual (2003). The City's goal for acceptable levels of service is LOS D or better at signalized intersections and along roadway segments. The analysis evaluated the a.m. peak hour (7:30 a.m. to 9:30 a.m.) intersection and daily roadway segment operations for existing and Year 2013 conditions with and without the Project. The AOC did not evaluate p.m. peak hour traffic because courthouses typically have very few visitors and jurors during late afternoons immediately prior to the p.m. traffic peak period, and the new courthouse's staff will have a very minor change.

### 4.15.2.2 Study Assumptions

#### *New San Diego Central Courthouse Project*

The Project will include 71 courtrooms. Of the 71 courtrooms, 59 will relocate from the existing courthouse located immediately east of the Project site. Ten of the 71 courtrooms will relocate from the Madge Bradley and Family Law Courthouse located several blocks east of the proposed site. One courtroom will relocate from Kearney Mesa and the AOC will add one new courtroom. Sixty of the 71 courtrooms will provide for jury trials while the remaining will serve probate and family court and will not have a jury call. Only two of the 71 courtrooms will generate new trips downtown (the new courtroom and the relocated courtroom from Kearney Mesa).

Approximately 111 parking spaces will be underground on the Project site for judges and key staff of the court system. All other parking needs will be offsite.

The existing site contains approximately 45,000 square feet of commercial office uses and an existing 181 space parking lot. The removal of the site's office building, the County Courthouse, and the Old Jail will reduce overall existing traffic in the study area and reduce the existing uses' demand for parking; however, the Project's removal of the existing parking lot (181 spaces) will permanently reduce the existing available public parking capacity. The Project's staging area will also temporarily reduce parking supply.

### ***Trip Generation Rates***

The New San Diego Central Courthouse will be operational from 8:00 a.m. to 5:00 p.m. Monday through Friday. The majority of the traffic to and from the site will occur during the a.m. peak as most jurors and visitors leave the facility midday or in the early afternoon, before the p.m. peak traffic operations begin. Therefore, the traffic analysis in this report focuses only on the a.m. peak period conditions.

Courthouse trip generation rates are not currently published in ITE or City of San Diego Traffic Generation Manuals. Therefore, trip generation rates for the relocated courthouse are based on this Project's trip generation studies and/or other projects in California.

### ***County Court Trip Generation Rates***

In January 2000, the County prepared a traffic study for the existing San Diego County Courthouse. In that report, the County supplied employment and trip information for the existing 59 courtroom County Courthouse. Information from that report is from employee surveys collected in 2000:

- Total Court Rooms: 59
- Total Employees: 750
- Total Jurors (per day): 2,100

The research showed that a total of 2.5 trips per day were made by each employee. In addition, each juror was noted to make 2.0 trips per day. The mode split percentages of those trips was:

	<u>Employees</u>	<u>Jurors</u>
Drive Alone:	51%	59%
Transit:	27%	20%
Carpool:	13%	5%
Vanpool:	3%	4%
Bike/Walk:	6%	12%

Of the total trips made to and from the courthouse, the County reported a total of 1,081 vehicle based employee trips and 2,615 juror vehicle trips per day. This equates to 18.32 employee and 44.32 juror trips per day per court room. Based on current operation at the existing County Courthouse, employees and most jurors/visitors arrive at the courthouse during the a.m. peak period (7:30 a.m. to 9:00 a.m.). Therefore, 50 percent of the total trips arrive during the a.m. peak. *Table 4.15-4: Trip Generation – County Court Building* summarizes the trip generation rates developed for the County Court building.

**Table 4.15-4: Trip Generation – County Court Building**

Land Use	Daily	AM		
		Total	In	Out
Employees <i>(trips per court room)</i>	18.32	9.16	8.24	0.92
Visitor/Juror <i>(trips per court room)</i>	44.32	22.16	19.94	2.22

### ***Family Law and Probate Court Trip Generation Rates***

The proposed New San Diego Central Courthouse will include the existing 59 courtrooms in the County Courthouse along with ten relocated courtrooms from the Family Law (1555 Sixth Avenue) and Madge Bradley (1409 Fourth Avenue) buildings located in downtown San Diego. Neither Family Court nor Probate Court will require jury calls for their family law and probate judicial procedures. Therefore, the trip generation for these courts includes only the employees and individuals involved in such court cases.

In January 2010, the AOC commissioned a traffic study<sup>1</sup> for a Family Resources courthouse in San Jose, California. The study showed that all employees and most visitors arrived at the courthouse between 8:00 a.m. and 9:00 a.m. Results of the trip end survey conducted for the Family Court in San Jose, California (20 courtrooms) are indicated in *Table 4.15-5: Trip Generation – Family and Probate Court (No Jury Calls)*.

**Table 4.15-5: Trip Generation – Family and Probate Court (No Jury Calls)**

Land Use	Daily	AM		
		Total	In	Out
Employees <i>(trips per court room)</i>	23.1	11.56	10.4	1.16
Visitors <i>(trips per court room)</i>	49.0	24.50	22.05	2.45

### ***Forecast of Net Project Trip Generation***

Since the existing operations of the 59-courtroom County Courthouse are only moving one block west and are essentially unchanged, the Project's net trip generation includes three components:

1. New trips generated by the AOC's addition of one new courtroom and the relocation of Kearny Mesa courtroom to the new courthouse;

<sup>1</sup> Available at [http://www.courtinfo.ca.gov/programs/occm/documents/santa\\_clara\\_final\\_mnd.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/santa_clara_final_mnd.pdf)

2. Trips associated with the relocation of the existing Madge Bradley and Family Court courtrooms within downtown; and,
3. Elimination of existing downtown trips due to demolition of the buildings on the proposed Stahlman Block courthouse site, demolition of the County Courthouse (which forces relocation of the County’s staff that work in the building), and demolition of the Old Jail.

**New Downtown San Diego Courtrooms**

Only trips associated with the relocation from Kearney Mesa and the one new proposed courtroom will generate new trips in downtown San Diego. Overall, the Project will generate 134 new vehicle-based trips within the study area when trip generation rates for courthouse facilities are applied to the two new courtrooms. The preceding section and *Table 4.15-6: Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego*, explain trip generation rates for the Project.

**Table 4.15-6: Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego**

Land Use	Daily	AM		
		Total	In	Out
<b>TRIP GENERATION RATES</b>				
<b>General Court (jury)</b>				
Employees ( <i>trips per court room</i> )	18.32	9.16	8.24	0.92
Visitors & Jurors ( <i>trips per court room</i> )	44.32	22.16	19.94	2.22
<b>NEW TRIPS ASSIGNED TO STUDY AREA</b>				
<b>General Court (jury): 1 new courtroom</b>				
Employees	18	9	8	1
Visitors & Jury	44	22	20	2
<b>Family &amp; Probate Court (non jury): 1 courtroom relocated from Kearney Mesa</b>				
Employees	23	12	10	2
Visitors	49	25	22	3
<b>New Trips Generated in Downtown San Diego</b>	<b>134</b>	<b>68</b>	<b>60</b>	<b>8</b>

**Madge Bradley and Family Law Court Relocation to New San Diego Central Courthouse**

The Project will relocate 10 courtrooms from the Madge Bradley and Family Law Court buildings that currently reside in downtown San Diego on Fourth and Sixth Avenues. *Figure 4.15-2* illustrates the location of the existing buildings and the proposed courthouse. The trips associated with the relocation of the existing courtrooms within downtown are not new trips to downtown San Diego. As summarized in *Table 4.15-7: Redistributed Existing Trips*, these ten courtrooms currently generate approximately 361 vehicle based trips during the a.m. peak period. The travel patterns into and around downtown for these relocated courtrooms are likely



to shift due to the relocation of the judicial operations and their associated parking demand. The change in traffic patterns associated with the relocation of the Madge Bradley and Family Law courtrooms trips is included in the analysis of Existing plus Project conditions. The anticipated land uses for the 2016 horizon year for the Madge Bradley and Family Law Court buildings are consistent with the Downtown Community Plan. The future use of these facilities is not part of the New San Diego Central Courthouse Project, and therefore, does not require environmental analysis as part of this EIR. The AOC assumes that the County or another party will occupy the vacated space in these two buildings.

**Table 4.15-7: Redistributed Existing Trips**

Land Use	Daily	AM		
		Total	In	Out
<b>TRIP GENERATION RATES – Family &amp; Probate (Non-Jury) <sup>(1)</sup></b>				
Employees ( <i>trips per court room</i> )	23.1	11.56	10.4	1.16
Visitors ( <i>trips per court room</i> )	49.0	24.50	22.05	2.45
<b>FORECAST RESTRIBUTED TRIPS – Family &amp; Probate (Non-Jury)</b>				
Employees ( <i>10 court rooms</i> )	231	116	104	12
Visitors ( <i>10 court rooms</i> )	490	245	221	24
<b>Existing Trips Redistributed in Downtown San Diego</b>	<b>721</b>	<b>361</b>	<b>325</b>	<b>36</b>

(1) Source: Trip generation reported for County of San Diego Courthouse & San Jose Family Resources Courthouse.

### Removal of Existing Land Use from Project Site, County Courthouse, and Old Jail

The Project site includes an approximately 45,000 square feet of office and commercial building space. There are two three-story buildings and a single-story building. The buildings provide office space for legal, bail bond, and restricted income legal support businesses. Analysts estimated the number of trips currently on the roadway network from these businesses by applying the City's Trip Generation Rates to the existing square footage of the buildings.

The County shares space in the County Courthouse with the Superior Court. The County's Child Support Services and Health and Human Services occupy approximately 88,000 square feet of space in the building. After completion of the new courthouse, the County's Child Support Services, and Health and Human Services staff will vacate the County Courthouse. The County also leases the Old Jail from the AOC, and the County sub-leases the Old Jail to a private party that operates the detention facility.

With demolition of the Old Jail, existing vehicle trips associated with that use will also be removed from the study area. There are approximately 65 employees<sup>2</sup> at the facility that report

<sup>2</sup> Mr. Eric Noonan, Warden, Western Region Detention Facility, personal communication to Jerome Ripperda, AOC, June 11, 2010.

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in on a daily basis. Therefore, 65 a.m. peak period trips were removed from the roadway network for this Project-related analysis.

The Project will remove the existing buildings from the proposed courthouse site, the County Courthouse, the Old Jail, and the existing 181-space public pay parking lot on the Stahlman Block. The removal of these buildings will reduce traffic volume within the study area by approximately 2,142 trips per day with a reduction of 326 a.m. peak period trips. *Table 4.15-8: Existing Trips Associated with Existing Buildings on Project Site*, summarizes the reduction in traffic associated with the removal of the existing buildings.

**Table 4.15-8: Existing Trips Associated with Existing Buildings on Project Site**

Land Use	Daily	AM		
		Total	In	Out
<b>TRIP GENERATION RATES</b>				
Commercial Office Building ( <i>Trips per 1,000 sf</i> )	$\ln(T) = 0.756$ $\ln(x) + 3.95$	13%	90%	10%
<b>EXISTING ESTIMATED TRIPS THAT WILL NOT REMAIN</b>				
Commercial Office Building <sup>(1)</sup> ( <i>removal of 45,000 sf</i> )	-923	-120	-108	-12
San Diego County Office Use within Existing Courthouse ( <i>removal of 88,000 sf</i> )	-1,089	-141	-127	-13
Old Jail ( <i>removal of 65 staff per day</i> )	-130	-65	-58	-7
<b>TOTAL REMOVED TRIPS</b>	<b>-2,142</b>	<b>-326</b>	<b>-293</b>	<b>-33</b>

(1) **Source:** City of San Diego Trip Generation Rates (2003). The number of trips (T) is a function of (x), which is number of units. In this case, the number of units is expressed in 1,000 sf.

To summarize, the Project’s traffic analysis includes the following components:

1. Adding the new downtown courtrooms’ 68 trips;
2. Redistributing the 361 relocated trips from the Madge Bradley and Family Law buildings to additional downtown intersections and roadway segments near the proposed new courthouse;<sup>3</sup> and,
3. Subtracting the 326 trips due to the Project’s demolition of the Stahlman Block’s buildings, the demolition of the County Courthouse with its 88,000 BGSF of County agencies’ office space, and demolition of the Old Jail.

Adding the new downtown courtrooms’ 68 trips and 361 relocated trips from the Madge Bradley and Family Law buildings and subtracting the 326 trips due to the Project’s demolitions gives a net a.m. downtown trip total of 103 trips. Inbound-only trips total 104

<sup>3</sup> Analysts evaluated future re-use of the Madge Bradley and Family Law buildings as part of the Project’s cumulative traffic evaluation; see Section 4.15.4.1.

trips from the new courtrooms, 325 trips from the relocated courtrooms, and 293 trips for the Project's demolitions, which gives a projected net inbound destination trip total of 136 trips.<sup>4</sup>

### *Distribution of New Project Trips*

Distribution percentages were applied to the new trips generated by the site and the reassignment of existing downtown trips associated with the Madge Bradley & Family Law Courthouses. The trip distribution accounts for limited, restricted parking that the Project will provide onsite, but all other vehicles will park in public parking facilities near the courthouse. Although multiple public parking facilities are available within three blocks of the site, the distribution of traffic assumes two parking lots closest to the building are primarily used (Lots A and B, shown in *Figure 4.15-14*). This provides for an increased concentration in trips near the courthouse and may represent the circulation of traffic that occurs when drivers search for available public parking spaces.

### *Trip Assignment*

The new or reassigned Project volumes associated with the new courthouse are illustrated in *Figure 4.15-4*. *Figure 4.15-5*, *Figure 4.15-6*, *Figure 4.15-7*, and *Figure 4.15-8* illustrate the individual distribution or redistribution of trips associated with each of the components of the Project that make up the total trip assignment:

- New Trips to Downtown (relocation of one courtroom from Kearney Mesa & one new court room trip assignment) - *Figure 4.15-5*;
- Redistribution of Madge Bradley and Family Law Courtrooms – *Figure 4.15-6*;
- Removal of Existing Madge Bradley and Family Law Courtroom Trips – *Figure 4.15-7*; and,
- Removal of Old Jail, County Courthouse Uses, within Existing Courthouse, and Existing Office Buildings on Proposed Site – *Figure 4.15-8*.

## 4.15.3 Standards of Significance

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

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all

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<sup>4</sup> 104 trips from the new downtown courtrooms +325 trips from relocated downtown courtrooms -293 trips from commercial and government uses in the Project's to-be-demolished buildings = 136 trips.

modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- Produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Result in inadequate emergency access; or,
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

#### 4.15.3.1 City of San Diego

In accordance with the City of San Diego Traffic Impact Study Manual, this study analyzes the followings study scenarios:

- **Existing Conditions** – Analysis of existing traffic count volumes, intersection geometry and existing roadway network.
- **Existing Plus Project Conditions** – Analysis of existing traffic volumes overlaid with the forecast Project-generated traffic. The existing intersection geometry and roadway network were used in this analysis.
- **Existing Plus Cumulative Conditions (No Project)** – Analysis of existing traffic volumes overlaid with traffic associated with approved or pending projects anticipated to be constructed by the Project-opening year.
- **Existing Plus Cumulative Plus Project Conditions** – Analysis of existing traffic volumes overlaid with cumulative project traffic and traffic generated by the Project.

Analysts used the 2000 Highway Capacity Manual (HCM) methodology for *Signalized Intersections* to determine the operating Levels of Service (LOS) of the study intersections. The HCM methodology describes the operation of an intersection using a range of LOS from LOS A (free-flow conditions) to LOS F (severely congested conditions), based on corresponding average stopped delay per vehicle shown in *Table 4.15-9: Intersection LOS & Delay Ranges*.

**Table 4.15-9: Intersection LOS & Delay Ranges**

LOS	Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	≤ 10.0	≤ 10.0
B	> 10.0 to ≤ 20.0	> 10.0 to ≤ 15.0
C	> 20.0 to ≤ 35.0	> 15.0 to ≤ 25.0
D	> 35.0 to ≤ 55.0	> 25.0 to ≤ 35.0
E	> 55.0 to ≤ 80.0	> 35.0 to ≤ 50.0
F	> 80.0	> 50.0

Source: 2000 Highway Capacity Manual.

Analysts based the roadway segment analysis of the study area roadways upon roadway classifications and capacity thresholds defined in the City of San Diego Traffic Impact Study Manual. The roadway segment LOS criteria are shown in *Table 4.15-10: Level of Service Thresholds for Roadway Segments*.

**Table 4.15-10: Level of Service Thresholds for Roadway Segments**

Classification (# Lanes)		Level of Service				
		A	B	C	D	E
Primary Arterial (6)		25,000	35,000	50,000	55,000	60,000
Major Arterial	Two-way (6)	20,000	28,000	40,000	45,000	50,000
	One-way (3)	10,000	14,000	20,000	22,500	25,000
Major Arterial	Two-way (4)	15,000	21,000	30,000	35,000	40,000
	One-way (2)	7,500	10,500	15,000	17,500	20,000
Local	Two-way (2)	2,500	3,500	5,000	6,500	8,000
	One-way (3)	4,000	5,500	7,500	9,000	10,000
	One-way (2)	2,500	3,500	5,000	6,500	8,000
Collector	Two-way (4)	10,000	14,000	20,000	25,000	30,000
	One-way (3)	7,500	10,500	15,000	18,750	22,500
	One-way (2)	5,000	7,000	10,000	13,000	15,000
Collector (no center lane (4)) (continuous left-turn lane (2))		5,000	7,000	10,000	13,000	15,000
Collector (2) (no fronting property)		4,000	5,500	7,500	9,000	10,000
Collector (2) (commercial-industry fronting)		2,500	3,500	5,000	6,500	8,000

Source: City of San Diego Traffic Impact Study Manual

The City’s goal for acceptable operating conditions is LOS D or better for intersections and roadway segments. The City’s Traffic Impact Study Manual identifies thresholds of significance, as summarized in *Table 4.15-11: City of San Diego Level of Significance Thresholds*.

**Table 4.15-11: City of San Diego Level of Significance Thresholds**

LOS with Project	Allowable Change Due To Project Impact					
	Freeways		Roadway Segments		Intersections	Ramp Metering
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay (sec.)
E (or ramp meter delays above 15 minutes)	0.010	1.0	0.02	1	2.0	2.0
F (or ramp meter delays above 15 minutes)	0.005	0.5	0.01	1	2.0	1.0

Source: City of San Diego Traffic Impact Study Manual

#### 4.15.4 Potential Impacts and Mitigation Measures

##### 4.15.4.1 Traffic Increase and Level of Service

**Potential Impact:** Will the Project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?

**Less Than Significant Impact.**

##### *Existing Plus Project Conditions*

Overlaying the trips identified in *Figure 4.15-4* with the existing conditions traffic volumes provides the forecast a.m. peak traffic volumes with the Project. *Figure 4.15-9* shows the Existing plus Project traffic volumes.

Analysts evaluated the Existing plus Project traffic volumes using existing conditions intersection geometry and traffic control. Results of the HCM intersection operating conditions levels of service and roadway segment level of service analysis are in *Table 4.15-12: Existing Plus Project Conditions Intersection LOS – AM Peak* and *Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS*.

As shown in *Table 4.15-12* and *Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS*, all intersections and roadway segments will operate at an acceptable level of service. *Figure 4.15-9: Existing Plus Project Conditions*, illustrates the traffic volumes and turning movements under Existing plus Project conditions. Detailed LOS worksheets are provided in Appendix C of *Appendix H*. Since all intersections and roadway segments will operate at

an acceptable level of service, the AOC concludes that traffic impacts are less than significant.

**Table 4.15-12: Existing Plus Project Conditions Intersection LOS – AM Peak**

Study Intersection	Control	Existing No Project		Existing Plus Project		Change in AM Peak Hour Delay
		Delay - LOS		Delay - LOS		
Ash Street / Union Street	S	6.2	A	6.2	A	0.0
Ash Street / Front Street	S	19.9	B	20.6	C	0.7
First Avenue / A Street	S	17.2	B	17.6	B	0.4
B Street / State Street	U	9.3	A	10.2	B	0.9
B Street / Union Street	U	10.3	B	11.8	B	1.5
B Street / Front Street	S	6.1	A	6.1	A	0.0
C Street / State Street	U	10.9	B	21.5	C	10.6
C Street / Union Street	U	10.5	B	10.7	B	0.2
Broadway / State Street	S	0.0	A	0.0	A	0.0
Broadway / Union Street	S	8.5	A	9.4	A	0.9

**Note:** Deficient intersection operation shown in **bold** Control: S= signalized , U= unsignalized

**Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS**

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing V/C	Existing Plus Project			Change in V/C
					ADT	V/C	LOS	
Ash Street	Columbia Street to State Street	Major one-way (3)	25,000	0.47	11,746	0.47	B	0.00
	State Street to Union Street	Major one-way (3)	25,000	0.48	11,971	0.48	B	0.01
	Union Street to Front Street	Major one-way (3)	25,000	0.54	13,177	0.53	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	0.59	14,654	0.59	C	0.01
A Street	Columbia Street to State Street	Major one-way (3)	25,000	0.35	8,714	0.35	A	0.00
	State Street to Union Street	Major one-way (3)	25,000	0.34	8,088	0.32	A	-0.02

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Table 4.15 13: Existing Plus Cumulative Plus Project Conditions, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing V/C	Existing Plus Project			Change in V/C
					ADT	V/C	LOS	
	Union Street to Front Street	Major one-way (3)	25,000	0.46	11,166	0.45	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	0.51	12,437	0.50	B	-0.01
B Street	Columbia Street to State Street	Local (2)	8,000	0.60	4,683	0.59	C	-0.01
	State Street to Union Street	Local (2)	8,000	0.62	4,710	0.59	C	-0.03
	Union Street to Front Street	Local (2)	8,000	0.44	3,343	0.42	B	-0.02
C Street	Columbia Street to State Street	Local one-way (2)	8,000	0.14	868	0.11	A	-0.03
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	0.47	14,019	0.47	C	0.00
	Union Street to Front Street	Collector (4)	30,000	0.54	16,053	0.54	C	0.00
	Front Street to First Avenue	Collector (4)	30,000	0.69	20,677	0.69	D	0.00
State Street	Ash Street to A Street	Local one-way (3)	10,000	0.22	2,164	0.22	A	0.00
	B Street to C Street	Local one-way (3)	10,000	0.38	3,157	0.32	A	-0.06
	C Street to Broadway	Local one-way (3)	10,000	0.32	3,131	0.31	A	-0.01
Front Street	Ash Street to A Street	Major one-way (3)	25,000	0.64	15,922	0.64	C	0.00
	A Street to B Street	Major one-way (3)	25,000	0.58	14,429	0.58	C	0.00
1st Avenue	Ash Street to A Street	Major one-way (3)	25,000	0.79	19,667	0.79	C	0.00
	A Street to B Street	Major one-way (3)	25,000	0.63	15,746	0.63	C	0.00

Note: Deficient roadway segment operation shown in **bold**. V/C = Volume to Capacity ratio



**Existing Plus Project Plus Cumulative**

Cumulative conditions evaluate traffic operations at Project opening year. To complete this analysis, a list of projects was compiled that are approved or are pending approval and are anticipated to be occupied by Project opening Year 2016 according to CCDC’s Downtown Community Plan. After discussing the Project with CCDC’s staff, analysts determined that the development of many of the projects is uncertain, but the development was considered in the recent update in the Downtown Community Plan. Therefore, analysts determined the Year 2016 traffic volumes using an annualized growth rate factor based on the forecast change in volume from 2010 to 2030. *Figure 4.15-10, Figure 4.15-12, and Figure 4.15-13* illustrate the traffic volumes and turning movements under the cumulative, existing plus cumulative, and Existing plus Project plus ~~cumulative~~ Cumulative conditions. *Figure 4.15-11* illustrates likely traffic distribution associated with the reuse of the Madge Bradley and Family Law buildings. As stated previously, the anticipated land uses for these two buildings will be consistent with the Downtown Community Plan, and the future use of these facilities is not part of the New San Diego Central Courthouse Project. The AOC assumes that the County or another party will occupy the vacated space.

To establish the baseline Year 2016 conditions, analysts applied the growth rate factor to the existing traffic volumes. Existing plus Cumulative AM peak hour and ADT volumes are illustrated in *Figure 4.15-12*. Using these volumes and existing intersection geometry and traffic control, analysts evaluated Year 2016 baseline conditions. *Figure 4.15-12 and Table 4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS*, present the results of the intersection and roadway segment operational analysis, respectively.

Analysts added the Project’s traffic to the baseline 2016 volumes to evaluate the impacts in the Project’s opening year. *Figure 4.15-13* illustrates the “Existing Plus Cumulative Plus Project” conditions. As shown in *Figure 4.15-13 and Table 4.15-15*, results indicate that all intersections and roadway segments will operate at an acceptable level of service by Year 2016; refer to *Appendix H, Traffic Impact Analysis Report - “Cumulative Conditions Level of Service Worksheets.”* Therefore, the AOC concludes that cumulative traffic impacts are less than significant.

Mitigation Measures: None required.

**Table 4.15-14: Cumulative Conditions – Intersection LOS AM Peak Hour**

Study Intersection	Control	No Project		With Project		Change in Delay
		AM Peak Hour Delay - LOS		AM Peak Hour Delay - LOS		AM Peak Hour
Ash Street / Union Street	S	6.3	A	6.6	A	0.3
Ash Street / Front Street	S	20.4	C	20.6	C	0.2

Table 4.15 14: Existing Parking Lot Locations, continued

Study Intersection	Control	No Project		With Project		Change in Delay
		AM Peak Hour Delay - LOS		AM Peak Hour Delay - LOS		AM Peak Hour
First Avenue / A Street	S	17.3	B	17.1	B	-0.2
B Street / State Street	U	9.6	A	9.6	B	0.0
B Street / Union Street	U	10.3	B	10.5	B	0.2
B Street / Front Street	S	6.2	A	6.2	A	0.0
C Street / State Street	U	11.1	B	11.1	C	0.0
C Street / Union Street	U	10.6	B	10.7	B	0.1
Broadway / State Street	S	11.6	B	11.6	B	0.0
Broadway / Union Street	S	15.55.7	B	16.3	B	0.5

Note: Deficient intersection operation shown in **bold**

Control: S= signalized , U= unsignalized

Table 4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing Plus Cumulative ADT	Existing Plus Cumulative Plus Project			Change in V/C
					ADT	V/C	LOS	
Ash Street	Columbia Street to State Street	Major one-way (3)	25,000	12,803	12,674	0.51	B	-0.01
	State Street to Union Street	Major one-way (3)	25,000	13,185	13,056	0.52	B	-0.01
	Union Street to Front Street	Major one-way (3)	25,000	14,693	14,397	0.58	C	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	16,498	16,304	0.65	C	-0.01
A Street	Columbia Street to State Street	Major one-way (3)	25,000	10,324	10,298	0.41	B	0.00
	State Street to Union Street	Major one-way (3)	25,000	9,780	9,446	0.38	A	-0.01
	Union Street to Front Street	Major one-way (3)	25,000	12,895	12,599	0.50	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	14,332	14,139	0.57	C	-0.01
B Street	Columbia Street to State Street	Local (2)	8,000	5,683	5,555	0.69	D	-0.02
	State Street to Union Street	Local (2)	8,000	5,869	5,586	0.70	D	-0.04
	Union Street to Front Street	Local (2)	8,000	4,320	4,127	0.52	C	-0.02

Table 4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing Plus Cumulative ADT	Existing Plus Cumulative Plus Project			Change in V/C
					ADT	V/C	LOS	
C Street	Columbia Street to State Street	Local one-way (2)	8,000	1,384	1,152	0.14	A	-0.03
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	16,465	16,414	0.55	C	0.00
	Union Street to Front Street	Collector (4)	30,000	18,400	18,323	0.61	C	0.00
	Front Street to First Avenue	Collector (4)	30,000	23,174	23,097	0.77	D	0.00
State Street	Ash Street to A Street	Local one-way (3)	10,000	2,642	2,616	0.26	A	0.00
	B Street to C Street	Local one-way (3)	10,000	3,857	3,214	0.32	A	-0.06
	C Street to Broadway	Local one-way (3)	10,000	3,779	3,689	0.37	A	-0.01
Front Street	Ash Street to A Street	Major one-way (3)	25,000	17,198	17,095	0.68	C	0.00
	A Street to B Street	Major one-way (3)	25,000	14,669	14,566	0.58	C	0.00
1st Avenue	Ash Street to A Street	Major one-way (3)	25,000	20,186	19,993	0.80	C	-0.01
	A Street to B Street	Major one-way (3)	25,000	16,426	16,323	0.65	D	0.00

Note: Deficient roadway segment operation shown in **bold**. V/C = Volume to Capacity ratio

#### 4.15.4.2 Congestion Management Service Standard

**Potential Impact:** Will the Project exceed a level of service standard established by the county congestion management agency for designated roads or highways?

**Less than Significant Impact.**

As indicated in *Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS*, the level of service estimates will generally be at LOS C or better and are not expected to create an unacceptable level of service conditions based on the City's traffic levels of service standards. The Broadway segment from Front Street to First Avenue will have LOS D, which is an acceptable level of service according to the City's standards. Therefore, impacts are less than significant.

Mitigation Measures: None required.

#### 4.15.4.3 Air Traffic Patterns

**Potential Impact:** Will the Project produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**No Impact.**

The Project will not generate air traffic and will not change existing air traffic patterns. No impact will occur.

Mitigation Measures: None required.

#### 4.15.4.4 Hazards Posed by Design Features

**Potential Impact:** Will the Project substantially increase hazards because of a design feature (such as sharp curves or dangerous intersections) or incompatible uses?

**Less than Significant Impact.**

The new courthouse design will conform to the California Building Code and will be generally consistent with City's design standards. Therefore, the Project will not include any increased hazards related to a design feature. As a result, there will be no significant impacts related to the building's design.

In addition, the Project design does not include new or alterations to existing intersections that will increase hazards in the area. Although operations of the Project will incrementally increase pedestrian traffic in the area, adequate intersections including either signals or

four-way stop control are located around the Project site. As a result, there will be no significant impacts related to the Project's design.

Mitigation Measures: None Required.

#### 4.15.4.5 Emergency Access

**Potential Impact:** Will the Project result in inadequate emergency access?

**Less than Significant Impact.**

The AOC's tunneling construction operations will require lane closures between B Street and C Street on Front Street. Since the City's Central Fire Station has driveways on B Street between Front Street and 1st Avenue, the AOC and its construction contractor will consult with the City and the Fire Department to plan and implement potential lane closures for the tunneling operations.

The Project does not include closure of any public through street that is currently used for emergency services and will not interfere with the adopted emergency response plan. The Superior Court, the City's Police and the Fire Departments, and the County Sheriff will review plans to ensure emergency access. The AOC's development of the Project site will be generally consistent with recommendations of the reviewers. The AOC concludes that the Project's impacts on emergency access will be less than significant.

Mitigation Measures: None required.

#### 4.15.4.6 Parking Supply

**Potential Impact:** Will the Project cause a substantial shortage of parking spaces?

**Less than Significant Impact.**

Construction of the new courthouse will displace a public parking lot (181 spaces) and temporarily use part of another parking lot for a staging area. The AOC will also demolish the County Courthouse and Old Jail, which provide parking spaces for County of San Diego employees and Sheriff. Closure and demolition of the County Courthouse will eliminate 43 County-reserved parking spaces and one Superior Court-reserved parking space, but the Superior Court's relinquishment of 66 spaces on the east side of the County-owned block between State Street, A Street, Union Street, and B Street frees 66 parking spaces for the County's use and increases the County's parking spaces by 23 parking spaces.

The removal of the Stahlman Block's buildings and the Old Jail will reduce parking demand in the study area. As noted previously, demolition of the Stahlman Block's buildings will eliminate approximately 120 a.m. peak hour trips, and demolition of the Old Jail will eliminate approximately 65 a.m. peak hour trips. The AOC estimates that elimination of these trips will eliminate demand for approximately 175 parking spaces.

The Superior Court will vacate use of 66 parking spaces on the County-owned block between State Street, A Street, Union Street, and B Street and one space in the County Courthouse. The new courthouse will provide approximately 115 secured underground parking spaces for judges and court staff. The new courthouse's parking capacity eliminates part of the parking demand associated with the Superior Court's consolidation of its Madge Bradley and Family Law operations, the Kearney Mesa courtroom, and the new courtroom.

To determine the existing parking available in the Project vicinity, analysts conducted an inventory of available public parking near the proposed courthouse site. The inventory revealed that there are more than 2,620 public off-street parking spaces within a three-block radius of the Project site. *Figure 4.15-3: Public Parking and Building Locations*, illustrates the location of the surface parking lots surveyed for the Project. The parking spaces are in surface parking lots (874 spaces) and public parking structures (1,746 spaces). *Table 4.15-3: Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site*, provides a lot-by-lot tabulation of the available parking spaces.

The Superior Court does not provide onsite parking for jurors, visitors, and most of the Superior Court's staff. Most courts require jurors and staff to report prior to 9:00 a.m. At 8:30 a.m., when a large portion of trips will arrive to the County Courthouse vicinity, analysts observed that approximately 395 spaces (45%) were unoccupied.

As explained in Section 4.15.2.1, the trip generation analysis projected that the Project will have 136 new inbound a.m. peak period trips. For this analysis, the AOC assumes that 11 of these trips are judges or key personnel who will park onsite in the new courthouse's available approximately 115 spaces. Therefore, the Project's adjusted a.m. peak period demand for offsite parking is 125 vehicles.

Based on analysts' counts of available public parking spaces within three blocks and the analysts' survey of vacancy rates for the parking spaces, the AOC concludes that existing available surface parking lots will have sufficient capacity to accommodate the Project's additional parking. The AOC also notes that the public parking is also available in the surrounding parking structures and in parking lots outside the three-block radius. Therefore, the AOC concludes sufficient parking capacity is available to serve the Project, and potential parking impacts are less than significant.

Mitigation Measures: None required.

#### 4.15.4.7 Existing Alternative Transportation Policies

**Potential Impact:** Will the Project conflict with adopted policies, plans, or programs supporting alternative transportation (such as bus turnouts, bicycle racks)?

**Less than Significant Impact.**

## ENVIRONMENTAL EFFECTS

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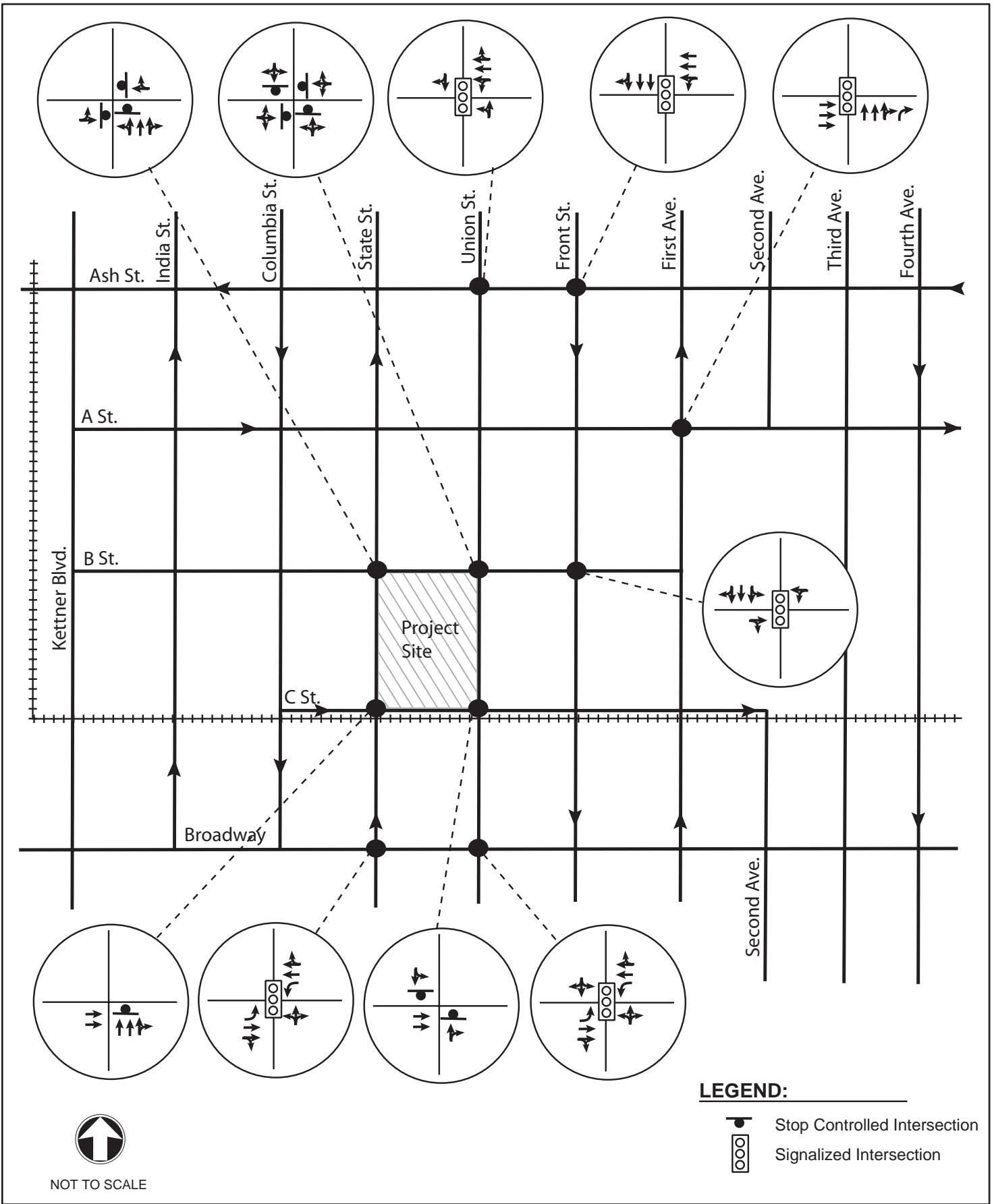
Regional Transit System buses currently park in on-street parking spaces on the eastern side of Front Street and south side of "B" Street that are adjacent to the Project site. As the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will enlist the City's and Regional Transit System's efforts to eliminate the Regional Transit System's on-street bus waiting spaces; however, this will not impact the riders of the transit system. Therefore, the Project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

The Project site is approximately one-quarter mile from San Diego Union Station which is the City of San Diego downtown transit center with access to Amtrak, the San Diego Coaster, the San Diego Trolley, and the San Diego Metropolitan Transit System bus system. Bus routes that serve the area of the existing and proposed court building include Routes 2, 11, 923, and 992, with bus stops on Broadway and Union Street, and Broadway and Front Street. Due to the proximity of the Project to alternative transportation systems, the Project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

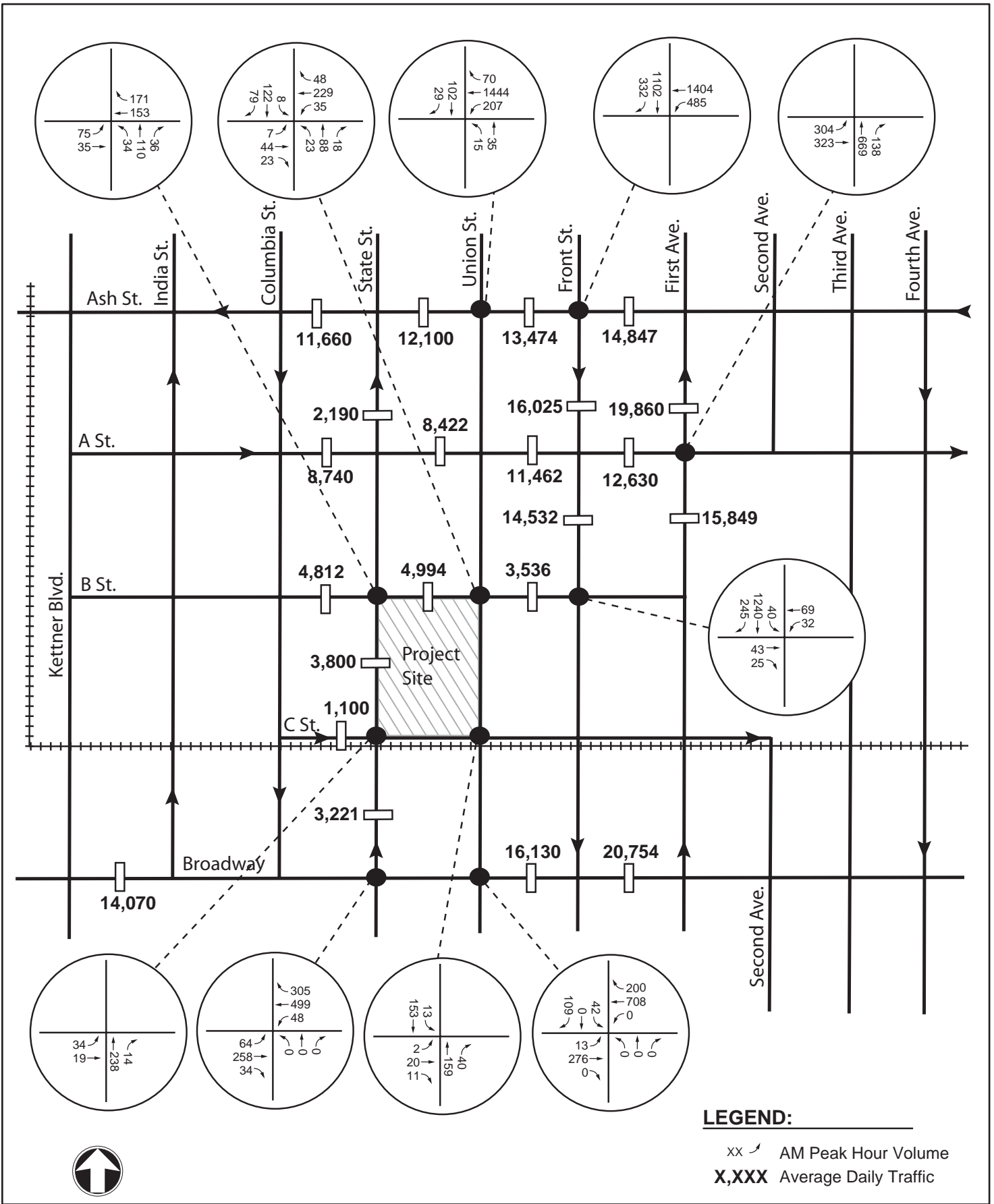
As previously discussed, approximately 33 percent of employees and 32 percent of jurors traveling to the courthouse typically utilize alternative transportation consisting of public transit, biking, or walking. An additional 16 percent of employees and nine percent of jurors will likely either vanpool or carpool to the courthouse. The San Diego County Court also offers complimentary transit passes to jurors for their days of jury service. Therefore, the Project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

Mitigation Measures: None required.





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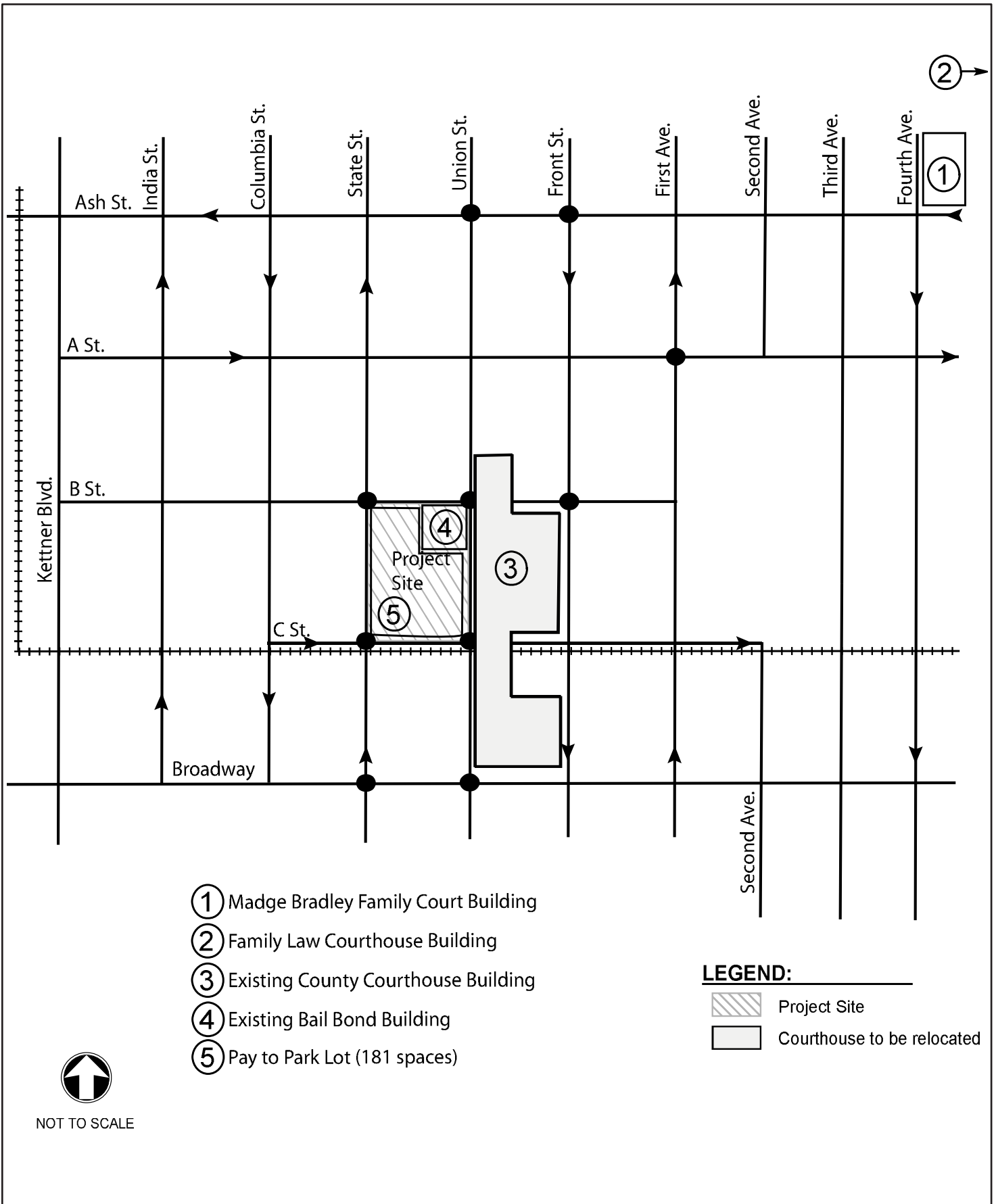


NEW SAN DIEGO  
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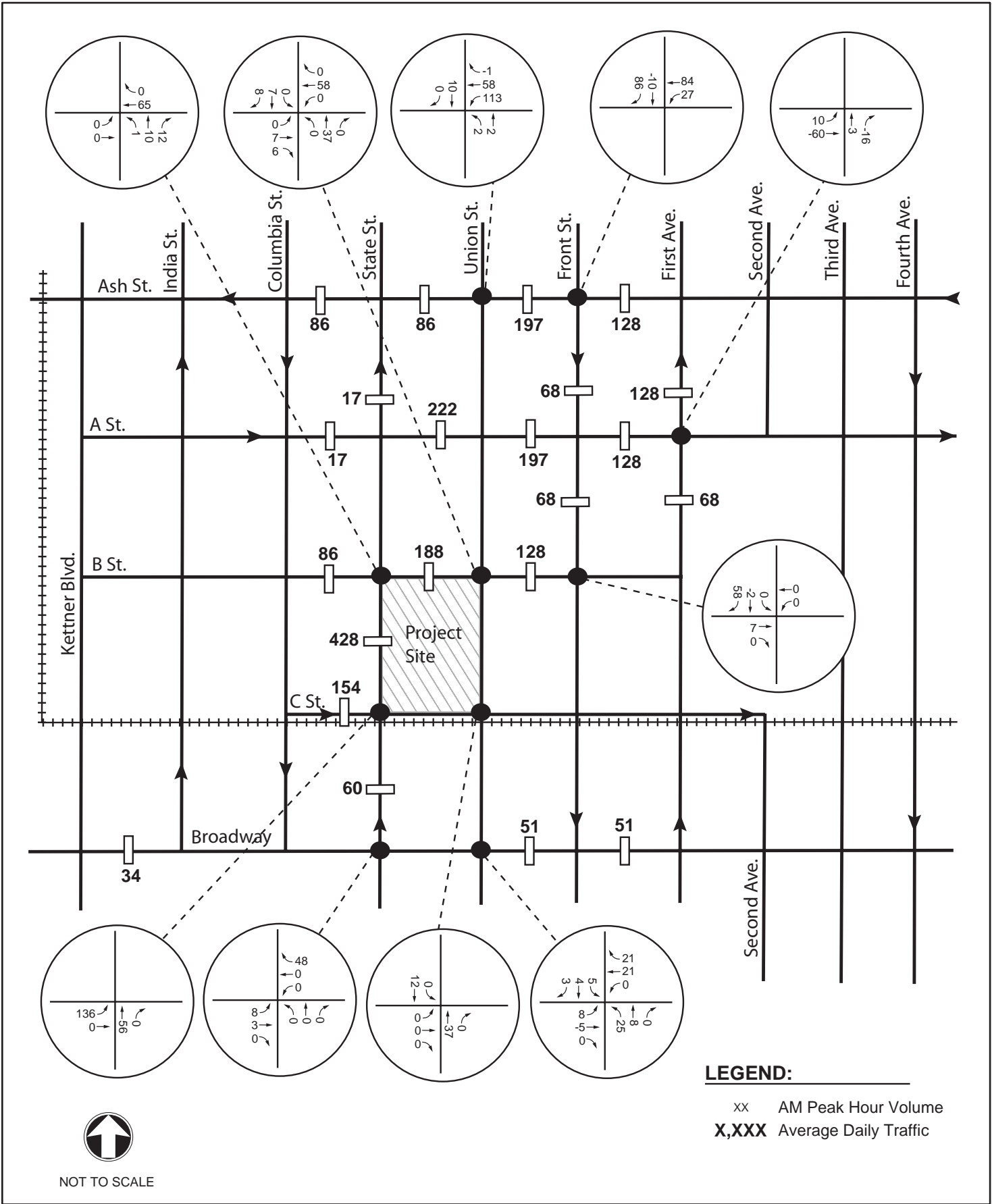
**EXISTING CONDITIONS TRAFFIC VOLUMES**

Figure 4.15-2

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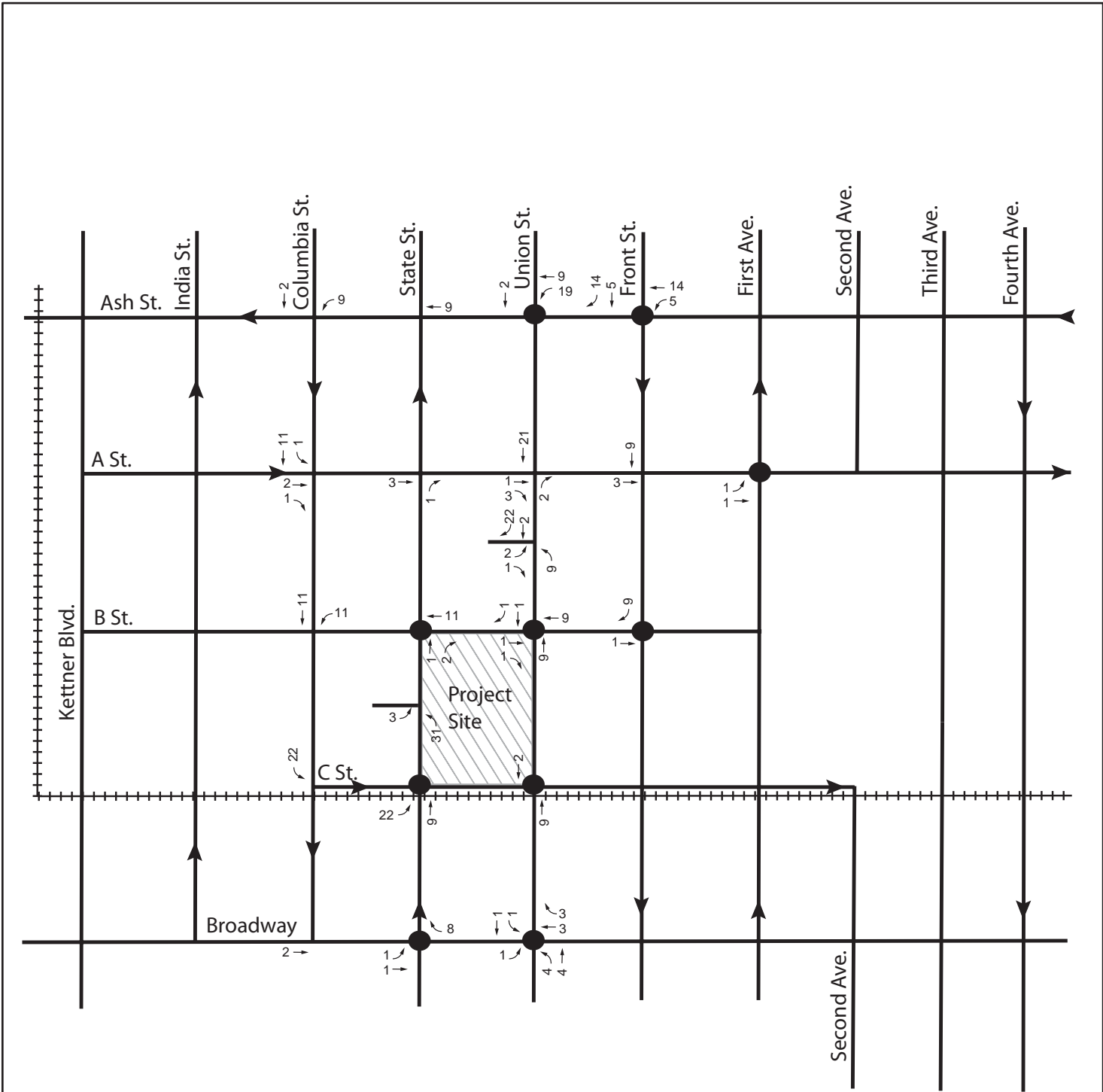


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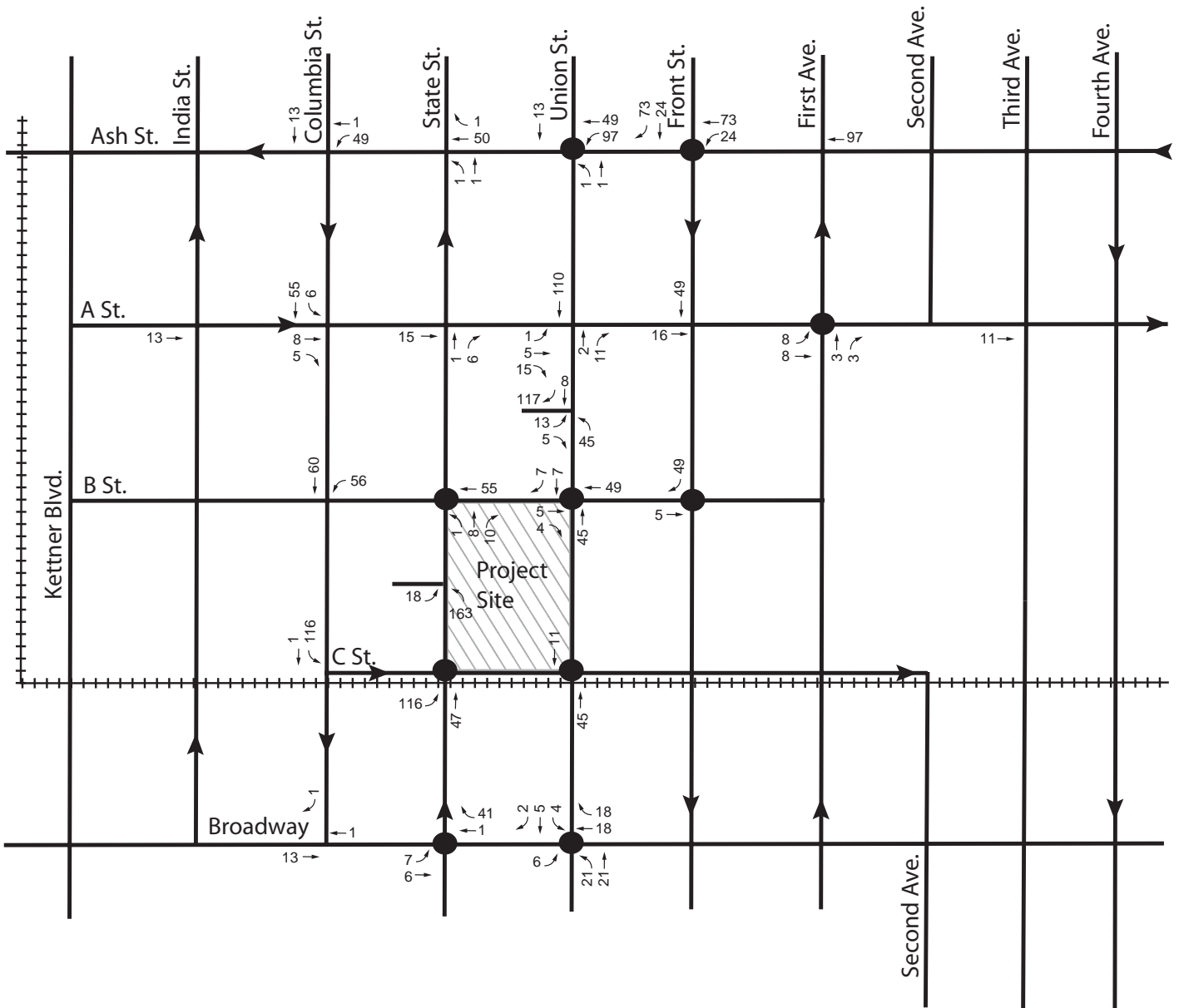


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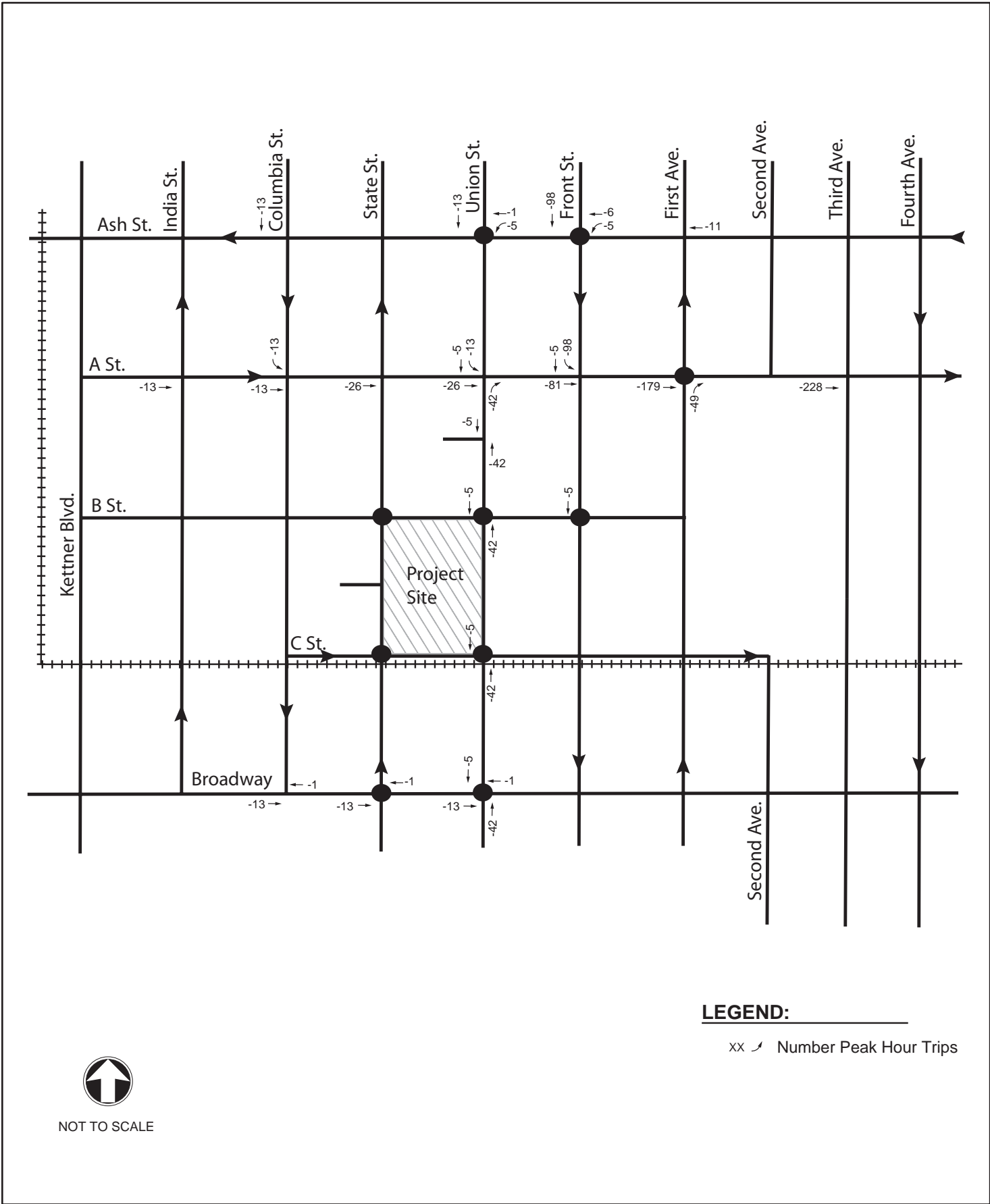
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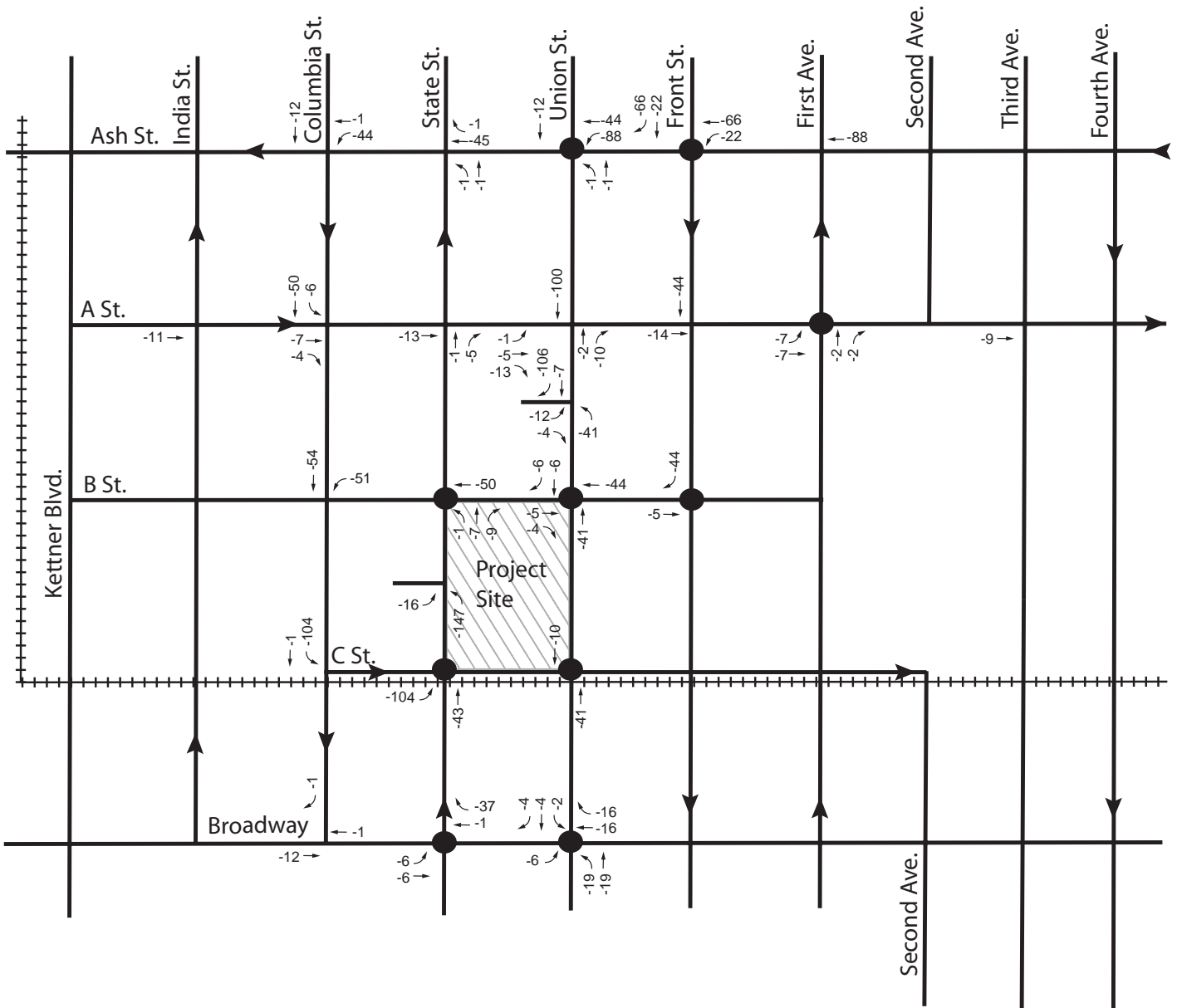


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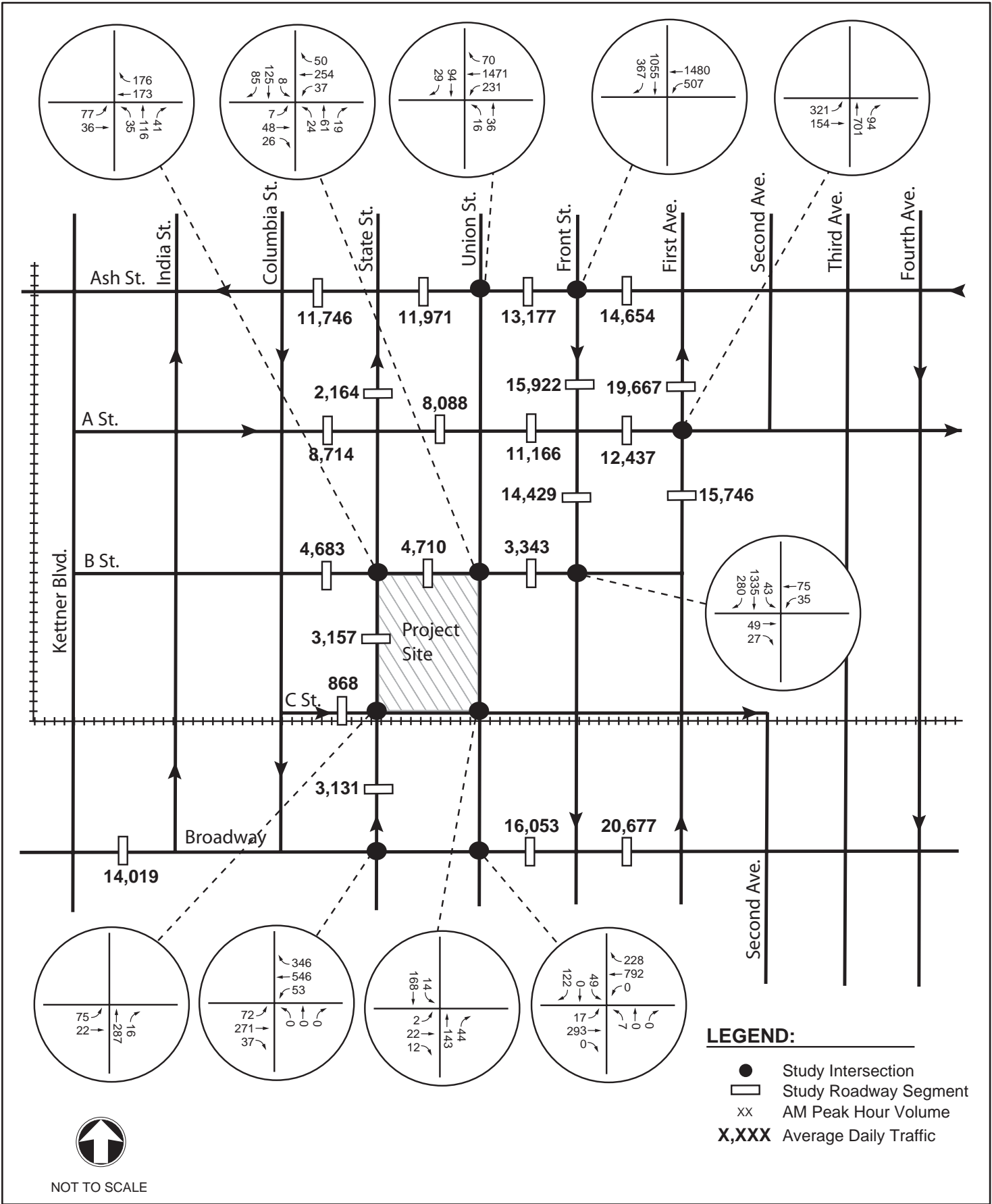
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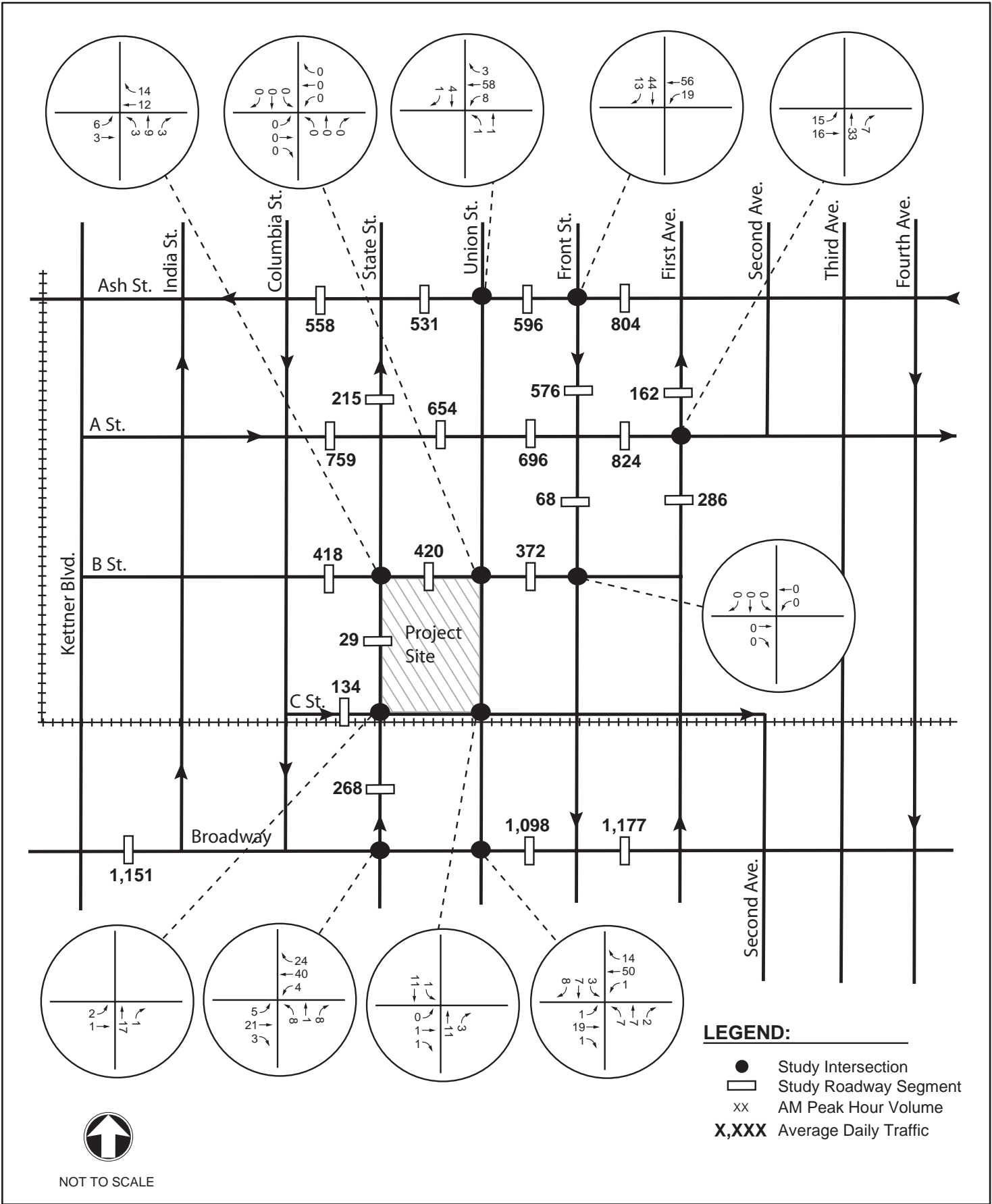
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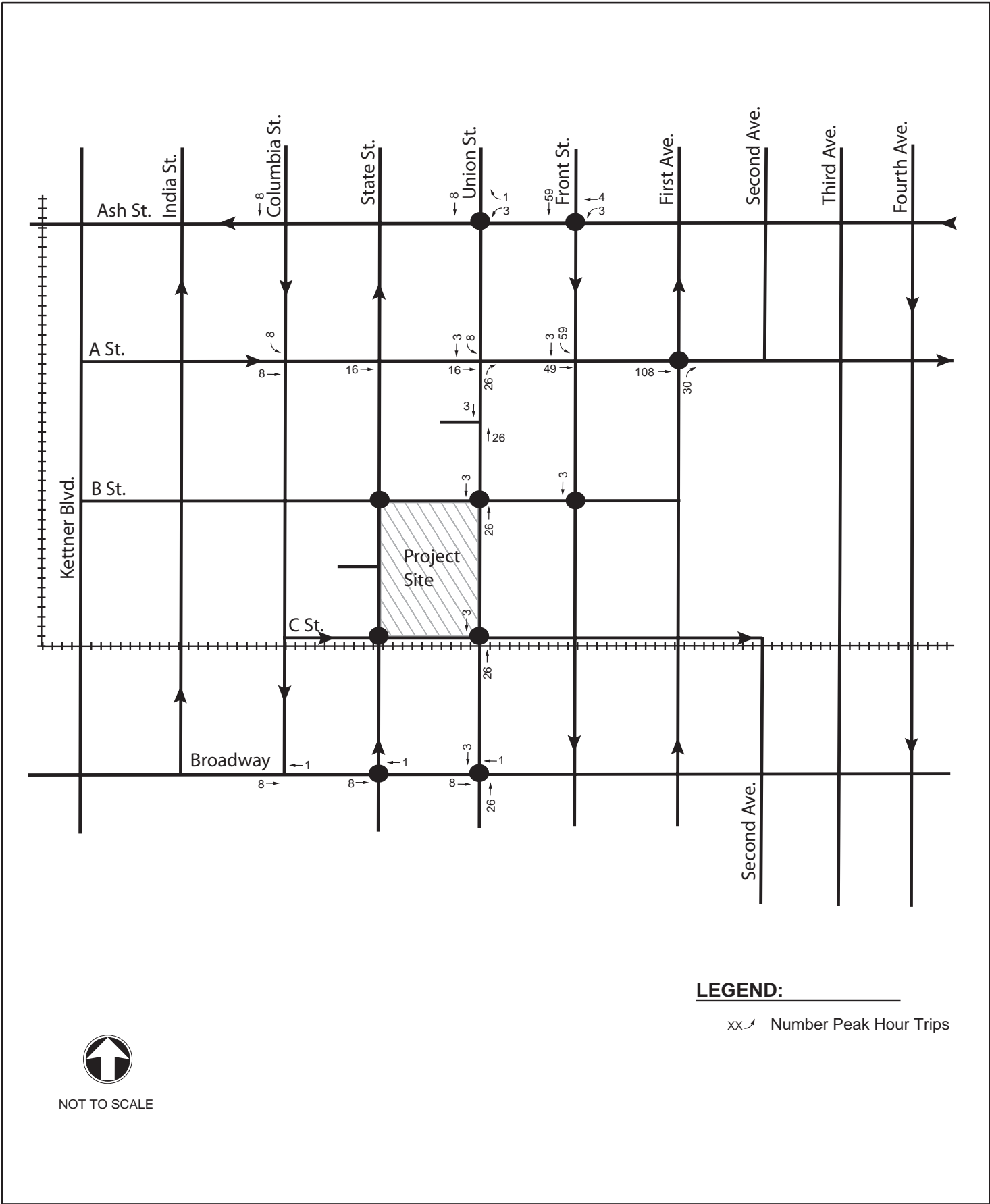




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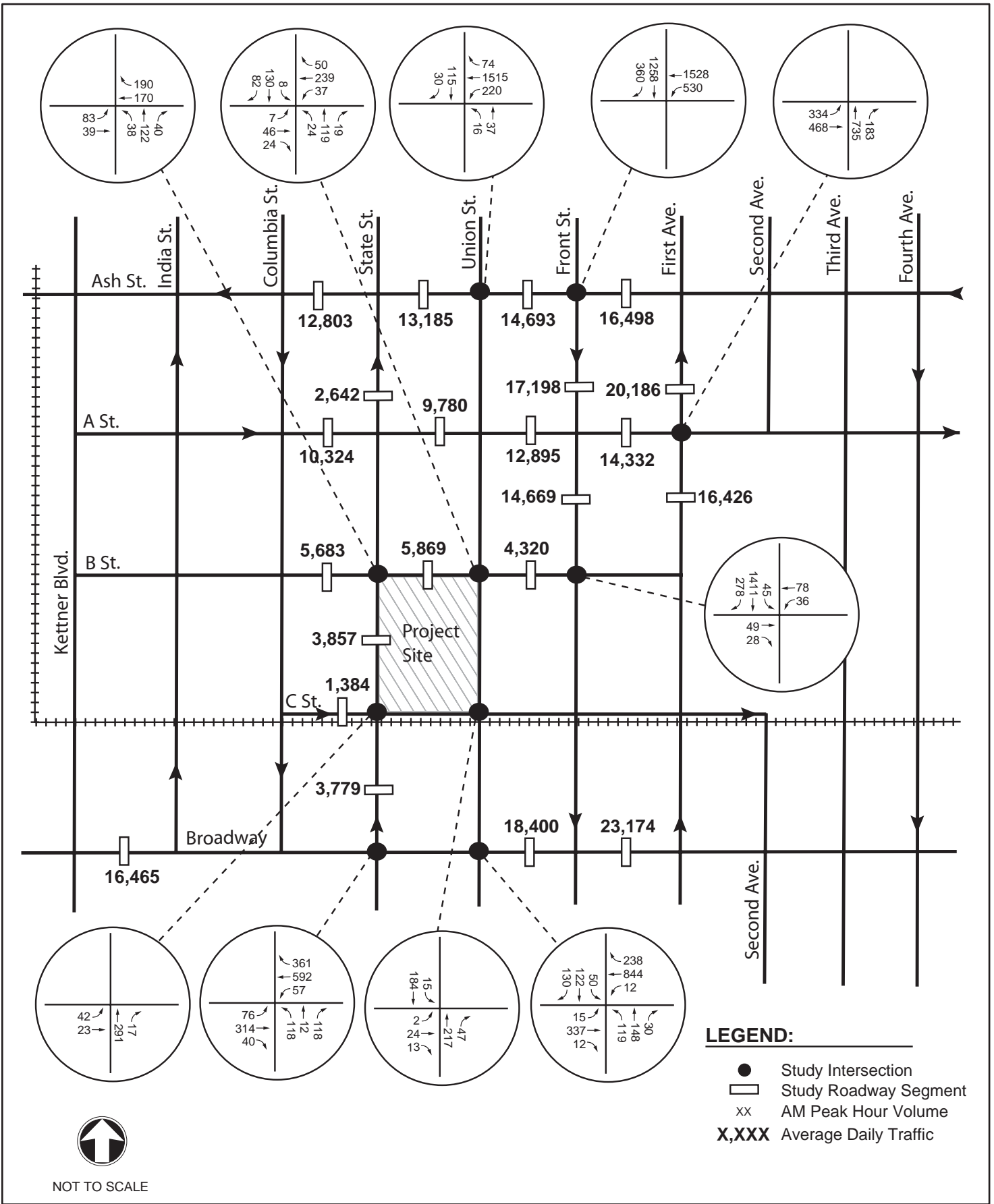


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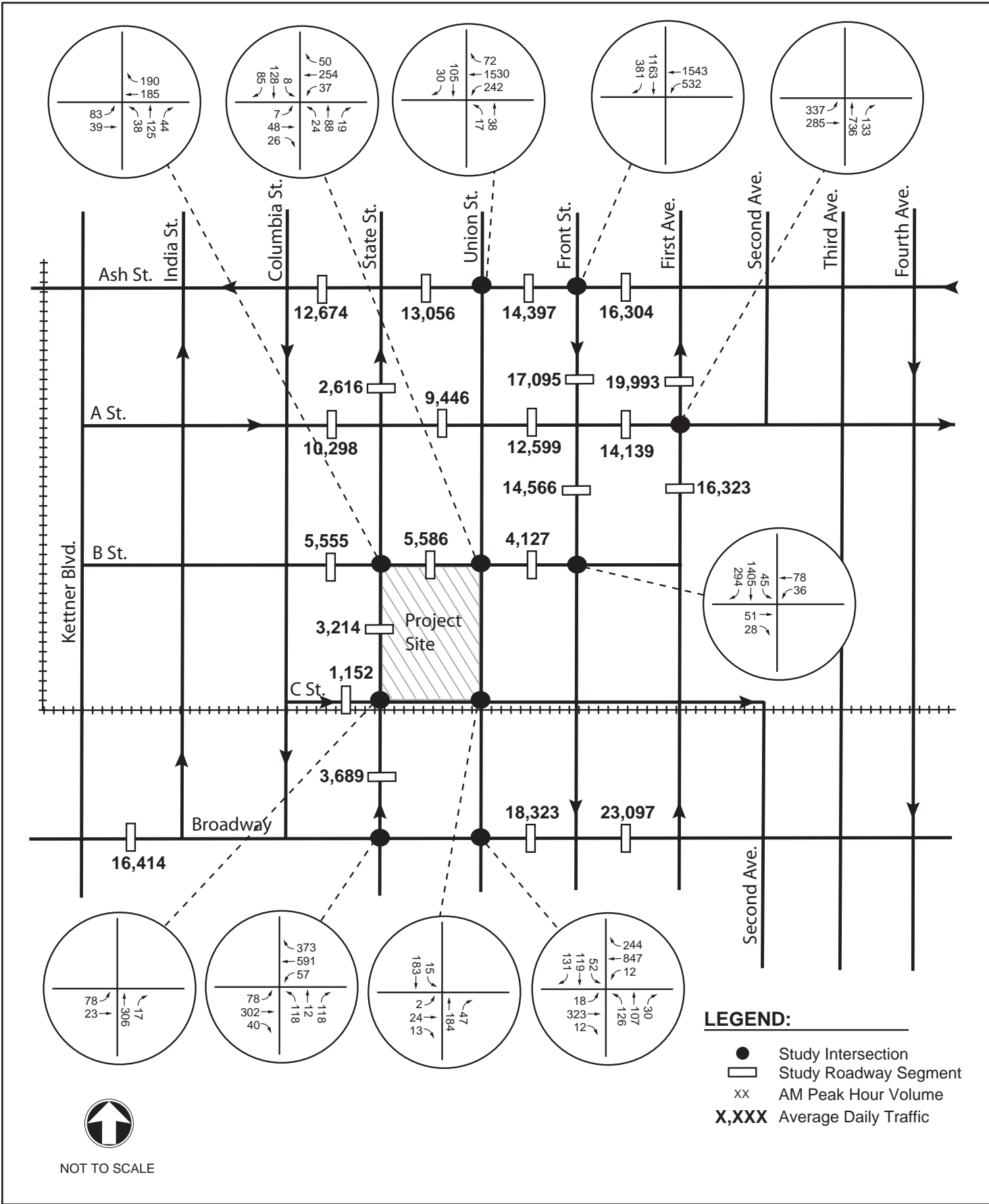
NEW SAN DIEGO  
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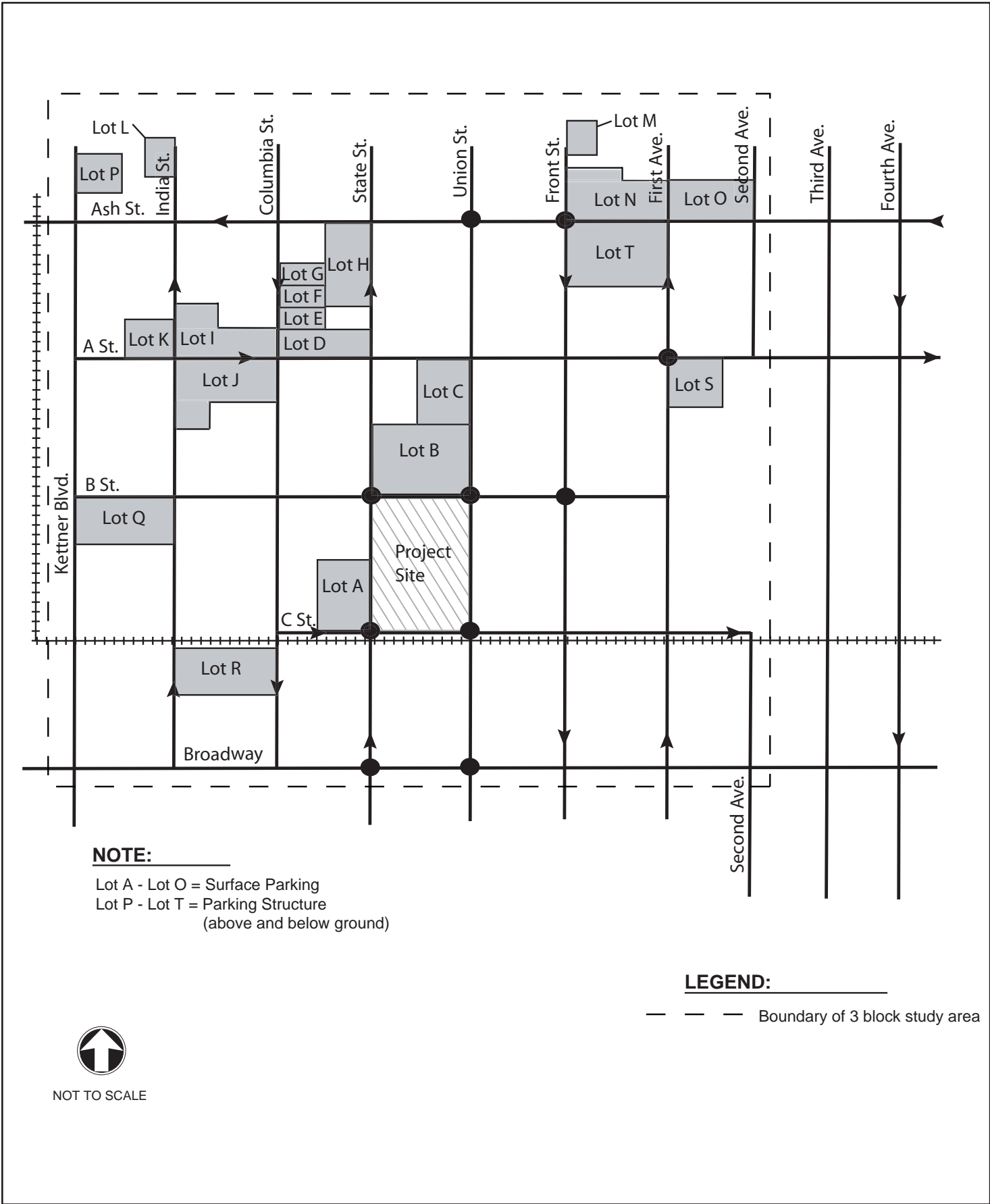




NEW SAN DIEGO  
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## 4.16 UTILITIES AND SERVICE SYSTEMS

This section evaluates the Project's potential impacts on utilities and service systems.

### 4.16.1 Environmental Setting

The Project site is in downtown San Diego, which is a highly urbanized area. Three buildings occupy the northeast portion of the site and front onto Union Street; the remainder of the site is a paved surface parking lot. Public water and wastewater treatment service, as well as electricity, gas, telephone, and telecommunications services are currently available and provided to the existing onsite uses. The City, through a contract with a private company, currently provides trash collection services for the site.

#### 4.16.1.1 Water

The City and other local water distributors formed the San Diego County Water Authority to allow for the purchase of available Colorado River water supplies from the Metropolitan Water District of Southern California and conveying it for sale and use within San Diego County. In addition, the City maintains connections to and from other water agencies, including the Santa Fe Irrigation District, the Poway Municipal Water District, the Otay Water District, the California American Water Company, and the Sweetwater Authority, for use in emergency or drought situations.<sup>1</sup> The San Diego County Water Authority, which acts as a wholesale agency to provide available imported water to its member agencies, purchases up to 90 percent of the water provided within the City's service area.

On an annual basis, the City treats and delivers over 200,000 acre-feet of water to its approximately 1.3 million residents. The City's potable water system provides for a service area of approximately 330 square miles, which includes the City and surrounding areas, and includes both retail and wholesale customers. To date, the City has been able to maintain a reliable water supply due to imported and stored water supplies from the Colorado River and Northern California. Although the City does not have direct control over the quantity of imported water, it is a member agency of the San Diego County Water Authority, which is responsible for securing the regional water supply from the Metropolitan Water District of Southern California.

Currently, the City's water system generally consists of nine surface water reservoirs, three water treatment plants, treated water storage facilities, and more than 3,460 miles of transmission and distribution lines. The City's three water treatment plants have an

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<sup>1</sup> City of San Diego website. <http://www.sandiego.gov/water/gen-info/overview.shtml>. Accessed May 2010.

approximate combined total rated capacity of 294 million gallons per day. The City also maintains and operates 32 storage facilities for treated water supplies, with capacities varying from less than one million gallons to approximately 35 million gallons.<sup>2</sup>

The City also maintains a recycled water use program to maximize the efficient use of local water supplies, reduce reliance on imported water, and allow for greater capacity in the potable water system. Recycled water provides a reliable, year-round, locally produced, and controlled water resource. The City's recycled water program does not provide recycled water in the downtown area.<sup>3</sup>

### 4.16.1.2 Wastewater

The City is in the jurisdiction of the San Diego Regional Water Quality Control Board. The City's wastewater system provides regional wastewater treatment and disposal services for the City as well as for 15 additional cities and districts within an approximately 450-square mile service area that ranges from Del Mar in the north, to Alpine and Lakeside in the east, and south to the U.S. and Mexico border. The system serves a population of over 2.1 million persons and is designed to accommodate regional growth. Currently, an average of 180 million gallons of wastewater is treated per day.<sup>4</sup> In addition, the City is responsible for the operation and maintenance of the 3,000-mile Municipal Sewerage Collection System within the City boundaries.<sup>5</sup>

The City's Metropolitan Wastewater System provides wastewater collection, treatment, and disposal service within the City limits. The City owns and operates the wastewater collection and transmission system, which is comprised of sewer collectors, trunk sewers, lift stations, and force mains. The City is responsible for maintenance and upkeep of the system, which is funded by sewer service charges and connection fees. The City operates the Point Loma Sewage Treatment Plant, which treats and disposes wastewater for the City and 15 other cities and special districts within the 450 square-mile service area.<sup>6</sup>

The Point Loma Wastewater Treatment Plant treats approximately 175 million gallons of wastewater per day generated in the 450 square-mile area by more than 2.2 million residents. Located on a 40-acre site in the community of Point Loma, the plant has a treatment capacity of 240 million gallons per day. The City also operates the South Bay Water Reclamation Plant (2411 Dairy Mart Road, San Diego, 92154), which provides wastewater treatment and reclaimed water to the South Bay, and the North City Water Reclamation Plan (4949 Eastgate Mall, San Diego, 92121), which treats wastewater generated

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<sup>2</sup> City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

<sup>3</sup> See <http://www.sandiego.gov/water/recycled/availability.shtml> for a map of the City's reclamation water distribution system.

<sup>4</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>5</sup> City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

<sup>6</sup> City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

by northern San Diego communities. Treated effluent is released into the Pacific Ocean through two existing ocean outfalls. Remnant solids from the City's wastewater treatment plants are processed at the Metro Biosolids Center, located at the Marine Corps Air Station, Miramar. The City constructed the two water reclamation plants, the biosolids treatment facility, and several pump stations, and provided major upgrades at the Point Loma Plant during the 1990's to address the City's growing wastewater treatment needs. Combined, the Point Loma Treatment Plant and two reclamation plants have the capacity to treat approximately 285 million gallons of wastewater per day, which is considered sufficient to meet the projected needs of the service area through at least 2020.<sup>7</sup> Reclaimed water from the two reclamation plants also supports the City's intent to reduce future dependence on imported water by diversifying available water supply sources.

#### 4.16.1.3 Electricity

San Diego Gas and Electric currently provides electrical service to the Project site. San Diego Gas and Electric provides energy service to approximately 3.3 million consumers through 1.3 million electric meters throughout San Diego and southern Orange Counties.<sup>8</sup> San Diego Gas and Electric will continue to maintain existing facilities following Project implementation.

#### 4.16.1.4 Natural Gas

San Diego Gas and Electric currently provides natural gas service to the Project site. San Diego Gas and Electric provides energy service to approximately 3.3 million consumers through 800,000 natural gas meters throughout San Diego and southern Orange Counties.<sup>9</sup> San Diego Gas and Electric will continue to maintain existing facilities following Project implementation.

#### 4.16.1.5 Telephone/Telecommunications

AT&T is the largest telecommunications company in the nation that provides integrated communications and entertainment services, including Internet Protocol (IP)-based network capabilities that integrate voice, data, and video. Cox Communications and Time Warner Cable are the major providers of communications networks and cable television programs within the City. These providers offer cable, high-speed internet, and digital telephone services.<sup>10</sup>

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<sup>7</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>8</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>9</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>10</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

AT&T will provide telephone service for the Project. Service will continue from these providers, or another provider if appropriate, following Project implementation.

#### 4.16.1.6 Utilities Undergrounding

The City of San Diego has actively been undergrounding utility lines since 1970. Annually, approximately 30-35 miles of overhead utility lines are undergrounded within the City.<sup>11</sup>

The City's Utilities Undergrounding Program consists of two types of projects. The first type involves San Diego Gas and Electric's Rule 20 (or SBC Tariff 32) projects that are required to meet certain criteria with regard to public benefit, consistent with the California Public Utility Commission's statewide program. The program generally pertains to overhead lines located along major City streets. The second type of project is known as a surcharge project in which the Project is funded by an increased franchise fee, as authorized by the California Public Utility Commission in Resolution E-3788. Surcharge projects are typically found in residential areas that do not meet Rule 20 criteria.

#### 4.16.1.7 Solid Waste Disposal

The City's solid waste management strategy is aimed at the prevention of solid waste materials from entering the waste stream through source reduction, recycling, and composting programs. Such efforts are consistent with Federal law under the Resource Conservation and Recovery Act, Subtitle D, and the California's Integrated Waste Management Act. The City's *Source Reduction and Recycling Element* planning document is updated annually and provides measures through which waste reduction efforts are implemented.

The San Diego County Integrated Waste Management Plan, Countywide Siting Element, indicates that existing solid waste disposal facilities within the County do not have the necessary permitted throughput rates (the amount of and rate that waste material can enter a waste disposal facility) to accommodate projected regional disposal needs over upcoming decades. Waste that is not diverted to beneficial use is largely disposed of at the Miramar Landfill, which ~~accommodates~~ is permitted to accept approximately 1.7 million 8,000 tons of waste per year day.<sup>12</sup> The Miramar Landfill is the City's only active landfill and has a maximum permitted capacity of 87,760,000 cubic yards.<sup>13</sup> ~~The landfill is expected to operate through 2019/2022.; however, operation may continue through 2016 with approval of~~

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<sup>11</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>12</sup> <http://www.sandiego.gov/environmental-services/Miramar>. Accessed August 4, 2010.

<sup>13</sup> CalRecycle. <http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0020/Detail/>. Accessed September 29, 2010.



~~pending applications to expand capacity.~~<sup>14</sup> Lesser amounts of solid waste are disposed of at other landfills, including two privately operated landfills: the Sycamore Landfill, located within the City limits, and the Otay Landfill, located in the unincorporated area of the County of San Diego. It is currently projected that the Sycamore Landfill will operate through ~~2033~~2031<sup>15</sup>, and the Otay Landfill will operate through ~~2025~~2021.<sup>16</sup>

As the landfills utilized by the City and the region move toward nearing capacity, they require evaluation for potential expansion, or new potential waste disposal sites must be identified that are capable of accepting waste residuals from collection programs and existing and expanded waste processing facilities. The City is presently evaluating various methods through which to extend the life of the Miramar Landfill and is reevaluating planning for long-term waste management needs through increased diversion and processing facilities, as well as continued capacity for disposal of residual materials.

The City of San Diego Environmental Services Department (ESD) has retained an outside consultant to assist in the development of a Long Term Resource Management Strategic Plan to address the City's solid waste needs for the next 25 years. This Long Term Resource Management project consists of two phases. Phase I will include identifying and evaluating options, facilities and technologies, while working with an advisory committee, to address the City's solid waste management needs. Phase II will provide more detailed analysis of select options, development of financial plans, recommendations for policy changes and the development of a Strategic Plan describing and analyzing how to implement these options.<sup>17</sup>

In addition, the City is required to comply with California Public Resources Code requirements for integrated waste management practices. To reduce potential demand for solid waste disposal services, the City implements waste reduction strategies such as recycling, composting, litter abatement, and reduction of construction- and demolition-generated material. This material creates significant problems when disposed of in landfills. Since construction and demolition debris is heavier than paper and plastic, it is more difficult to reduce the tonnage of disposed waste. For this reason, construction and demolition waste debris has been specifically targeted by the State of California for diversion from the waste stream.

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<sup>14</sup> City of San Diego Draft General Plan Final Program EIR, September 2007, Letter dated September 22, 2010 prepared by Cecelia Gallardo, Assistant Deputy Director, City of San Diego Development Services Department.

<sup>15</sup> CalRecycle. <http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0023/Detail/>. Accessed October 14, 2010.

<sup>16</sup> City of San Diego General Plan — Public Facilities, Services, and Safety Element. Adopted March 2008. CalRecycle. <http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0010/Detail/>. Accessed September 29, 2010.

<sup>17</sup> <http://www.sandiego.gov/environmental-services/geninfo/lwmo.shtml>, accessed August 4, 2010.

On July 1, 2008, the Construction and Demolition Debris Deposit Ordinance took effect. The ordinance requires that the majority of construction, demolition and remodeling projects requiring building, combination and demolition permits pay a refundable C&D Debris Recycling Deposit and divert at least 50% of their debris by recycling, reusing or donating usable materials. The ordinance is designed to keep C&D materials out of local landfills and ensure they get recycled.<sup>18</sup>

Operation of refuse collection services in the City of San Diego is managed by the Environmental Services Department through a system of collection and franchise agreements to control and manage waste collection. Solid waste disposal service to the Project site will be provided under private contract. Solid waste is transported to the Miramar Landfill, located approximately 10 miles to the north of the Project site.

### 4.16.2 Analytical Framework

The AOC anticipates that utilities for the New San Diego Central Courthouse will be the same as those currently provided for the existing courthouse and will include water, sewer, electricity, gas, and telephone and telecommunication services, as well as trash service. Analysts identified service providers and evaluated the ability of providers to provide service for the Project to determine deficiencies and potential impacts. Evaluators considered landfill facilities potentially affected by the Project site in evaluating whether the New San Diego Central Courthouse will significantly impact current or future service capacities.

#### 4.16.2.1 Analytical Methodology

Analysts reviewed pertinent documents and made a site reconnaissance to identify and record existing environmental conditions on lands affected by the Project, as well as surrounding properties, with regard to utilities and service systems. The evaluation of utilities and public systems on and near the proposed site included review of the following data:

- City of San Diego General Plan (March 2008);
- City of San Diego Draft General Plan Final EIR (September 2007);
- Review of applicable Federal, State, and local legal regulations with regard to utilities and public systems; and,
- City of San Diego Urban Water Management Plan (2005).

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<sup>18</sup> <http://www.sandiego.gov/environmental-services/recycling/cdrecycling.shtml>, accessed August 4, 2010

#### 4.16.2.2 Regulatory Background

The Project is subject to State and local regulations pertaining to utilities and service systems. The local provision of public utilities and services is generally guided by goals and policies given in the General Plan.

##### *Federal and State*

The Federal Water Pollution Control Act (Clean Water Act) is the principal law governing pollution of the nation's surface waters. The Clean Water Act was originally enacted in 1948, and was subsequently amended in 1972. As an amendment to the Federal Water Pollution Control Act of 1972, the Clean Water Act of 1997 guides regulation pertaining to pollutant discharge to the waters of the United States. The Clean Water Act consists of two major parts: provisions that authorize Federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The Clean Water Act requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses."

Unless specifically authorized by a permit, the Clean Water Act considers that all discharges into the nation's waters are unlawful. The National Pollutant Discharge Elimination System (NPDES) is the permitting program for discharge of pollutants into surface waters of the United States under Section 402 of the Clean Water Act. Industrial and municipal dischargers (point source discharges) must obtain National Pollutant Discharge Elimination System permits from the appropriate Regional Water Quality Control Board. The existing National Pollutant Discharge Elimination System (Phase I) storm water program requires municipalities serving more than 1,000,000 persons to obtain a National Pollutant Discharge Elimination System storm water permit for any construction project larger than five acres. Proposed National Pollutant Discharge Elimination System storm water regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb greater than one acre. For other dischargers, such as those affecting groundwater or from non-point sources, a Report of Waste Discharge must be filed with the Regional Water Quality Control Board. For specified situations, some permits may be waived and some discharge activities may be handled through being included in an existing General Permit.

Although the Environmental Protection Agency provides two permitting options to meet National Pollutant Discharge Elimination System requirements (individual permits and general permits), the State Water Resources Control Board has adopted one statewide General Permit for California that applies to all construction-related storm water discharges. The General Permit applies to any clearing, grading, stockpiling, or excavation that results in soil disturbances of at least one acre of total land area. Construction activities disturbing

less than one acre are still subject to this permit if the activity is part of a large common plan of development, or if significant water quality impairment will result from the activity. The General Permit requires all dischargers whose construction activity disturbs one acre or more to:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) to prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving offsite into receiving waters;
- Eliminate or reduce nonstorm water discharge to storm sewer systems and other waters of the United States; and,
- Inspect all Best Management Practices.

### *Local*

The City of San Diego General Plan 2008 contains policies on water and wastewater services for the City of San Diego. The General Plan Public Facilities, Services and Safety Element and Conservation Element of the General Plan address facilities that are publicly managed and provide policies on both facility infrastructure and management of resources, such as water and energy supply. Although the AOC is not subject to the policies contained within the General Plan, certain Project elements may be influenced by City design standards.

Implementation of the General Plan anticipates that population growth within the City will continue to occur, creating an increase in demand for water supplies. Analysts used the San Diego Association of Governments' most recent projections, the 2030 Regional Growth Forecast,<sup>19</sup> to identify future water demand projections for the City's Urban Water Management Plan. The population of the City of San Diego is anticipated to increase from approximately 1.3 million to almost 1.7 million in 2030. The City's Water Department delivered approximately 236,756 acre-feet of treated water by in 2006; however, it projects that annual water demands will increase to 275,925 acre-feet by the year 2030. The Water Authority's 2005 Water Plan anticipates reliability of its water supply through 2030 to correspond with the San Diego Association of Governments growth forecast and the City's projected demand of 275,925 acre-feet per year. The San Diego Association of Governments anticipates that major urban development that may occur under the Draft General Plan will not exceed the projections used in the 2005 Water Plans.<sup>20</sup> In addition, the Water Authority plans to pursue a number of strategies to increase potential water supplies, including the continued use of recycled water, ground water, water conservation efforts, canal lining, and surface storage to meet service area needs and reduce the risk of future unforeseen

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<sup>19</sup> SANDAG, 2004c

<sup>20</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

shortages. The Metropolitan Water District of Southern California is also developing a comprehensive Drought Management Plan that will be implemented within the San Diego Region in the future to address uncertainties relative to maintaining and developing local and imported water supplies.

### 4.16.3 Standards of Significance

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

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Require construction of new storm water drainage facilities; expansion of existing facilities, the construction of which could cause significant environmental effects;
- Have insufficient water supplies to serve the Project from existing entitlements and resources;
- Result in a determination by the wastewater treatment provider that serves the Project that it lacks adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments; or,
- Lack service by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.

### 4.16.4 Potential Impacts and Mitigation Measures

#### 4.16.4.1 Wastewater Treatment

**Potential Impact:** (UPS-1) Will the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Less Than Significant Impact.**

The City is within the jurisdiction of the San Diego Regional Water Quality Control Board. The New San Diego Central Courthouse's design will be consistent with applicable requirements of the Regional Water Quality Control Board for wastewater disposal and treatment. The AOC intends to design the new courthouse to achieve a Silver rating

certification under the U.S. Green Building Council's LEED Green Building Rating System.<sup>21</sup> In achieving this certification, the Project will incorporate design measures to integrate innovative wastewater technologies that will reduce the amount of wastewater potentially generated by daily operational procedures, consistent with Leadership for Energy and Environmental Design Silver rating requirements.

The new courthouse will replace the existing courthouse and will not represent a significant increase in intensity of use or significantly increase wastewater generated as compared to the existing use. The Project will also demolish the existing structures on the proposed courthouse site and the existing County Courthouse and Old Jail. Due to the Project's demolition of existing buildings and the elimination of the building uses associated wastewater treatment demand and the Project's LEED Silver requirements, the AOC concludes that Project's wastewater treatment-related impacts will be less than significant.

Mitigation Measures: None required.

#### 4.16.4.2 New or Expanded Water or Wastewater Treatment Facilities

**Potential Impact:** (UPS-2) Will the Project require the construction of new water or wastewater treatment facilities or expansion of existing facilities?

**Less than Significant Impact.**

Analysts estimated that standard wastewater demand for a similar institutional use is approximately one-third of the building's operational water demand. Water demand for an institutional use is estimated at approximately 3,000 gallons per day per acre. As the Project site is approximately 1.4 acre in size, anticipated water demand for the Project is 4,200 gallons per day, and anticipated wastewater demand is approximately 1,400 gallons per day.<sup>22</sup>

Analysts anticipate that the New San Diego Central Courthouse will slightly increase water demand over that currently generated with the existing courthouse, due to an increase in overall square footage and an increase of two courtrooms (total of 71 compared to 69 existing courtrooms utilized by the Superior Court in the downtown San Diego area that are housed in the County Courthouse, Hall of Justice, and Family Court). The Project will replace the existing courthouse and will not result in a significant increase in the existing number of overall staff. The Project will also demolish the existing Stahlman Block buildings, which will eliminate the associated water demand. In addition, the Project design will integrate design measures consistent with LEED Silver certification requirements (e.g., low-flow faucets) that will reduce overall water demand generated by daily operation of the

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<sup>21</sup> U.S. Green Building Council, 2003.

<sup>22</sup> California Administrative Office of the Courts, 2008a.

facilities, as compared to the existing courthouse. Therefore, the Project does not represent a new land use that will create a significant new demand for water supply services.

As stated previously, the City operates the Point Loma Sewage Treatment Plant, which treats and disposes wastewater for the City and 15 other cities and special districts within the 450 square-mile service area. The Final Program EIR for the Draft General Plan indicates that the Point Loma Treatment Plant and two reclamation plants combined are capable of treating approximately 285 million gallons per day, which is considered sufficient to meet the projected needs of the service area through at least 2020.<sup>23</sup> The Project will replace the existing courthouse rather than add new land use, and therefore it will not generate a significant increase over current overall demand for wastewater treatment services. The Project will also demolish the existing Stahlman Block buildings and the County Courthouse, which will eliminate the associated wastewater treatment demand. In addition, the Project design will integrate design measures consistent with LEED Silver certification requirements (e.g., low-flush toilets) that will reduce overall wastewater produced by daily operation of the facilities, as compared to the existing courthouse.

After the Superior Court relocates its operations from the Madge Bradley Building, Family Court, and portions of the Hall of Justice, the County or another party will occupy the vacated space. This will represent a shift in the location of users, but will not significantly increase water demand or wastewater generated over that which presently exists for the existing courthouse, and the Project will have only a very minor increase in the number of employees occupying the new courthouse. Therefore, the Project will not 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. Impacts will be less than significant.

Mitigation Measures: None required.

#### **4.16.4.24.16.4.3 Storm Water Drainage Facilities**

**Potential Impact:** (UPS-3) Will the Project require the construction of new storm water drainage facilities or expansion of existing facilities?

**Less than Significant Impact.**

Storm drains and flood control facilities within the Project area are constructed and maintained by the City of San Diego. The Storm Water Department of the City's Public Works Department is responsible for design and construction of storm drain facilities within the City. Currently, storm water and surface water from the Project site discharges by sheet flow to existing street gutter storm drains and to storm drains in the paved parking lot area,

<sup>23</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

as no landscaped areas are located onsite that will allow for the percolation of storm water through the ground surface.

The AOC's proposed courthouse design will conform to the requirements of the California Trial Court Facilities Standards,<sup>24</sup> including Design Excellence Principles. The Project will be designed consistent with City design standards, as applicable, with regard to controlling storm water runoff, and will not create an abundance of storm water runoff that will require a change control to the existing storm drain system. The Project will not require construction of new offsite storm water facilities.

In addition, the Project's construction operators will implement Best Management Practices (BMPs) and other design measures throughout the construction phase to avoid or minimize potential impacts. These Best Management Practices and other measures may include:

- Prior to the start of construction activities, the AOC will ensure that the construction contractor prepares a Storm Water Pollution Prevention Plan and secures the Regional Water Quality Control Board's approval of the plan;
- The construction contractor will incorporate BMPs consistent with the guidelines provided in the California Storm Water Best Management Practice Handbooks: Construction;<sup>25</sup>
- For the construction during the rainy season, the construction contractor will implement erosion measures specified by the Regional Water Quality Control Board, which may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, or other measures; and,
- Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.

In addition, the AOC intends to design the Project to achieve a Silver rating certification under the U.S. Green Building Council's LEED Green Building Rating System. The AOC will implement a storm water management plan that includes measures to comply with LEED requirements relevant to storm water. Such measures will address both quantity and quality control for potential storm water runoff from the Project site.

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<sup>24</sup> Judicial Council of California. 2006. California Trial Court Facilities Standards. 226 p. Available at: [http://www.courtinfo.ca.gov/programs/occm/documents/06\\_April\\_Facilities\\_Standards-Final-Online.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf).

<sup>25</sup> California Stormwater Quality Association. 2003. *California Storm Water Best Management Practice Handbooks: Construction*. Menlo Park, CA. Also Available at: [http://www.cabmphandbooks.com/Documents/Construction/Section\\_3.pdf](http://www.cabmphandbooks.com/Documents/Construction/Section_3.pdf)



The Project is not anticipated to 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. As such, impacts will be less than significant.

Mitigation Measures: None required.

#### ~~4.16.4.34.16.4.4~~ 4.16.4.34.16.4.4 Water Supply

**Potential Impact:** (UPS-4) Will the water provider that serves the Project area have sufficient water supplies available to serve the Project?

**Less than Significant Impact.**

Although the City does not have direct control over the quantity of imported water, it is a member agency of the San Diego County Water Authority, which is responsible for securing the regional water supply from the Metropolitan Water District of Southern California. As stated previously, the Water Authority's 2005 Water Plan anticipates reliability of its water supply through 2030 to correspond with the San Diego Association of Governments' growth forecast and the City's projected demand of 275,925 acre-feet per year. Major urban development that may occur under the General Plan is not expected to exceed the projections made by the San Diego Association of Governments and used in the 2005 Water Plan.<sup>26</sup> In addition, the Water Authority plans to pursue a number of strategies to increase potential water supplies, including the continued use of recycled water, ground water, water conservation efforts, canal lining, and surface storage to meet service area needs and reduce the risk of future unforeseen shortages. Furthermore, the Project will result in replacement of the existing courthouse and Old Jail with new facilities, and will not introduce a new use in the downtown area that will significantly increase water use demand over that currently generated by the existing courthouse.

The proposed Project does not meet the criteria for preparation of a Water Supply Assessment in accordance with Senate Bill (SB) 610 and SB 221 because the AOC, as a State agency, is not a "city or county" (SB 610) nor does the Project include a "development agreement that includes a subdivision" (SB 221). Nonetheless, the Project is anticipated to use an estimated 8.3 acre-feet of water per year, based on current water demand for the existing Courthouse.<sup>27</sup> Under SB 610, the Project does not meet the definition of "Project" under Water Code Section 10912(a), which requires that "a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." As a 500 dwelling unit project would utilize an estimated 336 acre-feet of water per year, and anticipated water demand for the proposed Project is well below this amount, the Project does not meet the criteria for preparation of a Water Supply

<sup>26</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

<sup>27</sup> Personnel communication, Amie Meagen, County of San Diego to Jerome Ripperda, AOC. July 21, 2010.

Assessment. In addition, as a State agency, the AOC is not subject to the requirements of SB 610, and is instead exempt.

As stated above, the AOC intends to design the Project to achieve a Silver rating certification under the U.S. Green Building Council's Leadership for Energy and Environmental Design Green Building Rating System. The AOC intends to implement a water supply plan that complies with Leadership for Energy and Environmental Design requirements for the Silver rating. These requirements<sup>28</sup> relevant to water supply include:

- Water efficient landscaping - Reduce water use by 50 percent, use non-potable water, or use no water for landscaping.

Sufficient water supplies are available to serve the Project from existing entitlements and resources, and therefore, the Project will not require new or expanded entitlements to provide an adequate water supply for the proposed use. As such, impacts will be less than significant.

Mitigation Measures: None required.

#### 4.16.4.44.16.4.5 Wastewater Treatment Capacity

**Potential Impact:** (UPS-5) Will the wastewater treatment provider that serves the Project area determine that it has adequate capacity to serve the Project's projected demand?

**Less than Significant Impact.**

The Project will construct a New San Diego Central Courthouse to replace the existing courthouse. The Project will also demolish the Stahlman Block's existing buildings and the Old Jail. The increase in wastewater treatment demand will be minor as compared to current demands generated by the existing courthouse facilities and other buildings, as the overall number of employees occupying the new facilities will not significantly increase with consideration for relocation of existing staff and operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley Building, Family Court, and portions of the Kearny Mesa Facility into the New San Diego Central Courthouse.

As stated above, the Final Program EIR for the Draft General Plan indicates that the Point Loma Treatment Plant and two reclamation plants combined are capable of treating approximately 285 million gallons per day, which is considered sufficient to meet the projected needs of the service area through at least 2020.<sup>29</sup> The Project will not result in a use that will significantly increase population in the downtown area or that will conflict

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<sup>28</sup> U.S. Green Building Council, 2003.

<sup>29</sup> City of San Diego Draft General Plan Final Program EIR. September 2007.

with those uses anticipated by the General Plan, thus potentially affecting projected demands for future wastewater treatment.

Due to the nature of the Project, the wastewater treatment provider that will serve the Project is considered to have adequate capacity to serve the projected demand, in addition to the provider's existing commitments. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.16.4.54.16.4.6 Landfills

**Potential Impact:** (UPS-6) Is there a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?

**Less than Significant Impact.**

Regulations for solid waste for the State of California (California Public Resources Code Section 41700 - 41721.5) require that each region have a plan with adequate capacity to manage or dispose of solid waste for at least fifteen years into the future. For the San Diego County region, the solid waste plan is the Integrated Waste Management Plan, Countywide Siting Element (January 2005). This Plan indicates that unless a new landfill is made available and/or existing landfills are expanded, the region will have insufficient disposal capacity. As such, the San Diego Association of Governments' Comprehensive Resource Management Plan, the Countywide Siting Element, and the City of San Diego General Plan are presently working to extend the life of existing solid waste disposal facilities.

As previously stated, the City is presently evaluating various methods through which to extend the life of the Miramar Landfill and is reevaluating planning for long-term waste management needs through increased diversion and processing facilities, as well as continued capacity for disposal of residual materials. The City is assisting in the development of a Long Term Resource Management Strategic Plan to address the City's solid waste needs for the next 25 years. This Long Term Resource Management project consists of two phases. Phase I will include identifying and evaluating options, facilities and technologies, while working with an advisory committee, to address the City's solid waste management needs. Phase II will provide more detailed analysis of select options, development of financial plans, recommendations for policy changes and the development of a Strategic Plan describing and analyzing how to implement these options.<sup>30</sup>

In addition, the City is required to comply with California Public Resources Code requirements for integrated waste management practices. To reduce potential demand for solid waste disposal services, the City implements waste reduction strategies such as recycling, composting, litter abatement, and reduction of construction- and demolition-

<sup>30</sup> <http://www.sandiego.gov/environmental-services/geninfo/lwmo.shtml>, accessed August 4, 2010.

generated material. The City uses a threshold of 60 tons to determine when a project may have a significant environmental impact for CEQA evaluations.

In addition, State Assembly Bill 939 establishes a target goal to support the diversion of solid waste generated. The Bill required that 50 percent of solid waste shall be diverted from landfills by the year 2005. The City of San Diego achieved a ~~55-66~~ percent diversion rate in ~~2006-2009~~, thereby achieving the goal.<sup>31</sup>

The City's Environmental Services Department manages Solid waste disposal services for the City. The solid waste generated by daily operation of the New San Diego Central Courthouse will contribute to incremental consumption of the City's existing landfill capacity; however, the additional contribution will not be substantial compared with the remaining landfill capacity. As noted previously, the Miramar Landfill is expected to operate through ~~2019~~2022. The Sycamore Landfill, located within the City limits, and the Otay Landfill, located in the unincorporated area of the County, are also expected to remain available until ~~2033~~2031<sup>32</sup> and ~~2025~~2021,<sup>33</sup> respectively.<sup>34</sup> As proper reduction and disposal methods for construction waste will be observed during the construction phase, the Project is not anticipated to significantly contribute to a reduction in available landfill capacity.

Daily operational activities will be similar to those which occur at the existing courthouse, and therefore, solid waste quantities generated are not anticipated to significantly increase with the Project. In addition, the Project will integrate measures consistent with the Leadership for Energy and Environmental Design Silver rating program aimed at the reduction of solid waste through implementation of recycling programs, educational programs, or other appropriate measures.

Although no date has yet been identified, the AOC anticipates that demolition of the existing courthouse and Old Jail will occur prior to any anticipated closure date of existing landfills that presently serve the City. Demolition activities will be consistent with applicable State and local requirements aimed at reducing potential demolition waste. Solid waste disposal needs will be reassessed at the time demolition is proposed, as appropriate, to ensure that adequate disposal facilities are available and that no adverse effects will occur as the result of the proposed action. With expanded waste processing requirements and opportunities, such as mixed construction and demolition debris recycling facilities, residual materials from the demolition activities and recycling operations will require safe disposal.

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<sup>31</sup> <http://www.sandiego.gov/environmental-services/Miramar>, accessed August 4, 2010; [Correspondence with Samantha Garcia, City of San Diego Environmental Services Department](#), October 14, 2010.

<sup>32</sup> CalRecycle. <http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0023/Detail/>. Accessed October 14, 2010.

<sup>33</sup> CalRecycle. <http://www.calrecycle.ca.gov/SWFacilities/Directory/37-AA-0010/Detail/>. Accessed September 29, 2010.

<sup>34</sup> City of San Diego General Plan – Public Facilities, Services, and Safety Element. Adopted March 2008.

The Project will comply with the City's Construction and Demolition Debris Deposit Ordinance. Compliance with the Ordinance will ensure that the Project recycles and diverts a minimum of 50% of construction and demolition materials from landfills.

For the reasons above, the AOC concludes that potential direct and cumulative impacts with regard to solid waste disposal and landfill capacity will be less than significant.

Mitigation Measures: None required.

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## 5.0 ALTERNATIVES

CEQA Guidelines Section 15126.6(a) states that the range of reasonable alternatives to a project, or to the proposed location of a project, shall include those alternatives that may feasibly accomplish most of the basic objectives of the project but will avoid or substantially lessen one or more of the significant effects. As discussed in Chapter 4.0, the proposed Project will have potentially significant impacts to aesthetics and visual resources, cultural resources, geology and soils, and hazards and hazardous materials, but mitigation measures will reduce these impacts to a level that is less than significant. However, the proposed Project will have significant noise (construction) impacts despite the adoption of mitigation measures. All other impacts will be less than significant. Section 15126.6(0)(1) of CEQA states that other considerations for the feasibility of an alternative include site suitability; economic viability; availability of infrastructure; and, consistency with applicable plans, regulatory limitations, or jurisdictional boundaries.

### 5.1 RATIONALE FOR ALTERNATIVE SELECTION

Replacement of the existing downtown courthouse will involve construction of the new courthouse facility, consolidation of existing facilities and staff, and ultimately, the demolition of the existing County Courthouse and Old Jail. The following discussion considers the No Project Alternative; the Reduced Project Alternative; and, the Alternate Site Alternative.

The No Project Alternative provides an analysis of the impacts under a scenario where the AOC does not construct the new courthouse facilities and the existing County Courthouse and Old Jail remain in their current condition. The No Project Alternative is required by CEQA and allows decision-makers to compare the impacts of a project with the impacts that will occur if the project were not constructed (CEQA Guidelines Section 15126.6(e)(1)). The Reduced Project Alternative provides an analysis of a reduced-size new courthouse to determine if the AOC can reduce significant environmental effects of the Project. In addition, the Alternate Site Alternative considers potential impacts of the proposed courthouse at an adjacent downtown site that the AOC considers suitable for construction of the replacement courthouse facilities. *Table 5-1: Project Alternatives – Impacts Compared to the Project*, compares the Project with each of the proposed alternatives.

## 5.2 ALTERNATIVES CONSIDERED BUT REJECTED FROM FURTHER CONSIDERATION

As discussed below, the AOC considered and rejected two Project alternatives during the scoping process.

### 5.2.1 Broadway Site Alternative

The Broadway Site Alternative involved construction of the new courthouse on the existing County Courthouse's site, which is the block bounded by Broadway, C Street, Union Street, and First Avenue. The AOC does not consider this to be viable alternative because the County Courthouse is currently being utilized. To construct a new courthouse in that location, the AOC must relocate all of the existing operations, including personnel, equipment and furniture, into other temporary facilities, prior to the demolition of the existing County Courthouse. This alternative requires the AOC to find new temporary facilities that meet the criteria for operating courtrooms and secure temporary leases for the facilities. If all of the temporary facilities cannot be found in one location, then the AOC will be required to scatter operations to several different locations, which will hinder the efficiency and safety of the Superior Court's operations. If the temporary facilities were not located in the downtown within proximity to the Central Jail and Superior Court, significant adverse effects on the ability of the Court system to operate efficiently will occur. After completion of the potential new courthouse, the AOC will then need to relocate offices and courtrooms to the new courthouse. For these reasons, the AOC rejected building the new courthouse in the same location as the existing courthouse from further consideration.

### 5.2.2 Non-Downtown Site

The AOC considered and rejected construction of the new courthouse facilities at a location outside of the downtown San Diego area since it will not meet the Project objectives to construct suitable replacement facilities near existing related facilities in the downtown area to facilitate functional efficiency and security of all judicial operations. In addition, it will not preserve or improve the efficiency of the Superior Court, the District Attorney, and San Diego Sheriff because it will no longer be feasible to link the County's Central Jail and the Hall of Justice with the new courthouse. For these reasons, the AOC rejected building the new courthouse at a location outside of downtown San Diego from further consideration.



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## 5.3 PROJECT OBJECTIVES

The purpose of the Project is to provide a new trial court facility that meets the needs of the Superior Court's Downtown San Diego County operations. The AOC's objectives for the New San Diego Central Courthouse Project are:

- Provide the Superior Court with a new courthouse with improved facilities of sufficient size, as much as approximately 750,000 BGSF for 71 courtrooms, to accommodate current and future needs of judicial operations in downtown San Diego and to enhance security and the efficiency of judicial operations;
- Improve public access to judicial facilities;
- Provide consolidated space for the Superior Court's staff and operations;
- Preserve or improve the efficient interactions of the Superior Court, the District Attorney, and San Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new courthouse; and,
- Remove judicial facilities that lack adequate seismic safety, security, and public access.

## 5.4 NO PROJECT ALTERNATIVE

CEQA requires evaluation of the comparative impacts of the "No Project" Alternative (CEQA Guidelines Section 15126.6(e)(1)). Under the No Project Alternative, the AOC will not implement the proposed San Diego New Central Courthouse Project, the tunnel to connect the new courthouse with the County's Central Jail, and the bridge over C Street to connect the new courthouse with the County's Hall of Justice. There will be no demolition of the existing buildings on the Stahlman Block, and the surface parking lot will remain in its current operational state. Staff from the Superior Court from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice will continue to operate in their current buildings.

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

Under the No Project Alternative, there is no additional space for the consolidation of the Superior Court's Madge Bradley operations, the Family Law operations, and Kearney Mesa

courtroom's operations, and the dispersed facilities will continue to hinder the Superior Court's efficiency and the public's access to judicial operations.

The No Project Alternative will not achieve the Project's objectives. It will fail to:

- Provide the Superior Court with additional space or improved facilities to accommodate current and future needs of judicial operations in downtown San Diego and enhance security and the efficiency of judicial operations;
- Provide consolidated space for the Superior Court's staff and operations; and,
- Remove judicial facilities that lack adequate seismic safety, security, and public access.

The No Project Alternative will not produce new significant environmental impacts, and there will be no mitigation measures required; however, it will extend the existing seismic hazard associated with the County Courthouse's seismic deficiencies and the building's hazardous materials exposures.

## **5.5 REDUCED PROJECT ALTERNATIVE**

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

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

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

The Reduced Project Alternative will not achieve all of the Project objectives. It will fail to:

- Provide the Superior Court with additional space or improved facilities to accommodate current and future needs of judicial operations in downtown San Diego and enhance security and the efficiency of judicial operations; and,
- Provide consolidated space for the Superior Court's staff and operations.

### 5.5.1 Aesthetics and Visual Resources

The appearance of the Reduced Project Alternative will potentially be similar to the Project, but the structural height will be limited to 15 stories. Although this alternative's overall building height will be decreased, the potential for adverse effects with regard to wind and creation of microclimates will still exist. As with the proposed Project, potential significant impacts may occur and will require mitigation. The Reduced Project Alternative's aesthetic impacts will be similar to the Project's impacts.

### 5.5.2 Agricultural Resources

The Project site is in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. Therefore, no Farmland or agricultural lands are present, and the Reduced Project Alternative will not affect any properties zoned for agricultural use or affected by a Williamson Act Contract. Development of the site with the proposed County Courthouse will therefore not result in impacts to existing agricultural uses or cause the conversion of agricultural lands to a non-agricultural use. Therefore, no significant impacts will occur. The Reduced Project Alternative's agricultural resources impacts will be similar to the Project's impacts.

### 5.5.3 Air Quality

The Reduced Project Alternative will potentially develop a new courthouse of lesser size as compared to the proposed Project. Therefore, construction requirements with regard to the length of time required for daily operation of construction equipment onsite, as well as the length of time required to construct the proposed facilities, will potentially be less than the proposed Project. Similar to the proposed Project, development of a smaller courthouse will not result in significant air quality impacts during the construction phase. No long-term operational air quality impacts will occur with the proposed Project or with the Reduced Project Alternative. The Reduced Project Alternative's and the Project's impacts air quality impacts will be less than significant, although the Reduced Project Alternative's emissions will be lower.

#### 5.5.4 Biological Resources

As the site is presently developed with a surface parking lot and several small-scale structures, native or non-native vegetation is not present onsite. Therefore, no onsite habitat exists to support the nesting or breeding of sensitive wildlife species. In addition, no wetland habitat is present onsite. As a result, the Reduced Project Alternative will not result in significant impacts on sensitive habitat or wildlife species, and no mitigation measures will be required. The Reduced Project Alternative's biological resources impacts will be similar to the Project's impacts.

#### 5.5.5 Cultural and Historic Resources

The potential Reduced Project Alternative will be on the same site as the Project. Unknown cultural resources may occur onsite that may be disturbed during grading and excavation activities. As with the proposed Project, mitigation measures will reduce impacts to a level that is less than significant. The Reduced Project Alternative's cultural resources impacts will be similar to the Project's impacts.

#### 5.5.6 Geology, Soils, and Seismicity

The Reduced Project Alternative will potentially utilize the same site as the Project. Therefore, the potential for impacts to occur with regard to geology and seismicity will be the same as for the Project. No significant impacts will occur, and no mitigation measures are required.

~~Unknown~~ Additionally, unknown paleontological resources may occur onsite that may be disturbed during grading and excavation activities. As with the proposed Project, mitigation measures will reduce impacts to less than significant. The Reduced Project Alternative paleontological resources impacts will be similar to the Project's impacts.

#### 5.5.7 Hazards and Hazardous Materials

The Reduced Project Alternative will potentially utilize the same site as the Project and will also demolish the County Courthouse and Old Jail, as well as the three onsite structures. As with the Project, any hazardous substances potentially encountered during demolition (asbestos, lead paint, etc.) will be removed, treated and disposed of in a manner consistent with applicable Federal, State, and local regulations pertaining to the handling of hazardous substances. Therefore, there will be no hazardous conditions, and impacts to will be identical to the project's impacts.

Additionally, the potential for hazardous materials to occur onsite was noted in the July 2000 Report of Phase I and Limited Phase II Environmental Site Assessments prepared by Law/Crandall, as a magnetic anomaly occurred that may indicate a buried storage tank. As with the proposed Project, mitigation measures will reduce potential impacts to less than significant. Impacts with regard to hazards and hazardous materials with the Reduced Project Alternative will therefore be similar to the Project's impacts.

Under this Alternative, as with the Project, the design of the proposed structure will be consistent with Federal Aviation Administration and/or other laws and regulations, if applicable, aimed at ensuring continued public safety and the avoidance of interference with airport operations. In addition, the courthouse will be lower than many existing buildings within the surrounding area. As such, construction of the courthouse will not result in a safety hazard in the vicinity of an airport or airstrip for people visiting or working in the area. Impacts with this alternative will be less than significant, similar to the Project.

Long-term operation of the new courthouse will be similar to that of the existing courthouse. Operation of the new courthouse will not create a significant increase in the use, transport, or disposal of hazardous materials. As such, impacts with this alternative will be less than significant, which is similar to the Project's impacts.

### 5.5.8 Land Use and Planning

The Reduced Project Alternative potentially will use the same site as the proposed Project in a highly developed area of downtown San Diego. Therefore, this Alternative will not physically divide an established community. Similar to the proposed Project, the Reduced Project Alternative will not conflict with any applicable land use plan, policy, or regulations. In addition, this alternative will not conflict with any applicable habitat conservation plan or natural community conservation plan. Land use and planning impacts will be similar to the Project's impacts.

### 5.5.9 Mineral Resources

The proposed alternate site is not currently being utilized for mineral extraction and does not contain any known mineral resources that will be of value to the region. The property has not been delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, no significant impacts will occur, and no mitigation is required. The Reduced Project Alternative's mineral resources impacts will be similar to the Project's impacts.

### 5.5.10 Noise

The Reduced Project Alternative potentially will produce similar but smaller facilities as that proposed with the Project. Therefore, the length of time required to construct the overall facilities will be less than the proposed Project's schedule. Although this alternative will shorten the duration of short-term construction noise, the magnitude of excavation-related and demolition-related sound will still result in significant noise impacts to persons in the W Hotel, County Courthouse, and Sofia Hotel. Mitigation measures will be similar to that of the proposed Project. No long-term potential operational noise impacts will occur with the proposed Project or with the Reduced Project Alternative. Overall, noise impacts resulting from the Reduced Project Alternative will have a shorter duration than the proposed Project's impacts, but construction noise impacts will remain significant despite adoption of mitigation measures. Other noise impacts will be less than significant for both the Proposed Project and the Reduced Project Alternative.

### 5.5.11 Population and Housing

The site for the Reduced Project Alternative is in a highly urbanized area and development of the site with the proposed courthouse-related uses will be generally consistent with adopted plans and policies applicable to the site. The Reduced Project Alternative will not induce substantial population growth or the construction of additional housing. There is no residential housing located on the site, and therefore, no housing will be displaced by this alternative. No significant impacts with regard to population and housing will occur, and no mitigation is required. The Reduced Project Alternative's population and housing impacts will be similar to the Project's impacts.

### 5.5.12 Public Services

The City currently provides fire protection services to the existing uses on the site proposed for the Reduced Project Alternative. Construction of the new Central Courthouse and demolition of the County Courthouse, Old Jail, and buildings on the Stahlman Block do not represent a significant increase in intensity of use over other high-rise building in the immediate vicinity and will not create unacceptable service ratios. Similar to the Project, two fire stations are within close proximity to the site, and required response times can be met. This alternative will have a less than significant impact on fire response times and will not otherwise create a substantially greater need for fire protection services than that which presently exists, similar to the Project's impacts.

Security for the Reduced Project Alternative will be provided by personnel from the County Sheriff's Department, in combination with contracted private security personnel. If needed, the City Police Department has indicated that it can provide police protection service for a

new Central Courthouse and can meet response times established by the City.<sup>1</sup> Since the new courthouse will not significantly increase the intensity of use over the existing courthouse operations, impacts will be less than significant, similar to that resulting with the Project.

Similar to the Project, the Reduced Project Alternative will not generate new residential housing or other land uses that will result in an increase in population or housing demands. This alternative will not increase demands on local schools due to an increase in the number of school-aged children in the area that will require educational services provided by the public school system. Similar to the Project, this alternative will replace the existing courthouse and Old Jail and does not represent a new use that will significantly increase demand for public parks, libraries, or other public services over that currently generated by operation of the existing courthouse and jail. Therefore, this alternative will not create a significant demand for the provision of new or physically altered governmental facilities that will adversely affect acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities. Impacts will be less than significant, and no mitigation is required. The Reduced Project Alternative's public services impacts will therefore be similar to the proposed Project's impacts.

### 5.5.13 Recreation

The Reduced Project Alternative will not increase the use of existing neighborhood or regional parks or other recreational facilities, as it does not propose housing that will have the potential to indirectly increase public demand for area recreational facilities. In addition, this alternative does not represent a significant increase in intensity of use over that of the existing facilities, and therefore, an increase in demand for public recreational facilities is not anticipated. Therefore, no significant impacts on recreation facilities will occur, and no mitigation is required. Impacts on recreational facilities resulting from the Reduced Project Alternative will be similar to the Project's impacts.

### 5.5.14 Traffic

Overall, the Reduced Project Alternative will result in construction of two fewer courtrooms and 150,000 BGSF less than that proposed with the Project, thereby reducing the overall vehicle trips generated by the new Central Courthouse. Since the Reduced Project Alternative potentially will use the site proposed for development with the Project, this alternative will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the existing circulation system, or conflict

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<sup>1</sup> City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.

with an applicable congestion management program. In addition, no impacts will occur from a change in air traffic patterns, nor will this alternative substantially increase hazards because of a design feature or incompatible uses, similar to that of the Project as proposed. This alternative will not result in inadequate emergency access, nor will it conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, impacts with regard to traffic will be less than significant, and no mitigation is required. The Reduced Project Alternative's traffic impacts will be similar to the Project's impacts.

### 5.5.15 Utilities and Service Systems

Since the Reduced Project Alternative potentially will use the same site as the Project, conditions with regard to utilities and service systems will be similar. The site is located in a highly developed area and electricity, water and sewer service, storm water drainage facilities, wastewater treatment, solid waste disposal, telephone, cable, and other such utilities and services are presently available onsite. Such utilities will be available to adequately serve the new Central Courthouse without requiring the construction of new facilities or the expansion of existing facilities. As a result, the Reduced Project Alternative will not have a significant adverse effect on such facilities or services. Impacts will be less than significant, and no mitigation is required. The Reduced Project Alternative's impacts on utilities and service systems will be similar to the Project's impacts.

### 5.5.16 Water Quality and Hydrology

The Reduced Project Alternative will potentially develop the site similarly to the Project. Since grading and excavation requirements for the courthouse and tunnel will generally be similar to the Project, potential impacts on storm water quality and hydrology will be the same as for the Project. Development of this alternative will require implementation of Best Management Practices (BMPs) to reduce potential impacts to less than significant. In addition, similar measures to control storm water runoff and waste water discharge from the site will be utilized with this alternative. The alternative will require ~~preparation~~ approval and implementation of a SWPPP and other applicable permit requirements, and design measures consistent with LEED Silver certification will reduce potential adverse effects on water quality. Development will occur consistent with the City's Storm Water Regulations given in the City of San Diego Land Development Code (Chapter 14, Article 2, Division 2: Storm Water Runoff and Drainage Regulations, of the City of San Diego Municipal Code), as appropriate.

Development of the proposed courthouse will not substantially change the amount of impervious surface area on the site or in the surrounding area. As a result, this alternative



will not significantly increase surface water runoff volumes. Impacts will be less than significant, and no mitigation is required.

Similar to the Project, this alternative will not deplete groundwater, and is not within the 100-year floodplain of the 1997 Federal Emergency Management Agency (FEMA) maps that will be subject to potential flooding.<sup>2</sup> The site is approximately one-half mile from the San Diego Bay which is protected from the Pacific Ocean by a long, narrow strip of land called the Silver Strand, and therefore, will not be subject to inundation by a tsunami. The site has relatively flat topography and will not experience mudflow or erosion, and is not in an area that is subject to inundation by seiches. Therefore, no impacts will occur.

The Reduced Project Alternative's impacts on water quality and hydrology will be similar to the Project's impacts.

### 5.5.17 Conclusion

Although the Stahlman Block site can accommodate the construction of approximately 600,000 BGSF with 15 stories and a building footprint and overall design (other than building height) superficially similar to that of the proposed Project, this alternative does not meet the Project objective of providing the Superior Court with a new courthouse with improved facilities of sufficient size to accommodate current and future needs of judicial operations in downtown San Diego and to enhance security and the efficiency of judicial operations. The Reduced Project Alternative does not provide sufficient space to fulfill the Judicial Council's space requirements for the judicial facilities and operations. Although the building might accommodate the intended number of courtrooms, reducing the size of the building will require severe reductions of other supporting space for separate secured movement corridors, security screening areas, administrative support and public window areas, and building support spaces. By providing a reduced size courthouse, the Superior Court might not choose to relocate staff operations from the other downtown facilities (Madge Bradley Building, Family Court, or portions of the Kearny Mesa Facility) which may further reduce the overall efficiency of court operations.

The AOC concludes that the Reduced Project Alternative will not eliminate or reduce any of the proposed Project's potentially significant impacts or significant impacts. The alternative and the Project have the same significant impacts, potentially significant impacts that become less than significant after adoption of the same mitigation measures, and less than significant impacts.

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<sup>2</sup> U.S. Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map No 06073C2375, map effective June 19, 1997. (<http://msc.fema.gov>)

As noted above, the AOC prepared several analyses to identify feasible alternative sites for the Project in the downtown area. The Budget Package<sup>3</sup> for the Superior Court of California – County of San Diego New San Diego Central Courthouse (September 2009) provides an extensive assessment of the anticipated development and operational needs required to adequately support future Superior Court operations. The Budget Study identifies space programming objectives and needs for the facilities. Therefore, an alternative that does not provide for the anticipated programming needs (e.g., a reduced project alternative) will likely not be adequate to support court requirements.

### 5.6 ALTERNATE SITE ALTERNATIVE

The specific site considered for the Alternate Site Alternative is one block to the north of the Project site. The site is bordered by A Street on the north, B Street to the south, and State and Union Streets on the west and east; refer to *Figure 3-3, Proposed Site Plan*. Except for the location, projected gross building square footage, height, and other Project characteristics will be the same as the Project. Similar to the Project site, the site for the Alternate Site Alternative is within close proximity (but not immediately adjacent to) to the Hall of Justice and other existing County buildings. The site is one block (approximately 400 feet) north of C Street and the existing San Diego Trolley line.

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

The Alternate Site Alternative will not achieve all of the Project objectives. Due to the distance between the alternate site and the Hall of Justice, the AOC does not believe it is feasible to construct a bridge to connect the Hall of Justice and a potential courthouse on the alternate site. Although a tunnel connection between the two locations may be technically feasible, a tunnel is not practically feasible because it requires transport of jurors, visitors, and employees within the connecting buildings to the basements to access the tunnels, it risks discomforting tunnel occupants with potential claustrophobic sensitivities, and it severely complicates the basement layout of the potential alternative courthouse by linking two separate tunnels to the constrained basement area. Therefore, since it is unlikely that the AOC can link the alternative site's courthouse to the Hall of Justice, this alternative will fail to preserve or improve the efficiency of the Superior Court, the District Attorney, and San Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new courthouse.

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<sup>3</sup> Available at: [http://www.courtinfo.ca.gov/programs/occm/documents/sandiego\\_budgetpackage.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/sandiego_budgetpackage.pdf)

### 5.6.1 Aesthetics and Visual Resources

The Alternate Site Alternative potentially will support construction of a new courthouse similar to the proposed Project. The alternative site does not require changes in the physical appearance of the proposed courthouse building. In addition, the proposed land use of a courthouse at this site will be consistent with the City's San Diego Downtown Community Plan and Planned District Ordinance. Since this alternative is unlikely to have a bridge connection to the Hall of Justice, this alternative will have less visual impact than the Project.

The alternative's wind effects and the potential creation of microclimates will be similar to the Project. Overall, the Alternate Site Alternative's aesthetic and visual resource impacts will be similar to the Project's impacts.

### 5.6.2 Agricultural Resources

The potential alternative's site is in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. Therefore, no Farmland or agricultural lands are present, and the Alternate Site Alternative will not affect any properties zoned for agricultural use or affected by a Williamson Act Contract. Development of the site with the proposed Central Courthouse will therefore not result in impacts to existing agricultural uses or cause the conversion of agricultural lands to a non-agricultural use. Therefore, no significant impacts will occur. The Alternate Site Alternative's agricultural resource impacts will be similar to the Project's impacts.

### 5.6.3 Air Quality

The Alternate Site Alternative will potentially develop a new courthouse of the same size as that proposed with the Project. As a result, construction requirements with regard to the length of time required for daily operation of construction equipment onsite, as well as the length of time required to construct the overall facilities, will be similar to the proposed Project. Therefore, development of the new courthouse at the alternate site will not result in significant air quality impacts during the construction phase, similar to the proposed Project. No long-term operational air quality impacts will occur with the proposed Project or with the Alternate Site Alternative. The Alternate Site Alternative's air quality impacts will be similar to the Project's impacts.

#### 5.6.4 Biological Resources

Since the site is presently developed with a surface parking lot and several small-scale structures, native or non-native vegetation is not present onsite. Therefore, no onsite habitat exists to support the nesting or breeding of sensitive wildlife species. In addition, no wetland habitat is present onsite. As a result, the Alternate Site Alternative will not result in significant impacts on sensitive habitat or wildlife species, and no mitigation measures will be required. The Alternate Site Alternative's biological resource impacts will be similar to the Project's impacts.

#### 5.6.5 Cultural and Historic Resources

The Alternate Site Alternative's site will potentially be 400 feet north of the proposed Project site. Although a site-specific study has not been conducted on the site, the potential for unknown cultural resources to occur onsite that may be disturbed during grading and excavation activities exists. Mitigation will be necessary for the Alternate Site Alternative to reduce impacts to less than significant. The Alternate Site Alternative's cultural resource impacts will be similar to the Project's impacts.

#### 5.6.6 Geology, Soils, and Seismicity

As stated above, the Alternate Site Alternative will potentially be 400 feet north of the proposed Project site. The AOC anticipates that the Alternative's geologic and soil conditions will be similar to the proposed site. Therefore, the potential for impacts to occur with regard to geology and seismicity will be the same as for the Project. No significant impacts will occur, and no mitigation measures are required.

Given the high potential for paleontological resources to occur in the downtown area, unknown paleontological resources may occur onsite that may be disturbed during grading and excavation activities. The Alternate Site Alternative will require mitigation to reduce impacts to a level that is less than significant. The Alternate Site Alternative's geological and paleontological resources impacts will be similar to the Project's impacts.

#### 5.6.7 Hazards and Hazardous Materials

A Phase I ESA has not been conducted for the alternate site; however, the Phase I ESA conducted for the Project identified seven sites along State Street and Union Street between B and C Streets where the proposed alternate site is located, indicating the potential for hazardous conditions to be present. A number of additional sites were also identified upgradient from the alternate site and may have the potential to result in adverse impacts. Prior to development of the alternate site, a Phase I ESA will be required to identify any

potentially hazardous materials or conditions on or in the vicinity of the site. If hazardous conditions are identified, appropriate mitigation will be required to reduce potential impacts to less than significant.

As with the Project, this alternative will result in the demolition of the existing County Courthouse and Old Jail. Similar to the Project, any hazardous substances potentially encountered during demolition (asbestos, lead paint, etc.) will be removed, treated and disposed of consistent with applicable Federal, State, and local regulations pertaining to the handling of hazardous substances. Therefore, no hazardous conditions or significant impacts to the public are anticipated with this alternative.

Under this alternative, as with the Project, the design of the proposed structure will be consistent with Federal Aviation Administration and/or other laws and regulations, if applicable, aimed at ensuring continued public safety and the avoidance of interference with airport operations. In addition, the courthouse will be lower than many existing buildings within the surrounding area. As such, construction of the courthouse will not result in a safety hazard in the vicinity of an airport or airstrip for people visiting or working in the area. Impacts with this alternative will be less than significant, similar to the Project.

~~Similar to the Project, potential development of a new Central Courthouse on the alternate site will not produce a substantial safety hazard in the vicinity of an airport or airstrip for people visiting or working in the area, nor will it~~This Alternative will not create a hazard to the public or the environment that is substantial, due to the nature of the proposed use. Long-term operation of the new courthouse will be similar to that of the existing courthouse. Operation of the new courthouse will not create a significant increase in the use, transport, or disposal of hazardous materials. As such, no significant impacts are anticipated with this alternative, similar to the Project. In addition, this alternative will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, similar to the Project, impacts will be less than significant, and no mitigation is required.

~~For the above reasons, the~~The Alternate Site Alternative's hazards and hazardous materials impacts will be similar to the Project's impacts.

## 5.6.8 Land Use and Planning

Similar to the Project, the alternate site is located within the Columbia District; refer to *Figure 4.9-1, Proposed Neighborhoods and Districts*. In addition, land use for the site is designated as Public/Civic, also similar to the Project; refer to *Figure 4.9-2, Proposed Land Use Map*. The State of California is not subject to land use planning and zoning regulations established by local authorities, future development of the site with the new Central

Courthouse will be consistent with the Public/Civic use intended by the City, and therefore, will not result in conflict with any applicable land use plan, policy, or regulation pertaining to the site. In addition, as the proposed alternate site is located within the highly developed area of downtown San Diego, this alternative will not physically divide an established community, as surrounding lands are generally developed with established uses.

Therefore, impacts resulting from development of a new Central Courthouse at the alternate site will be less than significant, and no mitigation is required. The Alternate Site Alternative's land use and planning impacts will be similar to the Project's impacts.

### **5.6.9 Mineral Resources**

The proposed alternate site is not currently being utilized for mineral extraction and does not contain any known mineral resources that will be of value to the region. The property has not been delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, no significant impacts will occur with development of a new Central Courthouse, and no mitigation is required. The Alternate Site Alternative's mineral resource impacts will be similar to the Project's impacts.

### **5.6.10 Noise**

As construction requirements will be the same as those for the Project, potential construction noise impacts for the Alternate Site Alternative will also be similar to that of the Project. Construction requirements with regard to the length of time required for daily operation of equipment onsite, as well as the length of time required to construct the overall facilities, will be generally the same as that for the proposed Project, but the alternative's tunnel between the proposed alternate site and the Central Jail will be longer and require a longer construction period. The magnitude of excavation-related and demolition-related sound will produce significant noise impacts to persons in the Columbia Center at 401 West A Street and the Sofia Hotel. The Alternate Site Alternative's mitigation measures will be similar to that of the proposed Project as construction noise impacts will remain significant despite adoption of mitigation measures. No long-term potential operational noise impacts will occur with the proposed Project or with the Alternate Site Alternative. Other noise impacts will be less than significant for both the Proposed Project and the Alternate Site Alternative.

### **5.6.11 Population and Housing**

The site for the Alternate Site Alternative is in a highly urbanized area and development of the site with the proposed courthouse-related uses will be generally consistent with adopted

plans and policies applicable to the site. The Alternate Site Alternative will not induce substantial population growth nor the construction of additional housing. There is no residential housing located on this alternate site, and neither the alternative nor the Project will displace housing. No significant impacts with regard to population and housing will occur, and no mitigation is required. The Alternate Site Alternative's population and housing impacts will be similar to the Project's impacts.

### 5.6.12 Public Services

The City currently provides fire protection services to the existing uses on the proposed alternate site. Construction of the new Central Courthouse and demolition of the County Courthouse and Old Jail do not represent a significant increase in intensity of use over other high-rise building in the immediate vicinity and will not create unacceptable service ratios. Similar to the Project, two fire stations are within close proximity to the site, and required response times can be met. This alternative will have a less than significant impact on fire response times.

Security for the potential Alternate Site Alternative will be provided by personnel from the County Sheriff's Department, in combination with contracted private security personnel. If needed, the City Police Department has indicated that it can provide police protection services for a new Central Courthouse and can meet response times established by the City.<sup>4</sup> Since the new courthouse will not significantly increase the intensity of use over the existing courthouse operations, impacts will be less than significant.

Similar to the Project, the potential Alternate Site Alternative will not generate new residential housing or other land uses that will result in an increase in population or housing demands. This alternative will not increase demands on local schools due to an increase in the number of school-aged children in the area that will require educational services provided by the public school system. Similar to the Project, this alternative will replace the existing courthouse and Old Jail and does not represent a new use that will significantly increase demand for public parks, libraries, or other public services over that currently generated by operation of the existing courthouse and jail. Therefore, this alternative will not result in create a significant demand for the provision of new or physically altered governmental facilities that will adversely affect acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities. Impacts will be less than significant, and no mitigation is required.

The Alternate Site Alternative's public services impacts will be similar to the Project's impacts.

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<sup>4</sup> City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.

### 5.6.13 Recreation

The Alternate Site Alternative will not increase the use of existing neighborhood or regional parks or other recreational facilities, as it does not propose housing that will have the potential to indirectly increase public demand for area recreational facilities. In addition, this alternative does not represent a significant increase in intensity of use over that of the existing facilities, and therefore, an increase in demand for public recreational facilities is not anticipated. Therefore, no significant impacts on recreation facilities will occur, and no mitigation is required. The Alternate Site Alternative's recreation impacts will be similar to the Project's impacts.

### 5.6.14 Traffic

The Alternate Site Alternative will potentially construct a new Central Courthouse and associated facilities consistent with that proposed with the Project at an alternate location. Since the proposed facilities will be similar to the Project and the proposed alternate site is located approximately 400 feet to the north of the site proposed with the Project, the AOC assumes that conditions with regard to the existing circulation system in the area (roadways affected, bicycles, public transit, pedestrian circulation, level of service, etc.) are the same as for the Project. In addition, since the alternative proposes no changes to the overall design of the new Central Courthouse, trip generation will be the same as for the Project, or approximately 134 new vehicle-based trips greater than the existing conditions.

Therefore, similar to the Project, the Alternate Site Alternative will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the existing circulation system, or conflict with an applicable congestion management program. In addition, no impacts will occur from a change in air traffic patterns, nor will this alternative substantially increase hazards because of a design feature or incompatible uses. This alternative will not result in inadequate emergency access, nor will it conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor otherwise decrease the performance or safety of such facilities. Therefore, impacts with regard to traffic will be less than significant, and no mitigation is required. The Alternate Site Alternative's traffic and circulation impacts will be similar to the Project's impacts.

### 5.6.15 Utilities and Service Systems

The Alternate Site Alternative will potentially be in the same general area as the Project, within highly developed downtown San Diego. Therefore, conditions with regard to utilities and service systems will be similar. The alternate site is located in an area where electricity, water and sewer service, storm water drainage facilities, wastewater treatment, solid waste



disposal, telephone, cable, and other such utilities and services are presently available. Such utilities will be available to adequately serve a new Central Courthouse at this location without requiring the construction of new facilities or the expansion of existing facilities. As a result, the Alternate Site Alternative will not have a significant adverse effect on such facilities or services. Impacts will be less than significant, and no mitigation is required. The Alternate Site Alternative's utility and services impacts will be similar to the Project's impacts.

### 5.6.16 Water Quality and Hydrology

The Alternate Site Alternative will potentially develop the site similarly to that proposed with the Project. Since grading and excavation requirements for the courthouse and tunnel will generally be similar to the Project, potential impacts on storm water quality and hydrology will be similar to that of the Project. Development of this alternative will require implementation of BMPs to reduce potential impacts to less than significant. In addition, similar measures to control storm water runoff and waste water discharge from the site will be utilized with this alternative. Preparation and implementation of a Storm Water Pollution Prevention Plan will also be required, and design measures consistent with LEED Silver certification will be integrated to reduce potential adverse effects on water quality. Development will occur consistent with the City's Storm Water Regulations given in the City of San Diego Land Development Code (Chapter 14, Article 2, Division 2: Storm Water Runoff and Drainage Regulations, of the City of San Diego Municipal Code), as appropriate. Development of the proposed courthouse will not substantially change the amount of impervious surface area on the site or in the surrounding area. As a result, this alternative will not significantly increase surface water runoff volumes. Impacts will be less than significant, and no mitigation is required.

Similar to the Project, this alternative will not deplete groundwater, and is not within the 100-year floodplain of the 1997 Federal Emergency Management Agency (FEMA) maps that will be subject to potential flooding.<sup>5</sup> The site is distanced from the San Diego Bay, and therefore, will not be subject to inundation by a tsunami. The site has relatively flat topography and will not experience mudflow or erosion, and is not in an area that is subject to inundation by seiches. Therefore, no impacts will occur.

The Alternate Site Alternative's water quality and hydrology impacts will be similar to the Project's impacts.

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<sup>5</sup> U.S. Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map No 06073C2375, map effective June 19, 1997. (<http://msc.fema.gov>)

### 5.6.17 Conclusion

The Alternate Site Alternative will offer an alternative site of adequate size for construction of the new courthouse facilities, and the alternative can achieve some of the AOC's objectives; however, the AOC concludes that the Alternate Site Alternative will not eliminate or reduce any of the proposed Project's potentially significant impacts or significant impacts. This alternative and the Project will have the same significant impacts, potentially significant impacts that become less than significant after adoption of the same mitigation measures, and less than significant impacts.

Although the size of the alternate downtown site can accommodate 750,000 building gross square feet for 71 courtrooms, the Alternate Site Alternative provides limited integration and cohesiveness of the new courthouse with the Hall of Justice and other County-related uses. In particular, the Alternate Site Alternative will be over 500 feet distant from the Hall of Justice and Central Jail; since the existing County Courthouse facility is less than 100 feet from the Hall of Justice and Central Jail, the Alternate Site's location will not preserve the efficiency of the Superior Court, the District Attorney, and San Diego Sheriff since its potential tunnel linking the County's Central Jail and the Hall of Justice with the new courthouse will be much longer than the existing tunnel connection. The use of a pedestrian bridge between the potential alternate site and the Hall of Justice is not feasible, and the use of tunnels will require greater infrastructure improvements, real estate arrangements, and additional studies for potential impacts due to the increased distances involved between the alternate site and the Hall of Justice.

## 5.7 ALTERNATE PROJECT SITES

In locating a potential site for the Project, the AOC identified a number of alternative locations in the downtown San Diego area. The following discussion of alternative sites considers the studies identified below which have been prepared to-date to evaluate an appropriate location for the proposed San Diego New Central Courthouse Project:

- Superior Court of California County of San Diego New San Diego Central Courthouse Budget Package, Prepared by Skidmore, Owings & Merrill (SOM), LLP (September 3, 2009);
- Revised Draft Environmental Impact Report for San Diego Court/Office Building Expansion, Prepared by Michael Brandman Associates (January 11, 1993); and,
- Draft Program Environmental Impact Report - San Diego County Courthouse Replacement Project, Prepared by RECON (February 2001).

SOM prepared *The Superior Court of California County of San Diego New San Diego Central Courthouse Budget Package* (September 2009) through collaboration with Superior Court

judges, staff, and the AOC to identify expectations, identify and understand the goals and challenges of the community and stakeholders, develop courtroom concepts that meet the court's needs over the next 15-20 years, and determine area requirements and space allocations of primary court functions. The study included consideration of the Project site currently proposed for the San Diego New Central Courthouse Project. Site selection objectives were:

- To identify and study up to five sites to accommodate building area up to 700,000 gross square feet;
- To identify and understand the goals and challenges of the community and stakeholders;
- To develop a long-term vision of civic presence and to ratify the vision with public constituents;
- To identify opportunities and constraints of each site option to inform decision-makers; and,
- To identify estimated construction costs for each option.

The study considered schemes and other supporting land uses to achieve a potential integrated plan. The study determined three of the five schemes (Schemes 1, 2, and 3) to be most viable with regard to specific site issues, urban design considerations, and budgetary factors. Schemes 4 and 5 did not meet as many of the Project criteria developed by the Court Advisory Group, the AOC, and the Project architects. The study provides a summary of the findings for each site which are briefly described in *Table 5-2: Alternative Project Sites (Budget Package)*. A more detailed analysis is provided in the *Budget Package* (available under separate cover).

In addition, the *Revised Draft Environmental Impact Report for San Diego Court/Office Building Expansion* (January 1993) provided an analysis of three potential sites for the new courthouse which included the AOC's proposed Project site, the block to the south of the Project site (since this is the present-day site of the Hall of Justice, the AOC eliminated this site from further consideration), and a third site south of B Street on a one-half block between Front Street and First Avenue (since the Central Fire Station occupies this site, the AOC eliminated this site from further consideration).

The January 1993 EIR also evaluated three alternative sites in the discussion of Project alternatives. These sites included one full block bounded by Front, A, First, and Ash Streets; a site between Beech, State, Ash, and Columbia Streets; and, a site located by Pacific Highway, Broadway, E, and California Streets. The block adjacent to Front, A, First, and Ash Streets is approximately 1,000 feet from the Hall of Justice and 500 feet from the Central Jail; the AOC concluded that the distances from the District Attorney and Central Jail made

this location infeasible. A new residential building now occupies the block adjacent to Beech, State, Ash, and Columbia Streets, and the site is approximately 1,300 feet from the Hall of Justice and 1,100 feet from the Central Jail; the AOC concluded that the presence of the new building and the distances from the District Attorney and Central Jail made this location infeasible. Finally, the block adjacent to Pacific Highway, Broadway, E, and California Streets is approximately 1,600 feet from the Hall of Justice and 1,700 feet from the Central Jail; the AOC concluded that the distances from the District Attorney and Central Jail made this location infeasible.

The *Program Environmental Impact Report* prepared for the Project in January 1993 also provided a site-specific, in-depth evaluation of an alternative site bounded by First Avenue, Front Street, Beech Street, and Cedar Street. The site was located four blocks north and two blocks east of the current proposed Project site. At the time the Program EIR was prepared, a parking lot was located on the site; however, a large apartment complex now occupies the site, and the AOC concludes that it no longer provides a viable site for consideration as a potential alternative location in this EIR.

## 5.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines Section 15126.6(e) requires a Lead Agency to identify an environmentally superior alternative and states that “if the environmentally superior alternative is the ‘No Project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

From the alternatives evaluated for the proposed Project, the environmentally superior alternative is the No Project Alternative. This alternative will avoid all significant impacts of the Project; however, in accordance with the CEQA Guidelines, an environmentally superior alternative must also be selected from the remaining Project alternatives. The environmentally superior alternative among the remaining alternatives is the Reduced Project Alternative.

Table 5-1: Project Alternatives – Impacts Compared to the Project

Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Aesthetics/Visual Resources	No Effect	Similar <sup>6</sup>	Similar <sup>6</sup>
Agricultural Resources	No Effect	No Effect	No Effect
Air Quality	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>
Biological Resources	No Effect	Similar (No Effect)	Similar (No Effect)
Cultural and Historic Resources	No Effect	Similar <sup>6</sup>	Similar <sup>6</sup>
Geology, Soils, and Seismicity	No Effect	Similar <sup>6</sup>	Similar <sup>6</sup>
Hazards/Hazardous Materials	No Effect	Similar <sup>6</sup>	Similar <sup>6</sup>
Land Use and Planning	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>
Mineral Resources	No Effect	No Effect	No Effect
Noise	No Effect	Similar <sup>8</sup>	Similar <sup>8</sup>
Population and Housing	No Effect	Similar	Similar
Public Services	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>
Recreation	No Effect	No Effect	No Effect
Traffic	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>
Utilities and Service Systems	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>
Water Quality and Hydrology	No Effect	Similar <sup>7</sup>	Similar <sup>7</sup>

<sup>6</sup> Either less than significant or potentially significant (but less than significant after adoption of mitigation measures)

<sup>7</sup> Less than significant

<sup>8</sup> Either less than significant or significant despite proposed mitigation

**Table 5-2: Alternative Project Sites (Budget Package)**

Highlights	Issues
<b><i>Scheme 1: Between Union Street and State Street between B Street and C Street</i></b>	
<ul style="list-style-type: none"> <li>• Creates a new mixed-use civic center gathered around Civic Center garden.</li> <li>• Yields public views from new courthouse to Civic Center garden and the City.</li> <li>• Provides a potential main entry pavilion to create a grand public room at Civic Center garden.</li> <li>• New courthouse gives visual access to justice system with view from park to public corridor.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires site acquisition.</li> <li>• Makes direct connection to Hall of Justice possible.</li> <li>• Allows use of Broadway site’s property value to offset land acquisition costs for Scheme 1 site.</li> <li>• Allows redevelopment of Broadway site for civic or private office building, but Broadway site may remain vacant for extended period, leaving Civic Center garden plan incomplete.</li> </ul>
<b><i>Scheme 2: Between Union Street and Front Street between Broadway and C Street</i></b>	
<ul style="list-style-type: none"> <li>• Gives Superior Court a strong presence and identity on Broadway.</li> <li>• Allows courthouse’s public corridor to provide significant views to the San Diego Bay.</li> <li>• Allows setback of new building from Union Street to create link from Broadway into new Civic Center garden.</li> <li>• Provides strong relationship across Broadway to Federal Courthouse and plaza.</li> </ul>	<ul style="list-style-type: none"> <li>• Complicates phasing with existing courthouse.</li> <li>• Requires temporary space for displaced courtrooms and users of existing courthouse.</li> <li>• Provides site directly adjacent to Hall of Justice.</li> <li>• Provides relatively short prisoner tunnel to Central Jail.</li> <li>• Requires addition of main entry pavilion in Phase 2 after demolition of existing courthouse.</li> <li>• Provides new courthouse that will be an immediate anchor on Broadway for new Civic Center garden.</li> </ul>

Table 5-2: Alternative Project Sites (Budget Package), continued

Highlights	Issues
<i>Scheme 3: Between Union Street and State Street between A Street and B Street (analyzed under Alternate Site Alternative, above)</i>	
<ul style="list-style-type: none"> <li>• Creates a new mixed-use Civic Center gathered around the Civic Center garden.</li> <li>• Yields public views from the new courthouse to the Civic Center garden and the City.</li> <li>• Creates a grand public room on the Civic Center garden.</li> <li>• New courthouse displays “judicial process in action” with view from park to public corridor.</li> </ul>	<ul style="list-style-type: none"> <li>• Uses a site potentially impacted by a seismic fault.</li> <li>• Requires a complicated land swap for acquisition.</li> <li>• Requires a long tunnel connection or bussing of prisoners; no direct connection to Hall of Justice is possible.</li> <li>• Depends on full buildout of master plan for success of courthouse.</li> </ul>
<i>Scheme 4: Between Union Street and Front Street between A Street and Ash Street</i>	
<ul style="list-style-type: none"> <li>• Creates a new mixed-use civic center gathered around the Civic Center garden.</li> <li>• Yields public views from the new courthouse south to Civic Center garden and the San Diego Bay beyond.</li> <li>• Makes courthouse a formal centerpiece on the Civic Center garden and supports future development.</li> </ul>	<ul style="list-style-type: none"> <li>• Involves displacement of existing State Office Building and its users.</li> <li>• Requires site acquisition.</li> <li>• Involves a site potentially affected by seismic fault.</li> <li>• Requires a longer tunnel connection or bus transport of prisoners.</li> <li>• Makes new courthouse site a long walk from the Hall of Justice.</li> <li>• Makes success of courthouse dependent on full buildout of a master plan.</li> </ul>
<i>Scheme 5: Between First Street and Second Street between B Street and C Street</i>	
<ul style="list-style-type: none"> <li>• New courthouse re-energizes existing City Hall area.</li> <li>• Encourages opening B Street through existing City block.</li> <li>• Creates new Civic Center plaza between the new courthouse and the existing performing arts center.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides a short connection to Central Jail.</li> <li>• Requires site acquisition and demolition of existing Golden Hall and perhaps City Hall.</li> <li>• Provides a courthouse site that does not participate in the energy of the new Civic Center garden.</li> <li>• Provides a courthouse site that has view corridors affected by the surrounding tall buildings.</li> <li>• Is far removed from the Hall of Justice and the new Federal Courthouse.</li> </ul>

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## 6.0 OTHER CEQA CONSIDERATIONS

Per Section 15126 of the CEQA Guidelines, a lead agency must consider all aspects of a project including the planning, acquisition, development, and operation phases. As part of this analysis, an EIR must also identify: (1) significant environmental effects of a project; (2) significant environmental effects that cannot be avoided if a project is implemented; (3) significant irreversible environmental changes that will result from implementation of a project; and (4) growth-inducing impacts of the project.

### 6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Per Section 15126.2(b) of the CEQA Guidelines, an EIR must describe any significant impacts. *Chapter 4.0* discusses the anticipated environmental effects of the Project. The Project will have potentially significant impacts for: aesthetics and visual resources; cultural and historic resources; geology, soils, and seismicity; and hazards and hazardous materials.

*Section 4.2.4.3* evaluates whether the Project substantially degrades the existing visual character or aesthetic quality of the site and its surroundings, and the analysis concludes that new courthouse building's interactions with wind patterns may adversely affect pedestrians or others occupying the sidewalks and public spaces below, which in turn may significantly degrade the aesthetic quality of the existing pedestrian environment around the Project site. To prevent the new courthouse from generating high-velocity groundborne winds, the AOC intends to adopt Mitigation Measure AES-1b, which requires the AOC to include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians. The AOC concludes that incorporation of mitigation measure AES-1b into the Project design will reduce potential building-related wind generation impacts to a level that is less than significant.

*Section 4.6.4.2* evaluates whether the Project will cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.05, and the analysis concludes that significant cultural resources may be present on the Project site and the Project's grading, excavation, construction, and demolition activities will cause potentially significant impacts to unknown archaeological resources. To reduce impacts to the potential cultural resources, the AOC intends to adopt Mitigation Measure CR-1, which requires that the AOC will (1) require its developer to retain a qualified archaeologist who shall perform specified activities; (2) prohibit personnel working on the Project from collecting archaeological resources; (3) require that a qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations; (4) the qualified archaeologist shall submit a cultural resources management plan to the AOC prior to the

## OTHER CEQA CONSIDERATIONS

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start of construction that outlines the procedures that the AOC and construction personnel will follow if personnel discover cultural resources during excavation operations; and (5) if construction operation personnel discover buried cultural resources, then excavation workers shall stop operations in that area until the consulting archaeologist can assess the significance of the find, evaluate the discovery, determine its significance, and provide proper management recommendations. The AOC concludes that incorporation of Mitigation Measure CR-1 into the Project design will reduce potential cultural resource impacts to a level that is less than significant.

*Section 4.7.4.5* evaluates whether the Project will destroy a unique paleontological resource or site, and the analysis concludes that significant paleontological resources may be present on the Project site and the Project's construction activities will cause potentially significant impacts to unknown paleontological resources. To reduce impacts to the potential paleontological resources, the AOC intends to adopt Mitigation Measure GEO-1, which requires that the AOC will (1) require its developer to retain a qualified paleontologist who shall perform specified activities; (2) prohibit personnel working on the Project from collecting archaeological resources; (3) require that a qualified paleontologist will be present for pre-construction meetings and any Project-related excavations specified strata on the site when the AOC begins its construction operations; (4) the qualified paleontologist shall submit a paleontological resources management plan to the AOC prior to the start of construction that outlines the procedures that the AOC and construction personnel will follow if personnel discover paleontological resources during excavation operations; and (5) if construction operation personnel discover paleontological resources, then excavation workers shall stop operations in that area until the consulting paleontologist can assess the significance of the find, evaluate the discovery, determine its significance, and provide proper management recommendations. The AOC concludes that incorporation of mitigation measure GEO-1 into the Project design will reduce potential paleontological resource impacts to a level that is less than significant.

*Section 4.8.4.4* evaluates whether the Project will create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment, and the analysis concludes that an underground object is present on the site and that this anomaly may be a buried storage tank. To reduce impacts to the potential cultural resources, the AOC intends to adopt Mitigation Measure HAZ-1, which requires that the AOC will excavate the area approximately 20 feet west of Monitoring Well 1 for evidence of an underground storage tank; if an underground storage tank is present, the AOC shall remove the tank under permit and inspection of the County of San Diego Department of Environmental Health, Underground Storage Tank Program. The AOC concludes that incorporation of Mitigation Measure HAZ-1 into the Project design will reduce hazardous material impacts to a level that is less than significant.

The AOC will adopt the mitigation measures discussed. All such impacts identified as potentially significant can be mitigated to less than significant through the implementation of the proposed mitigation measures.

*Chapter 4.0* also concludes that the Project will have significant construction-related noise impacts. *Section 4.11.4.2* evaluates whether the Project will produce a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project, and the analysis concludes that excavation-related noise levels at the W Hotel and Superior Court will be significant and demolition-related noise levels at the Sofia Hotel will be significant. The Project will implement Mitigation Measure NOI-1, which will require the AOC to ensure that (1) all construction equipment shall have properly operating and maintained mufflers and other State State-required noise attenuation devices; the AOC's construction contractor shall post notices at the Project construction site that indicate the dates and duration of construction activities and a contact name and telephone number where residents can inquire about the construction process and register complaints; the AOC's construction contractor shall designate a Noise Disturbance Coordinator and make the coordinator responsible for responding to any local complaints about construction noise; and where feasible during construction, the construction contractor shall place stationary construction equipment in locations where the emitted noise is away from sensitive noise receivers. Despite implementation of Mitigation Measure NOI-1, the AOC concludes that the construction excavation and demolition noise impacts will remain significant.

In addition to reviewing potential mitigation measures for the significant construction-related noise impacts, the AOC evaluated potential alternatives to determine whether the alternatives can avoid the Project's impacts. As discussed in *Chapter 5*, the No Project Alternative has no noise impacts, but it does not accomplish the Project's objectives.

The Reduced Project Alternative provides a smaller courthouse that reduces the duration of the excavation-related noise impacts, but the magnitude of the alternative's excavation-related noise impacts remain unchanged, and the alternative's excavation-related impacts remain significant despite mitigation; for demolition, the alternative's impacts remain the same as the Project's impacts.

The Alternate Site Alternative relocates the courthouse site, which eliminates significant excavation-related noise impacts to the W Hotel and the County Courthouse; however, the Alternate Site Alternative produces the same magnitude of excavation-related noise as the Project, and the AOC concludes that excavation-related noise impacts to the Columbia Center at 401 West A Street, which is adjacent to the alternative's site, will be the same as the Project's impacts to the W Hotel and Superior Court. The Alternate Site Alternative's demolition-related noise impacts remain the same as the Project's impacts.

Although the AOC has adopted mitigation measures for the construction-related noise impacts, the impacts remain significant. In addition, the AOC evaluated alternatives to the Project, but the AOC concludes that the alternatives' construction-related noise impacts are also significant. Therefore, the AOC concludes that the construction-related noise impacts are unavoidable.

## **6.2 GROWTH INDUCING IMPACTS**

As required by State CEQA Guidelines (Section 15126.2(d)), consideration of growth-inducing impacts resulting from a project is part of the EIR analysis. According to CEQA, growth inducement is "...ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place without the implementation of the project. Typically, the growth inducing potential of a project is significant if it results in growth or population concentration that exceeds those assumptions included in pertinent master plans, land use plans, or projections made by regional planning authorities.

A project may foster spatial, economic, or population growth if it removes an impediment to growth (for example, if the project provides new access or utility service to an area not previously served, or changes a property's zoning designation or General Plan land use designation to allow for a more intensive use); or, economic expansion or growth occurs in an area as the direct or indirect result of a project (creation of new housing or employment opportunities).

### **6.2.1.1 Elimination of Obstacles to Growth**

The New San Diego Central Courthouse Project will replace existing courthouse facilities in a highly urbanized area where public services and utilities currently serve the proposed site. The Project will not remove any infrastructure limitations, provide infrastructure capacity, or remove regulatory constraints that could result in unforeseen growth. The Project will not provide expanded utilities or other infrastructure that will have the potential to stimulate growth within or beyond the urban core. Instead, the Project will contribute to the redevelopment of downtown San Diego.

### **6.2.1.2 Economic Effects**

The Project may provide a very minor increase in employment opportunities for courthouse staff expansion of facilities related to the new courtroom. The AOC anticipates that local or imported workers will fill the employment opportunities and will produce both direct and

indirect economic effects for the City. In addition, construction activities may produce minor increases in local demand for goods and services, including temporary housing.

### 6.2.1.3 Impacts of Induced Growth

Certain projects have the potential to induce population and housing growth through the provision or expansion of public services and facilities into currently unserved areas. The Project does not involve changes to the City's General Plan that could have the potential to induce growth or result in growth that is otherwise not anticipated by the City. In addition, the Project site is in downtown San Diego and it will not encourage growth that eliminates open space, recreational, or agricultural areas lands from the City's inventory of resources.

The City considers implementation of San Diego Downtown Community Plan to be a key component for management of regional growth by providing increased employment and housing opportunities in the downtown area. In addition, ongoing implementation of the adopted Plan positively affects the jobs/housing balance by increasing densities near employment centers and promoting infill development.

The proposed New San Diego Central Courthouse Project will involve the development of a courthouse building within the Centre City district of downtown San Diego. The proposed use is consistent with the land use and guidelines of the adopted San Diego Downtown Community Plan. The Project area is urbanized with few obstacles to growth because water and sewer service, roads, and other utilities are currently provided. The Project will result in only incremental demands for these services over that which are currently generated by the existing courthouse facilities. The development of an additional high-rise structure (replacement courthouse) will not encourage or facilitate other future development not already planned or anticipated. For the reasons stated above, implementation of the Project will not have adverse growth-inducing impacts.

## 6.3 CUMULATIVE IMPACTS

Section 15130(b) of the CEQA Guidelines states that an EIR must provide a cumulative analysis based on either a list of past, present, and probable future projects that will produce related impacts, or a summary of development projections contained in an adopted general plan or related planning document. Cumulative impacts occur when "two or more individual effects which, when considered together, are considerable or which compound to increase other environmental effects" (CEQA Guidelines Section 15355). Cumulative impacts must be analyzed within an EIR. If the project's contribution is considered to be "cumulatively considerable" (CEQA Guidelines Sections 21083 and 15130) a lead agency must provide feasible mitigation to reduce and/or avoid a project's contribution to any significant cumulative impacts. A project's effects are "cumulatively considerable" when

“the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (CEQA Guidelines Section 15065(a)). The severity of potential cumulative impacts and their likelihood of occurrence should be considered in the discussion.

The cumulative analysis for this EIR is based on the list method. A list of probable (or reasonably foreseeable) projects within the downtown area is provided in *Table 6-1: Cumulative Projects*, and shown in *Figure 6-1: Cumulative Projects*. The information presented in *Table 6-1* was obtained from the City of San Diego Centre City Development Corporation in May 2010. The list represents past, present, and future projects within the Centre City Planned District boundaries and includes a mixture of residential, commercial, and public improvement projects. The following discussion evaluates the anticipated cumulative effects of the Project and the Project alternatives when considered with the projects identified in *Table 6-1*. The AOC notes that potential cumulative impacts for most issues areas will be similar among the Project alternatives. This is a function of the size and location requirements of the necessary to make the courthouse function efficiently and securely. The courthouse must also be located near the central jail and the superior courthouse because of the proposed tunnel and bridge connections.

### **6.3.1 Proposed Project and Reduced Project Alternative**

Since the Proposed Project and Reduced Project Alternative utilize the same site, the AOC has pooled their analysis of cumulative impacts into one section.

#### **6.3.1.1 Aesthetic/Visual Resources**

Construction effects of the Project will be short-term and temporary and will not have a significant effect on the existing visual character or aesthetic setting. The Centre City Development Corporation’s list of upcoming projects in the Project area did not identify other large-scale development projects within the immediate area that might contribute to cumulative impacts on the visual character or aesthetic quality of the surrounding area during the construction phase. Since the Reduced Project Alternative will result in similar construction as The Project, this Alternative will have no significant impacts on visual character or aesthetic quality. Therefore, potential construction impacts on visual character or aesthetic quality are less than cumulatively considerable.

With regard for post-construction, operation, and maintenance issues, the Project’s effects on the existing visual character or aesthetic quality of the site and its surroundings will be less than significant. Significant direct impacts may result from the potential generation of high-velocity groundborne winds from development of the site with the proposed

courthouse; however, the AOC will implement mitigation with both the Project and the Reduced Project Alternative to reduce such impacts to less than significant. All other future development within the area will also be subject to the City's or other applicable design regulations to reduce the potential for such effects to contribute to a cumulative impact with regard to wind generation. Therefore, potential cumulative operational impacts on visual character or aesthetic quality are less than cumulatively considerable.

### 6.3.1.2 Agricultural Resources

The proposed site is in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. Since no Farmland or agricultural lands are present, and neither the Project nor the Reduced Project Alternative will affect any properties zoned for agricultural use or affected by a Williamson Act Contract. Development of the site with the proposed County Courthouse will therefore not contribute to cumulative impacts on existing agricultural uses or cause the conversion of agricultural lands to a non-agricultural use. Potential cumulative impacts on agricultural resources are less than cumulatively considerable.

### 6.3.1.3 Air Quality

Construction activities for the Project will have less than significant effects on air quality near the site and its surroundings. In addition, for post-construction, operation, and maintenance issues, the EIR concludes that the Project will have a less than significant effect on air quality near the site and its surroundings. The Reduced Project Alternative will require similar, but lesser, requirements for construction due to the reduced scope. The AOC will implement design measures to ensure that impacts on air quality remain less than significant. All other future similar development within the area will also be subject to the City review and applicable Federal, State, and local measures to reduce potential impacts to less than significant, or to the extent possible. The Project and the Reduced Project Alternative will not contribute to a significant cumulative impact on air quality. Therefore, potential impacts on air quality are considered less than cumulatively considerable.

### 6.3.1.4 Biological Resources

Since the site is presently developed with a surface parking lot and several small-scale structures, native or non-native vegetation is not present onsite. No onsite habitat exists to support the nesting or breeding of sensitive wildlife species. In addition, no wetland habitat is present onsite. As a result, neither the Project nor the Reduced Project Alternative will result in significant impacts on sensitive habitat or wildlife species, and no mitigation measures will be required. Therefore, potential impacts on biological resources are less than cumulatively considerable.

#### **6.3.1.5 Cultural Resources**

Since they would be constructed on the same site, the Project and the Reduced Project Alternative will have the same potentially significant impact on unknown cultural resources. The AOC will be implement mitigation monitoring measures during grading activities to reduce potential impacts to a level that is less than significant. All future development in the downtown area will be subject to City review and applicable Federal, State, and local requirements to reduce potential impacts on cultural resources to less than significant. Therefore, potential cumulative effects are considered less than cumulatively considerable.

#### **6.3.1.6 Geology, Soils, and Seismicity**

Similar to The Project, the Reduced Project Alternative will require excavation and grading activities that will disturb underlying soils and may potentially uncover unknown paleontological resources; however, similar to the Project, the AOC will adopt mitigation measures to reduce effects to a level that is less than significant. Since other projects in the downtown area will be subject to similar measures during the development phase, the Project and the Reduced Project Alternative will not contribute to a cumulative impact with regard to paleontological resources. The AOC finds no other cumulative effects with regard to geology and soils. Therefore, potential cumulative effects are less than cumulatively considerable.

#### **6.3.1.7 Hazards and Hazardous Materials**

Since the proposed location will be the same for The Project and the Reduced Project Alternative, both developments will have the same significant impact with regard to hazardous materials, and the AOC will implement mitigation measures to reduce potential impacts to a level that is less than significant. All future development in the downtown area will be subject to City review and applicable Federal, State, and local requirements to reduce potential impacts with regard to hazards or hazardous materials on a site-specific basis and with consideration for other sites within the surrounding area. Therefore, potential cumulative effects are less than cumulatively considerable.

#### **6.3.1.8 Land Use and Planning**

The Project and the Reduced Project Alternative will develop the proposed site with a land use anticipated by the City in the San Diego Downtown Community Plan and will not conflict with existing land use plans, policies, or regulations or other applicable habitat conservation plans. The City will review all future land development within the area through the discretionary permit process to demonstrate consistency with the General Plan (as applicable) and Municipal Code. In addition, neither the Project nor the Reduced Project



Alternative will physically divide a community since the site is located in a highly developed area of downtown San Diego. Since the Project and the Reduced Project Alternative will not result in significant land use or planning impacts, they will not contribute to an overall cumulative impact in the area. Thus, potential cumulative effects are less than cumulatively considerable.

#### 6.3.1.9 Mineral Resources

The sites proposed for the Project and the Reduced Project Alternative is not located in an area designated as a mineral resource zone by the City of San Diego. Implementation of the Project or the Reduced Project Alternative will not result in the loss of availability of a known mineral resource that is of value to the region or to the residents of the State. The downtown area is not known as an area where minerals have been extracted in the past. In addition, the site is not currently being utilized for mineral extraction, and the site has not been delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, neither the Project nor the Reduced Project Alternative will contribute to significant cumulative impacts on such resources. Potential cumulative effects are less than cumulatively considerable.

#### 6.3.1.10 Noise

The Project and the Reduced Project Alternative will have similar construction requirements, although the Reduced Project Alternative will result in a shorter duration of construction noise. The AOC has no knowledge that another party plans to construct a nearby building that will contribute potentially significant cumulative construction noise. The Project and the Reduced Project Alternative will have significant construction-related noise impacts despite mitigation, but there will not be adjacent construction operations that will contribute to a significant cumulative noise impacts. Operational noise impacts will be less than significant, and therefore, will not contribute to a significant cumulative impact with regard to noise. All future development within the downtown area will be subject to the City's noise requirements and the regulations identified in the General Plan Noise Element and Municipal Code to reduce potential significant effects. For these reasons, potential cumulative effects are less than cumulatively considerable.

#### 6.3.1.11 Population and Housing

The site for the Project and the Reduced Project Alternative is in a highly urbanized area, and development of the site with the proposed courthouse-related uses will be generally consistent with adopted plans and policies applicable to the site. Neither The Project nor the Reduced Project Alternative will induce substantial population growth or the construction of additional housing. There is no residential housing located on the proposed site, and

therefore, no housing will be displaced by the Project or the Reduced Project Alternative. No significant impacts with regard to population and housing will occur, and no mitigation is required. Therefore, the Project and the Reduced Project Alternative will not contribute to a significant cumulative impact with regard to population and housing. For these reasons, potential cumulative effects are less than cumulatively considerable.

#### **6.3.1.12 Public Services**

The Project and the Reduced Project Alternative will not result in significant impacts on public services since needed services presently serve the proposed site and are adequate to serve the site in the future. In addition, since the new courthouse will replace similar existing facilities, a significant increase in the demand for public services over existing conditions will not occur. All future development within the downtown area will be required to demonstrate that adequate services are available, or that other measures are available to allow for the provision of all public services required, thereby reducing impacts on the City's ability to provide such services. Therefore, the Project and the Reduced Project Alternative will not contribute to a significant cumulative impact with regard to public services. Potential cumulative effects are less than cumulatively considerable.

#### **6.3.1.13 Recreation**

Neither the Project nor the Reduced Project Alternative will significantly increase the use of existing neighborhood or regional parks or other recreational facilities since they do not propose housing that will have the potential to indirectly increase public demand for area recreational facilities. In addition, neither the Project nor the Reduced Project Alternative will result in a significant increase in intensity of use of public recreational resources over that of the existing courthouse facilities, and therefore, an increase in demand for new or expanded public recreational facilities is not anticipated. Therefore, the Project and the Reduced Project Alternative will not contribute to a significant cumulative impact with regard to recreation. Potential cumulative effects are less than cumulatively considerable.

#### **6.3.1.14 Traffic and Circulation**

The Reduced Project Alternative will generate fewer overall vehicle trips than the Project, due to the decrease in the number of courtrooms and overall square footage proposed. Analysts identified no significant traffic or circulation impacts with the Project. As the Reduced Project Alternative will have fewer overall trips and will affect the same streets and intersections as the Project, no significant impacts will occur with the alternative. In addition, no significant parking impacts will occur since adequate parking exists to support the Project and the Reduced Project Alternative. All future development within the downtown will be reviewed by the City for consistency with applicable parking

requirements and the potential for impacts on the existing circulation system. Mitigation measures will be required for future projects, as applicable, to reduce impacts to an acceptable level. For the reasons above, the Project and the Reduced Project Alternative will not contribute to a significant traffic or parking cumulative impact. Therefore, potential cumulative effects are less than cumulatively considerable.

#### 6.3.1.15 Utilities and Service Systems

The Project and the Reduced Project Alternative will be similar with regard to utilities and service systems requirements. Analysts identified no significant impacts for the Project, and no impacts will occur with the Reduced Project Alternative. All future development in the downtown area will be subject to City review and approval to ensure that utilities and service systems are not adversely affected by development, or that appropriate measures can be implemented to reduce potential impacts to less than significant. Therefore, the Project and the Reduced Project Alternative will not contribute to a significant cumulative effect with regard to utilities and service systems. Potential cumulative effects are less than cumulatively considerable.

#### 6.3.1.16 Water Quality and Hydrology

The Reduced Project Alternative will develop the same site as proposed for the Project. Development will include the implementation of design measures and Best Management Practices to control potential site runoff and to protect water quality both during the construction phase and for long-term operations. No significant effects on hydrology or water quality will occur with the Project or the Reduced Project Alternative. All future development in the downtown area will be subject to City design requirements and requirements to implement Best Management Practices for drainage design and water quality control. Development will occur consistent with the City's Storm Water Regulations given in the City of San Diego Land Development Code (Chapter 14, Article 2, Division 2: Storm Water Runoff and Drainage Regulations, of the City of San Diego Municipal Code), as appropriate. Therefore, the Project and the Reduced Project Alternative will not contribute to a significant cumulative effect with regard to water quality and hydrology. Potential cumulative effects are less than cumulatively considerable.

### 6.3.2 Alternate Site Alternative

#### 6.3.2.1 Aesthetic/Visual Resources

Similar to the Project, the Alternate Site Alternative will result in potentially significant building design impacts with regard to wind generation. The AOC will implement mitigation to ensure that adverse wind effects do not occur with development of the

proposed Project site or the alternate site considered. Similarly, all future development within the downtown will be subject to the City's design regulations for potential wind effects to reduce the potential for such effects to occur. The AOC anticipates no other significant impacts with regard to aesthetic or visual resources with the Project or Alternate Site Alternative. Therefore, the ~~Project and the Alternate Site Alternative~~ will not contribute to a significant cumulative impact. Potential cumulative effects are less than cumulatively considerable.

#### **6.3.2.2 Agricultural Resources**

The Project site and the proposed alternate site are in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. No Farmland or agricultural lands are present, and ~~neither the Project nor the Alternate Site Alternative~~ will not affect any properties zoned for agricultural use or affected by a Williamson Act Contract. Development of either site with the proposed County Courthouse will therefore not contribute to significant cumulative impacts on existing agricultural uses or cause the conversion of agricultural lands to a non-agricultural use. Potential cumulative impacts on agricultural resources are less than cumulatively considerable.

#### **6.3.2.3 Air Quality**

The cumulative effects of the Alternate Site Alternative on air quality will be identical to the Project, since both will result in construction of the same courthouse facilities and associated improvements. Proposed design measures will be required with both to minimize potential effects on air quality. All future development within the downtown area will be subject to applicable Federal, State, and local regulations pertaining to air quality. In addition, the City will evaluate future development projects in the downtown area on a project-by-project basis for potentially significant impacts on air quality and will require appropriate design or mitigation measures to reduce such impacts. The ~~Project and the Alternate Site Alternative~~ will not contribute to a significant cumulative air quality impact. Therefore, potential impacts on air quality are considered less than cumulatively considerable.

#### **6.3.2.4 Biological Resources**

The alternate site and the Project site are presently developed with surface parking and several small-scale structures, native or non-native vegetation is not present. Therefore, no onsite habitat exists to support the nesting or breeding of sensitive wildlife species. In addition, no wetland habitat is present on either site. ~~Neither the Project nor The Alternate Site Alternative~~ will not result in significant impacts on sensitive habitat or wildlife species,

and no mitigation measures will be required. Therefore, potential impacts on biological resources are considered less than cumulatively considerable.

#### 6.3.2.5 Cultural Resources

Although no known cultural resources are located on either the Project site or the Alternate Site Alternative site, the AOC will implement mitigation in the form of monitoring during grading activities to reduce potential impacts to unknown resources to a level that is less than significant. All future development in the downtown area will be subject to Federal, State, and local requirements for the identification and protection of significant cultural resources, as applicable to a particular site. Development of ~~either the alternate site or the Project site~~ with the proposed County Courthouse will therefore not contribute to significant cumulative impacts on cultural resources. Therefore, potential impacts on cultural resources are considered less than cumulatively considerable.

#### 6.3.2.6 Geology, Soils, and Seismicity

Similar to the Project, the Alternate Site Alternative will require excavation and grading activities that will disturb underlying soils and may potentially uncover unknown paleontological resources; however, similar to the Project, mitigation measures will reduce such effects to a level that is less than significant. As other future development projects in the downtown area will be subject to similar measures during the development phase, the ~~Project and the~~ Alternate Site Alternative will not contribute to a cumulative impact with regard to paleontological resources. No other cumulative effects with regard to geology and soils are anticipated. Therefore, potential cumulative effects are considered to be less than cumulatively considerable.

#### 6.3.2.7 Hazards and Hazardous Materials

The AOC will require a site-specific Phase I Environmental Site Assessment for the Alternate Site Alternative to determine if hazardous materials are present onsite or if other sites in the area will have the potential to adversely affect the site. The Phase I and Phase II investigations conducted for the proposed Project identified seven listed sites adjacent to the east and west of the alternate site, and therefore, significant effects may potentially occur with development of the site. As with the Project, the Alternate Site Alternative will require mitigation to reduce impacts to less than significant if potential hazards are identified for the site. The AOC does not have specific information that other projects will occur at the same time as the AOC's potential schedule for development of the Project site, or that development of the Alternate Site Alternative may contribute to a greater potential for encountering hazardous materials. Similar to the Project and the Alternate Site Alternative, all future development in the downtown area will be subject to site-specific assessment to

determine the presence of hazards or hazardous materials at the time development is considered. All future development will be required to conform to applicable Federal, State, and local regulations to reduce potential impacts with regard to hazards and hazardous materials. Therefore, potential cumulative effects are less than cumulatively considerable.

#### **6.3.2.8 Land Use and Planning**

The ~~Project and the~~ Alternate Site Alternative will not conflict with existing land use plans, policies, or regulations and will not conflict with any applicable habitat conservation plan or natural community conservation plan. In addition, ~~neither the Project nor the~~ Alternate Site Alternative will not physically divide a community, as both sites are located in a highly developed area of downtown San Diego, surrounded by a variety of well-established land uses. Impacts on land use and planning with ~~both the Project and the~~ Alternate Site Alternative will be less than significant, and no mitigation is required. Therefore, potential cumulative effects are less than cumulatively considerable.

#### **6.3.2.9 Mineral Resources**

The Project and the Alternate Site Alternative are not located in an area that is designated as a mineral resource zone by the City of San Diego. Implementation of the ~~Project or the~~ Alternate Site Alternative will not result in the loss of availability of a known mineral resource that is of value to the region or to the residents of the State. The downtown area is not known as an area where minerals have been extracted in the past, and ~~neither the Project site nor the~~ Alternate Site Alternative site ~~have~~ has not been delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site. Therefore, ~~neither the Project nor the~~ Alternate Site Alternative will not contribute to significant cumulative impacts on mineral resources. Potential cumulative effects are less than cumulatively considerable.

#### **6.3.2.10 Noise**

Since the Project and the Alternate Site Alternative will have similar construction requirements, short-term construction noise impacts will also be similar and significant. The AOC has no knowledge that another party plans to construct a nearby building that will contribute to potentially significant cumulative construction or operational noise. The AOC will implement mitigation for both the Project and the Alternate Site Alternative to reduce construction noise impacts despite mitigation, but there will not be adjacent construction operations that will contribute to a significant cumulative noise impacts. Potential cumulative effects are less than cumulatively considerable.

No significant long-term noise impacts resulting from operation will occur with ~~the Project or with~~ the Alternate Site Alternative due to the nature of the proposed facilities. The City

will review all future development projects to ensure that noise impacts are reduced to less than significant, or to the extent feasible. Therefore, the ~~Project and the Alternate Site~~ Alternative will not contribute to a significant cumulative noise impact. Potential cumulative effects are less than cumulatively considerable. Additional discussion of potential cumulative noise impacts is included in *Section 4.11, Noise*.

#### 6.3.2.11 Population and Housing

The sites proposed for the Project and the Alternate Site Alternative are in a highly urbanized area, and development of either site with the proposed County Courthouse will be generally consistent with adopted plans and policies applicable to the sites. ~~Neither the Project nor~~ The Alternate Site Alternative will not induce substantial population growth or the construction of additional housing. There is no existing residential housing located on ~~either the site~~, and therefore, no housing will be displaced by ~~the Project or the~~ Alternate Site Alternative. No significant impacts with regard to population and housing will occur, and no mitigation is required. Therefore, the ~~Project and the~~ Alternate Site Alternative will not contribute to a significant cumulative impact with regard to population and housing. For these reasons, potential cumulative effects are less than cumulatively considerable.

#### 6.3.2.12 Public Services

The ~~Project and the~~ Alternate Site Alternative will not result in significant impacts for public services since provision of such services can be adequately provided to ~~both the~~ sites. All future development projects will be reviewed by the City to ensure that impacts with regard to public services are adequate, or can be provided through the implementation of other measures (i.e., payment of impact fees) to reduce potential impacts to less than significant. Therefore, ~~the Project and the~~ Alternate Site Alternative will not contribute to a significant cumulative impact. Potential cumulative effects are less than cumulatively considerable.

#### 6.3.2.13 Recreation

Neither the Project nor the Alternate Site Alternative will significantly increase the use of existing neighborhood or regional parks or other recreational facilities since they do not propose housing that will have the potential to indirectly increase public demand for area recreational facilities. In addition, ~~neither the Project nor the~~ Alternate Site Alternative will not result in a significant increase in intensity of use of public recreational resources over that of the existing courthouse facilities, and therefore, an increase in demand for new or expanded public recreational facilities is not anticipated. Therefore, the ~~Project and the~~ Alternate Site Alternative will not contribute to a significant cumulative impact with regard to recreation. Potential cumulative effects are less than cumulatively considerable.

#### 6.3.2.14 Transportation and Circulation

As with the Project, the Alternate Site Alternative will not result in significant impacts with regard for traffic and parking since it will generate the same average daily vehicle trips and have the same parking demands as the proposed Project. The Alternate Site Alternative is just 400 feet north of the proposed Project site, and therefore, access and circulation patterns conditions are considered to be similar to those affecting the Project. The AOC is not aware of other developments in the nearby area that will proceed on a schedule that is similar to the proposed courthouse, thereby contributing to the potential for impacts relative to traffic or circulation to occur. All future development in the area will be subject to City review as part of the development process to determine potential traffic and parking impacts, as well as other circulation conflicts that may occur during construction. The ~~Project and the~~ Alternate Site Alternative will not contribute to a significant cumulative traffic or parking effect. Therefore, potential cumulative effects are less than cumulatively considerable. Additional discussion of potential cumulative impacts is in the analysis presented in *Section 4.15, Transportation and Circulation* and *5.6.14, Traffic* (for the Project Alternate Site Alternative).

#### 6.3.2.15 Utilities and Service Systems

The Project and the Alternate Site Alternative will result in similar development that will have similar demands for utilities and service systems. As with the Project, no significant impacts on utilities and service systems will occur with the Alternate Site Alternative. All future development in the downtown area will be subject to City review and approval to ensure that utilities and service systems are not adversely affected by development, or that appropriate measures can be implemented to reduce potential impacts to less than significant. Therefore, the ~~Project and the~~ Alternate Site Alternative will not contribute to a significant cumulative effect with regard to utilities and service systems. Potential cumulative effects are less than cumulatively considerable.

#### 6.3.2.16 Water Quality and Hydrology

Development of the Project and the Alternate Site Alternative will include the implementation of design measures and Best Management Practices to control potential site runoff and to protect water quality both during the construction phase and for long-term operations. No significant effects on hydrology or water quality will occur with the ~~Project or the~~ Alternate Site Alternative. All future development in the downtown area will be subject to City design requirements and requirements to implement Best Management Practices for drainage design and water quality control. Development will occur consistent with the City's Storm Water Regulations given in the City of San Diego Land Development Code (Chapter 14, Article 2, Division 2: Storm Water Runoff and Drainage Regulations, of



the City of San Diego Municipal Code), as appropriate. Therefore, the ~~Project and the~~ Reduced Project Alternative will not contribute to a significant cumulative effect with regard to water quality and hydrology. Potential cumulative effects are less than cumulatively considerable.

Table 6-1: Cumulative Projects List

**CIVIC/CORE**

- C16 C Street Safety Enhancements Public Improvements/Master Plan
- C18 Civic Center Complex

**CONVENTION CENTER**

- CC1 Convention Center Expansion – Phase III

**COLUMBIA**

- CL20 880 West Broadway
- CL23 Columbia Tower
- CL8 Cruise Ship Terminals
- CL22 Kettner & Ash
- CL7 Lane Field
- CL10 North Embarcadero Visionary Plan (NEVP)
- CL6 San Diego Central Courthouse – Superior Court of California
- CL14 U.S. Federal Courthouse

**CORTEZ HILL**

- CH23 10th and A Hotel
- CH21 719 Ash
- CH15 777 Beech
- CH22 Cedar Gateway
- CH18 Citiplace
- CH26 Cortez District Streetlights Phase 1
- CH27 Cortez District Streetlights Phase 2
- CH17 Cortez Hill Family Center
- CH25 Front & Cedar Streets Traffic Signal and Pop-outs
- CH28 Grand Pacific Tower
- CH20 Hotel on 8th
- CH24 I-5 Bridge Streetlights

**EAST VILLAGE**

- E88 11th and B
- E95 13th, Park and C
- E70 14th and Island Park
- E93 14th and K
- E99 15th & Commercial
- E70 15th & Island
- E83 16th and G Leeding Edge
- E101 Bahia View Condominiums
- E76 Ballpark Skylofts
- E4 Ballpark Village
- E62 Cosmopolitan Square
- E84 East Village Fire Station
- E120 East Village Green
- E119 East Village Public Improvements
- E67 Harbor Drive Pedestrian Bridge
- E110 I-5 Bridge Streetlights
- E121 Interim Leash-Free Dog Park
- M1 Old Police Headquarters & Park Project
- M15 San Diego Quiet Zone

- E114 Island Pop-outs Phase II and Sidewalk Gap Project
- E49 Library Tower
- E17 Main Library
- E104 Metro Center
- E91 Monaco
- E115 Ninth & Broadway
- E108 Park Blvd. & Harbor Drive At-Grade Crossing Improvements
- E112 Park Blvd. & Island Avenue Traffic Signal
- E113 Park Blvd. & J Street Traffic Signal
- E118 San Diego City College Business Technology & Arts/Humanities Quad
- E116 San Diego City College Career Technology Center
- E117 San Diego City College General Purpose Classroom Building
- E109 Seventh & Market Site Remediation
- E69 Strata
- E89 Ten Fifty B Street
- E96 The Nolen
- E102 Thomas Jefferson School of Law
- E56 Triangle
- E100 Village Hotel

**HORTON/GASLAMP**

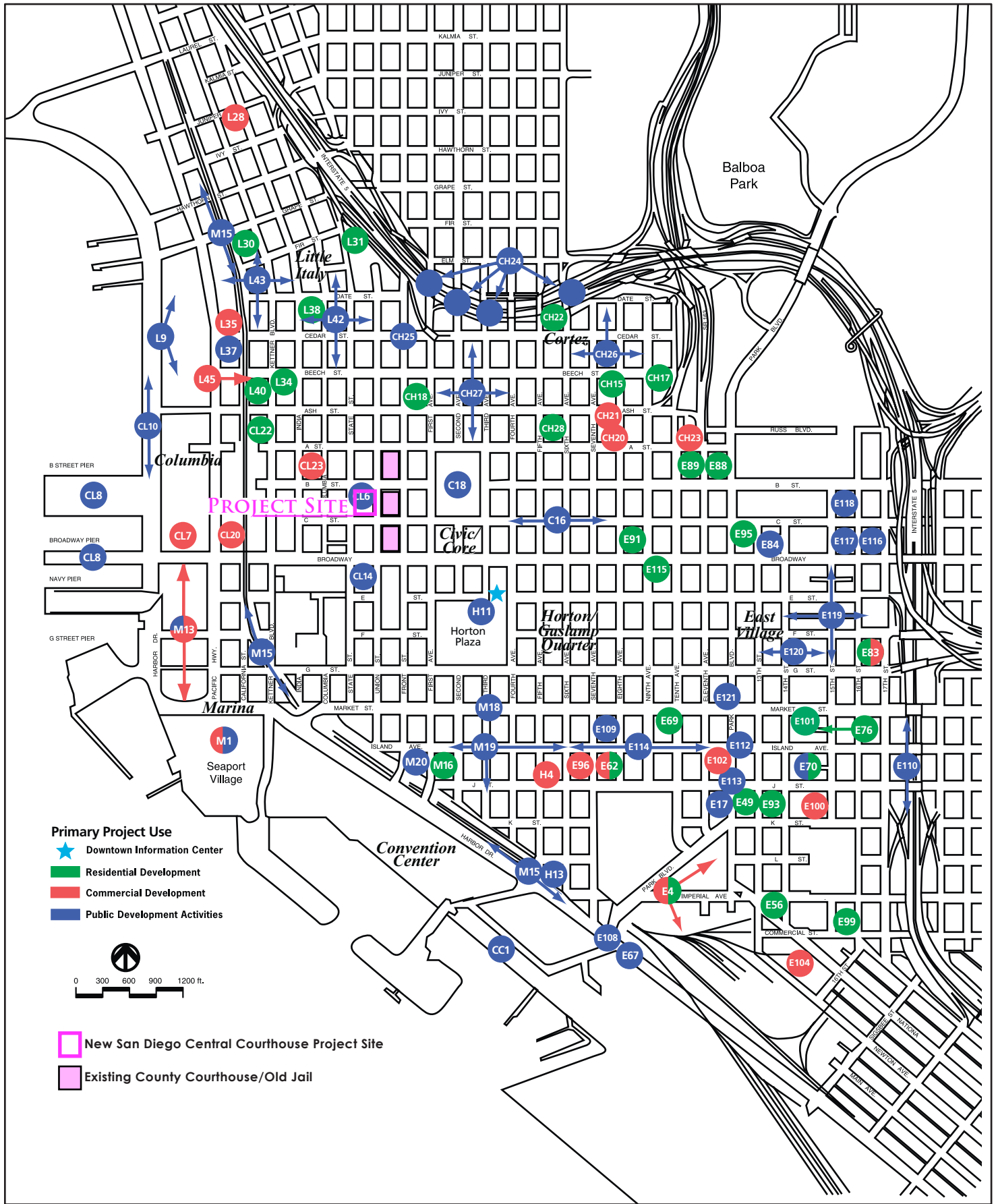
- H13 Gaslamp Square Park
- H11 Lyceum Theatre Lobby and Restroom Renovation
- H4 Marriott Renaissance Hotel

**LITTLE ITALY**

- L31 1909 State Street
- L40 Ariel Suites
- L37 Bayside Fire Station
- L9 County Waterfront Park
- L34 India & Beech
- L42 Little Italy Streetlights
- L43 Little Italy Public Improvements – Phase I
- L35 Monarch School
- L30 Pier
- L38 Riva Trigos
- L45 San Diego National Bank Parking Structure
- L28 Simply Self Storage Little Italy

**MARINA**

- M19 Asian Pacific Thematic Historic District Improvements
- M20 Children’s Park
- M16 First & Island
- M18 Market Street & Third Avenue Traffic Signal
- M13 Navy Broadway Complex



SOURCE: Downtown Today, Winter/Spring 2010, www.ccdc.com  
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NEW SAN DIEGO  
 CENTRAL COURTHOUSE  
**CUMULATIVE PROJECTS**

Figure 6-1

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City of San Diego Police Department. Sgt. Steve Behrendt, Research and Planning. Correspondence May 19, 2010 (telephone).

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