New San Luis Obispo Courthouse

Initial Study / Mitigated Negative Declaration

Prepared for:
Judicial Council of California

MAY 2025

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Acronyms and Abbreviations

Abbreviation	Full Term
°F	degrees Fahrenheit
µg	microgram
µg/L	micrograms per liter
µg/m^3	micrograms per cubic meter
%V	percent by volume
A	
AB	Assembly Bill
ADMP	asbestos dust mitigation plan
AFY	acre-feet per year
APCD	Air Pollution Control District
APN	Assessor's Parcel Number
AST	aboveground storage tanks
ATCM	airborne toxic control measure
ATCR-TP	Archaeological and Tribal Cultural Resource Treatment Plan
B	
BACT	best available control technology
bgs	below ground surface
BMP	best management practice
BP	years before present
BSCC	Board of State and Community Corrections
C	
CAA	Clean Air Act (federal)
CAFE	Corporate Average Fuel Economy
CalARP	California Accidental Release Prevention
Cal. Code Regs., tit.	California Code of Regulations, Title
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
Cal OES	California Governor's Office of Emergency Services
Cal/OSHA	California Occupational Safety and Health Administration
Cal Poly	California Polytechnic
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board

CBC	California Building Code
CCIC	Central Coast Information Center
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDOC	California Department of Conservation
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
cf	cubic feet
CFR	Code of Federal Regulations
CGS	California Geological Survey
CHL	California Historic Landmark
City	City of San Luis Obispo
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents
COC	contaminant of concern
ComCat	Comprehensive Earthquake Catalog
Construction General Permit	General Permit for Storm Water Discharges Associated with Construction Activity
County	San Luis Obispo County
Court	Superior Court of San Luis Obispo County
CRHR	California Register of Historical Resources
CRPRs	California Rare Plant Ranks
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
CWPP	Community Wildfire Protection Plan

D

dB	decibel
dBA	A-weighted decibel
DMG	Division of Mines and Geology
DPM	diesel particulate matter
DSA	Division of the State Architect
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources

E	
EHS	Environmental Health Service
EIA	U.S. Energy Information Administration
EIR	environmental impact report
EO	Executive Order
ESA	Endangered Species Act
ESL	environmental screening level
EVA	emergency vehicle
F	
F&G Code	California Fish and Game Code
Facilities Standards	Judicial Council's *2023 California Trial Court Facilities Standards*
FD	fire department
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	fire hazard severity zone
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
FTE	full-time-equivalent
G	
GHG	greenhouse gas
GIS	geographic information system
GPR	ground-penetrating radar
GPRS	Ground Penetrating Radar Systems, Inc.
GSA	groundwater sustainability agency
GSC	Groundwater Sustainability Commission
GSP	groundwater sustainability plan
H	
H_2S	hydrogen sulfide
HAP	hazardous air pollutant
HASP	health and safety plan
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCP	habitat conservation plan
HRC	hydrogen releasing compound
HSC	California Health and Safety Code
Hz	Hertz
I	
IEPR	Integrated Energy Policy Report

IFC	International Fire Code
in/sec	inches per second
IPac	Information for Planning and Conservation
IS	initial study
ITD	Information Technology Department
J	
Judicial Council	Judicial Council of California
K	
km	kilometers
L	
lbs	pounds
LCCA	life cycle cost analysis
Ldn	day-night weighted sound level
LEA	Local Enforcement Agency
LEED	Leadership in Energy and Environmental Design
Leq	equivalent steady-state sound level
Lmax	maximum sound level during a given measurement period
Lmin	minimum sound level during a given measurement period
LOS	level of service
Lx	sound level exceeded during x percent of a given measurement period
M	
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
MGD	million gallons per day
mi	miles
MLD	Most Likely Descendant
MM	Modified Mercalli scale
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MND	mitigated negative declaration
$MTCO_2e$	million tons of carbon dioxide equivalents
MWELO	State of California Model Water Efficient Landscape Ordinance
N	
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program

NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NO_2	nitrogen dioxide
NOA	naturally occurring asbestos
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O	
O_3	ground-level ozone
OEHHA	California Office of Environmental Health Hazard Assessment
OPLA-PRP	Paleontological Resources Preservation, Omnibus Public Lands Act
OPR	State of California Governor's Office of Planning and Research
OSFM	Office of the State Fire Marshal
OSHA	Occupational Safety and Health Administration
P	
Pb	lead
PBDB	Paleobiology Database
PCRs	post-construction requirements
PG&E	Pacific Gas and Electric Company
PM2.5	particulate matter of aerodynamic radius of 2.5 micrometers or less
PM10	particulate matter of aerodynamic radius of 10 micrometers or less
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
ppm	parts per million
PPV	peak particle velocity
Proposed Project	New San Luis Obispo Courthouse Project
PST	Pacific Standard Time
Pub. Res. Code	Public Resources Code
PVC	polyvinyl chloride
Q	
QA/QC	quality assurance/quality control
R	
RCRA	Resource Conservation and Recovery Act of 1976
RMP	risk management plan

ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
S	
SB	Senate Bill
SCCAB	South Central Coast Air Basin
SHMA	Seismic Hazards Mapping Act
SLO	San Luis Obispo
SLOAPCD	San Luis Obispo County Air Pollution Control District
SLO Basin	San Luis Obispo Valley Basin
SLOFD	San Luis Obispo Fire Department
SLOPD	San Luis Obispo Police Department
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	soil and bedrock management plan
SO_2	sulfur dioxide
State	State of California
SVP	Society for Vertebrate Paleontology
SWPPP	Storm Water Pollution Prevention Plan
SWQDv	Stormwater Quality Design Volume
SWRCB	State Water Resources Control Board
T	
TAC	toxic air contaminant
TPH	total petroleum hydrocarbons
TPHd	total petroleum hydrocarbons as diesel
TPHg	total petroleum hydrocarbons as gasoline
TPHmo	total petroleum hydrocarbons as motor oil
TSS	total suspended solids
U	
UCERF3	Uniform California Earthquake Rupture Forecast Version 3
UCMP	University of California at Berkeley Museum of Paleontology
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank

V

VA	volt ampere
VdB	vibration velocity in decibels
VMT	vehicle miles traveled
VOC	volatile organic compound

W

WDR	waste discharge requirement
WGCEP	Working Group on California Earthquake Probabilities
WQC	water quality certification
WRRF	Water Resource Recovery Facility

1.0 Introduction

1.1 Overview

This Initial Study (IS) / Mitigated Negative Declaration (MND) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the New San Luis Obispo Courthouse Project (Proposed Project) at a project level (CEQA Guidelines Section 15378). The Judicial Council of California (Judicial Council), as the lead agency under CEQA, will consider the Proposed Project's potential environmental impacts when considering whether to approve the Project. This IS/MND is an informational document to be used in the planning and decision-making process for the Proposed Project and does not recommend approval or denial of the Proposed Project.

The Judicial Council, under Government Code Section 70391, has full responsibility, jurisdiction, control, and authority over trial court facilities. With the transfer of responsibility for design, construction, and management of court facilities from counties to the State of California (State) in 2002, the Judicial Council developed and adopted facilities standards to guide the development of trial court facilities in California. The *California Trial Court Facilities Standards* (Facilities Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to trial court facilities. These Facilities Standards (Judicial Council 2023a) are intended to

> promote buildings that are functional, durable, maintainable, efficient and provide long-term value to the public, to the judicial branch, to the courthouse occupants, to the community in which they reside, and to the court users and taxpayers of California… to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction costs and long-term life cycle costs of owning and operating institutional buildings.

The Facilities Standards have been used by the Judicial Council to formulate the project description (Chapter 2 of this IS/MND) used to inform the public regarding the Judicial Council's intent for the Proposed Project, and to inform the analysis included throughout this IS/MND. However, there are also design and engineering details, construction documents, and other details that would continue to be developed as part of the final design.

The site plans for the Proposed Project included in this IS/MND are conceptual. The Judicial Council anticipates that the final design for the Proposed Project would include some modifications to these conceptual plans, and the environmental analysis has been developed with conservative assumptions to accommodate some level of modification,

allowing CEQA to inform later design, engineering, architectural, and construction details.

This IS/MND describes the Proposed Project; its environmental setting, including existing conditions and regulatory setting, as necessary; and the potential environmental impacts of the Proposed Project on or with regard to the following topics:

Aesthetics
Agriculture/Forestry Resources
Air Quality
Biological Resources
Cultural Resources
Energy
Geology, Soils, and Seismicity
Greenhouse Gas Emissions
Hazards and Hazardous Materials
Hydrology/Water Quality
Land Use and Planning
Mineral Resources
Noise
Population and Housing
Public Services
Recreation
Transportation and Traffic
Tribal Cultural Resources
Utilities and Service Systems
Wildfire

1.2 Public Involvement Process

Public disclosure and dialogue are priorities under CEQA. CEQA Guidelines Section 15073 and Section 15105(b) require that the lead agency designate a period during the IS/MND process when the public and other agencies can provide comments on the potential impacts of the Proposed Project. The Judicial Council has prepared a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the Proposed Project. Accordingly, the Judicial Council is now circulating this document for a 45-day public and agency review period.

To provide input on this project, please send comments to the following contact:

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

During its deliberations on whether to approve the Proposed Project, the Judicial Council will consider all comments received before 5:00 p.m. on the date identified in the NOI for closure of the public comment period.

1.3 Organization of this Document

This IS/MND contains the following components:

Chapter 1, *Introduction*, provides a brief description of the intent and scope of this IS/MND and outlines the organization of and terminology used in this IS/MND.

Chapter 2, *Project Description*, describes the Proposed Project, including its purpose and goals, the location and conceptual design of the Proposed Project, the construction approach and activities, operation-related activities, and related permits and approvals.

Chapter 3, *Environmental Checklist*, presents the checklist used to assess the Proposed Project's potential environmental effects, which is based on the model provided in Appendix G of the CEQA Guidelines. For each resource topic, this chapter includes a brief environmental setting description and identifies the Proposed Project's anticipated environmental impacts, as well as mitigation measures that would reduce potentially significant impacts.

Chapter 4, *References*, provides a bibliography of printed references, websites, and personal communications used in preparing this IS/MND.

Chapter 5, *Report Preparation,* identifies the agency staff, firms, and individuals who assisted in preparation of this IS/MND.

Appendices:

A. Air Quality/Energy/Greenhouse Gas/Noise Modeling
B. Biological Resources
C. Cultural Resources Assessment
D. Preliminary Geotechnical Study
E. Paleontological Database Search
F. Phase I Environmental Site Assessment
G. Phase II Environmental Site Assessment
H. Transportation Technical Memorandum
I. Mitigation Monitoring and Reporting Program

1.4 Impact Terminology and Use of Language in CEQA

This IS/MND uses the following terminology to describe the environmental effects of the Proposed Project:

- A finding of *no impact* is made when the analysis concludes that the Proposed Project would not affect the particular environmental resource or issue.

- An impact is considered *less than significant* if the analysis concludes that no substantial adverse change in the environment would result and that no mitigation is needed.
- An impact is considered *less than significant with mitigation* if the analysis concludes that, with the inclusion of the mitigation measures described, no substantial adverse change in the environment would result.
- An impact is considered *significant* or *potentially significant* if the analysis concludes that a substantial adverse effect on the environment could result.
- *Mitigation* refers to specific measures or activities that would be adopted by the lead agency to avoid, minimize, rectify, reduce, eliminate, or compensate for an otherwise significant impact.
- A *cumulative impact* refers to one that can result when a change in the environment would result from the incremental impacts of a project along with other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts might result from impacts that are individually minor but collectively significant. The cumulative impact analysis in this IS/MND focuses on whether the Proposed Project, in combination with past, present, or probable future projects, would result in a significant cumulative impact and whether the Proposed Project's incremental contribution to that impact would be cumulatively considerable.
- Because the term "significant" has a specific usage in evaluating the impacts under CEQA, it is used to describe only the significance of impacts and is not used in other contexts within this document. Synonyms such as "substantial" are used when not discussing the significance of an environmental impact.

2.0 Project Description

The Judicial Council of California (Judicial Council) is the administrative arm of the judicial branch of the State of California (State). The Judicial Council's responsibilities include implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State. Following the Trial Court Facilities Act of 2002, the Judicial Council conducted a survey to assess the physical condition of California's courthouses. The survey showed that 90 percent of the courthouses need improvements to protect the safety and security of the public, litigants, jurors, and families who are served by California courts. In October 2008, the Judicial Council identified "Immediate and Critical Need" courthouse projects in an effort to prioritize future courthouse construction and renovation. The Immediate and Critical Need projects were located in 34 counties across the state.

The New San Luis Obispo Courthouse Project (Proposed Project) is one of the Immediate and Critical Need courthouse projects identified by the Judicial Council. The Proposed Project would involve construction of a new approximately 145,000-square-foot, five-story, modern and secure courthouse and would consolidate court operations within the city of San Luis Obispo. The Proposed Project would replace the existing Courthouse Annex building, built in 1982 and owned by San Luis Obispo County (County). That building has been evaluated and rated at a seismic risk level V, defining the courthouse as a Federal Emergency Management Agency (FEMA) P-154 rating of Very-High-Risk seismically deficient building. In addition, the Proposed Project would reunite court administrative staff offices that have been divided into off-site locations at 1070 Palm Street and 999 Monterey Street because of space limitations. The Proposed Project site totals approximately 1.43 acres of land consisting of a County-owned property at 1144 Monterey Street and extending north to include a portion of the Montereypalm Alley, the westerly lane of Toro Street, and a residential property at 969 Toro Street.

The historic 1940 courthouse building located at 976 Osos Street is a County-owned building solely utilized by the County and separate from the Judicial Council and the Superior Court of San Luis Obispo (Court). That facility is not part of the Proposed Project, and no aspect of the Proposed Project would affect operations at the Osos Street facility.

2.1 Background and Need for the Project

The Court occupies eight buildings in San Luis Obispo County that house court operations, with facilities located in the cities of San Luis Obispo, Grover Beach, and Paso Robles. The Court uses a centralized service model for criminal courts in San Luis Obispo County, with all criminal court operations located in the Courthouse Annex (1050 Monterey Street/1035 Palm Street, San Luis Obispo). Civil and family court operations

are decentralized between the Courthouse Annex and the Paso Robles Courthouse (901 Park Street, Paso Robles). Additional small claims cases are heard at the Grover Beach Branch Courthouse (214 South 16th Street, Grover Beach). Traffic court is decentralized, with operations in the Grover Beach Branch Courthouse, Paso Robles Courthouse, and the Veterans Memorial Building (801 Grand Avenue, San Luis Obispo). Administrative functions are housed in the Courthouse Annex with staff offices overflowing into facilities at 1070 Palm Street (Judicial Council owned) and 999 Monterey Street (leased) in San Luis Obispo. Most juvenile justice cases (in-custody juveniles) take place at the Juvenile Services Center (1065 Kansas Avenue, San Luis Obispo) adjacent to the County's Juvenile Hall facility, and most juvenile protection cases (out-of-custody juveniles) occur at the Courthouse Annex. No in-custody juveniles appear at the Courthouse Annex.

The existing Courthouse Annex building, located at 1050 Monterey Street, is the main courthouse in San Luis Obispo County, with 12 courtrooms handling all case types and jury services for county-wide jury trials. Of the approximate 112,000-square-foot Courthouse Annex building complex (owned and managed by the County), the Court occupies 40,867 net square feet of court-exclusive space, or 49.74 percent of the building as a whole. The County's remaining 50.26 percent of the building is occupied by County District Attorney, Sheriff Civil, County Probation, County Planning and Public Works, and County General Services Lease space. The *2019 Prioritization for Capital Outlay Projects Report, Courthouse Needs Assessment for the Superior Court of San Luis Obispo County* (Judicial Council 2019) found that the Court-occupied areas of the Courthouse Annex are overcrowded and have functional and security issues such as undersized courtrooms with inefficient layouts; undersized entrance security screening area; and non-compliance with accessibility standards. Because the County holds the title for the Courthouse Annex, the Judicial Council may not renovate or expand the property without the cooperation and collaboration of the County.

Once construction of the Proposed Project is completed, the Court would relocate from the existing 12-courtroom Courthouse Annex to the new 12-courtroom courthouse of approximately 145,000 square feet on as much as 1.43 acres. After completion of the new San Luis Obispo Courthouse at the Proposed Project site, the court would also vacate the two non-State-owned facilities: The Courthouse Annex would be offered to the County and the lease at 999 Monterey Street would be terminated. The disposition of the State-owned property at 1070 Palm Street has not been determined.

2.2 Project Purpose and Objectives

The purpose of the Proposed Project is to decommission an existing 12-courtroom FEMA P-154 High Risk Seismic Facility (Courthouse Annex); relocate it to a new 12-courtroom courthouse; and consolidate court operations from three facilities (Courthouse Annex, 1070 Palm Street, and 999 Monterey Street) into one location. Implementation of the Proposed Project would relieve overcrowding, improve security and operational

efficiency, and provide the Court with a facility that meets current courthouse space and safety standards. The new courthouse would have improved functionality for Court operations compared to current conditions. Improvements would include separate internal circulation zones for staff, public, and in-custody individuals; adequate space for visitor security screening and queuing in the entrance area; attorney-client conference and interview rooms; improved public service, including an adequately sized and climate-controlled self-help area; appropriately sized jury assembly area to accommodate a typical jury pool size; improved case processing and courtroom safety with courtrooms designed to current standards and accessibility requirements; and adequate staff work stations and meeting spaces.

The Proposed Project would contribute to meeting the Judicial Council's strategic plan Goal VI: "Branch wide Infrastructure for Service Excellence," by providing the Court with the facilities required to carry out the Judiciary's constitutional functions. In addition, the Proposed Project would support the Judicial Council's commitment to Goal I: "Access, Fairness, and Diversity"; Goal IV: "Enhancing the Quality of Service and Justice Provided to the Public"; and Goal VII: "Adequate, Stable, and Predictable Funding for a Fully Functioning Branch."

The Judicial Council has identified the following objectives of the Proposed Project:

- Replace the existing, inadequate and obsolete facility with a sustainable, safe, and accessible courthouse that meets the Judicial Council's *California Trial Court Facilities Standards*, improving the public's access to justice and enhancing public services;
- Relieve the current space shortfall and increase security at Superior Court buildings in San Luis Obispo County;
- Consolidate court operations from three buildings into one location;
- Align courthouse spaces and organization with Judicial Council space standards;
- Avoid future expenditures for deferred maintenance and security system upgrade associated with the continued use of older facilities; and
- Decommission the use of the Courthouse Annex, a FEMA P-154-rated Very-High-Risk seismically deficient building, from service as a courthouse.

The Judicial Council's proposed courthouse design would be required to conform to the principles of the 2023 Facilities Standards (Judicial Council 2023a). These principles include the following:

- Court buildings shall reflect the dignity of the law and the stability of the judicial system.

- Court buildings shall be responsive to local context, geography, climate, and setting.
- Court buildings shall be a reflection of the importance of the activities within the courthouse, with adequate spaces that are planned and designed to be adaptable with changes in judicial practice.
- Court buildings shall be designed and constructed in consideration of the economics of their operation and maintenance.
- Court buildings shall provide a sustainable, safe, and accessible environment.
- Court buildings shall be designed and constructed utilizing technical excellence in building systems.

2.3 Project Location and Setting

The Judicial Council is proposing to construct and operate a new courthouse within the city of San Luis Obispo. The Proposed Project would require the acquisition of land from the County, a private property owner, and the City of San Luis Obispo (City). The two parcels identified for the Proposed Project are located in downtown San Luis Obispo, in San Luis Obispo County (Figures 2-1, 2-2, and 2-3). The main portion of the proposed project site (Assessor's Parcel Number [APN] 002-326-021) is a 1.36-acre site located at 1144 Monterey Street, on the west corner of Toro Street and Monterey Street, that is currently owned by the County. The site would be squared-up and expanded slightly by the City permanently closing a portion of Montereypalm Alley on the north side of the parcel and one lane of Toro Street along the eastern frontage of the parcel. The partial alley closure and reduction of Toro Street to a one-way vehicle lane is necessary to create a 25-foot setback between the building and vehicles for security and safety reasons; two directions of bicycle movement and a pedestrian sidewalk will continue.

To similarly establish a 25-foot vehicle setback at the Monterey Street building face, on-street parking fronting the project site on Monterey Street will be removed, allowing the development of a protected westbound bicycle lane to be constructed in its place consistent with the City's Active Transportation Plan. A second privately owned residential property (APN 002-326-012) at 969 Toro Street, immediately north of Montereypalm Alley and adjacent to the closed portion, has also been identified to be acquired. The residential structure would be demolished to provide an additional site buffer, surface parking for court-owned vehicles and unoccupied sheriff transport vans and may provide an alternative vehicular access for Judges into the secure parking within the new courthouse building rather than utilizing Toro Street. Both parcels, combined with the alley and partial Toro Street closures, result in a proposed project site area of approximately 1.43 acres. The Proposed Project site is located one block from the existing Courthouse Annex and 1070 Palm Street and two blocks from 999 Monterey Street.

The County-owned parcel at 1144 Monterey Street is occupied primarily by the San Luis Obispo County Parks and Recreation Department and County Public Works Facilities Maintenance and Management with minor use by the Court for records storage. Two paved parking areas are present on site. The westerly parking area is used by multiple county departments: County Administration, Central Services, Human Resources, Planning, Assessor, Probation, County Counsel, and Information Technology Department. The easterly parking area is used by Parks and Recreation staff, the public, outside departments visiting downtown county offices, and Public Works fleet vehicles. The existing building, which would be demolished, is approximately 15,780 gross square feet and consists of a basement used for records storage and a first and second floor used for government offices. The building also includes, adjacent to Montereypalm Alley, several automotive service bays and offices used by Public Works.

While the Judicial Council is not subject to local land use regulations[1] the use of the property for the Proposed Project is consistent with the City of San Luis Obispo's (City's) General Plan; see Section 3.11, "Land Use and Planning," for more information. The City's General Plan designates the Monterey Street parcel as General Retail and Special Focus Area #2, Upper Monterey and the Toro Street parcel as Office. The zoning designations are C-R Retail Commercial and Office, respectively. In addition, the City Council adopted Resolution No. 11437 on July 18, 2023, expressing support for the downtown area as the preferred location for the project site, and the County Board of Supervisors adopted Resolution No. 2023-164 expressing support for the Judicial Council's acquisition of the site at 1144 Monterey Street.

The surrounding land uses include commercial businesses (a bail bonds facility and a medical office) directly west of the project site facing Santa Rosa Street and, across Santa Rosa Street, the existing courthouse and County District Attorney's office; single- and multi-family residential buildings north of Montereypalm Alley, some of which double as offices; social service organization offices and restaurants to the east across Toro Street; and commercial buildings on the south side of Monterey Street.

[1] A State agency is immune from local regulations unless the Legislature expressly waives immunity in a statue or the California Constitution. (*City of Malibu v. Santa Monica Mountains Conservancy* (2002) 98 Cal.App.4th 1379, 1383.)

Figure 2-1
Project Vicinity

Project Location

N

0 5
Miles

MONTROSE ENVIRONMENTAL

New San Luis Obispo Courthouse Project

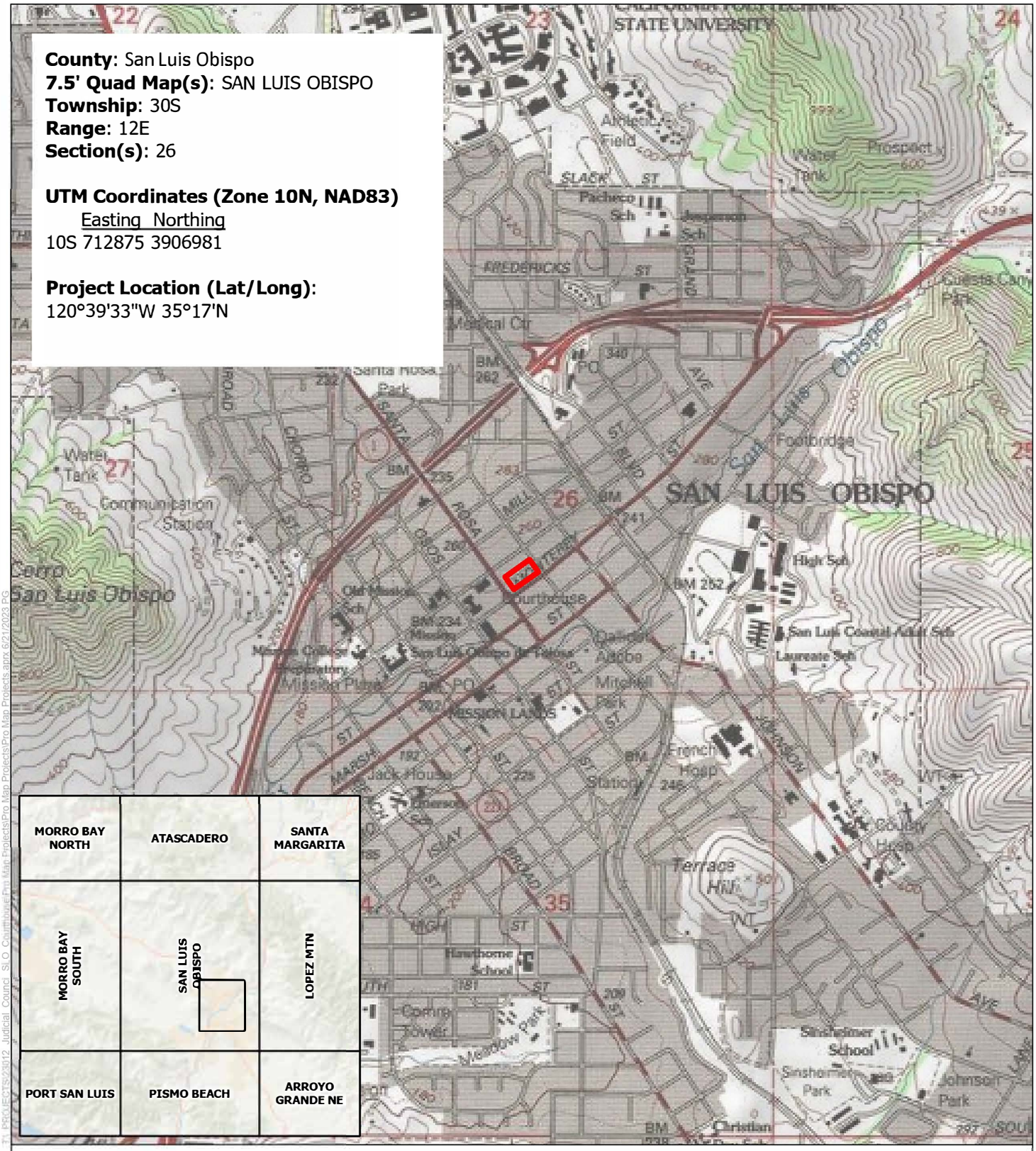


Figure 2 2
Project Location

MONTROSE ENVIRONMENTAL

New San Luis Obispo Courthouse Project

Figure 2-3
Proposed Project Site

New San Luis Obispo Courthouse Project

2.4 Project Components

2.4.1 Proposed Project Facilities

The Proposed Project would involve demolition of two buildings and construction of a new 12-courtroom (four large courtrooms and eight multipurpose courtrooms) courthouse of approximately 145,000 square feet using a design-build delivery method. The building would have five floors and a shielded mechanical area on the roof. The existing topography exhibits approximately 14 feet of fall across the north-south direction of the site, placing the top of the fifth-floor parapet at approximately 84 feet above ground level along Monterey Street and 70 feet adjacent to Montereypalm Alley. The shielded mechanical area on the roof would be stepped back from the building perimeter to an approximate height of 74 feet above the adjacent Montereypalm Alley.

As stated above, the courthouse would be designed and constructed in accordance with the current version of the Judicial Council's adopted Facilities Standards (Judicial Council 2023a). The Facilities Standards have been used by the Judicial Council to formulate the Project Description, inform the public regarding the Judicial Council's intent for the Proposed Project, and inform the analysis of the Initial Study. Compliance with the Facilities Standards is a primary objective of the Proposed Project and is evaluated in this IS/MND as an element of the project.

The Facilities Standards reflect best practices and successful solutions for basic components of the trial court buildings and form the basis for design and construction of functional, durable, maintainable, efficient, and secure contemporary court facilities. The Proposed Project would incorporate sustainability measures throughout its design, construction, operation, and maintenance; comply with the Nonresidential Mandatory Measures of the current version of the CalGreen code as well as the current version of the California Energy Code requirements; and achieve a minimum Silver certification level under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program.

Figure 2-4 is a conceptual site plan and Figure 2-5 shows conceptual site sections for the Proposed Project.

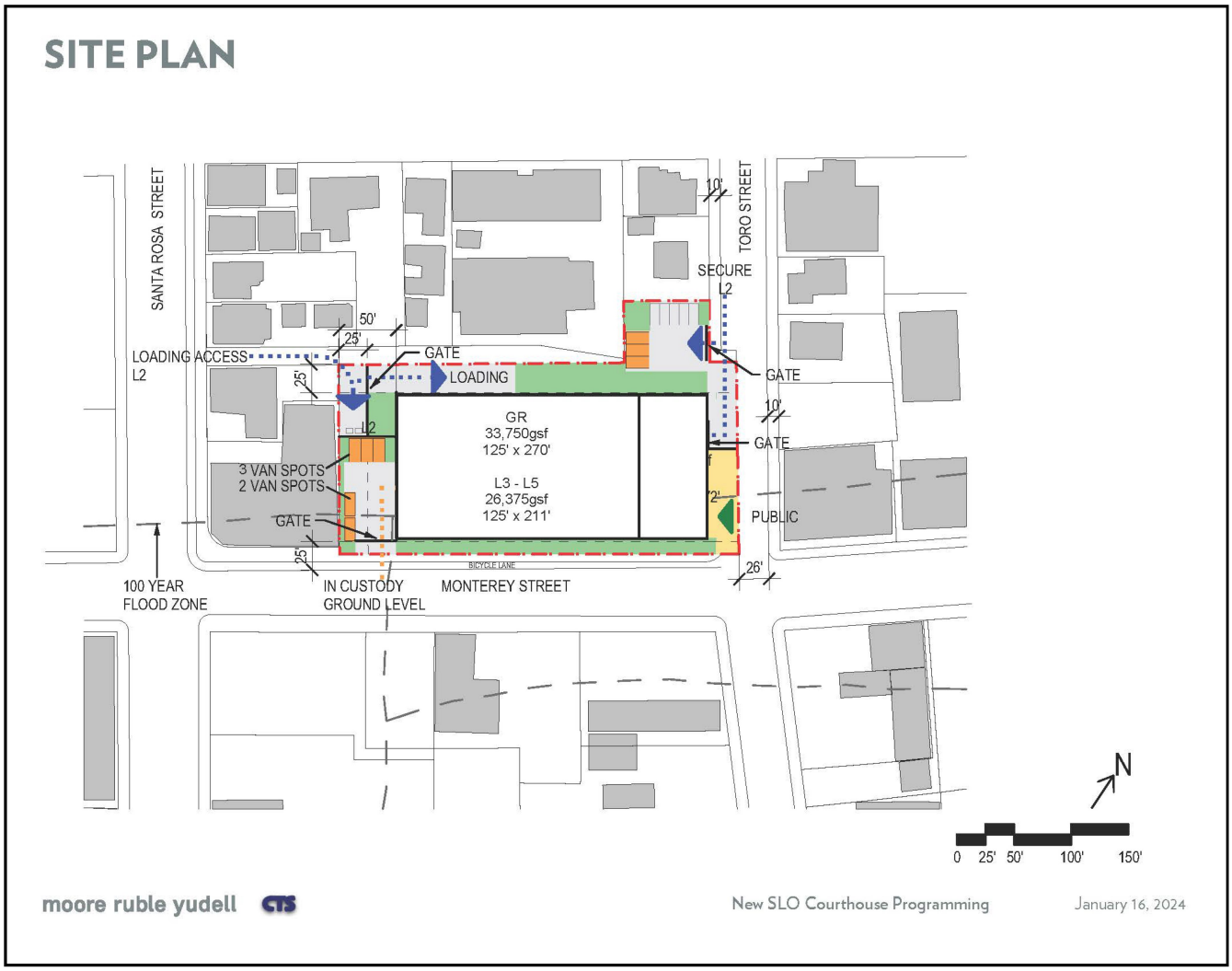
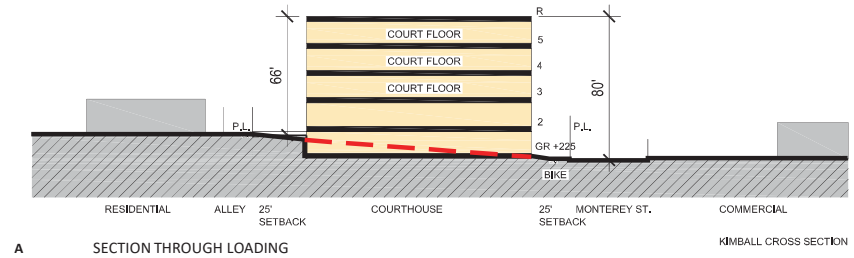


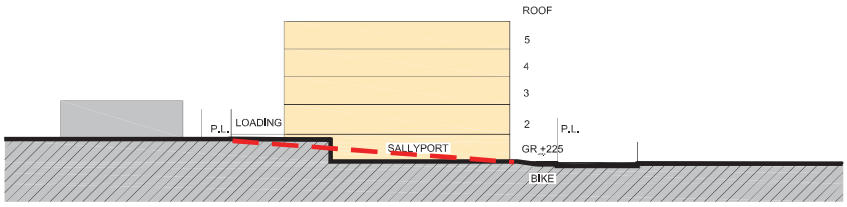
Figure 2-4. Conceptual Site Plan

SITE SECTIONS

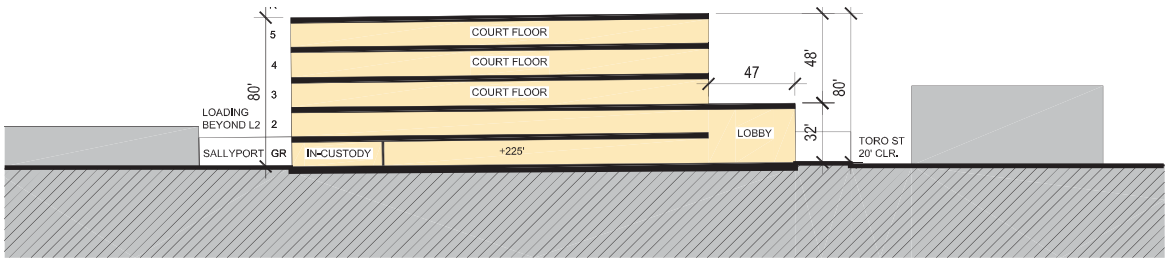
Not to Scale



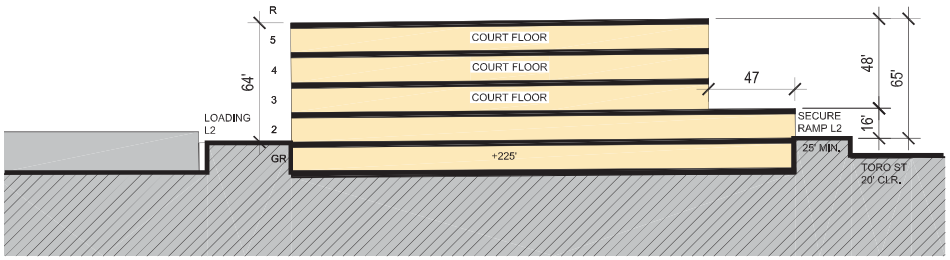
A SECTION THROUGH LOADING



B SECTION THROUGH LOADING



C **LONGITUDINAL SECTION THROUGH SALLYPORT**



D LONGITUDINAL SECTION THROUGH SECURE RAMP

SOURCE: Moore Ruble Yudell, July 2023

Figure 2-5
Courthouse Sections

The courthouse would contain the following component areas (Judicial Council 2023b):

- Public area, including lobby and security screening
- 12 courtrooms (four large and eight multipurpose)
- Judges' chambers and courtroom support
- Court operations
- Clerk's office
- Family Court services
- Self Help area
- Administration and Information Technology
- Jury services
- Sheriff area
- Central in-custody holding area, including vehicle and pedestrian sallyports
- Building Support areas

Parking and Access

The project would include 17 secured parking spaces within the building: 15 for judicial officers and two for executive staff. Juror, public, and staff parking would continue to be available at the City's public parking garages at 812 Palm Street, 919 Palm Street, and 680 Monterey Street, as currently being utilized for the existing downtown courthouse facilities within a block of the new courthouse location. The project site is also three blocks from the City's transit center, which provides access to all nine city bus routes and regional bus service to other cities within the county.

The Proposed Project site would have vehicle access from three locations: one on Monterey Street for in-custody transport vehicles into a secured and gated perimeter; a second from Toro Street for judicial staff into the secured parking within the building; and a third from Montereypalm Alley for service deliveries and waste pick-up. Service deliveries to the courthouse are infrequent and occur periodically during the year and no more than once a month. To allow for waste management truck pick-up and directional vehicle turnaround on the alley, a vehicular area would be incorporated into the service area design. The public entrance would be located at the southeast corner of the building, at the intersection of Monterey and Toro Streets. Daily mail and package deliveries would be made through the public entrance to allow screening and scanning prior to entering the courthouse.

Additionally, vehicle access would continue to the privately owned residential property at 969 Toro Street with the area used as surface parking for court-owned vehicles and unoccupied sheriff transport vans. This area may also provide an alternative vehicular access for judges into the secure parking area within the new courthouse building rather than utilizing Toro Street.

Stormwater

Site-generated stormwater management would comply with the stormwater management requirements of the City, which are set by the California Central Coast Regional Water Quality Control Board and are identified as post-construction requirements. The primary goal of post-construction requirements is to ensure that regulated projects reduce pollutant discharges to the maximum extent practicable and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. The Proposed Project site would have an estimated net impervious area of approximately 50,694 square feet, requiring it to meet the City's peak management post-construction requirements for stormwater treatment and 2-year and 10-year detention management volumes. The Proposed Project would implement measures to comply with these requirements.

Potable Water

Potable water would be supplied by the City via a new connection to an existing 10-inch water line in Monterey Street.

Based on conceptual engineering estimates of the number of daily occupants and operating days per year, the baseline indoor water use is calculated at 300,000 gallons per year. Should the facility use a cooling tower and depending upon the equipment type and cycles of concentration, the mechanical water use could be twice the indoor amount, resulting in an estimated total indoor domestic and mechanical water use of approximately 900,000 gallons per year.

Landscaping would cover approximately 12,000 square feet of the proposed site and would primarily consist of plants that have low and medium water use characteristics. The maximum applied water allowance, as stated in the State of California Model Water Efficient Landscape Ordinance (MWELO), is estimated at 130,734 gallons, and the estimated total landscaping water use is below that allowance at 125,533 gallons (Pamela Burton & Company Landscape Architecture 2023). To help reduce the amount of project-related landscape water, the following best management practices (BMPs) would be implemented, consistent with the Judicial Council's Water Conservation Policy (Judicial Council 2015):

- Turf or grass would not be installed at the Proposed Project site.
- Landscape areas would include California native and climate-appropriate, drought-tolerant plants and trees, if feasible.
- Most landscape irrigation would be point-source drip with the use of high-efficiency, low-precipitation-rate sprays in any bioretention areas.

Wastewater

It is anticipated that wastewater collected from the Proposed Project site would be piped to the lower portion of the site on Monterey Street and connected to a 15-inch polyvinyl chloride (PVC) pipe in Monterey Street. Wastewater would be conveyed to the City's treatment plant.

Electricity

Electrical service would be provided by Central Coast Community Energy across Pacific Gas and Electric Company (PG&E) distributed infrastructure. For the building's approximately 145,000 gross square feet, electrical demand/use is estimated at 24 volt amperes (VA) per square foot or requiring a 480V/5000A service.

2.4.2 Operations and Maintenance

In general, operations at the new facility would be similar to operations at the three dispersed existing sites. The Court operates Monday – Friday 8:00 a.m. to 5:00 p.m., except on Judicial Council holidays. Juror call may not occur every day, but when called, an average of 200 jurors are called to arrive at 8:00 a.m. and a second call of 200 jurors may be called at 12:00 p.m. No more than 150 jurors would be assembled at any given time. The juror call frequency is directly related to the number and type of jury trials that are being held. It would be unusual to be selecting a jury for more than one courtroom simultaneously, and typically there would be no more than two jury trial proceedings occurring on any given day.

The building would have a single entry point for the public and Court employees where security screening would occur. Judicial officers and senior administrators, totaling no more than 17 individuals, would park in the secure parking area within the building and access the building and their work areas through a separate, private internal circulation zone. In-custody defendants would arrive from the county jail in vans by 7:30 a.m. for morning appearances or by 1:00 p.m. for afternoon appearances and would depart the courthouse similarly at the conclusion of their proceeding. In-custody defendants may also arrive at the courthouse in vehicles from the California Department of Corrections and Rehabilitation's California Men's Colony or California Department of State Hospitals' Atascadero State Hospital. All in-custody transport vehicles arriving at the courthouse would enter a visually screened and physically secured vehicle staging area from Monterey Street. Vehicle access to the courthouse proper would be through an enclosed secure vehicle sallyport within the building where in-custody defendants would be transferred from the vehicle through a secondary pedestrian sallyport and into the courthouse's central holding area, operated and controlled by the county Sheriff. All gates, vehicle entrances, and pedestrian doors within the building would be operated through the courthouse's secured detention control room. In-custody defendants would be temporarily held in cells according to their classification and gender. These defendants would be moved by sheriff officers to individual courtrooms for arraignment and court proceedings through a separate detention-only circulation zone that never connects to or

crosses either the public or private circulation zones of the building. Central Holding would serve only in-custody adults; all proceedings for in-custody juveniles (juvenile justice cases) would continue to take place at the Juvenile Services Center at 1065 Kansas Avenue, not at this new courthouse facility.

Staffing and Occupancy

The new facility would be staffed by 174 full-time-equivalent (FTE) employees; no new employees would be generated by the Proposed Project. As shown in Table 2-1, occupancy of the building would include employees, officers, in-custody defendants, jurors, and other members of the public. The maximum estimated occupancy on a busy day may be as much as 615 persons.

Table 2-1. Estimated Maximum Daily Occupancy for New San Luis Obispo Courthouse

Personnel Category	Daily Occupancy	Total
Court Employees	146	
Sheriff Deputies	22	
Weapons Detection Staff (private security firm)	6	
Subtotal Courthouse Staff		174
In-custody Defendants (average)	51	
Jurors (peak assembly room capacity)	150	
Other Public Visitors*	240	
Subtotal Visitors		441
Total Occupancy		**615**

*Estimated to average 20 visitors per courtroom.

Source: Judicial Council 2023c.

2.4.3 Construction

Construction activities would take place between the hours of 7:00 a.m. and 7:00 p.m. during weekdays, with approval from the State required for nighttime or weekend work. Construction would occur in as many as three phases in alignment with the Office of the State Fire Marshal's permitting guide and as outlined in **Table 2-2**.

Table 2-2. Construction Phases and Schedule

Construction Phase	Start Date	End Date
Building Demolition	April 2027*	December 2027
Phase 1: Site work, underground utilities, foundations	January 2028	July-September 2028
Phase 2: Building construction	November 2028	September 2030

* Demolition may instead begin along with Phase 1 site work at contractor's discretion.

Source: Judicial Council 2023c

Prior to site redevelopment activities, the Judicial Council and its contractors would notify the Central Coast Regional Water Quality Control Board and County Environmental Health Services that a change in land use and redevelopment activities are planned, providing the necessary statements and documentation regarding the potential for residual soil and groundwater contamination that may underlie the property. The existing County-owned building, parking area, residential structure, and vegetation that occupy the proposed Project site would be demolished before or concurrent with Phase 1 site work (see Table 2-2). Any existing monitoring wells on the site would be abandoned in accordance with County Environmental Health Services requirements. The resulting materials would either be recycled or hauled off site to an appropriate landfill or transfer facility.

Due to the confined nature of the downtown site, limited staging would be accommodated on site and most likely would occur on the residential parcel. The design-build contractor would need to utilize a combination of "just-in-time" delivery of materials and a supplemental staging area, if needed. The construction perimeter would be secured with chain-link fencing. Construction activities would include grading, excavation, framing, installation of building systems, and architectural coatings. Excavation operations at the site would export material to an offsite location and replace, import engineered fill, and compact as required on site. Construction equipment necessary for site preparation would include a grader, dozer, loader/backhoe, dump trucks, compactor, compressor/jack hammer, and water truck. During building construction, equipment would include a tower crane, forklifts, a loader/backhoe, a temporary generator, compressors, concrete trucks, and paving equipment.

2.5 Project Approvals

The Judicial Council is the lead agency for the Proposed Project and is acting as the judicial branch of the State of California. Accordingly, local government land use planning and zoning regulations do not apply to the Proposed Project. However, the Judicial Council considers county and/or city policies and guidelines, as appropriate, to ensure the Proposed Project would be consistent with the site's character and surroundings.

The Judicial Council is responsible for certifying the California Environmental Quality Act document and approving the Proposed Project.

The Proposed Project would disturb an area greater than one acre. Therefore, a National Pollutant Discharge Elimination System Permit from the Central Coast Regional Water Quality Control Board and preparation of a Storm Water Pollution Prevention Plan would be required.

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3.0 Environmental Checklist

This chapter of the IS/MND assesses the environmental impacts of the Proposed Project based on the environmental checklist provided in Appendix G of the CEQA Guidelines. The environmental resources and potential environmental impacts of the Proposed Project are described in the individual subsections below. Each section includes a discussion of the rationale used to determine the significance level of the Proposed Project's environmental impact for each checklist question. For environmental impacts that have the potential to be significant, mitigation measures are identified that would reduce the severity of the impact.

1.	**Project Title**	New San Luis Obispo Courthouse Project
2.	**Lead Agency Name and Address**	Judicial Council of California 455 Golden Gate Avenue San Francisco, CA 94102-3688
3.	**Contact Person, Phone Number and Email**	Kim Bobic, Senior Project Manager (805) 249-0911 Kim.Bobic-T@jud.ca.gov
4.	**Project Location and Assessor's parcel number (APN)**	1144 Monterey Street and 969 Toro Street, San Luis Obispo, CA APNs 002-326-021 and 002-326-012
5.	**Property Owner(s)**	County of San Luis Obispo, private landowner: Obispo Real Estate LLC
6.	**General Plan Designation**	General Retail, Special Focus Area #2 Upper Monterey; Office
7.	**Zoning**	C-R: Retail Commercial; O: Office
8.	**Description of Project**	The Proposed Project would decommission the existing 12-courtroom Courthouse Annex; demolish the existing building(s) at 1144 Monterey Street and the residential structure(s) at 969 Toro Street in the city of San Luis Obispo; construct a new, approximately 145,000-square-foot, 12-courtroom courthouse; and consolidate court operations from three facilities (Courthouse Annex at 1035 Palm

	Street, 1070 Palm Street, and 999 Monterey Street) into one location.
9. Surrounding Land Uses and Setting	Commercial businesses (a bail bonds facility and a medical office) directly west of the project site facing Santa Rosa Street; across Santa Rosa Street, the existing courthouse and County District Attorney's office; single- and multi-family residential buildings north of Montereypalm Alley, some of which are occupied as commercial offices; social service organization offices and restaurants to the east across Toro Street; and commercial buildings on the south side of Monterey Street.
10. Other Public Agencies whose Approval or Input May Be Needed	Central Coast Regional Water Quality Control Board (RWQCB), San Luis Obispo County Air Pollution Control District (SLOAPCD), City of San Luis Obispo, Office of the State Fire Marshal (OSFM), Board of State and Community Corrections (BSCC), Division of the State Architect (DSA).
11. Hazards or Hazardous Materials	The Proposed Project is located on a site that is included on the California GeoTracker database of known underground storage tank (UST) operations compiled pursuant to Government Code Section 65962.5. The site is under regulatory control by the Central Coast RWQCB, which requires notification and remediation, if needed, before any development activities can take place.
12. Native American Consultation	Local tribes who were identified by the Native American Heritage Commission (NAHC) as having a traditional and cultural association with the project area were notified about the Proposed Project via letters dated July 24, 2024. Three tribes requested consultation on the project: Northern Chumash Tribal Council, Salinan Tribe of Monterey and San Luis Obispo Counties, and yak tit^{y}u tit^{y}u yak tiłhini. At the time of publication, consultation is ongoing. The Judicial Council will continue to consult and work with the Tribes to finalize mitigation measures to satisfy the requirements of Assembly Bill (AB) 52.

This chapter of the IS/MND assesses the environmental impacts of the Proposed Project based on the environmental checklist provided in Appendix G of the CEQA Guidelines. The environmental resources and potential environmental impacts of the Proposed Project are described in the individual subsections below. Each section (3.1 through 3.18) provides a brief overview of regulations and regulatory agencies that address the resource and describes the existing environmental conditions for that resource to help the reader understand the conditions that could be affected by the Proposed Project. In addition, each section includes a discussion of the rationale used to determine the significance level of the Proposed Project's environmental impact for each checklist question. For environmental impacts that have the potential to be significant, mitigation measures are identified that would reduce the severity of the impact.

Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by the Proposed Project, as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☒ Air Quality
- ☒ Biological Resources
- ☒ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☒ Hazards and Hazardous Materials
- ☒ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☒ Noise
- ☐ Population/Housing
- ☒ Public Services
- ☐ Recreation
- ☒ Transportation
- ☒ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☒ Wildfire
- ☒ Mandatory Findings of Significance

Determination

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of sources of information cited in this document, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site.

On the basis of this initial evaluation:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.

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

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

Signature Jennifer Chappelle **Date** 5/12/2025

Jennifer Chappelle, Risk Manager
Judicial Council of California

3.1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.1.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to aesthetics in relation to the Proposed Project.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to aesthetics in relation to the Proposed Project.

California Scenic Highway Program. The California Scenic Highway Program was established through Senate Bill (SB) 1447 (Farr) in 1963 to preserve and enhance the natural beauty of California (California Department of Transportation [Caltrans] 2008). This bill added Sections 260 through 263 to the Streets and Highways Code, which places the Scenic Highways Program under the jurisdiction of Caltrans. The program is composed of a list of designated and eligible highways, a process by which designation may occur, a process by which designation may be withdrawn, and coordinators who review and recommend eligible highways for designation to the Caltrans Director. Scenic highways are evaluated for inclusion based on whether a landscape demonstrates natural

scenic or agricultural beauty, whether existing visual intrusions significantly impact the view, whether there is strong local support, and whether the length of the highway is longer than a mile.

2023 California Trial Court Facilities Standards (Facilities Standards). The Judicial Council's Facilities Standards includes the following lighting policies:

> Exterior lighting shall not contribute to light pollution or trespass by emitting light beyond the property. Minimize glare and unwanted light for neighbors. The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) for Building Design and Construction (Sustainable Sites credit category: Light Pollution Reduction) shall be used as a guideline for developing the exterior lighting plan, as shall the code-required light pollution reduction measures in the California Green Building Standards Code (CALGreen; Cal. Code Regs., tit. 24, pt. 11). Designers should consider specifying LED luminaires compliant with the International Dark-Sky Association requirements—specifically, a correlated color temperature of 3,000 kelvin or less.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

City of San Luis Obispo General Plan Conservation and Open Space. The Conservation and Open Space Element of the City of San Luis Obispo General Plan provides the following policies and implementation measures relevant to aesthetics.

9.1.3. Utilities and signs. In and near public streets, plazas, and parks, features that clutter, degrade, intrude on, or obstruct views should be avoided. Necessary features, such as utility and communication equipment, and traffic equipment and signs should be designed and placed so as to not impinge upon or degrade scenic views of the Morros or surrounding hillsides, or farmland, consistent with the primary objective of safety. New billboard signs shall not be allowed, and existing billboard signs shall be removed as soon as practicable, as provided in the Sign Regulations.

9.2.1. Views to and from public places, including scenic roadways. The City will preserve and improve views of important scenic resources from public places, and encourage other agencies with jurisdiction to do so. Public places include parks, plazas, the grounds of civic buildings, streets and roads, and publicly accessible open space. In particular, the route segments […] that are designated as scenic roadways.

A. Development projects shall not wall off scenic roadways and block views.

B. Utilities, traffic signals, and public and private signs and lights shall not intrude on or clutter views, consistent with safety needs.

C. Where important vistas of distant landscape features occur along streets, street trees shall be clustered to facilitate viewing of the distant features.

D. Development projects, including signs, in the viewshed of a scenic roadway shall be considered "sensitive" and require architectural review.

9.2.2. Views to and from private development. Projects should incorporate as amenities views from and within private development sites. Private development designs should cause the least view blockage for neighboring property that allows project objectives to be met.

9.2.3. Outdoor lighting. Outdoor lighting shall avoid: operating at unnecessary locations, levels, and times; spillage to areas not needing or wanting illumination; glare (intense line-of-site contrast); and frequencies (colors) that interfere with astronomical viewing.

3.1.2 Environmental Setting

Visual Character and Quality of the Site

The Proposed Project is located within the City of San Luis Obispo. The city is located in a valley and is characterized by notable scenic attributes such as hillsides, creeks, farmland and woodland, and is particularly characterized by the surrounding mountains (City of San Luis Obispo 2014).

The area in the immediate vicinity of the Proposed Project site is heavily developed with commercial and residential areas, parking lots, and roadways. Vegetation to the south of the Proposed Project site is minimal and primarily consists of street trees and small areas of commercial landscaping. While vegetation to the north is more substantial, it is mainly restricted to the small front, back, and side yards of residential dwellings. There are no parks or other open space areas near the Proposed Project site. The surrounding mountains are visible from the Proposed Project site from multiple directions.

The area within the boundaries of the Proposed Project site is developed with both commercial and residential structures, similar to structures on surrounding parcels. It is situated on the northwest corner of the intersection of Monterey Street and Toro Street. Montereypalm Alley crosses the northern portion of the site between the existing commercial and residential parcels. Existing development on the Proposed Project site is 1-2 stories in height, with some buildings in the wider area along Monterey Street being 2-3 stories in height.

Scenic Highways and Corridors

The closest major roadway is U.S. Highway 101, approximately 0.35 mile to the north, which is eligible for designation as a state scenic highway. At this point, U.S. Highway 101 intersects with Highway 1, a federal byway that is also eligible for designation as a state scenic highway (Caltrans 2018). Further, two roads in the project area are identified by the City of San Luis Obispo as having moderate scenic value (City of San Luis Obispo 2014). They are two blocks of Santa Rosa Street and Johnson Avenue between Peach Street and Palm Street, approximately 260 feet and 550 feet, respectively, from the Proposed Project site. The City of San Luis Obispo also identifies scenic views; however, these are not near the Proposed Project site (City of San Luis Obispo 2014).

Viewsheds

Current views of the Proposed Project site are of a highly developed lot, with on-site parking and some single-story development. Existing development is similar to development adjacent to the site on the south of Monterey Street.

Viewer Groups

The primary viewers of development on the Proposed Project site would be local residents, employees or patrons of existing local businesses, and passers-by (e.g., motorists, cyclists, pedestrians). Typically, local residents would be the most sensitive to changes to the viewshed due to the close proximity and length of time spent in the area; employees/patrons of local businesses would be moderately sensitive, and passers-by would be least sensitive to changes.

Light and Glare

The Proposed Project site and surrounding area contain multiple existing on-site sources for nighttime light and daytime glare. Sources of light include lights within and on the exterior of the existing commercial building (currently occupied primarily by County offices), exterior lighting at the existing residential structure, and dedicated lighting in the parking areas. Sources of glare include reflections from glass and metal in the existing cars and buildings on-site, as well as sunlight reflecting off windows of buildings.

3.1.3 Discussion of Checklist Responses

a. Adverse effects on scenic vistas (No Impact)

A scenic vista is generally considered a view of an area that has remarkable scenery and is designated as such by Caltrans or the local jurisdiction. Presently, there are no designated scenic vistas in the Project vicinity. The closest scenic vistas are approximately 1 mile away and do not include the Proposed Project site (City of San Luis Obispo 2014). Furthermore, due to topography, distance, existing development, and existing vegetation, it is unlikely that the Proposed Project would be visible from local roadways identified by the City as having moderate scenic value. Therefore, the Proposed

Project would not have an adverse effect on a scenic vista during construction or operation and there would be ***no impact***.

b. Damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway **(No Impact)**

Due to topography, distance, existing development, and existing vegetation, it is unlikely that the Proposed Project would be visible from any designated or eligible state scenic highway. Furthermore, as the site is already developed, there are no significant scenic resources existing on-site. There would be ***no impact***.

c. Conflict with applicable zoning and other regulations governing scenic quality **(Less than Significant)**

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations, however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

The site is not visible from any scenic highways and is not located in the vicinity of features that are specifically designated as having scenic significance. The Proposed Project site is not located within any zones or overlays that have specific scenic considerations, and the site is generally consistent with applicable zoning. Therefore, the impact related to scenic quality regulations would be ***less than significant***.

d. New sources of substantial light or glare **(Less than Significant)**

Construction activities would take place between the hours of 7:00 a.m. and 7:00 p.m. during weekdays, with approval from the State required for nighttime or weekend work; therefore, no construction-related nighttime lighting would be required. The amount of glare from metal or glass construction components would be similar to the amount produced by existing on-site uses.

During operation, the limited parking areas for the Proposed Project would likely produce similar, albeit reduced, levels of lighting and glare compared to existing conditions. The proposed increased height of the new building would provide more opportunity for spillover illumination from exterior lighting and glare from windows. However, the Proposed Project would be designed to comply with lighting policies within the Judicial Council's Facilities Standards to avoid light pollution or trespass, glare, and unwanted light for neighbors. Therefore, the impact of light and glare would be ***less than significant***.

3.1.4 Mitigation Measures

None required.

3.2 Agriculture/Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.2.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to agriculture or forestry resources in relation to the Proposed Project.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to agriculture or forestry resources in relation to the Proposed Project.

Farmland Mapping and Monitoring Program. The California Department of Conservation (CDOC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982, as a non-regulatory program to provide a consistent and impartial analysis of agricultural land use and land use changes throughout California. FMMP now

maps agricultural and urban land use for nearly 98 percent of the state's privately held land. FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories include Prime Farmland. Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, Other Land, and Water.

California Land Conservation Act of 1965 (Williamson Act). The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) is designed to preserve agricultural and open space land. It establishes a program of private landowner contracts that voluntarily restrict land to agricultural and open space uses. The program is a two-step process involving the establishment of an agricultural preserve by the local legislative body and then approval of a land conservation contract. In return, Williamson Act parcels receive a lower property tax rate consistent with their actual use instead of their market value. Lands under contract may also support uses that are "compatible with the agricultural, recreational, or open-space use of [the] land" subject to the contract (California Government Code Section 51201[e]).

Government Code Section 51290 states that "(a) it is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves," and "(b) it is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter."

Timberland and forestland regulations. The following definitions of timberland, timber, and forestland are provided in the Public Resources Code (Pub. Res. Code) and Government Code and referenced in Appendix G of the CEQA Guidelines:

> **Timberland** – defined as land, other than land owned by the federal government and land designated by the board as experimental forest land (privately owned land as well), which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees (Pub. Res. Code Section 4526).
>
> **Timber** – defined as trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock (Government Code Section 51104[g]).
>
> **Forestland** – land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife,

biodiversity, water quality, recreation, and other public benefits (Pub. Res. Code Section 12220[g]).

No timberland or timberland zoned Timberland Production areas are located within or adjacent to the Proposed Project site.

Local Laws, Regulations, and Policies

No local laws, regulations, or policies are applicable to agriculture and forestry resources in relation to the Proposed Project.

3.2.2 Environmental Setting

The Proposed Project site is primarily paved or otherwise developed. No forestry resources are present at the site, although some trees and small areas of ornamental landscaping are present. There are no Williamson Act contracts or designated Important Farmland on or adjacent to the Proposed Project site (CDOC 2024a, 2024b).

3.2.3 Discussion of Checklist Responses

a, e. Convert farmland to non-agriculture use, or result in conflicts with or loss of agricultural or forest lands (No Impact)

According to the CDOC's California Important Farmland Finder, the Proposed Project is located solely on urban and built-up land (CDOC 2024a). Furthermore, the Proposed Project is located on land that has already experienced development over an extended period. As discussed in Section 3.11, "Land Use and Planning," the Proposed Project site is located within Office and General Retail land use designations, and the City classifies the area as "Developed Habitats." No prime agricultural soils have been identified at the Proposed Project site. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted by, or conflict with, Proposed Project activities. Therefore, there would be ***no impact.***

b-c. Conflict with existing zoning for agricultural use, Williamson Act Contract, or forest land or timber land (No Impact)

As discussed in Section 3.11, "Land Use and Planning," the Proposed Project site is located within areas designated as Office and Retail Commercial zones, and is not forest land, timber land, or zoned for agricultural use. Further, the Proposed Project would not affect any parcels under Williamson Act contract (CDOC 2024b). Therefore, the Proposed Project would have ***no impact*** on agricultural, Williamson Act, or forest or timber land zoning**.**

***d. Result in the loss of forest land or conversion of forest land to non-forest use* (No Impact)**

As discussed in items 3.2(a, e) and 3.2(b-c) above, the Proposed Project site would not affect forest land or convert forest land to non-forest use. Therefore, there would be ***no impact***.

3.2.4 Mitigation Measures

None required.

3.3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
When available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

3.3.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The federal Clean Air Act (federal CAA) is implemented by U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, known as the National Ambient Air Quality Standards (NAAQS), for six criteria pollutants: carbon monoxide (CO), lead, nitrogen dioxide (NO_2), ground-level ozone (O_3), sulfur dioxide (SO_2), and particulate pollution. Two types of particulate pollution are regulated: particulate matter of aerodynamic radius of 10 micrometers or less (PM10) and particulate matter of aerodynamic radius of 2.5 micrometers or less (PM2.5). Of these six criteria pollutants, particulate matter and ground-level ozone pose the greatest threats to human health. Table 3-1 shows the attainment status of the NAAQS. The area is in attainment or unclassified for all NAAQS. Only a portion of San Luis Obispo County is in nonattainment of the ozone standard, and the Proposed Project is in the portion of San Luis Obispo County that is in attainment. The USEPA establishes vehicular emission standards, including those for vehicles sold in states other than California. Automobiles sold in California must meet stricter emission standards established by the California Air Resources Board (CARB). The USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), also known as hazardous air pollutants (HAPs) at the federal level.

State Laws, Regulations, and Policies

CARB sets standards for criteria pollutants that can be more stringent than NAAQS and includes the following additional contaminants: visibility reducing particles, sulfates, and vinyl chloride. The Project Area is located within the South Central Coast Air Basin (SCCAB), which includes all San Luis Obispo County, Santa Barbara County, and Ventura County. The SLOAPCD manages air quality within the San Luis Obispo County portion of the SCCAB for attainment and permitting purposes. Table 3-1 shows the current attainment status for the state and federal ambient air quality standards. The Project area is in nonattainment for the state ozone and PM10 California Ambient Air Quality Standards. The CAA and the California Clean Air Act require areas that are designated nonattainment to reduce emissions until federal and state standards are met.

Table 3-1. Attainment Status of the State and Federal Ambient Air Quality Standards

Contaminant	Averaging Time	Concentration	State Standards Attainment Status	Federal Standards Attainment Status
Ozone (O_3)	1-hour	0.09 ppm	N	
Ozone (O_3)	8-hour	0.070 ppm	N	N/A
Ozone (O_3)	8-hour	0.070 ppm	N/A	Attainment (Western SLO County)
Carbon Monoxide (CO)	1-hour	20 ppm	A	N/A
Carbon Monoxide (CO)	1-hour	35 ppm	N/A	U/A
Carbon Monoxide (CO)	8-hour	9.0 ppm	A	U/A
Nitrogen Dioxide (NO_2)	1-hour	0.18 ppm	A	N/A
Nitrogen Dioxide (NO_2)	1-hour	0.100 ppm	N/A	U/A
Nitrogen Dioxide (NO_2)	Annual arithmetic mean	0.030 ppm	A	N/A
Nitrogen Dioxide (NO_2)		0.053 ppm	N/A	U/A
Sulfur Dioxide (SO_2)	1-hour	0.25 ppm	A	N/A
Sulfur Dioxide (SO_2)	1-hour	0.075 ppm	N/A	U/A
Sulfur Dioxide (SO_2)	24-hour	0.04 ppm	A	N/A
Sulfur Dioxide (SO_2)	24-hour	0.14 ppm	N/A	U/A

Contaminant	Averaging Time	Concentration	State Standards Attainment Status	Federal Standards Attainment Status
Sulfur Dioxide (SO_2)	Annual arithmetic mean	0.030 ppm	N/A	U/A
Particulate Matter (PM10)	24-hour	50 µg/m^3	N	N/A
Particulate Matter (PM10)	24-hour	150 µg/m^3	N/A	U/A
Particulate Matter (PM10)	Annual arithmetic mean	20 µg/m^3	N	N/A
Fine Particulate Matter (PM2.5)	24-hour	35 µg/m^3	N/A	U/A
Fine Particulate Matter (PM2.5)	Annual arithmetic mean	12 µg/m^3/ 9 µg/m^3 (see Note 1)	A	U/A
Sulfates	24-hour	25 µg/m^3	A	N/A
Lead (Pb)	30-day average	1.5 µg/m^3	A	N/A
Hydrogen Sulfide (H_2S)	1-hour	0.03 ppm	A	N/A
Vinyl Chloride (chloroethene)	24-hour	0.010 ppm	U	N/A
Visibility-Reducing Particles	8-hour (10:00 to 18:00 PST)	(See Note 2)	U	N/A

Notes: µg/m^3 = micrograms per cubic meter; A = attainment; H_2S = hydrogen sulfide; N = non-attainment; Pb = lead; PM2.5 = fine particulate matter; PM10 = particulate matter; ppm = parts per million; PST = Pacific Standard Time; SO_2 = sulfur dioxide; U = unclassified;

1. On February 7, 2024, the USEPA strengthened the NAAQS for the annual PM2.5 to 9.0 µg/m^3. New designations for this standard will be available within two years of issuing the revised NAAQS. It is anticipated that San Luis Obispo County will meet the new standard (USEPA 2024a).
2. CARB has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure below which there are no adverse health effects determined.

Source: SLOAPCD 2019; USEPA 2024a

CARB has several regulations that regulate offroad vehicles emissions, fleets of equipment, and other mobile sources. This includes recent regulatory updates to the In-use Off-Road Diesel-Fueled Regulation, Small Off-Road Engine Regulation, Portable Equipment Registration Program, Advanced Clean Fleets Regulation, Advanced Clean

Trucks Regulation, and Advanced Clean Cars II Regulation. The latest revisions to the regulations for construction equipment require the use of renewable diesel and verification by the lead agency that equipment used for their projects are in compliance with the applicable fleet regulations.

CARB regulates TACs by requiring implementation of various airborne toxic control measures (ATCMs), which are intended to reduce emissions associated with toxic substances. The following ATCMS may be relevant to the Proposed Project.

- ATCM to Limit Diesel-fueled Commercial Motor Vehicle Idling
- ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater
- ATCM for Stationary Compression Ignition Engines
- ATCM to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for nonvehicular Diesel Fuel.
- Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations
- Asbestos ATCM for Surfacing Applications

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. In addition, the Judicial Council is subject to plans and regulations implementing delegated state and federal authority. The SLOAPCD is one such delegated authority and has developed thresholds of significance for criteria air pollutants, which were published in the *CEQA Air Quality Handbook* (SLOAPCD 2023). Tables 3-2 and 3-3 provide the SLOAPCD's recommended significance criteria for analysis of air quality impacts, including cumulative impacts. SLOAPCD has various rules and regulations that may be applicable to the Proposed Project. This includes Regulation II Permits which may be required for onsite stationary sources such as emergency generators and boilers. These same stationary sources have source emission standards, limitations, and prohibitions under Regulation IV including limits on volatile organic compound (VOC) content of architectural coatings.

The SLOAPCD's 2001 Clean Air Plan (CAP) (SLOAPCD 2001) outlines the strategies to reduce ozone precursor emissions from a wide variety of stationary and mobile sources. The project proponent should evaluate if the proposed project is consistent with the land use and transportation control measures and strategies outlined in the CAP. If the

project is consistent with these measures, the project is considered consistent with the CAP.

Table 3-2. Thresholds of Significance for Construction Activities

Pollutant	Threshold(1)		
	Daily	**Quarterly Tier 1**	**Quarterly Tier 2**
ROG + NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter (DPM)	7 lbs	0.13 ton	0.32 ton
Fugitive Particulate Matter (PM10), Dust(2)		2.5 tons	
Greenhouse Gases	Amortized over 25 years for commercial projects and combined with operational emissions (see Table 3-3 below)		

Notes: DPM = diesel particulate matter; lbs = pounds; NO_X = nitrogen oxides; PM10 = particulate matter 10 micrometers or less in diameter; ROG = reactive organic gases

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.

2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM10 quarterly threshold.

Source: SLOAPCD 2023

Table 3-3. Thresholds of Significance for Operational Emissions

Pollutant	Threshold(1)	
	Daily	**Annual**
Ozone Precursors (ROG + NOx)(2)	25 lbs/day	25 tons/year
Diesel Particulate Matter (DPM)(2)	1.25 lbs/day	
Fugitive Particulate Matter (PM10), Dust	25 lbs/day	25 tons/year
Carbon Monoxide (CO)	550 lbs/day	
Greenhouse Gases	For operational start in 2031, 610 $MTCO_2e$/year with amortized construction or 2.8 $MTCO_2e$ per service population	

Notes: CO = carbon monoxide; DPM = diesel particulate matter; lbs/day = pounds per day; $MTCO_2e$ = million tons of carbon dioxide equivalents; NO_X = nitrogen oxides; PM10 = particulate matter 10 micrometers or less in diameter; ROG = reactive organic gases

1. Daily and annual emission thresholds are based on the California Health & Safety Code Division 26, Part 3, Chapter 10, Section 40918 and the CARB Carl Moyer Guidelines for DPM.

2. CalEEMod – use winter operational emission data to compare to operational thresholds.

Source: SLOAPCD 2023

Chapter 6, Conservation and Open Space, of the City's General Plan contains no specific policies related to air quality that relate to the Proposed Project.

3.3.2 Environmental Setting

The Proposed Project site is located in the SCCAB in San Luis Obispo County. From an air quality perspective, the County can be divided into three regions: the Coastal Plateau, the Upper Salinas River Valley, and the East County Plain. The Proposed Project is located in the City of San Luis Obispo which is located in the Coastal Plateau. Most of the county population, commercial, and industrial facilities are located within the coastal plateau. Due to this higher population density the air pollutant emissions per unit area tend to be higher than in other regions of the county.

The coastal plateau is about 5-10 miles wide and varies in elevation from sea level to about 500 feet. It is bounded on the northeast by the Santa Lucia Mountain Range, which extends almost the entire length of the county. Rising sharply to about 3,000 feet at its northern boundary, the Santa Lucia Range gradually winds southward away from the coast, finally merging into a mass of rugged features on the north side of Cuyama Canyon.

Point Buchon juts into the Pacific just south of Morro Bay to form the protective harbor of San Luis Obispo Bay. The Irish Hills are the dominant feature on this knob of land, rising abruptly from the shore to form steep cliffs and generally complex terrain from the Los Osos/Montana de Oro State Park area to Pismo Beach. These headlands have a pronounced influence on local windflow patterns. Winds on the lee side of the point often flow perpendicular to the prevailing winds and funnel back and forth through Price Canyon and the U.S. Highway 101 corridor. This effect is markedly reduced south of Grover Beach.

The climate of the county can be generally characterized as Mediterranean, with warm, dry summers and cooler, relatively damp winters. Along the coast, mild temperatures are the rule throughout the year due to the moderating influence of the Pacific Ocean. This effect is diminished inland in proportion to distance from the ocean or by major intervening terrain features, such as the coastal mountain ranges. As a result, inland areas are characterized by a considerably wider range of temperature conditions. Maximum summer temperatures average about 70 degrees Fahrenheit near the coast, while inland

valleys are often in the high 90s. Minimum winter temperatures average from the low 30s along the coast to the low 20s inland.

Regional meteorology is largely dominated by a persistent high pressure area which commonly resides over the eastern Pacific Ocean. Seasonal variations in the strength and position of this pressure cell cause seasonal changes in the weather patterns of the area. Airflow around the county plays an important role in the movement and dispersion of pollutants. The speed and direction of local winds are controlled by the location and strength of the Pacific high pressure system.

Sensitive Receptors

The Proposed Project site is adjacent to residential dwelling units as well as commercial and government buildings. The closest school is SLO Classical Academy High School located about 350 feet south of the Proposed Project site. The closest medical center is located about 1,900 feet to the east, Pacific Central Coast Health Center.

Air Pollutants

Several air pollutants of concern would be associated with Proposed Project activities. These air pollutants are discussed briefly below. Two main categories of air pollutants are described: criteria air pollutants and TACs. Criteria air pollutants are air pollutants with national and/or state air quality standards that define allowable concentrations of these substances in the ambient (or background) air. TACs are air pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. Ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NOx]) along with PM10 are the major regional air pollutants of concern in the SCCAB. Ozone precursors are emitted from various stationary sources, fossil fuel engines, and area sources such as architectural coatings. PM10 is primarily from fugitive dust and combustion of fossil fuel.

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless gas that is highly toxic. CO is formed by the incomplete combustion of fuels and is emitted directly into the air. Ambient CO concentrations normally are considered a local effect and typically correspond closely to the spatial and temporal distribution of vehicular traffic. CO concentrations are also influenced by wind speed and atmospheric mixing. Under inversion conditions (when a low layer of warm air, along with its pollutants, is held in place by a higher layer of cool air), CO concentrations may be distributed more uniformly over an area to some distance from vehicular sources. CO binds with hemoglobin, the oxygen-carrying protein in blood, and thereby reduces the blood's capacity to carry oxygen to the heart, brain, and other parts of the body. At high concentrations, CO can cause heart difficulties in people with chronic diseases, impair mental abilities, and cause death.

Ozone

Ozone (O_3) is a reactive gas that, in the troposphere (the lowest region of the atmosphere), is a product of the photochemical process involving the sun's energy. It is a secondary pollutant that is formed when nitrogen oxides and reactive organic gases react in the presence of sunlight. Ozone at the Earth's surface causes numerous adverse health effects and is a criteria pollutant. It is a major component of smog. In the stratosphere, ozone exists naturally and shields the Earth from harmful incoming ultraviolet radiation. High concentrations of ground-level ozone can adversely affect the human respiratory system and aggravate cardiovascular disease and many respiratory ailments. Ozone also damages natural ecosystems such as forests and foothill natural communities, agricultural crops, and some human-made materials (e.g., rubber, paint, and plastics).

Nitrogen Oxides

Nitrogen oxides (NOx) are a family of gaseous nitrogen compounds that are precursors to the formation of ozone and particulate matter. The major component of NOx, nitrogen dioxide (NO_2), is a reddish-brown gas that is toxic at high concentrations. NOx results primarily from the combustion of fossil fuels under high temperature and pressure. On-road and off-road motor vehicles and fuel combustion (use of natural gas for heating, cooking, and industrial use) are the major sources of this air pollutant.

Reactive Organic Gases

Reactive organic gases (ROG) consist of hydrocarbon compounds that exist in the ambient air. ROG contributes to the formation of smog and/or may itself be toxic. ROG emissions are a primary precursor to the formation of ozone. Sources of ROG include consumer products, paints, trees that emit ROGs, and the combustion of fossil fuels.

Particulate Matter

Particulate matter (PM) is a complex mixture of extremely small particles and liquid droplets. PM is made up of various components, including acids, organic chemicals, metals, and soil or dust particles. The size of particles is directly linked to the potential for causing health problems. PM particles that are smaller than 10 micrometers in diameter, called PM10, are of most concern because these particles pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. PM10 particles are typically found near roadways and industrial operations that generate dust. PM10 particles are deposited in the thoracic region of the lungs. Fine particles, called PM2.5, are particles less than 2.5 micrometers in diameter and are found in smoke and haze. PM2.5 particles penetrate deeply into the thoracic and alveolar regions of the lungs.

Sulfur Dioxide

Sulfur dioxide (SO_2) is a colorless, irritating gas with a "rotten egg" smell formed primarily by the combustion of sulfur-containing fossil fuels. Suspended SO_2 particles contribute to poor visibility and are a component of PM10.

Lead

Lead is a metal that is a natural constituent of air, water, and the biosphere. Lead is neither created nor destroyed in the environment, so it essentially persists forever. There is no known safe exposure level to lead. The health effects of lead poisoning include loss of appetite, weakness, apathy, and miscarriage. Lead poisoning can also cause lesions of the neuromuscular system, circulatory system, brain, and gastrointestinal tract and can reduce mental capacity.

Gasoline-powered automobile engines were a major source of airborne lead due to the use of leaded fuels. The use of leaded fuel has been mostly phased out since 1996, which has resulted in dramatic reductions in ambient concentrations of lead. Because lead persists in the environment forever, however, areas near busy highways continue to have high levels of lead in dust and soil.

Hydrogen Sulfide

Hydrogen sulfide (H_2S) is associated with geothermal activity, oil and gas production, refining, sewage treatment plant operations, and confined animal feeding operations. H_2S is extremely hazardous in high concentrations and can cause death.

Sulfates

Sulfates are the fully oxidized, ionic form of sulfur. Sulfates occur in combination with metal and/or hydrogen ions. In California, emissions of sulfur compounds result primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is oxidized to SO_2 during the combustion process and subsequently converted to sulfate compounds in the atmosphere. The conversion of SO_2 to sulfates takes place comparatively rapidly and completely in urban areas of California due to regional meteorological features. CARB's sulfate standard is designed to prevent aggravation of respiratory symptoms. Effects of sulfate exposure at levels above the standard include a decrease in ventilatory function, aggravation of asthmatic symptoms, and an increased risk of cardiopulmonary disease. Sulfates are particularly effective in degrading visibility, and because they are usually acidic, can harm ecosystems and damage materials and property.

Vinyl Chloride

Vinyl chloride is a colorless gas that does not occur naturally. It is formed when other substances, such as trichloroethane, trichloroethylene, and tetrachloroethylene, are broken

down. Vinyl chloride is used to make polyvinyl chloride for a variety of plastic products, including pipes, wire and cable coatings, and packaging materials.

Toxic Air Contaminants

Hundreds of different types of toxic air contaminants exist, with varying degrees of toxicity. Many TACs are confirmed or suspected carcinogens or are known or suspected to cause birth defects or neurological damage. For some chemicals, such as carcinogens, no thresholds exist below which exposure can be considered risk-free. Examples of TAC sources in the Proposed Project area include fossil fuel combustion sources, industrial processes, and gas stations.

Sources of TACs include stationary sources, area-wide sources, and mobile sources. USEPA maintains a list of 187 TACs, also known as hazardous air pollutants. These hazardous air pollutants are also included on CARB's list of TACs. The Proposed Project is in an area with serpentine soil, which may contain naturally occurring asbestos (NOA). In addition, given the age of some of the buildings being demolished, there may be asbestos containing materials in the buildings. Asbestos and DPM are TACs associated with increased cancer risks. DPM is from the combustion of diesel fuel in engines.

Odors

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, headache). The ability to detect odors varies considerably among the population, and overall is subjective. People may have different reactions to the same odor. An odor that is offensive to one person may be acceptable to another (e.g., roasting coffee). An unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is known as odor fatigue; a person can become desensitized to almost any odor, after which recognition occurs only with an alteration in the intensity.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word "strong" to describe the intensity of an odor. Odor intensity depends on the concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases. As this occurs, the odor intensity weakens, and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odor reaches a level that is no longer detectable.

3.3.3 Discussion of Checklist Responses

a. Conflict with or obstruct implementation of the applicable air quality plan (Less than Significant with Mitigation)

A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds growth estimates included in the applicable air quality plan, which, in turn, would generate emissions not accounted for in the applicable air quality plan emissions budget. Therefore, projects need to be evaluated to determine whether they would generate population and employment growth and, if so, whether that growth would exceed the growth rates included in the relevant air quality plans. The Proposed Project is a replacement of the existing courthouse and office consolidation project. There will not be an increase in population or jobs as a result of this project. SLOAPCD has its 2001 CAP for PM10 and ozone. This plan focuses on demonstrating the impact of pollution from stationary sources and mobile sources. The Proposed Project is consistent with all of the measures outlined in the CAP. SLOAPCD considers a project that would exceed any of its CEQA thresholds of significance as being inconsistent with its air quality plans. As discussed below in item 3.3(b), the Proposed Project exceeds the thresholds of significance for ROG emissions. With implementation of **Mitigation Measure AQ-1 (Use Low VOC Paints and Coatings)**, which requires the use of low VOC paints and coatings, the ROG and NOx emissions would be reduced below the thresholds of significance.

The Proposed Project would follow all federal, state, and applicable local regulations related to stationary and area sources of air pollutants, as well as policies of the Facilities Standards. In addition, construction contractors would follow local air district regulations and best management practices described below for fugitive dust. Therefore, because the Proposed Project would be consistent with the applicable CAP policies and would comply with all applicable regulations for sources of air pollutants, the Proposed Project would have a ***less-than-significant impact with mitigation*** and would not obstruct or conflict with applicable air quality plans.

b. Cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area (Less than Significant with Mitigation)

The Proposed Project site is in a region that is designated as nonattainment for the state ozone and PM10 standards. It is assumed that projects that do not have emissions exceeding the significance thresholds would not create a cumulatively considerable net increase in emissions. During construction of the Proposed Project, the combustion of fossil fuels for operation of fossil-fueled construction equipment, material hauling, and worker trips would result in construction-related criteria air pollutant emissions. In addition, building demolition, grading, and architectural coatings will generate fugitive emissions of criteria air pollutants. These emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.28 based on information provided in Chapter 2, *Project Description*, along with additional site-specific

information provided and professional judgement. This includes a schedule of construction activities starting in April 2027 through September 2030. An estimate of material hauling trips was made based on the square footage of the buildings to be demolished and soil that needs to be imported and exported to the site. Worker, vendor, and hauling trips were adjusted based on site-specific estimates. The default trip lengths were used, as well as default architectural coating estimates. Project operation was assumed to start in 2031 and default estimates of operational energy and solid waste were used. The operation emission estimate used site-specific amounts of water and wastewater use. Energy use was adjusted to be 15% better than Title 24 building energy code standards as a project design feature that is established in the Facilities Standards. These were assumed to be based on the 2019 standard as the newer standards have not been integrated into CalEEMod and, therefore, will provide a conservative estimate of the potential energy use. Further details and assumptions incorporated into the CalEEMod can be found in Appendix A.

Operation of the Proposed Project would not result in a substantial increase in emissions compared to baseline conditions. The traffic associated with visitors and employees to the courthouse would be similar to the existing courthouse which will be decommissioned from this use. Because there are no anticipated changes to vehicle emissions associated with the Proposed Project, vehicle emissions were not evaluated as part of the operational emissions.

The Proposed Project's criteria air pollutant emissions during construction and operation are shown in Table 3-4. The maximum daily criteria air pollutant emissions exceed the applicable thresholds for ROG and NOx. With implementation of Mitigation Measure AQ-1, which requires the use of low VOC paints and coatings, the ROG and NOx emissions are below the applicable thresholds for construction as shown in Table 3-5.

Table 3-4. Unmitigated Criteria Pollutant Emissions During Construction and Operation

	ROG	NOx	CO	SO_2	PM10 Exhaust	PM10 Total	PM2.5 Exhaust	PM2.5 Total
Construction Maximum Daily (lb/day)	**404**	**13.4**	15.1	0.03	0.52	7.75	0.48	3.94
SLOAPCD Threshold (lb/day)	137		--	--	7 lb (DPM surrogate)	--	--	--
Exceed Threshold?	**YES**		NA	NA	No	NA	NA	NA
Construction Maximum Quarterly (tons)	1.44	0.89	1.13	<0.005	.02	.20	.02	.11
SLOAPCD Threshold (tons)	2.5		--	--	.13	2.5	--	--
Exceed Threshold?	No		NA	NA	No	No	NA	NA
Operation Daily Maximum (lbs/day)	6.54	2.27	9.50	0.01	0.15	0.15	0.15	0.15
SLOAPCD Threshold (lbs/day)	25		550	--	1.25	25	--	--
Exceed Threshold?	No		No	NA	No	No	NA	NA
Operation Annual (tons)	1.1	0.21	1.42	<0.005	0.02	0.02	0.02	0.02
SLOAPCD Threshold (tons)	25		--	--	--	25	--	--
Exceed Threshold?	No		NA	NA	NA	No	NA	NA

Notes: ROG = reactive organic gases; CO = carbon monoxide; NOx = oxides of nitrogen; PM10 = particulate matter 10 microns or less in diameter; PM2.5 = fine particulate matter 2.5 microns or less in diameter; SO_2 = sulfur dioxide; NA = not applicable

Source: CalEEMod modeling results are provided in Appendix A.

Table 3-5. Mitigated Criteria Pollutant Emissions During Construction and Operation

	ROG	NOx	CO	SO_2	PM10 Exhaust	PM10 Total	PM2.5 Exhaust	PM2.5 Total
Construction Maximum Daily (lb/day)	81.1	13.3	15.1	0.03	0.52	7.75	0.48	3.94
SLOAPCD Threshold (lb/day)	137		--	--	7 lb (DPM surrogate)	--	--	--
Exceed Threshold?	No		NA	NA	No	NA	NA	NA
Construction Maximum Quarterly (tons)	0.29	0.89	1.13	<0.005	.02	.20	.02	.11
SLOAPCD Threshold (tons)	2.5		--	--	.13	2.5	--	--
Exceed Threshold?	No		NA	NA	No	No	NA	NA
Operation Daily Maximum (lbs/day)	5.65	2.17	9.42	0.01	0.15	0.15	0.15	0.15
SLOAPCD Threshold (lbs/day)	25		550	--	1.25	25	--	--
Exceed Threshold?	No		No	Na	No	No	NA	NA
Operation Annual (tons)	0.94	0.20	1.42	<0.005	0.02	0.02	0.02	0.02
SLOAPCD Threshold (tons)	25		--	--	--	25	--	--
Exceed Threshold?	No		NA	NA	NA	No	NA	NA

Notes: ROG = reactive organic gases; CO = carbon monoxide; NOx = oxides of nitrogen; PM10 = particulate matter 10 microns or less in diameter; PM2.5 = fine particulate matter 2.5 microns or less in diameter; SO_2 = sulfur dioxide; NA = not applicable

Source: CalEEMod modeling results are provided in Appendix A.

Fugitive dust emissions which can result in PM10 emissions and dispersal of other contaminants in soil will be minimized with implementation of the following best management practices (BMPs):

Fugitive Dust BMP

a. Reduce the amount of the disturbed area where possible.

b. Use of water trucks or sprinkler systems, in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the Air Pollution Control District's (APCD's) limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.

c. All dirt stockpile areas should be sprayed daily as needed.

d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

With implementation of fugitive dust BMPs and Mitigation Measure AQ-1, the impact on air quality from emissions of criteria pollutants would be ***less than significant with mitigation.***

c. Expose sensitive receptors to substantial pollutant concentrations (Less than Significant)

Construction

During project construction, DPM and gasoline fuel combustion emissions that are classified as TACs could be emitted from construction equipment. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically operating within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Chronic and cancer-related health effects estimated over short periods are uncertain. Cancer potency factors are based on animal lifetime studies or worker studies with long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from exposure that would last only a small fraction of a lifetime. Some studies indicate that the dose rate

may change the potency of a given dose of a carcinogenic chemical. In other words, a dose delivered over a short period may have a different potency than the same dose delivered over a lifetime (California Office of Environmental Health Hazard Assessment [OEHHA] 2015). Furthermore, construction impacts are most severe adjacent to the construction area and decrease rapidly with increasing distance. Concentrations of mobile-source DPM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB 2005). SLOAPCD has established thresholds of significance for DPM emissions. While there are residents located adjacent to the Proposed Project site, the DPM emissions are below the SLOAPCD significance thresholds and will be short term and temporary and cease once the project is constructed. Therefore, the exposure to DPM emissions would be less than significant.

The Proposed Project is in an area with NOA and potential asbestos in buildings set to be demolished. With implementation of the requirements of the asbestos ATCM, the potential exposure to asbestos is determined to be less than significant.

Operation

Operation of the Proposed Project would not result in a substantial increase in emissions compared to baseline conditions. The traffic associated with visitors and employees to the courthouse would be similar to the existing courthouse which will be decommissioned from this use. The courthouse building may have some stationary sources depending on the final building design which may include emergency generators and boilers which may combust fossil fuels which contain TACs. These potential stationary sources will be required to undergo the SLOAPCD permitting process including an evaluation of air toxics and will be required to implement Best Available Control Technology (BACT) and other permit conditions such as limiting the hours for testing of emergency generators and at a time when there would not be a lot of people outside which ensures that the impact from any such stationary sources would be less than significant.

Conclusion

Overall, exposure of sensitive receptors would be less than significant since construction-related DPM emissions are below the significance threshold, the ATCMs for asbestos reduce potential for construction-related asbestos exposure, and implementation of BACT and other permit conditions would be required for operational emission sources. The impact would be ***less than significant***.

d. Result in other emissions affecting a substantial number of people (Less than Significant)

Diesel exhaust from construction activities and oxidation/decomposition of organic material in newly exposed sediment may temporarily generate odors while construction of the Proposed Project is underway. Once construction activities have been completed and exposed sediment has dried out or become vegetated, these odors would cease.

Operational activities would also generate odors, mainly associated with maintenance vehicle exhaust and clearing of trash collected; these odors would be short-lived, would occur intermittently, and would not increase compared to odors typical of an urban setting during operations. Vehicle idling at the site would be minimized to the extent feasible and so would not be likely to cause odor issues for nearby sensitive receptors. Impacts related to potential generation of objectionable odors are thus expected to be ***less than significant***.

3.3.4 Mitigation Measures

Mitigation Measure AQ-1: Use Low VOC Paints and Coatings

To reduce ROG and NOx emissions below the SLOAPCD threshold during construction activities, the Judicial Council shall ensure that the contractor uses low VOC paint for coating the building interior and exterior with a VOC content of 50 grams per liter or less.

3.4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state HCP?	☐	☐	☐	☒

3.4.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The following federal laws, regulations, and policies are applicable to biological resources in relation to the Proposed Project.

Clean Water Act. Areas meeting the regulatory definition of "waters of the United States" (jurisdictional waters) are subject to the jurisdiction of U.S. Army Corps of Engineers

(USACE) under provisions of Section 404 of the 1972 Clean Water Act (Federal Water Pollution Control Act) (CWA) and Section 10 of the 1899 Rivers and Harbors Act (described below). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (e.g., intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, and natural ponds), all impoundments of waters otherwise defined as "waters of the United States," tributaries of waters otherwise defined as "waters of the United States," the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to "waters of the United States" (33 Code of Federal Regulations [CFR], Part 328, Section 328.3). Wetlands on non-agricultural lands are identified using the Corps of Engineers Wetlands Delineation Manual (USACE 1987).

Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR, Part 328).

Construction activities within jurisdictional waters are regulated by USACE. The placement of fill into such waters must comply with the CWA permit requirements of USACE. Under CWA Section 401, no USACE permit would be effective in the absence of a state water quality certification. The State Water Resources Control Board (SWRCB), together with the state's nine Regional Water Quality Control Boards (RWQCBs), are charged with implementing water quality certification in California.

Federal Endangered Species Act. The federal Endangered Species Act (FESA) protects listed wildlife species from harm or "take," which is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury of a listed animal species. An activity can be defined as take even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under the FESA only if they occur on federal lands or if the project requires a federal action, such as a CWA Section 404 fill permit from USACE. If take of a federally listed animal species would occur, incidental take approval would be required through either Section 7 or Section 10 consultation with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS), as applicable.

Federal Migratory Bird Treaty Act. The federal Migratory Bird Treaty Act (MBTA; 16 U.S. Code (USC) Section 703, Supp. I, 1989) prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The trustee agency that addresses issues related to the MBTA is USFWS. Migratory birds protected under this law include all native birds and certain game birds (e.g., turkeys and pheasants), though most non-native birds are excluded from MBTA

protection (USFWS 2020). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA protects active nests from destruction and all nests of species protected by the MBTA, whether active or not, cannot be possessed. An active nest under the MBTA, as described by the U.S. Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum, is one having eggs or young. Nest starts, prior to egg laying, are not protected from destruction.

All native bird species occurring in the Project area are protected by the MBTA.

State Laws, Regulations, and Policies

Porter-Cologne Water Quality Control Act. The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny projects that could affect waters of the state. Their authority comes from the CWA and the State's Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The Porter-Cologne Act broadly defines waters of the state as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because the Porter-Cologne Act applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of waters of the United States. For example, Water Quality Order No. 2004-0004-DWQ states that shallow waters of the state include headwaters, wetlands, and riparian areas. Where riparian habitat is not present, such as may be the case at headwaters, jurisdiction is taken to the top of bank.

On April 2, 2019, the SWRCB adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. In these new guidelines, riparian habitats are not specifically described as waters of the state but instead as important buffer habitats to streams that do conform to the State Wetland Definition. The Procedures describe riparian habitat buffers as important resources that may both be included in required mitigation packages for permits for impacts to waters of the state, as well as areas requiring permit authorization from the RWQCBs to impact.

Pursuant to the CWA, and as described above, projects that are regulated by the USACE must also obtain a Section 401 water quality certification (WQC) permit from the RWQCB. This WQC ensures that the proposed project will uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on waters of the state require WQC even if the area occurs outside of USACE jurisdiction. Moreover, the RWQCB may impose mitigation requirements even if the USACE does not, for example for riparian habitats which are buffers to waters of the state. Under the Porter-Cologne Act, the SWRCB and the nine RWQCBs also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES) permits and waste discharge requirements (WDRs) for certain point-source and non-point discharges to waters.

No waters of United States and waters of the state occur within the Project area and Project activities at the site would not be subject to regulation under Section 401 WQC and/or WDRs from the RWQCB.

California Endangered Species Act. The California Endangered Species Act (CESA) (California Fish and Game Code [F&G Code], Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, the California Department of Fish and Wildlife (CDFW) has jurisdiction over state-listed species. CDFW regulates activities that may result in "take" of individuals listed under the Act (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the F&G Code. CDFW has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification." If project activities would result in take of a state listed species, an incidental take permit would be required through Section 2081 consultation with the CDFW.

California Environmental Quality Act. CEQA and the CEQA Guidelines provide guidance in evaluating impacts of projects to biological resources and determining which impacts would be significant. CEQA defines "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." Under CEQA Guidelines Section 15065, a project's effects on biotic resources are deemed significant where the project would:

- substantially reduce the habitat of a fish or wildlife species;
- cause a fish or wildlife population to drop below self-sustaining levels;
- threaten to eliminate a plant or animal community; or
- reduce the number or restrict the range of a rare or endangered plant or animal.

In addition to the Section 15065 criteria that trigger mandatory findings of significance, Appendix G of the CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact.

Section 15380(b) of the CEQA Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in the FESA and the CESA and the section of the F&G Code dealing with rare or endangered plants or animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on a species that has not yet been listed by either USFWS or CDFW or species that are locally or regionally rare.

CDFW has produced three lists (amphibians and reptiles, birds, and mammals) of "species of special concern" that serve as "watch lists." Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review as potential rare species, but do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review in accordance with CEQA Guidelines Section 15380(b).

The California Native Plant Society (CNPS), a non-governmental conservation organization, has developed ranked lists of plant species of concern in California using the California Rare Plant Ranks (CRPRs). Vascular plants included on these lists are defined as follows:

- CRPR 1A: Plants considered extinct
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2: Plants rare, threatened, or endangered in California but more common elsewhere
- CRPR 3: Plants about which more information is needed – review list
- CRPR 4: Plants of limited distribution – watch list

The CRPR listings are further described by the following threat code extensions:

- .1—seriously endangered in California
- .2—fairly endangered in California
- .3—not very endangered in California

Although CNPS is not a regulatory agency and plants on the CRPR lists have no formal regulatory protection, plants appearing on CRPR lists are, in general, considered to meet the CEQA Guidelines Section 15380 criteria and adverse effects on these species may be considered substantial.

California Fish and Game Code. The California F&G Code includes regulations governing the use of, or impacts on, many of the state's fish, wildlife, and sensitive habitats. CDFW exerts jurisdiction over the bed and banks of rivers, lakes, and streams according to provisions of sections 1601–1603 of the F&G Code. The F&G Code requires a Streambed Alteration Agreement for the fill or removal of material within the bed and banks of a watercourse or water body and for the removal of riparian vegetation.

Certain sections of the F&G Code describe regulations pertaining to certain animal species. For example, F&G Code Sections 3503, 3513, and 3800 (and other sections and

subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW. Raptors (i.e., eagles, falcons, hawks, and owls) and their nests are specifically protected in California under F&G Code Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Non-game mammals are protected by F&G Code Section 4150, and other sections of the code protect other taxa.

All native bird species that occur in the Project area are protected by the state F&G Code. Projects may be required to take measures to avoid impacts on nesting birds under California F&G Code Sections 3503, 3513, and 3800. Native mammals and other species in the Project area are also protected by the F&G Code.

2023 California Trial Court Facilities Standards (Facilities Standards). Section 1D, "Sustainable Design," of the Facilities Standards contains the following best practices related to biological resources:

b. Use native and climate-appropriate drought-tolerant plants and trees. Reduce maintenance and irrigation requirements by using native plant species. Explore opportunities to provide habitat for wildlife, including protection and promotion of pollinator habitat, and to restore degraded site areas. Turf is not permitted.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

City of San Luis Obispo General Plan, Conservation and Open Space Element

7.4 Trees and other plants

Protect, preserve and create the conditions that will promote the preservation of significant trees and other vegetation, particularly native California species.

7.5.1 Protection of significant trees. Significant trees, as determined by the City Council upon the recommendation of the Tree Committee, Planning or Architectural Review Committee, are those making substantial contributions to natural habitat or to the urban landscape due to their species, size, or rarity. Significant trees, particularly native species, shall be protected. Removal of significant trees shall be subject to the

criteria and mitigation requirements in Chapter 8.6.3. Oak Woodland communities in the Greenbelt and in open space areas shall be protected.

7.5.2 Use of native California plants in urban landscaping. Landscaping should incorporate native plant species, with selection appropriate for location.

7.5.3 Heritage Tree Program. The City will continue a program to designate and help protect "heritage trees."

3.4.2 Environmental Setting

Unless otherwise indicated, the information provided below is taken from the Biological Resources Technical Study prepared for the Proposed Project site, included as Appendix B of this IS/MND.

Existing Land Use and Habitat

The Proposed Project site includes 1.43 acres of developed parcels within the urban downtown area of San Luis Obispo. The proposed Project area is within 1144 Monterey Street, on the west corner of Toro Street and Monterey Street, that is currently owned by the County (APN 002-326-012) and at 969 Toro Street (APN 002-326-012), immediately north of Montereypalm Alley and adjacent to the closed portion, has also been identified to be acquired. The residential structure would be demolished to provide an additional site buffer, vehicular access to the secure parking within the new courthouse building, and surface parking for court-owned vehicles and unoccupied sheriff transport vans.

The site at 1144 Monterey Street consists of paved parking, a 15,000-square-foot two-story building, and a single-story maintenance/service building. The site contains landscaped and developed land cover. Vegetation at this site is a mixture of non-native ornamental trees and shrubs planted along the parking lots and street. Non-native trees include Indian laurel fig (*Ficus microcarpa*), banyan fig (*F. benghalensis*), crape myrtle (*Lagerstroemia* sp.), and privet (*Ligustrum* sp.). Much of the ground surface is pavement and sidewalks with some non-native weeds growing from cracks or unpaved areas. Trees at this site may provide nesting habitat for bird species accustomed to urban environments.

The site at 969 Toro Street is fully developed with an approximately 1,339-square-foot single-story residence with an attached office, carport, decomposed granite driveway, and concrete-based yard with narrow strips of landscape. The lot, which is zoned Office, is within an urban area and is surrounded by additional development including a mix of commercial-retail, residential, and office uses. It is bordered by a private residence to the north, Toro Street to the east, Montereypalm Alley to the south, and an apartment building to the west.

Vegetation at the property is limited to ornamental plantings, including one citrus tree, a Canary Island date palm (*Phoenix canariensis*), and a Jacaranda tree (*Jacaranda mimosifolia*); succulents such as striped century plant (*Agave* sp.), rose succulent (*Aeonium* sp.), and jade plant (*Crassula ovata*); and ornamental shrubs. Most of the ground surface is concrete, dirt, or decomposed granite. Trees and shrubs on the property may provide nesting habitat for bird species accustomed to urban environments.

Watershed and Hydrology

The Project area is located within the San Luis Obispo Creek Watershed, which is a coastal basin located within the western portion of San Luis Obispo County. The watershed covers approximately 84.8 square miles. Its head waters originate in the foothills of the Santa Lucia Mountains at a maximum elevation of 2,500 feet above sea level. San Luis Obispo Creek closely follows U.S. Highway 101 throughout most of its route, flowing for approximately 14 miles and discharging into the Pacific Ocean at San Luis Bay, near the community of Avila Beach. The site is located within 1.25 miles of San Luis Obispo Creek. The watershed predominantly supports agricultural land uses along with open space and ranches; the watershed also includes urbanized areas within the city and surrounding unincorporated areas and the community of Avila Beach (City of San Luis Obispo 2003a, 2003b; Upper Salinas-Las Tablas Resource Conservation District 2012).

No hydrological features occur within the Proposed Project site.

Climate

The study area has a Mediterranean climate characterized by cool, wet winters and dry summers. Average temperatures range from a low of 40.5 degrees Fahrenheit (°F) in January to a high of 79.3°F in September. Average annual precipitation is approximately 19 inches, with the majority of precipitation occurring from November through April.

Soils

The Proposed Project site is underlain by Los Osos-Diablo Complex, 9 to 15 percent slopes (Natural Resources Conservation Service [NRCS] 2022). These soils are not classified as hydric soils (NRCS 2019).

Special-Status Species

Plants and animals. Based on information provided in Appendix B, no special-status species are anticipated to be present at the site due to existing development and low habitat value.

3.4.3 Discussion of Checklist Responses

A Biological Resources Technical Study was prepared for the Proposed Project site and is included in Appendix B. Baseline biological resources in the Proposed Project area were evaluated by reviewing pertinent literature and conducting a field survey to supplement background information with representative site-specific data. Montrose biologist Jessica Gonzalez conducted a biological reconnaissance survey on April 24, 2023. The survey efforts consisted of a visual assessment of site conditions.

a. Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species (Less than Significant with Mitigation)

As described in Appendix B, no special status species are anticipated to be present at the site due to existing development and low habitat value. Trees and shrubs on the property may provide nesting habitat for bird species accustomed to urban environments. A list of migratory birds that may be found in the project area is included in the USFWS Information for Planning and Consultation (IPac) resource list in Appendix B. Project activities could directly affect nesting bird species during construction activities, which would be prohibited under the MBTA.

The Proposed Project site contains potentially suitable nesting habitat within trees and shrubs within the urban environment for many avian species protected by the MBTA. Demolition activities may require tree removal, and noise and disturbance associated with construction of the proposed Project could adversely affect nesting birds in adjacent areas to the point of nest abandonment and/or failure. Because the potential loss of an active bird nest during construction would potentially violate protections under the MBTA, such an impact is considered potentially significant. Implementation of **Mitigation Measure BIO-1 (Conduct Nesting Bird Survey)** would minimize impacts to nesting birds protected by the MBTA by requiring nesting bird surveys and establishment of non-disturbance buffers around active raptor nests. Therefore, impacts to nesting birds protected by the MBTA would be ***less than significant with mitigation***.

b. Substantial adverse effect on any riparian habitat or other sensitive natural community (No Impact)

The Project area is not within any riparian habitat or sensitive natural habitat, and therefore, the Proposed Project would not conflict with or to be subject to regulation under F&G Code Section 1600. There would be ***no impact***.

c. Substantial adverse effects on state or federally protected wetlands (No Impact)

No creeks, lakes, or wetlands are present in the Project area. Therefore, Project activities at the site would not be subject to regulation under CWA Section 404 or California F&G Code Section 1600. There would be ***no impact***.

***d. Substantial interference with wildlife movement, established wildlife corridors, or the use of native wildlife nursery sites* (No Impact)**

No critical habitat is designated within the study area (USFWS 2023b, NMFS 2023b) and no wildlife corridors and or native wildlife nursery sites are present in the Project area. There would be ***no impact***.

***e. Conflict with local policies or ordinances protecting biological resources* (Less than Significant)**

Some trees may be removed during demolition and construction at the Proposed Project site; however, no protected native trees are present. The Judicial Council would implement Facilities Standards best practices, such as using native and climate-appropriate drought-tolerant plants and trees, that are similar to the City's policies, including Policy 7.5.2, "Use of native California plants in urban landscaping." The impact would be ***less than significant***.

***f. Conflict with the provisions of an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or state HCP* (No Impact)**

The Project area is not within an area covered by any habitat conservation plans (HCPs), and therefore the Project would not conflict with provisions adopted by an HCP, Natural Community Conservation Plan, or other approved local, regional, or State HCP. There would be ***no impact***.

3.4.4 Mitigation Measures

Mitigation Measure BIO-1. Conduct Nesting Bird Survey. A pre-construction nesting bird survey should be conducted by a qualified biologist, within 7 days prior to the initiation of proposed Project related activities. If proposed Project related activity is stopped for more than 14 days during the nesting season, a pre-construction survey should be conducted prior to the re-start of proposed Project activities.

If active nests of birds protected by the MBTA are located, an appropriate avoidance buffer determined by the qualified biologist will be established within which no work activity would be allowed which would impact these nests. The avoidance buffer will be established by the qualified biologist on a case-by-case basis based on the species and site conditions. Larger buffers may be required depending upon the status of the nest and the project related activities occurring in the vicinity of the nest. The buffer area(s) should be closed to all construction personnel and equipment until juveniles have fledged and/or the nest is inactive. A qualified biologist will confirm that breeding/nesting is complete, and the nest is no longer active prior to removal of the buffer. If work within a buffer area cannot be avoided, then a qualified biologist will be present to monitor all proposed Project activities that occur within the buffer. The biological monitor

will evaluate the nesting avian species for signs of disturbance and will have the ability to stop work in the vicinity of the nest.

3.5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.5.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to cultural resources in relation to the Proposed Project.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to cultural resources in relation to the Proposed Project.

CEQA and CEQA Guidelines. The Proposed Project must comply with CEQA (Pub. Res. Code 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Chapter 3), which determine, in part, whether the project has a significant effect on a unique archaeological resource (as defined in Pub. Res. Code Section 21083.2) or a historical resource (as defined in Pub. Res. Code Section 21084.1).

CEQA Guidelines Section 15064.5(b) notes that "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment." According to the CEQA Guidelines Section 15064.5(a), historical resources are:

- Resources listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Pub. Res. Code Section 5024.1[e]).

- Included in a local register of historical resources (Pub. Res. Code Section 5020.1[k]) or identified as significant in a historical resource survey meeting the requirements of Pub. Res. Code 5024.1(g); or
- Determined by a lead agency to be historically significant.

CEQA Guidelines Section 15064.5(c) also applies to historical resources that are archaeological sites, as well as those identified as unique archaeological resources pursuant to Pub. Res. Code 21084.1. As defined in Pub. Res. Code Section 21083.2, a unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Guidelines Section 15064.5(c)(4) notes that, if an archaeological resource is not a unique archaeological resource, historical resource, or tribal cultural resource, the effects of the project on those cultural resources shall not be considered a significant effect on the environment.

CEQA Guidelines Section 15064.5 further states that agencies are required to identify potentially feasible measures or alternatives to avoid or mitigate significant adverse changes in the significance of a historical resource before such projects are approved under the following circumstances:

- When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project area. A lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission. (Section 15064.5[d]).
- When there is an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, work should cease at the site of the discovery and in the immediate surrounding area until the county coroner has been notified and the NAHC is notified if the coroner determines the remains to be that of Native American heritage. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American, who will then work with the landowner to identify an appropriate and dignified treatment of the remains. (Section 15064.5[e]).

- When historical or unique archaeological resources are accidentally discovered during construction. A lead agency, pursuant to Section 21082 of the Public Resources Code, should make provisions for addressing historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place. (Section 15064.5[f]).

California Register of Historical Resources. Pub. Res. Code Section 5024.1 establishes the California Register of Historical Resources (CRHR). This register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed, or determined to be eligible for listing, in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act (NHPA). The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

(1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(2) Are associated with the lives of persons important in our past;

(3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or

(4) Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

California Health and Safety Code Section 7050.5. California Health and Safety Code Section 7050 sets forth special rules that prescribe specific courses of action that apply where human remains are encountered during project construction. The code states:

> In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division

2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. (California Health and Safety Code Section 7050.5[b]).

If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5(b)).

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

Chapter 6, Conservation and Open Space, of the City's General Plan contains goals and policies related to historical, architectural, and archaeological resources:

3.3.1. Historic preservation. Significant historic and architectural resources should be identified, preserved and rehabilitated.

3.3.2. Demolitions. Historically or architecturally significant buildings shall not be demolished or substantially changed in outward appearance, unless doing so is necessary to remove a threat to health and safety and other means to eliminate or reduce the threat to acceptable levels are infeasible.

3.3.3. Historical documentation. Buildings and other cultural features that are not historically significant but which have historical or architectural value should be preserved or relocated where feasible. Where preservation or relocation is not feasible, the resource shall be documented and the information retained in a secure but publicly accessible location. An acknowledgment of the resource should be incorporated within the site through historic signage and the reuse or display of historic materials and artifacts.

3.5.1. Archaeological resource protection. The City shall provide for the protection of both known and potential archaeological resources. To avoid

significant damage to important archaeological sites, all available measures, including purchase of the property in fee or easement, shall be explored at the time of a development proposal. Where such measures are not feasible and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required pursuant to the Archaeological Resource Preservation Program Guidelines.

3.5.5. Archaeological resources present. Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: presence of a qualified professional during initial grading or trenching; project redesign; covering with a layer of fill; excavation, removal and curation in an appropriate facility under the direction of a qualified professional.

3.5.6. Qualified archaeologist present. Where substantial archaeological resources are discovered during construction or grading activities, all such activities in the immediate area of the find shall cease until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.

3.5.7. Native American participation. Native American participation shall be included in the City's guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considers updates or significant changes to its General Plan.

3.5.2 Environmental Setting

The information provided below is taken from the Cultural Resources Assessment prepared for the Proposed Project, which is provided in Appendix C, and information received in the course of tribal consultation.

Native American Pre-Contact History

Research about Native American pre-contact history in the Central Coast region is largely derived from archaeological data. These studies date back to the early 1900s, although the bulk of archaeological excavations date to the 1960s and later. Jones et al. (2007) summarize earlier archaeological work that was completed by researchers such as Reinman, Clemmer, Pohorecky, Leonard, and others. Based on these studies and later work, Jones et al. (2007) present a synthetic overview of pre-contact adaptive change in California’s Central Coast, a region that includes the coastal and peri-coastal areas from San Mateo County in the north to San Luis Obispo County in the south.

The temporal framework promoted by Jones et al. (2007) and others (Farquhar et al. 2011; Stevens et al. 2013) spans a period of approximately 10,000 to 12,000 years and is divided into six different periods. According to some California Native American tribes, their history and culture dates back much further, to time immemorial. The periods track perceived changes in pre-contact settlement patterns, subsistence practices, and technological advances. These adaptive shifts are identified by changes in material culture found in the archaeological record. Table 3-6 summarizes the pre-contact cultural chronology.

Table 3-6. California Central Coast Chronology

Temporal Period	Date Range*
Paleo-Indian	Pre-9950 BP
Millingstone	9950–5450 BP
Early	5450–2550 BP
Middle	2550–950 BP
Middle-Late Transition	950–700 BP
Late	700–181 BP

Note: BP = years before present. "Present" is defined as 1950 AD.

Source: Jones et al. 2007.

Paleo-Indian Period. The Paleo-Indian Period represents the initial occupation of the area and evidence of their presence during this period is quite sparse across the region. On the mainland, artifacts dating to this time are mainly isolated artifacts or sparse lithic scatters. In the San Luis Obispo area, fluted points are documented near the towns of Nipomo and Santa Margarita. The traditional interpretation is that people living during this time were highly mobile hunters whose subsistence efforts focused on large mammals.

Erlandson et al. (2007) proposes an alternative perspective—a "kelp highway" hypothesis for the peopling of the Americas. Proponents of this model argue that the earliest inhabitants of the region focused their economic pursuits on coastal resources. Archaeological sites that support this hypothesis are mainly in the Santa Barbara Channel Islands.

Millingstone Period. In contrast to sparse evidence for the Paleo-Indian Period, archaeologists report sites dating to the Millingstone Period at several locations across the Central Coast. David Banks Rogers first identified this pattern in Southern California as containing abundant handstones, millingstones, cores, and cobble tools, along with a sparse, simple flaked stone assemblage. Wallace further documented the pattern, and Greenwood recognized a Central Coast Millingstone component at CA-SLO-2. Since that

time, archaeologists have documented sites with Millingstone components along the Central Coast, and possibly as far north as Tehama County in the Sacramento Valley (Fitzgerald and Jones 1999).

Millingstone Period assemblages are characterized by abundant millingstones and handstones, core and core-cobble tools, thick rectangular (L-series) Olivella beads, and a low incidence of projectile points, which, when present, can be lanceolate or large side-notched varieties (Jones et al. 2007). Eccentric crescents are also found in Millingstone components. Sites are often associated with shellfish remains and small mammal bone, which suggest a collecting-focused economy. Contrary to these findings, deer remains are abundant at some Millingstone sites (cf. Jones et al. 2008), which suggests a flexible subsistence focus. People living during the Millingstone era appear to have been highly mobile.

Early Period. The Early Period corresponds with the earliest era of what Rogers called the "Hunting Culture" (Jones et al. 2007:138). According to Rogers, the "Hunting Culture" continues through to the time of the Middle-Late Transition, as defined in the present framework. The Early Period is marked by a greater emphasis on formalized flaked stone tools, such as projectile points and bifaces, and the initial use of mortar and pestle technology. Early Period sites are located in more varied environmental contexts than Millingstone sites, suggesting more intensive use of the landscape than previously evidenced.

Early Period artifact assemblages are characterized by large side-notched and Rossi square-stemmed projectile points, and spire-lopped (A), end-ground (B2b and B2c), Cap (B4), and rectangular (L-series) Olivella beads. Other artifacts include less temporally diagnostic contracting-stemmed and Año Nuevo long-stemmed points, and bone gorges.

Archaeologists have long debated whether the shift in site locations and artifact assemblages during this time represent either population intrusion as a result of mid-Holocene warming trends, or an in-situ adaptive shift. The initial use of mortars and pestles during this time appears to reflect a more labor-intensive economy associated with the adoption of acorn processing.

Middle Period. The trend toward greater labor investment is apparent in the Middle Period. During this time range, there is increased use of plant resources, more long-term occupation at habitation sites, and a greater variety of smaller "use-specific" localities. Artifacts common to this era include contracting-stemmed projectile points, a variety of Olivella shell beads, and Haliotis ornaments. Bone tools and ornaments are also common, especially in the richer coastal contexts, and circular shell fishhooks come into use. Grooved stone net sinkers are also found in coastal sites. Mortars and pestles become more common than millingstones and handstones at some sites (Jones et al. 2007:139).

Jones et al. (2007) discuss the Middle Period in the context of Rogers' "Hunting Culture" because it is seen as a continuation of the pattern that begins in the Early Period. This pattern reflects a greater emphasis on labor-intensive technologies that include projectile and plant processing technologies. Additionally, faunal remains highlight a shift toward prey species that are more labor intensive to capture, which is interpreted as evidence of greater search and processing time or more labor-intensive technologies. These labor-intensive species include small schooling fishes, sea otters, rabbits, and plants such as acorn. Jones and Haney (2005:34) offer that Early and Middle Period sites are difficult to distinguish without shell beads due to the similarity of artifact assemblages.

Middle-Late Transition Period. The Middle-Late Transition marks the end of Rogers' "Hunting Culture," which seems to occur sometime during this era. Artifacts associated with the Middle-Late Transition include contracting-stemmed, double side-notched, and small leaf-shaped projectile points. The latter are thought to represent the introduction of bow and arrow technology to the region. A variety of Olivella shell bead types are found in these deposits, along with notched line sinkers, hopper mortars, and circular shell fishhooks (Jones et al. 2007).

The Middle-Late Transition is a time that appears to correspond with social reorganization across the region. This era is also a period of rapid climatic change known as the Medieval Climatic Anomaly. Jones and colleagues propose the Medieval Climatic Anomaly as an impetus for the cultural change that was a response to fluctuations between cool-wet and warm-dry conditions that characterize the event (Jones et al. 1999). Middle-Late Transition sites in San Luis Obispo County seem to represent population aggregations. Examples include CA-SLO-9, which is interpreted as a year-round coastal occupation site; CA-SLO-239 contains a large architectural feature; CA-SLO-536, located slightly inland, harbors an extensive bedrock mortar complex adjacent to Chorro Creek; and CA-SLO-1778 contains a substantial prepared house floor feature on a terrace above the Nacimiento River.

Late Period. Late Period sites are found in a variety of environmental conditions and include newly occupied task sites and encampments, as well as previously occupied localities. Artifacts associated with this era include Cottonwood and Desert Side-notched arrow points, flaked stone drills, steatite and clamshell disc beads, Haliotis disc beads, Olivella bead types E1 and E2, and earlier used B2, B3, G1, G6, and K1 types. Millingstones, handstones, mortars, pestles, and circular shell fishhooks also continue to be used (Jones et al. 2007; Stevens et al. 2013).

Coastal sites dating to the Late Period tend to be more resource acquisition or processing sites, while residential occupation is more common inland (Jones et al. 2007:140).

Ethnography

The City of San Luis Obispo is located within the area historically occupied by the tiłhini (also referred to as the Northern, or Obispeño, Chumash), the northernmost of the indigenous California Chumash people. The ethnohistoric Chumash are typically characterized as a linguistically related series of chiefdom societies occupying sedentary or semi-sedentary villages along the south-central coast of California. Chumashan speakers traditionally occupied territory from San Luis Obispo County in the north, south to Malibu Canyon in Los Angeles County. Inland, their territory crossed the South Coast Range and included the southwestern portion of the San Joaquin Valley in Kern County. They also occupied the islands of the Santa Barbara Channel (Grant 1978).

Most Chumash communities were composed of sedentary or semi-sedentary villages that were occupied much of the year. The community occupants would move to seasonal camps to collect food for storage at the village locations. Early post-contact historical accounts commented that villages in the region were small in comparison to the large congregations of populations found on the coast near the Channel Islands. Houses were mostly small round thatched structures with domed roofs, though semisubterranean homes were also reported in the Morro Bay area (Greenwood 1978).

The people of the study area harvested marine animals and plants, but they did not have a complex maritime adaptation like that of their southern cousins around the Santa Barbara Channel. In addition to marine foods, their diet included terrestrial plants (most notably acorns and some hard seeds) and terrestrial game (primarily rabbits and deer) (Grant 1978; Greenwood 1978).

The City of San Luis Obispo is also located within the area occupied by the Playano Salinan people. The Playano Salinan people are the most coastal and southern of the Salinan Native Americans. The Salinan People occupied the area from the Santa Maria River in the south and along the coast north to the Big Creek area and East to the Temblor Range (Henshaw 1880 & et cetera; Atascadero News 1978; Lorna Billat and Sean Thal 2009). (Dunton, pers. comm., 2025.)

Post-Contact History

The earliest European explorers sailed along the coastline of what would become San Luis Obispo County in 1542, though it was 1587 by the time Europeans set foot on the land in this area when Pedro de Unamuno sailed into Morro Bay and explored inland, perhaps as far as the modern-day City of San Luis Obispo. Nearly 100 years later, the Spanish began establishing missions up the California coast and, in 1772, Father Junipero Serra founded Mission San Luis Obispo de Tolosa in what is now downtown San Luis Obispo (Kyle et al. 2002:380-381).

The earliest documented interaction between Europeans and the Playano Salinan people was in 1595 with the expedition of Sebastian Rodriquez Cermeno. When they were met

by Natives in tule balsa boats, which is the type of water craft used by the Salinan People. This meeting was told to the missionaries at San Antonio in 1773 by a Native of Isaly. (Dunton, pers. comm., 2025.)

Agata was 100 when she told the story of what her great grandfather told her of people that came this land on the wings of a large bird. She was born in 1673 and was from the Salinan village of Islay in San Luis Obispo. The word Islay is derived from the Salinan word slay (pronounced "sly") meaning wild cherry (Prunusilicifolia), sometimes called chock cherry (Gleen Farris 1992 and Susan Lewis Dickerson and Betty Brusa and Loraine Escobar). (Dunton, pers. comm., 2025.)

The Spanish Missions San Antonio and San Luis Obispo were built to evangelize Salinans and N. Chumash. (Andera Hobbs and Milene Radford). (Dunton, pers. comm., 2025.)

After Mexico won independence from Spain in 1821, the California missions were controlled by the Mexican government. In 1845, Mexican governor, Pio Pico sold Mission San Luis Obispo to John Wilson, a Scottish sea captain who had settled in California. During the 1846 Bear Flag Revolt, the Mission was used as a base for the California Battalion under John Fremont. Starting in the mid-nineteenth century, the main industry in the area was dairy and cattle farming.

The mission lands were divided up into Ranchos and some Salinan families were able to get control of them. One such case is when in 1841 Rancho Correl De Piedra in San Luis Obispo. And later in 1867 Correl De Piedra in San Luis Obispo. Many of these Salinan descendants are buried at the Old Mission Catholic church cemetery in San Luis Obispo. (John Parker and S.W. Foreman and SLO cemetery records and Lorraine Escobar). (Dunton, pers. comm., 2025.)

Many other Salinan Families continued to be baptized and confirmed and buried at Mission San Luis Obispo. One such family was the Bylon family living at the Salinan Toro Creek Reservation (Rancho Moro Y Cayucos). Which they acquired in 1861. (SLO Mission Records and Office of the Secretary of State, California State Archives and State of California- the Resources Agency Department of Parks and Merriam and SLO Daily Telegram and Lorraine Escobar). (Dunton, pers. comm., 2025.)

In 1868, San Luis Obispo became the county seat. Around that time, stagecoach routes were established and by the 1890s the Southern Pacific Railroad lines also accessed the area, leading to further development.

In 1901, California Polytechnic (Cal Poly) San Luis Obispo college was established. The school's emphasis on agricultural education supported the strong dairy industry. After 1914, the student body population declined as students enlisted in the armed forces. During World War I, navy beans subsidized by the War Relief Administration became a

popular crop, along with other types of beans and peas. The port in San Luis Obispo employed local workers and allowed development of a profitable oil industry. When the first state highway was routed through San Luis Obispo County in 1915, the area began to attract automobile tourism. In the 1920s, a population boom was spurred by the rise of automobiles, along with an increase in auto-oriented tourism. At this time, the first motel was constructed in San Luis Obispo, the Milestone Mo-Tel (short for "motor hotel"). The city was a popular tourist destination due to its Mission, beaches, Spanish-inspired architecture, and vineyards.

In the 1930s, while much of the state was facing the economic ramifications of the Great Depression, San Luis Obispo County's economy was supported by Camp San Luis Obispo, a military facility located on California State Route 1. Due to the camp's wartime importance, many soldiers' families settled in San Luis Obispo. In the 1970s, the camp was converted to El Chorro Regional Park.

After World War II, the G.I. Bill gave veterans the opportunity to buy homes in the area, and suburban neighborhoods faced postwar expansion. Between 1940 and 1950, the San Luis Obispo population grew from 8,881 to 14,180, a nearly 60% increase. As population growth continued in the postwar era, new subdivisions of single-family homes were developed to accommodate the rising population. Completion of U.S. Highway 101 in 1958 further stimulated automobile tourism and associated development of motels and other tourism-serving businesses near the highway. From the 1970s into the 2000s, San Luis Obispo has seen more commercial development, such as the San Luis Obispo Promenade which opened in 1998. In 2022, the population of San Luis Obispo was 48,341; the total population San Luis Obispo County was 282,424.

Cultural Resources Studies

Archival search. A record search request was submitted to the Central Coast Information Center (CCIC) of the California Historical Resources Information System at Santa Barbara Museum of Natural History on April 14, 2023 (Records Search #23-085) and the results were received on April 20, 2023 (see Appendix C). The purpose of the record search was to identify the presence of any previously recorded cultural resources within the Proposed Project site, as well as within a 0.25-mile buffer, and to determine whether any portions of the Proposed Project site had been surveyed for cultural resources.

The record search revealed that the project location was included as part of one previous study, a Historic Resources Survey conducted by the City of San Luis Obispo Cultural Heritage Committee in 1983 (City of San Luis Obispo 1983). The survey resulted in the recordation of 132 built environment resources within the City and the establishment of five historic districts: the Downtown, Chinatown, Old Town, Mill Street, and Railroad districts. The block that contains the current courthouse complex is at the east edge of the San Luis Obispo Downtown Historic District, with the boundary of the historic district cutting between the Old Courthouse and Courthouse Annex Buildings; everything east of

the Old Courthouse, including the Proposed Project site, is excluded from the historic district.

Another 85 studies were conducted within the 0.25-mile record search buffer for the project area. A large number of these studies were for linear projects such as sewer and water main replacement and fiber optic line installation along the city streets and included archaeological exploratory testing and archaeological mitigation activities. Similar studies were conducted for city infill and building stabilization or demolition projects. Other studies focused on the recordation and evaluation of individual built environment resources that were not covered by the 1983 study.

Although no previously recorded resources are in or immediately adjacent to the Proposed Project site, the record search identified 166 previously recorded resources within the 0.25-mile search radius for the project. While the vast majority of these resources are of the built environment, most of which were recorded during the 1983 survey, ten of the resources are archaeological sites. These include three pre-contact Native American sites, five post-contact sites, and two multi-component sites that contain materials from pre- and post-contact periods.

As expected, historic topographic maps and aerial photographs depict the downtown area of San Luis Obispo as developed since the late 1800s. Research for a Phase I Environmental Site Assessment (Ecotech 2024; provided as Appendix F of this IS/MND) of the Project location examined historical aerial photographs, Sanborn Insurance Maps, U.S. Geological Survey (USGS) topographic maps, and City Directories, which showed that buildings have occupied 1144 Monterey since at least 1886. The following describes the history of use for the Proposed Project site:

> Sanborn Maps and aerials show that a structure called The Pavilion covered most of the site from 1891 to at least 1939. The Pavilion was originally built as an agricultural pavilion, but the building later functioned as the Civic Auditorium, a women's civic club, and Cal Poly student housing. A small building housing the Auto Club of Southern California was on the southwest corner from 1926 to 1962. It does not appear on the 1963 aerial. The 1949 aerial and the 1950 Sanborn Map show Monterey Motors (later, Kimball Motors), an auto dealership with repair service, at 1144 Monterey, and Fred Mitchell’s Richfield Gasoline Service Station at 1166 Monterey Street. The auto dealer facility added a building extension on Montereypalm Alley to the north in 1963, which is still in place. The auto dealership building has occupied 1144 Monterey from 1949 to the present. The gas station appears on aerials and Sanborns from 1949 to 1981. The 2006 aerial shows that the gas station was replaced by a parking lot. (Ecotech 2023:6-7)

To put it more succinctly, the current Parks and Recreation office comprises three buildings constructed over several decades:

- 1134 Monterey Street, at the west end of the property, was built in 1923 and originally used as an automobile club.
- 1144 Monterey Street, at the center of the property, was constructed in 1946 as a car showroom/dealership.
- 1146 Monterey Street, at the back of the parcel along the alley, was constructed about 1964 as an auto repair building.

There was also a gas station at the corner of Monterey and Toro streets that operated between 1949 and 1981.

The history of 969 Toro Street is similar:

> [B] buildings have occupied the [969 Toro Street parcel] since at least 1886. Sanborn Maps and aerials show that a stable occupied the northwest corner of the [parcel] from at least 1886. A house was added to the site between 1886 and 1891. Between 1891 and 1903 the stable was converted into a building. Between 1903 and 1926 the house was expanded, the other building removed, and a small new building was added along the northern property line shared with 959 Toro Street. Between 1950 and 1957 the house was further expanded. (Ecotech 2024:6)

Archival studies also assessed the potential for buried archaeological sites within the project location. The investigation took into account factors that either encouraged or discouraged human use or occupation of certain landforms (e.g., geomorphic setting and distance to water), combined with those that affected the subsequent preservation (i.e., erosion or burial) of those landforms. It is well known, for instance, that pre-contact archaeological sites in California are most often found on relatively level landforms near natural water sources (e.g., spring, stream, river, or estuary), which is often where two or more environmental zones (ecotones) are present. Landforms with this combination of variables are frequently found at or near the contact between a floodplain and a higher and older geomorphic surface, such as an alluvial fan or stream terrace (Hansen 2004:5).

In general, most Pleistocene-age landforms have little potential for harboring buried archaeological resources, as they developed before the first evidence of human migration into North America (ca. 13,000 years ago). However, Pleistocene or older surfaces buried below younger Holocene deposits do have a potential for containing archaeological deposits because of the long-term viability of the platform (or Pleistocene age surface) from which occupation can occur. Holocene alluvial deposits may contain buried soils (paleosols) that represent periods of landform stability before renewed deposition. The identification of paleosols within Holocene-age landforms is of particular interest because they represent formerly stable surfaces that have a potential for preserving archaeological deposits.

The potential for the project area to contain buried archaeological resources was investigated based on review of existing geologic mapping for San Luis Obispo (Wiegers 2010) and a review of pre-contact archaeological sites identified near the project area. Although pre-contact sites are known to exist near the project site, they are largely surface manifestations located in areas closer to San Luis Obispo Creek. The landform that underlies the project area is an ancient Cretaceous to Jurassic (~65 million years ago) period Franciscan Complex, which would suggest that the landforms age far precedes human occupation for the region (Wiegers 2010). As such, given the presence of nearby archaeological deposits identified at the surface and the age of the landform, this would suggest that the potential for deeply buried deposits at the project location is low, although the potential for near-surface deposits is considered moderate to high. Consequently, any archaeological deposit at the project location would likely have been disturbed by the development of the existing structures.

Cultural Survey and Results

The Proposed Project site is fully developed and almost entirely covered with concrete, asphalt, or buildings. As a result, an archaeological survey was not conducted. However, a qualified architectural historian, who meets the US Secretary of the Interior's professional standards for architectural history and history visited the location on September 11, 2024, to photograph and record the buildings located at 1144 Monterey Street and 969 Toro Street. Descriptions and evaluations of the properties for listing in the CRHR and NRHP is presented below. Additional information on the buildings and detailed historic contexts for each property are provided in Appendix C.

1144 Monterey Street. The commercial property complex located at 1144 Monterey Street (APN 002-326-021-000) is comprised of three buildings currently operated by the County of San Luis Obispo as their Parks and Recreation Department. Monterey Street in the vicinity of the subject property is three lanes wide and characterized by automobile-oriented twentieth century commercial development, much of which is set back behind large parking areas; the property is part of an area that was historically dominated by automobile dealerships and other car-related businesses.

The building complex is composed of three connected structures, all in good condition. The small rectangular-plan west building (1134 Monterey Street) is single-story and was constructed in 1923. Its northeast wall is immediately adjacent to the main building (1144 Monterey Street), which is rectangular in plan and flat-roofed with one- and two-story sections that include a partial basement. It stretches across the parcel from north to south; it was constructed in 1946. A perpendicular 1960 addition (1146 Monterey Street), projects from the main building along the alley (Montereypalm Alley) that forms the northwest boundary of the parcel. It is irregular in plan and one-story with a flat roof.

1134 Monterey Street (the southwest volume) was originally constructed in the Spanish Revival architectural style, and it retains some remnants of its original design despite

heavy alterations. The building has a flat roof but there is a decorative clay tile shed roof at the main façade. The building is constructed of brick, which is stuccoed on the side and rear elevations; the main façade is clad in decorative brick laid in stack bond. A decorative stuccoed chimney at the junction of 1134 Monterey Street and the adjacent 1144 Monterey Street has its own diminutive clay tile roof.

The main building (1144 Monterey Street) connects to 1134 Monterey Street and stretches the entire length of the parcel. Although research has not revealed any early photographs, comparison with nearby buildings constructed about the same time, in addition to the plan and form of 1144 Monterey Street, indicate that it was originally an example of Streamline Moderne architecture. It has a flat roof and is constructed of brick with stucco cladding. Originally an automobile dealership, the south end is a one-story auto showroom with a rounded southeast corner. A taller section behind the showroom was originally an office with a small apartment above; the north end of the building has a large vehicle opening with roll-up door and was designed as a car repair area. The interior of the showroom has been converted to contemporary office use with fluorescent lighting, partitions, and other modifications but displays some rounded forms that appear to date from the original Streamline Moderne building design.

1146 Monterey Street extends northeast off the back portion of 1144 Monterey Street, across the rear of the parcel and parallel to Montereypalm Alley. Compared to the two older buildings on the property, it appears to have been altered very little over the years. It is a rather utilitarian example of Midcentury Modern architecture that was constructed to serve as an auto repair shop. It is constructed of concrete masonry units with a stucco soffit along the west half of the main portion of the building, and decorative diamond-pattern concrete masonry units on its east half. There are two vehicle openings with roll-up metal doors to the right of the human-scale entrance. An open carport area occupies the center of the building. The right end of the building appears to have been designed as an office. The back of the building along the alley lacks fenestration or entrances.

There had been several automobile-oriented businesses on the stretch of Monterey Street between Santa Rosa and Toro streets since at least the 1920s (including 1134 Monterey Street), and the area was known as auto row.

The NRHP and CRHR require that a significance criterion from A to D or 1 to 4 (respectively) be met for a resource to be eligible.

Criterion A/1: The subject property is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with mid-twentieth century commercial expansion as well as the proliferation of automobile-oriented businesses in San Luis Obispo during that era. Research has not revealed that the property is significant within those historic contexts or any other

important historic context. Therefore, the property is recommended ineligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The subject property is not associated with the life of persons important to our history. Research has revealed no important professional accomplishments or lasting impacts on local history by individuals associated with the property, and the property type has limited potential for significant association with important persons. The building has been home to a number of car dealerships, none of which have had a significant impact on the automotive industry or on local history. Several locally prominent individuals owned the property, but none were significantly associated with it for a substantial length of time. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended ineligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: The property is not significant for its architecture. Research has revealed no evidence that its buildings were designed by an architect or a notable local builder. Nor does the building exhibit the design elements present in architectural landmarks. The three connected buildings were constructed over a period of nearly 40 years and reflect an ad hoc approach to building design in which various forms and materials were utilized to meet changing needs over time. Furthermore, the two older buildings have been substantially altered over the years. The 1923 automobile club building was originally a good if simple example of Spanish Revival architecture. Its main façade details, which originally included a wide wood door, smooth stucco cladding, heavy classical columns, and display windows with transoms, have all been lost. Likewise, the portion of the 1946 car dealership building closest to the street appears to have been heavily altered. Research has revealed no early photographs or architectural drawings of the building, however, its large display windows, rounded south corner, flat roof, and curved interior forms as well as the fact that early aerial photographs do not show a tile roof strongly suggest that it was originally an example of Streamline Moderne architecture. Two nearby car dealership buildings across the street from the subject property were constructed during the same era and exhibit Streamline Moderne design details including similar curved corners. It is highly likely that the car showroom was altered about 1980 when it was consolidated with the former automobile club building. The 1960 volume is fairly utilitarian and lacks architectural distinction. Therefore, the property lacks both architectural significance and integrity required for historic listing based on design. For these reasons, the property is recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. The subject property is an example of well-understood types of construction and does not appear to be a principal source of important information in this regard.

The property is recommended ineligible for listing on the NRHP or CRHR. It does not qualify as a historical resource under CEQA.

969 Toro Street. The 969 Toro Street parcel (APN 002-326-012-000) is occupied by a small single-family residence and carport with landscaping that is limited to a couple of mature trees and small areas of drought-tolerant plantings. The home is a one-story, stucco-covered Pueblo Revival-style house with a flat roof and no eaves. Its main volume is rectangular in plan, with an irregular plan rear section and a carport projecting from the northwest side. The carport has a flat roof and is clad in stucco. It is accessed by a short dirt driveway. A tall board fence separates the back yard from the alley behind the property. The building is in good condition and the yard is well maintained.

The NRHP and CRHR require that a significance criterion from A to D or 1 to 4 (respectively) be met for a resource to be eligible.

Criterion A/1: The residential property at 969 Toro Street is not associated with events that have made a significant contribution to the broad patterns of our history. The property is generally associated with the residential development of San Luis Obispo in the early twentieth century. Research has not revealed that the property is significant within that or any other historic context. Therefore, the property is recommended ineligible to the NRHP or CRHR under Criterion A/1.

Criterion B/2: The property is not associated with the life of persons important to our history. The families that lived on the property were not significant contributors to San Luis Obispo's development, and research has revealed no important professional accomplishments or lasting impact on local history or on agriculture. It was a house that provided shelter for ordinary working people: a cosmetologist, dairy rancher, blacksmith/mechanic, and veterans. Therefore, the property lacks the strength of association required for eligibility under Criterion B/2. The property is recommended ineligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: The property is not significant for its architecture. Research has revealed no evidence that it was designed by an architect. While the building exhibits some elements of the Pueblo Revival architecture, it is not a significant example of the style. It does not exhibit the design elements present in architectural landmarks. Furthermore, original features such as decorative wood beams and wood-sash windows have been removed. For these reasons, the property lacks the significance and integrity required for historic listing and is recommended ineligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 969 Toro Street is an example of well-understood types of construction and does not appear to be a principal source of important information in this regard.

The property is recommended ineligible for listing on the NRHP or CRHR. It does not qualify as a historical resource under CEQA.

3.5.3 Discussion of Checklist Responses

a. Adverse change in the significance of a historical resource (Less than Significant)

The buildings located at 1144 Monterey Street and 969 Toro Street were evaluated for significance by a qualified architectural historian and were recommended ineligible for listing in the CRHR and as a California Historic Landmark (CHL). Therefore, there are no built environment historical resources within the Project area. This impact would be ***less than significant***.

However, unknown archaeological sites that may be uncovered during construction, could be determined significant and eligible for listing in the CRHR. Impacts to archaeological resources that are historical resources are addressed below in item 3.5(b).

b. Adverse change in the significance of an archaeological resource (Less than Significant with Mitigation)

No archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, have been identified within the Project area; however, the fully developed character of the Proposed Project site precluded a pedestrian archaeological survey, and cultural materials may be buried at the location. Furthermore, the area is known to be sensitive for both Native American pre-contact sites, and post-contact sites dating to the Mission era. As a result, the area appears sensitive for buried archaeological resources that could be determined eligible for the CRHR/NRHP if they are disturbed by Project construction activities. If archaeological resources are inadvertently discovered that are determined eligible for listing in the CRHR/NRHP, and Proposed Project activities would affect them in a way that would render them ineligible for such listing, a significant impact would result. CEQA Guidelines Section 15064.5(f) recommends making "provisions for historical or unique archaeological resources accidentally discovered during construction." These provisions include evaluation of the discovered resource by a qualified archaeologist, and contingency funding and time in the project schedule to allow for developing and implementing avoidance or mitigation measures. The implementation of the **Mitigation Measure CR-1 (Provide Cultural Resources Sensitivity Training and Monitoring)** and **Mitigation Measure CR-2 (Prepare and Implement an Archaeological and Tribal Cultural Treatment Plan)**, which incorporates the provisions of Section 15064.5(f), would ensure that the Proposed Project would treat eligible archaeological resources in a manner that would reduce impacts to archaeological resources to ***less than significant with mitigation***.

c. Disturbance of any human remains, including those interred outside of formal cemeteries **(Less than Significant with Mitigation)**

There is no evidence that human remains are present within the Proposed Project site. Although the Proposed Project site has been previously disturbed by prior development, there remains the possibility that human remains could be discovered during excavation activities. CEQA Guidelines Section 15064.5 provides guidance for the discovery of Native American remains, including development of a treatment plan for human remains (Section 15064.5[d]) and stopping work within the vicinity of the finds and contacting the County coroner (Section 15064.5[e]). Section 15064.5(e) further requires the coroner to contact the NAHC, which shall then identify a most likely descendant (MLD) to make recommendations for the treatment of the remains.

Should any such remains be discovered during construction, California Health and Safety Code Section 7050.5 requires that work immediately stop within 50 feet of the finds and that the County coroner be notified to assess the finds and contact the NAHC if it is determined that the human remains are of Native American origin. In turn, the NAHC would identify an MLD, who would then work with the Judicial Council to ensure that the remains are treated with respect and dignity, and to determine a best course of action for protecting the remains or mitigating the disturbance.

Implementation of **Mitigation Measure CR-3 (Implement Response Protocol for the Inadvertent Discovery of Human Remains)** outlines these protocols and would ensure that the Proposed Project would not result in any substantial adverse effects on human remains uncovered during the course of construction. Adherence to these procedures and provisions of the California Health and Safety Code would reduce potential impacts on human remains to ***less than significant with mitigation*****.**

3.5.4 Mitigation Measures

Mitigation Measure CR-1: Provide Cultural Resources Sensitivity Training and Monitoring

A cultural resources sensitivity training program shall be provided to all construction personnel who will be active on the Proposed Project site during ground-disturbing or excavation activities. The training will be developed and conducted by a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a compensated representative from each consulting Native American tribe(s) that chooses to participate. The training will be provided once to each worker before they begin ground-disturbing or excavation activities and shall be documented in the training records. The training program will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and the consequences of violating the relevant State laws and regulations. The worker cultural resources awareness program also will describe appropriate avoidance and minimization measures for resources that have the potential to be on the Proposed Project site

and will outline what to do and whom to contact if any potential archaeological or tribal cultural resources, Ancestors, or cultural items are encountered. The program will underscore the requirement for confidentiality and culturally appropriate treatment of any inadvertent discoveries that are of significance to California Native American tribes.

All ground-disturbing activities will be monitored by a compensated representative from the consulting Tribe(s) and a qualified archaeologist. If any pre-contact Native American or historic-era archaeological resources or tribal cultural resources are exposed during construction, work will stop within 50 feet of the resource and be redirected to allow for recordation, including of measurements, and geographic information system (GIS) data. Tribal monitors shall determine whether photography of Native American archaeological and tribal cultural resources is appropriate. Under no circumstances will human remains be photographed. Historic-era resources will be photographed by the archaeologist monitor.

Archaeological and Tribal Monitors will be responsible for identifying cultural, archaeological, and tribal cultural resources if they are inadvertently discovered during ground disturbance. Tribal cultural knowledge will be taken into consideration when assessing whether a resource is a tribal cultural resource. If cultural materials are unearthed, the monitors will have the authority to immediately halt work within the buffer zone to allow 48 hours for the on-site archaeological monitors and Tribal monitors to inspect and assess the materials, determine whether additional analysis of the find is warranted, and if construction can proceed inside the buffer zone without further analysis.

Mitigation Measure CR-2: Prepare and Implement an Archaeological and Tribal Cultural Resources Treatment Plan

The Judicial Council will work with the consulting Tribe(s) to develop an Archaeological and Tribal Cultural Resource Treatment Plan (ATCR-TP). The ATCR-TP will provide protocols for treatment of identified archaeological and tribal cultural resources in the disturbance area during project construction. The ATCR-TP will include protocols for the following:

- Avoidance of identified historical resources and tribal cultural resources where feasible;
- Avoidance or preservation in place, where feasible given the limitations of the project site, shall be the preferred methods of addressing inadvertent discoveries of cultural, archaeological, or tribal cultural resources;
- Protocols for respectful treatment of cultural resources identified during monitoring activities, as well as Native American human remains and cultural items;
- Monitoring during construction by an archaeologist and Tribal monitor(s);

- Responsibilities and coordination with the consulting Native American Tribes;
- Determination of a safe and secure place for storage of artifacts; and
- Curation of recovered historic-era materials that are not associated with Native American tribes, and culturally appropriate storage and repatriation of Native American resources, including compliance with applicable California and Federal law.

The ATCR-TP will address treatment for both Native American archaeological resources and tribal cultural resources, as well as Native American human remains, culturally affiliated items and grave goods, if any are found, and post-contact resources. In collaboration with consulting Tribes, all activities outlined in the ATCR-TP will be conducted under the direction of individuals who meet the professional qualification standards in Archaeology and Historic Preservation, Secretary of Interior's Standards and Guideline (Federal Register, Volume 48, No. 190, September 29, 1983).

New cultural resources (i.e., those that have not been identified or recorded previously), including tribal cultural resources, identified during construction will be assessed for eligibility for listing in the NRHP/CRHR. Evaluation efforts will involve archival research, archaeological fieldwork, and Tribal consultation and coordination. Fieldwork methodologies will be tailored to the location, circumstance, and nature of the find. Therefore, it may be appropriate to use mechanical trenching techniques, controlled excavation units, or block exposures, shovel sampling explorations, or any combination of these approaches. All newly identified historic-era resources will be thoroughly mapped, photographed, located through GIS, and recorded on DPR 523 forms. Native American resources will be recorded at the direction of the Tribal monitor(s) and will be photographed only with their permission. Native American human remains will never be photographed.

If resources are determined to be eligible to the NRHP/CRHR and cannot be avoided or preserved in place during construction, data recovery shall be required. Data recovery may involve archaeological excavation or detailed recordation on DPR 523 forms. Data collection which impacts tribal cultural resources or Native American human remains, grave goods, or cultural items will be done only with the written consent of the consulting Tribe(s). Any Native American human remains, cultural items, or grave goods that are subject to the California Native American Graves Protection and Repatriation Act will be returned to the designated Most Likely Descendant's (MLD's) Tribe, which will be compensated for reasonable repatriation costs. Alternately, the Judicial Council will provide an appropriate and secure location to repatriate recovered items, preferably on the Proposed Project site. No laboratory analysis or destructive data analysis of Native American belongings will be permitted without the express written permission of the designated MLD's Tribe.

Mitigation Measure CR-3: Implement Response Protocol for the Unanticipated Discovery of Human Remains

Consistent with the California Health and Safety Code and the California Native American Historical, Cultural, and Sacred Sites Act, if suspected human remains are found during project construction, all work shall be halted within 50 feet of the finds, and the San Luis Obispo County coroner shall be notified to determine the nature of the remains. The coroner shall examine all discoveries of suspected human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall then assign a most likely descendant (MLD) to serve as the main point of Native American contact and consultation. Following the coroner's findings, the MLD, in consultation with the Judicial Council, shall determine the ultimate treatment and disposition of the remains in accordance with the Burial Treatment Plan discussed in Mitigation Measure TCR-1.

3.6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

3.6.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The Energy Policy and Conservation Act of 1975 was established in response to the oil crisis of 1973, which increased oil prices due to a shortage of reserves. The Act required that all vehicles sold in the U.S. meet certain fuel economy goals, known as the Corporate Average Fuel Economy (CAFE) standards. The National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (USDOT) administers the CAFE program, and USEPA provides the fuel economy data. USEPA and the NHTSA have developed regulations to improve the efficiency of cars, and light-, medium-, and heavy-duty vehicles.

State Laws, Regulations, and Policies

Energy resource-related regulations, policies, and plans at the state level, require the regular analysis of energy data and developing recommendations to reduce statewide energy use, and setting requirements on the use of renewable energy sources. SB 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years (CEC 2024). The report contains an integrated assessment of major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors; and provides policy recommendations to conserve resources, protect the environment, ensure reliable, secure, and diverse energy supplies, enhance the state's economy, and protect public health and safety (CEC 2024). The latest update is the 2023 Integrated Energy Policy Report (CEC 2024). The 2023 Integrated Energy Policy Report (IEPR) identifies actions the state and others can take to ensure a clean, affordable, and reliable energy system. The 2023 IEPR highlights the gap between clean electricity resources and projected goals and needs in particular for electric vehicle chargers, heat pumps and renewable electricity

and storage. It notes that accelerated deployment of renewable resources and electrification has strained the electrical grid. It recommends strengthening ties between the development of electrification and decarbonization policies and regulations with electricity infrastructure planning and deployment processes. The report also notes the growing number and size of projects applying for connections is overwhelming existing processes and there can be a lack of adequate capacity. The third item noted is that rate impacts should be managed while preparing the grid for increased renewables and demands from electrification. The report notes the need for enhanced communication and streamlining of information and processes as things move forward toward the ambitious goals of the state.

Since 2002, California has established a Renewables Portfolio Standard (RPS) program, through multiple senate bills (SB 1078, SB 107, SB X1-2, SB 350, SB 100) and executive orders (S-14-08, B-55-18), that requires increasingly higher targets of electricity retail sales be served by eligible renewable resources. The established eligible renewable source targets include 20 percent of electricity retail sales by 2010; 33 percent of electricity retail sales by 2020; 50 percent by 2030; and 100 percent zero-carbon electricity for the state and statewide carbon neutrality by 2045 (California Public Utilities Commission 2022, CEC 2017).

The California Title 24 Building Energy Efficiency Standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. The CEC is responsible for adopting, implementing, and updating building energy efficiency. The standards are updated every three years by the CEC. Title 24 Part 6 covers the building envelope, space conditioning systems, water-heating systems, solar ready buildings, indoor, outdoor and sign lighting. The energy code provides either a prescriptive or performance approach for compliance. Some mandatory measures must be met regardless of which compliance approach is used. California's Green Building Standards Code (CALGreen), Title 24 Part 11 is focused on improving public health, reducing environmental impacts, and encouraging sustainable construction in residential and nonresidential buildings by enhancing the design and construction of buildings. Multiple agencies have authority to propose building standards for CALGreen. The CALGreen Code includes mandatory measures to support the goals of the State's greenhouse gas (GHG) reduction program as well as promotes healthful indoor and outdoor air quality. It is updated triennially. In addition to mandatory building standards, the CALGreen Code includes voluntary "reach" standards known as the Tiers, which offer model building code language for local governments that wish to go beyond the minimum statewide requirements. CALGreen encourages local governments to adopt more stringent voluntary provisions, known as Tier 1 and Tier 2 provisions, to further reduce air pollutant emissions, improve energy efficiency and conserve natural resources.

Section 3.8, "Greenhouse Gas Emissions," provides additional details on California's 2020 Climate Change Scoping Plan, which details the state's strategy for achieving the

state's GHG targets, including energy-related goals and policies. It contains measures and actions that may pertain to the proposed Project relating to vehicle efficiency and transitioning to alternatively powered vehicles (CARB 2022).

2023 California Trial Court Facilities Standards (Facilities Standards). Section 1D, "Sustainable Design," of the Facilities Standards includes the following policies related to implementation of CALGreen standards:

b. All new courthouse projects shall be designed and constructed in conformance with the Nonresidential Mandatory Measures of the current version of the California Green Building Standards Code (CALGreen) (Cal. Code Regs., tit. 24, pt. 11), as well as the current version of the California Energy Code (Cal. Code Regs., tit. 24, pt. 6). All projects shall target 15 percent increased energy efficiency and 12 percent increased water conservation levels as compared to the minimum requirements of Title 24.

c. Implementation of CALGreen Tier 1 Nonresidential Voluntary Measures will depend on a positive net present value result of the Tier 1 LCCA [life cycle cost analysis] design options or Judicial Council LCCA procedure-based design against a code-compliant design.

d. Additionally, all new courthouse projects shall be designed to receive the Leadership in Energy and Environmental Design (LEED) Silver rating or higher without an increase in the authorized project budget or long-term operating costs.

Chapter 14, "Building Management System Criteria," of the Facilities Standards contains a section related to energy conservation design. One objective of building management system automation is reduction in energy consumption and operating costs. The Facilities Standards identifies multiple layers of building management and provides requirements for their installation and performance. The criteria state, "Specific control features and points shall be dictated by project-specific design requirements."

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. Chapter 6, Conservation and Conservation and Open Space, of the City's General Plan includes Section 4.0, "Energy," with the following policy that relates to the Proposed Project:

> 4.3.6. Energy efficiency and Green Building in new development. The City shall encourage energy-efficient "green buildings" as certified by the U.S. Green

Building Council's LEED (Leadership in Energy and Environmental Design) Program or equivalent certification.

3.6.2 Environmental Setting

California has extensive energy resources, including an abundant supply of crude oil and high production of conventional hydroelectric power, and it leads the nation in electricity generation from solar, geothermal, and biomass resources (U.S. Energy Information Administration [EIA] 2022). California has the second highest total energy consumption in the United States but one of the lowest energy consumption rates per capita (48th in 2020) due to its mild climate and energy efficiency programs (EIA 2022). A comparison of California's energy consuming end-use sectors indicates that the transportation sector is the greatest energy consumer, followed by Industrial, Commercial, and then Residential (EIA 2022). California is the largest consumer of jet fuel in the United States and the second largest consumer of motor gasoline after Texas (EIA 2022).

3.6.3 Discussion of Checklist Responses

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources (Less than Significant)

The Proposed Project's construction activities would require the consumption of energy (fossil fuels) for equipment, worker vehicles, and truck trips. The Proposed Project would involve a few pieces of equipment that may use electricity such as pumps or compressors. The consumption of energy for the Proposed Project's equipment and vehicles would be minimized by limiting idling of vehicles. Table 3-7 shows the estimated fuel use from construction equipment, worker vehicles, and truck trips. The baseline condition assumes that the existing vehicles trips during operation for the existing courthouse operations will not substantially change with construction of the new courthouse and consolidated offices since the Proposed Project is located a block away from the existing location that is being replaced. Visitors to the courthouse will be able to use the same existing City parking garage and use the existing public transit the same as under baseline conditions. The operation of the new courthouse building will result in additional energy use for space heating, cooling, ventilation, lighting, and other use of electricity. Because the Judicial Council's Facilities Standards apply to the Proposed Project, it has a project design feature which ensures that building energy use is at least 15% below the current Title 24 code requirements. At this time, it is unknown the fate of the old courthouse buildings and offices and therefore there was no exclusion of this energy use from the calculations at this time. The existing buildings that will be demolished on the Proposed Project site would no longer have its associated building energy use, however, sufficient detail was not readily available to properly account for the decrease in building energy use, and therefore, the energy use reported for operation is conservative and slightly overestimated since this change from baseline was not fully accounted for in the analysis. The calculations used to develop these estimates are presented in Appendix A.

Table 3-7. Project Fossil Fuel and Electricity Use

	Gasoline (Gallons)	Diesel (Gallons)	Electricity (kWhr)
Construction Fuel Consumption			
Construction On-Road Vehicles	12,489	22,306	11,610.98
Construction Off-Road Equipment		88,833	
Total for Construction	**12,489**	**111,139**	
Annual Project Fuel Consumption			
Building Energy Use			3,637,342
Off-Road Equipment and Stationary Sources		94	
Total for Annual Operation		**94**	**3,637,342**

Note: Operational consumption is from the CalEEMod file (see Appendix A-3).

Energy consumption during construction work is necessary to meet the project objectives of replacing the courthouse and consolidating offices. The new building will be required to comply with the Judicial Council's Facilities Standards, which require new courthouse facilities to be 15% more energy efficient than the current Title 24 building code requirements. These activities would not cause wasteful, inefficient, and unnecessary consumption of energy or cause a substantial increase in energy demand and the need for additional energy resources. As a result, the Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy. Therefore, this impact is considered ***less than significant***. No mitigation is required.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency **(Less than Significant)**

The Proposed Project activity would not conflict with any of the goals, policies, or implementation actions identified in the applicable energy plans, such as the 2023 IEPR. The Proposed Project is required to comply with the Judicial Council's Facilities Standards, which require new courthouse facilities to be 15% more energy efficient than the current Title 24 building code requirements. It is unknown at this time if it will be feasible to install renewable energy on the Proposed Project site such as photovoltaic panels on the roof and this will be evaluated during the design build process. The Proposed Project would not conflict with or obstruct any other renewable energy projects in the vicinity of the Proposed Project. Thus, the Proposed Project would not conflict with any plans relating to renewable energy or energy efficiency. Therefore, this impact is considered ***less than significant***. No mitigation is required.

3.6.4 Mitigation Measures

None required.

3.7 Geology, Soils, and Seismicity

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

3.7.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The following federal regulations are applicable to geology, soils, and seismicity in relation to the Proposed Project.

Section 402 of the Clean Water Act/National Pollutant Discharge Elimination System. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES program. USEPA has delegated to the SWRCB the authority for the NPDES program in California, where it is implemented by the State's nine RWQCBs. Under the NPDES Phase II Rule, any construction activity disturbing 1 acre or more must obtain coverage under the State's General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit). General Permit applicants are required to prepare a Notice of Intent stating that stormwater will be discharged from a construction site, and that a Storm Water Pollution Prevention Plan (SWPPP) describes the BMPs that will be implemented to avoid adverse effects on receiving water quality as a result of construction activities, including earthwork.

National Earthquake Hazards Reduction Act. The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk reduction program to better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation, Federal Emergency Management Agency (FEMA), and the National Institute of Standards and Technology. While changes have occurred in program details in some of the reauthorizations, the four basic NEHRP goals remain unchanged (NEHRP 2021):

(1) Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.

(2) Improve techniques for reducing earthquake vulnerabilities of facilities and systems.

(3) Improve earthquake hazards identification and risk assessment methods, and their use.

(4) Improve the understanding of earthquakes and their effects.

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to geology, soils, and seismicity in relation to the Proposed Project.

California Alquist-Priolo Earthquake Fault Zoning Act. The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (Pub. Res. Code Section 2621 et seq.) was enacted in 1972 to reduce the risk to life and property from surface fault rupture in California. The intent of the act is to prohibit construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulate construction in the corridors along active faults (earthquake fault zones).

The Alquist-Priolo Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. It also defines criteria for identifying active faults, which is defined if one or more of its segments or strands shows evidence of surface displacement in the last 11,000 years (CDOC 2019a). The act states that its intent is to "provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults." The act also requires the State Geologist to compile maps delineating earthquake fault zones and to submit maps to all affected cities, counties and state agencies for review and comment (California Geological Survey [CGS] 2018).

Seismic Hazards Mapping Act. As with the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (SHMA) (Pub. Res. Code Sections 2690–2699.6) is intended to reduce damage resulting from earthquakes. The Alquist-Priolo Act addresses surface fault rupture, while the SHMA addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. The SHMA highlights the need to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety. Cities and counties are required to regulate development within mapped Seismic Hazard Zones (CDOC 2019b).

Under the SHMA, permit review is the primary mechanism by which development can be locally regulated. Specifically, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic and/or geotechnical investigations have been performed and measures to reduce potential damage have been incorporated into the development plans.

California Building Code and International Building Code. The State of California mandates minimum standards for building design through the California Building Code (CBC) (CCR Title 24). The CBC also specifies standards for geologic and seismic hazards, other than surface faulting to address seismic safety, earthquake-resistant design

and construction (California Building Standards Commission 2022a). These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California. CBC standards determine building strength based on regional seismic risks and recommended construction specifications to provide building strength above that risk. The 2019 CBC was published in July 2019 with an effective date of January 1, 2020 (California Building Standards Commission 2021b).

California Environmental Quality Act. Treatment of paleontological resources under CEQA is conducted according to guidance from the Society for Vertebrate Paleontology (SVP) or other agencies (e.g., U.S. Bureau of Land Management and U.S. Forest Service). Appendix G (part VII) of the CEQA Guidelines addresses paleontological resources, stating that a project will generally result in a significant impact on the environment if it will disrupt or adversely affect a paleontological resource or site or unique geologic feature, except as part of a scientific study.

California Public Resources Code. Pub. Res. Code Sections 5097.5 and 30244, includes requirements for managing paleontological resources. These statutes require reasonable mitigation of adverse impacts to paleontological resources resulting from development on state lands, define the removal of paleontological sites or features from state lands as a misdemeanor, and prohibit the removal of any paleontological site or feature from state land without permission of the applicable jurisdictional agency. Section 30244 requires reasonable mitigation for impacts on paleontological resources from public land development.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. No policies of the City's General Plan related to geology, soils, seismicity, or paleontological resources are applicable to the Proposed Project (City of San Luis Obispo, 2006).

3.7.2 Environmental Setting

Except where otherwise noted, information on geology, soils, and seismicity in the project area was taken from the Geotechnical Investigation Report – San Luis Obispo Courthouse, San Luis Obispo, California (Langan Engineering and Environmental Services, Inc. 2025), provided as Appendix D. Paleontological information is taken from the Paleontological Database Search provided as Appendix E of this IS/MND.

Geology

Regional geology. The Proposed Project site is located at the southern end of the Coast Ranges geomorphic province of California. The Coast Ranges extend from Santa Barbara

County along the California coast into Oregon and are comprised of relatively low, northwest-trending mountain ranges and valleys that run subparallel to the San Andreas fault (CGS 2002). The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata dominated by the Franciscan Complex, a landslide prone, generally weakly metamorphosed basement complex. Subduction of oceanic crust associated with the Farallon tectonic plate formed the Franciscan Complex along the western margin of the North American tectonic plate during the Mesozoic Era.

The majority of the City of San Luis Obispo is in a relatively shallow, alluvium-filled valley surrounded by hills comprised of Tertiary-aged intrusive and extrusive volcanic deposits, Miocene-aged marine sedimentary rocks of the Monterey formation, and Franciscan Complex basement rocks.

Geology at the Proposed Project site. Langan's review of a published geologic map for the San Luis Obispo 7.5-minute quadrangle (Wiegers 2010) indicate that the site and adjacent areas are underlain by Jurassic-aged Franciscan Mélange bedrock, described as a sheared rock mass matrix encompassing resistant blocks of various rock types. Within the site vicinity, the matrix is typically composed of shale or crushed metasandstone. Typical blocks range in size from approximately one foot to several thousand feet in diameter and include greywacke sandstone, conglomerate, chert, greenstone, serpentinite, and blueschist (Wiegers 2021).

A regional geologic map for the site vicinity is provided on Appendix D, Figure 3.

The results of the Langan soil borings drilled during their preliminary geotechnical investigation indicate the site is generally underlain by about 7 to 24½ feet of soil (likely alluvial deposits), which are in turn underlain by bedrock.

The bedrock at the site consists of Franciscan Mélange siltstone, shale, sandstone, greenstone, and serpentinite. The results of Langan's investigation indicate the bedrock surface likely slopes down in elevation from north to south and is deeper toward the southern and western portions of the site.

Langan noted that serpentinite bedrock was encountered at a depth of about 30 feet below ground surface (bgs) in boring B-4; shale with serpentinite inclusions was encountered in boring B-2 at a depth of about 33 feet bgs. Langan also noted that remediation work performed at the site in 2014 encountered serpentinite rock at a depth of about 8 feet. Langan's investigation did not explore the full extent of the site, and serpentinite rock may be encountered during excavation of the site. This information should be provided to the project environmental consultant in their consideration of the requirement of 17 CCR Section 93105.

Groundwater

Groundwater was encountered during Langan's drilling of the borings at about 9 feet bgs, at about Elevation 218 feet, in boring B-3 and at 6.5 feet bgs, at about Elevation 218.5 feet, in boring B-4.

The groundwater levels measured during drilling are not stabilized and vary seasonally. Langan reviewed historic groundwater data from monitoring wells at the site, which indicates groundwater is as shallow as approximately 1.0 to 3.9 feet bgs.

Soils

The results of the Langan borings drilled during the geotechnical investigation indicate the site is generally underlain by about 7 to 24½ feet of soil (likely alluvial deposits), underlain by bedrock. The soil generally consists of stiff to very stiff clay with variable amounts of sand and gravel, medium dense to very dense gravel with variable amounts of clay, silt, and sand, and medium dense to dense sand with variable amounts of clay and gravel.

About two feet of stiff clayey fill was encountered in boring Langan B-3 below the pavement section. Fill is also present at the former underground storage tank locations. Atterberg limits tests and expansion index testing performed on the near-surface soil indicate that the clay typically has moderate to very high expansion potential.

The results of Atterberg limits and expansion index tests that Langan performed on the near-surface clay at the site indicate that this soil has moderate to very high expansion potential. Where tested, the plasticity index generally ranged from 12 to 33 (moderately to highly expansive) with one sample with a plasticity index of 42 (very highly expansive).

Seismicity

The principal seismic hazards evaluated at the Proposed Project site are surface fault rupture, ground shaking, liquefaction and differential settlement, and landslide, slope failure, and lateral spreading.

Surface fault rupture. Historically, ground surface fault ruptures closely follow the traces of geologically young faults. The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no active or potentially active faults exist on the site. In a seismically active area, the remote possibility exists for future faulting to occur in areas where no faults previously existed. Langan, however, concluded that the risk of surface faulting and consequent secondary ground failure at the site is low.

Ground shaking. The Proposed Project site is in a seismically active region. Numerous earthquakes have been recorded in the region in the past, and moderate to large earthquakes may occur during the service life of the Proposed Project. The major active

faults in the area are the Oceanic – West Huasna, Los Osos, Rinconada, San Luis Bay, and San Luis Range faults. These and other faults of the region are shown on Appendix D, Figure 4. For each of the active faults within about 37.3 miles (mi) (60 kilometers [km]) of the site, the distance from the site and estimated mean characteristic Moment magnitude [2014 Working Group on California Earthquake Probabilities (WGCEP) (2015) and Uniform California Earthquake Rupture Forecast Version 3 (UCERF3) as detailed in USGS Open File Report 2013-1165] are summarized in **Table 3-8**.

Table 3-8. Regional Faults and Seismicity

Fault Segment	Approximate Distance from Fault (mi/km)	Direction from Site	Mean Characteristic Moment Magnitude
Los Osos	2.9/4.6	Southwest	6.9
Oceanic – West Huasna	2.9/4.6	Northeast	7.0
Rinconada	8.1/13	Northeast	7.1
San Luis Bay	8.1/13	South	6.2
San Luis Range	8.1/13	Southwest	7.0
San Luis Range (So Margin)	8.7/14	Southwest	7.3
East Huasna	9.3/15	Northeast	7.1
Shoreline	10.5/17	Southwest	6.4
San Luis Range – Oceano	11.2/18	Southeast	6.4
San Luis Range – Pecho	13.0/21	Southwest	6.5
La Panza	14.9/24	Northeast	7.1
Hosgri	15.5/25	Southwest	6.5
South Cuyama	18.0/29	East	7.2
Casmalia	21.7/35	South	6.7
Lions Head	27.3/44	South	6.9
San Juan	27.9/45	Northeast	7.1
Hosgri (Extension)	29.8/48	South	6.3
San Andreas (Cholame)	36.0/58	Northeast	6.9

Note: km = kilometers; mi = miles

Langan's search of the USGS Advanced National Seismic System's Comprehensive Earthquake Catalog (ComCat), using the web-based Earthquake Archive Search and URL Builder tool, found that as of March 13, 2023, 24 earthquakes with magnitudes greater than or equal to 5.0 have occurred within a 62-mi (100-km) radius of the site since 1800. The approximate earthquake epicenter locations identified through this database search are provided on Appendix D, Figure 4.

In 1830, an earthquake with an estimated magnitude of 6.0 occurred near San Juan Bautista, California, approximately 4.6 mi (7.5 km) north of the site.

The Fort Tejon earthquake of 1857 was an earthquake with an estimated maximum intensity of IX on the Modified Mercalli (MM) scale (Appendix D, Figure 5) and an estimated magnitude of 7.9. The epicenter of this earthquake occurred on the San Andreas fault approximately 35.4 mi (57 km) northeast of the site.

The most recent major earthquake within 62 mi (100 km) of the site occurred on September 29, 2004, near Parkfield, California, with an epicenter approximately 47.2 mi (76 km) northeast of the site. The magnitude of this earthquake was 5.0.

Liquefaction and differential settlement. As stated above under "Ground Shaking," the site is in a seismically active area and could be subjected to strong shaking during a major earthquake during the service life of the Proposed Project. The County has prepared a map, shown on Appendix D, Figure 6, depicting the relative liquefaction susceptibility in the County of San Luis Obispo, dated August 2020. This map indicates that the site is located within a "moderate potential" liquefaction potential hazard zone.

About seven feet of medium dense clayey silty sand with gravel and about 1.5 feet of medium dense sand with clay and gravel were encountered from below the pavement section to the top of bedrock at a depth at approximately 9.5 feet bgs. Langan concluded the clayey silty sand with gravel has sufficient fines content and cohesion to resist liquefaction; however, the sand with clay could potentially liquefy during a major earthquake and could experience liquefaction-induced settlement. Langan's analysis indicates that the potentially liquefiable soil at the site is thin and discontinuous. Based on results of standard penetration test evaluation, Langan estimated up to approximately 0.25 inch of liquefaction-induced settlement could occur at the site. Because the potentially liquefiable soil is not continuous at the site, Langan concluded that differential liquefaction-induced settlement equivalent to the total settlement (0.25 inch) could occur over short distances.

Seismic densification can occur during strong ground shaking in loose, granular deposits above the water table, resulting in ground surface settlement. In general, Langan concluded that the soil encountered above the high groundwater level is sufficiently dense and/or cohesive, and that the potential for seismic densification to occur during a major earthquake is low.

Landslide, slope failure, and lateral spreading. The ground surface at the site generally slopes down from northwest to southeast at an average inclination of about 12.5 horizontal to 1 vertical. The County has prepared a map that depicts landslide risk in San Luis Obispo County, dated August 2020. This map indicates that the site is located at least 4,500 feet away from landslide risk zones located both east and west of the site, as shown on Appendix D, Figure 6. Langan concluded that there are no landslide deposits mapped within or near the site.

On the basis of Langan's review of available geologic data, their field investigations, and consideration of the gently sloping topography at and around the site, Langan concluded that the potential for landsliding at the site is low.

According to Youd, Hansen, and Bartlett (1999), for significant lateral spreading displacements to occur, the soils should consist of saturated cohesionless sand where liquefaction is likely to occur based on standard liquefaction analysis. The soil layer encountered at the site that is potentially susceptible to liquefaction is thin and discontinuous. Langan concluded that the potential for lateral spreading at the site is low.

Paleontological Resources

Paleontological resources are the remains of organisms preserved in the geologic record as fossils. They include body fossils (e.g., bones, teeth, shells, leaves), trace fossils (e.g., tracks, trails, burrows, coprolites), and microfossils (e.g., pollen grains, spores, diatoms). Fossils are generally older than 11,700 years (the end of the Pleistocene Epoch). Though remains older than mid Holocene (about 5,000 years ago) can also represent fossils. Fossils are critical scientific resources because they are used to understand the history of life on Earth. Fossils can answer questions about evolution and extinction processes and how life has responded to environmental changes through time.

To assess the paleontological sensitivity of the Proposed Project site, SVP guidelines were used (SVP 2010). SVP categorizes paleontological sensitivity as follows:

- High Potential: Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered.
- Undetermined Potential: Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment.
- Low Potential: Rock units will be poorly represented by fossil specimens in institutional collections or, based on general scientific consensus, only preserve fossils in rare circumstances, and the presence of fossils is the exception, not the rule.

- No Potential: Some rock units have no potential to contain significant paleontological resources, such as high-grade metamorphic rocks and plutonic igneous rocks.

Fossil locality searches were conducted within San Luis Obispo County utilizing local and national repositories. The following online and print databases were queried: the Catalog of Late Quaternary Vertebrates (Jefferson 1991), the Paleobiology Database (PBDB 2024), and the University of California at Berkeley Museum of Paleontology (UCMP) Database (UCMP 2024). A literature review was also conducted to obtain more detailed information about fossil localities.

The records search revealed no records of fossil localities at the Proposed Project site or within 1 mile of the Proposed Project site.

According to geological mapping, the site lies on Franciscan Mélange rock (Wiegers 2010). According to the geotechnical report (Appendix D), this bedrock is overlain by alluvial sediment, which likely corresponds to the young alluvial valley deposits mapped nearby.

Franciscan Mélange is widespread throughout the Coast Ranges of California. Fossils occasionally occur in the components of Franciscan Mélange that include siltstone, shale, and sandstone but not greenstone or serpentinite (Blake and Jones, 1974). However, given the vast extent of this geologic unit, fossil occurrences are considered infrequent. Only two fossil localities are recorded for San Luis Obispo County in Franciscan Mélange: plant specimens at Ragged Point and Plesiosaur specimens from Oakley Ranch (UCMP 2024). Microfossils occur in Franciscan Mélange but are abundant where they occur.

The alluvial sediment in the Proposed Project site may be attributed to the Holocene and late Pleistocene periods (approximately 129,000 to present) (Wiegers 2010). In general, younger sediment is closer to the surface and increases in age with depth. In some settings, alluvial deposits contain fossils. However, no records of fossils in Pleistocene sediment were found in the San Luis Obispo Valley. The only fossil localities recorded within San Luis Obispo County with an age range that matches the alluvial sediment at the Proposed Project site are around the town of San Miguel, more than 30 miles to the north. Thus, this unit is also considered to have low paleontological sensitivity at the Proposed Project site.

3.7.3 Discussion of Checklist Responses

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Seismic-related rupture of a known earthquake fault (No Impact)

The Proposed Project would involve demolition of two buildings and construction of a new 12-courtroom courthouse. The Proposed Project site totals approximately 1.43 acres of land consisting of a County-owned property at 1144 Monterey Street and extending north to include a portion of the Montereypalm Alley, the westerly lane of Toro Street, and a residential property at 969 Toro Street. The Proposed Project would not increase the risk of surface fault rupture or increase the exposure of people or structures to such risk. There would be ***no impac*t**.

ii. Strong seismic ground shaking (No Impact)

The Proposed Project would involve demolition of two buildings and construction of a new 12-courtroom courthouse and would not increase the risk of seismicity. The Proposed Project therefore would not increase the risk of strong seismic ground shaking or increase the exposure of people or structures to such risk. There would be ***no impact***.

iii. Seismic-related ground failure, including liquefaction (Less than Significant)

The Proposed Project is in a seismically active area and could be subjected to strong shaking during a major earthquake during the service life of the project. Strong shaking during an earthquake can result in ground failures such as those associated with soil liquefaction, lateral spreading, and seismic densification.

As described above under "Liquefaction and differential settlement," the geotechnical study (Appendix D) determined that the Proposed Project site has some potential for liquefaction and differential settlement. The potential for seismic densification to occur during a major earthquake is low. Because of these findings, and because the Proposed Project would not increase the risk of seismic activity or increase the exposure of people or structures to such risk, the impact related to liquefaction, lateral spreading, and seismic densification would be ***less than significant.***

iv. Landslides (No Impact)

As described under "Landslide, slope failure, and lateral spreading" above, the Proposed Project site is not located on or immediately adjacent to a steep slope that would be vulnerable to landslide. As described above, the Proposed Project site is gently sloped. The site is located at least 4,500 feet away from landslide risk zones located both east and west of the site and there are no landslide deposits mapped within or near the site. Therefore, the possibility of landslides on the Proposed Project site is low.

The Proposed Project would not increase the risk of landslides or increase the exposure of people or structures to such risk. There would be ***no impact***.

b. Substantial soil erosion or the loss of topsoil **(Less than Significant)**

Construction of the Proposed Project would have potential to contribute to accelerated erosion. Construction activities would involve ground-disturbing activities, such as demolition and removal of existing buildings and earth-moving. Any of these activities could increase risk of erosion.

During construction, clearing, grubbing, and grading activities would remove ground cover and expose and disturb soils. Exposed and disturbed soil would be vulnerable to erosion from wind and precipitation events, with soil particles becoming entrained in the runoff. Altered drainage patterns on site as a result of construction could also cause redirection and concentration of runoff, potentially further exacerbating the erosion problem.

However, because the area of disturbance would be greater than 1 acre, the Proposed Project would be subject to the Construction General Permit (as described in Section 3.7.1). In accordance with the Construction General Permit, the Judicial Council or its construction contractor would be required to prepare and implement a SWPPP. Among other things, the SWPPP would include a list of BMPs that would be implemented during project construction to prevent soil erosion and protect the topsoil. These BMPs would be implemented to ensure effective erosion control during construction. Exposed soils within the work area would be stabilized or landscaped following completion of construction activities. With erosion control BMPs and SWPPP compliance, impacts related to accelerated erosion during construction would be ***less than significant***.

c. Location on a geologic unit or soil that is unstable or that would become unstable as a result of the Proposed Project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse **(Less than Significant)**

Landslide. The risk of landslide is discussed above under item 3.7(a)(iv).

Lateral spreading. The risk of lateral spreading is discussed above under item 3.7(a)(iii).

Subsidence. The Proposed Project would not involve removal of substances below the ground, such as water or petroleum, that would result in subsidence.

Liquefaction. The risk of liquefaction is discussed above under item 3.7(a)(iii).

Collapse. The Langan site investigation identified a subsurface anomaly using ground-penetrating radar and concluded that it could be an unexcavated UST, or the results of an already excavated UST. They estimated that the UST, if present, would be approximately

600 gallons in volume and measured around 8 feet by 6 feet. Langan recommended standard site investigation measures to determine the status of the anomaly.

The impact related to location on unstable geologic units or soils is ***less than significant***.

d. Location on expansive soil, creating substantial direct or indirect risks to life or property **(Less than Significant)**

Very highly expansive soil was encountered in an area of the site that Langan anticipates would be excavated for construction of the building. In this area, the finished floor and foundations will be below the zone of moisture change. Expansion and contraction of the soil with changes in moisture content could damage subsurface structures. If the Proposed Project were constructed without consideration of these issues, this would be a significant impact. However, the Proposed Project would be constructed consistent with requirements of the CBC and in accordance with the recommendations of the geotechnical study (Appendix D).

Measures consistent with the CBC that would reduce risk related to the presence of moderately to highly expansive soil conditions include the following:

- Project design would be further evaluated as part of a design-level investigation;
- Foundations, floor slabs, and exterior concrete flatwork that gain support in expansive soil would be designed and constructed to resist the effects of expansive soil; and
- Project design and engineering would incorporate steps to minimize effects of expansive soil, including moisture-conditioning the expansive soil prior to compaction; providing select, non-expansive fill below floor slabs and exterior concrete flatwork; and supporting foundations below the zone of severe moisture change.

Therefore, the potential for the expansive soil to create substantial direct or indirect risks to life or property would be ***less than significant***.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater **(No Impact)**

The Proposed Project does not involve the use of septic tanks or alternative wastewater systems. Therefore, the suitability of soils for the use of septic tanks or alternative wastewater systems is not relevant. There would be ***no impact***.

f. Destruction of a unique paleontological resource or site or a unique geological feature (Less than Significant)

According to the geotechnical report, the Proposed Project site consists of alluvial sediment overlying Franciscan Mélange bedrock (Appendix D). This corresponds to the geological mapping of Franciscan Mélange and late Pleistocene to Holocene age alluvial sediment in the Project vicinity (Wiegers 2010).

According to the Paleontological Database Search provided as Appendix E of this IS/MND (UCMP 2024), no paleontological resources are recorded at the Proposed Project site or within a 1-mile radius. Though parts of Franciscan Mélange rock have the potential to preserve macrofossils, occurrences are relatively rare considering the great extent of this formation within the Coast Ranges of California. Only two fossil localities are recorded in all of San Luis Obispo County in this formation (UCMP 2024). Microfossils are found in Franciscan Mélange but are abundant where they occur. This unit is considered to have low paleontological sensitivity at the Proposed Project site.

Although alluvial sediment preserves fossils in certain circumstances, the closest fossil records in alluvial sediment of this age are 30 miles away. Thus, this unit is also considered to have low paleontological sensitivity in the Proposed Project site.

Therefore, the impact of the Proposed Project related to destruction of a unique paleontological resource or site or a unique geological feature is ***less than significant***.

3.7.4 Mitigation Measures

None required.

3.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Regulatory Setting

Federal Laws, Regulations, and Policies

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the USEPA and NHTSA are responsible for establishing additional vehicle standards. In June 2024, CAFE standards were finalized for model years 2027 through 2031. The final rule establishes standards that require an industry-wide fleet average of approximately 50.4 mpg for passenger cars and light trucks, and an industry-wide fleet average for heavy-duty pickup trucks and vans of approximately 2.851 gallons per 100 miles in model year 2035 (NHTSA 2024).

State Laws, Regulations, and Policies

In recent years, California has enacted a number of policies and plans to address GHG emissions and climate change. In 2006, the California State Legislature enacted AB 32, the Global Warming Solutions Act, which set the overall goals for reducing California's GHG emissions to 1990 levels by 2020. SB 32 codified an overall goal for reducing California's GHG emissions to 40 percent below 1990 levels by 2030. Executive Orders (EOs) S-3-05 and B-16-2012 further extend this goal to 80 percent below 1990 levels by 2050. CARB has completed rulemaking to implement several GHG emission reduction regulations and continues to investigate the feasibility of implementing additional GHG emission reduction regulations. These include the low carbon fuel standard, which reduces GHG emissions associated with fuel usage, and the RPS, which requires electricity suppliers to increase the amount of electricity generated from renewable sources to certain thresholds by various deadlines. In 2018, SB 100 updated the RPS to require 50 percent renewable resources by the end of 2026, 60 percent by the end of

2030, and 100 percent renewable energy and zero carbon resources by 2045. EO B-55–18 signed by Governor Jerry Brown set a goal of statewide carbon neutrality by 2045 and net negative emissions thereafter. These goals were strengthened by AB 1279, the California Climate Crisis Act, which passed in 2022. The Act declared it the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

CARB approved the First Update to the AB 32 Scoping Plan on May 22, 2014 (CARB 2014). This update defines climate change priorities for the next 5 years and also sets the groundwork to reach long-term goals set forth in EOs S-3-05 and B-16-2012. The update also highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals and evaluates how to align the state's longer term GHG reduction strategies with other state policy priorities for water, waste, natural resources, clean energy, transportation, and land use. CARB released and adopted a 2022 Scoping Plan (CARB 2022). The 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045, as directed by AB 1279.

The California Title 24 Building Energy Efficiency Standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. The CEC is responsible for adopting, implementing, and updating building energy efficiency. The standards are updated every three years by the CEC. Title 24 Part 6 covers the building envelope, space conditioning systems, water-heating systems, solar ready buildings, indoor, outdoor and sign lighting. The energy code provides either a prescriptive or performance approach for compliance. Some mandatory measures must be met regardless of which compliance approach is used. CALGreen is focused on improving public health, reducing environmental impacts, and encouraging sustainable construction in residential and nonresidential buildings by enhancing the design and construction of buildings. Multiple agencies have authority to propose building standards for CALGreen. The CALGreen Code includes mandatory measures to support the goals of the State's GHG reduction program as well as promotes healthful indoor and outdoor air quality. It is updated triennially. In addition to mandatory building standards, the CALGreen Code includes voluntary "reach" standards known as the Tiers, which offer model building code language for local governments that wish to go beyond the minimum statewide requirements. CALGreen encourages local governments to adopt more stringent voluntary provisions, known as Tier 1 and Tier 2 provisions, to further reduce air pollutant emissions, improve energy efficiency and conserve natural resources.

2023 California Trial Court Facilities Standards (Facilities Standards). The Judicial Council's Facilities Standards includes the following requirement related to energy:

Court buildings shall be designed and constructed in conformance with the Nonresidential Mandatory Measures of the current version of the California Green Building Standards Code (CALGreen) (Cal. Code Regs., tit. 24, pt. 11), as well as the current version of the California Energy Code (Cal. Code Regs., tit. 24, pt. 6), and shall target 15 percent increased energy efficiency and 12 percent increased water conservation levels as compared to the minimum requirements of Title 24.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. However, the Judicial Council is subject to plans and regulations implementing delegated state and federal authority. SLOAPCD has developed GHG significance criteria for projects undergoing CEQA that align with the goals and objectives of SB 32 and AB 1279 to implement a project's fair share toward reducing GHG emissions. This is outlined in *CEQA Air Quality Handbook* that was updated in 2023 (SLOAPCD 2023). For construction emissions, SLOAPCD recommends amortizing the construction GHG emissions over a 25-year period for commercial projects and then add this to the annual operational phase GHG emissions. For GHG emissions from operation SLOAPCD developed GHG emission reduction targets based on either an efficiency target or a bright line threshold based on doing its fair share working towards the goals of SB 32 and AB 1279. For the Proposed Project's operational year of 2031, the efficiency threshold would be 2.8 million tons of carbon dioxide equivalents ($MTCO_2e$) per service population or a bright line threshold of 610 $MTCO_2e$ per year including amortized construction emissions. The Proposed Project will use the bright line threshold of 610 $MTCO_2e$ per year since the efficiency metric does not adequately account for the population that the courthouse will serve.

3.8.2 Environmental Setting

Climate change results from the accumulation in the atmosphere of GHGs, which are produced primarily by the burning of fossil fuels for energy. Because GHGs (carbon dioxide [CO_2], methane, and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world affect the climate everywhere in the world. GHG emissions are typically reported in terms of carbon dioxide equivalents (CO_2e) which converts all GHGs to an equivalent basis taking into account their global warming potential compared to CO_2.

Anthropogenic (human-caused) emissions of GHGs are widely accepted in the scientific community as contributing to global warming. Temperature increases associated with climate change are expected to adversely affect plant and animal species, cause ocean acidification and sea level rise, affect water supplies, affect agriculture, and harm public health.

Global climate change is already affecting ecosystems and societies throughout the world. Climate change adaptation refers to the efforts undertaken by societies and ecosystems to adjust to and prepare for current and future climate change, thereby reducing vulnerability to those changes. Human adaptation has occurred naturally over history; people move to more suitable living locations, adjust food sources, and more recently, change energy sources. Similarly, plant and animal species also adapt over time to changing conditions; they migrate or alter behaviors in accordance with changing climates, food sources, and predators.

Many national, as well as local and regional, governments are implementing adaptive practices to address changes in climate, as well as planning for expected future impacts from climate change. Some examples of adaptations that are already in practice or under consideration include conserving water and minimizing runoff with climate-appropriate landscaping, capturing excess rainfall to minimize flooding and maintain a constant water supply through dry spells and droughts, protecting valuable resources and infrastructure from flood damage and sea level rise, and using water-efficient appliances.

CARB compiles GHG inventories for the State of California. Based on CARB's 2022 GHG inventory data, California emitted 371.1 million metric tons of carbon dioxide equivalent ($MMTCO_2e$), including emissions resulting from imported electrical power (CARB 2024). Between 1990 and 2022, the population and economy of California grew considerably. Despite this population and economic growth, CARB's 2022 statewide inventory indicates that California's net GHG emissions in 2022 were below 1990 levels of 431 $MMTCO_2e$, which was the 2020 GHG reduction target codified in California Health and Safety Code (HSC), Division 25.5, also known as The Global Warming Solutions Act of 2006 (AB 32). The 2022 emissions data shows that the State of California is continuing its established long-term trend of GHG emissions declines, despite the anomalous emissions trends from 2019 through 2021, due in large part to the impacts of the COVID-19 pandemic.

3.8.3 Discussion of Checklist Responses

a. Generate a net increase in greenhouse gas emissions which may have a significant impact on the environment (Less than Significant)

The Proposed Project would generate GHG emissions during construction and operation. Construction-related GHG emissions would result from the combustion of fossil fueled construction equipment, material hauling, and worker trips. These emissions were estimated using CalEEMod version 2022.1.1.28 based on information provided in Chapter 2, *Project Description*, along with additional site-specific information provided and professional judgement. This includes a schedule of construction activities starting in April 2027 through September 2030. An estimate of material hauling trips was estimated based on the square footage of the buildings to be demolished and soil that needs to be imported and exported to the site. Worker, vendor, and hauling trips were adjusted based

on site-specific estimates. The default trip lengths were used as well as default architectural coating estimates. For project operations, it was assumed to start in 2031 and used default estimates of energy and solid waste. The operation emission estimate used site-specific amounts of water and wastewater use. Energy use was adjusted to be 15% better than Title 24 building energy code standards as a project design feature. These were assumed to be based on the 2019 standard as the newer standards have not been integrated into CalEEmod and will provide a conservative estimate of the potential energy use. It is assumed that the project will install energy star appliances and use electric landscape maintenance equipment. Operation of the Proposed Project would not result in a substantial increase in emissions compared to baseline conditions. The traffic associated with visitors and employees to the courthouse would be similar to the existing courthouse which will be decommissioned from this use and was not evaluated as part of the operational emissions.

The Proposed Project's GHG emissions from construction activities are estimated to be 1,269 $MTCO_2e$ total. When the construction emissions are amortized over 25 years, this amortized amount is 50.76 $MTCO_2e$ per year. The operational emissions are 557 $MTCO_2e$ per year. When combined with the amortized construction the operational emissions are 607.76 tons per year. This is less than the SLOAPCD significance threshold of 610 $MTCO_2e$ per year and the impact would be ***less than significant***.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases **(Less than Significant)**

The State of California has implemented AB 32, SB 32, and multiple EOs to reduce GHG emissions. The Proposed Project does not pose any conflict with the most recent list of CARB's early action strategies, nor is it one of the sectors at which measures are targeted. The 2022 Scoping Plan (CARB 2022) did not mention similar projects as a specific target for additional strategies, but emission reductions at the Proposed Project site would be influenced by decisions relating to target sectors such as water, waste, natural resources, clean energy, transportation, and land use. The Proposed Project would not be required to report emissions to CARB. Therefore, emissions generated by the Project would not be expected to have a substantial contribution to the ongoing impact on global climate change. For these reasons, the Proposed Project would not conflict with AB 32 or SB 32, or the local air district guidelines. Therefore, this impact would be ***less than significant***.

3.8.4 Mitigation Measures

None required.

3.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e. Be within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☒	☐	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

3.9.1 Regulatory Setting

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are the USEPA; Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC);

California Occupational Safety and Health Administration (Cal/OSHA); California Governor's Office of Emergency Services (Cal OES); SWRCB; and Central Coast RWQCB.

Federal Laws, Regulations, and Policies

Comprehensive Environmental Response, Compensation, and Liability Act. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 et seq.) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the "Superfund") for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amended some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act. The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC Section 6901 et seq.), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the "cradle-to-grave" regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

The USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all of RCRA's provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in addition to California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Occupational Safety and Health Administration. OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

The demolition and re-development of 1144 Monterey Street may require compliance with regulations under CERCLA with regard to Federal Class I non-RCRA hazardous waste (chromium and nickel), and the provisions of OSHA for workplace training, exposure limits, and safety procedures for the handling of hazardous substances.

State Laws, Regulations, and Policies

California Occupational Safety and Health Administration. Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs.

California Accidental Release Prevention. The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance(s) are required to develop a risk management plan (RMP). Certified Unified Program Agencies (CUPAs) implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or a trade secret.

Hazardous Waste Control Law. The Hazardous Waste Control Law (California Health and Safety Code Chapter 6.5, Section 25100 et seq.) authorizes the California Environmental Protection Agency (CalEPA) and the DTSC to regulate the generation, transport, treatment, storage, and disposal of hazardous wastes. DTSC can also delegate enforcement responsibilities to local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the authority of the Hazard Waste Control Law.

The Unified Program. The Unified Program is implemented by CUPAs. The CUPAs consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other State agencies set the standards for their programs while local governments implement the standards. The CUPA for each county regulates/oversees the following (not all of which are applicable to the Proposed Project):

- Hazardous Materials Business Plans;
- CalARP plans or federal RMPs;
- The operation of USTs and aboveground storage tanks (ASTs);
- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;

- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

California Fire Code. The California Fire Code (24 CCR Part 9) establishes minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of the code contains requirements for fire safety during construction and demolition activities, such as development of a pre-fire plan in coordination with the fire chief; maintaining vehicle access for firefighting at construction sites, and requirements related to safe operation of internal combustion engine construction equipment.

Specifically, the California Fire Code requires that smoking only be conducted in approved areas (Section 3304.1), materials susceptible to spontaneous ignition, such as oily rags, be stored in a listed disposal container (Section 3304.2.4), sources of ignition and smoking be prohibited in flammable and combustible liquid storage areas (Section 3305.4), and that structures under construction be provided with not less than one approved portable fire extinguisher, including one in every storage and construction shed and additional portable fire extinguishers where special hazards exist including where flammable and combustible liquids are stored and used (Section 3315.1), among other requirements. Chapter 35 of the California Fire Code governs welding and other hot work and imposes numerous safety requirements to minimize the risk of fire ignition from these activities.

Porter-Cologne Water Quality Control Act. As discussed in more detail in Section 3.10, "Hydrology and Water Quality," the Porter-Cologne Act (California Water Code, Division 7) is the provision of the California Water Code that regulates water quality in California and authorizes the SWRCB and RWQCBs to implement and enforce the regulations.

RWQCBs regulate discharges under the Porter-Cologne Act primarily through the issuance of WDRs. Anyone discharging or proposing to discharge materials that could affect water quality must file a report of waste discharge. The SWRCB and applicable RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Proposed Project site is under the jurisdiction of the Central Coast RWQCB.

Local Laws, Regulations, and Policies

No local regulations are applicable to hazards and hazardous materials in relation to the Proposed Project. However, San Luis Obispo County is a CUPA and is responsible for implementing Unified Program requirements, which apply to the Proposed Project site.

3.9.2 Environmental Setting

Except where otherwise noted, information for the Environmental Setting was taken from the following sources:

- Geotechnical Investigation for San Luis Obispo Courthouse, San Luis Obispo, California (Langan Engineering and Environmental Services, Inc. 2025), provided as Appendix D;
- Phase I Environmental Site Assessment (Ecotech 2024), provided as Appendix F; and
- Phase II Environmental Site Assessment (Langan Engineering and Environmental Services, Inc. 2024), provided as Appendix G.

Existing Hazards and Hazardous Materials

During the conduct of the Phase I Environmental Site Assessment (Appendix F), Ecotech was not able to enter any of the on-site structures and observe the interior spaces for any storage and management of hazardous materials and/or wastes. It is Ecotech's understanding that there are no automotive repair operations presently conducted at the site, nor any other operations that would use hazardous materials, or generate reportable quantities of hazardous wastes.

The site was previously occupied by Monterey Motors and Kimball Motors. The automotive shops used USTs and related subsurface infrastructure (drains, drain lines, hoists, and a clarifier) for petroleum products and chlorinated solvents which resulted in the release of contaminants to the subsurface.

Three USTs associated with Monterey Motors were excavated and removed in 1988 (Appendix F, Figure 2). This included the removal of one 1,000-gallon waste oil UST, one 650-gallon waste oil/solvent UST, and one 1,000-gallon gasoline UST. The City of San Luis Obispo and Central Coast RWQCB provided oversight as the regulatory agencies under case number 1162. This case was closed after UST removal as of November 17, 1988.

In 2003, there was an additional excavation to remove four underground hydraulic hoists, a floor drain, clarifier, and 25 feet of associated drain lines from within the existing structure in the northeastern area of the site (Appendix F, Figure 2). The RWQCB and San Luis Obispo County Local Enforcement Agency (LEA) provided oversight as the regulatory agencies under case number 24333. During the removal activities, approximately 80 cubic yards of petroleum and chlorinated solvent impacted soils were removed and disposed off-site. In 2005, eight exploratory borings were installed to inject approximately 400 pounds of hydrogen releasing compounds (HRC) into the groundwater at depths of 3-8 feet bgs. In 2014, an additional 77 tons of contaminated soil was removed and disposed off-site, and sodium persulfate and hydrogen solution were

added to the bottom of the excavation. Petroleum hydrocarbon contamination in groundwater was observed to be reducing in size and concentration based on the data collected at the time. After a 5-year review of post-remedial activities, the RWQCB closed the petroleum case as of April 22, 2009.

Following the excavation and remedial activities associated with Kimball Motors, groundwater monitoring was conducted at the site between 2009 to 2019. The site is currently managed under RWQCB case number T100000010254 and is still undergoing verification monitoring due to concentrations of chlorinated solvents, specifically the VOC vinyl chloride, which are reported to be associated with the removed clarifier.

Soil Analytical Results. On August 22 and 23, 2024, Langan mobilized to the site with Gregg Drilling, LLC (Gregg), a California licensed C-57 driller, to complete the subsurface investigation. Seven environmental soil borings (EB-1 through EB-7) were advanced to depths between 5 and 15 feet bgs, as shown on Appendix G, Figure 2. In addition, five geotechnical borings (B-6 through B-10) were advanced to a depth of 30 feet (Appendix G, Figure 2). The chemical analytical testing schedule was chosen based on the site history and contaminants of concern (COCs), typical waste profiling scenarios generally accepted by landfills, and potential future regulatory requirements.

In summary, the State of California hazardous waste criteria for chromium was exceeded in samples EB-3-5.0 and B-9-1.0 and the State of California hazardous waste criteria for nickel was exceeded in samples EB-3-5.0 and EB-5-5.0; federal hazardous waste criteria were not exceeded in the samples. None of the remaining metal concentrations detected exceeded State of California or federal hazardous waste criteria.

Groundwater Analytical Results. The groundwater analytical results for non-metals are summarized in Appendix G, Table 4. Vinyl chloride was detected above the RWQCB commercial/industrial vapor intrusion environmental screening level (ESL) for cancer risk of 0.14 micrograms per liter (µg/L) and maximum contaminant level (MCL) priority ESL of 0.5 µg/L at a concentration of 2.4 µg/L in sample MW-6-GW. A total of six other VOCs (see Appendix G, Table 4 for full list) were detected in sample MW-6-GW above their respective reporting limits but below their applicable commercial/industrial vapor intrusion ESLs and MCLs. VOCs were not detected above laboratory reporting limits in EB-1-GW and MW-1-GW. No total petroleum hydrocarbons as gasoline, diesel, or motor oil (TPHg, TPHd, or TPHmo, respectively) was detected above laboratory reporting limits in the groundwater samples analyzed. Chloride, total suspended solids, and total dissolved solids were detected above the laboratory reporting limit in EB-1-GW at concentrations of 520 mg/L, 11,800 mg/L, and 1,630 mg/L, respectively. Ammonia as nitrogen was not detected above laboratory reporting limit in the sample analyzed.

The groundwater analytical results for total and dissolved metals at EB-1-GW are summarized on Appendix G, Table 5. Nine dissolved metals were detected above their

respective laboratory reporting limits at concentrations ranging from 0.74 µg/L (copper) to 440,000 µg/L (sodium). None of the dissolved metal detections exceeded their applicable ESLs.

Ten total metals were detected above their respective laboratory reporting limits at concentrations ranging from 4.4 µg/L (lead) to 56,000 µg/L (sodium). The concentration of cobalt exceeds the MCL of 6 µg/L at a concentration of 7.3 µg/L. None of the remaining total metal detections exceeded their applicable ESLs. The grab groundwater sample (EB-1-GW) exhibited high turbidity and sediment content as indicated by the high total suspended solids (TSS) concentration, and therefore, particulate matter in the groundwater sample may have biased the total metal concentrations.

Soil Vapor Analytical Results. Soil vapor analytical results are presented in Appendix G, Table 6. Sixteen VOCs were detected above their respective laboratory reporting limits at concentrations ranging from 3.4 micrograms per cubic meter (µg/m^3) to 370 µg/m^3. Benzene was detected at or above the commercial/industrial DTSC vapor intrusion SL for cancer risk and the RWQCB vapor intrusion ESL for cancer risk of 14 µg/m3 at EB-3-SV at a concentration of 20 µg/m^3 and 14 µg/m^3 in the duplicate sample at EB-3-SV (DUP1). Naphthalene was detected above the commercial/industrial RWQCB vapor intrusion ESL for cancer risk of 12 µg/m^3 in samples EB-6-SV and EB-7-SV at concentrations of 57 µg/m^3 and 20 µg/m^3, respectively. No laboratory quality assurance/quality control (QA/QC) issues were observed, and the duplicate sample relative percent difference was within acceptable ranges.

Helium was used as a leak detection gas to evaluate sample integrity. Helium was detected above method detection limits but below laboratory reporting limits, therefore the value is an estimate, at one sample location (EB-6-SV) at 1.0 percent by volume (%V). Oxygen and nitrogen were detected above laboratory reporting limits at each of the four soil vapor samples analyzed at concentrations ranging from 4.2%V to 20%V, and 76%V to 78%V, respectively. Carbon dioxide was detected above laboratory reporting limits in two of the four samples analyzed at concentrations of 2.8%V to 4.4%V. Methane was not detected above the laboratory reporting limit in the samples analyzed.

GPR UST Survey. Based on the site history, Langan subcontracted with Ground Penetrating Radar Systems, Inc. (GPRS) to perform a ground-penetrating radar (GPR) survey on August 22, 2024, to evaluate the potential presence of USTs beneath the eastern parking lot. GPRS prepared a report, Summary of Scanning for Underground Storage Tanks, dated August 22, 2024, documenting their findings (attached as Appendix C to Appendix G of this IS/MND). Langan observed the GPR survey and documented the findings in the field. One unknown anomaly, which was approximately 11 feet wide and 8 feet long, was detected in the northeastern portion of the site (near one of the former USTs and MW-6) at a depth of approximately 3.5 feet bgs. Based on the GPR survey findings, this anomaly location could potentially be a void that was created by the

removal of one of the three former USTs removed in 1988 under the closed Monterey Motors case. The GPR survey could not identify the specific type of anomaly detected, and it could be an unidentified UST, a void, previous building foundation element, or some other subsurface variation.

Airports

The nearest airport to the Proposed Project site is San Luis Obispo County Airport, which is located approximately 3.4 miles to the south.

Wildfire Hazards

The Proposed Project site is located within an urbanized, developed part of the City of San Luis Obispo. Existing on-site vegetation is minimal. Vegetation in the wider area primarily consists of street trees, commercial landscaping, and residential back yards.

Fire Hazard Severity Zones (FHSZ) are mapped by the City Office of the State Fire Marshal and are determined based on factors such as slope, winds, and fuel loading, and are divided into classifications (moderate, high, and very high) (CAL FIRE 2024a).

Neither the City (City of San Luis Obispo 2023) nor CAL FIRE (2024b, 2024c) classify the Proposed Project site as a fire hazard zone.

Sensitive Receptors

Sensitive receptors include facilities such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants. The nearest such facilities to the Proposed Project site are SLO Classical High School, located approximately 0.1 mile south of the Proposed Project site and Ludwick Community Center, located approximately 0.1 mile northwest of the Proposed Project site. Additionally, while the site is located in a commercial zone of San Luis Obispo, residential neighborhood dwellings begin approximately 0.1 mile to the north and east. The nearest hospital is the Dignity Health – French Hospital Medical Center, located approximately 0.8 mile to the southeast of the Proposed Project site. The nearest daycare facility is Downtown Baby, located approximately 0.4 mile south of the Proposed Project site. The nearest assisted living facility is Vista Rosa Living, located approximately 0.9 mile west of the Proposed Project site.

3.9.3 Discussion of Checklist Responses

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Less than Significant with Mitigation)

Construction. As described in Chapter 2, *Project Description*, construction of the Proposed Project would require demolishing all structures and clearing the site to bare

soil; excavation/trenching; and hauling of soil, debris, and material on- and offsite. Accordingly, Project construction would require the routine transfer, use, storage, or disposal of hazardous materials (e.g., fuel, oil, and lubricants) used during typical construction activities. The Proposed Project would comply with all relevant federal and State statutes and regulations related to transport, use, storage, or disposal of hazardous materials during construction, and all materials designated for disposal would be evaluated for appropriate federal and State hazardous waste criteria. Nevertheless, during routine transport and use of equipment, small amounts of hazardous materials could be accidentally released, which could result in adverse effects on the public or the environment. **Mitigation Measure HAZ-1 (Implement Hazardous Materials Spill Prevention and Containment Measures)** requires specific measures for spill prevention and containment of hazardous materials on the Proposed Project site during construction. Implementation of Mitigation Measure HAZ-1 would reduce potential impacts from releases of hazardous materials during construction to less-than-significant levels.

It is not expected that any construction wastes generated by the Project would be contaminated. Any spoils or other on-site soils that may become contaminated by products used by heavy construction equipment (e.g., from a hydraulic fluid leak) would be hauled off site for disposal at a permitted landfill. As a result of compliance with the applicable regulations described above, no substantial risks would result to construction workers, the public, or the environment from the construction-related transport, use, storage, or disposal of hazardous materials.

Based on the results of Langan's Phase II Environmental Site Assessment, portions of the site contain chromium and nickel concentrations in soil that exceed State of California Class I non-RCRA hazardous waste criteria. None of the concentrations in soil exceeded Federal Class I RCRA hazardous waste criteria. As described in Appendix G, Figure 2, the soil near borings B-9, EB-3, and EB-5 that is excavated for off-site disposal during construction activities would be required to be handled as Class I non-RCRA hazardous waste and disposed of at an appropriate hazardous waste disposal facility. Throughout the rest of the site, soil and bedrock can likely be handled and disposed of as Class II non-hazardous material at a regulated landfill disposal facility. Langan recommends that a soil and bedrock management plan (SMP) be prepared prior to the start of construction to provide the appropriate mitigation measures to handle and dispose of soil and bedrock during construction. The SMP should include the necessary procedures to protect human health and the environment from the concentrations in soil that exceed hazardous waste criteria as well as contingency measures to address the potential for residual petroleum hydrocarbon contamination or UST related subsurface features based on the site history.

Although no asbestos was detected in the samples analyzed, serpentinite has been observed within subsurface material during investigations on-site and is anticipated to be encountered during construction. Therefore, Langan recommends that during construction and grading activities the project comply with the CARB Asbestos ATCM

(17 CCR Section 93105) for Construction, Grading, Quarrying, and Surface Mining Operations. Langan recommends the preparation of an Asbestos Dust Mitigation Plan (ADMP) prior to the start of construction and grading activities, which should be submitted and approved by the SLOAPCD before the start of the project. The ADMP will identify BMPs for dust suppression and perimeter monitoring (if required) for the project to remain in compliance with the Asbestos ATCM.

A detailed health and safety plan (HASP) is also recommended for the Proposed Project due to the chromium and nickel concentrations exceeding State of California hazardous waste criteria and the potential for NOA to be encountered due to the presence of serpentinite. The HASP will outline the health and safety measures to be implemented during the project to protect workers, visitors, and the public from the elevated concentrations in the subsurface. The HASP should recommend training as required by OSHA Standard "Hazardous Waste Operations and Emergency Response" (HAZWOPER) guidelines in accordance with 29 CFR Section 1910.120. The HASP will evaluate the specific personal hygiene protocols and if personal air monitoring is required for workers.

Based on the results of Langan's groundwater testing, and if groundwater is encountered during construction in quantities that require its removal from the subsurface, it should be properly discharged to the sanitary sewer under permit with the local public works agency or sanitation district. The local permitting agency will determine what amount of pretreatment will be required prior to discharge based on their acceptance criteria.

The groundwater analytical results indicate that vinyl chloride exceeded the RWQCB vapor intrusion ESL for commercial/industrial land use. In addition, the soil vapor analytical results indicate benzene and naphthalene exceeded commercial/industrial DTSC SLs and RWQCB ESLs for vapor intrusion. Although some bioattenuation for petroleum concentrations in soil vapor may occur in the vadose zone, the vinyl chloride in groundwater does pose a potential vapor intrusion risk for the future building. Therefore, and based on the potential presence of shallow groundwater during construction, Langan recommends the waterproofing product that is installed directly beneath the new building's foundation and concrete slab also protect against VOCs and vapor intrusion. The waterproofing product should include appropriate diffusion coefficient testing data to support its use as a VOC vapor barrier membrane to mitigate potential vapor intrusion.

Based on Langan's review of the SWRCB's GeoTracker database cases for the site, the RWQCB and San Luis Obispo County Environmental Health Services (EHS) must be notified prior to any redevelopment activities. The RWQCB and San Luis Obispo County EHS may require additional sampling and testing or further remediation to address the environmental impacts beneath the site.

Overall, the potential exists for construction activities to result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, specifically soil and groundwater that may be contaminated. Implementation of Mitigation Measure HAZ-1 would reduce the potential for exposure to contaminated soil during transport. **Mitigation Measure HAZ-2 (Implement Recommendations from the Phase II Environmental Site Assessment)** would require preparation of an SMP, compliance with hazardous materials and asbestos regulations and procedures, and appropriate disposal of groundwater encountered during excavation. With implementation of these measures, this impact would be less than significant with mitigation during construction.

Operations. Operation and maintenance activities at the Proposed Project site may require the use of minor amounts of hazardous materials (e.g., the use of fuel to power vehicles); however, all hazardous materials used during operation and maintenance would comply with existing federal and State regulations and would not create a significant hazard to the public or the environment. Therefore, the Proposed Project would have a less-than-significant impact during the operation phase.

Conclusion. In summary, the potential exists for construction activities to result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, specifically soil and groundwater that may be contaminated. Implementation of Mitigation Measure HAZ-1 would reduce the potential for exposure to contaminated soil during transport. Mitigation Measure HAZ-2 would require preparation of an SMP, compliance with hazardous materials and asbestos regulations and procedures, and appropriate disposal of groundwater encountered during excavation. Operation of the Proposed Project would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. With implementation of these measures, this impact would be ***less than significant with mitigation***.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Less than Significant with Mitigation)

As discussed in item 3.9(a), Proposed Project construction would require the use of certain hazardous materials, such as fuels and oils. These materials would be contained in construction equipment and/or could be stored on-site. Spills of these hazardous materials could result in a hazard to the public or environment if handled improperly and released through upset or accident conditions, which would be a significant impact. As detailed above, the Proposed Project's use of hazardous materials would comply with all applicable federal and State laws and regulations, and Mitigation Measures HAZ-1 and HAZ-2 would also be implemented. Given implementation of these measures, including activities to ensure spill prevention, secondary containment measures, and maintenance spill clean-up kits on-site, Proposed Project construction would not create a significant

hazard to the public or the environment from reasonably foreseeable upset or accident conditions involving the use of hazardous materials.

All soil excavated for disposal will be managed and removed in accordance with appropriate regulations.

As discussed in item 3.9(a), Proposed Project operation and maintenance activities would use minor amounts of hazardous materials (e.g., fuel, oil) associated with equipment that may be used for routine cleaning and vehicle maintenance. However, the use of these hazardous materials would comply with all applicable federal and State laws and regulations. With implementation of Mitigation Measures HAZ-1 and HAZ-2, the Proposed Project would not create a significant hazard to the public or environment. Overall, this impact would be ***less than significant with mitigation***.

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school **(Less than Significant with Mitigation)**

The Proposed Project site is located 0.1 mile north of SLO Classical High School. As described in item 3.9(a), the potential for the Proposed Project to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials would be reduced to a less-than-significant level with implementation of Mitigation Measures HAZ-1 and HAZ-2. These measures would also reduce the risk of exposure to hazardous emissions, materials, substances, or waste within 0.25 mile of a school. The impact would be ***less than significant with mitigation***.

d. Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment **(Less than Significant)**

The Proposed Project is located on a site that is included on the California GeoTracker database of known UST operations compiled pursuant to Government Code Section 65962.5. The Proposed Project would not create a significant hazard to the public or the environment because it is already under regulatory control by the Central Coast RWQCB, which requires notification and remediation, if needed, before any development activities can take place. Therefore, the impact would be ***less than significant***.

e. Located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a private airport or public airport and result in a safety hazard or excessive noise for people residing or working in the study area **(No Impact)**

There are no airports located within 2 miles of the Proposed Project site. San Luis Obispo County Airport is located approximately 3.4 miles from the Proposed Project site. The Proposed Project would not construct any structures, create a safety hazard, or result in an

increased use of areas near airports that would result in excessive noise for people working in the area. The Proposed Project would have ***no impact***.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan **(Less than Significant with Mitigation)**

Project construction would not involve large numbers of construction personnel, and project operation would not introduce new users to the project area. However, the Proposed Project would involve permanently closing a portion of Montereypalm Alley on the north side of the parcel and removing one vehicle lane of Toro Street to allow a single direction of vehicle traffic along the east side of the parcel. Additionally, the use of surrounding streets, including Monterey Street, Toro Street, and Montereypalm Alley, by construction equipment and hauling trucks accessing the site could interfere with emergency access, creating a potentially significant impact. This impact is described in more detail in Section 3.17, "Transportation," item 3.17(a). Because impairment of adopted emergency response or evacuation plans is primarily a transportation-related impact, the construction traffic control measures identified in **Mitigation Measure TR-1 (Prepare and Implement a Construction Traffic Management Plan)** would address the potential impact. With implementation of Mitigation Measure TR-1, neither construction nor operation of the Proposed Project would impair emergency response or interfere with implementation of an adopted emergency response plan or emergency evacuation plan. The impact of the Proposed Project on adopted emergency response plans or emergency evacuation plans would be ***less than significant with mitigation***.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires **(Less than Significant)**

Project construction and operation would take place in an urban area in the jurisdiction of City of San Luis Obispo Fire Department (SLOFD) and so would not place people or structures in areas without adequate fire protection. It would also not increase the amount of wildland areas, which might increase the possibility of a fire. In addition, standard construction practices, such as on-site fire suppression equipment and spark arrestors on all equipment with internal combustion engines, would reduce the risk of fire during construction. Operationally, the Proposed Project would contain a fully automatic fire suppression and fire alarm system, as required by the Facilities Standards and CBC. This impact would be ***less than significant***.

3.9.4 Mitigation Measures

Mitigation Measure HAZ-1: Implement Hazardous Materials Spill Prevention and Containment Measures

The following measures shall be implemented prior to and during construction and shall be incorporated into Proposed Project plans and specifications:

- All equipment shall be inspected by the contractor for leaks prior to the start of construction and regularly throughout Project construction. Leaks from any equipment shall be contained and the leak remedied before the equipment is again used on the site.
- BMPs for spill prevention shall be incorporated into Project plans and specifications and shall contain measures for secondary containment and safe handling procedures.
- A spill kit shall be maintained on site throughout all construction activities and shall contain appropriate items to absorb, contain, neutralize, or remove hazardous materials stored or used in large quantities during construction.
- Project plans and specifications shall identify construction staging areas and designated areas where equipment refueling, lubrication, and maintenance may occur. Areas designated for refueling, lubrication, and maintenance of equipment shall be approved by the Judicial Council.
- In the event of any spill or release of any chemical or wastewater during construction, the contractor shall immediately notify the Judicial Council.
- Hazardous substances shall be handled in accordance with Title 22 of the California Code of Regulations, which prescribes measures to appropriately manage hazardous substances, including requirements for storage, spill prevention and response and reporting procedures.

Mitigation Measure HAZ-2: Implement Recommendations from the Phase II Environmental Site Assessment

The Judicial Council shall ensure that the following recommendations from the Phase II Environmental Site Assessment are incorporated into Proposed Project plans and specifications and are implemented prior to and during construction:

- A soil and bedrock management plan (SMP) shall be prepared prior to the start of construction to provide the appropriate mitigation measures to handle and dispose of soil and bedrock during construction. The SMP should include the necessary procedures to protect human health and the environment from the concentrations in soil that exceed hazardous waste criteria as well as contingency measures to address the potential for residual petroleum hydrocarbon contamination or UST related subsurface features based on the site history.
- Soil near borings B-9, EB-3, and EB-5 that is excavated for off-site disposal during construction activities is required to be handled as Class I non-RCRA hazardous waste and disposed of at an appropriate hazardous waste disposal facility. Throughout the rest of the site, soil and bedrock

can likely be handled and disposed of as Class II non-hazardous material at a regulated landfill disposal facility.

- During construction and grading activities, the project shall comply with the CARB Asbestos ATCM, which is Title 17 of the California Code of Regulations (17 CCR) Section 93105, for Construction, Grading, Quarrying, and Surface Mining Operations. Langan also recommends the preparation of an Asbestos Dust Mitigation Plan (ADMP) prior to the start of construction and grading activities, which should be submitted and approved by SLOAPCD before the start of the project.
- A detailed HASP that outlines the health and safety measures to be implemented during the Project to protect workers, visitors, and the public from the elevated concentrations in the subsurface shall be prepared. The HASP should recommend training as required by the OSHA Standard HAZWOPER guidelines in accordance with Section 1910.120 of 29 CFR. The HASP will evaluate the specific personal hygiene protocols and if personal air monitoring is required for workers.
- If groundwater is encountered during construction in quantities that require its removal from the subsurface, it shall be properly discharged to the sanitary sewer under permit with the local public works agency or sanitation district. The local permitting agency will determine what amount of pre-treatment will be required prior to discharge based on their acceptance criteria.
- The waterproofing product that is installed directly beneath the new building's foundation and concrete slab shall also protect against VOCs and vapor intrusion. The waterproofing product shall include appropriate diffusion coefficient testing data to support its use as a VOC vapor barrier membrane to mitigate potential vapor intrusion.
- The RWQCB and San Luis Obispo County EHS must be notified prior to any redevelopment activities. The RWQCB and San Luis Obispo County EHS may require additional sampling and testing or further remediation to address the environmental impacts beneath the site.

Mitigation Measure TR-1: Develop and Implement a Construction Traffic Management Plan

The Judicial Council shall require that the construction contractor develop and implement a construction traffic management plan for the Proposed Project site. The plan will clearly identify how access for emergency vehicles will be maintained to and around the site during construction. The plan will also describe how access and circulation for pedestrians, cars, cyclists, and transit will be

maintained around the site during construction. The plan will be consistent with adopted CTCFS design guidelines.

3.10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Proposed Project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

3.10.1 Regulatory Setting

Federal Laws, Regulations, and Policies

Clean Water Act. The CWA is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. Key sections of the CWA pertaining to water quality regulation that are potentially relevant for the Proposed

Project are Sections 303, 401, and 402. For discussion of Section 404 of the CWA, please refer to Section 3.4, "Biological Resources."

Section 303(d) – Listing of Impaired Water Bodies. Under CWA Section 303(d), states are required to identify "impaired water bodies" (i.e., those not meeting established water quality standards); identify the pollutants causing the impairment; establish priority rankings for waters on the list and develop a schedule for the development of control plans to improve water quality. USEPA then approves the State's recommended list of impaired waters or adds and/or removes waterbodies.

Section 401 – Water Quality Certification. Under CWA Section 401, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the U.S. unless a Section 401 water quality certification (WQC) is issued, or certification is waived (USEPA 2022). States and authorized tribes where the discharge would originate are generally responsible for issuing WQCs. One of the major federal permits subject to Section 401 is the CWA Section 404 permit issued by the USACE (refer to discussion in Section 3.4, "Biological Resources").

In issuing WQCs, certifying authorities consider whether the federally licensed or permitted activity will comply with applicable water quality standards, effluent limitations, new source performance standards, toxic pollutants restrictions and other appropriate water quality requirements of state or tribal law (USEPA 2022).

Section 402 – National Pollutant Discharge Elimination System Permits for Stormwater Discharge. CWA Section 402 regulates stormwater discharges to surface waters through the NPDES, which is officially administered by USEPA. In California, USEPA has delegated its authority to the SWRCB, which, in turn, delegates implementation responsibility to the nine RWQCBs, as discussed below in reference to the Porter-Cologne Act.

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. One of the common general permits that comes into play for construction activities is SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2022-0057-DWQ) ("Construction General Permit"). This permit applies to most construction projects that disturb 1 or more acre(s) of land and requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a SWPPP. Since the Proposed Project would disturb more than 1 acre, it would be subject to the Construction General Permit. Among other things, the SWPPP would include a list of BMPs that would be implemented during project construction to prevent soil erosion, control fugitive dust, and protect the topsoil. These BMPs would be implemented to ensure effective erosion control during construction. BMPs identified in the SWPPP may include the following:

- Minimize the area of soil disturbed.
- Use water, appropriate soil stabilizers, and/or re-vegetation to reduce airborne dust.
- Stabilize all spoils piles by tarping or other methods.
- Suspend work during heavy winds.

Another type of general NPDES permit is issued under the SWRCB's Municipal Stormwater Permitting Program, which regulates discharges from municipal separate storm sewer systems (MS4s) (SWRCB 2024). Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for municipalities with over 100,000 people and are often issued to a group of co-permittees within a metropolitan area. Phase II MS4 permits are issued for municipalities with less than 100,000 people.

State Laws, Regulations, and Policies

Porter–Cologne Water Quality Control Act. The Porter–Cologne Act, passed in 1969, dovetails with CWA (see discussion of the CWA above). It established SWRCB and divided the state into nine regions, each overseen by an RWQCB. SWRCB is the primary State agency responsible for protecting the quality of the state's surface water and groundwater supplies; however, much of the SWRCB's daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 401, 402, and 303[d]. In general, SWRCB manages water rights and regulates statewide water quality, whereas RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California's major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives (WQOs) for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). WQOs reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that WQOs are met. Under the Porter–Cologne Act, basin plans must be updated every 3 years.

Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act (SGMA) became law in 2015 and created a legal and policy framework to locally manage groundwater sustainably. SGMA allows local agencies to customize groundwater sustainability plans (GSPs) to their regional economic and environmental conditions and needs, and establish new governance structures, known as Groundwater Sustainability Agencies (GSAs). GSPs are intended to facilitate the use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results (e.g., chronic lowering of groundwater levels). Based on the State's Basin Prioritization process, SGMA requires medium and high priority basins to develop

GSAs and GSPs and manage groundwater for long-term sustainability (California Department of Water Resources [DWR] 2024a).

Post Construction Stormwater Management Requirements. In 2013, the Central Coast RWQCB published *Post-construction Stormwater Management Requirements for Development Projects in the Central Coast Region* (Resolution No. R3-2013-0032, Attachment 1) (Central Coast RWQCB 2013). The Post Construction Requirements (PCRs) apply to the urbanized portions of the Central Coast Region, including within San Luis Obispo, and are intended to address the impacts of development on watershed processes and beneficial uses. The primary goal of post-construction requirements is to ensure that regulated projects reduce pollutant discharges to the maximum extent practicable and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. "Regulated projects" refers to all new development or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface. The PCRs established five categories of performance requirements: (1) site design and runoff reduction; (2) water quality treatment; (3) runoff retention; (4) peak management; and (5) special circumstances. Private and public development projects must comply with area-specific standards related to impervious surface, pre- vs. post-construction runoff, and water quality treatments.

2023 California Trial Court Facility Standards (Facilities Standards). Section 1D, "Sustainable Design," of the Facilities Standards contains the following requirement related to water resources in courthouse design:

f. Use natural strategies to protect and restore water resources. Limit disruption to existing vegetated areas. To purify runoff and promote groundwater recharge, use natural stormwater treatment systems such as bioretention, bioswales, and permeable paving, as geographically appropriate.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

City of San Luis Obispo Engineering Standards. The current Engineering Standards for the City include the following requirements relevant to water quality:

- All new development or redevelopment shall comply with the criteria and standards set forth in the Waterways Management Plan – Drainage Design Manual, applicable area specific plans, and the Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region, adopted by the Central Coast Regional Water Quality Control Board, and included in the appendices. Where requirements conflict, the stricter shall apply.

City of San Luis Obispo Stormwater Quality Ordinance (City of San Luis Obispo Municipal Code, Chapter 12.08). The purpose and intent of this Ordinance is to ensure the health, safety, and general welfare of citizens, and protect and enhance the quality of watercourses and water bodies in a manner pursuant to and consistent with the Clean Water Act by reducing pollutants in storm water discharges to the maximum extent practicable, by prohibiting non-storm water discharges to the storm drain system and improving storm water management. (Ord. 1543 § 2 (part), 2010)

3.10.2 Environmental Setting

Watershed, Topography, and Climate

The study area is located within the San Luis Obispo Creek Watershed, which is a coastal basin located within the western portion of San Luis Obispo County. The watershed covers approximately 84.8 square miles. Its head waters originate in the foothills of the Santa Lucia Mountains at a maximum elevation of 2,500 feet above sea level. San Luis Obispo Creek closely follows U.S. Highway 101 throughout most of its route, flowing for approximately 14 miles and discharging into the Pacific Ocean at San Luis Bay, near the community of Avila Beach. The site is located within 1.25 miles of San Luis Obispo Creek.

Topography at the Proposed Project site has a 15-foot grade change across 165 feet. Site elevation is approximately 230 feet at Site 1 (USGS 2021).

The study area has a Mediterranean climate characterized by cool, wet winters and hot, dry summers. Average temperatures range from a low of 44 degrees Fahrenheit (°F) in January to a high of 81°F in September. Average annual precipitation is approximately 20 inches, most of which occurs from November through April (NRCS 2022).

Surface Water Hydrology and Quality

According to the Central Coast RWQCB, the Proposed Project site is located within the San Luis Obispo Creek Hydrologic Subarea of the Estero Bay Hydrologic Unit, an area that corresponds to the coastal draining watersheds west of the Coastal Range (RWQCB 1994). The Estero Bay Hydrologic Unit stretches roughly 80 miles between the Santa Maria River and the Monterey County line and includes numerous individual stream systems. Within the Estero Bay Hydrologic Unit, the San Luis Obispo Creek watershed drains approximately 84 square miles. According to the Safety Element of the City of San Luis Obispo General Plan, average seasonal precipitation in the City of San Luis Obispo is 22 inches and average seasonal precipitation throughout the county varies from 8.5 inches (at Simmler) to 25.6 inches (at San Simeon).

Surface waters in the project vicinity are Brizzolara Creek, approximately 0.44 mile west of the Proposed Project site, and San Luis Obispo Creek, approximately 0.44 mile east of the site.

Water Supply

According to the 2021 Urban Water Management Plan (City of San Luis Obispo 2021), the City relies on surface water and recycled water to meet its water demand. The City meets its potable water demand from three surface water reservoirs, all of which are considered to be dependable and of high quality. Recycled water from the City's Water Resource Recovery Facility is used for landscape irrigation and construction water (e.g., dust suppression, compaction).

The City does not currently rely on local groundwater to serve the community's long-term water supply needs. However, the City relied heavily on groundwater until the mid-1940s. From that time until 1989, groundwater was used primarily for agriculture. Groundwater wells were activated to meet water demand during a drought in 1989. Although no groundwater was pumped for domestic uses in 2016-2020, the City may resume the use of groundwater pumping in the future.

According to the 2021 Urban Water Management Plan, the City's 2020 potable water supply was 4,817 AFY. Including potable and recycled water, the total water supply was 5,062 AFY. No groundwater was used for domestic purposes. In 2030, water supply is estimated to be 7,392 AFY, including potable and recycled water with no groundwater use.

Water demand in 2020 was calculated at 4,817 AFY (City of San Luis Obispo 2021). Estimates of water demand in 2030 are 7,068 AFY.

Groundwater

The County and City of San Luis Obispo have each formed a groundwater sustainability agency (GSA). These two GSAs are the governmental entities that are tasked with developing and implementing the SLO Basin's groundwater sustainability plan (GSP) to meet the requirements of SGMA. A Groundwater Sustainability Commission (GSC), an advisory body to the GSAs, was established through a Memorandum of Agreement between the GSAs and other participating parties, under which the City GSA and County GSA jointly developed a single GSP in coordination with the GSC (City and County of San Luis Obispo 2022).

In 2019, the California Department of Water Resources (DWR) shifted the SLO Basin from a medium priority basin to a high priority basin not in critical overdraft. The GSC submitted a draft GSP to DWR in October 2021 (City and County of San Luis Obispo 2021). The GSP described groundwater conditions in the SLO Basin, subdivided into the San Luis Valley subarea (which includes San Luis Obispo) and the Edna Valley subarea. The GSP reviewed groundwater conditions over the previous 30-year period; estimated the sustainable yield of groundwater extraction; identified undesirable results such as land subsidence that could result from overdraft; and defined sustainable management criteria to slow and/or reverse undesirable results. In particular, the GSP noted that

groundwater extractions in the San Luis Valley subarea (adjusted for recent development) have averaged 1,800 acre-feet per year (AFY) since 2010, which is 700 AFY less than the average recharge of 2,500 AFY over the same representative period, indicating a surplus of groundwater for the subarea (City and County of San Luis Obispo 2021).

Stormwater

San Luis Obispo Creek is partially conveyed through the downtown in an underground culvert. The culvert stretches from Higuera Street and terminates approximately ¼ mile downstream to the open channel at Mission Plaza. The culvert does not have capacity to convey the 100-year storm event. As such, when the culvert capacity is exceeded, stormwater has the potential to back up and overtop the adjoining channel, thus adding to any street flooding that may already be occurring from other sources.

Groundwater Levels

Groundwater was encountered at the Proposed Project site during drilling at about 9 feet bgs (about Elevation 218 feet) and 6.5 feet bgs (about Elevation 218.5 feet). Groundwater levels vary seasonally and, based on historic groundwater data from monitoring wells at the site, may be as shallow as about 1.0-3.9 feet bgs.

Floodplains and Tsunamis

The City of San Luis Obispo is generally located within a low-lying valley centered on San Luis Obispo Creek, a major drainage feature that creates flood hazards in the city. Flooding occurs in response to heavy rainfall when creek and drainage channels overflow. Flooding may also occur in low-lying areas that have poor drainage, or when culverts become blocked, even during moderate storms. A key area within the 100-Year Flood Zone is a portion of the downtown area bounded by Santa Rosa, Monterey, Broad, and Pismo Streets. A small area in the southwest corner of 1144 Monterey Street is within the defined 100-year flood zone; the remainder of the Proposed Project site is not within this 100-year flood zone.

San Luis Obispo is not subject to inundation from dam failure, beach erosion, or coastal or lakefront flooding due to earthquake-induced waves (tsunami or seiche).

3.10.3 Discussion of Checklist Responses

a. Violate any water quality standards, waste discharge requirements (WDRs), or otherwise substantially degrade water quality (Less than Significant with Mitigation)

Construction

Construction of the Proposed Project would involve ground disturbance associated with demolition of the existing buildings, alley, and Toro Street frontage at the Proposed Project site and excavation for construction of the new facilities. These activities would

loosen soils and could result in erosion and sedimentation if precautions are not taken. Soils loosened on-site during ground-disturbing activities could be carried off-site during rainstorms or by wind. However, the City's PCRs include stormwater treatment onsite for water quality prior to discharging into the City's storm drain system.

In addition to erosion/sedimentation, the use of heavy construction equipment containing hazardous materials (e.g., fuel, oil, grease) could lead to accidental or inadvertent releases of such materials, which could subsequently result in adverse water quality impacts. Leaking equipment or spills onto soil could result in the materials being discharged into the storm drain or leaching into groundwater.

Given that the Proposed Project would disturb more than 1 acre of land, coverage under the Construction General Permit would be required, including preparation and implementation of a SWPPP. In general, the SWPPP would include measures that would reduce potential discharges of pollutants during construction activities, such as sediments and hazardous materials. The SWPPP may include BMPs to control erosion at the source, such as through minimizing soil disturbance and stabilizing and revegetating disturbed areas as soon as possible after grading or construction activities. Temporary soil stabilization measures/practices that could be utilized include covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding (SWRCB 2013). Additionally, the SWPPP would include sediment control measures, which would be used to capture any soil that becomes eroded. This may include perimeter control measures, such as installing silt fences or placing straw waddles at the edges of the property (SWRCB 2013).

As described in Section 3.9, "Hazards and Hazardous Materials," transport, storage, use, and disposal of hazardous materials for the Proposed Project's construction activities would be performed in compliance with all applicable federal and State laws and regulations. Furthermore, Mitigation Measure HAZ-1 would require that spill containment measures be implemented for hazardous materials used during construction, and that spill clean-up materials be kept on-site. Implementation of Mitigation Measure HAZ-1 would ensure that hazardous materials releases during construction are avoided/minimized to the extent feasible, and that impacts on surface water or groundwater quality is minimized in the event such releases do occur.

In addition, as described above in Section 3.9, "Hazards and Hazardous Materials," item 3.9(a), the Phase II Environmental Site Assessment identified the potential for construction activities to result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, specifically soil and groundwater that may be contaminated. Mitigation Measure HAZ-2 would require preparation of an SMP, compliance with hazardous materials and asbestos regulations and procedures, and appropriate disposal of groundwater encountered during excavation.

As a result, Proposed Project construction would not violate any water quality standards or WDRs or otherwise substantially degrade water quality. Therefore, construction impacts would be less than significant with mitigation.

Operation

The Proposed Project site would have a net impervious area of approximately 50,694 square feet, requiring compliance with the City's Peak Management PCRs. PCRs for the developed site require runoff retention such that offsite discharge from stormwater events up to the 95th percentile in a 24-hour rainfall event (Watershed Management Zone 1), as determined from local rainfall data, must be prevented.

To determine compliance requirements with the City's PCRs, site-specific calculations were performed by MRY (2023), resulting in the following estimates:

> Stormwater Quality Design Volume (SWQDv) of 3,798 cubic feet (cf) = 28,407 gallons
>
> 2-year peak detention management of 1,970 cf = 14,680 gallons
>
> 10-year peak detention management of 3,520 cf = 25,250 gallons

As described in Chapter 2, Project Description, the current design of the Proposed Project is conceptual. Once a contractor is selected, decisions would be made about the specific means of complying with the City's PCRs and BMPs. In developed conditions, if the intended stormwater mitigation BMP for the proposed site uses cisterns to retain both the SWQDv and peak detention volumes, the total storage capacity would be constructed to accommodate the sum of the SWQDv and the larger of either the 2-year or 10-year detention volume: 3,798 cf + 3,520 cf = 7,318 cf = 53,657 gallons as calculated.

The Judicial Council would follow applicable federal, State, and RWQCB regulations pertaining to water quality and would implement the City's Peak Management PCRs and SWPPP-required BMPs related to stormwater retention. Therefore, operation of the Proposed Project would not violate any water quality standards or WDRs or otherwise substantially degrade water quality. Therefore, the operational impact would be less than significant.

Conclusion

Construction of the Proposed Project would involve ground disturbance associated with demolition and excavation, which would loosen soils and could result in erosion and sedimentation. A SWPPP would be required because the Proposed Project would involve more than 1 acre of ground disturbance; in addition, implementation of Mitigation

Measure HAZ-1 would require spill containment, and impacts on surface water or groundwater quality would be minimized in the event spills do occur. Implementation of Mitigation Measure HAZ-2 would require preparation of an SMP, compliance with hazardous materials and asbestos regulations and procedures, and appropriate disposal of groundwater encountered during excavation. Operation of the Proposed Project would require implementation of peak stormwater management measures identified in the City's Peak Management PCRs. Implementation of these federal, State, regional, and local requirements and mitigation measures would ensure that the impact of the Proposed Project with regard to water quality standards, WDRs, or other water quality degradation would be ***less than significant with mitigation***.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge, such that the project may impede sustainable groundwater management of the basin **(Less than Significant)**

The Proposed Project would replace an existing parking lot and buildings with a new courthouse building and paved surfaces; groundwater recharge would remain similar to existing conditions. The site is served by public water supply and would not substantially decrease groundwater supplies. The impact on groundwater supplies and recharge would be ***less than significant.***

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in substantial erosion or siltation on- or off-site (Less than Significant)

The Proposed Project would replace an existing parking lot and buildings with a new courthouse building and paved surfaces. Construction activities would be subject to a SWPPP, as described in Section 3.7, "Geology, Soils, and Seismicity," item 3.7(c). The impact with regard to erosion or siltation would be ***less than significant.***

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (Less than Significant)

The Proposed Project would replace an existing parking lot and buildings with a new courthouse building and paved surfaces. As described in item 3.10(a) above, the Proposed Project would be designed in accordance with the City's Peak Management PCRs, including required retention of peak stormwater volumes. Therefore, the Proposed Project would not contribute surface runoff that could result in flooding on- or offsite. The impact of surface runoff on flooding would be **less than significant**.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Less than Significant)

As described above in item 3.10(a), the Proposed Project site would have an estimated net impervious area of approximately 50,694 square feet, requiring it to meet the City's Peak Management PCRs for stormwater treatment and 2-year and 10-year detention management volumes. PCRs for the developed site require runoff retention such that offsite discharge from stormwater events up to the 95th percentile in a 24-hour rainfall event (Watershed Management Zone 1), as determined from local rainfall data, must be prevented. Therefore, the impact would be ***less than significant***.

iv. impede or redirect flood flows (Less than Significant)

A small area at the southwest corner of the Proposed Project site is within the 100-year flood zone. Implementation of the City's Peak Management PCRs requires detention of the peak 2-year and 10-year storm volumes, however. This retention would ensure that flood flows would not be impeded or redirected as a result of the Proposed Project. The impact with regard to flood flows would be ***less than significant***.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation **(No Impact)**

As described above in item 3.10(c)(iv), the Proposed Project would comply with the City's Peak Management PCRs and, therefore, would not increase flood hazard. San Luis Obispo is not subject to inundation from dam failure, beach erosion, or coastal or lakefront flooding due to earthquake-induced waves (tsunami or seiche). There would be ***no impact***.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan **(Less than Significant with Mitigation)**

Item 3.10(a) describes the potential for the Proposed Project to violate water quality standards or WDRs or otherwise substantially degrade water quality. Section 3.19.2, "Utilities and Service Systems – Environmental Setting," provides more information about the availability of utilities to serve the Proposed Project and the requirements for service. With implementation of the City's Peak Management PCRs, SWPPP-required BMPs, and Mitigation Measures HAZ-1 and HAZ-2, the impact of the Proposed Project with regard to water quality control plan compliance would be reduced to a less-than-significant level.

As described above under "Water Supply," the City's 2021 Urban Water Management Plan estimates that, in 2030, water supply will be 7,392 AFY, including potable and recycled water with no groundwater use. Water demand in 2030 is estimated to be 7,068

AFY. Therefore, no groundwater use would be required, and the Proposed Project would not conflict with or obstruct implementation of the GSC's GSP.

The impact would be ***less than significant with mitigation***.

3.10.4 Mitigation Measures

Mitigation Measure HAZ-1: Implement Hazardous Materials Spill Prevention and Containment Measures

The following measures shall be implemented prior to and during construction and shall be incorporated into Proposed Project plans and specifications:

- All equipment shall be inspected by the contractor for leaks prior to the start of construction and regularly throughout Project construction. Leaks from any equipment shall be contained and the leak remedied before the equipment is again used on the site.
- BMPs for spill prevention shall be incorporated into Project plans and specifications and shall contain measures for secondary containment and safe handling procedures.
- A spill kit shall be maintained on site throughout all construction activities and shall contain appropriate items to absorb, contain, neutralize, or remove hazardous materials stored or used in large quantities during construction.
- Project plans and specifications shall identify construction staging areas and designated areas where equipment refueling, lubrication, and maintenance may occur. Areas designated for refueling, lubrication, and maintenance of equipment shall be approved by the Judicial Council.
- In the event of any spill or release of any chemical or wastewater during construction, the contractor shall immediately notify the Judicial Council.
- Hazardous substances shall be handled in accordance with Title 22 of the California Code of Regulations, which prescribes measures to appropriately manage hazardous substances, including requirements for storage, spill prevention and response and reporting procedures.

Mitigation Measure HAZ-2: Implement Recommendations from the Phase II Environmental Site Assessment

The Judicial Council shall ensure that the following recommendations from the Phase II Environmental Site Assessment are incorporated into Proposed Project plans and specifications and are implemented prior to and during construction:

- A soil and bedrock management plan (SMP) shall be prepared prior to the start of construction to provide the appropriate mitigation measures to handle and dispose of soil and bedrock during construction. The SMP should include the necessary procedures to protect human health and the environment from the concentrations in soil that exceed hazardous waste criteria as well as contingency measures to address the potential for residual petroleum hydrocarbon contamination or UST related subsurface features based on the site history.
- Soil near borings B-9, EB-3, and EB-5 that is excavated for off-site disposal during construction activities is required to be handled as Class I non-RCRA hazardous waste and disposed of at an appropriate hazardous waste disposal facility. Throughout the rest of the site, soil and bedrock can likely be handled and disposed of as Class II non-hazardous material at a regulated landfill disposal facility.
- During construction and grading activities, the project shall comply with the CARB Asbestos ATCM, which is Title 17 of the California Code of Regulations (17 CCR) Section 93105, for Construction, Grading, Quarrying, and Surface Mining Operations. Langan also recommends the preparation of an Asbestos Dust Mitigation Plan (ADMP) prior to the start of construction and grading activities, which should be submitted and approved by SLOAPCD before the start of the project.
- A detailed HASP that outlines the health and safety measures to be implemented during the Project to protect workers, visitors, and the public from the elevated concentrations in the subsurface shall be prepared. The HASP should recommend training as required by the OSHA Standard HAZWOPER guidelines in accordance with Section 1910.120 of 29 CFR. The HASP will evaluate the specific personal hygiene protocols and if personal air monitoring is required for workers.
- If groundwater is encountered during construction in quantities that require its removal from the subsurface, it shall be properly discharged to the sanitary sewer under permit with the local public works agency or sanitation district. The local permitting agency will determine what amount of pre-treatment will be required prior to discharge based on their acceptance criteria.
- The waterproofing product that is installed directly beneath the new building's foundation and concrete slab shall also protect against VOCs and vapor intrusion. The waterproofing product shall include appropriate diffusion coefficient testing data to support its use as a VOC vapor barrier membrane to mitigate potential vapor intrusion.

- The RWQCB and San Luis Obispo County EHS must be notified prior to any redevelopment activities. The RWQCB and San Luis Obispo County EHS may require additional sampling and testing or further remediation to address the environmental impacts beneath the site.

3.11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Physically divide an established community?	☐	☐	☒	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

3.11.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to land use and planning in relation to the Proposed Project.

State Laws, Regulations, and Policies

No state regulations are applicable to land use and planning in relation to the Proposed Project.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

Land use policy documents that regulate the City of San Luis Obispo include the Land Use Element of the City of San Luis Obispo General Plan (2014), the City of San Luis Obispo Zoning Regulations (2022), and the non-regulatory Downtown Concept Plan (2017).

3.11.2 Environmental Setting

As discussed in Chapter 2, *Project Description*, the Proposed Project is located within the Office and General Retail General Plan land use categories, as well as within the Upper Monterey Special Focus Area (City of San Luis Obispo 2014). The Office land use classification is intended to provide for offices to meet the specialized needs of county residents and includes government offices (City of San Luis Obispo 2014). The General Retail land use classification is intended to provide for goods and services to meet the needs of city and county occupants, such as retail stores, banks, and public/quasi-public uses (City of San Luis Obispo 2014).

The Proposed Project is located on land zoned O-Office and C-R Retail Commercial. The purpose of the O-Office zone is to provide for a variety of office uses to meet the needs of both private business and public administration (City of San Luis Obispo 2022). The C-R Retail Commercial zone is intended to provide for a wide range of services, including professional services and uses that serve the community, region, and visitors to the area (City of San Luis Obispo 2022).

3.11.3 Discussion of Checklist Responses

a. Divide an established community (Less than Significant)

The Proposed Project involves development of two already-developed lots and the closure of both a portion of Montereypalm Alley at the Toro street access point and one vehicle lane of Toro Street to allow a single direction of vehicle traffic along the east side of the Proposed Project site. While these permanent street closures may impact the travel routes of some residents, the grid road layout of the surrounding development results in a number of different ways to navigate around the Proposed Project site. Therefore, impacts in this regard would be ***less than significant***.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Less than Significant)

While local planning restrictions would not apply to the Proposed Project, the Proposed Project site is in the City of San Luis Obispo which has a number of local land use policies and regulations. These include the Land Use chapter of the City of San Luis Obispo General Plan (2014), the City of San Luis Obispo Zoning Regulations (2022), and the non-regulatory Downtown Concept Plan (2017).

The Proposed Project is generally consistent with the uses permitted within each relevant land use and zoning document. The Proposed Project site is within the Office and General Retail land use designation and the facility would provide office space for government offices, public administrative purposes, and other uses which serve the needs of city and county residents (City of San Luis Obispo 2014).

The zoning designation for the Proposed Project site is O-Office and C-R Retail Commercial, which is intended to provide for a variety of office uses to meet the needs of both private business and public administration (City of San Luis Obispo 2022). The Proposed Project would be classified as a public administration use.

Although the Proposed Project may exceed applicable development standards such as height restrictions, the Downtown Concept Plan in particular anticipates that the block containing the Proposed Project would be the site of a multi-story county office building with parking (City of San Luis Obispo 2017). The Proposed Project would also not preclude surrounding parcels from being developed in a manner consistent with their land

use and zoning classifications. Therefore, impacts with regards to conflicts with land use plans and policies would be ***less than significant.***

3.11.4 Mitigation Measures

None required.

3.12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

3.12.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to land use and planning in relation to the Proposed Project.

State Laws, Regulations, and Policies

Surface Mining and Reclamation Act. The Surface Mining and Reclamation Act (SMARA) of 1975 mandates that the State Mining and Geology Board (SMGB) and Division of Mines and Geology (DMG) prepare a mineral resource report for each county. SMARA additionally regulates the permitting of mining operations, provides for inspections during the life of the mine, and contains provisions to ensure that remediation occurs after completion of mining operations. SMARA is administered by the California Department of Conservation, Office of Mine Reclamation. SMARA requires cooperative efforts from the CGS and the SMGB to identify and classify mineral areas in the state

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. The Conservation and Open Space Element prohibits mineral extraction within city limits. Old vested mineral-extraction sites are generally limited to Open Space, Agriculture, or Park designation on the Land Use Element Map. Mineral extraction outside of city limits must avoid harmful impacts to the built and natural environment.

3.12.2 Environmental Setting

The Proposed Project site is located in downtown San Luis Obispo and would redevelop an existing site as the proposed new courthouse. The site is not zoned for mineral resource extraction and does not currently support mineral extraction activities.

3.12.3 Discussion of Checklist Responses

***a-b. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan* (No Impact)**

The entire city of San Luis Obispo is classified by DMG as MRZ-3, areas containing mineral deposits, the significance of which cannot be evaluated from available data (DMG 1989). The Proposed Project site is located in downtown San Luis Obispo and would redevelop an existing site as the proposed new courthouse. The site is classified as MRZ-3 but is not zoned for mineral resource extraction and does not currently support mineral extraction activities. Thus, the Project would have **no impact** on the availability of mineral resources or recovery sites.

3.12.4 Mitigation Measures

None required.

3.13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan area, or, where such a plan has not been adopted, within 2 miles of a public airport or public-use airport, would the project expose people residing or working in the project site to excessive noise levels?	☐	☐	☐	☒

3.13.1 Overview of Noise and Vibration Concepts and Terminology

Noise

In the CEQA context, noise can be defined as unwanted sound. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level, or sound intensity. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive, creating the A-weighted decibel (dBA) scale.

Different types of measurements are used to characterize the time-varying nature of sound. Below are brief definitions of these measurements and other terminology used in this chapter.

- **Decibel (dB)** is a measure of sound on a logarithmic scale that indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.

- **A-weighted decibel (dBA)** is an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Maximum sound level (Lmax)** is the maximum sound level measured during a given measurement period.
- **Minimum sound level (Lmin)** is the minimum sound level measured during a given measurement period.
- **Equivalent sound level (Leq)** is the equivalent steady-state sound level that, in a given period, would contain the same acoustical energy as a time-varying sound level during that same period.
- **Percentile-exceeded sound level (Lxx)** is the sound level exceeded during *x* percent of a given measurement period. For example, L10 is the sound level exceeded 10 percent of the measurement period.
- **Day-night sound level (Ldn)** is the energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels during the period from 10:00 p.m. to 7:00 a.m. (typical sleeping hours). This weighting adjustment reflects the elevated sensitivity of individuals to ambient sound during nighttime hours.
- **Community noise equivalent level (CNEL)** is the energy average of the A-weighted sound levels during a 24-hour period, with 5 dB added to the A-weighted sound levels between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels between 10:00 p.m. and 7:00 a.m.

In general, human sound perception is such that a change in sound level of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. Table 3-9 presents approximate noise levels for common noise sources, measured adjacent to the source.

Table 3-9. Examples of Common Noise Levels

Common Outdoor Activities	Noise Level (dBA)
Jet flyover at 1,000 feet	110
Gas lawnmower at 3 feet	100
Diesel truck at 50 feet traveling 50 miles per hour	90
Noisy urban area, daytime	80
Gas lawnmower at 100 feet, commercial area	70
Heavy traffic at 300 feet	60

Common Outdoor Activities	Noise Level (dBA)
Quiet urban area, daytime	50
Quiet urban area, nighttime	40
Quiet suburban area, nighttime	30
Quiet rural area, nighttime	20

Source: Caltrans 2020a

Vibration

Ground-borne vibration propagates from the source through the ground to adjacent buildings by surface waves. Vibration may be composed of a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating, measured in Hertz (Hz). Most environmental vibrations consist of a composite, or "spectrum," of many frequencies. The normal frequency range of most ground-borne vibrations that can be felt generally starts from a low frequency of less than 1 Hz to a high of about 200 Hz. Vibration information for this analysis has been described in terms of the peak particle velocity (PPV), measured in inches per second, or of the vibration level measured with respect to root-mean-square vibration velocity in decibels (VdB), with a reference quantity of 1 micro-inch per second.

Vibration energy dissipates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. High-frequency vibrations reduce much more rapidly than do those characterized by low frequencies, so that in a far-field zone distant from a source, the vibrations with lower frequency amplitudes tend to dominate. Soil properties also affect the propagation of vibration. When ground-borne vibration interacts with a building, a ground-to-foundation coupling loss usually results but the vibration also can be amplified by the structural resonances of the walls and floors. Vibration in buildings is typically perceived as rattling of windows, shaking of loose items, or the motion of building surfaces. In some cases, the vibration of building surfaces also can be radiated as sound and heard as a low-frequency rumbling noise, known as ground-borne noise.

Ground-borne vibration is generally limited to areas within a few hundred feet of certain types of industrial operations and construction/demolition activities, such as pile driving. Road vehicles rarely create enough ground-borne vibration amplitude to be perceptible to humans unless the receiver is in immediate proximity to the source or the road surface is poorly maintained and has potholes or bumps. Human sensitivity to vibration varies by frequency and by receiver. Generally, people are more sensitive to low-frequency vibration. Human annoyance also is related to the number and duration of events; the more events or the greater the duration, the more annoying it becomes.

3.13.2 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal laws, regulations, or policies for construction-related noise and vibration apply to the Proposed Program. However, the Federal Transit Administration (FTA) *Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment* state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA L_{eq} should be used for residential areas (FTA 2018).

For construction vibration impacts, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12 inches per second (in/sec) PPV for buildings extremely susceptible to vibration damage (FTA 2006). The groundborne vibration annoyance level is 65 VdB for buildings where vibration would interfere with interior operations, 72 VdB for residences, and 75 VdB for institutional land uses with primarily daytime uses.

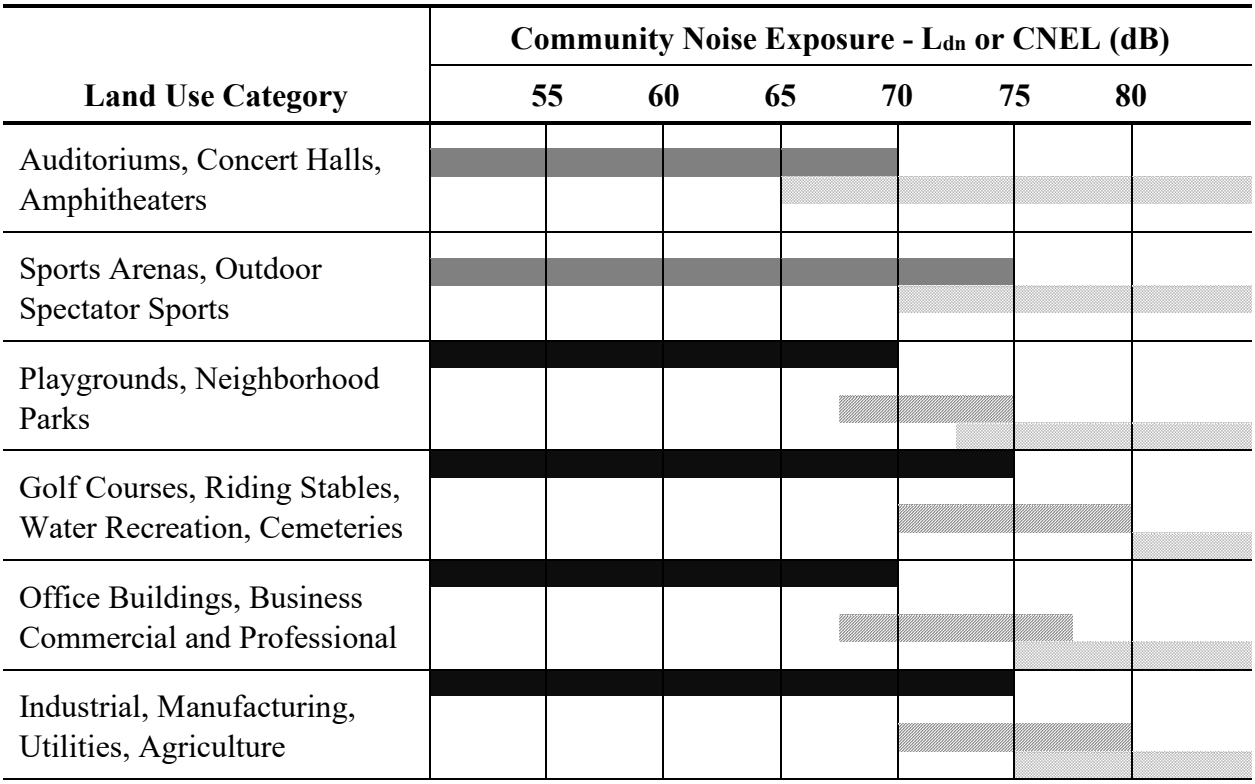
State Laws, Regulations, and Policies

California requires each local government entity to implement a noise element as part of its general plan. California Administrative Code, Title 4, presents guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. The state land use compatibility guidelines are listed in Table 3-10.

For the protection of fragile, historic, and residential structures, Caltrans recommends a more conservative threshold of 0.2 in/sec PPV for normal residential buildings and 0.08 in/sec PPV for old or historically significant structures (Caltrans 2020b).

Table 3-10. State Land Use Compatibility Standards for Community Noise Environment

Land Use Category	Community Noise Exposure - L_{dn} or CNEL (dB)					
	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes						
Residential – Multi-Family						
Transient Lodging – Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						



Normally Acceptable:	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable:	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable:	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable:	New construction or development generally should not be undertaken.

Source: California Governor's Office of Planning and Research 2017

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. The City's Noise Ordinance specifies the following construction-related policies and standards:

Section B.6.a prohibits operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekday hours of seven p.m. and seven a.m., or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by exception issued by the community development department. (This section shall not apply to the use of domestic power tools as specified in subsection B 10 of this section.)

Section B.6.b establishes construction-related noise restrictions at affected properties, where technically and economically feasible, such that the maximum noise levels at affected properties will not exceed those listed below:

i. *At Residential Properties.*

Mobile Equipment

Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

	Single-Family Residential	**Multi-family Residential**	**Mixed Residential/ Commercial**
Daily, except Sundays and legal holidays 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	60 dBA	65 dBA	70 dBA

Source: City of San Luis Obispo Noise Ordinance

Stationary Equipment

Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment:

	Single-Family Residential	**Multi-family Residential**	**Mixed Residential/ Commercial**
Daily, except Sundays and legal holidays 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

Source: City of San Luis Obispo Noise Ordinance

ii. *At Business Properties.*

Mobile Equipment

Maximum noise levels for nonscheduled, intermittent, short-term operation of mobile equipment: Daily, including Sunday and legal holidays, all hours; maximum of 85 dBA.

Stationary Equipment

Maximum noise levels for repetitively scheduled and relatively long-term operations of stationary equipment: Daily, including Sundays and legal holidays, all hours; maximum of 75 dBA.

All mobile or stationary internal combustion engine powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order.

3.13.3 Environmental Setting

The Proposed Project site and surrounding area receive surface transportation noise emanating from vehicular traffic on the city streets. Ambient noise at the Proposed Project site is influenced by the nearby commercial, residential, and recreational activities (e.g., landscape maintenance, delivery vehicles, people talking, dogs barking, and parking lot vehicle movements.

Sensitive receptors in the vicinity of the Proposed Project consist of workers in commercial buildings and residents in houses adjacent to the Proposed Project site since the Proposed Project is in a developed urban setting. The closest school is SLO Classical Academy High School located about 0.1 mile to the south of the Proposed Project site. The nearest residential dwellings are directly adjacent to the Proposed Project site at 959 Toro Street and 12 Montereypalm Alley. The nearest health care facilities are the Dignity Health – French Hospital Medical Center, located approximately 0.8 mile to the southeast, and the Pacific Central Coast Health Center, located about 0.5 mile to the east. The nearest airport is the San Luis Obispo County Airport, located approximately 2.75 miles away.

3.13.4 Discussion of Checklist Reponses

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies **(Less than Significant with Mitigation)**

Construction

The Proposed Project would generate noises associated with construction activities (e.g., grading and excavation activities) that would temporarily increase noise levels and would cease once construction is complete.

The nearest sensitive receptors are residences located adjacent to the Proposed Project site at 12 Montereypalm Alley and 959 Toro Street. Noise levels from construction were estimated based on the two noisiest pieces of equipment located at the center of the Proposed Project site. The noisiest pieces of equipment were assumed to be a jack hammer (89 dBA) and crane (88 dBA). Table 3-11 shows that at 59.7 feet from the two noisiest pieces of construction equipment operating the noise levels would be 90 dBA. Equipment operating in the middle of the Proposed Project site would not exceed the significant threshold for construction noise of 90 dBA. When the equipment is operating near the edges of the Proposed Project site, the impact to sensitive receptors could be potentially significant especially for the residences located adjacent to the Proposed Project site. **Mitigation Measure NOI-1 (Implement Construction Noise Reduction Measures)** will limit the hours of construction activities from 7:00 am to 7:00 pm consistent with the City of San Luis Obispo Noise Ordinances and will require proper mufflers installed on equipment as well as temporary noise barriers surrounding the Proposed Project site and equipment shrouds when equipment is operating within 60 feet from adjacent properties containing buildings.

Table 3-11. Distance from Construction Equipment to Noise Threshold

Noise Threshold	Threshold Level – Leq (dBA)	Distance to Leq Threshold from Middle of Project Site (feet)
Sensitive Receptors	90	59.7

Notes: dBA = A-weighted decibels; Leq = equivalent steady-state sound level

Source: FTA 2018

Operation

Following construction, operation noise sources would be similar to the existing conditions for a building located in an urban setting. Periodic noises would be associated with operating the emergency generator during power outages and for routine testing during maintenance.

With implementation of Mitigation Measure NOI-1, the impacts from construction and operational noise will be ***less than significant with mitigation***.

b. Generation of excessive groundborne vibration or groundborne noise levels **(Less than Significant with Mitigation)**

Vibration thresholds for buildings occur at a PPV of 0.12 in/sec for buildings extremely susceptible to vibration damage; the human perception threshold is at 65 VdB. Vibration and ground-borne noise levels were estimated following methods described in the FTA Noise and Vibration Impact Assessment (FTA 2018) to determine the PPV that would potentially impact buildings and the VdB for annoyance. It was assumed that the equipment would have similar vibration sound levels as a large bulldozer. Table 3-12 below shows relevant parameters for the construction equipment used for the Proposed Project and distance to sensitive receptors to be below vibration thresholds.

Table 3-12. Construction Equipment and Vibration Distance

Equipment	PPV at 25 ft	Distance to PPV of 0.12 in/sec	Noise Vibration Level at 25 ft	Distance to Noise Vibration of 80VdB
Vibratory Roller	0.21	36.3	86 VdB	73.2

Notes: ft = feet; in/sec = inches per second; PPV = peak particle velocity; VdB = vibration velocity in decibels

The nearby residential buildings are of older construction and may be susceptible to vibration damage if construction equipment operates within 36.3 feet. While this would only possibly occur for equipment operating at the very far edge of the Proposed Project site, the impact would be significant. Occupants of buildings adjacent to the Proposed Project site may be within the noise annoyance threshold of 80 VdB. Therefore, to minimize the impacts of vibration, **Mitigation Measure NOI-2 (Minimize Construction Noise Vibration)** will be implemented to monitor the adjacent residential buildings and reduce the noise vibration annoyance levels for occupants of nearby buildings.

With implementation of Mitigation Measure NOI-2, the impact would be ***less than significant with mitigation***.

c. For a project located within the vicinity of a private airstrip or an airport land use plan area, or, within 2 miles of a public airport or public-use airport, would the project expose people residing or working in the project site to excessive noise levels **(No Impact)**

The Project is not located in the vicinity of a private airstrip or an airport land use plan. The project is outside of the 60 CNEL contour for the San Luis Obispo County Regional Airport which is the nearest airport. There would be ***no impact***.

3.13.5 Mitigation Measures

Mitigation Measure NOI-1: Implement Construction Noise Reduction Measures

1. To the extent feasible, contractor shall restrict the operation of noise-generating equipment to 7:00 a.m.–7:00 p.m., Monday through Friday, with approval from the State required for nighttime or weekend work.

2. Temporary sound barriers should be installed when construction equipment is operating within 60 feet of an adjacent property containing buildings.

3. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise-control features that are readily available for those types of equipment.

4. Mobile noise-generating equipment and machinery shall be shut off when not in use.

Mitigation Measure NOI-2: Minimize Construction Noise Vibration.

The contractor shall implement the following measures. These measures would minimize vibration noises to nearby sensitive receptors.

- Monitor adjacent residential buildings at 959 Toro Street and 12 Montereypalm Alley for vibration damage.
- Route heavily loaded trucks away from residential streets if possible. Select streets with the fewest homes if no alternatives are available.
- To the extent possible, operate earth-moving equipment on the Proposed Project site as far away from vibration-sensitive sites as possible.
- Phase construction activities such that vibration-intensive activities do not occur at the same time.
- Avoid nighttime activities.

3.14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Regulatory Setting

No federal, state, or local laws, regulations, or policies are applicable to population and housing in relation to the Proposed Project.

3.14.2 Environmental Setting

The existing courthouse operations, distributed among three locations, involve 174 full-time-equivalent (FTE) employees. The new facility would be staffed by 174 FTE employees; no new employees would be generated by the Proposed Project.

3.14.3 Discussion of Checklist Responses

a. Induce unplanned population growth (No Impact)

The Proposed Project would involve demolition of existing structures and construction of a new courthouse on a previously developed site in downtown San Luis Obispo. The Proposed Project would not increase the number of employees or other occupants from the existing courthouse operations. Construction, including demolition activities, would occur over approximately 3.5 years (Table 2-2). Therefore, neither construction nor operation of the Proposed Project would induce additional population growth in San Luis Obispo. There would be ***no impact***.

b. Displace a substantial number of existing people or housing (No Impact)

Acquisition of the Proposed Project site by the State of California and demolition of the existing buildings would require relocation of employees and operations from the building currently occupied by the County of San Luis Obispo at 1144 Monterey Street to another location before construction of the new courthouse begins. This relocation would

take place as part of the site acquisition and is not a part of the Proposed Project being evaluated in this IS/MND.

The residential property at 969 Toro Street would be demolished as well. This property would be acquired by the State of California as a fair-market-value purchase from a willing private seller.

The Proposed Project would not displace a substantial number of existing people or housing; there would be ***no impact***.

3.14.4 Mitigation Measures

None required.

3.15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☒	☐	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

3.15.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to public services in relation to the Proposed Project.

State Laws, Regulations, and Policies

CALGreen (California Building, Electrical, and Fire Codes). The California Building Standards Code (Title 24 of the California Code of Regulations [CCR]) – also known as CALGreen – serves as the basis for the design and construction of buildings in California. The California Fire Code, included in 24 CCR Part 9, contains requirements related to emergency planning and preparedness, fire service features, building services and systems, fire-resistance-rated construction, fire protection systems, and construction requirements for existing buildings, as well as specialized standards for specific types of facilities and materials.

2023 California Trial Court Facility Standards (Facilities Standards). As described previously, the Facilities Standards require that all new courthouse projects be designed and constructed in conformance with the Nonresidential Mandatory Measures of CALGreen (Cal. Code Regs., tit. 24, pt. 11) and the current version of the California

Energy Code (Cal. Code Regs., tit. 24, pt. 6). In addition, new courthouse projects must be designed to receive a minimum LEED Silver rating.

Specific Facilities Standards compliance requirements and goals for public services include the following:

e. Conserve water. […]Where feasible, request a connection to the local water utility nonpotable (purple pipe) water main for use in irrigation and evaporative cooling systems.

Local Laws, Regulations, and Policies

No local regulations are applicable to public services in relation to the Proposed Project.

3.15.2 Environmental Setting

Fire Protection

Fire protection service at Proposed Project location is provided by the SLOFD. The site is located within the jurisdiction of Station 1 at 2160 Santa Barbara Avenue, approximately 0.9 mile to the south of the Proposed Project site as the crow flies (City of San Luis Obispo 2024a).

Police Protection

The San Luis Obispo Police Department (SLOPD) provides law enforcement services for the City of San Luis Obispo. The closest Police Department is approximately 0.25 mile to the northwest.

Schools

The primary school district that serves San Luis Obispo, including the Proposed Project area, is the San Luis Coastal Unified School District. The two closest schools are Hawthorne Elementary School, and SLO Classical Academy High School, both within a 1-mile radius of the Proposed Project site (School Site Locator, 2024).

Parks

As discussed below in Section 3.16, " Recreation," the closest park to the Proposed Project site is Cheng Park approximately 0.15 mile to the south of the site. Mitchell Park is also located in the vicinity of the Proposed Project site, four blocks to the south (approximately 0.4 mile). There are other open spaces managed by the City of San Luis Obispo; however, none are within a 0.5-mile radius of the Proposed Project site (City of San Luis Obispo 2024b).

Other Public Facilities

The San Luis Obispo Law Library, and San Luis Obispo Library, and buildings housing the Public Works Departments for the City and the County are both located within the two blocks to the southwest of the Proposed Project site. Further, the existing Courthouse Annex building is also located in this area. Finally, the Proposed Project site is presently occupied by the San Luis Obispo County Parks and Recreation Department and County Public Works Facilities Maintenance and Management with minor use by the Court for records storage. There are no hospitals or other notable public facilities located in close proximity to the Proposed Project site.

3.15.3 Discussion of Checklist Responses

a. Result in adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities

i. Fire protection (Less than Significant)

The existing site is mostly paved and covered by existing improvements and structures. Project demolition and construction activities would be required to incorporate California Fire Code, CBC, California Health and Safety Code, and federal OSHA requirements into the proposed design to address emergency access for firefighting equipment, fire hydrant placement and sufficiency, available fire flow, building fire alarm and fire suppression systems, building materials and fire ratings, and emergency egress. The Judicial Council's Facilities Standards (Judicial Council 2023) include requirements related to courthouse design including emergency access and fire suppression systems. Incorporation of the California Fire Code, CBC, and Judicial Council Facilities Standards would reduce the dependency on fire department equipment and personnel by reducing fire hazards.

Given the above, during operation, the Proposed Project is not expected to generate substantial additional calls for service from local fire protection facilities. Further, as discussed in the Project Description, no new employees would be generated by the Proposed Project, and as discussed in Section 3.14, "Population and Housing," the Proposed Project would not induce substantial population growth. Therefore, the Project would not increase demand for fire protection service in the area such as to require construction of new or expanded public facilities. The impact would be ***less than significant***.

ii. Police protection (Less than Significant with Mitigation)

The Proposed Project would not increase the population as a result of new housing; therefore, the Proposed Project would not require additional police department staffing to maintain its officer-to-population service ratio.

Increased traffic associated with demolition and construction may result in an increased possibility of traffic incidents, which would result in additional calls to law enforcement. However, implementation of Mitigation Measure TR-1 would require a construction traffic management plan that would reduce the potential for traffic incidents to a less-than-significant level. The impact on law enforcement services during construction would be less than significant with mitigation.

During operation, courthouse security is provided by Judicial Council private security personnel and sheriff deputies (see Table 2-1). In the rare event that supplemental law enforcement officers are required, since the courthouse is a State building, California Highway Patrol officers would respond. Additionally, as the court operations are being relocated from the Courthouse Annex Building in the city, the Proposed Project would not increase total demand for law enforcement services. Thus, operation of the Proposed Project would not affect SLOPD since there is no increase in population and SLOPD has no law enforcement responsibilities for the courthouse or State buildings. Overall impacts would be ***less than significant with mitigation***.

iii. Schools (No Impact)

The Proposed Project would not directly affect any existing schools. As discussed in Section 3.14, "Population and Housing," the Proposed Project would not induce additional population growth or displace existing people or housing. Relocated employees with children in school would likely not need to change schools. Therefore, the Proposed Project is not anticipated to result in an increased demand for school services resulting in the construction of new facilities. Therefore, there would be ***no impact***.

iv. Parks (No Impact)

The Proposed Project would not directly affect parks or recreational facilities. The relocation of personnel to the Proposed Project site would not adjust demand for parks to a degree that would require the construction of new or expanded park facilities. Therefore, there would be ***no impact***.

v. Other public facilities (No Impact)

The existing County use of the Proposed Project site would be relocated as a result of the Proposed Project. While these activities would be relocated, the acquisition of the site and relocation of County facilities is not part of the Proposed Project. Further, the Proposed Project would not require or result in the need to construct new or expanded other public facilities (e.g., hospitals, libraries) as the Proposed Project would not directly impact these facilities or impact local populations so as to place increased demand on the facilities. There would be ***no impact***.

3.15.4 Mitigation Measures

Mitigation Measure TR-1: Develop and Implement a Construction Traffic Management Plan

The Judicial Council shall require that the construction contractor develop and implement a construction traffic management plan for the Proposed Project site. The plan will clearly identify how access for emergency vehicles will be maintained to and around the site during construction. The plan will also describe how access and circulation for pedestrians, cars, cyclists, and transit will be maintained around the site during construction. The plan will be consistent with adopted CTCFS design guidelines.

3.16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.16.1 Regulatory Setting

No federal, state, or local laws, regulations, or policies are applicable to recreation in relation to the Proposed Project.

3.16.2 Environmental Setting

There are no recreational opportunities on the Proposed Project site. The Ludwig Community Center is located approximately 430 feet to the northwest of the Proposed Project site. The closest park to the Proposed Project site is Cheng Park, which is 2 blocks (approximately 0.15 mile) to the south of the site and is adjacent to San Luis Obispo Creek. Mitchell Park is also located in the vicinity of the Proposed Project site, four blocks to the south (approximately 0.4 mile). There are other open spaces managed by the City of San Luis Obispo; however, none are within a 0.5-mile radius of the Proposed Project site (City of San Luis Obispo 2024).

3.16.3 Discussion of Checklist Responses

a. Increase use of existing parks or recreational facilities (No Impact)

The Project would aim to serve the existing population and consolidate existing judicial services in the downtown area. It will not increase the local population or result in population growth in the area. Due to the nature of the Proposed Project, it is not expected that it would increase the number of visitors seeking out recreational opportunities in the area. Therefore, there would be ***no impact*** of the Proposed Project on the use of existing parks and recreational facilities.

b. Creation of new or altered recreational facilities(No Impact)

The Proposed Project would not create new or altered recreational facilities, and as discussed above, would not result in a significant increased demand or use of parks or recreational facilities so that new recreational opportunities would need to be constructed. Therefore, the Project would have ***no impact.***

3.16.4 Mitigation Measures

None required.

3.17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☒	☐	☐
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☒	☐	☐

3.17.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to transportation in relation to the Proposed Project.

State Laws, Regulations, and Policies

California Government Code Section 65402. California Government Code Section 65402 is applicable for roadway abandonment. California Government Code section 65402(a) states that a planning agency must review the conformity of certain actions with a general plan before those actions can be taken. This includes the acquisition or disposition of real property, street vacation or abandonment, and construction of public buildings. In addition, Government Code Section 65402 requires a street abandonment to first be reviewed at a public hearing before the Planning Commission, including a CEQA determination and a determination as to the proposal's conformance with the General Plan.

California Streets and Highway Code. Division 9, Part 3 – Public Streets, Highways and Service Vacation Laws, Sections 8300-8363, includes procedures to apply for roadway abandonment. Specifically, California Vehicle Code Sections 8320-8325 pertain to the "General Vacation Procedure," which outlines the process for a local agency to vacate (essentially close off) a public street, highway, or service easement, including requirements for initiating the process, public notice, hearings, and final resolution to

vacate the area. This process essentially allows for the removal of a public right-of-way from a piece of land.

California Complete Streets Act of 2008 (Assembly Bill 1358). Originally passed in 2008, California's Complete Streets Act took effect in 2011 and requires local jurisdictions to plan for land use transportation policies that reflect a "complete streets" approach to mobility. "Complete streets" comprises a suite of policies and street design guidelines that provide for the needs of all road users, including pedestrians, bicyclists, transit operators and riders, children, older people, and people with mobility issues.

Senate Bill 743. On September 27, 2013, SB 743 was signed into law. The California State Legislature found that, with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas (GHG) emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32). Additionally, AB 1358 (described above) requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users. To further the State's commitment to the goals of SB 375, AB 32, and AB 1358, SB 743 added Chapter 2.7, Modernization of Transportation Analysis for Transit-Oriented Infill Projects, to Division 13 (Section 21099) of the Public Resources Code.

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and started a process intended to fundamentally change transportation impact analysis as part of CEQA compliance. Specifically, SB 743 removes the use of automobile delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion for determining transportation impacts in environmental review. According to the legislative intent contained in SB 743, the move away from LOS is necessary to balance the needs of congestion management more appropriately with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions.

The legislation also directed the State of California Governor's Office of Planning and Research (OPR) to look at different metrics for identifying transportation impacts and make corresponding revisions to CEQA and the CEQA Guidelines. OPR selected VMT as the preferred metric for assessing passenger vehicle-related impacts. In December 2018, OPR issued revised *CEQA Statute & Guidelines*, along with a Technical Advisory: *On Evaluating Transportation Impacts in CEQA* (OPR 2018) to assist practitioners in implementing the *CEQA Statute & Guidelines* revisions to use VMT as the new metric. City of San Luis Obispo adopted a resolution on June 16, 2020, to replace LOS with VMT as the City's performance measure for CEQA analysis of transportation impacts and thresholds of significance for land use projects.

California Building Code. The State of California provides a minimum standard for building design through Title 24 CCR Part 2, commonly referred to as the CBC. The CBC is updated every three years. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The City of San Luis Obispo regularly adopts each new CBC update under the San Luis Obispo Municipal Code and Building Code. The CBC provides emergency access standards for fire and emergency equipment on public roadways in Part 9, Appendix D. These standards include specific width, grading, design, and other specifications for roads that provide access for fire apparatuses and indicates which areas are subject to requirements for such access. The CBC also incorporates by reference the standards of the International Fire Code (IFC). The modification of streets in the City of San Luis Obispo would be subject to these and any modified State standards.

2023 California Trial Court Facilities Standards (Facilities Standards). Chapter 1 of the Judicial Council's Facilities Standards defines general principles for the design and construction of functional, durable, maintainable, efficient, and secure contemporary court facilities and defines design criteria and performance goals to be applied as best practices to the Proposed Project. In Section 1D, "Sustainable Design," the Facilities Standards contains the following Best Practices related to transportation with regard to court facilities:

c. Seek opportunities to redevelop existing sites. Develop links to public transit, and create strategies for pedestrian-friendly, mixed-use communities.

Additionally, Chapter 3, "Site Design," of the Facilities Standards, Section 3D, "Integration of Building and Site," requires that trial court facilities prioritize sites that offer robust transportation options – including walking, biking, and transit – and minimize the combined GHG emissions of the building and associated commuter and visitor transportation emissions over the project's life.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. The City of San Luis Obispo's General Plan includes goals, policies, and implementation measures related to transportation. The Project element(s) to abandon a portion of Montereypalm Alley and Toro Street will require consideration of the City's General Plan as required by the State Highway Code.

San Luis Obispo General Plan. The updated Land Use and Circulation Elements of the San Luis Obispo General Plan were adopted by the City Council on December 9, 2014. The Circulation Element includes goals, policies, and actions relating to how people, products, and visitors move around San Luis Obispo. This includes cars, bicycles,

pedestrians, air transportation, as well as complete streets and public transportation such as buses and shuttles.

Chapter 2, Circulation Element, of the City's General Plan includes the following policies that may relate to the Proposed Project with regard to transportation:

> 1.7.3. Manage Traffic – San Luis Obispo should ensure that development projects and subdivisions are designed and/or retrofitted to be efficiently served by buses, bike routes and pedestrian connections.
>
> 3.1.7. Transit Service Access – New development should be designed to facilitate access to transit service.
>
> 4.1.4. Bicycle Transportation – New Development – The City shall require that new development provide bikeways, secure bicycle storage, parking facilities and showers consistent with City plans and development standards.
>
> 4.1.10. Bicycle Transportation – Right-of-way Acquisition – The City shall identify and pursue the acquisition of rights-of-way needed to implement the projects identified in the City's Bicycle Transportation Plan.
>
> 5.1.3. Walking – New Development – New development shall provide sidewalks and pedestrian paths consistent with City policies, plans, programs and standards.
>
> 5.1.4. Pedestrian Access – New or renovated commercial and government public buildings shall provide convenient pedestrian access from nearby sidewalks and pedestrian paths, separate from driveways and vehicle entrances.
>
> 6.1.1. Complete Streets – The City shall design and operate city streets to enable safe, comfortable, and convenient access and travel for users of all abilities including pedestrians, bicyclists, transit users, and motorists.
>
> 9.1.1. Street Network Changes – New Development – The City shall require that new development assumes its fair share of responsibility for constructing new streets, bike lanes, sidewalks, pedestrian paths and bus turn-outs or reconstructing existing facilities.
>
> 9.1.5. Street Network Changes – Right-of-Way Reservation – The City shall require rights-of-way to be reserved through the building setback line process or through other mechanisms so that options for making transportation improvements are preserved.

Chapter 6, Conservation and Open Space, of the City's General Plan includes Section 4.0, "Energy." The following policies relate to the Proposed Project with regard to transportation:

> 4.4.1. Pedestrian- and bicycle-friendly design. Residences, work places and facilities for all other activities will be located and designed to promote travel by pedestrians and bicyclists.
>
> 4.4.2. Alternative transportation. The City's transportation and circulation systems shall foster travel by modes other than motor vehicles, including walking, bicycles and public transit. (See also the Community Trip Reduction Policies in the Circulation Element.)

San Luis Obispo Transportation Impact Analysis Guidelines. The City of San Luis Obispo adopted its Transportation Impact Analysis Guidelines on June 16, 2020. The guidelines provide guidance on VMT assessment in accordance with SB 743 and LOS in accordance with General Plan polices. The CEQA portion of a transportation impact analysis consists of evaluation measures such as conflicts with circulation policies, VMT, hazards and emergency access. The quantitative methodology, significance thresholds, and mitigation measures for conducting the transportation analysis are primarily based on VMT metrics. The analyses related to VMT are part of the environmental review process and must meet CEQA requirements. If a project does not meet specific screening criteria, the guidelines establish a threshold of 15 percent below average regional VMT for residential and office projects to be consistent with the citywide and GHG emission goals. Other land uses may be exempt and screened out from requiring a detailed VMT assessment.

San Luis Obispo Active Transportation Plan. The City of San Luis Obispo adopted its Active Transportation Plan on February 2, 2021. Consistent with the Sustainable Transportation Major City Goal identified in the 2019-21 Financial Plan, the City's Transportation Planning and Engineering Program has prepared the City's first Active Transportation Plan to guide future transportation planning for bicycling, walking, and other forms of human-powered transportation. The plan calls for bicycle and pedestrian improvements and circulation within the City, including future planned development of bicycle improvements that the Proposed Project would support.

In the area around the Proposed Project site, the plan identified – and the City recently implemented – improvements to make the intersection of Monterey Street and Toro Street a "protected intersection" and add a Beacon for bicycle and pedestrian safety. The Active Transportation Plan also discusses plans to improve Monterey Street with a "Protected Bike Lane" and install a neighborhood greenway on Toro Street.

San Luis Obispo Municipal Code. City of San Luis Obispo Municipal Code Section 16.18.080 ("Street Layout and Design Standards") contains design requirements that

would be referenced in the redesign of the roadways affected by the abandonment process. In particular, requirements related to street widths, access, visibility, and signage would apply.

3.17.2 Environmental Setting

The information provided in this section is taken from the Transportation Technical Memorandum prepared for the Proposed Project by Kittelson & Associates, provided as Appendix H of this IS.

Existing Vehicle Access

The Proposed Project site is located at the County-owned property at 1144 Monterey Street and extends north to include a portion of the Montereypalm Alley, the westerly lane of Toro Street, and a residential property at 969 Toro Street. The existing vehicle circulation system in the Proposed Project area is provided by Toro Street to the east, Monterey Street to the south, Palm Street to the north, and Santa Rosa Street to the west.

- **Toro Street** is a generally north-south two-lane residential collector east of the Proposed Project site with an approximate curb-to-curb width of 40 feet that features on-street parking on both sides and adequate sidewalks. Travel lanes are about 12 feet wide. Intersections are generally stop-sign controlled. Posted signs indicate that bikes may use the full lanes, including striped shared arrows (sharrows). The speed limit is assumed to be 25 mph.

- **Monterey Street** is a three-lane east-west collector serving local businesses south of the Proposed Project site. It features 12-foot-wide travel lanes with an approximate curb-to-curb width of 45 feet. There is metered on-street parking on both sides and adequate sidewalks.

- **Palm Street** is a two-lane east-west residential local street north of the Proposed Project site. It features metered on-street parking on both sides and adequate sidewalks, and bikes share the road. Travel lanes are about 12 feet wide. The curb-to-curb width is approximately 38 feet and the posted speed limit is 25 mph.

- **Santa Rosa Street** is a four-lane north-south arterial with a striped center turn lane located west of the Proposed Project site. Travel lanes are about 12 feet wide. It is a designated truck route with a posted speed limit of 25 mph and features a 3-foot-wide striped shoulder that is signed for bicycles.

- **Montereypalm Alley** is a narrow east-west alley on the northern side of the project site that would provide only service and delivery vehicle access to the Proposed Project site. The alley currently provides two points of access to the adjacent street network for existing business and residential parking areas and municipal waste pick-up for served properties – one access point with 16 feet of

width to Santa Rosa Street and one access point with 14 feet of width to Toro Street as shown in the existing Alta Survey provided in Attachment A of Appendix H. There are no sidewalks or bike facilities along the alley. The Alta Survey indicates the significantly substandard width of the alley at the Toro Street access point of 14 feet compared to the City's stated minimum alley width of 20 feet.

Existing Bicycle Facilities

Existing bicycle facilities are provided as follows:

- Class 3 shared bike lanes are present along Monterey Street with a short Class 2 striped bike lane approaching the intersection with Santa Rosa Street.
- Santa Rosa Street has Class 2 bike lanes west of the Proposed Project site, including a 3-foot-wide striped shoulder that is signed for bicycles.
- Palm Street has Class 3 shared bike lanes north of the Proposed Project site.
- Toro Street has Class 3 shared bike lanes along the Proposed Project frontage with sharrows.

Existing Pedestrian Facilities

Pedestrian facilities currently exist on the south and east frontages to the Proposed Project site on Monterey Street and Toro Street, respectively, with adequate sidewalk access. Marked crosswalks are present at the intersection of Santa Rosa Street and Monterey Street and the intersection of Monterey Street and Toro Street.

The City recently implemented improvements to the intersection of Monterey Street and Toro Street as a "protected intersection" and installed a Beacon for bicycle and pedestrian safety. Both streets are existing "Bicycle Routes."

Existing Transit Service

SLO Transit provides bus service in San Luis Obispo. The following routes serve the Proposed Project area:

- Route 1A travels along Santa Rosa Street and has a stop at Higuera Street about one block from the Proposed Project site.
- Route 1B travels along Monterey Street with a stop at Toro Street.
- Routes 2A and 2B travel along Santa Rosa Street and have a stop at Higuera Street about one block from the Proposed Project site.
- Route 3A travels along Santa Rosa Street and has a stop at Higuera Street about two blocks from the Proposed Project site.

- Route 3B travels along Santa Rosa Street and has a stop at Higuera Street about one block from the Proposed Project site.
- Routes 4A and 4B travel along Monterey Street with a stop at Toro Street.
- Old SLO Trolley travels along Monterey Street with a stop at Toro Street.

In addition, the City's Transit Hub connecting all local and regional buses is located three blocks away on Osos Street at Palm Street.

Based on the existing transit service, the Proposed Project study area is adequately served by existing transit.

3.17.3 Discussion of Checklist Responses

a. *Conflict with applicable circulation plans, ordinances, or policies and applicable congestion management programs* (Less than Significant with Mitigation)

The Proposed Project has been qualitatively evaluated to determine if it is expected to conflict with applicable programs, plans, ordinances, and policies. For the purpose of this analysis, the Proposed Project could result in a significant impact if it conflicts with any of the programs, plans, ordinances, and policies listed above. A conflict could occur if the Proposed Project would preclude the ability of the City of San Luis Obispo to implement its transportation-related goals or policies as identified in the General Plan.

Construction

The Proposed Project would involve demolition of the existing County-owned property at 1144 Monterey Street and residential property at 969 Toro Street. Following demolition, construction of the new courthouse would occur at 1144 Monterey Street and extend north to include a portion of Montereypalm Alley, the southbound westerly lane of Toro Street, and the residential property.

Activities taking place during the demolition/construction phase would likely have short-term impacts to the surrounding transportation system. This may include additional truck traffic, temporary street closures, partial lane closures, and/or traffic detours. The transportation system, including day-to-day vehicular traffic, emergency response vehicles, pedestrians, bicycles, and transit, may experience temporary delays or detours. During construction, access must be maintained for surrounding land uses. Therefore, this impact would be considered potentially significant. In response, the Judicial Council will implement **Mitigation Measure TR-1 (Develop and Implement a Construction Traffic Management Plan)** that would ensure that access to surrounding land uses would be maintained during construction activities and avoid potential conflicts with the City's circulation plans and policies.

Operations

The Proposed Project would include the abandonment of one lane of Toro Street along the eastern frontage of the Proposed Project site, as shown in the conceptual site plan in Attachment B of Appendix H (Moore Ruble Yudell Architects & Planners and Sherwood Engineers [MRY] 2023). This would be accomplished via a Street Abandonment Application submitted by the Judicial Council to the City of San Luis Obispo. The Toro Street right-of-way is proposed to be reduced from 60 feet to approximately 35 feet. The proposed modification of Toro Street would occur from Monterey Street extending north of the existing Montereypalm Alley outlet and would remove one vehicle lane to only allow a single direction of vehicle traffic and remove on-street parking from both sides of the street. The east side of Toro Street, including sidewalk, would remain as existing.

Since Toro Street is currently a bicycle route and the City has identified a future objective in its Active Transportation Plan to designate it as a neighborhood greenway, the City has requested that a contra-flow bikeway be provided in the opposing direction of auto traffic (e.g., auto lanes with sharrows in one direction, contra-flow bike lane in the opposite direction. Refer to Attachment C of Appendix H for the existing and proposed Toro Street cross sections (MRY 2023). If the street abandonment application is approved by the City, it is expected that these improvements may be specified as part of the conditions of approval. In addition, the Proposed Project would remove on-street parking along the Monterey Street frontage of the Project site. As part of this modification, the Proposed Project would construct a "Protected Bike Lane" where the on-street parking was removed.

With the described modifications and corresponding improvements proposed, the Proposed Project would support the implementation of the City's Active Transportation Plan on Monterey Street and Toro Street and the ability of the City to implement its transportation-related goals or policies.

The described modifications would be reviewed and approved by the Judicial Council during completion of the engineer's site design, including working with the City to address and resolve the bicycle lanes and determination on the vehicle direction of travel on Toro Street. The City of San Luis Obispo has also adopted Resolution No. 11437 (2023 Series) supporting the Project at the Proposed Project site within the City's downtown, acknowledging that such site selection may require the City to abandon a portion of Toro Street and Montereypalm Alley to meet the needs of the Project. Within the Resolution, the City has committed to work with the Judicial Council in its efforts to mitigate the potential effects on circulation and traffic flow to Toro Street, Monterey Street, and Montereypalm Alley. Refer to Attachment D of Appendix H for Resolution No. 11437.

Because the courthouse would be relocated from a site approximately 1,000 feet away with no anticipated increase in employee or visitor trips, it would not result in a

substantial change in travel volume in the area. However, conversion of Toro Street to one-way traffic between Monterey Street and Montereypalm Alley under the street abandonment application has the potential to result in conflicts with policies in the City's General Plan Circulation Element and Active Transportation Plan related to bicycling, walking, and other forms of human-powered transportation. Because the Judicial Council would participate in the City's street abandonment process and the road improvements would be designed to comply with the City's street design and engineering requirements, the impact would be ***less than significant***.

Conclusion

The Proposed Project would result in a significant impact if construction activities would conflict with circulation plans, ordinances or policies or applicable congestion management programs. Mitigation Measure TR-1 would reduce the potential for such conflict to a less-than-significant level. Operation of the courthouse would involve some modifications to traffic circulation in the immediate vicinity of the site; final site design review together with the City's Resolution No. 11437 committing to work with the Judicial Council in this regard would avoid potential conflicts with circulation plans, ordinances or policies or applicable congestion management programs. As a result, impacts related to compliance with circulation plans and policies would be ***less than significant with mitigation.***

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) **(Less than Significant)**

Land uses should be evaluated to determine their effect on vehicle trip length and VMT. However, based on OPR recommendations and City VMT Guidelines, it is generally accepted that this type of land use may be screened out of the requirement for a detailed VMT analysis as a public facility.

While some existing County functions (county departments) will remain in the existing Courthouse Annex Building and are expected to continue to operate there once the courthouse functions vacate, the Proposed Project would relocate all courthouse functions and operations from the existing Courthouse Annex building and consolidate court administrative staff offices that have been divided in off-site locations at 1070 Palm Street and leased space at 999 Monterey Street because of space limitations. In addition, per Section 15064.3, since the Proposed Project is shifting the location about one block from the original site and consolidating other off-site offices within close proximity, this would imply that the net change in VMT would be minimal. Therefore, this Project would not result in a substantial VMT impact.

The City of San Luis Obispo VMT Guidelines provide screening thresholds for project exemptions that do not apply to the Proposed Project but are considered by the Judicial Council to determine whether the Proposed Project would have significant impacts. These guidelines list local-serving public facilities such as police and fire stations,

libraries, and neighborhood parks without sporting fields, as uses that may be assumed to cause a less-than-significant impact for VMT and therefore would be exempt from VMT analysis. The Proposed Project is a public facility, and it does serve the local and regional community, similar to the existing courthouse. The impact related to VMT would be ***less than significant***.

c. Increased hazards resulting from geometric design features (Less than Significant)

Any project that causes a substantial increase in on-street hazards due to geometric design will potentially result in a significant impact. The method for determining geometric design impact involves examining the existing interactions on roadways around the Proposed Project site between vehicles to vehicles, vehicles to bikes, and vehicles to pedestrians, and determining how those interactions may change with the Proposed Project.

The Proposed Project conceptual site plan calls for closure of the jogged eastern leg of Montereypalm Alley, which currently has two points of access to the adjacent street network; one access point to Santa Rosa Street and one point of access to Toro Street for the alley-adjacent properties. This closure would change the access points for some existing land uses; however, while their sole access for entry and egress would now be via Santa Rosa Street, the vehicular volumes are deemed sufficiently low that this modification would not have a substantial effect on traffic circulation. According to the Alta Survey (Attachment A of Appendix H), the existing alley is only 16 feet wide at Santa Rosa Street and 14 feet wide at Toro Street. For reference, the minimum alley width per current City engineering standards is 20 feet. Given the narrow width, two-way circulation may be constrained, depending upon vehicle size; vehicles exiting the alley may temporarily block entering vehicles. To minimize on-street queueing, measures may be considered to restrict the Santa Rosa Street access point to a right-in and right-out only (or other) with appropriate signage. Line of sight and visibility would not change with implementation of the Proposed Project, and traffic levels are deemed sufficiently low for this to be less than significant.

Given there is no current truck turnout, waste management trucks currently enter the alley from one access point and exit from the other access point of the alley. Furthermore, the use of Montereypalm Alley by the Proposed Project would be limited to service and delivery vehicles and waste management trucks; the conceptual site design includes a designated turn-out for court delivery and service vehicles and could additionally be utilized by the waste management trucks accessing and servicing the alley. Refer to Attachment E of Appendix H for turning radii study information. With the exception of the existing shortfall in minimum width of the alley, the proposed conceptual site design and new alley configuration would adhere to relevant geometric design standards, including cul-de-sac and pedestrian warning signage.

Although the Proposed Project is relocating services to a new location, most court-related traffic would remain unchanged. Juror, public, and staff parking would continue at the City's public parking garages at 812 Palm street, 919 Palm Street, and 680 Monterey Street. Only 17 parking spaces for judges and court executives and five parked court vehicles would be moved one block from the surface lot at the existing Courthouse Annex to the new location. No additional vehicular, pedestrian, or bicycle traffic would be generated by the Proposed Project. In addition, the 107 existing parking spaces located at 1144 Monterey Street (the Proposed Project site), which are currently being utilized by County staff and the County Public Works vehicle fleet, would be removed along with demolition of the existing building, and the conceptual site design identifies parking spaces for only 22-25 vehicles. Therefore, as a result of the Proposed Project, the overall level of traffic in the immediate area may decrease.

The Proposed Project site would introduce new access driveways and may modify the location of sidewalks and bike lanes resulting from restricting Toro Street to one-way vehicular traffic and removing on-street parking on both sides of Toro Street and the west-bound side of Monterey Street for the length of the site frontage. However, because the site plan design would adhere to the Facilities Standards and the Judicial Council would participate in the City's street abandonment process and design the road improvements to comply with the City's street design and engineering requirements, all transportation modes would be adequately accommodated as part of the design. Therefore, the Proposed Project would not increase hazards from geometric design features, as indicated in Attachment E of Appendix H. The impact would be ***less than significant***.

d. Inadequate emergency access (Less than Significant with Mitigation)

Construction

The Proposed Project would involve demolition of the existing County-owned property at 1144 Monterey Street and residential property at 969 Toro Street. Following demolition, construction of the new courthouse will occur at 1144 Monterey Street with building vehicular set-back buffers extending north to include a portion of Montereypalm Alley, the southbound westerly lane of Toro Street, and the existing residential property north of the Montereypalm Alley.

Activities taking place during the demolition/construction phase would likely have short-term impacts to emergency access. As described above in item 3.17(a), implementation of Mitigation Measure TR-1 would clearly identify emergency access points and ensure that access to existing land uses is maintained during construction.

Operation

The Proposed Project site plan may involve redesigning intersections and/or driveways. The new configuration would modify or limit access to some nearby properties. The final

site plan should clearly identify all access locations, driveways, and emergency vehicles (EVA) access, as well as fire truck turning templates. These should be reviewed by the City Fire Department (FD) at the design stage to confirm their equipment can reach the building areas. With approval of the site plan by the Office of the State Fire Marshall (OSFM) and FD, the impact of Proposed Project operations on emergency access would be less than significant.

Conclusion

Project-related construction activities would obstruct, modify, and/or delay emergency access to and around the site. Implementation of Mitigation Measure TR-1, described in item 3.17(a) above, would ensure that emergency vehicles have unimpeded access to the area. Courthouse operations would be subject to standard FD and OSFM review and approvals, therefore, would be confirmed to maintain acceptable emergency access. The impact would be ***less than significant with mitigation.***

3.17.4 Mitigation Measures

Mitigation Measure TR-1: Develop and Implement a Construction Traffic Management Plan

The Judicial Council shall require that the construction contractor develop and implement a construction traffic management plan for the Proposed Project site. The plan will clearly identify how access for emergency vehicles will be maintained to and around the site during construction. The plan will also describe how access and circulation for pedestrians, cars, cyclists, and transit will be maintained around the site during construction.

3.18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Proposed Project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

3.18.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to tribal cultural resources in relation to the Proposed Project.

State Laws, Regulations, and Policies

In addition to the State laws and regulations listed in Section 3.5, "Cultural Resources," CEQA requires that lead agencies begin consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if so requested by the tribe within the timing provisions of the statute, before the agency releases a negative declaration, mitigated negative declaration, or environmental impact report for a project. The law also specifies, under Pub. Res. Code Section 21084.2, that a project with an effect that may cause a substantial adverse change

in the significance of a TCR is considered a project that may have a significant effect on the environment. The Judicial Council, as the lead agency, has begun consultation with three California Native American tribes pursuant to Pub. Res. Code Section 21080.3.1.

As defined in Pub. Res. Code Section 21074(a), TCRs are:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   (a) Included or determined to be eligible for inclusion in the CRHR; or

   (b) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074(b) and (c) as follows:

   (b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and

   (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe(s) pursuant to Section 21080.3.2 or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

City of San Luis Obispo General Plan, Conservation and Open Space Element. The City of San Luis Obispo does not have any laws, regulations, and policies specific to tribal

cultural resources. As demonstrated in Chapter 3, Cultural Resources, the goals and policies that pertain to Native American resources relate primarily to archaeological deposits. However, sensitivity to the presence of resources important to Native American tribes that are not necessarily archaeological in nature is noted in the Cultural Heritage chapter in the Conservation and Open Space Element of the City's General Plan. Under Section 3.5, the General Plan includes the following policies:

> 3.5.2 Native American sites. All Native American cultural and archaeological sites shall be protected as open space wherever possible.
>
> 3.5.7 Native American participation. Native American participation shall be included in the City's guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considers updates or significant changes to its General Plan.
>
> 3.5.8 Protection of Native American cultural sites. The City will ensure the protection of archaeological sites that may be culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance; sites that may have religious value, even though no artifacts are present; and sites that contain artifacts which may have intrinsic value, even though their archaeological context has been disturbed.

3.18.2 Environmental Setting

California Native American tribes who were identified by the NAHC as having a traditional and cultural association with the project area were notified about the Proposed Project via letters dated July 24, 2024 (see Table 3-13).[1] Follow-up emails were sent, on August 16, 2024, to those who had not yet responded to the original letter. Three tribes requested consultation on the project within the statutory deadline, as discussed below.

[1] There were no tribes included on the list that is maintained pursuant to Pub. Res. Code Section 21080.3.1. However, the Judicial Council reached out to all tribes that were identified by the NAHC as having a traditional and cultural association with the project area.

Table 3-13. Native American Consultation

Organization/Tribe	Name of Contact	Letter Date	Tribal Response Received	Comments
Barbareno/ Ventureno Band of Mission Indians	Dayna Barrios, Chairperson	July 24, 2024; follow-up August 16, 2024		No response to date
Barbareno/ Ventureno Band of Mission Indians	Annette Ayala, CRM Committee Chair	July 24, 2024; follow-up August 16, 2024		No response to date
Chumash Council of Bakersfield	Julio Quair, Chairperson	July 24, 2024; follow-up August 16, 2024		No response to date
Coastal Band of the Chumash Nation	Gabe Frausto, Vice Chair	July 24, 2024; follow-up August 16, 2024		No response to date
Coastal Band of the Chumash Nation	Mia Lopez, Chairperson	July 24, 2024; follow-up August 16, 2024		No response to date

Organization/Tribe	Name of Contact	Letter Date	Tribal Response Received	Comments
Northern Chumash Tribal Council	Violet Walker, Chairperson	July 24, 2024	July 31, 2024	**07/31/2024**: Emailed letter from the Tribe requesting consultation. **08/16/2024:** Virtual consultation with Judicial Council and NCTC. NCTC followed up with email thanking the JCC for the consultation on the same day. **08/21/2024:** NCTC conducted a field review of the Project site with Judicial Council and NCTC. **04/10/25:** Draft IS/MND sections for review were emailed and sent by certified mail. **04/23/25:** Virtual meeting with JCC and Tribe to discuss the IS/MND.
Salinan Tribe of Monterey, San Luis Obispo Counties	Patti Dunton, Tribal Administrator	July 24, 2024; follow-up August 16, 2024	August 23, 2024	**08/21/2024:** Email from the Tribe expressing interest in the project and requesting monitoring by the Tribe. **08/22/2024:** JCC response requesting clarification about the Tribe's intention to consult. **08/23/2024:** Response from Tribe stating that they would like to consult.

Organization/Tribe	Name of Contact	Letter Date	Tribal Response Received	Comments
				08/26/2024: Letter from JCC to Tribe initiating formal consultation and providing potential consultation dates. **09/05/2024:** Virtual consultation with Judicial Council and Tribe. **04/10/2025:** Draft IS/MND sections for review were emailed and sent by certified mail. **04/25/2025:** Virtual meeting with JCC and Salinan Tribe to discuss the IS/MND. **04/30/2025:** Letter received from the Tribe with documentation about presence within the Project area.
San Luis Obispo County Chumash Council		July 24, 2024; follow-up August 16, 2024		No response to date
Santa Ynez Band of Chumash Indians	Kenneth Kahn, Chairperson	July 24, 2024; follow-up August 16, 2024		No response to date

Organization/Tribe	Name of Contact	Letter Date	Tribal Response Received	Comments
Tule River Indian Tribe	Neil Peyron, Chairperson	July 24, 2024; follow-up August 16, 2024		No response to date
yak tit^{y}u tit^{y}u yak tiłhini (YTT) – Northern Chumash Tribe	Mona Tucker, Chairperson	July 24, 2024	August 4, 2024	**08/04/2024:** Emailed request for consultation from YTT. **08/29/2024:** Virtual consultation with YTT and Judicial Council. **04/10/2025:** Draft IS/MND sections for review were mailed and sent by certified mail. **05/09/2025:** Comments on the IS/MND received from the Tribe via email.

Northern Chumash Tribal Council (NCTC)

The NCTC requested consultation on July 31, 2024, and the Tribe met with the Judicial Council in a virtual consultation on August 16, 2024. The Tribe expressed concern about potential buried Native American resources under the Proposed Project site due to known resources that had been previously discovered within the City of San Luis Obispo during similar redevelopment or infrastructure projects. The Tribe requested monitoring during construction and the reburial of any recovered Native American artifacts on the Proposed Project site.

The Judicial Council followed up with a field visit with the NCTC to the Proposed Project site on August 21, 2024.

The Judicial Council forwarded draft Cultural Resources and Tribal Cultural Resources sections of this IS/MND to the Tribe via email and through the US Mail with a certified receipt on April 10, 2025. The Judicial Council requested that the Tribe review and provide comments on the sections and offered to set up a meeting to review their comments. A second virtual meeting was held with the NCTC on April 23, 2025, to review comments from the Tribe about the environmental document. The Tribe provided comments on the mitigation measures. In particular, they had expected that a treatment plan would be developed prior to completion of the IS/MND and would not be included as a mitigation measure. The Judicial Council explained that it cannot be done until after the IS/MND has been certified because the property cannot be purchased and the money for design and construction cannot be encumbered until the environmental document is certified. The Judicial Council expects to begin work on the various treatment plans described in the mitigation measures very soon.

Salinan Tribe of Monterey and San Luis Obispo Counties (Salinan Tribe)

Via email on August 21, 2024, the Salinan Tribe requested monitoring during project construction. The Judicial Council responded, requesting clarification about whether the Tribe wanted to consult on the Proposed Project. The tribe replied with a request for consultation and virtual consultation between the Tribe and Judicial Council was held on September 5, 2024. During the meeting the Tribal representative noted that he believed that there was a lesser chance of encountering buried indigenous materials in the Project area than in portions of the City to the west. However, he requested that Native American items be left in place, if possible, if they were found during construction. Barring preservation in place, he requested that they be reburied somewhere on the Project property. The Tribe stated familiarity with the Project site and declined a site visit with the Judicial Council.

Draft Cultural Resources and Tribal Cultural Resources sections of this IS/MND we submitted to the Tribe via email and through the US Mail with a certified receipt on April 10, 2025. The Judicial Council requested that the Tribe review and provide comments on

the sections and offered to set up a meeting to review their comments. A follow-up virtual meeting was held with the Salinan Tribe on April 25, 2025, to review proposed mitigation measures and the contents of the Project environmental document. The Tribe was discouraged that their presence within the Project area was not discussed, as Salinan peoples were present in the county during the pre-contact era, were brought to the Mission San Luis Obispo as neophytes, and were active in local ranches after the missions were dissolved in the Mexican era. In response, the Tribe submitted a letter, which provided information about the Salinan presence in the Project area for inclusion in the IS/MND.

yak tiᵋu tiᵋu yak tilhini (YTT) – Northern Chumash Tribe

A request for consultation on the Project was submitted to the Judicial Council by the Tribe on August 4, 2024, and a virtual consultation was held on August 29, 2024. The Tribe discussed the topics that they would like to see addressed, including: construction monitoring; pre-construction testing for buried materials; preparation of a demolition plan; preparation of a burial treatment plan; the preservation of any trees located on the property, if possible; the incorporation of native plants into the landscaping; and consideration of inclusion of educational content pertaining to local tribes, such as artwork, signage, or information on the Proposed Project web site.

A field review was suggested by the Judicial Council and the Tribe agreed that it would be beneficial. However, a field review with the Judicial Council and the YTT has not yet occurred.

Draft Cultural Resources and Tribal Cultural Resources sections of this IS/MND we submitted to the Tribe via email and through the US Mail with a certified receipt on April 10, 2025. The Judicial Council requested that the Tribe review and provide comments on the sections and offered to set up a meeting to review their comments. The Tribe provided comments on the IS/MND to the Judicial Council via email on May 9, 2025.

None of the consulting tribes were aware of any known tribal cultural resources at the Proposed Project site. The Judicial Council will continue to work with the Tribes to finalize mitigation measures that will be implemented if tribal cultural resources are found on site in order to satisfy the requirements of CEQA and AB 52.

3.18.3 Discussion of Checklist Responses

a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) (*Less than Significant with Mitigation)*

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (*Less than Significant with Mitigation*)

No tribal cultural resources were identified at the Proposed Project site by any of the tribes who are consulting with the Judicial Council pursuant to AB 52. Nevertheless, buried Native American materials, including human remains, that would be considered tribal cultural resources could be exposed during Project construction. The implementation of Mitigation Measures CR-1 through CR-3, described in Section 3.5, "Cultural Resources," would reduce the impacts of construction on the material attributes of tribal cultural resources to a less-than-significant level. However, Native American burials of human remains and related cultural objects are sacred to all of the consulting tribes, and to disturb such remains or cultural objects during construction is a cultural impact. **Mitigation Measure TCR-1 (Prepare a Burial Treatment Plan)** would ensure that any Native American human remains encountered are treated with the respect and care required by the consulting tribes to mitigate the significant impact. Implementation of Mitigation Measures CR-1 through CR-3 and Mitigation Measure TCR-1 would ensure that impacts on tribal cultural resources would be ***less than significant with mitigation***.

3.18.4 Mitigation Measures

Mitigation Measure CR-1: Provide Cultural Resources Sensitivity Training and Monitoring

A cultural resources sensitivity training program shall be provided to all construction personnel who will be active on the Proposed Project site during earth-moving activities. The training will be developed and conducted by a qualified archaeologist meeting the U.S. Secretary of Interior guidelines for professional archaeologists and a representative from each consulting Native American tribe(s) that chooses to participate. The training will be provided before

the start of ground-disturbing activities. The training program will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and the consequences of violating the relevant State laws and regulations. The worker cultural resources awareness program also will describe appropriate avoidance and minimization measures for resources that have the potential to be on the Proposed Project site and will outline what to do and whom to contact if any potential archaeological or tribal cultural resources, Ancestors, or cultural items are encountered. The program will underscore the requirement for confidentiality and culturally appropriate treatment of any inadvertent discoveries that are of significance to California Native American tribes.

All ground-disturbing activities will be monitored by a compensated representative from the consulting Tribe(s) and a qualified archaeologist. If any pre-contact Native American or historic-era archaeological resources or tribal cultural resources are exposed during construction, work will stop within 50 feet of the resource and be redirected to allow for recordation, including of measurements, and geographic information system (GIS) data. Tribal monitors shall determine whether photography of Native American archaeological and tribal cultural resources is appropriate. Historic-era resources will be photographed by the archaeologist monitor.

Archaeological and Tribal Monitors will be responsible for identifying cultural, archaeological, and tribal cultural resources if they are inadvertently discovered during ground disturbance. Tribal cultural knowledge will be taken into consideration when assessing whether a resource is a tribal cultural resource. If cultural materials are unearthed, the monitors will have the authority to immediately halt work within the buffer zone to allow 48 hours for the on-site archaeological monitors and Tribal monitors to inspect and assess the materials, determine whether additional analysis of the find is warranted, and if construction can proceed inside the buffer zone without further analysis.

Mitigation Measure CR-2: Prepare and Implement an Archaeological and Tribal Cultural Resources Treatment Plan

The Judicial Council will work with the consulting Tribe(s) to develop an Archaeological and Tribal Cultural Resource Treatment Plan (ATCR-TP). The ATCR-TP will provide protocols for treatment of identified archaeological and tribal cultural resources in the disturbance area during project construction. The ATCR-TP will include protocols for the following:

- Avoidance of identified historical resources and tribal cultural resources where feasible;
- Avoidance or preservation in place, where feasible given the limitations of the project site, shall be the preferred methods of addressing inadvertent discoveries of cultural, archaeological, or tribal cultural resources;

- Protocols for respectful treatment of cultural resources identified during monitoring activities, as well as Native American human remains and cultural items;
- Monitoring during construction by an archaeologist and Tribal monitor(s);
- Responsibilities and coordination with the consulting Native American Tribes; and
- Curation of recovered historic-era materials that are not associated with Native American tribes, and culturally appropriate storage and repatriation of Native American resources, including compliance with applicable California and Federal law.

The ATCR-TP will address treatment for both Native American archaeological resources and tribal cultural resources, as well as Native American human remains, culturally affiliated items and grave goods, if any are found, and post-contact resources. In collaboration with consulting Tribes, all activities outlined in the ATCR-TP will be conducted under the direction of individuals who meet the professional qualification standards in Archaeology and Historic Preservation, Secretary of Interior's Standards and Guideline (Federal Register, Volume 48, No. 190, September 29, 1983).

New cultural resources (i.e., those that have not been identified or recorded previously), including tribal cultural resources, identified during construction will be assessed for eligibility for listing in the NRHP/CRHR. Evaluation efforts will involve archival research, archaeological fieldwork, and Tribal consultation and coordination. Fieldwork methodologies will be tailored to the location, circumstance, and nature of the find. Therefore, it may be appropriate to use mechanical trenching techniques, controlled excavation units, or block exposures, shovel sampling explorations, or any combination of these approaches. All newly identified historic-era resources will be thoroughly mapped, photographed, located through GIS, and recorded on DPR 523 forms. Native American resources will be recorded at the direction of the Tribal monitor(s) and will be photographed only with their permission. Native American human remains will never be photographed.

If resources are determined to be eligible to the NRHP/CRHR and cannot be avoided or preserved in place during construction, data recovery shall be required. Data recovery may involve archaeological excavation or detailed recordation on DPR 523 forms. Data collection which impacts tribal cultural resources or Native American human remains, grave goods, or cultural items will be done only with the written consent of the consulting Tribe(s). Any Native American human remains, cultural items, or grave goods that are subject to the California Native American Graves Protection and Repatriation Act will be returned to the designated Most Likely Descendant's (MLD's) Tribe, which will be compensated for reasonable repatriation costs. Alternately, the Judicial Council will provide an

appropriate and secure location to repatriate recovered items, preferably on the Proposed Project site. No laboratory analysis or destructive data analysis of Native American belongings will be permitted without the express written permission of the designated MLD's Tribe.

Mitigation Measure CR-3: Implement Response Protocol for the Unanticipated Discovery of Human Remains

Consistent with the California Health and Safety Code and the California Native American Historical, Cultural, and Sacred Sites Act, if suspected human remains are found during project construction, all work shall be halted within 50 feet of the finds, and the San Luis Obispo County coroner shall be notified to determine the nature of the remains. The coroner shall examine all discoveries of suspected human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall then assign a most likely descendant (MLD) to serve as the main point of Native American contact and consultation. Following the coroner's findings, the MLD, in consultation with the Judicial Council, shall determine the ultimate treatment and disposition of the remains in accordance with the Burial Treatment Plan discussed in Mitigation Measure TCR-1.

Mitigation Measure TCR-1: Prepare a Burial Treatment Plan

The Judicial Council shall work in collaboration with consulting Native American tribes to develop a Burial Treatment Plan prior to the onset of construction, which will establish protocols for treating Native American human burials should they be found during Project construction. Under these protocols, the responsibility for identifying ancestral burials and funerary objects would fall to the Native American Most Likely Descendant named by the Native American Heritage Commission. The treatment plan will take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

3.19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:				
a. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

3.19.1 Regulatory Setting

Federal Laws, Regulations, and Policies

The following federal regulations are applicable to utilities and service systems in relation to the Proposed Project.

Clean Water Act. The CWA was originally enacted in 1948 and has been amended numerous times, with significant expansions in 1972 and 1977. The CWA's main objectives are to maintain and restore the chemical, physical, and biological integrity of waters through the authorization of standards. Authority for the implementation and enforcement of the CWA lies primarily with the USEPA and its delegated state and local agencies.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to utilities and service systems in relation to the Proposed Project.

California Integrated Waste Management Act of 1989. The California Integrated Waste Management Act of 1989, enacted through AB 939 and modified by subsequent legislation, required all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 (Pub. Res. Code Section 41780). Later legislation mandated that the 50 percent diversion requirement be achieved every year. A jurisdiction's diversion rate is the percentage of its total waste that is diverted from disposal through reduction, reuse, and recycling programs. The state, acting through the California Integrated Waste Management Board, determines compliance with this mandate. Per capita disposal rates are used to determine if a jurisdiction's efforts are meeting the intent of the act.

Assembly Bill 341, Solid Waste Diversion. Effective July 1, 2012, California's Commercial Recycling Bill (AB 341) established a policy goal for California that at least 75 percent of solid waste generated be source-reduced, recycled, or composted by 2020. The bill is intended to reduce GHG emissions by diverting recyclable materials and expand the opportunity for increased economic activity and green industry job creation. AB 341 is a statewide policy goal rather than a city or county jurisdictional mandate.

2023 California Trial Court Facility Standards (Facilities Standards). The Judicial Council's Facilities Standards requires that new court facilities comply with the current version of the CALGreen Nonresidential Mandatory Measures, the current version of the California Energy Code, and current LEED Silver criteria. In addition, it specifies compliance requirements and goals related to construction waste and waste management:

l. Plan for recycling of materials during construction, demolition, and occupancy. Develop specifications for construction recycling; require contractors to develop a construction waste management plan that identifies waste minimization and recycling strategies. The construction project shall, at minimum, meet the mandatory waste diversion rates specified in CALGreen at the time of project permitting.

m. Provide collection bins for public refuse and recyclable and organic materials on each floor, as well as a staging area for materials collection.

Court Facilities: Water Conservation Policy. In 2015, the Judicial Council adopted a water conservation policy (Judicial Council 2015) that provides water conservation best practices for both capital projects and existing courthouse facilities. The following practices would be incorporated into the design of the Proposed Project:

1. Water Conservation During Construction.
    a. Capital projects required to remove groundwater (dewater) during construction excavation should make best efforts to recycle or reuse the groundwater collected, if feasible.
    b. Non-potable water should be used for dust control activities, if feasible.
2. Plumbing Fixtures.
    a. Capital projects should install plumbing fixtures that meet or, if possible, exceed the April 2014 California Energy Commission (CEC) or California Green Code standards, whichever are most stringent, if feasible.
3. Landscaping.
    a. Landscaping design that does not include turf/grass should be considered, if feasible.
    b. Landscaped areas should include indigenous and climate-appropriate, drought-tolerant plants and trees, if feasible.
4. Irrigation Systems.
    a. Irrigation systems should target systems using drip and microsprayers only if feasible.
    b. Irrigation systems should include an automated "smart" controller, if feasible.
    c. Irrigation systems should include a water meter, or submeter, separate from building supply, if feasible.
5. Onsite Water Management.
    a. Onsite storm water management practices, where feasible given site limitations, should include water retention basins or other practices to recharge groundwater through natural percolation.

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant. The following local laws, regulations, and policies are applicable to utilities and service systems in relation to the Proposed Project.

City of San Luis Obispo Water and Wastewater Element. The Water and Wastewater Element of the City of San Luis Obispo General Plan provides the following policies and implementation measures relevant to utilities and service systems that are applicable to the Proposed Project:

> 5.2.5 Paying for Water for New Development. New development shall pay its proportionate or "fair share" for water supplies, expanded treatment and distribution system capacity and upgrades.

3.19.2 Environmental Setting

Water

The City of San Luis Obispo invests in multiple water sources to meet water supply needs. Sources include Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, recycled water, and historic groundwater wells which are kept on stand-by (City of San Luis Obispo 2024). Together these can potentially provide approximately 10,000 acre-feet per year, significantly exceeding the current annual water use requirement of around 4,700 acre-feet per year (City of San Luis Obispo 2024). Further, proactive planning, equipment upgrades and diversifying water sources should allow the City to handle future periods of inadequate rainfall (City of San Luis Obispo 2024).

Sewer

The Water Resource Recovery Facility (WRRF) treats all of the sewage within the City of San Luis Obispo, approximately 4.5 million gallons a day (City of San Luis Obispo 2024e). The facility design and permitted flow is 5.4 million gallons per day (MGD) (Central Coast Regional Water Quality Control Board 2024).

Stormwater

In the City of San Luis Obispo, stormwater and wastewater (sewer) systems are completely separate, and stormwater runoff which makes its way to storm drains receives no treatment or processing but flows directly to local creeks and the ocean (City of San Luis Obispo 2024d). The San Luis Obispo Public Works Department conducts storm drain replacement and maintenance, cleaning is conducted by wastewater collections staff, and inspections are performed by a storm cleaning crew (City of San Luis Obispo 2024c).

Solid Waste

The City of San Luis Obispo contracts residential and commercial waste, recycling, and organics collection services with San Luis Garbage (City of San Luis Obispo 2024a). All organic waste is directed to the Kompogas facility to the south of the City and even further south are located Cold Canyon Materials Recovery Facility and Cold Canyon Landfill, where recycling and landfill materials are taken, both of which are owned and operated by Waste Connections, the parent company of San Luis Garbage (City of San Luis Obispo 2024b). The Cold Canyon Landfill can accept up to 1,650 tons per day and has a remaining capacity of approximately 13 million tons as of August 2020 (CalRecycle 2019).

Electricity and Natural Gas

Electrical service would be provided by Central Coast Community Energy across Pacific Gas and Electric Company distributed infrastructure.

3.19.3 Discussion of Checklist Responses

a. Require the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities or expansion of existing facilities, the construction or relocation of which could cause significant environmental effects **(No Impact)**

The Proposed Project site is served by existing utilities, and there is a planned like-for-like replacement under the proposed configuration; however, it would be carried out in compliance with all City and State policies . There would be ***no impact***.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years **(Less than Significant)**

The Proposed Project would require minimal amounts of water during demolition and construction activities (e.g., for dust control). This water may be obtained from water trucks or municipal sources and would not necessitate the construction of new or expanded water facilities.

The Proposed Project would increase demand at the proposed relocation site, as it would be a larger development than the existing county-owned building and residential dwelling on-site. As discussed in Chapter 2, Project Description, total annual water use for the Proposed Project (both indoor use and landscaping) is estimated at approximately 1,025,533 gallons per year. This would represent approximately 3.14 acre-feet per year. As discussed above, the City of San Luis Obispo has a potential capacity of 10,000 acre-feet per year, and currently uses around 4,700 acre-feet per year (City of San Luis Obispo 2024). Therefore, the Proposed Project would represent an increase of approximately 0.066 percent and would not exceed typically available water supplies. The City has also worked to ensure water availability is reliable even during periods of drought.

Overall, the Proposed Project would not result in the need to construct new or expanded water or wastewater facilities. Therefore, this impact would be ***less than significant.***

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments **(Less than Significant)**

As discussed above, the City of San Luis Obispo has a separate stormwater and wastewater system. Stormwater flows directly to creeks from stormwater drains while wastewater is treated at the WRRF.

As discussed in Chapter 2, *Project Description*, depending on the type of equipment used, the total domestic and mechanical water use could be approximately 900,000 gallons per year, an average of 2,466 gallons per day. Assuming that total is ultimately

directed to the wastewater system, this would be an approximately 0.055 percent increase to the approximately 4.5 million gallons processed daily by the WRRF, and it would therefore not exceed the WRRF permitted flow limits as discussed above. Furthermore, the Proposed Project would be replacing an existing development; consequently, the overall amount of increased water demand would be relatively minor and within wastewater treatment providers' existing capacity. Therefore, this impact would be ***less than significant*.**

d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Less than Significant)

Project demolition activities could generate substantial quantities of solid waste. In accordance with Facilities Standards, a construction waste management plan would be developed by contractors prior to beginning work on the Proposed Project. This plan would meet the minimum waste diversion requirements of CALGreen at the time of permitting and is intended to provide for recycling of materials from demolition through to construction and into occupancy. Presently, CALGreen mandates that projects "recycle and/or salvage for reuse a minimum 65% of the nonhazardous C&D debris generated during the project" (CalRecycle 2025).

While there are no specific figures available estimating the total solid waste which would be generated by construction, site excavation could generate approximately 9,200 cubic yards of soil export (excluding soil re-used on site), and demolition could generate approximately 3,945 cubic yards of waste (MRY 2023). Should all of this material be unable to be recycled and instead be sent to the landfill, it would not exceed the existing landfill capacity which, as discussed above, as of 2020 had 13 million tons of capacity remaining.

During operation, while the amount of solid waste generated by the site will likely increase, the scale of the increase would not approach the landfill capacity of 1,650 tons per day. As described above, the construction waste management plan would also identify recycling strategies for building occupation, reducing the amount of waste generated. As required by the Facilities Standards, the Proposed Project would comply with the current version of the CALGreen Nonresidential Mandatory Measures, the current version of the California Energy Code, current LEED Silver criteria, and requirements and goals related to construction waste and waste management. Therefore, waste generated by the Proposed Project during construction and operation would be managed appropriately and in accordance with applicable federal, state, and local regulations related to solid and hazardous waste management. Therefore, this impact would be ***less than significant***.

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste **(Less than Significant)**

Materials resulting from demolition of the existing County-owned building, parking area, residential structure, and vegetation that occupy the Proposed Project site would be recycled or hauled off site to an appropriate landfill or transfer facility in accordance with applicable statutes and regulations, including CALGreen. Excavation operations at the site would export material to an offsite location in compliance with federal and state requirements. Adequate solid waste storage areas will be incorporated at the Proposed Project building and site design. Operational solid waste would continue to be removed by the City's waste collection services in a manner similar to that of the current courthouse site which is in compliance with all federal, state, and local statues and regulations. The impact would be ***less than significant.***

3.19.4 Mitigation Measures

None required.

3.20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☒	☐	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

3.20.1 Regulatory Setting

Federal Laws, Regulations, and Policies

No federal regulations are applicable to wildfire in relation to the Proposed Project.

State Laws, Regulations, and Policies

The following state laws, regulations, and policies are applicable to wildfire in relation to the Proposed Project.

2018 Strategic Fire Plan for California. The Strategic Fire Plan, developed by the State Board of Forestry and Fire Protection, provides direction and guidance to CALFIRE and its 21 field units. The 2018 Plan sets forth the following goals focused on fire prevention, natural resource management, and fire suppression efforts:

a. Improve the availability and use of consistent, shared information on hazard and risk assessment;

b. Promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities;

c. Foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans (CWPPs);

d. Increase awareness and actions to improve fire resistance of man-made assets at risk;

e. Increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management;

f. Integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers;

g. Determine and seek the needed level of resources for fire prevention, natural resource management, fire suppression, and related services; and

h. Implement needed assessments and actions for post-fire protection and recovery.

California Public Resources Code. The Public Resources Code includes fire safety regulations restricting the use of certain equipment that could produce sparks or flames and specifies requirements for the safe use of gasoline-powered tools in fire hazard areas. Contractors must comply with the following requirements during construction activities at any sites with forest , brush-, or grass-covered land:

a. Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Pub. Res. Code Section 4442).

b. Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Pub. Res. Code Section 4428).

c. On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire-suppression equipment (Pub. Res. Code Section 4427).

d. On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines must not be used within 25 feet of any flammable materials (Pub. Res. Code Section 4431).

Local Laws, Regulations, and Policies

The Judicial Council, acting as the judicial branch of State government, is not subject to local land use regulations; however, the Judicial Council, as lead agency, considers local policies in evaluating whether the Proposed Project's impacts would be significant.

City of San Luis Obispo Climate Adaptation and Safety Element. The Climate Adaptation and Safety Element of the City of San Luis Obispo General Plan provides the following policy and implementation measures relevant to wildfire:

Policy FI-5.3: City-Wide Fire-Smart New Development. The City shall only approve development when adequate fire suppression services and facilities are available or will be made available concurrent with development, considering the setting, type, intensity, and form of the proposed development. Ensure that new development projects include adequate measures to minimize fire hazards while remaining in compliance with housing laws regarding objective design standards and discretionary review. Fire protection plans should address wildland fuel transition zones surrounding the development and include the following components:

- Provisions for the maintenance of vegetation within the subdivision to reduce wildfire risk
- Requirements for hardening of structures to mitigate fire risk that meets or exceed the California Building Code
- Landscaping and defensible space design around a proposed structure that reduces wildfire risk.

3.20.2 Environmental Setting

The Project is located within an urbanized developed part of the City of San Luis Obispo. Existing on-site vegetation is minimal. Vegetation in the wider area primarily consists of street trees, commercial landscaping, and residential back yards.

Fire Hazard Severity Zones (FHSZ) are mapped by the OSFM and are determined based on factors such as slope, winds, and fuel loading, and are divided into classifications (moderate, high, and very high) (CAL FIRE, 2024a).

Neither the City (City of San Luis Obispo 2023) nor CAL FIRE (2024b, 2024c) classify the Proposed Project site as a fire hazard zone. There are two VHFHZ (very high fire hazard zone) in the Local Responsibility Area approximately the same distance from the project area, but in opposite directions (CAL FIRE 2024c). One is approximately 0.75 miles to the west; the other is approximately 0.8 miles to the east. Similarly, there are segments of VHFHZ in the State Responsibility Area; one is approximately 0.9 mile to the west of the Proposed Project site, and the other is 0.8 mile to the east (CAL FIRE 2024c). Other nearby areas to the north and south (outside of City boundaries) are largely

classified as "high" or "moderate" (CAL FIRE 2024c). Data provided by the U.S. Forest Service indicates that the residential parcel at 969 Toro Street is within a Wildland-Urban Interface, and that much of the area in the immediate vicinity is also classified that way (USFWS 2023).

3.20.3 Discussion of Checklist Responses

a. Substantially impair an adopted emergency response plan or emergency evacuation plan **(Less than Significant with Mitigation)**

The Proposed Project is located at the intersection of Monterey Street, a well-used local road, and Toro Street. Project construction would require the use of both streets for construction workers and equipment to access the site. Construction related trips may cause temporary slowdowns on public roads. Furthermore, during construction and operation, a portion of Montereypalm Alley and the southbound lane of Toro Street would be permanently closed. Thus, should the construction period coincide with an emergency, construction could result in delays and contribute to temporary impairment of an emergency response plan or evacuation plan. As discussed in Section 3.17, "Transportation," Mitigation Measure TR-1 would ensure that a plan for management of construction traffic would be implemented. This would help to minimize potential impacts and maintain adequate traffic flow and access for emergency vehicles. This impact would be ***less than significant with mitigation***.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire **(Less than Significant)**

Project construction and operation would take place in an urban area in the jurisdiction of SLOFD so would not place people or structures in areas without adequate fire protection. It would also not increase the amount of wildland areas, which might increase the possibility of a fire. In addition, standard construction practices, such as on-site fire suppression equipment and spark arrestors on all equipment with internal combustion engines, would reduce the risk of fire during construction. Therefore, this impact would be ***less than significant.***

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment **(Less than Significant)**

The Proposed Project would involve the demolition of the existing on-site structures and the construction of a new building. These activities would require new connections to power lines and other utilities and would also permanently close a portion of Montereypalm Alley and the southbound lane of Toro Street. However, the Proposed Project site is in a developed area with existing infrastructure, and the Proposed Project

would remain within the service area of the SLOFD. No new or exacerbated fire risk would result. Therefore, this impact would be ***less than significant.***

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes **(Less than Significant)**

There are some minor elevation changes on the Proposed Project site and surrounding area, with a gentle downward slope from the northwest to the southeast, with a difference of approximately 27 feet in the 400 feet between Palm Street and Monterey Street. Construction activities could have the potential to contribute to erosion during construction; however, preparation and implementation of the SWPPP as part of the general construction permit would reduce the amount of erosion on-site. During operation, on-site coverage and uses would be similar to existing conditions and would not include features that would substantially increase the risk to people or structures of flooding, landslides, post-fire slope instability, or drainage changes. Therefore, impacts would be ***less than significant***.

3.20.4 Mitigation Measures

Mitigation Measure TR-1: Develop and Implement a Construction Traffic Management Plan

The Judicial Council shall require that the construction contractor develop and implement a construction traffic management plan for the Proposed Project site. The plan will clearly identify how access for emergency vehicles will be maintained to and around the site during construction. The plan will also describe how access and circulation for pedestrians, cars, cyclists, and transit will be maintained around the site during construction. The plan will be consistent with adopted CTCFS design guidelines.

3.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, threaten to eliminate a plan or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

3.21.1 Discussion of Checklist Responses

a. Effects on environmental quality, fish or wildlife, and historic resources (Less than Significant with Mitigation)

Environmental Quality

As described in Sections 3.1 through 3.20 of this environmental checklist, the Proposed Project has the potential for significant impacts on various environmental resources that could degrade the quality of the existing environment.

As discussed in Section 3.3, construction of the proposed project could result in air quality impacts related to a cumulatively considerable net increase of criteria pollutants, ROG and NOx. Mitigation Measure AQ-1 would reduce this impact to less than significant with mitigation through reducing VOC emissions that would contribute to an exceedance of ROG and NOx thresholds during construction.

As discussed in Section 3.9, project construction could create a significant hazard through transport, use, or disposal of hazardous materials; the accidental but reasonably foreseeable upset and accident conditions that could release hazardous materials; the emission of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure HAZ-1, which would reduce this impact to less than significant with mitigation by requiring measures to reduce risk of release; Mitigation Measure HAZ-2, requiring environmental measures during project construction; and Mitigation Measure TR-1, development of a construction traffic management plan.

As discussed in Section 3.10, construction of the Proposed Project would involve ground disturbance associated with demolition and excavation, which loosen soils and could result in erosion and sedimentation. Implementation of Mitigation Measure HAZ-1 would ensure that hazardous materials releases during construction are avoided/minimized to the extent feasible, and that impacts on surface water or groundwater quality is minimized in the event such releases do occur. Mitigation Measure HAZ-2 would require preparation of an SMP, compliance with hazardous materials and asbestos regulations and procedures, and appropriate disposal of groundwater encountered during excavation.

As discussed in Section 3.20, should the construction period coincide with an emergency, construction could result in delays and contribute to temporary impairment of an emergency response plan or evacuation plan. Mitigation Measure TR-1 would ensure that a construction traffic management plan would be implemented.

Wildlife Habitat and Populations; Rare and Endangered Species

As discussed in Section 3.4, the potential exists for disturbance and tree removal during demolition, excavation, and construction activities to have significant impacts on nesting birds protected under the MBTA. Implementation of Mitigation Measure BIO-1 would require nesting bird surveys before the beginning of construction and avoidance of nesting birds.

California History and Prehistory

As described in Section 3.5, the area is known to be sensitive for both Native American pre-contact sites, and post-contact sites dating to the Mission era. As a result, the area appears sensitive for buried archaeological resources that could be determined eligible for the CRHR/NRHP if they are uncovered by Project activities. Although there is no evidence that human remains are present within the Proposed Project site, there remains the possibility that human remains could be discovered during excavation activities. Therefore, this impact would have the potential to significantly impact cultural resources. Implementation of Mitigation Measures CR-1, CR-2, CR-3, and TCR-1 would reduce the

impacts to less than significant with mitigation by requiring cultural resources sensitivity training and monitoring; preparation of an ATP; implementing appropriate response protocols in case of discovery of human remains; and requiring that any Native American human remains encountered are treated with the respect and care required by the consulting tribes.

Conclusion

As identified in this IS/MND and described above, the impact on environmental quality, fish or wildlife, and historic resources would be ***less than significant with mitigation.***

b. Cumulative Impacts (Less than Significant with Mitigation)

A cumulative impact refers to the combined effect of "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). Cumulative impacts reflect "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA Guidelines Section 15355[b]).

Lead agencies may use a "list" approach to identify related projects or may base the identification of cumulative impacts on a summary of projections in an adopted general plan or related planning document (CEQA Guidelines Section 15130[b]), also known as the "projection" approach. This document utilizes a combination of the list and projection approaches. Project contributions to regional cumulative impacts (air quality, GHG emissions) are evaluated using the projection approach, while Project contributions to localized cumulative impacts (biological resources, noise and vibration, transportation) are evaluated using the list approach.

General Plan Projections

The Land Use Element of the City's General Plan (City of San Luis Obispo 2014) describes the anticipated population and employment numbers through the 2035 planning horizon. The General Plan anticipates growth in population, jobs, and non-residential square footage between 2010 and 2035, as shown in Table 3-14.

Table 3-14. Growth Anticipated by the City of San Luis Obispo General Plan

Growth Category	2010	2020	2035	Percent Growth
Population	43,937	45,969	48,550	10%
Jobs	33,000	36,900	42,400	30%
Non-residential development (square feet)	18,150,000*	20,295,000	23,320,000	28%

*Estimated based on number of jobs

Source: City of San Luis Obispo 2014

Operationally, the Proposed Project involves relocation of an existing facility to a nearby property with no expansion of staffing or public use. Therefore, the Proposed Project is accounted for in the General Plan growth projections.

List of Cumulative Projects

Projects with the potential to contribute to the same cumulative impacts as the Proposed Project would likely be within close geographic proximity to the project area, except for certain resources (e.g., air quality, GHG emissions). The City's planning department website (City of San Luis Obispo 2024) was consulted to determine projects that could combine with the Proposed Project to yield cumulative impacts. The projects likely to have impacts similar to and in combination with the Proposed Project are listed in Table 3-15.

Table 3-15. Cumulative Projects in San Luis Obispo

Project/Planning Status	Location	Description
Planning Review		
466 Dana Waterman Village	466 Dana Street	Residential development consisting of 20 affordable residences on the property of the Rosa Butrón Adobe.
Building Review		
Marsh and Chorro Mixed Use	Corner of Marsh Street and Chorro Street	Mixed-use project consists of seven-story structure with approximately 30,000 square feet of commercial/office space and 50 residential units.
Olive Mixed Use	Olive Street west of Santa Rosa Street; north of US 101	Development of a four-story mixed-use project consisting of approximately 3,500 square feet of commercial space, and 15 residential units.
Under Construction		
Peach Street Commons	Peach Street between Toro Street and Santa Rosa Street	Development of five new two-story, single-family residences, being added to a site with five existing.
Cultural Arts District Parking Structure	888 Morro Street	Development project consisting of a five-story public parking garage and 23,334 square feet of commercial space for the SLO Rep Theatre.

The cumulative projects identified in Table 3-15 are commercial and/or residential development projects in the general vicinity of the Proposed Project site. Each of these projects could result in environmental impacts similar to those of the Proposed Project. Operationally, the Proposed Project involves relocation of an existing facility to a nearby property with no expansion of staffing or public use. Design of the Proposed Project would result in some changes to traffic patterns; however, none of the cumulative projects would rely exclusively on roadways affected by the Proposed Project design. Therefore, operational impacts of the Proposed Project would not contribute to a significant cumulative impact.

Construction-related impacts of the Proposed Project would be temporary and would be reduced to less-than-significant levels with mitigation identified in Sections 3.1 through 3.20. None of the cumulative projects are near enough to the Proposed Project site to result in a significant cumulative impact related to construction activities. As a result, the Proposed Project would not have incremental impacts that are individually limited but considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The impact is less than significant.

Conclusion

Operationally, the Proposed Project involves relocation of an existing facility to a nearby property with no expansion of staffing or public use. Design of the Proposed Project would result in some changes to traffic patterns; however, none of the cumulative projects would rely exclusively on roadways affected by the Proposed Project design. None of the cumulative projects are near enough to the Proposed Project site to result in a significant cumulative impact related to construction activities. As a result, with implementation of mitigation measures identified in Sections 3.1 through 3.20, the Proposed Project would not have incremental impacts that are individually limited but considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The impact would be ***less than significant with mitigation***.

c. Effects on Human Beings

As discussed in Sections 3.9, 3.15, and 3.17, project construction could cause temporary interruptions in access on Toro Street. However, Mitigation Measure TR-1 would reduce the impact to less than significant with mitigation by requiring that contractors prepare and implement a construction traffic management plan to manage traffic flow during construction and ensure adequate emergency access.

As discussed in Section 3.17, project construction has potential to interfere with the flow of traffic, resulting in a traffic hazard and impeding emergency access. Implementation of Mitigation Measure TR-1 would reduce the impact to less than significant with mitigation by requiring preparation of and adherence to a construction traffic management plan

Conclusion

As identified in this IS/MND and described above, impacts on human beings would be ***less than significant with mitigation***.

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4.0 References

This chapter provides information for all references cited in the IS/MND.

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None cited

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