

# MEATH & PEREIRA

# ATTORNEYS & COUNSELORS

GREGORY T. MEATH, J.D., LL.M.  
FERNANDA M. PEREIRA, J.D. LL.M.

THE KRESS BUILDING  
20 NORTH SUTTER STREET, # 200  
STOCKTON, CAL. 95202-2911  
PHONE: (209) 942-3300  
FAX: (209) 942-3302  
E-MAIL: greggmeath@hotmail.com

Meath, Gregory

March 1, 2009

Mr. Jerome Ripperda  
Administrative Office of the Courts  
Northern/Central Regional Office  
2860 Gateway Oaks, Suite 400  
Sacramento, California 95833-3509

Re: Future Location of San Joaquin County Superior Court.

Dear Mr. Ripperda,

This is written to assist the Administrative Office of the Courts ("AOC") as it moves forward with plans for construction of a new San Joaquin County Superior courthouse. The continued viability of the downtown Stockton core depends, in many ways, upon the important decision of where the new courthouse will be built.

MR-4

I am familiar and involved with the issues that downtown Stockton has faced over the years. I grew up in a downtown neighborhood, patronize downtown businesses and attended midtown schools. As a young man, I even had a paper route that served part of Downtown. After law school, my first job as an associate was at a firm located in downtown Stockton for more than 100 years. Now that I have my own firm, my office is located Downtown. I am a past President of the San Joaquin County Bar Association and have served on the Board of Directors of several charitable organizations located in downtown Stockton, including the Tidewater Art Gallery, Bob Hope Theatre, and the San Joaquin County Hispanic Chamber of Commerce.

My practice takes me into the San Joaquin County courthouse on a weekly basis. But we also use the County Recorder, Tax Assessor, Law Library, and numerous other City and County offices. In deciding where to locate our office it was apparent that all of these offices have been purposefully clustered together in the

MR-3

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center of the downtown district. Specifically with respect to legal services, this has historically been so in Stockton. The Courthouse, County Administration, Law Library, probation department, Child Protective Services, D.A. and P.D.'s offices, County Counsel, and the San Joaquin County Bar Association are all within a very compact area surrounding the Courthouse. As far as I know, our Courthouse has always been adjacent to Hunter Square on Weber Avenue.

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The Courthouse draws thousands of people each day to the central core area. Other businesses have been able to rely upon the location of the courthouse and the people drawn to it and to the other centrally located government offices – businesses like restaurants, markets and shops, document preparation and assistance, copy and reprographics services, art galleries, banks, and insurance agents. Numerous other businesses, such as process servers, bail bonds, court reporters, paralegals, document preparation and assistance, copy and reprographics rely upon the centralized location of so many attorney's offices in the core too.

For the attorneys who practice in San Joaquin County, and for the Court, the centralized location of the Courthouse, County Administration, D.A., P.D., Law Library and Bar Association have many benefits. One can travel to any of these locations quickly, on foot. That means we do not need to use a car, or a court parking lot and do not have to consider traffic. We can make it to hearings and court proceedings on time. Because the City of Stockton has focused development on the core area, several new parking structures have been built which are within one block of the courthouse. This means our clients and others who are doing business with the Court can attend hearings and court proceedings easily and timely.

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In the past 10 years, downtown Stockton has benefitted from numerous projects that have been part of a plan to revitalize the core of Downtown by reinforcing the existing government services sector as the core of employment and activity but also to create more entertainment and recreational opportunities. A new multi-screen movie theater has been built and new downtown transit center and commuter train stations have opened. Throughout this process, parking has been an issue. To address this issue, Stockton has built several new parking structures. These structures were purposefully built in their present locations to serve the downtown core government services during the daytime and the entertainment features such as the Movie Theater, Bob Hope Theatre and restaurants at night.

If the location of our Courthouse is moved from its historic location, the effective operation of Stockton's downtown core will be seriously and negatively affected. Not only will the courts operate less effectively because of the disarticulation of the Courthouse from all of the other apparatuses of County government and the D.A., P.D., downtown private law offices, probation department, CPS, etc. but the relocation will result in serious inefficiencies for the operations in each of these offices as well. Increased time spend traveling to and from the more remote proposed Washington Street location will mean time lost that could otherwise be more productively applied.

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The relocation away from the downtown core to Washington Street will have an adverse economic impact on the downtown core businesses. If the court moves its operations to Washington Street, existing downtown core businesses will lose many of the court's visitors, summoned jurors, and employees as customers. That location is just too far away to think that many people will elect to walk there. So, many visitors and court employees are likely to get into their cars and drive outside the downtown area for meals and services.

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While some users of the Courthouse may walk to and from their offices occasionally to the proposed Washington Street when the weather is good, it is more likely that most will drive from their downtown offices to Washington Street. This will result in increased downtown traffic all day and an increase in parking demand in the Washington Street area that serves only the courthouse, because nothing else is built up around there. All of this means increased greenhouse gas emissions and decrease the quality of air we breathe.

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While public transportation could be provided, I and many of my colleagues find the bus to be not particularly helpful for daily transportation of files and other items necessary for daily court appearances and not reliable or fast enough to be an efficient use of our time. For P.D.s and D.A.s the bus may also be an exposure to security risks related to sharing transportation with people associated with their cases.

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Consideration should also be given to the fact that the relocation to the more remote proposed Washington Street location may have a chilling effect on new businesses that might otherwise consider locating in the downtown core. If I had the decision to do over again, with the Courthouse on Washington Street, it is likely that I would have chosen to locate my office in the other areas of Stockton, rather than Downtown. It would seem clear that most, if not all, of my trips to the

MR-4

courthouse would involve a trip in the car and payment of a parking fee. That being so, the advantage that Downtown has in this respect would be eliminated. If others make similar decisions because the Courthouse is located on Washington Street, the effect on downtown core businesses may be devastating. Many businesses will not be able to survive, especially with the current and projected future economic environment. Increases in vacant buildings and urban decay would be a serious step backwards for us.

MR-4

Throughout its history, Stockton has had its courthouse located in the center of its downtown, at Weber and Hunter Streets. Citizens of San Joaquin County have always benefited from the convergence of numerous county and city services in the city core surrounding the historical site of our Courthouse. While it is understood that some are concerned about the loss of open space (Hunter Square) that would result from building the new courthouse adjacent to its present location, it must also be understood that Hunter Square would not have any historical significance but for the fact there has always been a courthouse adjacent it. Simply put, Hunter Square would not have existed but for the Courthouse. Moving the Courthouse away from the downtown core as envisioned by our founders and city leaders, and as used by generations of Stocktonians, is inconsistent with Stockton's history and its successful future.

MR-6

Please consider the serious impact that relocating the San Joaquin County courthouse to the proposed Washington Street location will have on Stockton and its business owners and citizens. Selection of the proposed Washington Street location will result in the disarticulation of the courthouse from the rest of Downtown. Please let us continue to enjoy the economies of proximity that good civic planning can afford and allow us to keep our Courthouse in its traditional and proper location.

MR-4

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MR-6

If you have any questions regarding my comments or any attachments or enclosures, please contact me at your convenience.

Thank you very much.

Sincerely,



GREGORY T. MEATH  
Attorney-at-Law

Mulvihill, Michael

March 6<sup>th</sup>, 2009

Mr. Jerry Ripperda  
Administrative Office of the Courts  
Office of Court Construction and Management  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95834  
E-mail: Jerry.Ripperda@jud.ca.gov  
Telephone: 916-263-8865

Dear Mr. Ripperda,

I am writing to you regarding the new courthouse site for San Joaquin County. My name is Michael Mulvihill, Jr., and I have lived in Stockton, California for over thirty-three years. I am currently a Supervising Deputy District Attorney for the San Joaquin County District Attorney's Office. I am writing this letter in support of the location of our new courthouse to remain at Hunter Square.

My family moved to Stockton when I was three years old. (I am now 36 years old). I attended grade school and high school in Stockton before going to college in San Diego. After college I attended law school in Spokane, Washington. Despite my many travels, my intention was to return to Stockton. Upon graduation from law school I returned to Stockton and accepted a job with the San Joaquin County District Attorney's Office. I have been a prosecutor in this office for over ten years.

There are three main reasons why the courthouse should not be moved. The first reason is historical. At end of the 1800s Stockton was one of California's largest cities. Our courthouse has existed at Hunter Square for over one hundred years. To outsiders our town and community may not seem like a tourist destination, however, our residents are proud of our history. The entire downtown area is centered around the courthouse.

MR-6

Over the years Stockton has been viewed as a violent city. I grew up only 10 blocks north of the courthouse, but we were never allowed to venture down to that area due to the high rate of crime. In recent years our city and county have made great strides to revitalize the downtown area. This project has the courthouse as its center. To move the courthouse away to another location would thwart this entire effort.

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The second reason to remain at Hunter Square is the economic effect. Currently, there are numerous restaurants and businesses which rely on the courthouse. Our Office has over one hundred employees in the downtown area who use the local businesses daily. Moving the courthouse would cause our office to move as well. This in turn would have a negative monetary effect on these local businesses.

MR-4

Currently the District Attorney's Office is inside the courthouse. For our Deputy District Attorneys (over 90) to go to and from the proposed Washington Street location would require us to travel in cars. This would have a huge monetary effect on the county. Our attorneys cannot be expected to travel on foot or with public transportation due to security issues. Therefore, the County would have to provide shuttle service for our attorneys. Our witnesses (both civilian and law enforcement) would also have to be shuttled to and from the District Attorney's Office.

Mulvihill-1

MR-8

The third reason is the environmental effect of moving the courthouse from Hunter Square. As noted in the preceding paragraph, the movement of the courthouse to Washington Street, would require constant shuttle service for the employees of our office. This would only contribute more pollution to a County which has some of the worst air quality in the State.

MR-5

In conclusion, as a life long resident of San Joaquin County and a member of our legal community, I implore you to listen to the voices of Stockton, and keep the Courthouse at Hunter Square. Thank you.

Sincerely,



Michael J. Mulvihill, Jr.  
Supervising Deputy District Attorney  
San Joaquin County District Attorney's Office  
222 E. Weber Ave. Room 202  
Stockton, Ca. 95202  
(209) 815-0917  
michael.mulvihill@sjcda.org

March 9, 2008

Dear AOC,

I do not dispute that the new Stockton courthouse is needed. My only concern is identifying the best location. Of the alternatives presented (Hunter Square and Washington Street) I feel that Washington Street is the best option.

MR-2

Hunter Square is an important part of historic downtown Stockton public life. Locating the courthouse on Hunter Square removes Stockton's most important public space, including the iconic fountain, from public use. Downtown Stockton has limited public open space. Removing Hunter Square would divide and disrupt downtown Stockton public life.

Neas-1

The Weber Family, the family that founded Stockton, gave Hunter Square to the city for a public space to revert to family ownership if ever not used as a public plaza. In my opinion, the legality of building on this site has not been sufficiently researched and explained and requires extensive consideration before site approval is finalized. Personally, I would like to know what the Weber heirs have to say about the proposal to locate the new courthouse on Hunter Square.

Neas-2

Hunter Square should be recognized as an historic site by the City of Stockton and the State of California. The following piece of land donated by Charles Weber for use as a cemetery is a state landmark.

**NO. 765 TEMPLE ISRAEL CEMETERY** - Donated by Captain Charles M. Weber in 1851 for use as a cemetery by the Jewish community of Stockton, this is the oldest Jewish cemetery in continuous use in California and west of the Rocky Mountains.  
**Location:** On E Acacia St between N Pilgrim and N Union Sts, Stockton

Neas-3

Hunter Square, donated by Charles Weber for a public plaza for the enjoyment of the residents of the City of Stockton, is equally valuable and should be so recognized.

The fountain is the view. The aesthetics of removing the fountain will permanently alter the view down Main Street. "Under CEQA, it is the state's policy...to '[t]ake all action necessary to provide the people of this state with...enjoyment of aesthetic, natural, scenic, and historic environmental qualities.' ( 21001, subd. (b).)" (Id. At 936-937). For this reason, the project should be redesigned to relocate the fountain on a newly constructed base at the end of Main Street or within the open spaces surrounding the new courthouse if need be. At the very least the metal fountain top should be given to the City of Stockton so it can be reused at another site promoting green building principles by introducing salvage into the project. Replacement trees providing needed shade throughout the project must also be introduced as a green measure.

Neas-4

Reuse of the Hunter Square fountain is not a historic issue (50 years of age) but an aesthetic one since it is one of the most iconic features in downtown. Branding consultant Roger Brooks noted the importance of maintaining iconic features as a way to strengthen a city's identity with residents and tourists. It is my understanding that the original courthouse fountain still exists and is being stored. Another mitigation measure the AOC could undertake for locating the new courthouse on Hunter Square is installing the original fountain somewhere within the courthouse project as a stewardship measure.

Neas-4  
Cont.

A critical issue for the new courthouse involves the relocation of a number of public art pieces including but not limited to the courthouse murals, goddess statue, and the Hunter Square fountain. The state should closely adhere to the recommendations of Stockton's Cultural Heritage Board in identifying historic pieces in need of relocation. To help oversee proper care and relocation of all the associated public art, I suggest that a representative from either Stockton Public Art or the Stockton Arts Commission, whomever is deemed responsible, be invited to join the advisory panel in order to ensure the state reuse the iconic Hunter Square fountain, statue, murals and other art pieces which are some of Stockton's premier public art pieces in existence.

Neas-5

Since this is the beginning of the formal process for constructing the new courthouse, when decisions are being made, I think now is the time for Stockton's Public Art Manager to be involved. The fountain reuse, statue, mural and other art item relocations could be part of the public art component for the project. Please include an arts representative from Stockton on the AOC so these matters will be effectively handled.

If the Hunter Square Expanded Alternative is selected, open space surrounding the new courthouse would be created by demolishing several properties including the former Day and Night Pharmacy. There is currently too much demolition in Stockton, especially in historic downtown. With every demolition, more of Stockton is eroded.

Neas-6

Possible mitigation measures for the Hunter Square site include -

Using creativity to incorporate the Day & Night façade into the planned open space (could serve as a seating area or café next to the new courthouse while retaining the brick construction and archways that provide visual character)

Neas-7

The new courthouse proposes to create a driveway through Hunter Square at Main Street with a ramp into the building for vehicular access. In my mind, Hunter Square does not include the parking lot between the courthouse and the former Day and Night Pharmacy but rather the public space and fountain that surrounds it. A lot of social interaction takes place in this area including the weekly Farmer's Market which is highly successful. A driveway and vehicular route has no place on Hunter Square! A more responsible placement for the driveway would be on the west side of the courthouse with an entrance from El Dorado Street. With this action, the building

Neas-8



would not have to further fragment the remnants of Hunter Square allowing public use to continue to the south and east of the courthouse and plaza.

I question the security of the sully port being located by the Bob Hope (Fox) Theatre, one of downtown's most exquisite entertainment venues. I witnessed a prisoner escape on Sutter and Washington and the closure of San Joaquin Street after the attack of a judge and subsequent prisoner killing and am concerned about additional security in the future.

Neas-9

The Hunter Square site provides no public parking in an area currently suffering from mishandled parking garages and limited street parking. The best projects provide their own parking. The new Courthouse at Hunter Square would heighten downtown parking issues and make the city think about further demolitions unless properly addressed. It is irresponsible for the State to remove the Hunter Square parking spaces and supply a total of 40 secure parking spaces expecting the city to provide the rest of the parking which is needed.

Downtown Stockton has parking but not in close proximity to the courthouse. Therefore, the state should work with both the City of Stockton and the County to ensure that sufficient parking is available for the needs of the court. This does not mean demolition of countless historic properties to provide surface parking. The state must offer the city and county its assistance in creating responsible parking alternatives which may include creating a parking garage either on the current location of the county courthouse or adding floors of parking to the parking structure by the former Pacific State Bank. The state could also suggest better operational methods for existing parking and work closely with SJRTD to provide shuttle service from remote parking facilities.

Neas-10

**The Washington Street alternative is highly preferable because it would use already cleared land, not remove Stockton's historic public plaza and fountain and require no other demolitions. This alternative also would provide public parking on a surface lot with 200 spaces. Note: Although the Washington Street alternative moves the historic location for court activity to the west, I believe that shuttle buses from SJRTD could help connect jurors and court staff to the Hunter Square area of downtown so that this area would continue to benefit from the surge of court activity. The state should fully fund its own courthouse shuttle.**

MR-2

Neas-11

Sincerely,

Joy Neas, MUP

Founder, Save Old Stockton

Dear AOC,

Below is my evaluation of the Revised Draft EIR for the courthouse. My comments are in red. I would appreciate your consideration and response.

The AOC proposes to construct a new courthouse in Stockton's Hunter Square for the Court. The proposed courthouse property is immediately west of the County's existing Courthouse/Administration Building, which is at 222 East Weber Avenue. The AOC's proposed project consists of:

- The AOC's acquisition of an approximately 1-acre parcel through a donation from the City of Stockton,
- Design and construction of a new courthouse facility,
- Modification of a portion of the Main Street mall, the Main Street fountain, and an adjacent park area,
- Movement of the Court's staff and operations from the existing Courthouse and other leased space in downtown Stockton to the new courthouse,
- Addition of vehicle traffic to a portion of the Main Street mall, and
- Operation of the new courthouse by the AOC to support the Court's operations.

(Pg. 11)

Stockton does not have the authority to donate the Hunter Square parcel to be used as the new site for the courthouse. On August 28, 1851 Captain C. M. Weber deeded the streets and public squares to the city of Stockton (Stockton Independent, 9/10/1910, 8:3) "to be kept, preserved, and ornamented as public promenades conducive to the general health of the citizens." (Captain Weber and His Place in Early California History by Helen Kennedy Cahill, Pacific Historian, Winter 1976, pg. 439)

The question of the reversionary rights by which properties deeded to the city by the Founder are to revert back to Weber's heirs if the properties cease to be used for the purpose originally intended in the gift, has always been a thorny one for the city of Stockton. (Captain Weber and His Place in Early California History by Helen Kennedy Cahill, Pacific Historian, Winter 1976, pg. 442) However, according to Charles M. Weber, III, the reversionary clauses were placed in the deeds because of the continual conflict with the squatters who were attempting to occupy the deeded public areas and obtain title to them by contesting Weber's titles. (Stockton Record, Jan 8, 1959, advertisement placed by Charles M. Weber, III, addressed to the citizens of Stockton)

Traffic 2 (2013 Scenario)—The poor Level of Service condition for the El Dorado/Weber intersection is based on highly conservative assumptions that all traffic from the courthouse project and the approved projects – Stockton City Hall and San Joaquin County Administration Building are new projects and will use Weber Street as the main access. In reality, project related traffic will be spread out to garages throughout the downtown area rather than concentrating on Weber Avenue. As such, the Level of Service E and F conditions as predicted in the study are not likely to occur. No mitigation is available for the intersection of El Dorado/Weber Street other than to promote public transit and bicycle use by providing free bus passes for employees and installing bike racks and lockers and shower facilities at the new courthouse. Survey results indicated very few employees currently use public transit or ride bikes to work. In addition, the AOC will encourage alternative transportation by implementing a Parking, Transit, and Alternative Modes Plan, which will include the following elements:

- Preferential parking for high efficiency/low impact vehicles,
- Compact vehicle and motorcycle parking,
- Courthouse vanpool or shuttle, (shuttle needs to be clarified; how many shuttles will be offered, how many people can shuttles transport at one time and during the day, where will shuttles pick up and drop off passengers, who will be transported, how often will shuttles run)
- Transit passes for courthouse employees,
- Secure bike parking/bike lockers, and
- Shower facilities for bike commuters.

**Note: This list should be expanded to include creating a park and ride lot and a parking structure (on or offsite).**

Neas-12

Page 24 and 25

Secure parking for judicial officers and Court executives, a sallyport (a secured building entrance that connects to a secured building area), Sheriff's facilities, in-custody detainee holding facilities, and building service areas will be in the building's basement. The southern courthouse grounds will include a ramp that will connect the Main Street pedestrian mall to the basement. The basement will also have an exit ramp and driveway connection to Weber Avenue for Sheriff's buses and service vehicles. The project will modify the Main Street mall between South Hunter Street and El Dorado Street. The AOC's construction contractor will remove the existing raised pool and fountain during construction. The AOC will enhance the landscaping, benches, and pavement of the new water feature area. As noted above, the courthouse project will add a driveway across the Main Street mall to allow delivery vehicles, Sheriff's busses, judicial officers, and court executives to enter the courthouse's entrance ramp to the courthouse's basement. The AOC will add a driveway cut to the mall near the Main Street intersection with South Hunter Street. The AOC will install appropriate California Building Code Title 24 markers, (see Figure 5) on the pavement of the Main Street mall to mark vehicle lanes on the mall near the courthouse ramps and to warn pedestrians of vehicle traffic in the mall area.

**Note: I am concerned about the location of the driveway on Main Street through the plaza. I suggested that the building be redesigned to have the driveway enter from El**

Neas-8

Dorado and run through the west side into the building where parking lots and buildings adjacent to Hunter Square currently are located.

Neas-8  
Cont.

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The courthouse will replace the existing parking lot and park. On the Main Street mall, the project will remove the raised pool and existing fountain during construction.

Note: The parking lot should not have been constructed on Hunter Square. I suggested that the courthouse design be changed so as not to impact the park portion of Hunter Square. If the new courthouse is sited in line with the current courthouse the park portion of Hunter Square could be preserved although the fountain pool would have to be forfeited. A new fountain base could be created and the present fountain retained in the current location as long as the court's plan for a driveway at this location is moved to the west side of the new courthouse.

Neas-13

Neas-14

The proposed project site is not located within the previously proposed City's downtown historic district (Architectural Resources Group, 2000).pg. 27

I dispute that the project site (Hunter Square) is not located in the previously proposed City's downtown historic district since it is in the heart of downtown.

Neas-15

For evaluation of Hunter Square relative to the criteria of the California Register, the AOC concludes (pg. 27)

The Historic Environmental Consultants report emphasizes Hunter Square's historical associations, community uses over time, and representation of an important past design theme, and as a traditional open space and "place" in the heart of downtown Stockton. These features of Hunter Square are part of Stockton's cultural heritage;

The historical association with Charles Weber includes Weber's ownership of the land for a period of time, donation of the land to the City, and layout of Hunter Square as part of the City's original street grid. These features indicate Hunter Square's association with the life of a person important in Stockton's past;

Regarding Hunter Square's potential embodiment of the distinctive characteristics of a type, period, region or method of construction or representation of the work of a master, or possession of high artistic values, the AOC notes that there have been water structures and other features on Hunter Square in the past, but these features are no longer present. Stockton subsequently developed the current improvements in the square in the 1960s to make it an attractive site for gatherings, meetings, or community use; the Historic Environmental Consultant's report describes the square's current features as "...a competent ... example of the Modernist movement..." and "... a notable effort by Stockton professional designers." However, the AOC notes that "competent" and "notable" do not meet the standards of Criterion 3 of the California

Register, which include "...distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important individual, or possesses high artistic values..." (Public Resources Code Section 5024.1). (pg.28)

The resource being evaluated relative to the criteria of the California Register does not have to meet every criteria to be considered historic. The fact that Hunter Square was owned by Charles Weber, the founder of Stockton, and given to the city to be a public plaza for the benefit of the community is more than sufficient.

MR-6

The Judicial Branch's Principles of Design for California Court Buildings (AOC 2008d) includes the principle that court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history, and shall improve and enrich the sites and communities in which they are located. (pg. 28)

Building the new courthouse on a piece of land given to the city for use as a public plaza and gathering place by Charles Weber, Stockton's founder, is not responsive to local context. Charles Weber wanted Hunter Square to be set aside as a park space not another building lot. The city has already fragmented Hunter Square by allowing a parking lot to be built on it. Now the state wants to erode its function totally by constructing a permanent building and removing the pool and fountain because they are not original to the site although they are certainly in keeping with the spirit of a plaza more than buildings and driveways.

Neas-16

Cultural Resources 2—As recommended by the Historic Environmental Consultant’s report, the proposed new courthouse project will maximize new public space around the proposed Courthouse with open space and landscaping to accommodate public use;

Public space should be equal to the size of Hunter Square preferably without demolition.

Neas-17

Cultural Resources 3 (Aesthetics 2)—The AOC will construct a new water feature on the Main Street mall between South Hunter Street and El Dorado Street; and

A new water feature will not need to be constructed between South Hunter Street and El Dorado if the present fountain is preserved and the driveway entering the courthouse is rerouted through the current parking lots of the Bank of America and SEIU buildings entering from El Dorado Street. Preserving the present fountain without the pool would be a much more sensitive mitigation to the community and the environment than the one suggested.

Neas-8

Neas-18

Cultural Resources 4—As stated earlier, the AOC understands that the County is updating its Master Plan for the existing Courthouse/Administration Building (County of San Joaquin 2008), and the County’s plans include demolition of the existing building and construction of a large plaza on the site. The AOC will coordinate layout and design of its proposed parcel’s public space with the County to maximize public space and accommodate public use. (pg. 29)



It is my understanding that the county plans to demolish the current courthouse and construct a five story building and parking structure on the lot. It is crucial that the county's plans for their property (building, open space and parking) be included in the Final EIR for the courthouse since these plans are integral to the state project.

Neas-19

Pg. 31 response – Dan Cort and various developers are improving a number of downtown properties for business use. More and more county workers are being consolidated from outlying areas into downtown offices. Therefore the need for parking is increasing with many people vying for the same spaces. The need for parking will only increase over time as more buildings are occupied in the future.

Neas-20

The Washington Street Alternative does not have to generate more car trips during the AM peak if shuttles are made available.

Pg. 32 response – Traffic impacts can be lessened for the Washington Street Alternative with the use of public transportation, park and ride lots/offsite garage and shuttle system.

Neas-21

Pg. 34 response – (Mitigation Measures) Traffic impacts can be lessened for the Washington Street Alternative with the use of public transportation, park and ride lots/offsite garage and shuttle system.

Nease-22

The delay shown in Synchro (and all HCM methods) is the delay per vehicle. When vehicle volume is added, the total aggregate delay in the numerator goes up. However, so does the number of vehicles in the denominator. In some cases, the aggregate delay may not go up as significantly as the volume, hence the delay/vehicle actually goes down. This is not uncommon, especially with pre-timed signal operation when you have some reserve time (such as increasing the volumes for the non critical movements).

(Pg. 35)

Retiming signal lights could improve traffic conditions as suggested above.

Neas-23

The Hunter Square Expanded proposes acquisition of several adjacent properties to expand the proposed courthouse parcel (see Figure 11). It includes the Hunter Square parcel plus: (1) the AOC's purchase from current owners of any of the three private parcels that are west of Hunter Square, (2) the alley that is west of the three private parcels through donation from the City, and (3) the AOC's purchase from the Bank of America of the current the eastern portion of the Bank of America's parking area (the portion of the parking area south of the three private parcels and north of the Main Street pedestrian mall). The acreage of this site will be approximately 1.8 acres.

(Pg. 41)

Buying buildings in order to demolish them for open space is not sensitive to the community or the environment.

Neas-24

Pg. 46 response – The Washington Street Alternative is environmentally superior to Hunter Square because it does not build on Stockton’s historic public plaza, uses land that is already cleared, and provides more parking. Locating the new courthouse on Washington Street would greatly improve this area of downtown while preserving Hunter Square. Although the Washington Street Alternative is further from the center of downtown shuttles would provide connectivity, reduce congestion and pollution.

MR-2

#### 5.3.11.2.4 Hazards Posed by Design Features

Potential Impact: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?—Potentially significant. The new courthouse design will conform to the California Building Code and will be generally consistent with City of Stockton design standards. Therefore, the proposed project will not include any increased hazards related to a design feature. Therefore, there will be no significant impacts related to the building’s design. (Pg. 51)

Creating a driveway at the end of Main Street through Hunter Square into the basement of the new courthouse increases hazards to pedestrians due to a design feature.

Neas-8

Pedestrian safety could be improved by relocating the driveway entry for the courthouse basement at the west side of the building through existing parking lots where pedestrians do not normally walk.

Due to the Washington Street alternative’s creation of 30 of courtrooms at the alternative site, operations of a new Washington Street courthouse will increase the

number of vehicles passing through pedestrian crossings of Center Street, Weber Avenue, and Washington Street. Many of the pedestrians passing through these intersections during the morning AM peak hour are Weber Institute students.

Potential impacts of the Washington Street alternative include:

1. Crosswalks at Center Street/Weber Avenue have traffic and pedestrian controls.

However, due to the width of Weber Street, the AOC concludes that pedestrian-related impacts will be potentially significant; (Pg. 51)

By installing a raised median on Weber Avenue as part of the Weber Beautification project, west of Center Street to the overpass, pedestrian related impacts can be lessened if not eliminated.

Neas-25

The Weber Avenue/Van Buren Street crossing has no crosswalk and no traffic controls.

The AOC concludes that the alternative's impacts to the Weber Avenue/Van Buren Street crossing will be potentially significant;

For the Washington Street/Madison Street intersection, there are no pedestrian crosswalks, and the analysts noted that roadway curves between Commerce Street and Madison Street restrict westbound drivers' views of the Washington Street/Madison Street intersection. Since the AOC assumes that many drivers will park along Washington Street and Madison Street (see the Draft EIR's Section 5.3), the AOC

concludes that the alternative's impacts to pedestrian and vehicle interactions through the Washington Street/Madison Street intersection will be potentially significant. (Pg. 52)

Crosswalks and traffic controls must be installed wherever needed. Complete Street legislation is requiring that city streets take into consideration all modes of transportation including the pedestrian while providing safe passage

Neas-26

Private Parcels Alternative - Page 52 and 53

The private parcels alternative preserves Hunter Square while keeping the courthouse in the same area of downtown that it has been. Although this alternative includes demolition, the buildings to be demolished are not historically significant. This alternative may be the best for the downtown overall, especially business, considering that the courthouse is vital to the downtown economy. The private parcels alternative is sensitive to historic use with minimal disruption.

MR-2

From the alternatives evaluated for the proposed project, the environmentally superior alternative will be the No Project Alternative. This alternative will avoid all significant impacts from the proposed 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 will be either the Washington Street Alternative or the Private Parcels Alternative. Both of these alternatives will have only two significant and unavoidable impacts. (Pg. 56)

The Final EIR should include a more lengthy discussion of the benefits of the environmentally superior alternatives.

Neas-27

Sincerely,

Joy Neas

Founder, Save Old Stockton

**From:** Kenneth Nichols [snm120ken@sbcglobal.net]

**Sent:** Wednesday, March 04, 2009 4:57 PM

**To:** Ripperda, Jerry

**Subject:** Stockton Courthouse Site

I would like to express my preference for the Hunter Square site for the new San Joaquin County Courthouse.. Not only does the location have more historical significance, it is much more convenient for attorneys and the public.

There are already 3 parking lots near the Hunter Square site as well as street parking whereas, I understand there are potential parking problems at Washington. The County also plans an additional 500 underground parking places in the future near the site.

Further, the Hunter Square site is near much of Downtown's recent redevelopment and close to many new restaurants for public use. Moving to Washington St. would have a adverse affect on this new development.

Please consider only the practicality of the Hunter Square site.

Ken Nichols

Scott & Nichols

MR-1

MR-6

MR-3

Nichols-1

MR-4



**PUBLIC WORKSHOP/ HEARING**

for the

**NEW STOCKTON COURTHOUSE FOR THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

Draft Environmental Impact Report (DEIR)

February 19, 2009

San Joaquin Regional Transit District Downtown Transit Center Boardroom  
421 E. Weber Avenue  
Stockton, CA 95202

ADMINISTRATIVE OFFICE  
OF THE COURTS  
455 Golden Gate Avenue  
San Francisco, CA  
94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courtinfo.ca.gov

**SPEAKER/COMMENT CARD**

**PLEASE CHECK THE APPROPRIATE BOX BELOW:**

I wish to speak at the Public Hearing.

I have provided my comments on this sheet.

Name: Leora V. Perkowski  
Organization: Perkowski Law Office  
Address: 2002 B Pacific Ave., # 176, Stockton, CA 95204  
Zip Code: \_\_\_\_\_  
Phone: (209) 373-0069  
E-mail: Lperkowski@aol.com

COMMENTS: I concur with Judge Murray's open letter to the Recorder and I believe there is an additional reason to keep the new courthouse in Hunter Square. All of the attorneys who regularly appear in Court should be considered. If there is no court house downtown, some day there will be <sup>virtually</sup> no attorneys downtown, as there will be no reason to come downtown. Would that increase or decrease the downtown "blight"? I guess that would depend on whether you want professionals downtown or not.

MR-4



Qualls, David

**From:** dtotheq@comcast.net  
**Sent:** Thursday, March 05, 2009 5:55 PM  
**To:** Ripperda, Jerry  
**Subject:** Hunter Square Courthouse  
Dear Mr. Ripperda,

My name is David Qualls. I am on the Board of Directors for the Downtown Stockton Alliance and I am the owner of the Blackwater Cafe in Downtown Stockton, 13 South San Joaquin St. It is a small espresso bar that sits a block from the existing courthouse building. Needless to say I am very concerned about the location of the courthouse. If it were to be relocated, I, as well as numerous other cafe's and restaurants in the area, would certainly be out of business,

MR-4

I have been downtown for 13 years and have seen the improvements take place in the Downtown area. All of which are based on the present location of the Courthouse. The new County Administration Building, the RTD Bus Hub, The Welfare Building, City Center Cinemas, P.D.s, D.A.'s, Police, Probation Offices, etc, etc.

Please add my letter to the others you will get in support of the Hunter Square location.

MR-1

Thank You

David Qualls  
Blackwater Cafe Downtown  
209-483-7384

**From:** [Tim Quinn \[tim.quinn.a@gmail.com\]](mailto:tim.quinn.a@gmail.com)  
**Sent:** Saturday, March 07, 2009 8:02 AM  
**To:** Ripperda, Jerry  
**Subject:** Stockton Courthouse location

March 7, 2009

Mr. Ripperda,

My name is Tim Quinn, and I am an attorney in downtown Stockton, California. I am a downtown business owner and a daily user of the courthouse currently located near Hunter Square.

I am very concerned that the draft EIR which was recently issued regarding the new downtown courthouse fails to account for a number of important factors which would favor the Hunter Square site over the Washington Street site. In considering whether the AOC should issue a

Quinn-1

"Statement of Overriding Considerations" with regard to developing the Hunter Square alternative, please consider the following:

1) **Efficiency:** The goals of increasing and promoting efficiency in court operations is not achieved by building a courthouse six to eight blocks away from the vast majority of daily users of the courthouse. Most criminal attorneys, including private, public defender and district attorney deputies have offices within one or two blocks of the current courthouse. The police department is less than one block away. The new county administration building is across the street. The probation department is mere feet away from the current courthouse. These are frequent and daily users of the court, and we all walk to and from court once we park our cars for the day in one of the many convenient parking structures.

Separating the court from these agencies and offices does not promote interaction, efficiency or communication; indeed, it will do just the opposite. Trips to court will be lengthier; transportation of witnesses will be more complicated (especially with the anticipated lack of close parking to the courthouse

MR-3

—many of our clients are disabled, ill or elderly, ) and in general we will be using a great deal more time dealing with logistics than with whatever legal business is at hand.

Accessibility to court users: the new downtown transportation hub is even further away from the Washington street site than the agencies. I just mentioned. Any assertion that the Washington street site is

"as accessible" as the current courthouse ignores the realities of folks who must depend on public transportation to get to court, a population with which I am

especially concerned, as they comprise a large portion of my court assigned caseload.

2) **Traffic and Pollution:** Moving the courthouse to a Washington Street site will greatly increase pollution & traffic. Attorneys and clients, police officers, probation officers, and others located downtown will have to drive back and forth numerous times a day to get from their offices to court. Normally I have to bring a box of files to court, and during a trial I may have to bring multiple boxes. This is the case with every trial lawyer I know, not to mention probation officers who sometimes have hundreds of files a day, and police officers who are charged with the custody of large amounts of evidence. It is simply impractical to transport such large quantities of material by foot. As it is now, I park my car and do not use it unless I have to appear in another city. The Washington Street site will double or triple my car usage, and that of most of my colleagues. They are mitigated by placing the courthouse in the Hunter Square location.

MR-5

3) **Downtown/Urban Decay:** Movement away from the downtown core to Washington Street will have an adverse impact on the downtown economy and on downtown businesses. The lifeblood of the downtown core is the courthouse. If the courthouse is moved to Washington Square, I will probably move my office to the March Lane area, and drive downtown 2-4 times per day as I would be having to drive to Washington Square every day anyway.

MR-4

The Hunter Square site is one which will promote efficiency, mitigate traffic and pollution issues, and discourage urban decay by assuring the continued health and development of a vital downtown. Many businesses and livelihoods will flourish or fail depending on your decision. Please support Stockton and San Joaquin County by finding that overriding considerations mandate the Hunter Square as the site for the new courthouse.

MR-3

MR-5

MR-4

Thank you,

Tim Quinn

**From:** Adam Ramirez [aramirez@hemlaw.com]

**Sent:** Wednesday, March 04, 2009 5:16 PM

**To:** Ripperda, Jerry

**Subject:** San Joaquin County Courthouse

I am writing this letter to urge the AOC to leave the new Stockton Courthouse at its present location.

MR-1

I don't work in a law office that is in the immediate vicinity of the current courthouse, but I am very familiar with Stockton's Downtown core. I used to work a couple blocks from the courthouse. Many, many law offices are located within a block or two of the courthouse, so that the attorneys can walk to court when necessary. Additionally, the County offices are nearby, along with the Public Defender and District Attorney's offices. It would add a tremendous amount of traffic to the area of those people had to start driving to the courthouse every day.

MR-5

Additionally, my practice would be impacted because I would have to wait for those people to arrive at that new location.

MR-3

The Stockton City Council has recently spent a massive amount of the taxpayers' money in order to revitalize Downtown. This has included building the De Carli plaza and facilitating the renovation of certain historic buildings in Downtown. If the Courthouse relocates away from that area, many of the businesses that depend on the courthouse employees for their patrons would probably be placed in jeopardy.

The downtown area is the only area in Stockton that is pedestrian friendly. Moving the focus of the neighborhood out of convenient walking range would remove most of that pedestrian friendliness. There is a bus terminal where almost all of the Stockton buses stop; it was located at its present place because of the presence of the Courthouse. To move that terminal would take additional business away from the struggling downtown restaurants and shops; to leave the terminal while moving the court would make a trip to the courthouse a huge burden for anyone in Stockton who has no car.

MR-4

There is a very persistent undercurrent of anger stemming from the demolition of the second courthouse, built in the 1890s. I have heard frustration and ill-will expressed by Stockton residents who are old enough to remember the wonderful old building that once stood where the current courthouse looms. They, and many others born too late to remember, harbor an extreme dislike for the hideous current courthouse and the half-hearted attempt at "art" (the fountain) that was built next to it.

There is no "historical significance" to that old fountain; I sincerely believe that the people of this city would rather see it go long before the courthouse is moved from its historic location.

MR-6

I would urge you to recognize the inefficiency that would be created by moving the courthouse. I would also urge you to consider the potential harmful effects that relocating the courthouse would have on Downtown Stockton's rehabilitation. I am amazed that the effects on the community and the people and businesses in the area were ignored by the draft EIR, and that the huge costs involved in rerouting public transportation, taking traffic away from local

MR-3

businesses, and leaving the historic center of Stockton bereft of its historic focal point were not considered by the AOC in determining the location of the courthouse.

MR-3

Thank you for your consideration of my opinion.

*Law Offices of HAKEEM, ELLIS & MARENGO*  
*A Professional Law Corporation*

Adam A. Ramirez, Associate Attorney  
Telephone: (209) 474-2800  
Facsimile: (209) 474-3654  
3414 Brookside Road Suite 100  
Stockton, CA 95219-1751  
aramirez@hemlaw.com

**MAR 03, 2009.**

**MR. RANCHHOD,  
4225 E. Hammer Lane,  
Stockton. CA 95212.  
Cell: 209-406-1925  
Fax: 209-952-3045**

Ranchhod, Mahesh

Fax: 1-916-263-8140.

Mr. Jerome Ripperda,  
Admin. Office of the Courts,  
SACRAMENTO.

Dear Sir,

Re: STOCKTON COURTHOUSE: EIR COMMENTS.

I wish to comment on the above. I am a Board member of the Downtown Stockton Alliance and also the President of the Building Industry Association of the Delta.

I confirm, in both the above capacities, that I am **STRONGLY IN FAVOR** of the site at Hunter Square in Downtown Stockton and I am **OPPOSED** to the possible Washington Street site. My opposition stems from the fact that there are already too many challenges to revitalization of Downtown Stockton, due to problems of cost, infra-structure, lack of demand, parking etc. There is therefore a need to **CONCENTRATE** developments downtown, to a small core "business district" in order to minimize some of these challenges. Locating the new facility to Washington Street will just create a new set of challenges which may have a severe negative impact upon the present efforts to revive downtown.

MR-1

MR-4

I hope that you and those involved in this project will take into account the negative impacts to the downtown core of locating the new facility away from the Hunter Square site and the additional infra-structure, transportation, parking, vacancies and other issues that will arise if the new facility is located at Washington Street.

MR-5

MR-3

Thank You,  
Mahesh Ranchhod.

c.c. Downtown Stockton Alliance  
Fax: 464-4558.



LAW OFFICE OF  
**Reid W. Roberts**  
311 EAST MAIN STREET SUITE 202  
Stockton, California 95202  
(209) 941-8714  
FAX (209) 466-7953

March 6, 2009

Mr. Jerome Ripperda  
Administrative Office of the Courts  
Northern/Central Regional Office  
2860 Gateway Oaks, Suite 400  
Sacramento, California 95833-3509

**RE: Superior Court of San Joaquin County New Courthouse**

Dear Mr. Ripperda:

I strongly oppose any possible relocation of of the Courthouse site to Washington Street. For the following reasons I believe the Court house should remain at the Hunter Square location:

**1. Distance:**

A Washington Street Location will result in an inefficient court system. The District Attorney's Office, Public Defenders Office, County Court agencies and numerous law offices are located at or near the Hunter Square site. Unless there is a massive relocation of all these agencies and groups the Washington Street location will result in an inefficient use of time to make court appearances and to conduct other business within the Court. One of the main project goals is to increase the efficiency of the court. The proposed site at Washington Street will result in an inefficient court affecting all persons associated with the legal system.

MR-3

**2. Traffic**

The Draft EIR does not analyze traffic patterns throughout the day. It focuses only on morning and afternoon peak hour traffic. Attorneys and other Court personal, currently located downtown, would be required to drive to the Washington Street site multiple times per day without the ability to walk to and from the site. The alternative site at Hunter Square varies little from the established Court house. Currently, many users such as, the Public Defenders, District Attorneys, numerous established attorneys, and County personnell have the ability to walk to the Court house. The Washington Street site affords no such luxury. Therefore the Washington Street site will increase automobile traffic through the day. This increase in traffic will increase vehicle emissions and air pollution.

Roberts-1

MR-5

RCVD '09 MAR 10

**3. Economic impact resulting in physical changes**

Moving the Court will negatively impact the downtown environment and will result in further urban decay. Downtown Stockton has struggled with urban blight for many years. Businesses have relocated from the once thriving center of Stockton. Recently, the City of Stockton has been engaged in an effort to revitalize the downtown area. The existing Courthouse location acts as an anchor tenant in this effort. The removal of the Courthouse from the current site will adversely impact revitalization efforts by removing patrons from existing downtown businesses and will lead to additional urban blight and decay. Relocation to the Washington Street site is in direct opposition to the City of Stockton's substantial efforts to revitalize the downtown area.

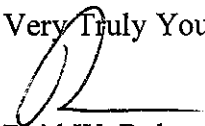
MR-4

**4. History**

The historical focus in the DEIR is Hunter Square. The Founding Father of Stockton, Captain Weber, envisioned Hunter Square as the site for a centrally located courthouse. A courthouse has existed in this location for as early as 1888. The courthouse has been the primary landmark of this area for over one hundred years. Moving the courthouse away from the downtown core would be inconsistent with Stockton's history.

MR-6

Very Truly Yours,



Reid W. Roberts



**S. & M. RANCHHOD FAMILY TRUST**

c/o M. Ranchhod,  
4225 E. Hammer Lane,  
STOCKTON. CA 95212.  
Tel: (Mahesh)952-6911  
Fax: 952-3045  
Cell: 406-1925

March 3, 2009.

Fax: 1-916-263-8140

Mr. Jerome Ripperda,  
Admin. Office of the Courts,  
Office of Court Constr. & Mngmt,  
2860 Gateway Oaks,  
Suite 400,  
SACRAMENTO.

Dear Mr. Ripperda,  
Re: EIR COMMENTS: STOCKTON NEW COURTHOUSE.

As Owners of several commercial properties located in downtown Stockton, we are **OPPOSED** to location of the proposed new Courthouse at the Washington Street site. At the same time, we **STRONGLY SUPPORT** the site at HUNTER SQUARE. We would like our comments to be included in the Final EIR.

MR-1

Our opposition to the Washington Street site stems from the fact that the site is located too far from the business center of downtown center and will therefore have a negative impact on the revival efforts for downtown. It will create vacancies in the properties immediately surrounding the current Courthouse adjacent to Hunter Square. The progress made since 2004 towards revival of downtown will be severely retarded and may even be reversed.

Location of the new facility at Hunter Square, on the other hand, works for the revival of downtown, will create the business energy and traffic needed downtown and will result in opening of new businesses to serve the new facility. It will enhance the "government cluster" that is developing in this vicinity and would be within 2- 4 blocks walking distance, which would remove the need for transportation.

MR-4

Locating the facility at Washington Street, would be 6 blocks from the current site and will result in businesses that would service the new facility having to re-locate closer to Washington Street. This will result in spreading-out the downtown area even further and reverse the revitalization that is currently on-going downtown.

As Property Owners, we have a vested interest in the revival of downtown and therefore strongly urge you to consider the negative impacts of Washington Street and request your consideration for the Hunter Street site.

Thank You,  
M. RANCHHOD.  
S. & M. RANCHHOD FAMILY TRUST.

c.c. Downtown Stockton Alliance,  
464-4558.





PUBLIC WORKSHOP/ HEARING

for the

NEW STOCKTON COURTHOUSE FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

Draft Environmental Impact Report (DEIR)

February 19, 2009

San Joaquin Regional Transit District Downtown Transit Center Boardroom 421 E. Weber Avenue Stockton, CA 95202

ADMINISTRATIVE OFFICE OF THE COURTS 455 Golden Gate Avenue San Francisco, CA 94102-3688 Tel 415-865-4200 TDD 415-865-4272 Fax 415-865-4205 www.courtinfo.ca.gov

SPEAKER/COMMENT CARD

PLEASE CHECK THE APPROPRIATE BOX BELOW:

[ ] I wish to speak at the Public Hearing.

[x] I have provided my comments on this sheet.

Name: Janette Rossell
Organization: Attorney
Address: 242 N. Sutter St #704, Stockton
Zip Code: 95202
Phone: (209) 466-2111
E-mail: janetterossell@att.net

COMMENTS: The DEIR does not address the impact of locating the new courthouse @ Washington St site on
(1) Consumers using RTD services to access downtown
(2) Businesses located downtown
(3) "Revitalization" attempts downtown
(4) What eyesore will exist across the street from Hotel Stockton (they'll prefer the "shadow" from 8:00am to 10:00 am.
(5) Lost efficiency of administration of justice (agency to agency; jurors to trials; consumers to justice).
(6) Traffic/Shadow on Children's museum, school, apartments at Washington St. site

MR-3

MR-4

Rossell-1

MR-3

JR-2

## SAN JOAQUIN COUNTY LAW LIBRARY

Kress Legal Center  
20 N. Sutter Street  
Stockton, CA 95202

209.468.3920 FAX 209.468.9968 EMAIL [sjcll@pacbell.net](mailto:sjcll@pacbell.net)

March 4, 2009

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

RE: New Courthouse in Stockton, California, County of San Joaquin

Dear Mr. Ripperda:

The San Joaquin County Law Library's Board of Trustees wholeheartedly supports building the new courthouse in Stockton, California, immediately west of the existing San Joaquin County Courthouse at 222 East Weber Avenue. This is known as the Hunter Square site.

MR-1

The alternative proposed site at Madison and Washington Streets is undesirable as it has many disadvantages, whereas the Hunter Square site has superior attributes. Among the numerous reasons to build the new courthouse on the Hunter Square site are the following:

- 1) The San Joaquin County Law Library is located at 20 N. Sutter, one block from Hunter Square, and will remain at this location pursuant to a ten-year lease. The Law Library currently provides a wealth of legal resources that are used by the public, attorneys, and court personnel.

There is no projected space for a Law Library to be built in the new courthouse in Stockton. The Law Library will remain physically separate for the long term and is currently housed in a recently renovated historical building with sufficient room for future growth. Access and use of the Law Library will be much greater if the new courthouse is built on the Hunter Square site, since the Law Library is only one block away.

MR-3

- 2) The alternative Madison and Washington site is more than one-third mile southwest of the Law Library, and it is difficult for many members of the public to walk that distance, especially in inclement weather. It is highly inconvenient to drive and find parking both at the Madison and Washington site and the Law Library location.

RCVD '09 MAR 09

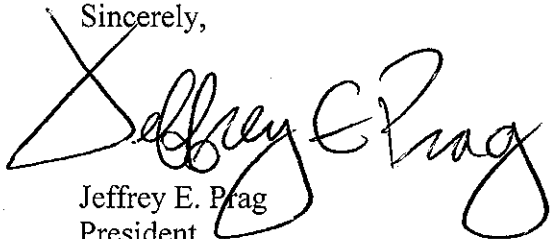
Public law offices, including offices of the District Attorney, Public Defender, County Counsel, and City Attorney are located within one or two blocks of Hunter Square. Many private practitioners have offices located within the same distance of Hunter Square. It will pose some difficulty for practitioners to walk or drive to Madison and Washington daily or multiple times within the same day.

- 3) Stockton's RTD bus terminal is located less than one block from the Law Library and two blocks from Hunter Square, making it feasible for people to use public transportation to reach the new courthouse at Hunter Square and the Law Library. Walking an additional more than one-third mile to reach a courthouse at the Madison and Washington site would be burdensome and difficult for those members of the non-driving public, who are poor, elderly, or disabled.
- 4) A number of restaurants, coffee shops, banks, and other businesses surround the current courthouse and Hunter Square. Those local businesses will continue to thrive with the public and courthouse personnel frequenting the businesses if the new courthouse were built at Hunter Square. On the other hand, people are unlikely to walk or drive one third mile from the Madison and Washington site to the current courthouse core to utilize these businesses, which would likely lead to these businesses' demise.
- 5) The Hunter Square location would keep the new courthouse in the downtown core. The new San Joaquin County Administration building is located one block away, and the City of Stockton's new administrative offices, recently relocated to the Washington Mutual building, is located two blocks from Hunter Square. The revitalization of Stockton's downtown core would be promoted if the new courthouse stayed in the city center because its presence would assist in the creation and maintenance of a centralized government core.

It is a very exciting time in Stockton as our downtown is again becoming a center of government, business, and entertainment. The new courthouse would be a good fit in the downtown core location at Hunter Square.

The San Joaquin County Law Library's Board of Trustees asks you to consider our foregoing comments in support of building the new Stockton courthouse at the Hunter Square location. Please do not hesitate to contact any Law Library Board trustee for more information.

Sincerely,



Jeffrey E. Prag  
President

San Joaquin County Law Library Board of Trustees

MR-3

MR-4

cc: Members of the San Joaquin County Law Library Board of Trustees:  
Honorable George Abdallah  
Honorable Richard Guiliani  
Christine Kroger  
Velma Lim  
Honorable Linda Lofthus  
Honorable Lauren Thomasson



## PROBATION DEPARTMENT

---

**NICK CADEMARTORI**  
Interim CHIEF PROBATION OFFICER

February 12, 2009

Mr. Jerome Ripperada  
Administrative Office of the Courts  
Northern/Central regional Offices  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95833-3509

### **COMMENTS ON DRAFT EIR- CONSTRUCTION OF NEW STOCKTON COURTHOUSE FOR SAN JOAQUIN COUNTY SUPERIOR COURT**

Dear Mr. Ripperada:

The San Joaquin County Probation Department wishes to provide the following comments in support of the proposed courthouse location at Hunter Square Plaza. As I am sure you are aware, the San Joaquin County Probation Department works very closely with the courts on the large majority of matters related to felony and misdemeanor proceedings. Our probation officers appear in court on a daily basis serving as Court Officers to both the Domestic Violence and Violation of Probation calendars. Additionally, probation officers are required to testify at formal hearings on violations of probation, and on occasion, on pre-sentence or pre-plea reports they have prepared for the Court.

Presently, our Investigations probation officers that prepare pre-sentence and pre-plea reports are housed at the Canlis Building located at 24 S. Hunter Street, less than one-half block from the existing and proposed courthouse at Hunter Square. Additionally, the majority of our Adult probation officers that provide probation supervision and file numerous violations of probation are also at this site. Our officers at this location do not have assigned vehicles and must "check out" a vehicle in order to go in the field from the County Motor Pool which has a limited number of vehicles available for use by all county departments in the downtown Stockton area. These officers need to plan their field visits well in advance and obtain a county vehicle first thing each morning to ensure one is available. If the new Stockton courthouse were to be located at the Washington Street site, our probation officers would not be accessible to the court to provide the necessary information or knowledge needed at short notice and their appearance in court would need to be scheduled well in advance. The proximity of the courthouse to our adult probation operations makes the proposed site at Hunter Square the most desirable for our department. Relocating the Adult Division of Probation or purchasing additional vehicles to ensure probation officers are readily available to provide service to the courts is cost prohibitive for the department and the county and could not feasibly be accomplished.

MR-3

RCVD 08 FEB 17

With that said, the project's objectives to provide 1) Courthouse facilities that promote efficient interaction and communication between the Court's staff and other government agencies' staff and between the Court's staff and other parties involved in judicial proceedings; and 2) A new courthouse that is as accessible as the current courthouse for persons involved in judicial proceedings, government agency personnel, and the public would only meet these needs relative to the Probation Department if the new courthouse is constructed at or very near to the proposed Hunter Square Plaza site.

MR-3

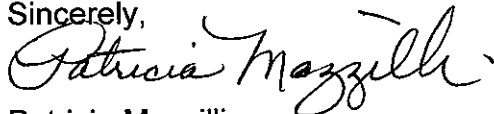
Another business need in support of the proposed Hunter Square site is that various judges at the Stockton Courts often send probation clients/defendants forthwith to the Probation Department to meet with their probation officer. The proximity of the courthouse to the Probation Department greatly improves the likelihood of the probationer complying with this order and obtaining the needed treatment program referral, providing his/her probation officer with new information that resulted in the violation of probation, or gaining other probation department assistance to aid him/her in successfully complying with terms and conditions of probation. This results in improved efficiencies by avoiding the need for the probation officer to file a subsequent violation with the court.

MR-3

For the reasons stated above, the project objective of Courthouse facilities that increase the efficiency of the Court's staff and operations and increase the Court's ability to serve residents of San Joaquin County would best be met by construction of the new Stockton courthouse at the proposed Hunter Square site.

Please feel free to contact me at your convenience for any further information in support of these comments.

Sincerely,



Patricia Mazzilli  
ASSISTANT CHIEF PROBATION OFFICER  
SAN JOAQUIN COUNTY PROBATION DEPARTMENT

cc: Honorable William J. Murray, Jr., Presiding Judge



P.O. Box 201010 | Stockton, California | 95201  
209.948.5566 | 209.948.8516 [fax] | www.sanjoaquinRTD.com

March 5, 2009

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

Dear Mr. Ripperda:

The San Joaquin Regional Transit District (RTD) appreciates the opportunity to review and comment on the DEIR issued for construction of the new Stockton Courthouse.

RTD supports the proposed Hunter Square site in keeping with the Downtown Stockton proximity. The site is less than three blocks from the Downtown Transit Center, and requires no additional provisions to accommodate the public transit dependent population. This location also supports a centralization of the downtown core, which maximizes transit as an alternative transportation option for residents. If the Hunter Square site is dedicated, RTD expects a *less than significant impact* in relation to transit.

RTD-1

In contrast, if the Administrative Office of the Courts (AOC) chooses to expand the review of the alternative site on Washington Street, an expanded review of traffic impacts is recommended and requested. As discussed at the public hearing, the Washington Street alternative will require provisions for public transit, including new service between downtown and the new site. Many trips indicated as pedestrians within your traffic study would transfer from walking to riding public transit or driving personal vehicles. Please maintain this consideration when reviewing the site. RTD recommends a finding of a *potentially significant impact* associated with the Washington Street alternative, including additional mitigations for Public Transit amenities to be included in the site design.

RTD-2

Thank you for the opportunity to respond to this project. Please contact Nathaniel Atherstone at 209-948-5566, ext. 604 if you have any questions or require additional information.

Sincerely,

Donna DeMartino  
General Manager

RCVD '09 MAR 09

Cc: Nathaniel Atherstone, Planning Manager

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Schick, John

February 28, 2009

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

Re: San Joaquin County Courthouse plans

Dear Mr. Ripperda:

I am writing to express my view that the new proposed courthouse for San Joaquin County should be built in the immediate area of the present courthouse, commonly known as the Hunter Square Area. I am very much opposed to the idea of a courthouse facility at the alternative location on Washington Street.

MR-1

A bit about my personal background. I first saw the courthouse complex in Stockton in the fall of 1970. At that time I was a law clerk at the Solano County Public Defender's office and a law student at UC Davis Martin Luther King School of law. I had traveled with another lawyer to attend a court hearing on a writ we had filed. I remember well that the area of the courthouse was under construction as part of a redevelopment project. But it was clear that the courthouse was intended to be a part of the greater downtown Stockton complex, a tradition that goes back many years in this community.

In 1972, I obtained a job with the San Joaquin County Public Defender in Stockton. My legal work has been in this community for the past 37 years. After five years in the public defender's office, I went into private practice. I have had offices in the downtown area for the past eight years.

Last summer, I took a full-time position as a professor of law at Humphreys College Laurence Drivon School of Law in north Stockton. So at the current time, I do not have occasion to come to the courthouse very often. But from my many years of trying cases in the courthouse and having office space within a block of the courthouse, I know that I would be devastated to think of having a location as inconvenient as the proposed Washington Street complex.

MR-3

I understand that from an environmental standpoint, there is supposedly more open space in the Washington complex idea. However, I don't think that concept has much application when we are talking about doing the business of the courts. I am a great lover of open space and my primary non-law hobby is birding. So I spend lots of time in the open spaces of this county and other locations in this state.. I grew up in an agricultural community in Ohio and I always love to go outdoors when I can.

Schick-1

But when we talk about the work of the courts, I think efficiency is the one thing we all want to accomplish. Our San Joaquin County courts are currently involved in a new system of “Home Courts” that is being implemented with the idea of efficiency in mind.

This county has grown tremendously in the past 37 years I have been here. And it has been a challenge for the court system to keep up with that growth. A plan that moves the courthouse to a location that makes it more difficult for the primary uses of that space to attend will greatly DECREASE the desired efficiency.

I thus urge you to choose the Market Street location for the new courthouse. I thank you for taking the time to listen to my comments.

Sincerely,

John C. Schick  
Professor of Law

**From:** Schwarzenberg, Ellen [eschwarzenberg@sjgov.org]  
**Sent:** Monday, March 09, 2009 2:53 PM  
**To:** Ripperda, Jerry

As a long time practitioner here in San Joaquin County, a member of the Board of Governors of the San Joaquin County Bar Association as well as chairperson of the probate committee, I would like to make you aware of some of the difficulties posed by locating the new courthouse outside the downtown corridor. I informally canvassed the attorneys and personnel who work with me in the San Joaquin County Public Defender's Office and not a single individual supported the proposed move. Not only is it believed the move would contribute to unanticipated traffic congestion, but it would draw workers from the downtown area that is just beginning to embark on a cultural renaissance.

MR-5

MR-4

The majority of the workers who are located in the downtown corridor are the same workers who make their way, day to day, to and from court. These workers, attorneys and their clerical support staff, would be sorely inconvenienced should the courthouse be moved from its Hunter Square location. Moving the courthouse would also require a greater time commitment for those making daily court appearances. For instance, a late add-on file which today can just be 'brought across the street' would, if the courthouse were to be moved, not make its way to the attorney handling the matter, necessitating a second, and otherwise unnecessary appearance.

MR-3

Further, I do not believe issues of congestion and pollution have been adequately studied such that a final determination should, at this time, be made. I am aware that a great many others have expressed their concern regarding relocating the courthouse, and I would like to add my voice to theirs, and request that at the very least, further evaluation and study be done prior to making a final decision.

MR-5

Sincerely,

Ellen S. Schwarzenberg

Shackelford, John



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

Dear Mr. Jerome Ripperda:

I am writing to have my comments included in the Final Environmental Impact Report (EIR) so the decision makers can see I support the Administrative Office of the Courts' (AOC) proposal to construct a new courthouse in Stockton's Hunter Square and oppose the Washington Street site.

MR-1

I believe the Washington Street site will have a negative impact on the downtown environment. It would cause vacancies to properties within the immediate area (within four blocks) of the current courthouse adjacent to Hunter Square. These vacancies would cause the deterioration of this area as we saw from the 1970's-1990's when downtown businesses moved out north. It has only been since 2004 that the downtown has seen a significant turnaround and rejuvenation.

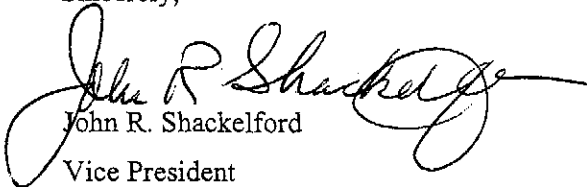
The area around the current courthouse has come to be known as the "government district". Therefore, businesses and government aligned services are clustered in properties within a 2-4 block walking distance of the courthouse. Studies about most downtowns, including Stockton's downtown, have shown that people will only walk 2-4 blocks to get to a location before they want to be transported. Moving the courthouse to Washington and Madison would entail more than a six block walk from its current site. This would cause businesses that rely on servicing the courts to shut down or abandon their current locations and move, if they could afford it, to be closer to the courthouse. Business locations would spread out, thus reversing the revitalization strategy in place for business clusters to surround the current government district around Hunter Square.

MR-4

I therefore encourage you to consider the negative impact a new courthouse will have at the Washington Street location and encourage your support for the Hunter Square site.

Thank you for your support.

Sincerely,

  
John R. Shackelford  
Vice President

Shackelford, Lajla



# CIVIL JUDGMENT RECOVERY AGENCY



STOCKTON and REDDING OFFICES

777N. Pershing Ave. #2a, Stockton, CA 95203

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(530) 241-6668

Fax (530) 241-8869

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

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MR-4

I therefore encourage you to consider the negative impact a new courthouse will have at the Washington Street location and encourage your support for the Hunter Square site.

Thank you for your support.

Sincerely,

Lajla E. Shackelford

owner

**From:** Dennis Shore [dshore@bhsrmck.com]

**Sent:** Tuesday, March 03, 2009 3:57 PM

**To:** Ripperda, Jerry

**Cc:** Murray, William J.

**Subject:** Location of new courthouse

Mr. Jerome Ripperda

Administrative Office of the Courts

Northern/Central Regional Office

Dear Mr. Ripperda:

I have been following, with great concern, the decision making progress as to where to locate the proposed new San Joaquin County courthouse. For many reasons, a few of which are discussed below, I believe the Hunter Square location is the only viable location for the new courthouse. Key reasons are:

MR-1

Regular court users who have offices near the current courthouse will not walk to and from their offices to Washington Street, they will drive. Even in good weather, its too far and, when you have to be in court at a certain time, the vast majority of attorneys will not take the additional 15-20 minutes to walk. This will result in increased downtown traffic and increased gas emissions further deteriorating air quality. Public transportation will not counter this problem because the bus schedule will not correlate to the court's schedule and, in all likelihood, will not be running to the courthouse when you need it to. Also, many of those who use the courts daily do so multiple times a day. It would be incredibly inconvenient to have to travel several times a day to Washington Street let alone the wasted tax dollars when the travelers are County employees, such as public defenders, or additional costs to clients for private attorneys. The inconvenience would be exacerbated if witnesses and other people associated with their cases have to travel from their offices to the courtrooms on Washington Street carrying numerous files, documents, exhibits, and other items needed for court.

MR-5

MR-3

Also of concern is the adverse economic impact on downtown businesses if the courthouse is moved. When I came to Stockton in the early 1970s, downtown was still vibrant with restaurants, department stores, stationery stores and other businesses. Then, because of movement to the mall in North Stockton, downtown became a shell. Now, after many years and millions of dollars spent trying to revitalize downtown, there is finally significant movement in that direction. Moving the courthouse would be the deathknell for many of those businesses that depend on customers from the courthouse including those employed there as well as visitors, jurors, etc.

MR-4

It is equally probably that since private attorneys like to locate near the courthouse, private law offices will move to Washington Street further exacerbating the negative economic impact on merchants who specifically located near Hunter Square and are bound by leases and other financial

responsibilities tied to their location. With significantly fewer customers, they face financial difficulties if not ruin. And who will fill the empty law offices? My belief is that moving the courthouse will cause a chain reaction which will set downtown Stockton back decades and, without another major draw like a courthouse, it may never recover.

I hope those who are making this decision consider not just the financial side, and not just the convenience side, but all sides of the issue. When that is done, I am confident the conclusion will be that the new courthouse must be located at Hunter Square.

Thank you for reading this rather long email and for your consideration.

Dennis Shore, Esq.  
Brown, Hall, Shore & McKinley, LLP

**From:** Jerry Sperry [gasperry@agspanos.com]

**Sent:** Saturday, February 14, 2009 3:27 PM

**To:** Ripperda, Jerry

**Subject:** Court House

Gentlemen: I served the City of Stockton as City Attorney from 1976 to 1986. I was then in private practice as a partner in Max Freeman's firm until 1998. I then worked for Mr. Alex Spanos with the specific assignment to "Take Care of My Projects" until Sept 2008. I have now retired and am living with my wife in Santa Cruz.

The Court House is extremely important to the City of Stockton and more particularly Downtown. Downtown is starting to recover which is extremely important to the members of the City Council, the citizens and the viability of the City. For the above reasons, I highly support the Court House remaining on its present Site.

MR-4

Jerry Sperry, Esq  
165 Marine Parade  
Santa Cruz,  
California 95062



From: [Steve Stevenson](mailto:steve.stevenson@bankbac.com) [steve.stevenson@bankbac.com]  
Sent: Friday, March 06, 2009 9:09 AM  
To: Ripperda, Jerry  
Subject: Downtown Stockton Courthouse Location

Mr. Jerome Ripperda

Administrative Office of the Courts

Office of Court Construction and Management

2860 Gateway Oaks, Suite 400

Sacramento, CA 95833-3509

e-mail: [Jerry.Ripperda@jud.ca.gov](mailto:Jerry.Ripperda@jud.ca.gov)

FAX: (916) 263-8140

Dear Mr. Jerome Ripperda:

I am writing to have my comments included in the Final Environmental Impact Report (EIR) so the decision makers can see I support the Administrative Office of the Courts' (AOC) proposal to construct a new courthouse in Stockton's Hunter Square and oppose the Washington Street site.

MR-1

Bank of Agriculture & Commerce has been a property owner in downtown since 1968 and recently moved to a larger facility to support our growth. I believe the Washington Street site will have a negative impact on the downtown environment. It would cause vacancies to properties within the immediate area (within four blocks) of the current courthouse adjacent to Hunter Square. These vacancies would cause the deterioration of this area as we saw from the 1970's-1990's when downtown businesses moved out north. It has only been since 2004 that the downtown has seen a significant turnaround and rejuvenation.

MR-4

The area around the current courthouse has come to be known as the "government district". Therefore, businesses and government aligned services are clustered in properties within a 2-4 block walking distance of the courthouse. Studies about most downtowns, including Stockton's downtown, have shown that people will only walk 2-4 blocks to get to a location before they want to be transported. Moving the courthouse to Washington and Madison would entail more than a six block walk from its current site. This would cause businesses that rely on servicing the courts to shut down or abandon their current locations and move, if they could afford it, to be closer to the courthouse. Business locations would spread out, thus reversing the revitalization strategy in place for business clusters to surround the current government district around Hunter Square.

MR-4

I therefore encourage you to consider the negative impact a new courthouse will have at the Washington Street location and encourage your support for the Hunter Square site.

MR-1

Thank you for your support.

Steven P. Stevenson

Executive Vice President

Sales & Service

Bank of Agriculture & Commerce

ECC Bank, a Division of Bank of Agriculture & Commerce

Phone: (209) 473-6523

Fax: (209) 373-2540

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**The Superior Court**

222 E. WEBER AVENUE, ROOM 303  
STOCKTON, CALIFORNIA 95202

*Hon. William J. Murray, Jr.*  
*Presiding Judge*

TELEPHONE  
(209) 468-2827

March 9, 2009

Mr. Jerome Ripperda  
Environmental Analyst  
Office of Court Construction Management  
Administrative Office of the Courts  
Northern/Central Regional Office  
2860 Gateway Oaks, Suite 400  
Sacramento, California 95833-3509

VIA EMAIL

RE: Comments to Draft Environmental Impact Report for Stockton Courthouse Project

Dear Mr. Ripperda:

The below comments to the Draft Environmental Impact Report are submitted on behalf of the Superior Court serving San Joaquin County.

**I. INTRODUCTION**

The court urges the AOC to identify Hunter Square/Hunter Square Expanded as the environmentally preferred site, instead of the Washington Street alternative. We also believe that if Hunter Square/Hunter Square Expanded is not identified as the environmentally preferred site, the record demonstrates overriding considerations. Clearly, the Hunter Square/Hunter Square Expanded site meets all of the project objectives. The Washington Street alternative not only fails to meet the objectives, but will significantly impair our ability to meet those objectives. We also believe the so-called Private Parcel site is not feasible and should be rejected.

Superior Court-1

Superior Court-2

Superior Court-3

The main reasons why Hunter Square/Hunter Square Expanded should be identified as the preferred environmental site instead of Washington Street are listed immediately below. These impacts and other impacts related to the Washington Street site are discussed in more detail herein.

1) Increased traffic resulting from downtown core government agency and law office personnel migrating to and from the Washington Street site multiple times a day will significantly impact downtown traffic during the day;

MR-5

2) The increased traffic in downtown during the day will increase greenhouse gas emissions, an impact that is contrary to the State goal of decreasing greenhouse gas emissions;

MR-9

3) Moving the courthouse operations to Washington Street will negatively impact the downtown economy and result in urban decay and other physical changes to the downtown core; and

MR-4

4) Moving the courthouse from what has been called the heart of Stockton's historic downtown to Washington Street on the fringes of downtown is inconsistent with the history and heritage of Stockton. Since the early years of the city, the county's main courthouse has been located in the core of downtown Stockton serving as the hub of downtown activities. Hunter Square is less historically significant than the location of the courthouse.

MR-6

## **II. HUNTER SQUARE/HUNTER SQUARE EXPANDED**

### **Project Objectives**

The Hunter Square/Hunter Square Expanded site meets all of the project objectives.

Superior Court-3

### **Open Space**

It is appropriately stated in the DEIR that under the Hunter Square Expanded alternative there will be an increase of open space from the half acre current space to one acre. The DEIR appropriately states that there will be only a loss of one tenth of an acre if we are unable to acquire the small parcels to the west of Hunter Square. However, it should also be emphasized in the EIR that there will be a net gain of open space if we are able to acquire some, but not all of the small parcels west of Hunter Square.

Superior Court-4

It should further be emphasized in the EIR that the Hunter Square/Hunter Square Expanded alternative does not eliminate all of the available open space downtown. The public can also enjoy DeCarli Square, located less than a block away from Hunter Square and the Weber Point Events Center, located two blocks away. The county's plans to raze the current courthouse once the court moves from the existing courthouse and build a new plaza in its place will be a tremendous improvement over the existing open space. Framed by the new county administration building to the east and the new courthouse to the west, the new plaza will be much larger. It is anticipated that the quality of the open area will be greatly enhanced over the existing Hunter Square.

Superior Court-5

Superior Court-6

### **Main Street Pedestrian Traffic and Loss of the Fountain**

The pedestrian walkway connecting Main between Hunter and El Dorado need not be linear to provide a pathway for pedestrians. The walkway could be run south in a "U" shape at the back of the courthouse. This would free up additional space to push the building footprint slightly further south. This would result in more open space in front of the courthouse along Weber Avenue. A new fountain could then be located in front of

Superior Court-7

the building as suggested by the historical consultant. Use of the front of the courthouse to replace some of the lost open space was what was contemplated by the court and all participants in the court's facilities master plan.

Reconfiguring the pedestrian walkway in a "U" shape south of the courthouse might also have the added benefit of achieving a more secure and less problematic navigation path for prisoner transportation buses and other vehicles entering the secure parking area in the rear of the courthouse. Pedestrians could safely be guided around the sallyport and parking entrance/exit if the pathway swung to the south and then back to the north in a "U" shape.

Superior Court-7  
(continued)

### **Historical Significance of Hunter Square**

The court acknowledges that Hunter Square has historical significance. However, whatever significance Hunter Square has is the result of the fact that there has always been a courthouse adjacent to it.

MR-6

Captain Weber donated the block surrounded by San Joaquin, Main, Hunter and Weber, for the courthouse and city hall. It has been written that Captain Weber insisted on a plaza next to the courthouse because of his belief every California town had a plaza.<sup>1</sup> The location of the courthouse was important enough for the early leaders of the city to fill in the slough to make way for the plaza Captain Weber desired. It appears that no effort to fill in the slough for the plaza would have been undertaken had Stockton's early leaders not found it desirable to locate the courthouse in the center of the city.

The significance of the courthouse relative to the square is also reflected in the name by which the square was known. In addition to Hunter Square or Hunter Plaza, the area has also been referred to as "Courthouse Plaza."<sup>2</sup> While historical events took place in the plaza,<sup>3</sup> these events occurred with the courthouse as the backdrop.<sup>4</sup> None of the past historical features remain in Hunter Square. They have long since been removed. In fact, the current features in Hunter Square are not as old as the current courthouse that will be demolished. Even the historical consultant notes that Hunter Square has "special importance by its historic proximity to the Courthouse."

Before and after the current configuration, Hunter Square has been regularly used as a parking lot. Its historical significance seems diminished in light of this every day use.

MR-6

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<sup>1</sup> Martin, *Stockton Album Through the Years* (1959), p. 40; See footnote 8, *infra*.

<sup>2</sup> See Kasser, *supra* at p. 100 [See the heading under a photo of the 1876 balloon ascension describing the location as "Courthouse Plaza."]

<sup>3</sup> The historical consultant mentioned the July 4, 1876 balloon ascension. That event has been described as a "failure." Wood and Covello, *supra*, at p. 62. ["In 1876 an effort to hold a balloon ascension in Hunter Square was a failure."]

<sup>4</sup> Kasser, *supra* at p. 101 ["The plaza, with the courthouse as backdrop, was the home of annual festivals."]

## **Traffic**

### **Nature of the Courthouse Project**

The consultant's study is based on erroneous assumptions. First, the study assumes the county will occupy the current courthouse wing of the building. This is clearly not the county's plan. Yet the study assumes there will be increased traffic resulting from people who will occupy new office space created in the existing court wing once the court moves out. The traffic impacts are exaggerated by this erroneous assumption.

Second, the traffic consultant evaluated the traffic impact as if our new courthouse was a new facility with expanded services that would attract more people than would otherwise come to downtown Stockton. In other words, the consultant evaluated the proposed facility as if it were a new commercial project, assuming that it would generate traffic where none existed before. The consultant acknowledged that the impact on traffic would actually be less if the project were considered an expansion facility.

Our new courthouse is neither a new facility, nor an expansion facility. It is actually a replacement facility. The court's operations in the current main building on Weber and the leased annex on Main Street will be consolidated into the new building. As a replacement facility in which operations will be consolidated, the court will not offer new services that bring more people to the facility. With the exception of two program areas, the self-help center and child waiting room, the services provided by the court will be the same services provided in the main building and the annex. Although our self-help center will be expanded and we will have a child waiting room that we currently do not have, these services will not bring more people to the courthouse. The people using those services will come downtown regardless of those services because they have cases or other court business in the courthouse. The assumption that the new courthouse is a new facility with expanded services attracting more court visitors than would otherwise come to downtown Stockton is erroneous. As a consequence, the traffic impact is exaggerated.

Unfortunately, the traffic consultant approached the study based on two major assumptions that were erroneous. We are hoping this will be clearly addressed in the final EIR.

### **Interviews and Surveys**

It is unclear whether the traffic consultant conducted their own surveys and interviews. In a footnote in Table 4, they reference a survey done in April and May of 2008. If this was the Court Tools survey done by the AOC, that survey included only people who voluntarily participated. If the consultants conducted their own surveys or interviews, it is not clear when those things took place. Nor is it clear whether the term "court visitors" includes regular court users such as law enforcement, county law office personnel, private attorneys or simply civilian visitors coming to the courthouse for purposes related to a specific case. These things should be clarified in the final EIR.

Superior Court-8

Superior Court-9

## **San Joaquin Street Intersections**

The study ignores San Joaquin Street as one of the streets that would provide access to the Hunter Square/Hunter Square Expanded site and nearby parking. Traffic traveling from southbound I-5 to the downtown exit, to eastbound Lafayette Street, to northbound San Joaquin was not analyzed. Nor did the study analyze traffic traveling from westbound Route 4, exiting at Stanislaus Street to westbound Washington Street to northbound San Joaquin Street. This path is actually the most direct route from the freeway to the parking lots under the freeway, the County Motor Pool/Hunter Street Parking Garage on San Joaquin, the Channel Street Garage at the corner of San Joaquin and Channel, and the Edmund Coy parking garage which is one block west of San Joaquin and Channel.

Superior Court-10

Superior Court-11

It should be noted that traffic surveys done on El Dorado, Stanislaus and Center were conducted at a time when many drivers may have been avoiding San Joaquin Street because of the construction of the new county administration building. The predicted impact on the intersection of El Dorado/Weber and the intersection at El Dorado/Washington is exaggerated as a consequence. Also, the impact on the intersections of San Joaquin/ Lafayette, San Joaquin/Washington, San Joaquin/Market, San Joaquin/Main, San Joaquin/Weber and San Joaquin/Channel appears to have not been considered at all. Nevertheless, we believe the DEIR correctly recognizes that the predicted impact at El Dorado and Weber is exaggerated because traffic patterns will spread out to local garages from the freeway.

Superior Court-12

Superior Court-10

Superior Court-13

## **Traffic Mitigation**

In light of the erroneous assumptions and apparent exaggerated traffic impacts on El Dorado/Washington and El Dorado/Weber, the court strongly recommends deleting reference to shower facilities as a traffic mitigation measure. We understand the showers may earn LEED points for the project. On the other hand, we predict the showers will be used rarely, if at all. Consequently, this is not a realistic mitigation measure.

Superior Court-14

Furthermore, there is no space in the current space plan for shower facilities, and the space plan is tight enough as it is. To include male and female shower facilities for employees that would rarely be used means sacrificing space that could be used to service the public or used for some other operation of the court. In fact, all of the mitigation measures on page 4-101 appear unnecessary in light of the traffic consultant's erroneous assumptions concerning our proposed project and the failure to recognize San Joaquin Street as another north-south route to and from the freeway.

Superior Court-14

## **Parking**

The court is in agreement with the survey findings which reveal that existing parking in the downtown core area is actually underutilized. However, it should be emphasized in the EIR that the new courthouse facility will not be the cause of increased parking demand.

Superior Court-15

The courthouse project is not a new department store that brings people to a new location. If no courthouse were ever built in downtown Stockton, virtually the same parking demands would exist in the downtown Stockton core. What drives the number of people coming to the courthouse is not the facility, but the county's population, the case filings and other business the court is required to do. The proposed project will have no effect on the number of crimes committed, lawsuits filed, traffic tickets written, etc.

Superior Court-15  
(continued)

As noted above in our comments on traffic, the new courthouse will replace the current courthouse on Weber and the leased annex on Main Street. When we move into the new facility in 2013, the need for parking for court visitors in downtown's core will be the result of the number of cases filed in the main courthouse and the annex. Consolidating our main courthouse and annex operations into a new building in Hunter Square in 2013 will not increase the need for parking. We will have the same total number of courtrooms after we move in, and the same number of people will come to downtown Stockton to visit the court at that time. Future increases in parking demand will be the result of increased population and increased case filings that will occur even if the new facility is not built. The only parking impact related to the Hunter Square/Hunter Square Expanded project is the loss of the approximately 50 short-term metered parking spaces in Hunter Square.

The court disagrees with section 4.11.3.6 of the DEIR which indicates that there will be an additional 100 visitor and 100 juror trips per day added when the court begins operations in the new courthouse. There is no basis for the prediction of 100 new visitor trips. As for juror counts, it is difficult to predict daily counts. The number of jurors appearing on any one day is highly variable. Moreover, by the time the new courthouse is completed, we would have been summoning jurors to appear in the leased annex for some time. When the court begins operations in the new courthouse, we will summon the same number of jurors as we had when conducting jury trials in the two downtown buildings. The only difference is jurors will report to one building, the new courthouse.

Superior Court-16

### III. WASHINGTON STREET ALTERNATIVE

#### Project Objectives

The EIR should acknowledge that the Washington Street site is inconsistent with the following project objective:

- A new courthouse that *is as accessible* as the current courthouse for persons involved in judicial proceedings, government agency personnel, and the public.

Superior Court-17

The distance from the downtown core offices of the regular court users precludes this objective from being realized.

The EIR should acknowledge that the Washington Street site is substantially inferior to the Hunter Street site and in many ways inconsistent with the following project objectives:

Superior Court-3



- Courthouse facilities that *increase the efficiency* of the Court's staff and operations and increase the Court's ability to serve residents of San Joaquin County.
- Courthouse facilities that *promote efficient interaction and communication* between the Court's staff and other governmental agencies' staff and between the Court's staff and other parties involved in judicial proceedings.

Superior Court-3  
(continued)

### **Distance from Downtown Court Users**

The DEIR notes that the distance between the Hunter Square site and the Washington Square site is one-third of a mile. The relevant distance is actually at least one half mile.<sup>5</sup>

Superior Court-18

Regular users of the court have offices in or within easy walking distance to the current courthouse. These include county agencies such as the District Attorney's Office and the Public Defender's Office, as well as many private lawyers. The County Child Protective Services staff, the County Counsel attorneys who represent that agency and the

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<sup>5</sup> Odometer readings have been done by the court using the current courthouse parking driveway on San Joaquin Street as the eastern end point and mid-block on Monroe Street between Washington and Market as the western end point. The driveway on San Joaquin Street was selected because it is the likely place from which district attorney vehicles necessary to transport files, other items needed for court, and people will leave in route to the Washington Street site. That driveway is actually closer to the Washington Street site than many of the downtown private law offices and the future location for the Public Defenders office located east of the current courthouse. The driveway is also closer to the Washington Street site than the San Joaquin County Law Library, which is located one block east of the existing courthouse. The Adult Division of the Probation Department is located slightly closer to the Washington Street site in a building located a block west of the San Joaquin Street driveway.

Mid-block on Monroe Street between Washington and Market was selected to be the western point because it appears from the drawings of the Washington Street site footprint that the entrance to the courthouse will be at that approximate location.

It is also worth noting that it seems likely any walkers will walk Weber or Washington Street since the so-called Main Street pedestrian walkway does not go all the way through to our Washington Street site. The walkway dead-ends at Commerce. Walkers will want to take advantage of the views along Weber of the deep water channel and other nearby sights instead of walking on Washington Street.

Four routes were driven to measure the distance between the two end points.

1. The courthouse driveway on San Joaquin to south on San Joaquin, to west on Washington, to north on Monroe, to mid-block of Monroe = .6 mile.
2. Mid-block on Monroe to east on Market to north on Madison to east on Weber to south on San Joaquin to the courthouse driveway = .6 mile. (cont.)
3. The courthouse driveway on San Joaquin to south on San Joaquin, to west on Main Street, to west on Parkers Alley, crossing El Dorado through the Financial Center Credit Union parking lot, to south on Center, to west on Washington to north on Monroe to mid-block on Monroe = .6 mile.
4. Mid-block on Monroe to east on Market to north on Madison to east on Weber to south on Commerce to east on Market to north on San Joaquin to Courthouse driveway = .9 mile.

Probation Department have offices nearby as well. Representatives of these offices visit the courthouse daily handling matters throughout the day. If the court were to move to Washington Street, these regular court users would have to travel over a half a mile and then back again to their offices multiple times during the day. In doing so, they would often have to transport their witnesses and other people associated with their cases from meetings in their offices to the courtrooms on Washington Street. Many attorneys and agency personnel bring numerous files, documents, exhibits, and other items needed for court. There will be a financial cost to the county, and the county's taxpayers will have to fund these multiple daily trips to and from the courthouse.

Superior Court-18  
(continued)

### **Loss of Efficiency**

The District Attorney's Office, Public Defender's Office, other agencies and law offices located in the core will lose efficiency because of the distance. Valuable time will be wasted traveling back and forth. As these offices lose efficiency, so will the court. One of the biggest complaints we hear about the justice system relates to perceived delays in the delivery of justice. The delays associated with travel to and from the courthouse will add immeasurably to those delays. Contrary to the project objective of increasing efficiency and increasing interaction and communication between the court and regular court users, moving to Washington Street will decrease our efficiency and severely limit interaction and communication, to the detriment of the public.

MR-3

### **County Law Library**

The DEIR does not mention the impact of moving the courthouse to the Washington Street site on the County Law Library and its users. Self-represented parties and attorneys routinely use the County Law Library, which is currently located only a block east of the current courthouse. The distance to the Washington Street site will severely impair use of the law library.

### **Increased Vehicle Traffic**

While some regular court users may walk to and from their offices occasionally to Washington Street when the weather is good, it is more likely that most will drive from their downtown offices to Washington Street. This will result in increased downtown traffic during the day and an increased parking demand in the Washington Street area. While public transportation could be provided, such transportation will not be particularly helpful for daily transportation of files and other items necessary for daily court appearances. Nor will public transportation assure timely appearances in court. The cost of funding public transportation for county agency personnel will result in additional costs to the taxpayers. Use of public transportation will expose certain county attorneys and agency personnel to security risks related to sharing transportation with people associated with their cases.

Superior Court-19

No interviews were done concerning traffic behavior of the county law office personnel, county agency personnel or private attorneys in an attempt to determine travel behavior if the court were to move to Washington Street. Instead, a shortcut appears to have been taken, in that the consultant used interviews and surveys premised on the

location of the current courthouse. Moreover, the consultant only looked at morning and evening peak hour travel.

Superior Court-19  
(continued)

The traffic study is severely flawed for the Washington Street alternative because it does not examine the daily migration of downtown law office and county agency staff going to and from the Washington Street site multiple times during the day. The impact of this daytime traffic cannot be ignored. This new traffic may not reach the peak levels of morning and afternoon traffic, but it is an impact nevertheless. In fact, the lunch hour exodus might be close to the morning peak hours when factoring in trips of those who have concluded their business at the courthouse for the day by the end of the morning combined with those leaving the courthouse for lunch.

Superior Court-20

We also think the morning traffic is underestimated. Downtown law office and other agency staff will continue to park in parking located near their offices in the morning. After stopping at their offices, they will then get back into their vehicles and drive over to Washington Street to make morning court appearances. In other words, many people will travel through many of the downtown intersections twice in the morning, once on their way to their offices and again on the way to the Washington Street site. The study does not address this predictable behavior at all.

### **Traffic Pattern Analysis**

The consultant opined that most vehicles will travel to the courthouse by taking Washington Street westbound. As discussed in the next section, this opinion is erroneous.

The consultant opined that the likely route to the freeway away from the Washington Street site would be westbound on Washington, to south on Lincoln, to west on Lafayette, to North on El Dorado, to west on Washington and west onto the freeway onramp. The consultant did not look at what might be perceived by many as shortcuts: 1) East on Market, to north on Madison, to east on Weber, to south on Center, to west onto the freeway onramp; 2) East on Market, to north on Madison, to east on Weber to south on Commerce, to east on Market, to South on Center, to west onto the freeway onramp. These are also routes that will be used by people leaving the Washington Street site. The second route involves a residential area on Commerce between Washington and Weber.

Superior Court-21

### **Impact on Pedestrian Traffic**

On page 18 of the traffic study, the traffic consultant opined that traffic to the courthouse would likely use Washington Street. The consultant wrote, "Traffic for the alternative site would likely travel westbound on Washington Street and turn right into the court building/parking lot. . ." This assumption is incorporated into the DEIR. This implicitly discounts the impact resulting from those who use westbound Weber from the downtown core to access the Washington Street site. Many traveling from downtown core offices will use Weber instead of Washington Street. By doing so, they will avoid traffic traveling toward the freeway onramps.

Superior Court-22

As acknowledged in the study, the intersection at Weber and Madison is not currently controlled. However, the consultant goes on to say this intersection would operate at acceptable conditions without traffic signals. It is hard to understand how the consultant could arrive at this conclusion.

A high school, Weber Institute, is on Weber Avenue. The front entrance to the school is located on Weber approximately one block west of Madison. During the morning peak hours and in the early afternoon, high school students walking to and from Weber Institute along the south sidewalk on Weber Avenue must cross the intersection at Weber and Madison.

The traffic impact on the school's pedestrian students should be mentioned in the EIR traffic section. This impact should also be mentioned in what is now 5.3.09.2.3, "*Schools, parks, and other public facilities and services*" The schools section currently reads ". . . the project will not have a significant effect upon schools . . ." This is erroneous. There will be a significant increase in the traffic at the intersection of Weber and Madison. Consideration must be given to installation of traffic controls or other mitigation measures at this intersection.

Superior Court-23

Also, it is apparently expected that downtown law office and agency personnel will walk to the Washington Street location. Because of the view of the deep water channel and marina and the location of the downtown law offices, the relatively few who walk from the downtown core will likely walk westbound on Weber, not Washington. These individuals will either cross at Weber and Madison and walk southbound on Madison or walk south on Madison from Weber and cross at Madison and Market. Consequently, not only might there be a need for traffic controls or other mitigation at Weber and Madison, but perhaps also at Madison and Market.

Superior Court-23B

### **Market Street**

Market Street is currently a fairly narrow road which provides for east and westbound traffic in single lanes. Consideration will need to be given to widening this road or limiting traffic to one-way eastbound traffic.

Superior Court-24

### **Parking**

Table 5-5, p 5-45 should indicate the number of court employees who will need parking as being approximately 300. This number should be subtracted from the total to reflect the number of spaces actually available to the public.

Superior Court-25

### **Greenhouse Gas Emissions**

The multiple daytime vehicle trips from offices in the downtown core by regular court users and increased public transit traffic to move people from the transit hub to the Washington Street site will significantly increase greenhouse gas emissions. These emissions would not occur if the courthouse were constructed in the downtown core in Hunter Square. Moving the courthouse to Washington Street is in direct conflict with the State's greenhouse gas reduction goal. Even without study, this impact appears to be

MR-9

significant. The finding at 5.3.02.2.6 that the impact on greenhouse gas emissions will be less than significant for the Washington Street site is erroneous.

MR-9 (continued)

### **Impact on Weber Institute and Children's Museum**

Aside from the pedestrian traffic impact on Weber Institute, there is another impact that should be addressed in the EIR. If the courthouse were built on Washington Street, only the proposed courthouse parking lot would separate the facility from a high school. People charged with and previously convicted of offenses, including crimes against children, sex offenses, drug offenses and gang related activity will be required to come in close proximity with the school in order to get to the courthouse. In fact, there will be times when they share the same sidewalk with students on Weber Avenue.

The area behind Weber Institute now suggested by the AOC as a location for the parking lot was actually considered by the Project Advisory Group as a potential location for the courthouse. One of the reasons that area was rejected was because of its proximity to the school. Separate from the Project Advisory Group discussions, AOC and city staff apparently arrived at an understanding that the AOC will be allowed to acquire that property for use as a parking lot. That use effectively brings the courthouse and its users even closer to the school than the Washington Street site. As long as the Stockton Unified School District operates a school there, the courthouse will present an impact on that school. This impact should be addressed in the EIR. The observation at 5.3.09.2.3 of the DEIR that the project will not have a significant effect upon schools should be modified.

MR-7

For the same reason, there must be recognition given in the EIR to the impact on the nearby Children's Museum. The Children's Museum is located on the corner of Weber and Lincoln, only two blocks away from the Washington Street site. Building the courthouse nearby will bring some of our court customers who should not be near children in close proximity with them. Parents and those responsible for these children may become reluctant to take their children to the museum as a result of building the courthouse on the Washington Street site.

### **Impact on Police Services**

The main homeless shelter for the city and St Mary's Dining Hall is located in the vicinity of Lincoln and Sonora Street, a few blocks away from the Washington Street site. Homeless camps periodically spring up under the freeway.

Unfortunately, the economic, drug addiction, and mental health challenges facing many of the homeless results in criminal activity and victimization. Our court has been very proactive in addressing the issues faced by the homeless and regularly holds court sessions at St. Mary's Dining Hall as well as other special programming. When we are programming in the area, additional police services are requested and provided because of concerns related to potential victimization.

MR-8

While there is reason to believe the incidence of crime in this area may be reduced by the presence of a new courthouse and other development in the area, it will take time for this to occur. In the meantime, there will be the need for additional police

services. Also, the incidence of crime victimization will never completely subside. The “broken window” theory will never completely apply. The homeless population will continue visiting the area because the dining hall and shelter will continue to attract and serve this population.

MR-8  
(continued)

### **Impact on Transit Services**

Moving the courthouse to Washington Street will mean the courthouse will be nearly a mile from the transit hub. One of the significant reasons the transit hub was built at its current location is because of its proximity to the current courthouse. The public transit agency will need to provide additional routes if the court moves to the Washington Street site. This will increase the transit agency’s costs.

Superior Court-27

### **Economic Impact Resulting in Urban Decay and Other Physical Changes in Downtown Stockton**

Moving the courthouse away from the downtown core to Washington Street will have an adverse economic impact on the downtown core businesses. Stockton has a history of urban decay. That history will be revisited if we move the court away from the downtown core. Urban decay occurred in our city beginning in the 1970s when large retail stores such as Macy’s and JC Pennys and other businesses moved to north Stockton. The result was devastating for the downtown core. Downtown buildings became vacant shells. Urban decay resulted, and bat, roach and rodent infestations occurred. The city has only begun to come back from that dark era as a result of significant redevelopment efforts. Yet, parts of downtown are still in a state of decay.

Moving the courthouse operations from the center of downtown Stockton will have the same effect as the migration of large retailers from downtown. It will serve as a magnet pulling people away from the downtown core, setting off a chain reaction that will result in business closures and urban decay similar to Stockton’s earlier history. The economy in Stockton is fragile. The fact that Stockton leads the nation in home foreclosures is an example of its economic fragility. Given the court’s role as a downtown anchor, there is every reason to believe urban decay will result if the court were to move.

MR-4

There is expert opinion concerning Stockton’s current state of decay and susceptibility to future decay. In 2007, the city council enacted an ordinance restricting “big box” retail centers. Their action was based on a study by Phillip G. King, Ph.D. King wrote, “Urban decay in urban areas can include several possible adverse impacts on the quality of capital stock and buildings in impaired condition, and involves aspects of “broken window” theory – that run down, abandoned buildings signal lack of public policy concern and invite vandalism, loitering, graffiti, high crime rates, and arson for profit. . . Such sites also pose significant policing problems and fire protection issues. They could become sites for dangerous rodent infestation and avoidable public health issues... Stockton is already experiencing urban decay and physical deterioration in its downtown.”<sup>6</sup> King observed that “[t]he City has made a concerted effort to revitalize

<sup>6</sup> Phillip G. King, Ph.D. and Shamila King, Ph.D, *Economic Analysis of a Proposed Ordinance to Limit Grocery Sales at Superstores in Stockton California* (2007), p. 24.

downtown Stockton, but the area is still a classic example of physical deterioration and urban decay. . . [A]s long as retailers are allowed to open up centers on the periphery, the downtown will continue to struggle and taxpayers' dollars will be spent to try and reverse a process which could potentially be mitigated. ¶In particular, the downtown area, which is slated for renewal still has a number of boarded-up properties and decayed retail sites.”<sup>7</sup>

Moving the court will have the same magnet effect as allowing retail development on the periphery. If the court moves its operations to Washington Street, existing downtown core businesses will lose the court's visitors, summoned jurors, and employees as customers. We are informed that there are studies which show the distance people will walk to services, and the Washington Street site is well beyond that distance from the downtown core. With parking provided across from the Washington Street location, we believe many visitors and court employees are likely to get in their cars and drive outside the downtown area for meals and services. It would seem that not only will the current downtown businesses be potentially affected, but the court's anticipated move in 2013 will likely have a chilling effect on new businesses that might otherwise consider locating in the downtown core.

The number of people who visit the main courthouse and annex daily is significant. Over the last five years, an average of 25,000 people per year appeared for jury service in our Stockton courthouse. Once selected, jurors spend multiple days downtown. While we are working to refine our daily visitor counts, we currently estimate that approximately 1,500 visitors per day go through the main courthouse magnetometers to conduct court business.<sup>8</sup> This does not include attorneys or agency personnel. They are not required to pass through weapons screening. A recent survey revealed that approximately 700 people pass through the magnetometers at the leased annex on Main Street per day. In addition to our visitors, there are nearly 300 court employees who work in the main Stockton courthouse and the annex. All of these people are potential customers for downtown core businesses, but few will visit the downtown core if the court moves to Washington Street.

Over the long term, office development may occur near Washington Street because there will be private law office demand for office space closer to the courthouse. Bail bonds offices and other businesses directly related to the court might also wish to locate there. In the short term, many attorneys who made the decision to lease offices in the core of downtown Stockton in order to be close to the courthouse instead of leasing nicer and newer office space in north Stockton will likely reevaluate that decision. When the law offices move from their current locations in the downtown core to north Stockton or into future development near the Washington Street site, office vacancies will result in the core. There will be few tenants to fill those vacancies.

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<sup>7</sup> *Id.* at p. 21

<sup>8</sup> We have deducted a number of people from the actual weapon screening count to account for the county agency personnel who pass through the weapons screening along with the court visitors at the main branch. Also, we realize that this method of accounting for our visitors is imperfect since many people who visit our courthouse may go through weapons screening more than one time during the day.

While a courthouse built on Washington Street could help development in the area of Washington Street in the distant future, it is likely that will occur at the expense of the downtown core at a time when economic recovery will be hard enough. Certainly, a negative economic hit to our downtown core will not help attract development to the Washington Street area. In fact, the deterioration of the downtown core will likely inhibit development in the Washington Street area. The court does not want to be seen as the entity that reversed the positive redevelopment efforts in downtown Stockton of the last several years.

MR-4  
(continued)

These impacts are not speculative. A crystal ball is not required to foresee these impacts. Given Stockton's history and susceptibility to urban decay, these impacts will reoccur. Public commentators representing the business community concur. These impacts must be considered in the EIR, at least to the extent that physical changes resulting in urban decay and other physical changes will result by moving the courthouse operations to the Washington Street site.

### **Historical Significance of the Location of the Courthouse**

The historical significance of the courthouse and its location has been overlooked. There has always been a courthouse in the core of downtown Stockton. Each of the three courthouses serving the county has been located in the same block on the street named after Stockton's founder, Charles Weber. The location for the first courthouse was debated from its inception.<sup>9</sup> Ironically, Captain Weber may have actually favored an area that is closer to the Washington Street site, an area that is now under the Cross Town Freeway. Instead he agreed to donate the Weber Avenue site when others emphasized its central location.<sup>10</sup>

MR-6

When the first courthouse was built, it was a source of great civic pride. Quoting author Daniel Kasser from his book, *Images of America: Downtown Stockton*, the historical consultant wrote at page 3 of the historical report: "The Courthouse and the surrounding plaza became a significant source of civic pride and the *hub* of downtown's Stockton's commercial life." (Emphasis added) Kasser went on to write, "The cornerstone for Stockton and San Joaquin County's first courthouse was laid in 1853. ***That stone anchored the community, launching Stockton on a marvelous course of***

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<sup>9</sup> Kasser, *Images of America: Downtown Stockton* (2005), p. 24

<sup>10</sup> Martin, *Stockton Album Through the Years*, *supra* at p. 40 ["The land for the courthouse was donated by Captain Charles Weber. He preferred to have the building located on the site of the old Franklin School, (Washington, Center, Lafayette, and Commerce streets) and considered the present location undesirable because it was between two sloughs. Branch Slough was on the west side (Hunter Square) of the lot and ran into Stockton slough and the Main Street Slough came down Weber Avenue and emptied into the Channel at the northwest corner of the proposed courthouse site. However, when others pointed out that the present location (Weber, San Joaquin, Main and Hunter streets) was the only centrally located vacant block in the young and rapidly growing city, he agreed to donate it for use as a site for a courthouse. However, he was insistent that plans be made for a plaza as part of the public building development, as every California town had one. This square could be provided by filling in the slough on the west side of the block which is now Hunter Square."]



*accomplishment* its pioneers could not have entirely imagined.”<sup>11</sup> (Emphasis added) Stocktonians were so proud of their courthouse, it was offered in an unsuccessful attempt to relocate the State capital to Stockton.<sup>12</sup>

The second and current courthouses were both built on the same site originally donated by Weber. It appears that the government leaders involved with the construction of those courthouses sought to ensure the courthouse remained in downtown Stockton, even to the extent of displacing the court's operations temporarily until both the second and current courthouse could be built. No doubt this was in part due to the reversion clause in the Weber deed requiring that the property revert back to the Weber family if it was no longer used for a courthouse. On the other hand, those government leaders could have built the second or third courthouse elsewhere without disrupting the operations of the court and let the land revert back to the Webers. They did not. Having the courthouse in the "hub" or core of downtown Stockton's commercial life was more important.

MR-6  
(continued)

Moving the courthouse away from the downtown core is completely inconsistent with the history and heritage of our community. Moving the courthouse to Washington Street will have a more significant historical impact than building the new courthouse on Hunter Square and losing Hunter Square. By surrounding the new courthouse with a plaza, we can mitigate against the loss of open space. The county's plan to create a larger plaza where the current courthouse is situated will result in new history into the future. This new plaza will be the center of downtown and contribute to downtown's future legacy. Surely, this is far more consistent with what the founders of our city had in mind than moving the courthouse out of the central core of downtown.

#### IV. PRIVATE PARCEL ALTERNATIVE

In investigating the various alternatives for the project, the Project Advisory Group never looked at purchasing the Bank of America. Consequently, the objective criteria used in the group's site selection process has not been applied to this alternative.

As we understand, the AOC included the Private Parcel alternative in the DEIR only because it was suggested by a member of the public in the scoping meeting last July.<sup>13</sup> As explained to the court by the AOC subsequent to the publication of the DEIR on January 29, 2009, the DEIR is intended to address only environmental issues and does not attempt to judge the economic feasibility of the various alternatives. The AOC has indicated that economic feasibility will be part of the findings in the Final EIR. The Private Parcel alternative is not feasible, and this should be reflected in the EIR.

Superior Court-28

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<sup>11</sup> Kasser, *supra*, at p. 37

<sup>12</sup> Kasser, *supra* at p. 37; Martin, *supra* at p. 41; Union Safe Bank, *Stockton Historical Landmarks*, (1976), p. 12

<sup>13</sup> This same person attended the public meeting on February 19, 2009. After the meeting he contended that there must be money to purchase the Bank of America since the city could spend \$2M to bring Paragary's, a high end restaurant, to the downtown core. He also suggested that despite the inability to show necessity, the city and the court should invoke Eminent Domain to obtain the bank building. As an alternative, he suggested that Senator Diane Feinstein be called to request that she condition any future federal bail out funds on the Bank of America giving up their interest in the property.

## **Availability of Bank of America**

The AOC has determined the Bank of America building is not for sale. It apparently was never up for public sale. Last year, there was a portfolio sale from one Bank of America entity to another. Last summer there was apparently a rumor that the bank building was up for public sale, and this apparently led to the suggestion made at the scoping meeting in July. In short, the suggestion was based on what now appears to be erroneous information. It is unreasonable to believe the AOC could acquire the Bank of America Building, even if it had the funding.

## **Funding**

The cost of site acquisition is significantly more in this alternative than with either the Hunter Square/Hunter Square Expanded, or the Washington Street alternatives. When the scope of our project was presented to the Department of Finance and to the Legislature in 2007, the scope did not include acquisition of the Bank of America building. The Department of Finance authorized our project and the Legislature appropriated funds for site acquisition based significantly on the City of Stockton's commitment to donate a majority of the property needed for the project. Funding was appropriated only to acquire a part of the Bank of America parking lot and to acquire and demolish the three small parcels immediately west of Hunter Square. In the Private Parcel Alternative, the purchase of the entire Bank of America property including the building and the three small parcels is necessary to create a site large enough for the new courthouse. The appropriated funding is insufficient to cover these costs. The process to obtain that additional funding is lengthy, complicated and politically risky.

In order to obtain additional funding, the AOC would have to go back to the Department of Finance and then to the Legislature for a supplemental appropriation. Then the AOC would have to go back to the Public Works Board for site acquisition approval. Assuming the funding were available and the Department of Finance and Legislature were inclined to appropriate additional funding, this process would likely prolong the project for an unpredictable, but lengthy period of time.

In the present economic environment, the entire project might be jeopardized. A request for additional funding now would mean bringing our project back to the executive and legislative branches while they are still distracted by the ongoing state budget crisis. In the past, appropriations for court construction have been made as part of the state budget act each fiscal year. Before going to the Legislature, our request would have to go back to the Department of Finance for re-scoping. Re-scoping would include authorization for the additional funds needed to purchase the property and authorization for a future appropriation to demolish the bank building. It seems highly unlikely all of this could occur in the state budget act for FY2009-2010, since the Legislature has already completed substantial work on that budget. In fact, to help close the budget gap, the Legislature removed \$40M from the Trial Court Construction Fund even though the source of these funds was not tax revenue, but rather court fees and fines.

The Trial Court Construction Fund must support the construction of 12 other projects. It seems unlikely the Fund will support the additional unplanned expense of the Private Parcel alternative. This may be particularly true now in light of the \$40M reduction. While judicial branch representatives worked with the Legislature to ensure that none of the projects to be funded from the State Trial Court Construction fund are impacted at this point, it is not at all clear what effect the loss of \$40M will have in later phases of the projects.

Superior Court-28  
(continued)

## V. DRAFTING ISSUES

Figure 1, p. 1.7: The diagram key shows measurements in meters. For the public, some other form of measurement such as feet or miles would be more informative. It is suggested that feet and miles be added to the key.

Superior Court-29

Figure 2, p. 1.8: The diagram key shows parking areas labeled G through L. The spaces on the diagram are actually labeled A through F.

Superior Court-30

Summary of Impacts Chart, 5 Hazardous and Hazardous Materials, p. 1-19: The chart indicates “No Impact” for the issue “Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code section 65962.5.” The text on page 5-59 correctly indicates this issue is “potentially significant.” Frankly, in light of the history of Stockton, we believe hazardous materials will be found on this sight.

Superior Court-31

p.6-1:34-38: There is a drafting error here. The sentences are fragmented.

Superior Court-32

## VI. CONCLUSION

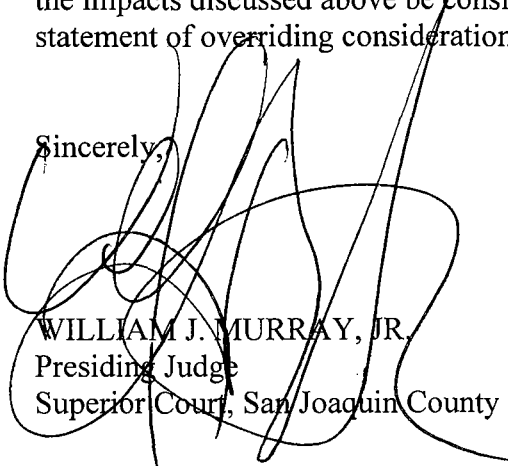
In light of all the impacts that will result if the courthouse was constructed on the Washington Street site, that site cannot be viewed as the environmentally preferred site compared to Hunter Square/Hunter Square expanded. The impacts of the Washington Street alternative are far more significant than the impacts of the Hunter Square/Hunter Square site.

Superior Court-1

The court requests that the Hunter Square/Hunter Square Expanded site be identified as the environmentally preferred site. In the alternative, the court requests that the impacts discussed above be considered by the Administrative Director as supporting a statement of overriding considerations.

Superior Court-33

Sincerely,

  
WILLIAM J. MURRAY, JR.  
Presiding Judge  
Superior Court, San Joaquin County

cc: Lee Willoughby, Director, AOC OCCM  
Rona Rothenberg, Senior Manager, AOC OCCM  
Steve Sundman, Senior Project Manager, AOC OCCM  
Jessica Grossman, Senior Real Estate Analyst, AOC OCCM  
Rachel Dragolovich, Attorney, Regional Manager, AOC OCCM

Hon. Robin Appel, Assistant Presiding Judge  
Hon. Richard Guiliani, Judge  
Hon. Bobby McNatt, Judge  
Rosa Junqueiro, Court Executive Officer



Superior Court 2009 06 15

**Superior Court**

222 E. WEBER AVENUE, ROOM 303  
STOCKTON, CALIFORNIA 95202

TELEPHONE  
(209) 468-2827

June 15, 2009

Mr. Jerome Ripperda  
Environmental Analyst  
Office of Court Construction Management  
Administrative Office of the Courts  
Northern Central Regional Office  
2860 Gateway Oaks, Suite 400  
Sacramento, California 95833-3509

VIA EMAIL

RE: Comments to Revised Environmental Impact Report

Dear Mr. Ripperda:

The below comments to the Revised Draft Environmental Impact Report are submitted on behalf of the Superior Court serving San Joaquin County. Our comments are limited to the revised traffic study. For the reasons discussed in detail below, we believe the impact of the Hunter Square/Hunter Square Expanded options on the intersection at El Dorado and Washington Street as well as the other El Dorado Street intersections has been overestimated. We also remain concerned that the predictable migration by downtown court users to and from the Washington Street site multiple times per day has not been adequately addressed.

**Net New Courthouse Space**

The study assumes the court's space in the court wing amounts to only 50,000 square feet. According to the county, the space the court occupies in the court wing totals 67,326. Perhaps the estimated square footage assumed in the study does not include the space we occupy in the basement of the court wing. This space houses the holding cell area, a courtroom, and the office space for Court Security Services, the court reporters, and the Collaborative Court program staff. The underestimated square footage assumed in the study resulted in a higher net change. The use of the higher net change resulted in overestimated traffic impacts at the El Dorado Street intersections.

Superior  
Court-34

Also, in arriving at the "net change," the consultant noted only the abandonment of the court wing on Weber Street. It does not appear that the consultant knows about our operations at the 540 East Main Street Annex. Consequently, the consultant did not consider the fact we will move our operations at the 540 East Main Street Annex into the new building. Excluding records management, the Annex space used by the court will be 60,000 square feet. The current plan is that this 60,000 square feet space in the Annex would also be abandoned when the court moves into the new building. Consequently, the

Superior  
Court-35

total amount of space abandoned by the court in downtown Stockton will not be limited to the 50,000 square feet estimated for the court wing. The total amount of abandoned space will be the sum of the square footage in the court wing and the square footage at the Annex. This amounts to 127,326 square feet. Consequently, the net change for court-related space in “downtown Stockton” will only be 157,674 square feet, not 235,000 square feet.

We realize that the traffic patterns to and from the Annex may be slightly different than to and from Hunter Square. However, if the consultant thought the Annex space should be ignored because of those differences; there is no indication of that in the report. Indeed, the traffic patterns for Hunter Square and the Annex are not very different. While many motorists may utilize the Market Street garage for their visits to the Annex, some may use the same garages accessed by use of El Dorado and San Joaquin Streets because of the limited availability of parking near the Annex. Also, to get to the Market Street Garage from the Cross Town Freeway, some motorists may use northbound El Dorado through Washington Street, proceed to Market and then travel eastbound on Market to get to the garage entrance.

Regardless of the differences in the traffic patterns, the consultant focused on the net change of court-related office space in “downtown Stockton.” Additionally, the consultant looked at the impact of the new City Hall building on traffic patterns in “downtown Stockton.” It seems logical that consideration should have been given to the movement from our Annex operations to Hunter Square. The consultant apparently considered the area of the new City Hall to be the same “downtown” area as the Hunter Square courthouse. The new City Hall building is only one block from the Annex at 540 East Main Street.

### **Use of County Administration Wing**

On page 7 the consultant notes that after the courts move to the new building, “the existing courthouse will then be utilized for government office space, with the exception of a 50,000 square foot wing which will be demolished.” The county had not planned to occupy the administration wing with new government operations or with operations that are currently housed anywhere other than downtown Stockton.

On May 21, 2009, the county formally announced its plans concerning the administration wing of the courthouse. The only new occupants will be the DA Investigative staff who will move from leased space in a privately owned downtown building to the seventh floor of the administration wing of the courthouse. (See the attached board letter.) Because the DA Investigative staff are currently located a block east of the courthouse, their move to the administration wing of the courthouse will not change downtown traffic patterns. The assumption that there will be new county government operations occupying all of the vacated space in the administration wing has resulted in an overestimation of the traffic impacts at the El Dorado Street intersections.

Superior  
Court-35  
Cont.

Superior  
Court-36

## **San Joaquin Street**

The study did not take into account the use of San Joaquin Street. By focusing only on those streets that directly connect to the freeway, this important consideration has been overlooked. San Joaquin Street is the easiest passage to and from the Channel Street garage at the corner of San Joaquin and Channel and the Ed Coy Garage at the corner of Hunter and Channel, one block west of San Joaquin Street. San Joaquin Street also provides direct access to the San Joaquin entrance of the Hunter Street Garage. Because of the construction of the new County Administration building at San Joaquin and Weber, we believe it is highly likely that more people were using El Dorado Street northbound from the Cross Town Freeway when the traffic surveys were conducted than would have otherwise been the case. Were it not for this construction, many of the motorists seeking to avoid the construction related delays as they traveled to the Ed Coy Garage or the Channel Street Garage would have used northbound San Joaquin Street to access those parking lots at the time the surveys were conducted.

Superior  
Court-10

Superior  
Court-12

The Ed Coy Garage, one of the two garages upon which the consultant focused, can be accessed off El Dorado only by driving circuitous routes. Motorists can use two routes to get there off of El Dorado northbound from Interstate 5 and the Cross Town Freeway. Review of a map and the below described routes illustrates the point.

One route is northbound El Dorado to eastbound Miner, to southbound on Hunter Street. This route actually requires motorists to drive a block further north of the garage and circle around the movie theatre complex. From Interstate 5 to the Cross Town Freeway, this route requires passage through: 1) the traffic light at El Dorado and Lafayette; 2) the traffic light at El Dorado and Washington Street; 3) the traffic light at El Dorado and Market Street; 4) the potential stop at the crosswalk on El Dorado Street connecting the Stuart Eberhart Garage to the Main Street pedestrian mall; 5) the traffic light at El Dorado and Weber; 6) the potential stop at the crosswalk on El Dorado connecting Channel Street to the movie theatre complex and Starbucks; 7) the traffic light at El Dorado and Miner; 8) the traffic light at Miner and Hunter; and 9) the crosswalk at Hunter and Channel Street. This trip will require up to nine stops, two of which are at crosswalks on El Dorado that can result in unpredictably long waits.

Superior  
Court-10

Instead of proceeding northbound on El Dorado past Weber, motorists could turn eastbound onto Weber, then northbound onto San Joaquin, then westbound onto Channel. This route requires a circle around the block south of the movie theater complex and would require motorists to pass through: 1) the traffic light at El Dorado and Lafayette; 2) the traffic light at El Dorado and Washington Street; 3) the traffic light at El Dorado and Market Street; 4) the potential stop at the crosswalk on El Dorado Street connecting the Stuart Eberhart Garage to the Main Street pedestrian mall; 5) the traffic light at El Dorado and Weber; 6) the potential stop at the crosswalk on Weber directly in front of the courthouse; 7) the traffic light at Weber and San Joaquin; 8) the stop sign at Channel and San Joaquin; and 9) the stop sign at Channel and Hunter. This route has the potential of nine stops, including unpredictably long stops at the crosswalk on El Dorado

connecting the Stuart Eberhart Garage to the Main Street pedestrian mall and the crosswalk on Weber in front of the courthouse.

Superior  
Court-10  
Cont.

San Joaquin provides easier and faster access to the Ed Coy garage from the Cross Town Freeway. To get to the Ed Coy Garage from Interstate 5 and the Cross Town Freeway, motorists travel eastbound on Lafayette through the intersection at El Dorado to northbound on San Joaquin, to westbound on Channel to southbound on Hunter. Potential stops could occur at: 1) the traffic light at Lafayette and El Dorado; 2) the traffic light at Lafayette and San Joaquin; 3) the traffic light at San Joaquin and Washington; 4) the traffic light at San Joaquin and Market; 5) the traffic light at San Joaquin and Main; 6) the traffic light at San Joaquin and Weber; 7) the stop sign at San Joaquin and Channel; the stop sign at Channel and Hunter. By using this route, motorists encounter one less stop, do not have to circle around the movie theater complex, and avoid two crosswalks which can result in unpredictably long stops to wait for crossing pedestrians trying to get from the parking garages to their downtown offices or the courthouse. Delays at these crosswalks can be particularly frustrating for motorists in the morning.

The construction of the new county administration building resulted in more people using northbound El Dorado when the surveys were conducted. The traffic consultant apparently did not look at this or otherwise take the use of San Joaquin Street into account when arriving at conclusions relative to the use of El Dorado Street. As a result, the impact of the Hunter Square/Hunter Square expanded site on El Dorado Street traffic has been overestimated.

Superior  
Court-12

### **Parking Structures**

The consultant appears to have focused only on the Stuart Eberhart and Ed Coy parking garages as parking structures servicing the courthouse. Some county agency personnel who are regular court users park at the Hunter Street Garage, an entrance to which is off San Joaquin Street. Other county personnel who regularly visit the courthouse and other court users also park at the Channel Street Garage at the corner of San Joaquin and Channel.

Superior  
Court-37

### **Migration of Law Office and County Agency Personnel to the Washington Street Site**

The consultant noted 90 additional trips during the morning peak hours related to the migration of law office and county agency personnel to a Washington Street courthouse in the morning. However, the consultant did not address the number of multiple trips back and forth during the day. Multiple back-and-forth trips are predictable if the courthouse were separated from the downtown core users who visit the court multiple times during the day. The revised DEIR does not address the increase in greenhouse gas emissions from either the 90 additional trips predicted by the consultant, or the back-and-forth trips not considered by the consultant.

MR-5

MR-9

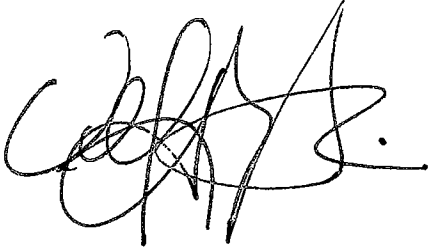


**Summary Chart of Impacts**

The text in the impact summary chart on page 1-9 of the Revised DEIR is based on assumptions made in the original traffic study, not the current traffic study. That language is no longer applicable and should have been deleted.

Superior  
Court-38

Sincerely,



WILLIAM J. MURRAY, JR  
Presiding Judge  
San Joaquin County Superior Court

cc: Lee Willoughby, Director, AOC OCCM  
Ernie Swickard, Deputy Director, AOC OCCM  
Rona Rothenberg, Senior Manager, AOC OCCM  
Steve Sundman, Senior Project Manager, AOC OCCM  
Jessica Grossman, Senior Real Estate Analyst, AOC OCCM  
Rachel Dragolovich, Attorney, Regional Manager, AOC OCCM  
Hon. Robin Appel, Assistant Presiding Judge  
Hon. Richard Guiliani, Judge  
Hon. Bobby McNatt, Judge  
Rosa Junqueiro, Court Executive Officer  
David Harzoff, Director, Stockton Redevelopment Agency  
Kitty Walker, Redevelopment Program Manager, Stockton Redevelopment Agency

**From:** [Stewart Tabak \[STabak@tabaklaw.com\]](mailto:STabak@tabaklaw.com)  
**Sent:** Wednesday, February 25, 2009 11:34 AM  
**To:** Ripperda, Jerry  
**Cc:** [jriggs@sjcbar.org](mailto:jriggs@sjcbar.org)  
**Subject:** New San Joaquin County courthouse

Dear Mr. Ripperda:

I am sending this email to express my strong belief that the anticipated new courthouse in Stockton be built where it belongs: **right where the existing courthouse is located**. My reasoning for this obvious conclusion is rather straightforward.

MR-1

First of all, I should mention that I have been practicing in this community for approximately 30 years. For roughly 25 of those years my office was located downtown – at the corner of San Joaquin and Channel streets – and thus a convenient one-block walk to the courthouse. I can only imagine how much stronger I would feel about this issue were I still located at that address, and was still financially invested in commercial property which had quick and easy access to the “hub” of the legal profession: the County Courthouse. Since the beginning of 2005 my office has been located approximately one-and-one-half miles north of the downtown area and thus requires a short drive to make court appearances and for my staff to conduct other necessary business downtown in the area surrounding the courthouse; I suppose that it could be said that whether my staff or I drive to the current location or to the proposed new location on Washington Street makes little difference, since a drive is still required.

This is simply not so. The existence of the San Joaquin County Courthouse for so many years has resulted – quite naturally, frankly – in the gradual development of a plethora of judicial-related entities surrounding the court building: court reporters, photocopy support services, exhibit reproduction businesses, and other peripheral offices both public and private. *Extracting the Courthouse from the center of the legal community in this town would be akin to building a clock over a period of many decades, only to then have the central mechanism – the “hands” of the clock – plucked out of the middle, leaving behind only the numbers of the clock.*

In our legal community, the Courthouse is the central mechanism that drives the entire operation. The County Courthouse has functioned in its present location for so many years, and is such an integral part of our system, that it should stay right where it is: in Hunter Square. It is the closest structure that Stockton has to a town square, and that should not be re-located from the center of the community which it serves.

MR-3

MR-4

Stewart M. Tabak

This e-mail message and any attachments are intended only for the use of the addressee named above and contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly unauthorized and prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this e-mail message or by telephoning (209) 460-0982. Thank you.

From: Paul Ustach [sllgg2004@sbcglobal.net]  
Sent: Thursday, February 19, 2009 6:09 AM  
To: Ripperda, Jerry  
Subject: keep courts downtown

Dear Mr. Ripperda,

Please keep the courthouse in the downtown core. A city's decline can be linked to the destruction of its communities. Let's put our existing resources to enhance and grow the community that is downtown rather than destroy it.

MR-4

Thank you,

Paul Ustach  
1222 Yale Ave

**From:** [Armando Villapudua \[armandovillapudua@yahoo.com\]](mailto:armandovillapudua@yahoo.com)

**Sent:** Sunday, March 08, 2009 12:04 PM

**To:** Ripperda, Jerry

**Subject:** San Joaquin County Courthouse

Hello,

I understand that our comments regarding the future court house site should be sent to your office.

My name is Armando Villapudua and I have been practicing law in San Joaquin County for over 15 years. I go to the Stockton court house every week day. The current location is wonderful. Currently, everything we need is within one or two blocks from the court house. The following government agencies that work closely with the courthouse are all located within 2 blocks; the San Joaquin County Probation Department (across the street), San Joaquin County Revenue and Recovery ( 1 block away), the San Joaquin Public Defender's Office ( 1 block away), The San Joaquin Health and Human Services department,(1 block away), The Stockton Police Stuart Eberhart Building which house all detectives (1 block away,) The headquarters of the Stockton Police Department ( 1 1/2 blocks away) three city parking garages and two city parking lots; the San Joaquin County Public Law Library; the Lawyer Referral Service and San Joaquin County Bar Association.

All of these agencies deal with the court business and lawyers, litigants, parties, families and others who come to use the courthouse. As it stands now, a person who has business at the courthouse, will drive downtown and park or take the city bus. Once here, all their needs are taken care in a short distance.

MR-3

I don't anticipate that all these agencies will move once the new court house is built. Instead, if the new court house is built more than three or four blocks away, people will get in their car and drive to the new location. We see that now. When the family law courthouse was built at 540 Main Street, lawyers who have matters in both courthouses, will park in one courthouse and then drive to the other courthouse when their next case is at the "other" court house.

MR-5

The Hunter Street location is also much better suited for non government agencies. We currently have many businesses who are located in their current spot partly because of proximity to the court house. Included in those businesses are The BlackWater Cafe, Bradleys Bar and Grill; InShape City Gym; Luna Cafe; Hole in The Wall CAfe; Moo Moos Cafe, Cancun Restaurant; Casa Flores; and many law offices.

MR-4

In choosing the new court house site, please take into account the interaction of all these agencies, businesses and the their patrons, users and customers.

The Hunter Street location will serve the entire community and will require less vehicle traffic and no more garage structures to be built at the Washington Street site.

Sincerely,

Armando Villapudua

Carlos Villapudua  
222 East Weber Ave  
Stockton, CA 95202

February 28, 2009

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

Dear Mr. Jerome Ripperda:

I am writing to have my comments included in the Final Environmental Impact Report (EIR) so the decision makers can see I support the Administrative Office of the Courts' (AOC) proposal to construct a new courthouse in Stockton's Hunter Square and oppose the Washington Street site.

MR-1

I believe the Washington Street site will have a negative impact on the downtown environment. It would cause vacancies to properties within the immediate area (within four blocks) of the current courthouse adjacent to Hunter Square. These vacancies would cause the deterioration of this area as we saw from the 1970's-1990's when downtown businesses moved out north. It has only been since 2004 that the downtown has seen a significant turnaround and rejuvenation.

The area around the current courthouse has come to be known as the "government district". Therefore, businesses and government aligned services are clustered in properties within a 2-4 block walking distance of the courthouse. Studies about most downtowns, including Stockton's downtown, have shown that people will only walk 2-4 blocks to get to a location before they want to be transported. Moving the courthouse to Washington and Madison would entail more than a six block walk from its current site. This would cause businesses that rely on servicing the courts to shut down or abandon their current locations and move, if they could afford it, to be closer to the courthouse. Business locations would spread out, thus reversing the revitalization strategy in place for business clusters to surround the current government district around Hunter Square.

MR-4

I therefore encourage you to consider the negative impact a new courthouse will have at the Washington Street location and encourage your support for the Hunter Square site.

Thank you for your support.

Sincerely,

*Carlos Villapudua*

**From:** Viri, Peter [Peter\_Viri@csaa.com]  
**Sent:** Friday, February 27, 2009 5:40 PM  
**To:** Ripperda, Jerry  
**Subject:** New Stockton Courthouse Location / Draft EIR

Dear Jerry:

I am an attorney (currently working in-house for the California State Automobile Association). I have practiced law in Stockton since 1976 and am a past president of the San Joaquin County Bar Association. Although my current office location requires a drive to the courthouse, I did practice in downtown Stockton for approximately 18 years. I have a strong opinion that the courthouse location should remain in downtown Stockton.

MR-1

The Stockton Courthouse has been the core of our downtown for the 32 years I have practiced here. Many of the current businesses in the downtown survived only because the courthouse was there. A significant number of lawyers have offices within a short walking distance of the courthouse.

MR-4

There are no (or very few) within walking distance of the proposed Washington Street site.

MR-3

The various county agencies using the courts on a regular basis include the District Attorney, Public Defender, Probation Department, Child Protective Services, etc., All of them have their offices near, or in, the current courthouse.

The number of people using cars to get to and from the courthouse will increase if it is moved out of walking distance of the offices which have grown up around it.

MR-5

Traffic to and from the courthouse is not just heavy in the morning and evening but also at mid-day.

For the last 15 years Stockton has made significant strides toward breathing life back into its downtown.

MR-4

Moving the courthouse will be a step backward and probably would result in a significant number of vacancies in a downtown that is just beginning to revive.

Captain Weber was the founder of the City of Stockton and specifically set aside the land that the courthouse now occupies for that purpose.

MR-6

He intended for the courthouse to be the heart of Stockton's downtown. Hunter Square Plaza grew up next to the courthouse. Any significance it has is only in relationship to the courthouse. Moving the courthouse effectively eliminates that significance.

I believe that my opinion is similar to that of most lawyers in the City of Stockton. Hopefully, others will confirm what I have said.

MR-1

Respectfully,

Peter A. Viri  
(209) 951-3678



om: [richard.vlavianos@courts.san-joaquin.ca.us](mailto:richard.vlavianos@courts.san-joaquin.ca.us)  
Sent: Monday, March 09, 2009 3:25 PM  
To: Ripperda, Jerry  
Subject: Draft EIR for Stockton Courthouse

I was born and raised in Stockton and have lived here my entire life of almost fifty years except for the eight years I attended college and law school. The Courthouse has always been the focal point of our downtown.

It is actually the Courthouse, as opposed to Hunter Square, that has comprised the historical centerpiece of downtown Stockton. To move the Courthouse from downtown Stockton would be inconsistent with Stockton's history.

MR-6

There are significant negative impacts that I perceive will be caused by moving the Courthouse out of downtown Stockton. Initially, it will create a substantial distance between the Courthouse and the main law offices that serve it. The distance between the proposed Washington Street site and the offices of the District Attorney, Public Defender, Probation Department, Child Protective Services, as well as private law firms with offices downtown and others will cause for an extremely inefficient court. The inability for users of the court to have close access to witnesses and support staff will undoubtedly cause unnecessary delays and additional court appearances putting further stress on the system.

MR-3

There will also be a negative impact on traffic and increased public cost created by the need for the agencies that use the court to have to travel back and forth. The distance to the Washington Street site is too great for most, if any, to travel by foot which will cause the use of county vehicles thereby increasing the amount of vehicles that the county agencies would have to maintain, or cause the county to expend money for reimbursement of travel and parking costs. This will also cause an increase in traffic going to and from downtown. In addition to the increased cost, traffic impact and delays associated with the increased travel, there will be parking issues created by people having to park close to their office and then travel again, probably in a county vehicle, to a new site which will require additional parking.

MR-5

Lastly, I believe that there will be a tremendous economic impact on downtown business which also represent part of the core of downtown Stockton. The Courthouse brings a tremendous amount of business into downtown Stockton. To place the facility at a distance that is that far away will cause the decay of the downtown environment and result in vacant buildings.

MR-4

The Bank of America site is clearly not viable because of financial reasons. I also know that the County has committed to maintaining open air space within the Hunter Square area. I believe, therefore, that the Hunter Square site will be the best option with the least negative environmental impact. Thank you for your consideration.

MR-1

Hon. Richard A. Vlavianos

Judge of the Superior Court,  
County of San Joaquin



PUBLIC WORKSHOP/ HEARING

for the

NEW STOCKTON COURTHOUSE FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

Draft Environmental Impact Report (DEIR)

February 19, 2009

San Joaquin Regional Transit District Downtown Transit Center Boardroom 421 E. Weber Avenue Stockton, CA 95202

ADMINISTRATIVE OFFICE OF THE COURTS 455 Golden Gate Avenue San Francisco, CA 94102-3688 Tel 415-865-4200 TDD 415-865-4272 Fax 415-865-4205 www.courtinfo.ca.gov

SPEAKER/COMMENT CARD

PLEASE CHECK THE APPROPRIATE BOX BELOW:

[ ] I wish to speak at the Public Hearing.

[X] I have provided my comments on this sheet.

Name: ROB WATERS Organization: Drivon Turner & Waters Address: 215 N. San Joaquin St. Zip Code: 95202 Phone: (209) 644-1234 E-mail: rwaters@drivonlaw.com

COMMENTS: I am excited that San Joaquin County has funding for a much needed new court house. However, I am concerned that the new court house might be constructed at a new location, i.e. Washington Street. I have been practicing law in Stockton for over 10 years. Over this time period the City & County have expended large sums to improve/revitalize the Weber Street area. This area is now a jewel of Stockton's down town. The new Court house will be a great addition. With the proximity to the offices of D.A., Public Defender, private law offices, parking, Transit Center, restaurants, entertainment it makes little sense to move the court house to Washington Street or some other location.

County Law Library

MR-1

MR-4

MR-3

PLEASE USE THE BACK OF THIS PAGE IF NEEDED.

Wellerstein, Jeffrey



PETER FOX  
Public Defender

# SAN JOAQUIN COUNTY PUBLIC DEFENDER

102 S. SAN JOAQUIN STREET, ROOM 1  
POST OFFICE BOX 201030  
STOCKTON, CALIFORNIA 95201 - 9030

TELEPHONE: (209) 468-2730  
FAX: (209) 468-2267

JEFF WELLERSTEIN  
Assistant Public Defender

March 6, 2009

Mr. Jerry Ripperda  
Administrative Office of the Courts  
Office of Court Construction and Management  
2860 Gateway Oaks, Suite 400  
Sacramento, CA 95834  
[via FAX 916.263.8140]

Re: EIR/Location of new Courthouse, Stockton, San Joaquin County

Dear Sir,

I just wanted to take a moment and let the AOC know that in the "debate" as to the location of the new courthouse in Stockton, California, that there really is only one practical location: Hunter Square [near Weber Avenue and San Joaquin Street].

MR-1

Essentially this would be in the same location as the current courthouse, and the location of all previous courthouses in this town. The historical connection with the past should not be undervalued and would represent a legal and social continuity for our community.

MR-6

Additionally, and perhaps more importantly, most of those people who use the structure are located in a relatively close proximity to the courtrooms thus leading to efficiencies unavailable at the other location on Washington Street. I cannot emphasize strongly enough that being able to walk to court for 7 minutes is far superior to longer distances which will necessitate other less-efficient modes of transportation. We are an office of approximately 59 attorneys and 17 investigators who make repeated daily trips to and from our court's current location. While we are extremely well organized, there is frequently the need for us to return to our offices or to request a file from our support staffers who can provide this material within a matter of a few minutes.

MR-3

Page 2  
March 6, 2009

I have practiced law in this courthouse with regularity in excess of 30 years and have found that proximity is one of the major factors that has led to efficient representation from The Office of the Public Defender. Our clients can walk from the courtrooms to our office to keep appointments, seek documents, and discuss their cases; I am certain that we would "lose" some of them if they were required to drive or take other modes of transport.

MR-3

I also believe that our once completely blighted downtown has grown and I believe the present location of the courthouse has added to the development despite economic downturns. A new courthouse at the current location will further enhance the development economically and culturally.

MR-4

On behalf of myself, the employees I supervise at the Public Defender's Office, and just simply as a resident of this community I urge you to keep the San Joaquin County courthouse in the current location.

If it is located at the other proposed location on Washington Street there would be significant losses: there would be a loss of historical continuity; there would be a significant loss to the businesses which now exist primarily because of the relationship to the structure; and there would be appreciable and significant inefficiencies where the service our office provides is concerned.

MR-6


MR-4

MR-3

Also, as a citizen of this community for decades, locating the heart of our community, our courthouse, at a location isolated from the downtown would detract from who we are as a community.

I am available for further comment should you find it necessary, my direct phone number is 209.468.2751.

Sincerely,

  
Jeffrey Wellerstein  
Assistant Public Defender  
County of San Joaquin

**NEW STOCKTON COURTHOUSE EIR SCOPING MEETING**  
**SUMMARY OF SPEAKERS' COMMENTS**  
**FEBRUARY 19, 2009**

1. Larry Ruhstaller - member of the Board of Supervisors. He represents Leroy Ornallas and the rest of the board. Several weeks ago the BOS voted to support the Hunter Square site for all the reasons stated previously. The county has already spoken publically that this is their choice because of the location of the new county administration building and also because of the location of the new transit center. Everything in planning downtown has been focused around the courthouse center.

MR-1

MR-3

MR-4

2. Doug Wilhoit - Chamber of Commerce. His office is at 445 West Weber near the alternate site and he feels that the Washington Street is not the right place for the courthouse. Doug talked about his personal work experience and his family history and how the focus of development in downtown has always been focused on the courthouse.

MR-1

He said the existing courthouse is not earthquake safe. The Washington street site is designed for recreation, residential and commercial businesses.

Mr. Wilhoit is not concerned about the significant and unavoidable noise impacts during construction because he says that noise is "beautiful". Construction noise represents progress and moving forward to improve the city.

Mr. Wilhoit stated that the COC surely supports the location of the courthouse at Hunter Square as it will help people to make an investment in downtown. If the courthouse is moved to the west it will be disastrous. The city just had a settlement with Attorney General and Sierra Club based on infill and open space. Washington Street is not infill. Vibrancy of downtown can happen again with new courthouse. He gave a book to Jerry as part of the record. He again stated that the Chamber of Commerce strongly supports the Hunter Square location.

MR-4

3. Don Geiger - attorney in downtown Stockton and is on the California Bar Association. He said he is too old to learn a new location. The location of the courthouse downtown is critical to his practice and other downtown attorneys. The convenience is critical. It is not just their convenience but that of their clients as well. It is a ½ block walk versus 8 block walk. Also, the location is a historic center. The city has built up as an expectation of that. This RTD building was placed here because of that planning expectation as well. It is the same with the County Administration Building. If the courthouse is moved elsewhere, it would undermine that structure of the city. Washington Street has appeal because of simplicity and clean dirt, but the courthouse needs to be in downtown.

MR-3

MR-4

4. Steve Hahn - Deputy District Attorney for San Joaquin County and the president of Deputy District Attorneys Association. He spoke as a representative of the Association's position, not of the DA's office. He is concerned about moving to the Washington Street site. He asked the following questions: would the location have a significant impact on the subject at hand, and would it be significant or aggravating? He stated that they need witnesses to evaluate cases. Most witnesses use the RTD to get to the courts. They need convenience to get to cases. They are always staged in the DA's office and need a comfort level of witnesses to get them in to cases. If the court is located at Washington Street, it will be inconvenient to get the witnesses. There are security issues as DA's: 1) they are attorneys,

MR-3

**NEW STOCKTON COURTHOUSE EIR SCOPING MEETING**  
**SUMMARY OF SPEAKERS' COMMENTS**  
**FEBRUARY 19, 2009**

2) they feed from the public trough, and 3) they put people away and people don't like them because they put friends and family away. If they have to walk, that will put the DA's in danger walking to Washington Street, or they would drive, which is not efficient. This would cause an environmental impact as well. They are in and out of court all day long and often have short notice on getting to cases. This would cause poor timing if the court was located at Washington Street.

MR-5

Mr. Hahn discussed how well downtown has been cleaned up. It has improved so much and we have made this the heart of our community. There is geographic synergy with everything downtown. The three arms of government work together in close physical proximity - with pedestrian access. DA Association's position is that it is critical to have the new courthouse at the Hunter Square location.

MR-4

MR-3

5. Leo Aftias - YasooYani Restaurant owner. He opened the restaurant over 30 years ago in 1975. The hub of Stockton is the courthouse. The reason we put the restaurant here is because of the courthouse. RTD is located here because of the courthouse. Other restaurants are moving here because of the courthouse. Moving the courthouse will affect downtown businesses. He doesn't see benefit to moving it farther away to judges, jurors or anyone.

MR-4

6. Patty Mozzilli - Assistant Chief Probation Officers for San Joaquin Co. Our officers work very closely with the courts. Our office is located ½ block south. Court officers are in court all the time. It would be very inconvenient/inefficient to have to move the courthouse elsewhere so they have to go back and forth 8 blocks. In terms of transportation - very limited pool of county vehicles downtown - if you want to get one, check it out early in the morning or it won't be available. Most business is done by walking, particularly walking to the court.

MR-3

In addition, our probationers are sent to the Probation Department from the court. If the court is relocated to Washington Street, many probationers would not make it to the Probation Department. This would result in increased inefficiencies as we would have to file additional violations, because they didn't follow court orders to show up to probation. The department has found it very efficient to have them in close proximity. Probation is in support of the Hunter Square location.

MR-1

7. Dave Souza - County Sheriff Office - Captain of the Unified Court Services in charge of security for the courthouses. They are excited for the new courthouse. 2013 is ahead of schedule for the new jail they have planned. The new jail will double size and number of inmates coming to court. The new court will have increased holding and will be more secure and safe. Location – staff on daily basis interacts with courthouse - if they had to travel 7 blocks to the courthouse, it would be a logistical nightmare. They don't see Washington Street as feasible. They do have a concern with vehicle access but think they can work out sufficient ingress and egress with sheriff transportation at Hunter Square site. We support this site.

MR-3

DS-1

MR-1

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8. Peter Fox - Public defender for San Joaquin County. He seconds all the comments he has heard today. He represents 58 attorneys. He thinks those who come to courthouse should be taken into consideration. We can talk about options, segues, and rollerblades, but in seriousness, need to consider the time to get there. The criminal justice department needs to be close. Hunter Square is more convenient for their clients as well. They lose people on the way to the courthouse; it will be much worse if it is 7 blocks away. It will add traffic to downtown if the courthouse is moved to Washington Street. Right now it takes 7 minutes to get to the courthouse - they can easily go twice a day. If it were located at Washington Street, that would add up to 2 miles of walking per day. MR-1  
MR-3
9. Jim Willett - District Attorney of San Joaquin County. They are the biggest user of courthouse with 95 attorneys. They file 30,000 cases per year. They often have 5-6 murder trials in court at one time. For these cases, they have tons of paper with them - one or two evidence carts - not just a little briefcase. That is way too much evidence to take in a car. They would need an armada of vans going back and forth on Weber all day long. This would be a huge environmental impact and time loss. Another question to ask is whether it is a good idea to have sex offenders near the high school? On behalf of DA office we are in support Hunter Square and against Washington Street. MR-3  
MR-5  
MR-7  
MR-1
10. Barbara Zaruba - Director of the public law library. They are currently located on south Center Street – ½ block from the courthouse. They picked the existing location based on the public – it is near RTD and the public, and near the attorneys. They support the Hunter Square location. Also, they are in alignment with Downtown Alliance and agree it should be in Hunter Square not Washington Street as they believe it would be detrimental to downtown businesses. MR-3  
MR-1  
MR-4
11. Mark Borquet - local attorney. Asked if they have considered video appearance for arraignments or for ministerial appearances. He believes the overhead infrastructure would be repaid in cost savings to the unnecessary transportation of inmates in one year. Borquet-1
- Judge Murray responded that this process began in 2000- 2001 as they developed the master plan for court system. We looked at technology then, and it has improved since 2000. However, California law allows inmates to veto video appearances. They don't have to do it and can demand face to face. Until that law changes, it seems like a waste because most would veto and request in face arraignments. The real expense is security and personnel to move people - within facility, not just between the jail and court. If the law is changed, the video appearances may make sense.
12. Ron Addington - President and Executive Director of the Business Council in San Joaquin County. Judge Murray came to talk to them a few years ago. Judge Murray met with Tom Shepherd - Vice Chairman. He had concerns of Washington Street because of historic significance of Hunter Square. Mr. Shepherd was so convinced that Hunter Square is the best place. His office is right next to Washington Street- but he still wants it to remain in Hunter Square. MR-1



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13. Dennis Smallie - Executive Director of the Downtown Stockton Alliance. He represents 1000 business and property owners in downtown. They voted to make a statement in the EIR and in public here today that they are in support of Hunter Square. In the 1950s business were doing well in downtown. In the 1960s box business came in, and small businesses moved north. There were lots of vacant buildings in downtown with bat infestations. They don't want that to happen again. They fear lots of vacancies if the courthouse is moved to Washington Street, because business will move over there. Small businesses and property owners are in support of Hunter Square.

MR-4

MR-1

Judge Murray asked Mr. Smallie about the Farmers' Market.

Mr. Smallie said they are in discussions on moving the Farmers' Market, which has traditionally been held in Hunter Square. They would no longer utilize that area for the market and would move it - maybe near the new city hall. Other locations may be more permanent such as the DeCarli plaza or Weber Point. They operate and can move the Farmers' Market.

14. Rosalio Estrada - manages property in downtown Stockton. He doesn't know who came up with the Washington Street location. Back in July he suggested they look at Bank of America building location. The judge said eminent domain can be used for public good. He said it would be better to have the courthouse at the Bank of America location than to lose open space on Hunter Square. The new courthouse would have 30 courtrooms but that doesn't take care of population growth. He is concerned about the lack of increase in number of courthouses. He thinks the 30 new courtrooms would be for criminal proceedings. The existing 30 rooms would remain for civil - the old courthouse would not be torn down. Hunter Square should remain an open space. 500 new parking spaces should not be put on Main Street. We need to keep Hunter Square as open space - it is a public space - it is not a parking lot. It has been a mistake for 40 years, and we shouldn't compound that for another 50 years. We do need a Hunter Square.

MR-2

Estrada-1

Estrada-2

15. Nathan Atherstone - planning manager at RTD. He has questions on the traffic study. Traffic study identified impacts associated with the alternative. The study was conducted with a visual survey instead of ITE generation because ITE generation was not available for a courthouse. Mr. Atherstone wonders if the traffic study was reviewed by AOC and if they agree with the assessment. After sitting here today and hearing about the number of trips necessary to the Washington Street site, he wants to know if all these trips are accounted for in the alternatives analysis. He is concerned that the number of trips that go to Washington Street may not be adequately identified.

Atherstone-1

Jerry responded that the AOC is reviewing the traffic study. These ITE guidelines that estimate the number of people traveling to a location are based on square footage and the type of use. For the traffic study ITE values were used for a government building, they found that those are within the ballpark for typical courthouse use. The AOC is happy to receive questions or suggestions on the traffic study to improve it.

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Mr. Atherstone asked if he could obtain the data for the survey on people entering the courthouse. Mr. Ripperda said he can get the information to him.

16. Don Stevenson (Steve) - sole practitioner. His office is directly across from the courthouse. He used to be located on March Lane but once downtown was cleaned up he moved back down here. He had made commitment to downtown in his 10 year lease. However, he can get out of his lease if the courthouse moves. He would move his office back north which is more suitable for his clientele. He needs the courthouse in downtown. He supports the Hunter Square location.

MR-1

17. Kristine Eagle - Attorney and business owner in the downtown. She is a member of the Board of Governors San Joaquin County Bar Association. Population of this organization is very diverse and voluntary. They cannot take an official position, but she has spoken with many members (lawyers) and they have noted how important it is that the courthouse stay in Hunter Square. The inefficiencies would be critical every day (where to go to lunch - how to get back and forth). She can imagine how negative the chatter would be in 2013 if the courthouse would be moved to Washington Street. She supports the Hunter Square location.

MR-3

MR-1

18. Woody Alspough. He wanted to know why we need to build a new courthouse. We built one just the other day. Is it falling down? Judge Murray responded that we discussed this before Mr. Alspough came in. He should talk with Judge Murray in person afterward. He also suggested that Mr. Alspough read the letter to the editors. Mr. Alspough said that he is sure there are a lot of reasons. He just doesn't think that it is needed. He asked if it could be reformatted, unless it was built so poorly in the first place. He just wanted to say he is tired of shenanigans going on in the city.

Alspough-1