New Solano Courthouse

Initial Study / Mitigated Negative Declaration

Prepared for:

Judicial Council of California

NOVEMBER 2025

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New Solano Hall of Justice Courthouse Project

Initial Study / Mitigated Negative Declaration

Prepared for:

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New Solano Hall of Justice Courthouse Project
Draft Mitigated Negative Declaration

Project: New Solano Hall of Justice Courthouse Project

Project Proponent: Judicial Council of California
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833

Lead Agency: Judicial Council of California

Availability of Documents: The Initial Study for this Mitigated Negative Declaration is available for review at:

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PROJECT DESCRIPTION

The Judicial Council of California (Judicial Council) is proposing the New Solano Hall of Justice Courthouse Project (Project) to construct a new courthouse for the Solano Superior Court on the site of the existing Solano Hall of Justice (Solano HOJ), which houses the Superior Court of California, County of Solano. The Project site is at the southeast corner of Texas Street and Union Avenue, which inclues the 600 Union Avenue and 501 Texas Street addresses in the City of Fairfield. The Project site is bounded on three sides by public roadways (Texas Street to the north, Washington Street to the east, and Union Avenue to the west) and several contiguous buildings containing the Solano County Law and Justice Center, Sheriff's Office, Coroner's Office, and Jail to the south on the same parcel as the Project site. The remainder of the Project parcel contains several other County-owned buildings, a staff parking lot, and site landscaping. The Project site and the surrounding buildings described above comprise the 17-acre Downtown Fairfield Justice Campus.

The Project site is an approximate two and ninety-four hundredths (2.94)-acre portion of land owned by the County of Solano (County) on which the existing Solano HOJ, the County's Co-Op Building, small staff parking lot, and other improvements are currently located. The Solano HOJ is jointly occupied by the County and the Court pursuant to a Joint Occupancy Agreement between the Judicial Council and the County of Solano dated June 27, 2007. Pursuant to the Trial Court Facilities Act of 2002, and the Transfer Agreement Between the Judicial Council and the County of Solano for the Transfer of Responsibility for Court Facilities dated June 27, 2007, the Judicial Council has a 72.82% equity share of the Solano HOJ. The Judicial Council would acquire fee title to the property from the County for construction of the new courthouse. The North Wing of the HOJ was originally constructed as a high school in 1915 and converted to a

courthouse building in 1968. The South Wing addition was constructed in 1973. The HOJ building includes 12 courtrooms, justice chambers, support spaces and building support. The Solano County Co-Op, located east of the Solano HOJ, is a two-story building that houses County operations including the Sheriff's Investigation Unit. A small staff parking lot is provided to the north and east of the HOJ building wings with a service drive extending between the Solano HOJ and Co-Op buildings. The current parking availability for both the existing HOJ and Co-Op buildings is approximately 64 spaces.

Since the Judicial Council is the lead agency for the proposed Project and is acting for the State of California, local government land use planning and zoning regulations do not apply to the proposed Project. Accordingly, the Project will not be subject to local general plan designations. However, the Judicial Council considers county and/or city policies and guidelines as appropriate to determine whether the proposed Project would be consistent with the site's character and surroundings.

The Project involves demolition of the existing HOJ and Co-Op buildings and construction of a new courthouse building. The proposed new courthouse would be an approximately 141,000 square-foot building with a maximum height of five stories. Design height of the building is not yet determined; however, assuming 5 stories, , the approximate building height would be 86 feet. All five levels of the building would be above ground. The ground floor area of the newcourthouse would approximately measure 29,240 square feet in size; this area constitutes the total lot coverage/footprint of the proposed building. The new courthouse would have roughly the same footprint as the South Wing of the existing HOJ building.

The upper three levels (i.e., the tower) of the building would have smaller floor areas than the bottom two levels (i.e., the podium). As with the existing HOJ building, the new courthouse would have 12 courtrooms, support spaces, justice chambers, administrative and operations areas, a lobby, and a public entry. The Project may install landscaping consistent with the Judicial Council's water conservation policy.

The Fairfield Justice Campus and Asset Protection and Resiliency Project is a separate County project that intends to replace or upgrade existing storm drainage facilities across approximately 4.6 acres of the Fairfield Justice Campus, including the new courthouse Project site, to improve drainage and manage overland stormwater runoff. Specific upgrades include low barrier walls, hydraulic gates, landscaped berms, and roadway ramps on Delaware Street and Washington Street. The Project would integrate with the County asset protection project as needed to achieve the County's flood protection objectives.

New on-site public parking would be provided in a single surface parking lot located to the northeast of the new courthouse building in roughly the same location as the existing on-site surface parking lot. The new on-site parking lot would contain 159 parking spaces available to staff members. Vehicular access to the new staff parking lot would be provided from Washington Street. In addition to the 159 spaces contained in the surface parking lot, 17 secured parking spaces for judicial officers and executive staff would be located within the new courthouse. Access to the 17 secure judicial parking spaces would be provided via a new ingress/egress driveway extending from the new courthouse to Washington Street. The Project would provide 176 parking spaces in total, resulting in approximately 100 additional parking spaces compared to existing conditions. Total parking need estimated for the Project is 240

spaces. An additional 64 spaces are available at the existing parking lot owned by the Judicial Council across Texas Street adjacent to the Old Courthouse for overflow parking.

Construction will be phased in alignment with the Office of the State Fire Marshal's permitting. The Project is proposed to be constructed in three phases to ensure continuous court operations concurrent with Project construction.

PROPOSED FINDINGS

The Judicial Council has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant Project effects, but:

1. Incorporation of mitigation measures presented in this Initial Study would avoid or mitigate the effects to a point where no significant effects would occur; and

2. There is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the Project.

BASIS OF FINDINGS

Based on the environmental evaluation presented in the attached Initial Study, the Project would not cause significant adverse effects related to: aesthetics, agricultural and forestry resources, energy, land use and planning, mineral resources, noise, population and housing, public services, recreation, utilities/service systems, and wildfire.

The environmental evaluation has determined that the Project would have potentially significant impacts on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, transportation, and tribal cultural resources as described below. With mitigation incorporated into the Project, the Project does not have impacts that are individually limited, but cumulatively considerable.

<u>Mitigation Measures</u>

The Project could result in significant adverse effects on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources. However, the Project has been revised to include the mitigation measures listed below, which reduce these impacts to a less-than-significant level. With implementation of these mitigation measures, the Project would not substantially degrade the quality of the environment, 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 substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the Project cause substantial adverse effects on humans, either directly or indirectly.

Impact AIR-1: Project construction emissions would have the potential to result in incremental cancerogenic health risk increases that are in excess of the BAAQMD's threshold of 10 excess cancers per million population.

Mitigation Measure AIR-1: Construction Equipment Restrictions. To reduce potential, short-term adverse health risks associated with $PM_{2.5}$ exhaust emissions, including emissions of DPM generated during Project construction activities, the Judicial Council shall require its designated contractors, contractor's representatives, and/or other appropriate personnel to comply with the following construction equipment restrictions:

- All mobile construction equipment greater than 50 horsepower in size shall meet with U.S. EPA and CARB Tier IV final exhaust emission standards. This may be achieved via the use of equipment with engines that have been certified to meet U.S. EPA and CARB Tier IV final emissions standards, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control strategy (e.g., particulate filter) capable of reducing exhaust $PM_{2.5}$ emissions to levels that meet U.S. EPA and CARB Tier IV final emissions standards.

As an alternative to having all mobile construction equipment greater than 50 horsepower meet U.S. EPA and CARB Tier IV final exhaust emission standards, the Applicant may prepare and submit a refined construction health risk assessment to the Judicial Council once additional Project-specific construction information is known (e.g., specific construction equipment type, quantity, engine tier, and runtime by phase). The refined health risk assessment shall demonstrate and identify any measures necessary such that the proposed Project's incremental carcinogenic health risk at nearby sensitive receptor locations is below the applicable BAAQMD threshold of 10 cancers per million population.

Effectiveness:	This measure would reduce construction exhaust emissions to levels below BAAQMD significance thresholds.
Implementation:	The Judicial Council or its contractor shall incorporate this air quality mitigation measure into all appropriate engineering and site plan (e.g., building, grading etc.) documents.
Timing:	Prior to any demolition and/or ground disturbing activities, unless otherwise specified.
Monitoring:	The Judicial Council shall review all engineering and site plan documents for inclusion of emissions control measures and contractor's evidence/verification that equipment complies with the control requirements.

Impact BIO-1: Construction of the proposed Project could impact nesting birds protected under the federal MBTA and California Fish and Game Code. Birds could nest in the trees, shrubs, or structures in or near the Project site.

Mitigation Measure BIO-1: Conduct Pre-Construction Survey for Nesting Birds. Project construction (including staging) shall occur outside of the bird nesting season if possible (defined as the time between September 1st and January 31st). Remove potential nesting substrate (trees, shrubs, structures) as required for a future project outside of the nesting bird

season to preclude impacts to nesting birds and project delays due to active nests if they are present.

If construction starts during the bird nesting season between February 1st and August 31st, a qualified biologist shall perform a pre-construction survey to identify active bird nests on or near the site, including staging areas. The pre-construction survey shall take place no more than seven days prior to the start of construction, and if more than seven days pass with no construction activities, another pre-construction survey shall be required. The survey shall include all trees, shrubs, and structures on the site, and all trees, shrubs, and structures within a 250-foot radius of the site, as well as trees and shrubs on and within a 250-foot radius of the selected staging area. If an active, native bird nest is found during the survey, the biologist shall designate a construction-free buffer zone (typically 500 feet for raptors, and 250 feet for other birds) around the nest to remain in place until the young have fledged. The qualified biologist shall be contacted immediately if a bird nest is discovered during Project construction. The results of the survey and nest monitoring (if applicable) will be documented, and any nest buffer zones shall be flagged for avoidance prior to the start of construction.

Effectiveness:	This measure would minimize and/or avoid impacts to nesting birds to less than significant levels.
Implementation:	The Judicial Council or its contractor.
Timing:	Pre-construction phase (within seven days prior to site disturbance) and construction phase (if nest monitoring is required).
Monitoring:	The qualified biologist's written report shall include all survey and monitoring results, and implementation of any avoidance and minimization measures. The biologist shall submit the report to the Judicial Council.

Impact BIO-2: The new courthouse building and potential pedestrian sky bridge could increase the mortality of birds over baseline conditions if the building design and glazing materials increase bird strikes.

Mitigation Measure BIO-2: Standards for Bird Safe Buildings. The project shall implement the applicable bird-friendly design standards from the 2025 California Green Building Standards Code A5.107 (ICC 2025), which may include the following building specifications:

- At least 90% of glazing on building elevations between grade and 40 feet high, and at least 60% of glazing above 40 feet above grade will use bird-friendly mitigation strategies.
- Glazing with visual markers shall include, but is not limited to, the following:
  - Etched or fritted glass with patterns of elements on the exterior.
  - Interior or exterior glazing film with 2 × 2 visual markers.
  - Laminated glass with 2 × 2 visual markers, patterned ultraviolet (UV) coating or use of contrasting patterned UV-absorbing and UV-reflecting films.
  - Glass block or channel glass.
  - Developed glazing technologies documented to reduce bird strikes.

- Glazing protected by exterior features that create a visible barrier in front of the glazing, may include, but not be limited to:
    - Horizontal or vertical slats, grills, netting or sunshades.

Additionally, the project shall implement the applicable bird-friendly design options for landscaping and lighting from *Reducing Bird Collisions with Buildings and Buildings Glass Best Practices* (USFWS 2021), which may include the following:

<u>Lighting</u>

- Avoid unnecessary lighting, including perimeter lighting.
- Install motion sensors on all lights (both interior and exterior) that activate only when people are present.
- Ensure all exterior lighting is “fully shielded”, so that all light is only emitted downward below the lowest light emitting part of the fixture.
- Ensure that any lights that are not motion-activated are turned off at night, especially architectural lighting, interior lighting, and lobby or atrium lighting.

<u>Landscaping</u>

- Avoid using glass in supplemental structures (e.g., bus shelters, guard rails, glass walls, etc.). If unavoidable, use glass with visual markers or exterior features listed above.
- Avoid planting trees and shrubs adjacent to, seen through, or reflected in any glass structures. If unavoidable, use glass with visual markers or exterior features listed above.
- Avoid placing indoor plants adjacent to clear glass windows or move them far enough away so that they can’t be seen from the outside.

For all measures intended to avoid and minimize the likelihood of bird strikes at the project, the relevant guidance documents should be consulted for detailed discussion and descriptions of the applicable design specifications.

Additionally, the specifications proposed to be implemented in the design to minimize bird strikes will be approved by a qualified biologist with experience in both avian ecology and analyzing bird strike potential from buildings.

Effectiveness:	This measure would minimize and/or reduce bird mortality related to bird strike.
Implementation:	The Judicial Council or its contractor.
Timing:	The Judicial Council shall obtain the services of a qualified biologist/ornithologist to review the building, landscaping, and lighting plans prior to while the building plans are in the draft stage.
Monitoring:	The qualified biologist’s written report shall be submitted to the Judicial Council.

Impact CUL-1: Project construction along Union Avenue has the potential to impact the overall design intention of the potential historic district or cultural landscape associated with the Old Solano Courthouse through upsetting the balance in scale of the grand avenue.

Mitigation Measure CUL-1a: Setbacks along Union Avenue Viewshed. The Project shall ensure the new courthouse building has a 25-foot setback from Union Avenue per the recommendations of the Project Cultural Resources Report (2023).

Effectiveness:	This measure would reduce impacts to the potential historic district or cultural landscape associated with the Old Solano Courthouse to less than significant.
Implementation:	The Judicial Council or its contractor.
Timing:	Prior to Project construction.
Monitoring:	The Judicial Council shall ensure the 25-foot setback is detailed on Project plans.

Mitigation Measure CUL-1b: Protection or Replacement of Potentially Historic Palm Trees. The Project shall ensure the existing palm trees along Union Avenue are either retained and protected in place or replaced in-kind per the recommendations of the Project Cultural Resources Report (2023).

Effectiveness:	This measure would reduce impacts to the potential historic district or cultural landscape associated with the Old Solano Courthouse to less than significant.
Implementation:	The Judicial Council or its contractor.
Timing:	Prior to Project construction.
Monitoring:	The Judicial Council shall ensure the Project plans include either: (1) a tree protection plan to retain and protect in place the palm trees on Union Avenue or (2) a plan to replace the palm trees on Union Avenue in kind. In the event the Project removes a number of but not all of the palm trees on Union Avenue, the Judicial Council shall include both a tree protection plan for the retained trees and a replacement plan for the removed trees in the Project plans.

Impact CUL-2: Project construction may unearth or disturb previously unidentified buried archaeological resources, including human remains, during Project demolition and construction.

Mitigation Measure CUL-2a: Protection of Archaeological Resources. In the event that archaeological remains from either a historic or prehistoric period are discovered (or have been suspected to have been discovered) during Project construction, all ground disturbing work within a 100’ radius buffer of the discovery will cease. An archaeologist who meets the Secretary of the Interior’s Standards for Archaeology will be brought in to assess the discovery before any additional ground disturbing work within the 100’ buffer will be allowed to continue. No further ground disturbing work will be allowed to continue within the buffer zone until the

archaeologist has fully evaluated the find and permits work to continue. Dependent on the evaluation by the archaeologist, archaeological excavation and recordation may be required before construction can continue. Archaeological monitoring will be enacted on the site at the discretion of the archaeologist.

Should the newly discovered artifacts be determined to be Native American in origin, traditionally and culturally affiliated California Native American tribes on the list maintained by the Native American Heritage Commission (NAHC) will be contacted and consulted. If requested by a tribe, Native American construction monitoring will be initiated. All artifacts of Native American origin will be considered potentially significant until the Judicial Council has made a determination of significance based on evidence obtained in consultation with California Native American tribes.

In the event of an archaeological discovery, the Judicial Council shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. If the discovery is Native American in origin, the Judicial Council shall consult with traditionally and culturally affiliated California Native American tribes on the contact list maintained by the NAHC regarding an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. An archaeological report will be written detailing all archaeological finds and submitted to the Judicial Council and the Northwest Information Center.

Effectiveness:	This measure would minimize and/or avoid impacts on undiscovered archaeological resources, reducing potential impacts to less than significant.
Implementation:	The Judicial Council and its contractor
Timing:	During all earth-moving phases of Project construction.
Monitoring:	The Judicial Council shall review all appropriate bid, contracts, and engineering and site plan documents (e.g., building, grading, and improvement plans) for inclusion of cultural resource mitigation. An archaeological report, if appropriate, will be written detailing all archaeological finds and submitted to the Northwest Information Center.

Mitigation Measure CUL-2b: Protection of Human Remains. The Judicial Council and all Project personnel and contractors will comply with existing law relating to an inadvertent discovery of human remains including 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 Solano County Coroner shall be immediately notified to determine the nature of the remains (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner will contact the Native American Heritage Commission (NAHC), which will determine the most likely descendant (MLD)(PRC §5097.98) Additional steps are required to comply with the statutes that are relevant to the discovery.

Effectiveness: This measure would reduce impacts on previously unknown human remains to less than significant levels.

Implementation: The Judicial Council and its contractor

Timing: During all earth-moving phases of Project construction.

Monitoring: The Judicial Council shall review all appropriate bid, contracts, and engineering and site plan documents (e.g., building, grading, and improvement plans) for inclusion of cultural resource mitigation.

Impact GEO-1: Project demolition and construction activities could unearth paleontological resources, including fossils.

Mitigation Measure GEO-1: Protection of Paleontological Resources. If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find will be temporarily halted until the resource is recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

Effectiveness: This measure would minimize and/or avoid impacts on undiscovered paleontological resources, reducing potential impacts to less than significant.

Implementation: The Judicial Council /or its contractor(s)

Timing: During all earth-moving phases of Project construction.

Monitoring: The Judicial Council shall review all appropriate bid, contract, and engineering and site plan (e.g., building, grading, and improvement plans) documents for inclusion of paleontological mitigation. If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist describing the find and its deposition.

Impact GHG-1: The Project could potentially result in a GHG impact associated with project-generated vehicle miles traveled (VMT).

Mitigation Measure GHG-1: Prepare VMT/TDM Reduction Plan. The Project shall implement a commute trip reduction program consisting of transportation demand management (TDM) measures that achieve a minimum VMT reduction of 15 percent, consistent with the BAAQMD's CEQA guidelines transportation design elements criteria for operational GHG emissions.

Effectiveness: This measure would reduce employee generated vehicle trips reducing potential GHG impacts from VMT to less than significant.

Implementation:	Solano Courts
Timing:	Plan prepared prior to project completion and implemented during project operation.
Monitoring:	The VMT/TDM reduction plan shall be submitted to the Judicial Council.

Impact HAZ-1: Project demolition of the existing HOJ and Co-Op buildings has the potential to release ACMs, LBP, PCBs, and/or mold, the presence of which could pose a significant hazard to contractors during proposed demolition activities.

Mitigation Measure HAZ-1: Construction Worker Protections. Due to the confirmed presence of ACMs, LBP, and PCBs in the existing HOJ building and Co-Op building, the Project shall implement the following mitigation:

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- Materials containing more than one-percent asbestos shall also be subject to BAAQMD regulations. Removal of materials containing more than one-percent asbestos shall be required to be completed in accordance with BAAQMD requirements and notifications.

A protocol will be implemented for managing PCB-containing materials and waste during building demolition so that PCBs do not enter municipal separate storm sewer systems (MS4s). This protocol shall adhere to U.S. EPA guidelines for determining the presence of manufactured PCB products in buildings or other structures and conducting abatement efforts. This protocol shall be implemented consistent with Municipal Regional Stormwater NPDES Permit (MRP) (Orders No. R2-2022-0018 and R2-2023-0019) Provision C.12.g (Manage PCB-Containing Materials and Wastes During Building Demolition Activities). The protocol shall, at a minimum, include the following measure:

- For demolition of applicable structures containing building materials with PCBs concentrations of 50 ppm or greater, the Solano Stormwater Alliance, as the designated MRP Permittee, shall require the demolition contractor to provide notification to the Solano Stormwater Alliance, the Water Board, and U.S. EPA at least one week before any demolition is to occur.

In addition, in the event any mold is found during future on site demolition work, demolition work must proceed in accordance with Cal/OSHA regulations on mold in the workplace.

Effectiveness: This measure would ensure Project construction personnel are not exposed to significant hazards from the accidental release of ACM, LBP, PCBs, and mold. This measure would ensure that all regulations pertaining to the handling and disposal of ACMs, LBP, PCBs, and mold and Cal/OSHA and MRP requirements are met.

Implementation: The Judicial Council's contractor shall be responsible for preparing and submitting any follow-up ACM, LBP, PCBs, and/or mold surveys, and possible sampling, and any subsequently required remediation plans as part of building permit applications.

Timing: Prior to the issuance of demolition and building permits for the proposed Project and during Project demolition activities.

Monitoring: The Judicial Council shall verify any follow-up surveys, and possible sampling, and any subsequently required remediation plans comply with Cal/OSHA regulatory standards and MRP and BAAQMD requirements for ACM, LBP, PCBs, and mold surveying, testing, and remediation.

Impact HAZ-2: The reported concentrations of metals detected in on site soil could pose a significant hazard to contractors and Project employees, and the environment.

Mitigation Measure HAZ-2: Prepare and Implement Soil Management Plan. Prior to issuing building permits for the proposed Project, the Project contractor shall submit a soil management plan (SMP), prepared by a qualified firm or individual, to the Judicial Council, which would then submit the SMP to the San Francisco RWQCB. San Francisco RWQCB would be responsible for approving the SMP. The SMP shall include provisions for notifications to contractors, and subcontractors concerning §5194. Hazard Communication. The SMP must include a provision requiring the disclosure of the on-site soil analytical results to the selected receiving facility, that may accept exported soil from the site, should export to a licensed receiving facility become necessary.

Effectiveness: This measure would ensure the Project contractor submits a SMP per the recommendations of the Phase II ESA and to satisfy State Water Board requirements.

Implementation: The Judicial Council's contractor shall be responsible for preparing and submitting the SMP to the Judicial Council, which the Judicial Council would then submit to the San Francisco RWQCB as part of the Project building permit application(s).

Timing: Prior to the issuance of building permits for the proposed demolition and construction activities and during Project construction.

Monitoring: The San Francisco RWQCB shall verify the SMP complies with regulatory standards for soil management plans.

Impact HYDRO-1: The new courthouse building has the potential to be adversely affected by flood events originating from the nearby Special Flood Hazard Area (SFHA) along Union

Avenue Creek, and the design of the new courthouse building may adversely affect flooding conditions in the surrounding areas if not designed for consistency with the Asset Protection Project.

Mitigation Measure HYDRO-1a: Evaluation of the Fairfield Justice Campus Asset Protection and Resiliency Project Basis of Design Report and Plan Set. The Judicial Council or its design/build contractor (DBE) shall use the Fairfield Justice Campus Asset Protection and Resiliency Project Basis of Design Report and Plan Set to (1) evaluate whether the proposed Project would impede or redirect flood flows, (2) determine to what extent, if any, the finished floor of the new courthouse building must be raised to avoid inundation, and (3) identify any additional measures beyond raising the building's finished floor elevation to provide protection against inundation.

The design of the new courthouse building shall incorporate flood protection measures consistent with the Asset Protection Project including foundation design and storm water runoff management. The Judicial Council shall prepare building design plans for the new courthouse building that demonstrate the building's finished floor elevations would be constructed above the modeled 100-year flood elevation and that the new courthouse building would not impede or redirect projected flood flows in a manner that materially impairs the effectiveness of the Fairfield Justice Campus Asset Protection and Resiliency Project.

The Judicial Council shall also monitor the effectiveness of the Asset Protection Project flood control features in protecting the courthouse building and site improvements from flooding over time and share its observations with Solano County.

Mitigation Measure HYDRO-1b: Protection of Fairfield Justice Campus Asset Protection and Resiliency Project Features. The Judicial Council and its contractor shall ensure construction of the proposed Project protects or repairs the flood protection features that will be constructed by the Fairfield Justice Campus Asset Protection and Resiliency Project. The timing of demolition of existing structures and construction of the new courthouse building and associated site improvements shall be carried out in a way that would not permanently damage the new flood control features. Specifically, the proposed Project shall protect or repair any damage to the following flood control features that would be located on or immediately adjacent to the Project site:

- A flood protection berm located on the Project site along Texas Street and Union Avenue,
- A stormwater wall along Texas Street (beginning at the terminus of the flood protection berm) that makes a 90-degree turn at the intersection of Texas Street and Washington Street and continues along Washington Street to a point parallel with the existing Co-Op Building,
- A stormwater wall immediately adjacent to the Project site along a portion of the east side of Washington Street,
- Raised access area on site west of the existing HOJ South Wing,
- Raised access area immediately adjacent to the site along Washington Street,

- Two on-site passive stormwater gates, one of which would be located in the proposed berm at a point along Union Avenue and the second of which would be located adjacent to the proposed stormwater wall along Washington Street, and
- Two off-site, immediately adjacent passive stormwater gates, one of which would be located near the southwest corner or the Project site adjacent to the Solano County Justice Center building and the second of which would be located at a point in the stormwater wall along the east side of Washington Street.

Effectiveness: This measure would avoid potential adverse effects that could result from the unintentional damage of flood control features proposed by the Fairfield Justice Campus Asset Protection and Resiliency Project.

Implementation: The Judicial Council and its contractor.

Timing: Prior to and throughout Project construction.

Monitoring: The Judicial Council shall, in coordination with Solano County, monitor the construction of both the proposed Project and the Fairfield Justice Campus Asset Protection and Resiliency Project to ensure no permanent damage to the new flood control features.

Impact TR-1: The Project could potentially impact pedestrian safety and traffic safety during the construction period.

Mitigation Measure TR-1: Prepare Construction Traffic Management Plan. The Judicial Council or its contractor shall prepare a detailed construction traffic management plan (CTMP) to address traffic conditions throughout the construction period. The Judicial Council shall develop the plans for review and approval by the City of Fairfield Public Works Department prior to commencing the work. The CTMP shall at a minimum include the following:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- Location of construction staging areas for materials, equipment, and vehicles at approved off site locations (if needed).
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem.
- Provision for accommodation of pedestrians and bicyclists in the construction area.
- Identification of construction worker parking areas on the Project site and designated off-site areas to ensure construction workers do not park in neighborhood streets.

Effectiveness: This measure would avoid or minimize traffic congestion during Project construction, thereby reducing potential flooding impacts to less than significant.

Implementation: Judicial Council or its contractor

Timing: Prior to (preparation of construction traffic management plan) and during construction (implementation of the plan).

Monitoring: The construction traffic management plan shall be included in final Project design and construction documents, and the Judicial Council or its designee shall oversee its implementation.

RECORD OF PROCEEDINGS AND CUSTODIAN OF DOCUMENTS

The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

1. The Mitigated Negative Declaration and all documents referenced in or relied upon by the Mitigated Negative Declaration.

2. All information (including written evidence and testimony) provided by Judicial Council staff to the decision maker(s) relating to the Mitigated Negative Declaration, the approvals, and the Project.

3. All information (including written evidence and testimony) presented to the Judicial Council by the environmental consultant who prepared the Mitigated Negative Declaration or incorporated into reports presented to the Judicial Council.

4. All information (including written evidence and testimony) presented to the Judicial Council from other public agencies and members of the public related to the Project or the Mitigated Negative Declaration.

5. All applications, letters, testimony, and presentations relating to the Project.

6. All other documents composing the record pursuant to Public Resources Code section 21167.6.

The Judicial Council is the custodian of the documents and other materials that constitute the record of the proceedings upon which the Judicial Council's decisions are based. The contact for this material is:

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

Contact: Alexandra Cervantes, Senior Facilities Analyst
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NEW SOLANO HALL OF JUSTICE COURTHOUSE PROJECT

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Acronyms and Abbreviations

Acronym / Abbreviation	Full Term
AB	Assembly Bill
ADWF	Average Dry Weather Flows
ALUC	Airport Land Use Commission
ASTs	aboveground storage tanks
AMBAG	Association of Monterey Bay Area Governments
APN	Assessor Parcel Number
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
BEES or Energy Code	Building Energy Efficiency Standards
BMPs	Best Management Practices
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CBC	California Building Code
CCR	California Code of Regulations
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CALFire	California Department of Forestry and Fire Protection
CAP	Climate Action Plan
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CFP	California Fully Protected
CFR	Code of Federal Regulations
Caltrans	California Department of Transportation
CESA	California Endangered Species Act
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CH_4	methane
CHRIS	California Historic Resources Information System
CRHR	California Register of Historic Resources
CO	carbon monoxide
CO_2	carbon dioxide
CSSC	California species of special concern

CPF	cancer potency factor
CTMP	construction traffic management plan
CUPA	Certified Unified Program Agency
dB	decibel scale
DBE	design-build entity
DEIR	Draft Environmental Impact Report
DGS	Department of General Services
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EPA	Environmental Protection Agency
ESLs	Environmental Screening Levels
FAST	Fairfield and Suisun Transit System
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
FSSD	Fairfield-Suisun Sewer District
FSUSD	Fairfield-Suisun Unified School District
GHG	greenhouse gas
GWP	global warming potential
GWh	gigawatt hours
GVWR	gross vehicle weight rating
HAPs	hazardous air pollutants
H_2O	water vapor
H_2S	hydrogen sulfide
HOJ	Hall of Justice
HFCs	Hydrofluorocarbons
I-	Interstate
IPaC	Information for Planning and Consultation tool
IS	Initial Study
LCI	Land Use and Climate Innovation
LEED	Leadership in Energy and Environmental Design
L_{Eq}	equivalent noise level
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
MCE	Marin Clean Energy
MEIR	maximally exposed individual resident
MLD	Most Likely Descendent

MMRP	Mitigation Monitoring and Reporting Plan
MND	Mitigated Negative Declaration
MS4s	municipal storm sewer systems
MRP	Municipal Regional Stormwater NPDES Permit
MRZ	Mineral Resource Zone
$MTCO_2e$	metric tons of carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NBA	North Bay Aqueduct
NEHRP	National Earthquake Hazards Reduction Program
NFIP	National Flood Insurance Program
N_2O	nitrous oxide
NO_2	nitrogen dioxide
NO_X	nitrogen oxide
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NWIC	Northwest Information Center
O_3	ozone
OEHHA	Office of Environmental Health Hazard Assessment
OSHA	Occupational Safety and Health Administration's
PCBs	polychlorinated biphenyls
Pb	lead
PFCs	perfluorocarbons
PF	Public Facilities
PM	Particulate Matter
PMI	point of maximum impact
PPD	Pounds per day
PPV	peak particle velocity
PRC	Public Resources Code
PSC	Putah South Canal
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental conditions
REL	reference exposure levels
RPS	Renewable Portfolio Standards
RWQCB	Regional Water Quality Control Board
SB	Senate Bill

SCDRMEHD	Solano County Department of Resource Management Environmental Health Division
SF_6	Sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SHMA	Seismic Hazards Mapping Act
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SMAQMD	Sacramento Metro Air Quality Management District
SMP	Soil Management Plan
SO	sulfur dioxide
SO_X	sulfates
SR	State Route
SRA	State Responsibility Area
SWP	State Water Project
SWPPP	Stormwater Pollution Prevention Plan
TACs	toxic air contaminants
TAFB	Travis Air Force Base
TDM	Transportation Demand Management
TDML	Total Maximum Daily Load (TMDL)
TPHd, TPHg	total petroleum hydrocarbons
TUSD	Travis Unified School District
UCERF	Uniform California Earthquake Rupture Forecast
USBR	U.S. Bureau of Reclamation
USGS	U.S. Geological Survey
UST	Underground Storage Tank
VEC	Vapor Encroachment Condition
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	volatile organic compounds
WDRs	waste discharge requirements
WWTP	Wastewater Treatment Plant

Chapter 1. Introduction

This Initial Study (IS) / Mitigated Negative Declaration (MND) evaluates the potential environmental effects of a project to construct a new State courthouse and associated site improvements in the City of Fairfield.

1.1 OVERVIEW

This IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the New Solano Hall of Justice Courthouse Project (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 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 Project and does not recommend approval or denial of the 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, 2023 Edition* (Facilities Standards) address physical durability of facilities, design principles, sustainable design, site design, architectural criteria, and many other topics specific to trial court facilities (Judicial Council 2023a). These Facilities Standards 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 develop the Project description (Chapter 2 of this IS/MND) used to inform the public regarding the Judicial Council's intent for the 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 Project included in this IS/MND are conceptual. The Judicial Council anticipates that the final design for the Project would include 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 Project; its environmental setting, including existing conditions and regulatory setting as necessary; and the potential environmental impacts of the Project. Mitigation measures have been recommended to reduce potentially significant environmental impacts to less than significant.

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 Project. Accordingly, the Judicial Council is now circulating this document for a 30-day public and agency review period.

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

Alexandra Cervantes, Senior Facilities Analyst
Judicial Council of California
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833
Phone: (916) 643-6924, Email: newsolanohojproject@jud.ca.gov

During its deliberations on whether to approve the 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 REGULATORY GUIDANCE

Under the California Environmental Quality Act (CEQA; Public Resources Code [PRC] § 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] §15000 et seq.) the Judicial Council is the lead agency for the Project. The lead agency is responsible for preparing the appropriate environmental review document under CEQA.

CEQA Guidelines Section 15070 states a public agency shall prepare a proposed Negative Declaration or an MND when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or

2. The Initial Study identifies potentially significant effects, but:

    - Revisions in the project plans made before a proposed MND and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and
    - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Pursuant to Section 15070, the Judicial Council has determined an MND is the appropriate environmental review document for the Project.

To ensure that the mitigation measures and project revisions identified in an MND are implemented, CEQA Guidelines Section 15097(a) requires the Judicial Council to adopt a program for monitoring or reporting on the revisions which it has required in the project and the

measures it has imposed to mitigate or avoid significant environmental effects. The Judicial Council shall prepare a Mitigation, Monitoring and Reporting Plan (MMRP) based on the mitigation measures contained in this IS/MND.

1.4 LEAD AGENCY CONTACT INFORMATION

The lead agency for the Project is the Judicial Council. The contact person for the lead agency is:

Alexandra Cervantes, Senior Facilities Analyst
Judicial Council of California
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833
Phone: (916) 643-6924, Email: newsolanohojproject@jud.ca.gov

1.5 DOCUMENT PURPOSE AND ORGANIZATION

The purpose of this document is to evaluate the potential environmental effects of the Project. This document is organized as follows:

- Draft Mitigated Negative Declaration (precedes the Initial Study). The MND includes an abbreviated Project description; the proposed findings of the Initial Study; the mitigation measures incorporated into the Project; record of proceedings; and the custodian of documents supporting the MND.
- Chapter 1 – Introduction. This chapter introduces the Project and describes the purpose and organization of this document.
- Chapter 2 – Project Description. This chapter describes the Project location, area, site, objectives, and characteristics.
- Chapter 3 – Environmental Checklist and Responses. This chapter contains the Environmental Checklist that identifies the significance of potential environmental impacts (by environmental issue) and a brief discussion of each impact resulting from implementation of the proposed Project. This chapter also contains the Mandatory Findings of Significance.
- Chapter 4 – Report Preparation. This chapter provides a list of those involved in the preparation of this document.
- Chapter 5 – References. This chapter provides a list of references used in the preparation of this document.
- Appendices– This section contains technical reports prepared for the Project used to inform the environmental impact analysis contained in this document.

1.6 IMPACT TERMINOLOGY AND USE OF LANGUAGE IN CEQA

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

- A finding of no impact is made when the analysis concludes that the 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. A significant or potentially significant impact may be reduced to less than significant with mitigation.
- 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 occurs 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 project, in combination with past, present, or reasonably foreseeable future projects, would result in a significant cumulative impact and whether the 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.

Chapter 2. Project Description

2.1 PROJECT NEED AND OBJECTIVES

The Reassessment of Trial Court Capital-Outlay Projects (Judicial Council 2019) presents a statewide list of trial court capital-outlay projects based on prioritized need. The New Solano Hall of Justice Courthouse Project is ranked in the highest priority group as an immediate need. The existing Solano HOJ building needs substantial improvements and modernization. The structure is substantially out of compliance with regulatory safety, seismic, accessibility codes, and Judicial Council space standards, and is considered one of the most defective and inefficient court facilities. The general physical condition of the building is outdated and in constant need of regular maintenance. There are needed improvements for seismic conditions, fire and life safety conditions, Americans with Disabilities Act (ADA) requirements, and environmental hazards, making the replacement or renovation of the existing courtrooms highly risky and costly. In addition, the original construction and expansion did not result in adequate security features. The existing Solano HOJ also faces frequent flooding, due to the fact that part of the facility is built below grade. These structural deficiencies, combined with overcrowding and insufficient parking have had a detrimental effect on modern court operations and stunted the potential for flexible growth of programming within the facility.

The Project is proposed to accomplish the following immediately needed improvements to the Superior Court and enhance its ability to serve the public:

- Replace the existing and inadequate facility with a sustainable, safe, and accessible courthouse that meets the Judicial Council's Facilities Standards, improving the public's access to justice.
- Provide secure entry/exit points and zones of separation between judges, staff, public, and in-custody.
- Include at least one large and eleven multi-purpose courtrooms serving criminal, civil, family law, juvenile, probate, and traffic case types.
- Relieve the court of the constant need for costly regular maintenance and repairs of the roof, elevators, and overall accessibility issues.

The Judicial Council determined the proposed Project location is ideal for courthouse operations in the long run, as the site is conveniently located adjacent to the existing Solano County Sheriff's Office, Jail, and Law and Justice Building and in the immediate vicinity of the Solano County Administration Building and Old Solano Courthouse. Further, constructing the new building in the footprint of the South Wing of the existing HOJ building would create an opportunity to physically connect the new building to both the County Jail and the Law and Justice Building, greatly improving staff efficiencies.

2.2 PROJECT LOCATION AND SURROUNDING LAND USES

The Project site is located at the southeast corner of Union Avenue and Texas Street, which presently includes the 600 Union Avenue and 501 Texas Street addresses in the City of Fairfield on an approximately 2.94-acre site on APN 0030-257-030 (Figure 2-1). The Project site is bounded on three sides by public roadways (Texas Street to the north, Washington Street to the east, and Union Avenue to the west) and several contiguous buildings containing the Solano County Law and Justice Center, Sheriff's Office, Coroner's Office, and Jail to the south on the same parcel as the Project site (Figure 2-2). The remainder of the Project parcel contains several other County-owned buildings, a staff parking lot, and site landscaping. The Project site and the surrounding buildings described above comprise the 17-acre Downtown Fairfield Justice Campus.

2.3 SITE FEATURES

2.3.1 General Plan and Zoning Designation

Since the Judicial Council is the lead agency for the proposed Project and is acting for the State of California, local government land use planning and zoning regulations do not apply to the proposed Project. The Project will not be subject to local General Plan designations. However, the Judicial Council considers county and/or city policies and guidelines as appropriate to determine whether the proposed Project would be consistent with the site's character and surroundings. The site is zoned Public Facilities (PF) by the City of Fairfield and can include educational, governmental, recreational, and other institutional facilities.

2.3.2 Existing Site Characteristics

The Project site contains the existing Solano HOJ and County Co-Op buildings and a small staff parking lot. The North Wing of the HOJ was originally constructed as a high school in 1915 and converted to a courthouse building in 1968. The South Wing addition was constructed in 1973. The Solano HOJ building includes 12 courtrooms, justice chambers, support spaces, and building support. The Solano County Co-Op, located east of the Solano HOJ, is a two-story building that houses County operations including the Sheriff's Investigation Unit. Street-level photos of the site and existing buildings are shown in Figure 2-3 through Figure 2-7. A small staff parking lot is provided to the north and east of the HOJ building wings with a service drive extending between the HOJ and Co-Op buildings. The current parking availability for both the existing HOJ and Co-Op buildings is approximately 64 spaces.

The Project site is currently landscaped with lawns, trees, and shrubbery provided mainly in the western portion of the site along Union Avenue and at the intersection of Union Avenue and Texas Street, though landscaped medians are also provided between Washington Street and the on-site parking lot. The Project site contains sidewalks along Union Avenue and Texas Street frontages and paved pathways in the site interior. Street lighting is provided along Union Avenue and Texas Street, and pedestrian lighting is provided along Union Avenue and Washington Street.

2.4 PROPOSED PROJECT

The Judicial Council proposes to construct a new courthouse to replace courtroom facilities that are currently housed in the existing Solano HOJ. The existing Solano HOJ is jointly owned by Solano County and the State of California, and the Judicial Council proposes purchasing the property from Solano County for construction of the new courthouse.

The existing Solano HOJ building and Co-Op building would be demolished, and a new courthouse would be constructed within the footprint of the South Wing of the existing HOJ building. The proposed new courthouse would provide a new permanent state-owned facility that is accessible to the public, can accommodate potential future growth in programming, and can provide enhanced services to the public. The courthouse building would include construction of new courtrooms with support spaces, justice chambers, administrative and operations areas, a lobby, and a public entry. The Project also includes site improvements, including a new on-site surface parking lot, and rerouted utility connections to serve the new building. The Conceptual Site Plan is shown in Figure 2-8.

The proposed Project will utilize the design-build method of project delivery. Because this is a design-build project, total improved site development details, which include building elevations, potential landscaping, and other Project specific facilities details are not known at this time. In design-build, a Criteria Architect team develops performance criteria to establish the building's design characteristics.

Building and site sustainability features are not yet determined but would be developed by the design-build entity (DBE) to comply with CALGreen, the State of California Executive Orders, and Judicial Council requirements. The Judicial Council Facilities Standards (Judicial Council 2023a) require all new courthouse projects to be designed to receive the Leadership in Energy and Environmental Design (LEED) Silver rating or higher.

The existing Solano HOJ building sees a daily average of 860 visitors based on screening counts conducted in September 2025. The existing Solano HOJ building currently employs a total of 171 staff, including 156 active employees, eight contract interpreters, and seven child custody recommending counselors (CCRCs). The Project does not propose any changes to existing facility operations or operational capacity, including but not limited to the number of employees present onsite, hours of operation, number of courtroom proceedings, and visitor use.

2.4.1 New Courthouse Building

The proposed Project would be an approximately 141,000 square-foot building with a maximum height of five stories. Approximate building height would be 86 feet, assuming 5 stories. All five levels of the building would be above ground. The ground floor area of the new courthouse would approximately measure 29,240 square feet in size; this area constitutes the total lot coverage/footprint of the proposed building. The new courthouse would have roughly the same footprint as the South Wing of the existing HOJ building.

The upper three levels (i.e., the tower) of the building would have smaller floor areas than the bottom two levels (i.e., the podium). As with the existing Solano HOJ building, the new

courthouse would have 12 courtrooms The new courthouse would include support spaces, justice chambers, administrative and operations areas, a lobby, and a public entry. The Project site would have 25-foot setbacks from the property line along all sides (front, sides, and rear). Existing tunnel access from the current Solano HOJ building to the jail may be retained. Preliminary observations suggest that the tunnel may require moderate to significant repairs, though a formal assessment has not yet been conducted. Further design investigation is needed to confirm that the existing underground tunnel can be connected to the Project. At this time the existing tunnel would likely remain in place even if it is not connected to the Project. The Project may require a vehicle sallyport.

The Judicial Council is considering the construction of a pedestrian sky bridge that would connect the new courthouse building to the existing Law & Justice Center. The proposed location of the pedestrian sky bridge is shown in Figure 2-8. The purpose of the pedestrian sky bridge would be to maintain existing operations of receiving in-custodies and maintaining the holding cells at the Law & Justice Center. Architectural plans detailing the location, design, and exterior lighting for the potential pedestrian sky bridge are not yet available. During the Project's design-build phase, the Judicial Council will conduct a feasibility study to determine the structural feasibility of incorporating the pedestrian sky bridge into the Project. If the pedestrian sky bridge is determined to be feasible and the Judicial Council chooses to proceed with it, the County will grant to the Judicial Council an easement over the County's Law and Justice Center property and as otherwise appropriate for the connection, construction, and use of pedestrian sky bridge from the new courthouse building to the Law and Justice Center. This IS/MND evaluates the Project with the assumption that a pedestrian sky bridge may be incorporated.

The new courthouse will be designed and constructed according to the current California Trial Court Facility Standards which have been adopted by the Judicial Council in accordance with rule 10.180 of the California Rules of Court, to establish standards for design and construction of court facilities. For each court construction or major renovation project, the Judicial Council staff and the affected court will establish an advisory group in accordance with rule 10.184(d) of the California Rules of Court; the advisory group will assist the Judicial Council staff with implementing Facilities Standards for that specific project (Judicial Council 2023b).

The Facilities Standards will promote buildings that are functional, durable, maintainable, and efficient and that provide long-term value to the public, the judicial branch, courthouse occupants, the community in which they reside, and court users and taxpayers of California. This Facilities Standards edition attempts 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 the long-term life cycle costs of owning and operating institutional buildings.

The Facilities Standards address such topics as Functional Usefulness, Physical Durability, and Maintainability, Accessibility, Sustainability, Site Design, and Courthouse Security.

2.4.2 Access, Parking, and Circulation

Direct access to the Project site is provided by Union Avenue, Texas Street, and Washington Street. Regional access is provided by State Route 12 and Interstate 80, both of which are located within two miles of the site. Access to the existing Solano HOJ building parking area is

provided via Washington Street; this point of vehicular access onto the site would be retained by the Project. The Project site is well served by Fairfield and Suisun Transit System (FAST) bus stops. The Suisun/Fairfield transit station is situated three blocks to the south and contains bus stops with connections to FAST.

New on-site public parking would be provided in a single surface parking lot located to the northeast of the new courthouse in roughly the same location as the existing on-site surface parking lot. The new on-site parking lot would contain 159 parking spaces available to staff members. Vehicular access to the new staff parking lot would be provided from Washington Street. In addition to the 159 spaces contained in the surface parking lot, 17 secured parking spaces for judicial officers and executive staff would be provided. Access to the 17 secure judicial parking spaces would be provided via a new ingress/egress driveway extending from the new courthouse to Washington Street.

The Project would provide 176 parking spaces in total, resulting in approximately 100 additional parking spaces compared to existing conditions. Total parking need estimated for the Project is 240 spaces. An additional 64 spaces is available at the existing parking lot owned by the Judicial Council across Texas Street adjacent to the Old Courthouse for overflow parking.

The existing on-site parking lot at 600 Union Avenue, in which the new 159-stall staff parking lot would be added, currently has two driveway entrances to Washington Street. Site design may require modification to the sidewalks as well as potential adjustment to the existing parking lot access gate arms. The street frontage at the existing building entrance on Union Avenue would require adjustment and coordination to the crosswalk curb ramps and drop-off zone. Street frontage along Texas Street would need to be reviewed for final improvements with the proposed parking lot. Depending on the final finish floor elevation, grades will also need to be reviewed for conformance of elevations to surrounding street grades.

2.4.3 Site Improvements

The Project may install new site landscaping consistent with the Judicial Council's water conservation policy.. The proposed new Courthouse and parking lot layout allows for less impervious surface (see Figure 2-8) within the site, providing an opportunity for landscaping or other public use space at the Texas Street and Union Avenue intersection.

The Fairfield Justice Campus and Asset Protection and Resiliency Project is a separate County project that intends to replace or upgrade existing storm drainage facilities across approximately 4.6 acres of the Fairfield Justice Campus, including the new courthouse Project site, to improve drainage and prevent flooding. Specific upgrades planned by the County include low barrier walls, hydraulic gates, landscaped berms, and roadway ramps on Delaware Street and Washington Street. The Fairfield Justice Campus Asset Protection and Resiliency Project and accompanying Basis of Design Report are discussed in detail in section 2.10 Hydrology and Water Quality.

The Project would integrate with the County project as needed to achieve the County's flood protection objectives. The proposal for the new courthouse building and parking lot would work around the constraints of the proposed asset protection berm and barrier wall as shown in Figure 2-8. The County would construct the asset protection berm and barrier wall at the

northeast portion of the Project site (see section 2.10 Hydrology and Water Quality). The new building's finish floor would need to conform to the requirements of the asset protection plan study and hydraulic calculations to ensure the flood elevation is taken into consideration.

2.4.4 Utilities

The Project site is surrounded by all wet and dry utilities required to provide service to the future building. The City of Fairfield's water infrastructure, which serves the site, is maintained and operated by the Fairfield Municipal Utility, and the wastewater and stormwater infrastructure serving the site is maintained and operated by the Fairfield-Suisun Sewer District. Electrical service is provided to the site by PG&E and Marin Clean Energy (MCE). No natural gas service is proposed for the Project. New storm drain lateral extensions will be constructed with the Project to connect to existing public storm drain facilities in the surrounding streets. Lateral lines connecting the existing buildings to these utility mains in the surrounding streets would need to be reviewed for sufficient capacity and may need to be expanded to support the operation of the new courthouse. Demolition of the South Wing would necessitate utility rerouting, including sanitary sewer and storm water runoff systems, electrical components, emergency generator, gas service, HVAC systems, fire alarm control, fire protection water sources, and potable water services.

Dry utilities that are privately owned, including telecommunications, electricity, and natural gas, would be coordinated with each utility company (AT&T, Comcast, PG&E, MCE). An emergency back-up generator is currently located at the electrical courtyard at the South Wing of the building. The Project would likely continue to retain an emergency backup generator on site, though the location of the generator may change.

The Project would implement stormwater management best management practices, including the use of bio-treatment. For long-term treatment of storm water runoff, the on-site soil conditions would be evaluated to determine the best means of disposal.

2.4.5 Project Construction

<u>Demolition Activities</u>

The Project proposes demolishing the existing on-site Solano HOJ and Co-Op buildings. The proposed site and demolition map is shown in Figure 2-9. Existing utilities within the proposed building footprint would be completely removed. Existing utilities within the parking lot areas would be completely removed if they appear at depths of less than four feet below the proposed ground surface elevation. Where existing utilities within proposed parking lot areas are deeper than four feet below the proposed ground surface, the utilities may either be removed, or abandoned in place by exposing, cutting, and capping the ends of the lines, and placing cement grout within the lines to fill existing voids.

<u>Grading and Drainage</u>

The Project site is relatively flat and slopes from west to east. Although proposed cut and fill quantities are not currently available, grading for the proposed building and surface parking lot is expected to be balanced on the site. Site grading and geotechnical engineering would occur

in accordance with Judicial Council standards and the geotechnical report prepared for the Project (Haley and Aldrich 2025). The new building's finished floor elevation would need to conform to the requirements of the asset protection plan study and hydraulic calculations to ensure the flood elevation is taken into consideration.

The proposed building and parking lot areas would be cleared of existing pavements, trees, roots, abandoned utilities, and other obstructions and deleterious materials. The proposed building and parking lot areas would be stripped of soil containing organic matter (if present). Excavations for this Project would be made using conventional earth-moving equipment.

The Project site would be rough graded to accommodate the proposed grading plan. In non-foundation areas that will receive new fills, or site improvements, such as pavements, sidewalks, and slabs, the exposed soil subgrade would be prepared by scarifying to a depth of at least 12 inches, moisture-conditioning to at least two percent above the optimum moisture content and compacting to at least 90 percent relative compaction. In proposed building areas, subgrade preparation would extend at least five feet beyond the limits of the proposed building slabs and any adjoining flatwork. In exterior concrete slab and pavement areas, subgrade preparation should extend at least two feet beyond the limits of these improvements.

Groundwater was encountered at depths as shallow as approximately eight feet below ground surface during the geotechnical site investigation. Project features potentially requiring deeper excavations such as for utility construction may require isolated dewatering to lower the groundwater level a minimum of two feet below the bottom of the excavation during Project construction.

<u>Ground Preparation and Building Foundation Construction</u>

The geotechnical investigation prepared for the Project identifies two types of potential building foundations. (Haley & Aldrich, Inc. 2025) The geotechnical investigation concluded that the new building may be supported on continuous perimeter and isolated interior spread-type footings on improved ground. Alternatively, the building can be supported on driven pile foundations.

If a continuous perimeter and isolated interior spread-footing foundation is selected the subsurface soils must be improved because of the soil and geologic conditions found at the site. (Haley & Aldrich, Inc. 2025) Typically ground improvement options to mitigate the seismic hazards encountered at the site include rigid inclusions using non-driven, nonvibratory methods, such as drilled displacement elements consisting of columns of unreinforced sand cement slurry and/or lean concrete (i.e., rigid inclusions), aggregate piers, or deep soil mix (DSM) columns, which consist of cementitious grout that is blended into the underlying soil to form soil cement columns. The ground improvement design should be capable of transferring the building loads below soil layers that are liquefiable and into competent cohesive soils encountered at depths of about 25 to 30 feet below the existing grade. Because ground improvement systems are designed and constructed by specialty contractors, final ground improvement design build drawings, calculations, and specifications would be provided by the ground improvement contractor and reviewed and approved by the project engineer and the Judicial Council.

An alternative to a continuous perimeter and isolated interior spread-footing foundation is to construct a pile foundation. For this foundation option, the geotechnical report recommends 18-

inch square precast prestressed concrete piles. The number of piles and the required length of the piles would be determined with final Project design. Because the upper 20 to 30 feet of the clayey silt and silty clay soils are interbedded with liquefiable lenses, the geotechnical report recommends embedding the piles in lower stiff clays as the bearing stratum which is assumed to be at about 60 feet below ground surface (bgs) at the site.

Construction Equipment and Staging

Construction staging, including laydown yards and temporary workspaces, would be contained within the existing footprint of the Project site. No additional laydown areas are proposed.

Construction Phasing

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 will be phased in alignment with the Office of the State Fire Marshal's permitting. The Project is proposed to be constructed in three phases to ensure continuous court operations concurrent with Project construction. Construction phases are described below and summarized in Table 2-1.

Phase 1 of the Project includes providing temporary facilities for services currently provided in the existing Solano HOJ South Wing. Occupants of the South Wing would be vacated into existing temporary facilities, and the Solano HOJ North Wing would be improved to both remain functional and meet current regulations while also temporarily housing the occupants and services of the vacated South Wing. Improvements to the North Wing during this stage of the Project would include 1) the addition of structural and building system measures, such as potential improvements to meet requirements for new vertical and horizontal structural supports due to impact of South Wing demolition; and 2) utility rerouting, including sanitary/storm systems, electrical components, emergency generator, gas service, HVAC systems, fire alarm control, fire protection water sources, and potable water services. Following improvement of the North Wing to make it temporarily suitable to house the occupants and services of the South Wing, demolition of the South Wing would occur. The Solano County Co-Op building would either be transferred to or purchased by the Judicial Council and its occupants would be relocated; demolition of the Co-Op building would also occur during Phase 1.

Phase 2 includes construction of the new courthouse on the site of the demolished South Wing. The existing tunnel connecting the South Wing building to the County Jail and Law and Justice Center may be retained and improved. When construction of the new courthouse is completed, all facility operations from the temporary facilities and the existing North Wing would move into the new building.

Phase 3 includes demolition of the existing North Wing and finishing site improvements, including the construction of new surface parking.

Table 2-1.Construction Phases

Project Phase	Phase Activity
Phase I	• Relocation of the existing Solano HOJ functions from South Wing to temporary facilities in the North Wing. • Demolition of the South Wing of the existing Solano HOJ building and Solano County Co-Op building.
Phase II	• Construction of the new courthouse building. • Relocation of all court functions into the new courthouse.
Phase III	• Demolition of the North Wing of the existing Solano HOJ building.

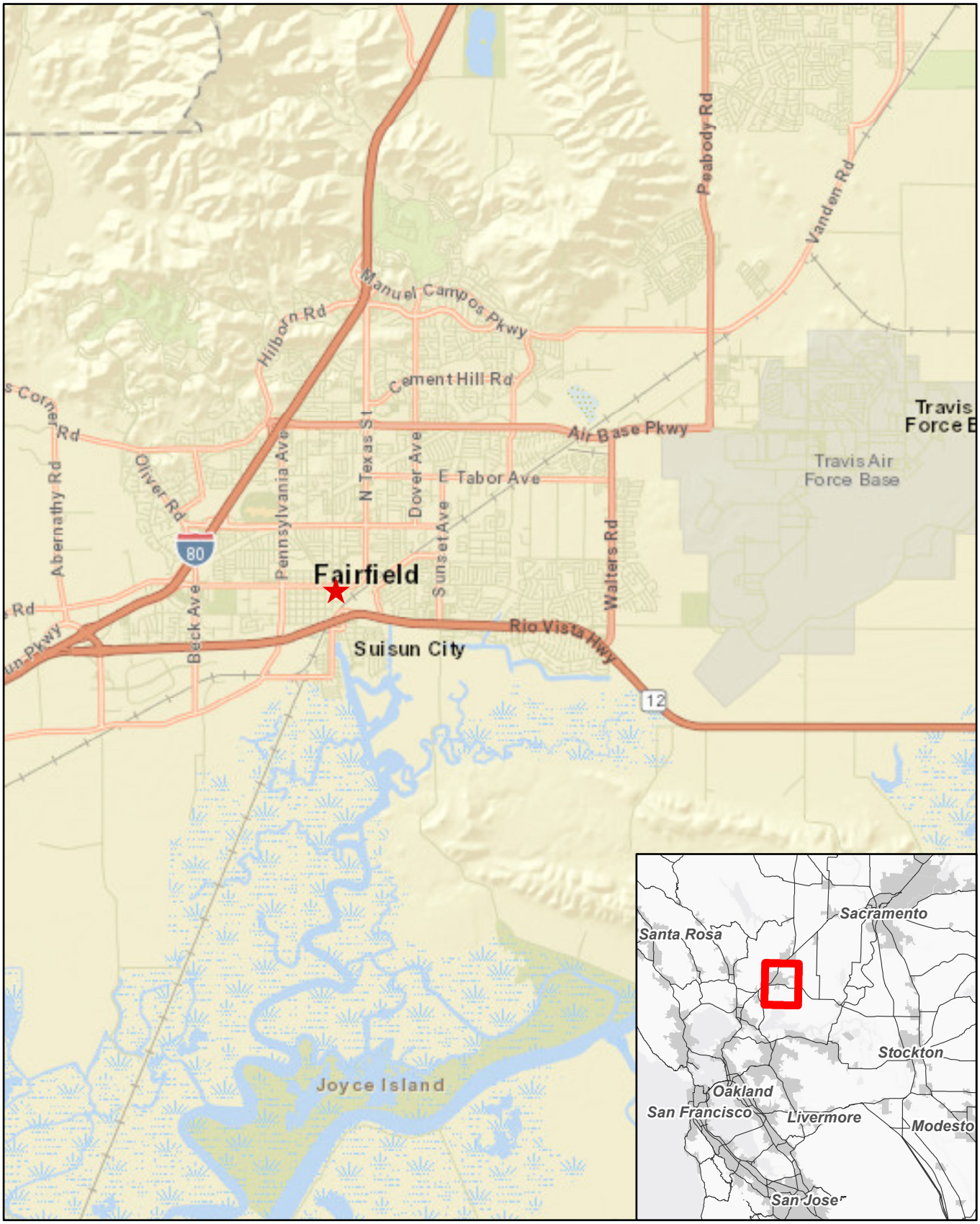
The construction period is tentatively planned to begin in June of 2029 and end in December of 2031.

2.5 ANTICIPATED PERMITS AND APPROVALS

The Judicial Council is the lead agency for the proposed Project and is acting as the judicial branch of the State of California. As the Project Proponent/Lead Agency, it is anticipated that the Judicial Council would be required to obtain permit and approvals for the Project as shown Table 2-2.

Table 2-2. Required Agency Permits and Approvals

Agency	Permit or Approval
Office of the State Fire Marshal	Approval to construct and occupy
State Water Resources Control Board	National Pollutant Discharge Elimination System (NPDES) General Construction Permit/Stormwater Pollution Prevention Plan (SWPPP). Solano Stormwater Alliance requires submittal of the C.3 and C.6 Development Review Checklist for new development and redevelopment projects to ensure that the appropriate construction best management practices (BMPs), source control measures, low impact development site design measures, and stormwater treatment measures will be implemented.
City of Fairfield	Domestic water; fire water; sanitary sewer; storm drainage; fire and emergency services site access; modification to adjacent public sidewalks, streets, access or encroachments into the City right-of-way; traffic signal adjustments or modifications to traffic movements; street lighting within the public right-of-way
County of Solano	Adjustment to existing easements or property information
Judicial Council	CEQA document, project plans, property acquisition



Source: Esri 2024

0 0.5 1 2 3 Miles

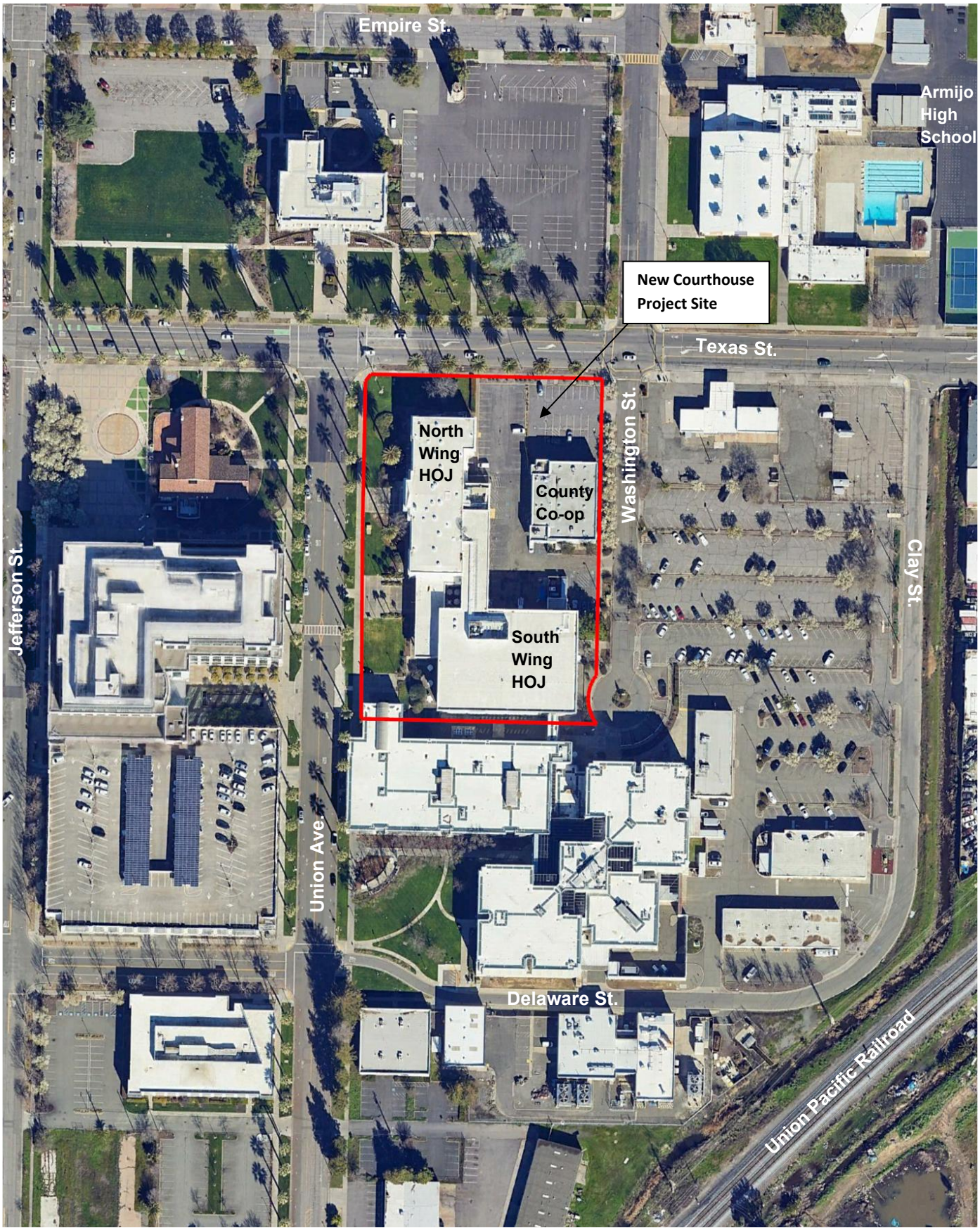
N

★ Project Location

Figure 2-1 Project Location

New Solano Hall of Justice Courthouse Project

MIG



Source: Google Earth 2025

Not to Scale

Figure 2-2 Project Vicinity

New Solano Hall of Justice Courthouse Project

MIG

Photo 1. Existing Hall of Justice Building (North Wing) at 600 Union Avenue.

Photo 2. Existing Hall of Justice (South Wing) at 550 Union Avenue.

Figure 2-3 Site Photos 1 and 2

New Solano Hall of Justice Courthouse Project

Photo 3. Viewing west along the project frontage on Union Avenue from Texas Street.

Photo 4. Viewing east along the project frontage on Texas Street from Union Avenue.

Figure 2-4 Site Photos 3 and 4

Solano County Hall of Justice Project

Photo 5. Viewing southeast toward the existing parking lot and Solano County Co-Op Extension building (501 Texas Street) from Texas Street.

Photo 6. Viewing south toward the project site from the north side of Texas Street.

Figure 2-5 Site Photos 5 and 6

New Solano Hall of Justice Courthouse Project

Photo 7. Existing Solano County Justice Center building at 500 Union Avenue, west of the project site.

Photo 8. Existing Solano County Court House building at 580 Texas Street, north of the project site.

Figure 2-6 Site Photos 7 and 8

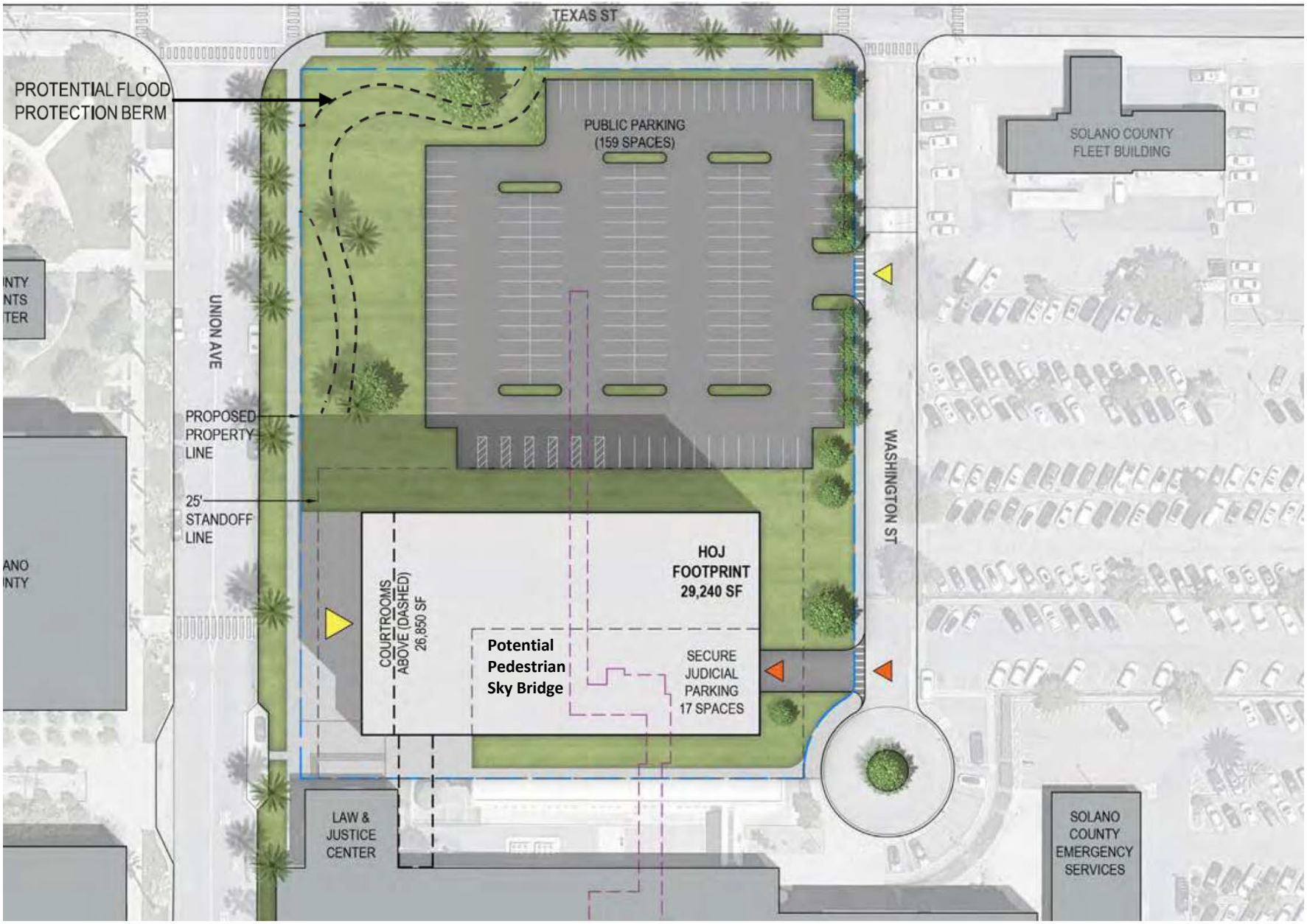
New Solano Hall of Justice Courthouse Project

Photo 9. Viewing southwest across existing parking lot from Texas Street/Clay Street intersection.

Photo 10. Existing Solano County Fleet building at 447 Texas Street, east of the project site.

Figure 2-7 Site Photos 9 and 10

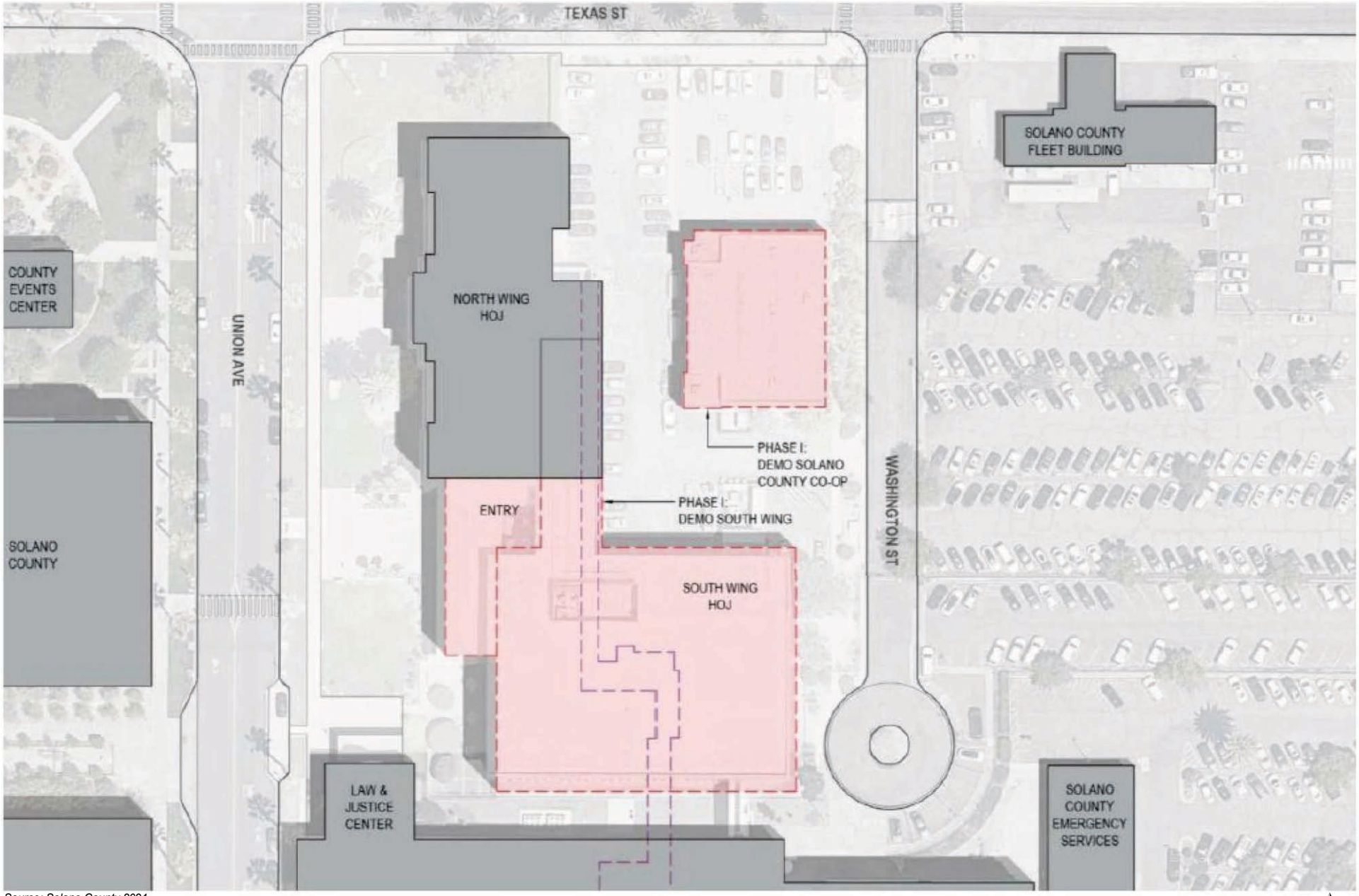
New Solano Hall of Justice Courthouse Project



Source: Judicial Council of California 2025

Figure 2-8 Conceptual Site Plan

New Solano Hall of Justice Courthouse Project



Source: Solano County 2024

N
Not to Scale

Figure 2-9 Proposed Site and Demolition Plan

New Solano Hall of Justice Courthouse Project

MIG

Chapter 3. Environmental Checklist and Responses

1. **Project Title:** New Solano Hall of Justice Courthouse Project

2. **Lead Agency Name and Address:**

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

3. **Contact Person and Phone Number:**

   Contact: Alexandra Cervantes, Senior Facilities Analyst
   Phone: (916) 642-6924
   Email: newsolanohojproject@jud.ca.gov

4. **Project Location:** Southeast corner of Union Avenue and Texas Street

5. **Project Sponsor's Name and Address:**

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

6. **General Plan Designation:** The existing Solano HOJ building is jointly owned by Solano County and the State of California. The State will be purchasing the parcel needed for the new courthouse. The Project is not subject to local General Plan designations.

7. **Zoning:** Since the Judicial Council is the lead agency for the proposed Project and is acting for the State of California, 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 determine whether the proposed Project would be consistent with the site's character and surroundings. The site is zoned Public Facilities (PF) by the City of Fairfield and can include educational, governmental, recreational, and other institutional facilities.

8. **Description of the Project:** The Judicial Council is proposing to demolish the existing Solano HOJ and Co-Op buildings and construct a new 141,000 square-foot courthouse for the Solano Superior Court on the site of the existing HOJ building located at 600 Union Avenue in the City of Fairfield. The new courthouse building would be up to 5 stories, approximately 86 feet in estimated height, and may include a pedestrian sky bridge to connect to the existing Law & Justice Center. The new courthouse building includes courtrooms with support spaces, justice chambers, administrative and operations areas, a lobby, and a public entry. The Project also includes site improvements, including a new on-site public parking lot with 159 spaces, 17 secured parking spaces for judicial officers, and rerouted utility connections to serve the new building. The building would be designed to meet Judicial Council Trial Court Facilities

Standards. The 2.94-acre Project site is bounded on three sides by public roadways (Texas Street to the north, Washington Street to the east, and Union Avenue to the west). The new courthouse would have roughly the same footprint as the South Wing of the existing Solano HOJ building. The Project site would have 25-foot setbacks from the property lines along all sides. No changes are proposed to the existing facility operations or operational capacity, including but not limited to the number of employees present onsite, hours of operation, number of courtroom proceedings, and visitor use.

9. **Surrounding Land Uses and Setting:** The Project site is bounded on three sides by public roadways (Texas Street to the north, Washington Street to the west, and Union Avenue to the east) and several contiguous buildings containing the Solano County Law and Justice Center, Sheriff's Office, Coroner's Office, and Jail to the south on the same parcel as the Project site. The remainder of the Project parcel contains several other County-owned buildings, a staff parking lot, and site landscaping. The Project site and the surrounding buildings described above comprise the 17-acre Downtown Fairfield Justice Campus.

10. **Other public agencies whose approval is required:** State Fire Marshal, State Water Resources Control Board, City of Fairfield, County of Solano

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** In accordance with Public Resources Code section 21080.3.1, the Judicial Council notified California Native American tribes that are traditionally and culturally affiliated with the Project area of the proposed Project on October 1, 2024. Tribes were provided thirty days to request consultation on the Project. The Judicial Council did not receive any requests for consultation from a tribe within the statutory thirty-day period.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

	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 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.

Alexandra Cervantes		Senior Facilities Anlayst
Printed Name		Title
Alexandra Cervantes		11/10/2025
Signature		Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

a. The significance criteria or threshold, if any, used to evaluate each question; and

b. The mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
*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 points.) 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?	☐	☐	☒	☐
*Except as provided in Public Resources Code Section 21099				

3.1.1 Environmental Setting

The Project site is situated at the eastern extent of the City's Heart of Fairfield area, an urban area in Fairfield's downtown. Fairfield's original downtown, the focus of the Heart of Fairfield area, is situated along the Texas Street corridor, running from Interstate 80 (I-80) at the western end to Armijo High School at the eastern end. East of Jefferson Street lies the Solano County Government Center, housing key public facilities like the County Courthouse and administrative offices. Downtown comprises an almost uniform set of small, pedestrian-friendly blocks with alleys and a regular pattern of neighborhood-scale residences and commercial buildings. Many landmark historic buildings from the first few decades remain within the Downtown core, particularly along Texas Street and in the County Government Center at the intersection of Texas and Union Streets. (City of Fairfield 2017)

Fairfield's surrounding natural and agricultural landscapes provide a distinctly different character from other nearby cities. South of central Fairfield is the Suisun Marsh, the continental United States' largest brackish marsh, which has been largely preserved as open space for wildlife habitat. Active vineyards and orchards are concentrated in unincorporated Green Valley to the north and west of Cordelia, and in the Suisun Valley north of I-80. Adjacent to central Fairfield's western edge, Suisun Valley is a diverse agricultural region and American Viticultural Area that stretches northward to the Napa County border. Hilly terrain borders the city to the north and

northwest, culminating in the area's two mountain landmarks: Twin Sisters (to the west) and Cement Hill (to the northeast). Hillsides north of the city are preserved as open space and used for grazing by ranching families. (City of Fairfield 2024a)

The Solano HOJ building is located along the palm tree-lined Union Avenue where numerous civic buildings are clustered along the north-south axis. At the northern terminus of the axis is the Old Solano Courthouse on Texas Street, a Neoclassical building fronted by an east-west row of palm trees. This area comprises the intentionally planned county government center in Fairfield. Properties, including the subject property, in this area have consistent building setbacks from the street along Union Avenue. A row of palm trees lining the north-south axis and Texas Street in a T-formation links the numerous government buildings. The extant buildings reflect a variety of architectural styles from numerous periods which suggest that several buildings have been modified, demolished, and newly constructed in this area since the 1970s. (MIG 2025)

3.1.2 Regulatory Setting

Federal Regulations

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

State Regulations

California Trial Court Facilities Standards

The Facilities Standards include the following site and building design criteria standards that would reduce potential Project impacts on the scenic quality of the Project vicinity:

- Orient buildings to take advantage of views; conversely, in new buildings, do not block major view corridors. Orientation for views should not compromise optimal solar orientation.
- Building shape, size, and scale contribute to a facility's architectural and visual character. To convey human scale, and not overwhelm court users, massing and scale of all new construction shall be considered during planning and design.
- Building height and coverage may respect local zoning regulations, although such regulations do not strictly apply to state buildings.
- Detail of architectural elements of large buildings should maintain a sense of scale and sensitivity to the neighborhood context. Consider the visual and environmental effects that new and existing structures will have on the neighborhood and on existing buildings located in the sphere of influence caused by shading or reflectance, changes in airflow, and views to and from existing buildings.
- Design the location and visibility of utilities to minimize impact on the landscape.
- Provide a related group of landscape materials, to promote continuity throughout the site.

- Provide visual focus for the public entry and the path to it with appropriate planting scale and plant placement.
- Define outdoor spaces consistently and with appropriate scale and function throughout the premises.
- Use landscaping and building configuration to shade and provide sound, sun, and wind buffering for outdoor spaces and pedestrian areas. Provide shading on southern and western building elevations.

The Facilities Standards include the following exterior lighting requirements that would reduce potential Project impacts on the scenic quality of the Project vicinity:

> 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 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.

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] 2025). 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.

<u>Local Regulations</u>

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 Fairfield General Plan

The Land Use and Urban Design Element of the City's General Plan outlines the following policies relevant to aesthetics that are applicable to the proposed Project:

Policy LU-6.3 Natural Features in Site Design. Preserve identified prominent topographical features, including ridgelines, steep slopes, and hillsides; and natural features such as tree stands and riparian areas.

Policy LU-6.4 Clustered Development. Promote clustered development to minimize grading, preserve landforms, and minimize visual impacts.

Policy LU-6.6 Avoid View Encroachment. Restrict development from significantly encroaching on public views of ridgelines, agricultural areas, the Cement Hill Range, and the Suisun Marsh.

Policy LU-20.1 Site Plans. All new development must prepare a site plan that addresses, at minimum:

- How development patterns minimize grading and visual dominance over any scenic resources or hillsides
- Provision of adequate emergency ingress and egress
- Provision of adequate utilities
- Pedestrian and bicycle circulation, including incorporation of future bikeway connections, as shown in [General Plan] Figure 4-3.

Policy LU-20.2 Scenic Resource Protection. Plans shall conform to City's Scenic Vistas and Roadways Plan, including relevant general design policies and policies.

Fairfield Zoning Ordinance

The City of Fairfield's Zoning Ordinance (Chapter 25 of the Fairfield Municipal Code; City of Fairfield 2025) establishes general development regulations, including standards for plan lines; building setbacks; building height limits; fences, walls, and hedges; screening; outdoor lighting; trash and recyclable enclosures; and solar energy systems that apply to land uses in all zoning districts. While the proposed Project is not subject to local land use regulations, the Judicial Council has designed the proposed Project in consideration of the City of Fairfield's zoning standards.

3.1.3 Impact Discussion

Would the Project:

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

No Impact. For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. The City of Fairfield has in its Scenic Vistas and Roadway Plan designated Scenic Vista Areas, Scenic Roadways, and Potential Scenic Vista Points and established policies and guidelines for these designated significant visual resources (City of Fairfield 1999).

The closest Scenic Vista Area to the Project site is Suisun Marsh, located approximately one mile south of the project site. The Scenic Vistas and Roadway Plan states Suisun Marsh is the most unique natural area in Solano County. Suisun Marsh is not visible from publicly accessible

viewpoints on the Project site due to intervening buildings and trees and variations in topography between the project site and Suisun Marsh. The construction of the new courthouse building and associated site improvements would not affect views of Suisun Marsh from the Project site because said views currently do not exist.

There are no Scenic Roadways located within the vicinity of the Project site. The closest Scenic Roadway to the Project site is Rancho Solano Parkway, located approximately 2.6 miles to the northwest. The Project would not obstruct or otherwise impact views provided from locations on Rancho Solano Parkway due to the intervening distance between the Project site and Rancho Solano Parkway.

The closest potential Scenic Vista Point to the Project site is South Cordelia. While the Scenic Vistas and Roadways Plan did not officially designate a Scenic Vista Point in South Cordelia, the plan identified a site along Ramsey Road near Gold Hill and hillside areas south of the Garibaldi subdivision within the Tri-City and County Cooperative Planning Area as potential locations for the South Cordelia Scenic Vista Point to provide close-up viewing of the Suisun Marsh. The Project site is not located in the vicinity of any of the potential locations identified in South Cordelia. Therefore, the Project would not obstruct or otherwise impact views of Suisun Marsh from a potential Scenic Vista Point in South Cordelia, should one be established.

The Project site currently contains the existing Solano HOJ building; several other County-owned buildings; a staff parking lot; landscaping, including lawns, shrubbery, and trees; pedestrian and security lighting; pathways and sidewalks; and utilities. Views provided by the site are predominantly of surrounding public facilities, including the Old Solano Courthouse, and mixed-use structures, and associated landscaping in all directions. Minimal views of the Vaca Mountains and foothills to the north are provided intermittently along the northern border of the property; however, these views are largely obstructed by existing physical features, including buildings, trees, and transmission poles. As stated above, Suisun Marsh, a highly valued scenic landscape in the wider area, is not visible from any location within the Project site.

Construction activities would have a short-term impact on the visual character of the Project site; however, as stated previously, the Project site is located in a downtown urban environment and does not provide views of any scenic resources. Temporary construction sites commonly contribute to the visual makeup of urban environments. Further, as stated previously, existing views of the Vaca Mountains are minimal, and Suisun Marsh is not visible. Construction activities would be short-term and temporary, and all construction equipment and signage would be removed from the site following the completion of Phase III of Project construction.

The Project site does not provide views of scenic vistas and, as a result, would not have a substantial adverse effect on a scenic vista. The Project would have no impact on scenic vistas.

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

No Impact. There are no designated state scenic highways in or near the City of Fairfield (Caltrans 2025). The nearest officially designated state scenic highway is State Route (SR) 160, located approximately 20.75 miles southeast of the Project site. SR 29 and SR 221, located approximately 12.4 miles to the west of the Project site in Napa, are eligible for designation as

state scenic highways; however, these highway segments do not yet have official designated status.

Because there are no eligible or designated state scenic highways in or near the Project site, the Project would not affect scenic resources within a state scenic highway. No impact would occur.

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?**

Less Than Significant Impact. The proposed Project consists of the demolition of the existing Solano HOJ building, a Solano County Co-Op building, and other existing site features, and the construction of a new courthouse building and associated site improvements on the same site in downtown Fairfield. The new courthouse building would be constructed within roughly the same footprint as the existing Solano HOJ building with a ground floor area (i.e., total lot coverage/footprint) measuring 29,240 square feet. The Project site would have 25-foot setbacks along all sides (front, sides, and rear) consistent with the City's Zoning Ordinance. As such, the new courthouse building would be set back a minimum of 25 feet from the nearest property lines. The new courthouse would have a total floor area of up to 141,000 square feet and the building would be up to five stories tall with an estimated height of 86 feet. As discussed in Section 2.4.1, the Project includes a potential pedestrian sky bridge that would connect the new courthouse building with the existing Law and Justice Center that is located just south (see Figure 2-8).

The existing Solano HOJ South Wing has a building height of 40 feet. The Solano HOJ North Wing has a building height of 46 feet. At 86 feet tall, the new courthouse would be substantially taller than the current Solano HOJ building. Although the new courthouse would be one of the tallest buildings in the project vicinity, the new building would be located adjacent to the other large buildings in Downtown Fairfield. For example, the county building at 608 Union Avenue immediately across the street from the Solano HOJ building is 89 feet tall to the roofline not including the parapet. Detailed Project architectural plans are not yet available; however, the new courthouse and potential pedestrian sky bridge would be designed according to the Judicial Council's Facilities Standards (Judicial Council 2023a). The Facilities Standards establish site design planning criteria to ensure the integration of building and site design. Relevant site design planning criteria from the Facilities Standards are listed above in Section 3.1.2.

While the Judicial Council is not required to comply with local zoning ordinance, the proposed Project is a Public Facility which would be consistent with the City of Fairfield's Zoning Ordinance. The proposed Project would follow the site and building design standards established in the Facilities Standards and would be consistent with the aesthetics in local zoning regulations outlined in the Land Use and Urban Design Element of Fairfield's General Plan, listed above in Section 3.1.2.

While the Project could have potentially significant impacts on the scenic quality of the surrounding area, the design of the new courthouse would adhere to Facilities Standards for site

and building design and project design would be consistent with local regulations governing scenic quality. This impact would be less than significant.

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

Less Than Significant Impact. The Project would replace existing light sources associated with the existing courthouse buildings (i.e., interior and exterior building lights, security lights, and parking lot lights) with similar sources of interior and exterior lighting associated with the new courthouse building and parking lot. The proposed project could also introduce a new source of daytime glare if the new building is constructed with large reflective windows.

Solar Glare / Reflection

Daytime glare can occur when the sun hits the reflective windows of tall buildings. When, where, and for how long the reflection is generated depends on such factors as the angle of the sun and time of year, building design, the size and type of window glass used, and intervening vegetation such as tall trees. As described above, the new courthouse building would be approximately 86 feet tall while the existing Solano HOJ South Wing is approximately 40 feet tall and the North Wing is approximately 46 feet tall. The design of the new courthouse building is unknown at this time and the taller new courthouse building could increase the potential for sunlight glare off the windows. Potential sunlight glare off the new courthouse building can be controlled with design features such as orientation of windows in relation to the path of the sun, the size of windows, and type of glass used. The new courthouse building is located in downtown Fairfield and would be surrounded by other existing Solano County Law and Justice Center buildings. There are no sensitive receptors to the glare of reflected sunlight in the immediate vicinity of the new courthouse building such as motorists on a highway, or residential land uses. For this reason, the Project's impacts related to daytime glare would be less than significant.

Night Lighting

The Project site is located in an urban area in Downtown Fairfield with existing sources of ambient night lighting. The Project site currently contains sources of nighttime lighting in the form of outdoor pedestrian and security lighting and the escape of indoor lighting through windows on the existing Solano HOJ and County Co-Op buildings. Except for the potential pedestrian sky bridge, the construction and operation of the new courthouse would not create new sources of light and glare where there are not already existing sources of light and glare (light escaping from interior of building and exterior night lighting). However, at 86 feet tall, the new courthouse would be substantially taller than the current Solano HOJ building creating opportunity for additional interior lighting to shine at night. The potential pedestrian sky bridge could introduce a new source of light and glare to the Project site. If the pedestrian bridge is constructed, it would be located between two buildings in an area that already has exterior lighting and is not located near light-sensitive uses (i.e., highway motorists or residential areas). The pedestrian bridge, if constructed, would be designed consistent with Judicial Council's Facilities Standards which minimize the effects of light sources, prevent light from escaping the project site, and avoid impacts to nighttime skies.

The current JCC Trial Court Facility Standards include requirements for selecting and locating lights to minimize direct or reflected glare and states that the primary purpose of exterior lighting is to provide safety and security for those entering and exiting the building outside of daylight hours. The Facility Standards require each project design team to develop a luminaire specification that uses the least number of types of light required to satisfy the design in an effort to simplify maintenance and reduce exterior lighting energy consumption during inactive periods at night while striving to maintain the uniformity of light during the reduced-light-level scenario, which can help contribute to the sense of safety in pedestrian areas and parking lots at night. The following Standards would be implemented to reduce night light and glare from the Project:

- **16.C Lighting Strategies, 1 Exterior Lighting, c. Exterior lighting.** 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.
- **16.C Lighting Strategies, 2. Security Lighting, c. Provide a comprehensive nighttime security lighting scheme.** A nighttime security lighting scheme shall be developed and discussed with the Judicial Council's Emergency Planning and Security Coordination unit and coordinated with the architectural design team—to satisfy both security needs and the architectural design intent establishing the nighttime civic presence of the facility.

Project construction would begin in June of 2029 and end in December of 2031. During the months of November through April, sunset ranges from 5:00 PM to 8:00 PM, and as such, nighttime begins as early as 5:00 PM. The Project may conduct grading and construction activities during nighttime hours. Nighttime construction activities would require lighting to ensure safe and effective working conditions. Nighttime construction lighting has the potential to impact light-sensitive uses, including residential areas. There are no light-sensitive uses, including residential areas, located adjacent to the Project site. The nearest residential area to the Project is 450 feet north on Empire Street. Construction activities would not occur beyond 7pm (Project Description section 2.4.5) and therefore, the need for nighttime construction lighting would be limited to the early evening hours. Given the distance of the nearest residential area to the Project site and the short duration of nighttime lighting, the impact would not be significant. It is anticipated that impacts from construction lighting would be limited to the maximum extent feasible by shielding and directing lights only to areas required for operations and safety, further resulting in a less-than-significant nighttime construction lighting impact.

For these reasons, the Project is not expected to create new substantial sources of light and glare that would adversely affect daytime and nighttime views. This impact would be less than significant.

3.2 AGRICULTURAL AND FOREST 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?	☐	☐	☐	☒
*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				

3.2.1 Environmental Setting

Agricultural uses account for 3.3 percent of the City's land area. Most of this land is used for grazing and is unsuitable for crop production (City of Fairfield 2024a). The project site is classified as Urban Built Up Land, which is land that is developed and used for urban purposes and not designated for agricultural uses. Additionally, there are no forestry resources present at the site, nor is the project site under a Williamson Act contract. Further there is no designated farmland on or adjacent to the project site (California Department of Conservation [CDC] 2022).

3.2.2 Regulatory Setting

Federal Regulations

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

State Regulations

Farmland Mapping and Monitoring Program

The CDC's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time (CDC 2022). Agricultural land is rated according to soil quality and irrigation status. The FMMP classifies farmland as either Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, and Urban Build Up Land. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the Project area.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is also used to identify sites that may contain agricultural resources or are zoned for agricultural uses.

Local Regulations

The Judicial Council, acting as the judicial branch of the 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 local regulations are applicable to agricultural and forest resources in relation to the proposed Project.

3.2.3 Impact Discussion

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?

No Impact (Responses a-d). As stated above, the **P**roject site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor is it under a Williamson Act contract. Additionally, the **P**roject site is not zoned for agricultural use and does not contain any lands suitable for agricultural use. Therefore, the Project would not convert farmland or impact agricultural land uses. Neither forestland nor timberland, including timberland production activities, exist within the **P**roject area; therefore, the Project would have no effect, nor result in the loss of or conversion of forestland and timberland resources.

3.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
*Where 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.				

3.3.1 Environmental Setting

Air quality is a function of pollutant emissions and topographic and meteorological influences. Physical atmospheric conditions such as air temperature, wind speed and topography influence air quality.

Criteria Air Pollutants

Federal, state, and local governments control air quality through the implementation of laws, ordinances, regulations, and standards. The federal and state governments have established ambient air quality standards for “criteria” pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or $PM_{2.5}$), inhalable coarse particulate matter (particles 10 microns in diameter and smaller, or PM_{10}), and sulfur dioxide (SO_2). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H_2S), sulfates (SO_X), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

San Francisco Bay Area Basin

The proposed Project is located in the San Francisco Bay Area Air Basin (SFBAAB), an area of non-attainment for both the 1-hour and 8-hour state ozone standards, both the annual and 24-hour state PM_{10} standards, and the national 24-hour and state annual $PM_{2.5}$ standards (Bay

Area Air Quality Management District [BAAQMD] 2023, Table 5-1).[1] The SFBAAB is comprised of nine counties: all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, Napa, and the southern portions of Solano and Sonoma.

The climate of the Bay Area is classified as Mediterranean (OPR/CEC/CNRA 2018). The climate is dominated by the Pacific high-pressure system that results in generally mild, dry summers and mild, wet winters. In addition to the SFBAAB's topography and geographic location, El Niño and La Niña patterns in the central Pacific Ocean can also have large effects on weather and rainfall received in the SFBAAB between November and March.

Sensitive Receptors

A sensitive receptor is defined by the Bay Area Air Quality Management District (BAAQMD) as a facility or land use that include members of the population that are particularly sensitive to the effects of air pollution, such as children, seniors, or people with illnesses (BAAQMD 2023, Appendix F). These typically include residences, hospitals, and schools. Sensitive air quality receptors within 1,000 feet of the project site include:

- Student receptors at Armijo High School along North Texas Street and Washington Street, approximately 100 feet northeast of the project site.
- Single-family residential receptors along Empire Street and Washington Street, approximately 450 feet north of the project site.
- Single-family residential receptors along Delaware Street and Jefferson Street, approximately 500 feet west of the project site.

3.3.2 Regulatory Setting

Federal Regulations

The Federal Clean Air Act (CAA), as amended, provides the overarching basis for both federal and state air pollution prevention, control, and regulation. The Federal CAA establishes the U.S. EPA's responsibilities for protecting and improving the nation's air quality. The U.S. EPA oversees federal programs for setting air quality standards and designating attainment status, permitting new and modified stationary sources of pollutants, controlling emissions of HAPs, and reducing emissions from motor vehicles and other mobile sources. In 1971, to achieve the purposes of Section 109 of the Federal CAA, the U.S. EPA developed primary and secondary NAAQS. Primary standards are designed to protect human health with an adequate margin of safety. Secondary standards are designed to protect property and public welfare from air pollutants in the atmosphere.

The U.S. EPA requires each state prepare and submit a State Implementation Plan (SIP) that consists of background information, rules, technical documentation, and agreements that an individual state will use to attain compliance with the NAAQS within federally-imposed

[1] On February 7, 2024, the U.S. EPA lowered the primary annual average health-based standard for $PM_{2.5}$ from 12 $\mu g/m^3$ to 9 $\mu g/m^3$. The U.S. EPA generally makes initial attainment/nonattainment designations within 2 years of the issuance of a new standard.

deadlines. State and local agencies implement the plans and rules associated with the SIP, but the rules are also federally enforceable.

State Regulations

California Air Resources Board In-Use Off-Road Diesel Vehicle Regulation

On July 26, 2007, the California Air Resources Board (CARB) adopted a regulation to reduce DPM and NO_x emissions from in-use must meet average targets or comply with Best Available Control Technology requirements beginning in 2014. CARB's In-Use Off-Road Diesel Equipment regulation is intended to reduce emissions of NO_x and PM from off-road diesel vehicles, including construction equipment, operating within California. The regulation imposes limits on idling; requires reporting equipment and engine information and labeling all vehicles reported; restricts adding older vehicles to fleets; and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing exhaust retrofits for PM. The requirements and compliance dates of the off-road regulation vary by fleet size. CARB has off-road anti-idling regulations affecting self-propelled diesel-fueled vehicles 25 horsepower and higher. The off-road anti-idling regulations limit idling on applicable equipment to no more than five minutes, unless exempted due to safety, operation, or maintenance requirements. In 2022, CARB approved amendments requiring the use of renewable diesel fuel starting January 1, 2024. Fleets comprised of Tier 4 Final equipment or zero emission equipment are exempt from this requirement.

CARB On-Road Heavy-Duty Diesel Vehicle (In-Use) Regulation

CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) regulation (also known as the Truck and Bus Regulation) is intended to reduce emission of NO_x, PM, and other criteria pollutants generated from existing on-road diesel vehicles operating in California. The regulation applies to nearly all diesel-fueled trucks and buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds that are privately or federally owned, and for privately and publicly owned school buses. Heavier trucks and buses with a GVWR greater than 26,000 pounds must comply with a schedule by engine model year or owners can report to show compliance with more flexible options. By 2023, all trucks and buses must have at least 2010 model year engines with few exceptions.

Local Regulations

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.

Bay Area Air Quality Management District

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. Because BAAQMD implements the federal Clean Air Act, the Judicial Council must comply with most BAAQMD implementing regulations. The BAAQMD carries out its responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and

national air quality standards. The BAAQMD currently has 14 regulations containing more than 100 rules that control and limit emissions from sources of pollutants. Table 3-1 summarizes the primary BAAQMD rules and regulations that may apply to the proposed Project.

Table 3-1. Potentially Applicable BAAQMD Rules and Regulations

Regulation	Rule	Description
1- General Provisions and Definitions	1- General Provisions and Definitions	301 – Public Nuisance: Establishes that no person shall discharge quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number or person or the public; or which endangers the comfort, repose, health, or safety of any such person or the public.
6 – Particulate Matter	1 – General Requirements	Limits visible particulate matter emissions.
6 – Particulate Matter	6 – Prohibition of Trackout	Limits the quantity of particulate matter through control of trackout of solid materials on paved public roads from construction sites that are greater than one acre in size.
8 – Organic Compounds	3 – Architectural Coatings	Sets forth Volatile Organic Compounds (VOC) limitations and requirements for architectural coatings. Traffic marking coatings are required to meet a standard of 100 g/L.
7- Odorous substances	Odorous Substances	Establishes general limitations on odorous substances and specific emission limitations on certain odorous compounds, such as ammonia.
11- Hazardous Pollutants	2 – Asbestos Demolition, Renovation and Manufacturing	Control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures.
Source: BAAQMD 2025		

Clean Air Plan

On April 29, 2017, the BAAQMD adopted its Spare the Air-Cool the Climate 2017 Clean Air Plan (Clean Air Plan). The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in fulfillment of state ozone planning requirements. The Plan focuses on the three following goals:

- Attain all state and national air quality standards.
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The plan includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target the largest source of GHG, ozone pollutants, and particulate matter emissions – transportation. The 2017 Clean Air Plan includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment (BAAQMD 2017).

City of Fairfield General Plan

Chapter 9 Environmental Justice and Public Health Element of the City's General Plan includes policies to address air quality. The following air quality-related policies from the General Plan may be relevant to the proposed Project:

Policy EJPH-1.1: Sensitive Receptors. Protect sensitive receptors such as schools, childcare centers, senior living facilities, and residences from the impacts of stationary and non-stationary sources of pollution by ensuring adequate buffers or mitigation measures. Establish vegetative barriers or green wall barriers in between industrial land and sensitive land uses, and along heavy-duty truck/goods movement corridors and free-ways to protect sensitive land uses from pollution impacts.

Policy EJPH-1.2: Impact Assessment and Mitigation. Continue to use the Bay Area Air Quality Management District modeling tools and guidance documents as appropriate to identify and mitigate air quality impacts from proposed development projects, including for projects within 500 feet of a major freeway.

Policy EJPH-1.5: Reduce Exposure to Air Pollution for Project Occupants. Incorporate measures to improve indoor air quality (including minimum efficiency reporting value (MERV) requirements) and reduce exposure to air pollution in new development projects.

3.3.3 Impact Discussion

Would the proposed Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed Project would not conflict with nor obstruct implementation of the BAAQMD 2017 Clean Air Plan. The 2017 Clean Air Plan includes increases in regional construction, area, mobile, and stationary source activities, and operations in its emission inventories and plans for achieving attainment of air quality standards. Chapter 5 of the 2017 Clean Air Plan contains the BAAQMD's strategy for achieving the plan's climate and air quality goals. The proposed Project would not result in a change in land use, population, or vehicle miles traveled. The 2017 Clean Air Plan's focus on long-term air quality improvement would account for the proposed Project's short-term construction emissions. Thus, the proposed Project would not conflict with the 2017 Clean Air 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?

Less Than Significant Impact. The proposed Project would generate both short-term construction emissions and long-term operational emissions. As described in more detail below, the proposed Project would not generate short-term or long-term emissions that exceed BAAQMD-recommended criteria air pollutant thresholds.

Construction Emissions

The proposed Project involves the demolition of existing HOJ and Co-Op buildings and the construction of a new, approximately 141,000 square foot courthouse on approximately 2.94 acres of land. The Project's potential construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), Version 2022.1. The modeling is based on default CalEEmod assumptions, with the following project-specific modifications:

- **Construction Equipment:** CalEEMod default assumptions for construction equipment were modified to reflect potential pile driving activities.
- **Fugitive Dust Control Measures:** Fugitive dust control measures were incorporated into the construction emissions modeling.

The Project's estimated construction criteria air pollutant emissions are presented in Table 3-2 Refer to Appendix A for detailed CalEEMod assumptions and output files.

Table 3-2. Estimated Unmitigated Project Construction Criteria Air Pollutant Emissions

Year	Pollutant Emissions (Tons Per Year)						
	ROG	NO_x	CO	PM_{10}		$PM_{2.5}$	
				Exhaust	Dust	Exhaust	Dust
2028	0.1	1.1	1.4	<0.1	0.1	<0.1	<0.1
2029	0.8	0.5	0.7	<0.1	<0.1	<0.1	<0.1
Year[(A)]	**Pollutant Emissions (Average Pounds per Day)**						
	ROG	**NO_x**	**CO**	**PM_{10}**		**$PM_{2.5}$**	
				Exhaust	**Dust**	**Exhaust**	**Dust**
2028	0.7	5.9	7.6	0.2	0.7	0.2	0.2
2029	4.4	2.5	3.6	0.1	0.1	0.1	<0.1
BAAQMD CEQA Threshold	**54**	**54**	**--**	**BMPs**	**82**	**BMPs**	**82**
Potentially Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**	**No**
Source: BAAQMD 2023. See Appendix A.							

As shown in Table 3-2, unmitigated construction emissions associated with the proposed Project would be below all BAAQMD significance thresholds for criteria air pollutant emissions. For all projects, the BAAQMD recommends implementation of nine "Basic Best Management

Practices for Construction-Related Fugitive Dust Emissions" to reduce construction fugitive dust emissions levels; these basic measures are also used to meet the BAAQMD's best management practices (BMPs) threshold of significance for construction fugitive dust emissions (i.e., the implementation of all basic construction measures renders fugitive dust impacts a less than significant impact). The BAAQMD's recommended fugitive dust BMPs are as follows (BAAQMD 2023, Table 5-2):

- B-1: All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B-2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- B-3: All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- B-4: All vehicle speeds on unpaved roads shall be limited to 15 mph.
- B-5: All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- B-6: All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- B-7: All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- B-8: Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- B-9: Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Operational Emissions

Upon completion of construction activities, the proposed Project would generate emissions of regulated air pollutants from:

- **"Area" Sources.** The proposed land use would generate emissions from small area sources, including landscaping equipment, and the use of consumer products (e.g., paints, cleaners, and fertilizers) that result in the evaporation of chemicals into the atmosphere during product use.
- **Energy Use and Consumption.** The proposed land use would generate emissions from the combustion of natural gas in water and space heating equipment.
- **Mobile Sources.** The proposed land use would generate emissions from vehicle traveling to and from the project site.

As described in Section 2.4, the proposed Project may include an emergency backup generator, however the placement within the Project site, technical specifications, hours of operation per day, and annual runtime details are currently unknown. Conservatively, this analysis assumes the proposed Project would include a 300-600 horsepower emergency backup generator that would operate for 1 hour per testing day over an annual average 50-hour runtime. The emissions factors used in this analysis for calculating emissions of the emergency backup generator are based on CalEEMod default emergency generator and fire pump emission factors in Appendix G, Table G-40 of the CalEEMod User Guide (CAPCOA 2022).

The proposed Project's operational emissions were estimated using CalEEMod version 2022.1 using default data assumptions. The proposed Project's estimated operational emissions and emergency generator emissions are presented in Table 3-3.

Table 3-3. Estimated Project Operational Criteria Air Pollutant Emissions

Source	Pollutant Emissions (Average Pounds per Day)				
	ROG	NOx	CO	PM_{10}	$PM_{2.5}$
Area Sources	4.0	<0.1	3.7	<0.1	<0.1
Energy Demand	0.1	1.1	0.9	0.1	0.1
Mobile Sources	7.2	5.4	43.5	0.1	0.1
Backup Generator	0.9	2.5	2.3	0.1	0.1
TOTAL[(A)]	12.2	9.1	50.4	0.3	0.3
BAAQMD CEQA Threshold	**54**	**54**	**--**	**82**	**54**
Potentially Significant Impact?	**No**	**No**	**No**	**No**	**No**

Source: BAAQMD 2023. See Appendix A.
Notes:
(A) Totals may not equal due to rounding.

As shown in Table 3-3, operational criteria air pollutant emissions associated with the proposed Project would be below the BAAQMD regional thresholds. Additionally, operational mobile emissions associated with the Project would be further reduced with implementation of Mitigation Measure GHG-1 (see Section 3.8.3), Prepare VMT/TDM Reduction Plan. Therefore, operation of the proposed Project would not generate operational-related emissions that exceed BAAQMD thresholds, and impacts would be less than significant.

Cumulative Impact Discussion

The SFBAAB is an area of non-attainment for national and state ozone, state PM_{10}, and national and state $PM_{2.5}$ air quality standards (BAAQMD 2023 Table 5-1). As shown in Table 3-2 and Table 3-3, the BAAQMD has established project-level thresholds of significance for criteria air pollutants. The BAAQMD's project-level thresholds are also the levels at which the BAAQMD has determined that a project's individual contribution to the cumulative impact of non-attainment is cumulatively considerable (BAAQMD 2023). As discussed under paragraphs a) and b) above, the proposed Project does not conflict with the BAAQMD's *2017 Clean Air Plan* and would not result in construction or operational emissions that exceed BAAQMD thresholds

of significance. As such, the proposed Project would not result in a cumulatively considerable contribution to regional air quality impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant with Mitigation Incorporated. The proposed Project's construction activities would emit TACs that have the potential to disperse and result in adverse health risks at sensitive receptor locations near the project site. Construction activities associated with the proposed Project would generate on- and off-site exhaust emissions, including DPM in the form of $PM_{2.5}$. The specific quantity of emissions emitted at any given time would be dependent on the type and number of pieces of equipment operating, the equipment's engine classification, the equipment's horsepower, and the load the engine is under. Off-site emissions would be generated from haul trucks used to transport soil and construction debris to and from the site.

The United State Environment Protection Agency's (EPA) AERMOD dispersion model (version 23132) was used to predict pollutant concentrations at existing sensitive receptors near the project site. The AERMOD dispersion model is an EPA-approved and BAAQMD-recommended model for simulating the dispersion of pollutant emissions and estimating ground level concentrations of pollutants at specified receptor locations. AERMOD requires the user to input information on the source(s) of pollutants being modeled, the receptors where pollutant concentrations are modeled, and the meteorology, terrain, and other factors that affect the potential dispersion of pollutants. These variables are described below.

Modeled Construction Sources / Emission Rates

On- and off-site construction emissions were modeled as a series of area and line area sources, as shown in Table 3-4 and Figure 3-1.

Table 3-4. AERMOD Source Parameters

Source ID	Source Description	UTM Coordinates(A)		Size (m^2)
		X	Y	
PAREA01	Onsite Equipment 2028	584058.30	4233891.11	1,2015.4
PAREA02	Onsite Equipment 2029	584058.30	4233891.11	1,2015.4
ARLN01	Offsite 2028 Texas Street	584069.16	4233901.39	469.6(B)
ARLN02	Offsite 2028 Webster Street	583715.62	4233892.72	359.5(B)
ARLN03	Offsite 2028 Jackson Street	583599.75	4233892.28	360.6(B)
ARLN04	Offsite 2029 Texas Street	584069.16	4233901.39	469.6(B)
ARLN05	Offsite 2029 Webster Street	583715.62	4233892.72	359.5(B)
ARLN06	Offsite 2029 Jackson Street	583599.75	4233892.28	360.6(B)

Notes:
(A) UTM coordinates represent the northeast corner of the source.
(B) Reflects length of line area source in meters.

Source: Google Earth 2025

Figure 3-1 Modeled Construction Emissions Sources

New Solano Hall of Justice Courthouse Project

Consistent with BAAQMD-recommendations, $PM_{2.5}$ construction exhaust emissions were presumed to be 100 percent DPM; $PM_{2.5}$ fugitive dust emissions were not modeled to determine total combined $PM_{2.5}$ exposure pursuant to BAAQMD CEQA Guidelines and guidance provided by staff of the BAAQMD's Planning and Climate Protection Division. An emissions rate for each source listed in Table 3-4 was derived from the CalEEMod emissions estimates shown in Appendix A. The annual emissions generated during construction of the proposed Project were converted to an average emission rate in terms of grams / second averaged annually over the duration of construction activity.[2]

On-site DPM emissions were modeled as a series of polygon area sources. Two area sources were modeled for the construction activity area, which reflect construction activities occurring at the project site during Year 1 and Year 2, respectively. The Sacramento Metro Air Quality Management District (SMAQMD) recommends a release height of 5 meters for construction equipment. Since the BAAQMD does not have a recommended release height for $PM_{2.5}$ exhaust emissions generated by construction equipment, the SMAQMD's release heights have been used instead (SMAQMD 2013). Two percent of the CalEEMod estimated off-site emissions were added to each polygon area source in order to account for any on-site truck idling during construction activity.

Off-site DPM emissions from vehicles were modeled as six line area sources. All haul trips entering and exiting the project area were assumed to travel on the segment of Texas Street west of the project site. 50% of haul trips were assumed to travel on Webster Street, and the remaining 50% of haul trips were assumed to travel along Jackson Street. Hauling and vendor trips were modeled as area line sources, with a release height of 4.15 meters, the approximate height of a truck exhaust.

Meteorological Data Inputs

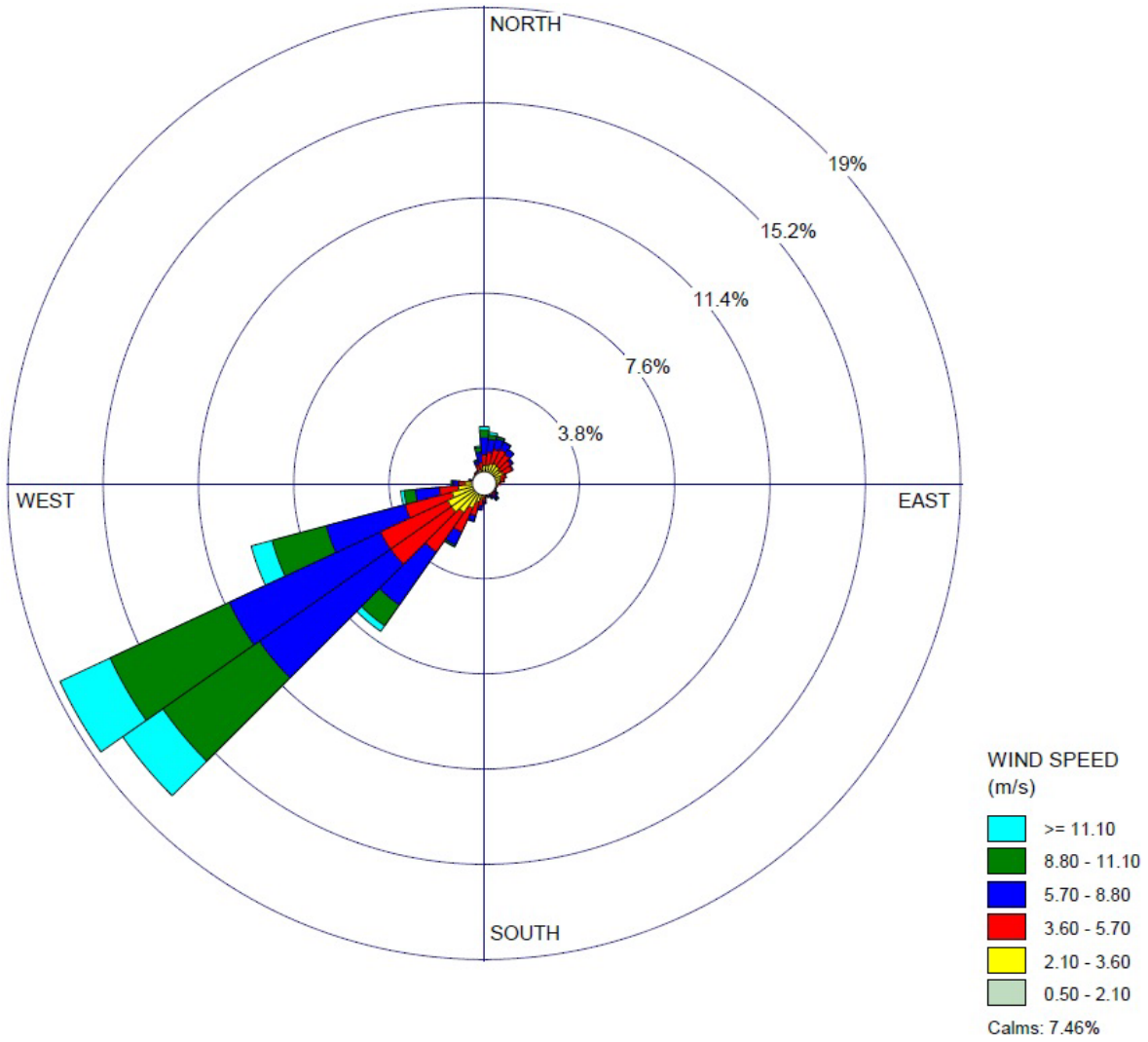
AERMOD requires meteorological data as an input into the model. The meteorological data is processed using AERMET, a pre-processor to AERMOD. AERMET requires surface meteorological data, upper air meteorological data, and surface parameter data such as albedo (reflectivity) and surface roughness. For the proposed Project, pre-processed surface data was obtained from BAAQMD for Travis Air Force Base (Travis AFB), the closest meteorological station to the project site (see Figure 3-2). Five complete years of meteorological data from January 2013 to December 2017 were utilized. The meteorological data was processed using AERMET version 18081.

Terrain Inputs

Terrain was incorporated by using AERMAP (an AERMOD pre-processor) to import the elevation of the project site using data from the National Elevation Dataset (NED) with a resolution of 1/3 arcsecond.

[1]The average emissions rate is based on the CalEEMod default 269 active construction days, with construction emissions occurring 7:00 AM to 10:00 PM, seven days a week.

Figure 3-2: Wind Rose for Travis AFB



Source: BAAQMD 2022

Modeled Receptors

A receptor grid, with a grid spacing of 1,000 meter by 1,000 meter grid with a receptor spacing of 50 meters along the x-axis and 100 meters along the y-axis was generated over the residential and school land uses surrounding the project site. The grid's center coordinates were 583984.32 meters Easting and 4233915.72 meters Northing. The grid was converted to 441 discrete Cartesian receptors, 6 of which were removed because they were located within the plant boundary. Then 5 additional receptors were added along the plant boundary area. An additional receptor grid, with a grid spacing of 250-meter by 500-meter grid with a receptor spacing of 25 meters along the x-axis and 25 meters along the y-axis was generated over the school land use north of the project site. The grid's center coordinates were 584221.95 meters

Easting and 4234051.54 meters Northing. The grid was converted to 121 discrete Cartesian receptors. Based on the above, a total of 561 receptors were modeled for the Project.

Health Risk Methodology

Cancer risk and non-cancer health risks to sensitive receptors within one-half mile of on-site sources were estimated using the U.S. EPA's AERMOD dispersion model and recommendations contained in the BAAQMD's *Health Risks Assessment Modeling Protocol,* as well as the California Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Guidance Manual*.

Cancer risk is the calculated, pollutant-specific estimated probability of developing cancer based upon the dose and exposure to the TACs. Cancer risk is determined by calculating the combinatory effects of the cancer potency factor (CPF) when inhaling the toxic, the daily inhalation dose, the age group the receptor is cohort to, the duration of exposure over a lifetime (70 years), and other factors such as age sensitivity and the amount of time spent at the location of exposure. Risks were assessed for the inhalation pathway (i.e., breathing) for residential receptors. Cancer risk equations for residential receptors are summarized in Table 3-5 and Table 3-6. Receptor exposure to potential construction emissions was assessed for the two years in which construction activities were modeled to take place and the receptors would be exposed to construction $PM_{2.5}$ emissions.

Table 3-5. Cancer Risk Equations

Residential/Student Risk:	$RISK_{INH.RES} = DOSE_{AIR.RES} \times CPF \times ASF \times \frac{ED}{AT} \times FAH$
Where:	
$DOSE_{AIR}$ =	Daily Inhalation Dose (milligrams/kilograms [mg/kg]-day). See Table A2-3.
CPF =	Cancer Potency Factor for Inhalants (mg/kg-day). CPF is expressed as the 95th percent upper confidence limit of the slope of the dose response curve under continuous lifetime exposure conditions. The CPF for diesel exhaust is 1.1 mg/kg-day.
ASF =	Age Sensitivity Factor (ASF). ASF is a protective coefficient intended to take into account increased susceptibility to long-term health effects from early-life exposure to TACs. The recommended ASFs are 10 for the third-trimester to birth and two-year age bins, three for the two-year to nine-year and 16-year age bins, and one for receptors over 16 years of age.
ED =	Exposure Duration (years). Exposure duration characterizes the length of residency (30 Years) or employment (25 Years) of the receptor.
AT =	Averaging Time (years). A 70-year (lifetime) averaging time is used to characterize to total risk as a factor of average risk over a typical lifespan.
FAH =	Fraction at Home. FAH is the percentage of time the receptor is physically at the receptor location. Consistent with BAAQMD and OEHHA recommendations, the FAH was set to 100% for each receptor age bin due to the fact that the Armijo High School is located within the one in a million cancer risk isopleth.

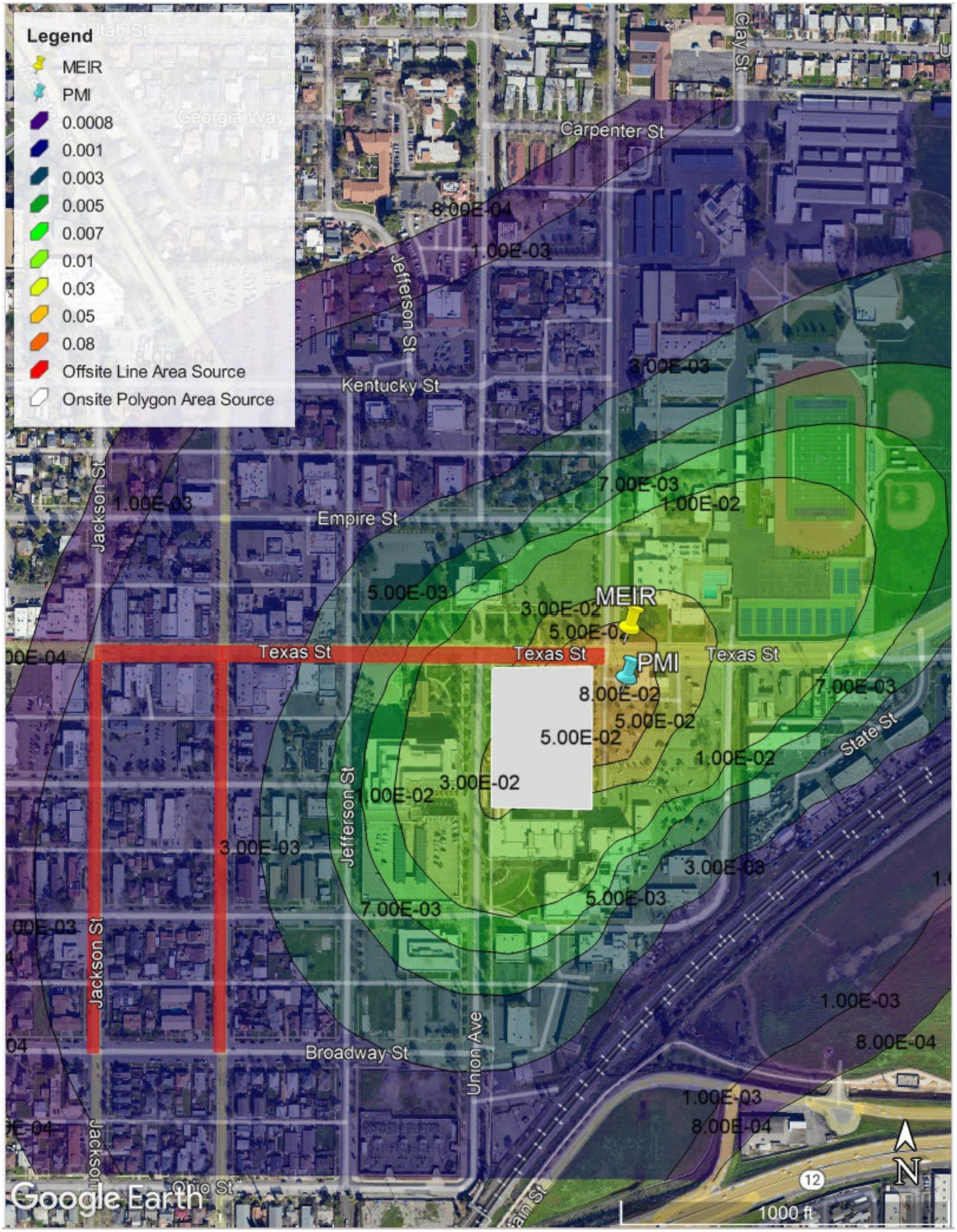
Table 3-6. Inhalation Dose Equations

Residential Dose	$DOSE_{AIR.RES} = C_{AIr} \times \frac{BR}{BW} \times A \times EF \times 10^{-6}$
Where:	
C_{AIR} =	Concentration of TAC in air (micrograms/cubic meter [µg/ m^3]). Concentration of toxic in micrograms per one cubic meter of air. The AERMOD program is used in the study to determine concentrations of diesel particulate matter at surrounding discrete and grid receptor points.
BR/BW =	Breathing Rate ÷ Body Weight (Liters [L]/kg/day). Daily breathing rate normalized to body weight. The 95th percentile breathing rate to body weight ratios are used in this study with a recommended 361 L/kg/day for the third-trimester to birth age bin and 1,090 L/kg/day for the birth to two-years age bin. The 80th percentile breathing rate to body weight ratios are used in this study with a recommended 572 for the two-years to 16-years age bin, 261 L/kg/day for the 16-years to 30-years age bin, and 233 L/kg/day for the 16-years to 70-years age bin.
A =	Inhalation Absorption Factor. Is a coefficient that reflects the fraction of chemical absorbed in studies used in the development of CPF and Reference Exposure Levels (RELs)). An absorption factor of one is recommended for all chemicals.
EF =	Exposure Frequency. EF is the ratio of days in a year that a receptor is receiving the dose. The recommended EF is 0.96 characterizing an assumed 350 days a year that a residential receptor is home for some portion of the day.

Non-Cancer Risk

The chronic non-cancer hazard quotient is the calculated pollutant-specific indicator for risk of developing an adverse health effect on specific organ system(s) targeted by the identified TAC, in this case DPM. The potential for exposure to result in chronic non-cancer effects is evaluated by comparing the estimated annual average air concentration to the chemical-specific, non-cancer chronic reference exposure levels (RELs). The REL is a concentration below which there is assumed to be no observable adverse health impact to a target organ system. When calculated for a single chemical, the comparison yields a ratio termed a hazard quotient. To evaluate the potential for adverse chronic non-cancer health effects from simultaneous exposure to multiple chemicals, the hazard quotients for all chemicals are summed, yielding a hazard index. The chronic REL for DPM was established by OEHHA as 5 µg/m^3. For an acute hazard quotient, the one-hour maximum concentration is divided by the acute REL for the substance; however, there is no acute REL for DPM.

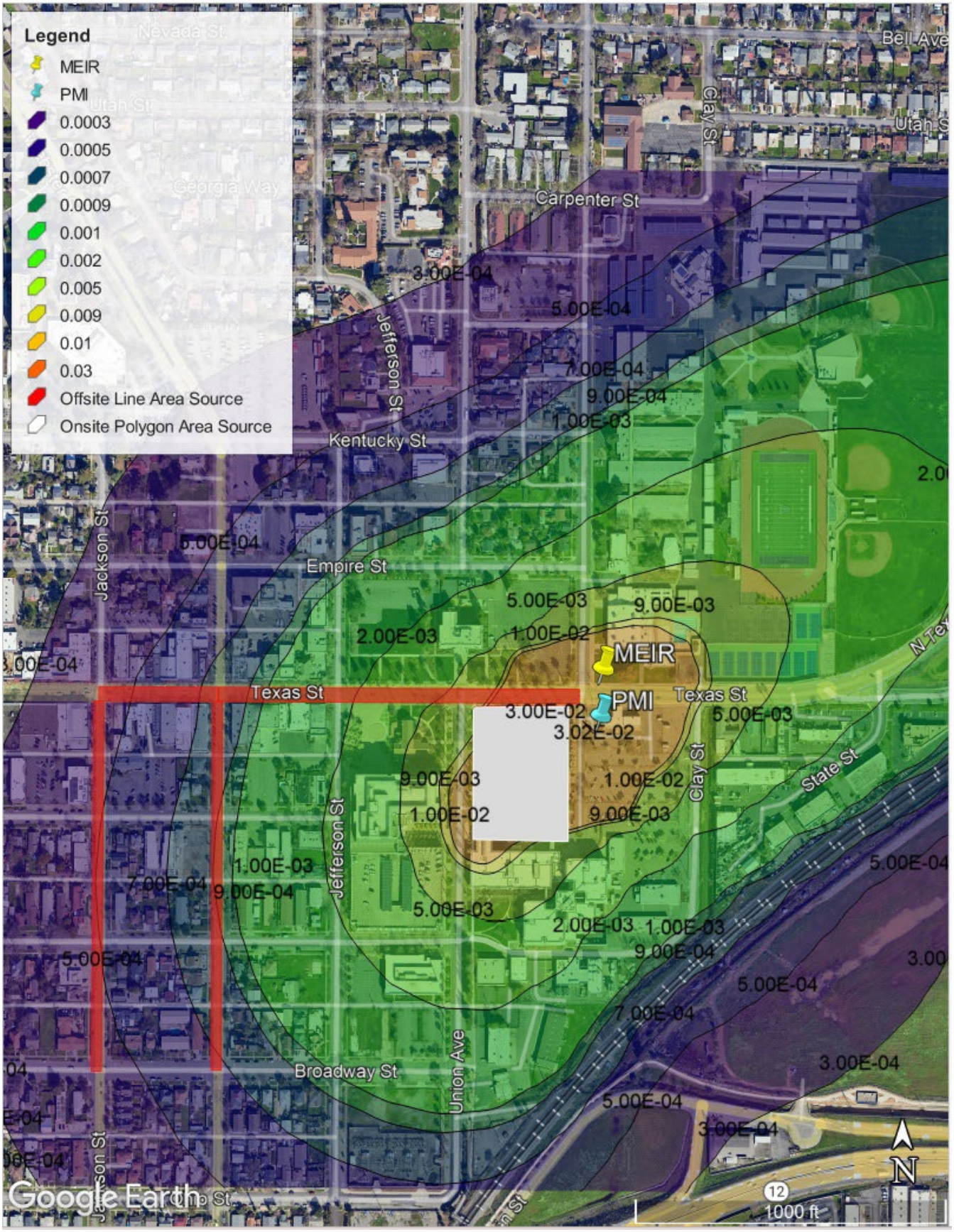
Chronic non-cancer risks are considered significant if a project's TAC emissions result in a hazard index greater than or equal to one. Non-cancer risk equations are summarized in Table 3-7.



Source: Google Earth 2025

Note: *Concentrations for Year 1 of construction are presented as Year 1 has the highest emissions during the construction period.*

Figure 3-3: Construction Health Risk Assessment – Year 1 Unmitigated DPM Concentrations (µg/m3)



Source: Google Earth 2025

Note: *Concentrations for Year 1 of construction are presented as Year 1 has the highest emissions during the construction period.*

Figure 3-4: Construction Health Risk Assessment – Year 1 Mitigated DPM Concentrations (µg/m3)

Table 3-7. Non-Cancer Risk Equations

Chronic Hazard Quotient:	$HI_{DPM} = \frac{C_{DPM}}{REL_{AAC}}$
Where:	
HI_{DPM} =	Hazard Index; an expression of the potential for non-cancer health effects.
C_{DPM} =	Annual average DPM concentration (µg/m^3).
REL_{DPM} =	Reference exposure level (REL) for DPM; the DPM concentration at which no adverse health effects are anticipated.

Health Risk Assessment Results

The predicted locations of the annual point of maximum impact (PMI) and the maximally exposed individual resident (MEIR) for DPM exposure during construction, along with contours of pollutant concentrations in proximity of the project site, are shown in Figure 3-3 for unmitigated construction emissions. The predicted unmitigated PMI is located east of the site, at the Solano County Fleet building located at 447 Texas Street. Since the PMI for DPM exposure is located on land that is not occupied by a receptor on a permanent basis, lifetime excess cancer risks and chronic non-cancer health hazards, which are based on exposure to annual average pollutant concentrations, were not estimated for the modeled PMI. Accordingly, health risks were assessed at the modeled MEIR location. For both years, the MEIR for DPM exposure is located at the Armijo High School at 824 Washington Street. The predicted unmitigated, annual average $PM_{2.5}$ concentration at the unmitigated MEIR is 0.06361 µg/m^3. The HRA for residential receptors evaluated worst-case carcinogenic and non-carcinogenic risks to child (3rd trimester, 0-2 years, and 2-16 years) and adult (16-30 years and 30-70 years) receptors. As shown in Table 3-8, unmitigated construction exhaust emissions would have the potential to result in incremental cancerogenic health risk increases that are in excess of the BAAQMD's threshold of 10 excess cancers per million population. To reduce potential $PM_{2.5}$ (and DPM) emissions generated by Project construction activities to below BAAQMD significance thresholds, Mitigation Measure AIR-1 would be incorporated into all appropriate engineering and site plan (e.g., building, grading etc.) documents.

Impact AIR-1: Project construction emissions would have the potential to result in incremental cancerogenic health risk increases that are in excess of the BAAQMD's threshold of 10 excess cancers per million population.

Mitigation Measure AIR-1: Construction Equipment Restrictions. To reduce potential, short-term adverse health risks associated with $PM_{2.5}$ exhaust emissions, including emissions of DPM generated during Project construction activities, the Judicial Council shall require its designated contractors, contractor's representatives, and/or other appropriate personnel to comply with the following construction equipment restrictions:

- All mobile construction equipment greater than 50 horsepower in size shall meet with U.S. EPA and CARB Tier IV final exhaust emission standards. This may be achieved via the use of equipment with engines that have been certified to meet U.S. EPA and CARB Tier IV final emissions standards, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control strategy (e.g., particulate filter)

capable of reducing exhaust $PM_{2.5}$ emissions to levels that meet U.S. EPA and CARB Tier IV final emissions standards.

As an alternative to having all mobile construction equipment greater than 50 horsepower meet U.S. EPA and CARB Tier IV final exhaust emission standards, the Applicant may prepare and submit a refined construction health risk assessment to the Judicial Council once additional project-specific construction information is known (e.g., specific construction equipment type, quantity, engine tier, and runtime by phase). The refined health risk assessment shall demonstrate and identify any measures necessary such that the proposed Project's incremental carcinogenic health risk at nearby sensitive receptor locations is below the applicable BAAQMD threshold of 10 cancers per million population.

Mitigation Measure AIR-1 requires all mobile diesel construction equipment greater than 50 horsepower meet U.S. EPA and CARB Tier IV final emission standards. This measure is estimated to reduce construction related $PM_{2.5}$ emissions by approximately 62%, thus reducing the Project's potential adverse health risks from construction activities to a less-than-significant impact. Table 3-8 summarizes the Project's mitigated construction health risk estimates. The predicted locations of the PMI and the MEIR for total DPM exposure during construction, along with contours of pollutant concentrations in proximity of the project site, are shown in Figure 3-4 for mitigated construction emissions.

Table 3-8. Maximum Increased Cancer Risk from Project Construction DPM Emissions

Receptor Age Range[(A)]	Health Risk Increase at MEIR (Excess Cancer Risk per Million Population)	
	824 Washington Street	
	Unmitigated	Mitigated
Child Receptor (3rd Trimester)	15.6	6.2
Child Receptor (0-2 Years of Age)	14.7	5.9
Child Receptor (2 -16 Years of Age)	2.3	0.9
Adult Receptor (16 to 30 Years of Age)	0.4	0.1
Adult Receptor (30 to 70 Years of Age)	0.3	0.1
BAAQMD Significance Threshold	10	10
Threshold Exceeded?	**Yes**	**No**

Source: See Appendix A
Notes:
(A) Excess cancer risk estimate assumes the receptor is in the infant stage at the beginning of exposure and proceeds to child and adult stages over time.

As shown in Table 3-8, the maximum mitigated health risk for the mitigated MEIR location would be approximately 6.2 excess cancers in a million, which does not exceed the BAAQMD cancer risk threshold of 10 in a million.

Non-Cancer Risk Results

The maximum annual average DPM concentration at the MEIR location under unmitigated and mitigated conditions would be approximately 0.06361 µg/m^3 and 0.02407 µg/m^3, respectively. All other receptors would be exposed to annual average concentrations below these values. Based on the chronic inhalation REL for DPM (5 µg/m^3), the calculated chronic hazard quotient during the maximum exposure to DPM concentration would be 0.0047 (unmitigated) and 0.002 (mitigated), which is below the BAAQMD's non-cancer hazard index threshold value of 1.0. This impact would be less than significant.

As described above, the proposed Project would not exceed the applicable BAAQMD-recommended CEQA thresholds of significance for cancer risk or non-cancer risk with the incorporation of mitigation that requires mobile construction equipment over 50 hp to meet U.S. EPA and CARB Tier IV interim exhaust emissions standards.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The proposed Project could generate odors from the following sources and activities:

- Evaporation of gasoline, oil, and other fluids that can escape from construction equipment and motor vehicles (e.g., passenger vehicles, school buses, and other vehicles).
- Off-gassing of volatile compounds from asphalt surfaces (e.g., paving of parking lot) and volatile building products (e.g., architectural coatings).

Potential odors may or may not, depending on the individual's olfactory sensitivity, be perceived as objectionable, offensive, a nuisance, etc. Odors are generally regarded as an annoyance rather than a health hazard. An odor that is offensive to one person may not be offensive to a different person, and unfamiliar odors are more easily detected and are more likely to cause complaints than familiar odors, as a person can become desensitized to almost any odor over time (known as odor fatigue). In general, the quality and intensity of an odor influence a person's reaction. The quality of an odor indicates the nature of the smell experience (e.g., flowery, putrid). The intensity of an odor depends on its 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 low enough where the odor is no longer detectable.

Although the proposed Project could generate potential odors that could be detectable at adjacent residential receptor locations, this impact would not be significant for several reasons. First, the potential odors associated with the proposed Project are common in the vicinity of the Project area due to existing roads and vehicle trips. The Project, therefore, would not result in the release of atypical or unfamiliar odors near sensitive receptors (e.g., odors associated with traffic). Second, construction activities would not result in the continuous generation of odors. Rather, odors would be intermittent and only generated during certain activities (e.g., equipment operations, vehicle trips) and times of day (e.g., during and immediately after equipment operations). Construction activities would also be short in duration. Finally, potential odors from

construction and operational activities would disperse due to wind flow across the Project site and surrounding lands. For these reasons, the construction and operation of the proposed Project would not generate unusual, atypical, or excessive odors that could affect a substantial number of people. This impact would be less than significant.

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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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 habitat conservation plan?	☐	☐	☐	☒

Unless otherwise specified, the information below is taken from the Biological Resources Constraints Analysis prepared by MIG (2023) and presented as Appendix B.

<u>Methods</u>

Background Review

Available background information pertaining to the biological resources on and near the Project site was reviewed prior to conducting the field survey. Information was compiled and subsequently compared against site conditions during the field survey. The following sources were consulted:

- CNDDB record search for species within 5 miles of the Project site, which included six USGS quadrangles: *Fairfield South*, *Fairfield North*, Mt. George, Elmira, Cordelia, and Denverton.
- CNPS Rare Plant Program *Inventory of Rare and Endangered Plants of California* record search for plant species within 5 miles of the project site, which included six USGS quadrangles: *Fairfield South*, *Fairfield North*, Mt. George, Elmira, Cordelia, and Denverton. Quadrangle-level results are not maintained for California Rare Plant Rank 3 and 4 species; thus, a search of the CNPS Inventory records for these species occurring in Solano County was also conducted.
- California Department of Fish and Wildlife (CDFW) CNDDB for natural communities of special concern that occur within the site region.
- U. S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool.
- USFWS National Wetland Inventory (NWI).
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey and National Hydric Soils List.
- eBird Database – Information on Distribution of Birds.
- Other relevant scientific literature, technical databases, resource agency reports, and Federal Register notices and other information published by USFWS and National Marine Fisheries Service to assess the current distribution of special-status plants and animals in the vicinity of the Project site.

Field Survey

A field survey of the Project site was conducted by MIG Senior Biologist Kim Briones, M.S. on May 30, 2023. The survey was conducted to (1) assess and map existing biotic habitats, (2) assess the site for its potential to support special-status species and their habitats, and (3) identify and map potential jurisdictional habitats (e.g., waters of the U.S./state), and other sensitive biological resources.

3.4.1 Environmental Setting

<u>Existing Conditions</u>

General Description

The Project site is composed of existing county buildings and an associated paved parking lot and is surrounded by dense urban development on all sides. An unnamed channel that discharges into Suisun Slough to the south is located directly east of the site. The site is flat in elevation at approximately 13 feet (NAVD88) above sea level.

Existing Land Cover Types, Habitats, and Natural Communities

The Project site is located within the Great Central Valley Region of the Sacramento Valley Subregion, both of which are contained within the larger California Floristic Province (MIG

2023). Where applicable, vegetation communities were mapped using CDFW's Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations. The reconnaissance-level field survey identified 12.49 acres of developed land cover on the Project site. Existing land cover is depicted in Biological Resources Constraints Analysis Appendix A, Figure 2 (see Appendix B of this IS/MND). No sensitive or regulated habitats, such as streams/wetlands or habitats designated as sensitive by the CDFW, are present on the Project site.

Developed. The developed land cover on the project site encompasses the entire Project site and is primarily composed of a paved parking lot, three existing buildings, and landscaping (see photos in Appendix B). Landscaped areas on the western portion of the site support a lawn, trees and shrubs including Canary Island date palm, Chinese pistache (Pistacia chinensis), canna lily (Canna sp.), juniper (Juniperus sp.), lantana (Lantana sp.), and hydrangea (Hydrangea sp.), among others. Landscaped trees, primarily Chinese pistache, are also present throughout the site.

Due to the scarcity of vegetation, developed land cover provides relatively low-quality habitat for wildlife species. This combined with the predominantly developed conditions surrounding the Project site further reduces the quality of the site for wildlife species. The wildlife most often associated with developed areas like these are those species that are tolerant of human disturbance, including introduced species such as the house sparrow (Passer domesticus), European starling (Sturnus vulgaris), rock pigeon (Columba livia), house mouse (Mus musculus), and Norway rat (Rattus norvegicus). Several common native species are also able to occupy or nest in this habitat, including raccoon (Procyon lotor), Anna's hummingbird (Calypte anna), dark-eyed junco (Junco hyemalis), mourning dove (Zenaida macroura), house finch (Haemorhous mexicanus), and California towhee (Melozone crissalis).

Sensitive and Regulated Habitats

No sensitive and regulated habitats such as streams or wetlands are present on the Project site. Critical habitat for the federally endangered Contra Costa goldfields (*Lasthenia conjugens*) is located approximately 0.35 miles southwest and 3.5 miles east of the site (MIG 2023).

3.4.2 Regulatory Setting

<u>Federal Regulations</u>

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has the following four primary components: (1) provisions for listing species, (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), (3) prohibitions against "taking" (i.e., harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental "take". FESA

also discusses recovery plans and the designation of critical habitat for listed species. Both the USFWS and NOAA Fisheries share the responsibility for the administration of FESA.

U.S. Migratory Bird Treaty Act

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof…" In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native, or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. A Department of Interior memo dated April 11, 2025, reinstated a 2017 interpretation of the MBTA (Solicitor's Opinion M-37050) determining that the MBTA does not prohibit accidental or incidental taking or killing of migratory birds. This interpretation does not exclude intentional take. (U.S. Department of the Interior 2025)

Clean Water Act

The Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA, and the California State Water Resources Control Board enforces Section 401.

<u>State Regulations</u>

California Environmental Quality Act

CEQA (PRC Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an "Initial Study and Negative Declaration" (or Mitigated Negative Declaration) or with an "Environmental Impact Report". Certain classes of projects are exempt from detailed analysis under CEQA if they meet specific criteria and are eligible for a Categorical Exemption.

CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the state or federal Endangered Species acts but that meet specified criteria. The

state maintains a list of sensitive, or "special-status", biological resources, including those listed by the state or federal government or the California Native Plant Society (CNPS) as endangered, threatened, rare or of special concern due to declining populations. During CEQA analysis for a proposed project, the California Natural Diversity Data Base (CNDDB) is usually consulted among other databases. CNDDB relies on information provided by the CDFW, USFWS, and CNPS, among others. Under CEQA, the lists kept by these, and any other widely recognized organizations are considered when determining the impact of a project. The CEQA Appendix G checklist includes several questions regarding impacts to biological resources. Responses to these questions are provided in the Discussion section below.

California Endangered Species Act

The California Endangered Species Act (CESA; Fish and Game Code 2050 et seq.), administered by CDFW, generally parallels FESA. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the California Fish and Game Code prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. "Take" is defined in Section 86 of the California Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." This definition differs from the definition of "take" under FESA. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

California Fish and Game Code Sections 1600-1607

Sections 1600-1607 of the California Fish and Game Code require that a Notification of Lake or Streambed Alteration application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW reviews the proposed actions in the application and, if necessary, prepares a Lake or Streambed Alteration Agreement, that includes measures to protect affected fish and wildlife resources.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) was created in 1977 with the intent to preserve, protect, and enhance rare and endangered plants in California (California Fish and Game Code sections 1900 to 1913). The NPPA is administered by CDFW, which has the authority to designate native plants as endangered or rare and to protect them from "take." CDFW maintains a list of plant species that have been officially classified as endangered, threatened, or rare. These special-status plants have special protection under California law and projects that directly impact them may not qualify for a categorical exemption under CEQA guidelines.

Fully Protected Species and Species of Special Concern

The classification of California fully protected (CFP) species was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the

species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species "…may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species" (CDFW Fish and Game Commission 1998). This language makes the CFP designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species. Additionally, on July 10, 2023, Senate Bill 147 (SB 147) was signed into law, which allows for take of a "fully protected" species for certain renewable energy and infrastructure projects, but CDFW incidental take permits and mitigation for take would still be required.

California species of special concern (CSSC) are broadly defined as animals not listed under FESA or CESA, but which are nonetheless of concern to CDFW because they are declining at a rate that could result in listing or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA, and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

California Migratory Bird Protection Act

Fish & Game Code section 3513 prohibits taking or possessing all migratory birds (both game and nongame) designated in the MBTA as of January 1, 2025, and any additional migratory bird subsequently designated in the MBTA, except as provided by the Department of Interior unless the federal rules or regulations are inconsistent with the Fish and Game Code. Section 3513 ensures that prohibitions against both intentional and incidental take provided under the MBTA as of January 1, 2025, will remain in force in California. CDFW does not cite federal law, including the MBTA, but may cite acts prohibited by CDFW regulations or Fish and Game code section 2000, 3513, or other applicable provisions.

Nesting Birds

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under California Fish and Game Code Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders 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". Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities.

Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

Non-Game Mammals

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under the California Fish and Game Code, in addition to being protected if they are a listed species (e.g., CSSC, CFP, state or federal threatened, or state or federal endangered).

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or are of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies, or regulations, or by the CDFW (i.e., CNDDB) or the USFWS. The CNDDB identifies a number of natural communities as rare, which are given the highest inventory priority (MIG 2023). Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

Porter-Cologne Water Quality Control Act

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans, which identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as “waters of the State,” include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., soil) to waters of the State must file a Notice of Intent (NOI) or a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

California Trial Court 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 Regulations

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 Fairfield General Plan

The Open Space, Conservation, and Recreation Element of the City's General Plan outline the following policies relevant to biological resources that are relevant to the proposed Project:

Policy OSCR-3: Support public and private efforts for preserving open spaces and biological environments particularly unique and fragile biological environments within the Planning Area.

Policy OSCR-3.1: Solano Multispecies Habitat Conservation Plan. Establish policies to protect indigenous wildlife and their habitats. Until the Solano Habitat Conservation Plan (HCP) is adopted, comply with all of the Avoidance, Minimization, and Mitigation Measures listed in the Draft Solano HCP. Support the Solano County Water Agency HCP preparation effort and, if the HCP is approved and adopted, implement its requirements.

Policy OSCR-3.6: Nesting Birds. Protect the nests of raptors and other birds when in active use, as required by State and federal regulations. In new development, avoid disturbance to and loss of bird nests in active use by scheduling vegetation removal and new construction during the non-nesting season or by conducting a pre-construction survey by a qualified biologist to confirm nests are absent or to define appropriate buffers until any young have successfully fledged the nest.

Policy OSCR-4.5: Fairfield Watersheds. Protect Fairfield watersheds by minimizing point and nonpoint source pollutants.

Policy OSCR-4.7 Erosion Control. Manage erosion in the Planning Area, particularly in watershed areas, through on-site erosion control.

Policy OSCR-4.8: Minimize Site Disturbance. In design and construction, require use of best practices to preserve natural resources such as soil, trees, native plants, and permeable surfaces.

Policy OSCR-4.9: Prevent Contaminated Runoff. Ensure that new parking lots and commercial development incorporate best management practices, including low-impact development methods, designed to prevent or minimize runoff of oil, grease, solvents battery acid, coolant, gasoline, sediments, trash, and other pollutants from the site.

City of Fairfield Municipal Code.

The City's Tree Conservation Ordinance (Fairfield Code, Chapter 25, Sections 25.36.1 through 25.36.11) was created to improve public health and welfare by conserving tree resources, protecting significant trees from unnecessary destruction or removal, and encouraging the replacement of trees lost to disease, natural hazards, or human intervention. Under the ordinance, all trees on public property are designated as protected trees.

3.4.3 Impact Discussion

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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less Than Significant with Mitigation Incorporated.

<u>Special-Status Plants</u>

The Biological Constraints Analysis (MIG 2023) identifies 67 special-status plant species as potentially occurring within 5 miles of the Project site. All 67 of those potentially occurring special-status plant species were determined to be absent from the Project site for at least one of the following reasons: (1) a lack of specific habitat for the species in question (e.g., wetland, marsh) and/or edaphic requirements (e.g., alkaline soils), (2) the geographic range of the species does not overlap the site, (3) the species is known to be extirpated from the site vicinity, and/or (4) the habitats within the project site are too degraded to reasonably expect any special-status species to occur there.

Because there is no potential for special-status plant species to occur on the Project site, the Project would have no impact on special status plant species.

<u>Special-Status Animals</u>

Biological Constraints Analysis (MIG 2023) identified 45 special status animal species known to occur within five miles of the Project site. None of 45 special-status animal species are expected to occur within the site for at least one of the following reasons: (1) a lack of specific habitat for the species in question (e.g., salt marsh, stream or other aquatic habitats, coastal scrub), (2) the geographic range of the species does not overlap with the site, (3) the species is known to be extirpated from the project site area vicinity, and/or (4) the habitats within the Project are too degraded to reasonably expect any special-status species to occur there.

Because there is no potential for special-status animal species to occur on the Project site, the Project would have no impact on special status animal species.

Nesting Birds

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 CFR Part 10) protects all native bird species. Under the MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In addition, all native bird species that occur on a Project site are protected by the California Fish and Game Code (§§3503, 2513, and 3800). Specifically, the Code protects 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 the CDFW. Raptors (i.e., eagles, falcons, hawks, and owls) and their nests are specifically protected in California under Fish and Game Code §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*."

The Project area contains habitat for a variety of common nesting and migratory bird species. All native birds and their nests are protected by the federal MBTA and California Fish and Game Code. Project construction could disturb special-status and common nesting birds in the vicinity of the Project due to vegetation removal and construction noise and activity. Such disturbance could cause stress-related behavior changes or even nest abandonment. The nesting bird season is generally from February 1 to September 15 in Solano County.

The removal of vegetation or structures supporting active nests can potentially cause the direct loss of eggs or young and Project-related activities located near an active nest may cause adults to abandon their eggs or young. Impacts on active nests would be considered significant under CEQA as all native birds and their nests are protected by the MBTA and California Fish and Game Code. Mitigation Measure BIO-1 recommends that preconstruction surveys by a qualified biologist be performed during the nesting season and avoidance of active nests through use of buffer zones. The qualified biologist's written report shall include all survey and monitoring results, and implementation of any avoidance and minimization measures. With implementation of Mitigation Measure BIO-1 this potentially significant impact is reduced to less than significant.

Impact BIO-1: Construction of the proposed Project could impact nesting birds protected under the federal MBTA and California Fish and Game Code. Birds could nest in the trees, shrubs, or structures in or near the Project site.

Mitigation Measure BIO-1: Conduct Pre-Construction Survey for Nesting Birds. Project construction (including staging) shall occur outside of the bird nesting season if possible (defined as the time between September 1st and January 31st). Remove potential nesting substrate (trees, shrubs, structures) as required for a future project outside of the nesting bird season to preclude impacts to nesting birds and project delays due to active nests if they are present.

If construction starts during the bird nesting season between February 1st and August 31st, a qualified biologist shall perform a pre-construction survey to identify active bird nests on or

near the site, including staging areas. The pre-construction survey shall take place no more than seven days prior to the start of construction, and if more than seven days pass with no construction activities, another pre-construction survey shall be required. The survey shall include all trees, shrubs, and structures on the site, and all trees, shrubs, and structures within a 250-foot radius of the site, as well as trees and shrubs on and within a 250-foot radius of the selected staging area. If an active, native bird nest is found during the survey, the biologist shall designate a construction-free buffer zone (typically 500 feet for raptors, and 250 feet for other birds) around the nest to remain in place until the young have fledged. The qualified biologist shall be contacted immediately if a bird nest is discovered during project construction. The results of the survey and nest monitoring (if applicable) will be documented, and any nest buffer zones shall be flagged for avoidance prior to the start of construction.

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 California Department of Fish and Wildlife or US Fish and Wildlife Service? and

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?

No Impact (Responses b and c). The P area is not within any riparian or sensitive natural habitat and does not contain state or federally protected wetlands. Therefore, the Project would have no impact on these resources.

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.

Less Than Significant with Mitigation Incorporated. The Project site is entirely developed and surrounded by development. There are no wildlife movement corridors through the Project site except for birds that may be traveling to and from the Suisun Marsh.

<u>Avian Building Collisions</u>

Construction of new buildings, including attached structures such as pedestrian sky bridges, may increase the risk of avian mortality due to birds flying into large glass windowpanes. Glass windows and building facades can result in injury or mortality of birds due to collisions with these surfaces. Birds are at risk of such collision because they do not perceive glass as an obstruction and may collide with glass when the sky or vegetation is reflected in glass; when transparent windows appear as an unobstructed flight route through the glass; and when birds attempt to access vegetation behind transparent glass (Sheppard and Phillips 2015). Additionally, interior and exterior lighting, especially when pointed upward, can disorient birds and potentially attract them to buildings, increasing collision risks. These risks are highest for buildings in or near areas of high avian activity or movement, such as migratory corridors, large open spaces, large water bodies, and riparian habitats.

The Suisun marsh area, including the Hill Slough Wildlife Area south of the project site, supports large numbers of resident and migratory bird species (MIG 2023). Although many of the species associated with these natural areas are not expected to use the developed areas of the site, many resident and migratory species move across the site on route to other suitable habitat areas. Additionally, many urban-adapted birds are present in the Fairfield urban center. New and existing landscaping would not likely attract higher numbers of resident and migratory birds, but similar numbers of birds would likely utilize or fly through the site after project completion. Therefore, if the new hall of justice building is composed of extensive glass facades, birds using landscaped habitats on the site or flying through the area have some potential to collide with the new building(s).

Bird-building collisions could potentially increase on the Project site, compared to baseline conditions, if the design of the new courthouse and potential pedestrian sky bridge incorporates extensive glazing, intense lighting, or up-lighting. This potential increase in collisions over the long-term may be considered a potentially significant impact under CEQA. However, there are no state adopted bird-safe design standards and as such, no regulatory agency approvals related to bird-building collisions would be necessary.

The American Bird Conservancy has developed recommendations for reducing bird strike through building design and use of certain glass construction materials (https://abcbirds.org/glass-collisions/). The 2025 California Green Building Standards Code (CALGreen) include the bird-friendly design provisions for new construction and major alterations found in Title 24, Part 11, Appendix A5, Section A5.107 of the code. These standards require that a significant portion of a building's facade be treated to reduce bird collisions.

Typical mitigation measures that would reduce impacts of bird-building collisions include minimization of glass facades (glazing) or glazing treatments of areas with high potential for collisions (e.g., glazing adjacent to landscaped areas), such that no more than 10 percent of a building façade consists of untreated glazing. Typical bird-safe glazing treatments include fritting, netting, permanent stencils, and frosted glass and must include vertical elements that are at least 1/4 inch wide, with a minimum spacing of 4.0 inches, or horizontal elements that are at least 1/8 inch wide, with a maximum spacing of 2.0 inches. Features that are particularly likely to result in collisions, such as free-standing glass walls or railings or transparent building corners, should be minimized or glass in such features should consist of bird-safe glazing. Any potential landscaping may need to be designed so that birds using such landscaping are not funneled into areas where they are surrounded by glazing. Additionally, bird-safe measures typically require that all lighting be shielded and that no uplighting be used. Mitigation Measures BIO-2 requires incorporation of bird safety design standards specified by the 2025 CALGreen standards into the project design. With implementation of Mitigation Measure BIO-2 this potentially significant impact is reduced to less than significant.

Impact BIO-2: The new courthouse building and potential pedestrian sky bridge could increase the mortality of birds over baseline conditions if the building design and glazing materials increase bird strikes.

Mitigation Measure BIO-2: Standards for Bird Safe Buildings. The project shall implement the applicable bird-friendly design standards from the 2025 California Green

Building Standards Code A5.107 (ICC 2025), which may include the following building specifications:

- At least 90% of glazing on building elevations between grade and 40 feet high, and at least 60% of glazing above 40 feet above grade will use bird-friendly mitigation strategies.
- Glazing with visual markers shall include, but is not limited to, the following:
    - Etched or fritted glass with patterns of elements on the exterior.
    - Interior or exterior glazing film with 2 × 2 visual markers.
    - Laminated glass with 2 × 2 visual markers, patterned ultraviolet (UV) coating or use of contrasting patterned UV-absorbing and UV-reflecting films.
    - Glass block or channel glass.
    - Developed glazing technologies documented to reduce bird strikes.
- Glazing protected by exterior features that create a visible barrier in front of the glazing, may include, but not be limited to:
    - Horizontal or vertical slats, grills, netting or sunshades.

Additionally, the project shall implement the applicable bird-friendly design options for landscaping and lighting from *Reducing Bird Collisions with Buildings and Buildings Glass Best Practices* (USFWS 2021), which may include the following:

<u>Lighting</u>

- Avoid unnecessary lighting, including perimeter lighting.
- Install motion sensors on all lights (both interior and exterior) that activate only when people are present.
- Ensure all exterior lighting is “fully shielded”, so that all light is only emitted downward below the lowest light emitting part of the fixture.
- Ensure that any lights that are not motion-activated are turned off at night, especially architectural lighting, interior lighting, and lobby or atrium lighting.

<u>Landscaping</u>

- Avoid using glass in supplemental structures (e.g., bus shelters, guard rails, glass walls, etc.). If unavoidable, use glass with visual markers or exterior features listed above.
- Avoid planting trees and shrubs adjacent to, seen through, or reflected in any glass structures. If unavoidable, use glass with visual markers or exterior features listed above.
- Avoid placing indoor plants adjacent to clear glass windows or move them far enough away so that they can’t be seen from the outside.

For all measures intended to avoid and minimize the likelihood of bird strikes at the project, the relevant guidance documents should be consulted for detailed discussion and descriptions of the applicable design specifications.

Additionally, the specifications proposed to be implemented in the design to minimize bird strikes will be approved by a qualified biologist with experience in both avian ecology and analyzing bird strike potential from buildings.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?

Less Than Significant Impact. The Judicial Council would implement Facilities Standards best practices during construction which would meet the intent of the City's General Plan policies addressing minimizing point and nonpoint source pollutants with Fairfield's watersheds and managing erosion and contaminated runoff from construction sites.

City of Fairfield Municipal Code

The City's Tree Conservation Ordinance (Fairfield Code, Chapter 25, Sections 25.36.1 through 25.36.11) was created to improve public health and welfare by conserving tree resources, protecting significant trees from unnecessary destruction or removal, and encouraging the replacement of trees lost to disease, natural hazards, or human intervention. Under the ordinance, all trees on public property are designated as protected trees.

Some landscaping trees on the Project site may be removed during demolition and construction. Removal of trees on public property could conflict with the Tree Conservation Ordinance of the Fairfield City Municipal Code. Although Judicial Council actions are not subject to local ordinances, Project consistency with local ordinances is considered when assessing the significance of a Project impact. The potential effect of removing one or more landscape trees in an urban setting would have a negligible effect on biological resources. As a result, the removal of trees protected by local ordinance would not be a significant impact.

In addition, the Judicial Council would implement Facilities Standards best practices, which are similar to the City's policies, and include using native and climate appropriate drought-tolerant plants and trees for landscaping, t.

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

No Impact. The Project site is located within the Plan Area of the Solano Habitat Conservation Plan (Solano HCP). The Solano HCP provides a framework for complying with state and federal endangered species regulations while accommodating future urban growth, development of infrastructure, and ongoing operations and maintenance activities associated with flood control, irrigation facilities, and other public infrastructure projects undertaken by HCP participants over a 30-year period. The administrative draft of the HCP was finalized in 2012, but it has not been adopted. The City of Fairfield is a participant in the HCP and is generally following the proposed mitigation guidelines set forth in the Draft HCP.

The Project site is fully developed and does not support any sensitive or regulated habitats, is not expected to support any of the HCP-covered species due to lack of suitable habitats (e.g.,

aquatic habitat, marsh, vernal pools, grassland) and is currently surrounded by development on all sides. Thus, development on this site is not expected to have any impact on HCP-covered species or sensitive habitats. Furthermore, because the HCP is not yet adopted, development on the site would not have any potentially significant impact under CEQA, and the Project cannot conflict with an unadopted HCP. Even if the HCP was adopted, development of Project site would not result in significant impacts under CEQA.

Because development of proposed Project is not expected to impact any HCP-covered species or habitats and because the HCP is not yet adopted, no regulatory permits from resource agencies are currently required. The Project would have no impact in relation to conflicting with an HCP.

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 §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.5.1 Environmental Setting

Historical Setting

The following historical setting information is sourced from the *Draft Environmental Impact Report for the Fairfield General Plan 2050 and Climate Action Plan* (2024).

Prehistory and Native Americans in the Historical Period

Before European settlement, Patwin Native Americans resided in Solano County for thousands of years. Among them, the Suisunes tribe, also known as "The People of the West Wind," made their home in present-day Fairfield. Some historians estimate it to be as long as 4,000 years, although no historical documentation of that time exists. The Suisunes likely hunted tule elk, grizzly bears and waterfowl, fished in the Suisun slough, and gathered plants for food and medicine. It is estimated that there were about 2,300 Patwins living in the area of Solano County in 1800.

As Euroamericans began arriving in the area during the 1700s, the Patwin, among other tribes, were forced to relocate to nearby missions. This often led to conflicts with those who resisted conversion. In 1835, General Mariano Guadalupe Vallejo, under order of the Mexican government, arrived to colonize the Suisun area and create a buffer against the Russians at Fort Ross. A major battle ensued between Vallejo's forces and several Indian tribes, led by Chief Sem Yeto, a Patwin native, where the Soscol Creek and Napa River meet. Eventually, Vallejo's forces overpowered the Indian tribes. Vallejo and Sem Yeto later became allies, joining forces against hostile tribes, and Yeto played a pivotal role in mitigating tensions between Vallejo and the local indigenous communities. In 1837, Chief Solano applied to the Mexican governor for a land grant for his people. The grant, titled Suisun Rancho, was approved and covered most of Suisun Valley. Unfortunately, coexistence was short-lived, and approximately 70,000 Indians died in the next three years from a smallpox epidemic brought in by the Russians at Fort Ross. Chief Solano and the remaining Suisun tribe moved to the less extensively colonized Napa area in 1850.

Early Development and Founding of the City of Fairfield

In 1856, Captain Robert H. Waterman, a clipper ship captain, established the City of Fairfield, named after his hometown in Connecticut. He settled in Suisun Valley with his wife, Cordelia, and in 1858, successfully campaigned to move the county seat from Benicia to Fairfield. As promised, Waterman donated land for county buildings. By 1860, the first county buildings were constructed, including a courthouse and jail. In 1903, Fairfield was officially incorporated as a city. Following its incorporation, a bond measure was passed that created much-needed improvements, and with the re-routing of the Lincoln Highway through the town in 1915, Texas Street finally developed into a bustling center.

In 1942, the United States Air Force established Travis Air Force Base to the east of Fairfield, boosting the local economy significantly. The base, initially known as Fairfield-Suisun Army Air Base, later became a major departure point for military units during the Vietnam War. In 1943, Waterman Park Federal Housing was built for airmen and their families, which eventually became part of the Civic Center Complex.

After the war, in 1953, the City of Fairfield purchased Waterman Park and relocated its offices there, laying the groundwork for a future Civic Center. The opening of Interstate 80 through Fairfield in the 1960s and the resulting increase in commercial traffic allowed Fairfield to become the agricultural and business hub of Solano County. In 1967, City Manager B. Gale Wilson initiated a competition for a new Civic Center Complex design, which was won by architect Robert Hawley. The Civic Center Complex, blending buildings with natural elements, was completed in 1971, becoming a focal point for community pride.

Historic Resources

The following historic resources setting information is sourced from the *Draft Environmental Impact Report for the Fairfield General Plan 2050 and Climate Action Plan* (2024b), with project-specific edits.

To determine the presence or absence of cultural and historical resources within the Planning Area and the surrounding vicinity, the Fairfield General Plan 2050 and Climate Action Plan Draft EIR ("Fairfield General Plan Draft EIR") included a Northwest Information Center (NWIC) records search and literature review. The purpose of this review was to access existing cultural resource survey reports, archaeological site records and historic maps, and evaluate whether any previously documented prehistoric or historic archaeological sites, architectural resources, cultural landscapes, or other resources exist within or near the city. A historic resource is a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 50 years old. Historic resources are often designated and listed on the national, State, or a local register, making them eligible for certain protections or other benefits.

The State Office of Historic Preservation Built Environment Resources Directory, which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists a total of approximately 185 recorded buildings and structures within the General Plan Planning Area (i.e., the City of Fairfield and its Sphere of Influence). In addition to these inventories, the

NWIC base maps show 74 recorded buildings, 33 recorded structures, two recorded Districts, P-48-000446, the Village of Cordelia Historic District, and P-48-000984, the Sacramento Northern Railway Historic District, and 37 Elements of Districts within the proposed City of Fairfield GPU Planning Area. The Caltrans Bridge Inventory Lists 62 bridges.

In addition, the 1951 Mt. Vaca, 1940 Carquinez Strait, and 1953 Vacaville USGS 15-minute topographic quadrangle depicts buildings and structures, including roads, trails, highways, bridges, railroads, transmission lines, water tanks, as well as orchards, and Travis Air Force Base with Runways within the City of Fairfield Planning Area. If present, any unrecorded buildings or structures that meet the Office of Historic Preservation's minimum age standard of 50 years or older may be considered of historical value.

Archaeological Resources

The following archaeological resources setting information is sourced from the *Draft Environmental Impact Report for the Fairfield General Plan 2050 and Climate Action Plan* (2024b), with project-specific edits.

CEQA defines unique archaeological resources as an artifact, object or site that can help answer important scientific questions, is an exemplary illustration of its type, or is associated with an important prehistoric or historic event or person (PRC Section 21083.2(g)).

NWIC review of historical literature and maps indicated historic-period activity within the City of Fairfield Planning Area. Early General Land Office Plat Maps and Rancho maps indicate roads, buildings, and bridges within the project area (1855, 1861). The 1898 Carquinez Strait and 1908 Vacaville USGS 15-minute topographic quadrangles depict roads, trails railroads, gas wells, buildings, bridges, and the Bridgeport Horizontal Control Station within the Planning Area. With this information in mind, there is a high potential for unrecorded historic-period archaeological resources to be within the proposed City of Fairfield Planning Area. In total, the City of Fairfield Planning Area contains 37 historic-period archaeological resources, including isolates, historic dumps, foundations, fences, walls, graves/cemeteries, landscaping and orchards, mines/quarries, wells/cisterns, a water conveyance system.

3.5.2 Regulatory Setting

Federal Regulations

National Register of Historic Places

The National Historic Preservation Act (16 United States Code [U.S.C.] § 470f) requires federal agencies to consider effects on historic properties when projects involve federal funding or permitting or occur on federal land. The National Historic Preservation Act establishes the National Register of Historic Places (National Register), which provides a framework for resource evaluation and informs the process of determining impacts on historic properties, which can also be considered historical resources under CEQA. The National Register is the nation's official comprehensive inventory of historic properties. Administered by the National Park Service, the National Register includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the

national, state, or local level. Typically, a historic property that is more than 50 years of age is eligible for listing in the National Register if it meets any one of the four eligibility criteria and retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. National Register criteria are defined in National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation.

State Regulations

California Environmental Quality Act (CEQA)

The proposed Project must comply with CEQA (PRC, 21000 et seq.) and the CEQA Guidelines (CCR, Title 14, Chapter 3), which determine, in part, whether the Project has a significant effect on a unique archaeological resource (as defined in PRC Section 21083.2) or a historical resource (as defined in PRC 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 (PRC Section 5024.1[e]).
- Included in a local register of historical resources (PRC Section 5020.1[k]) or identified as significant in a historical resource survey meeting the requirements of PRC Section 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 PRC 21084.1. As defined in PRC 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 shall 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, shall make provisions for addressing historical or unique archaeological resources accidentally discovered during construction. These provisions shall 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 shall 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

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historic resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places. Criteria for listing in the California Register include resources that:

> (1) (Events) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
>
> (2) (Persons) Are associated with the lives of persons important in our past;
>
> (3) (Design/Construction) 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) (Information Potential) 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 Historical Resource Status Code

Properties listed or under review by the State of California Office of Historic Preservation are assigned a California Historical Resource Status Coade (Status Code) of “1” to “7” to establish their historical significance in relation to the National Register of Historic Places or California Register of Historical Resources. These assigned Status Codes are inventoried in the California Historic Resources Information System (CHRIS) database.

California Historical Landmarks

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance as (1) the first, last, only, or most significant of its type in the state or within a large geographic region; (2) associated with an individual or group having a profound influence on the history of the state; (3) or a prototype of, or an outstanding example of, a period, style, architectural movement, or construction or is one of the more notable works or the best-surviving work in a region of a pioneer architect, designer, or a master builder. The California Historical Landmarks is administered by the California Office of Historic Preservation.

California Health and Safety Code Section 7050.5

Section 7050 of the California Health and Safety Code 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)).

3.5.3 Impact Discussion

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Less Than Significant with Mitigation Incorporated. According to Land Use and Urban Design Element of the Fairfield General Plan, there are no sites in Fairfield that are registered as California State Historical Landmarks or listed in the CRHR (City of Fairfield 2024a). The Samuel Martin House, or Stonedene, at 4015 Suisun Valley Road in the Cordelia area is Fairfield's only site listed in the NRHP. As such, the Project site does not contain a listed historic resource.

To be eligible for listing in the National Register of Historic Places (NRHP) or the CRHR, a district, site, building, structure, or object must possess integrity of location, design, setting, materials, workmanship, feeling, and association relative to American history, architecture, archaeology, engineering, or culture. In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible. All on-site buildings exceed 50 years of age. The Project, therefore, proposes the demolition of buildings that may be eligible for listing in the NRHP or the CRHR.

A Cultural Resources Report (MIG and Basin 2023) evaluated the Project site's potential for cultural resources that represent potential constraints to construction feasibility, cost, and/or schedule. Constraints to proposed development typically take the form of potential or known historic sites, objects, buildings, structures, or districts, and archaeological sensitivity.

Research conducted for the proposed Project included a prehistoric and historic site records and literature search for the Project site and 0.25-mile radius completed by staff of the CHRIS, and NWIC with negative results. MIG, Inc. and Basin also consulted reference materials available online. MIG completed a field survey on July 9, 2023, to verify existing conditions as they relate to the evaluation of potential historic resources. No previously unidentified cultural resources were recorded by MIG during the field survey. The review of background documents and the field survey did not uncover any known or recorded historically significant sites, structures, landmarks, or points of interest.

The Cultural Resources Report determined there are no known or historic resources on site but noted the building at 550 Union Ave should be evaluated for its architectural significance as a regional example of the New Formalist architectural style as it is nearing 50 years of age. Further, development of the project site could potentially impact adjacent potential historic resources, including the Old Solano Courthouse and the palm trees along Union Avenue. The redevelopment of the Project site has the potential to impact a potential historic district or

cultural landscape associated with the Old Solano Courthouse; the existing palm trees may contribute to a larger cultural landscape (i.e., the potential Old Solano Courthouse cultural landscape or historic district).

The Cultural Resources Report included two recommendations to reduce impacts to potential on-site historic resources:

1. Redevelopment of the site has the potential to impact a potential historic district or cultural landscape associated with the Old Solano Courthouse. New facilities designed in a manner that provides a visual setback from Union Avenue is recommended to minimize or avoid potential impacts.

2. Removal of the palm trees along Union Avenue may result in impacts to a potential Old Solano Courthouse cultural landscape or historic district. Retention and protection or replacement-in-kind of the palm trees is recommended for any construction projects on the site to minimize or avoid potential impacts.

As recommended by the Cultural Resources Report, a Historic Resource Evaluation (MIG 2025) (see Appendix C) was prepared to evaluate the existing Solano HOJ to determine its eligibility as an individual historical resource under CEQA. This report includes research, description, and analysis required to make this determination. To be eligible for listing in either register, a property must demonstrate significance under one or more of the following criteria:

- Criterion A/1 (Events): Resources that are associated with events that have made a significant contribution to the broad patterns of local, California, or national history.

- Criterion B/2 (Persons): Resources that are associated with the lives of persons important to local, California, or national history.

- Criterion C/3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

- Criterion D/4 (Information Potential): Resources that have yielded, or have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The HRE determined that the Solano HOJ is not eligible for individual listing on the California or National Registers. Having undergone several phases of alteration, the building does not retain sufficient integrity to be eligible as representative of a historic period, architectural style, or as a work of a master. The building does not meet the criteria necessary for listing as a CHL. The HRE also concludes that the proposed Project does not appear to pose a significant impact on the county government center area as a potential historic district as long as the building setbacks and the historic palm trees are retained in the construction of a new county building.

The Project could potentially cause significant impacts to potential historic resources by encroaching on the view of Old Solano Courthouse along Union Avenue. The Conceptual Site Plan provides a 25-foot setback from Union Avenue, which appears to be consistent with 2023

Cultural Resources Report recommendation. This would match the building setback distance of the adjacent county buildings (e.g., Sheriff's Office/Jail and County administration building). Implementation of mitigation measures requiring the building design to provide setbacks along the Union Avenue viewshed and protection or replacement-in-kind of potentially historic palm trees would reduce these impacts to a less-than-significant level. Mitigation Measures CUL-1a and CUL-1b have been incorporated into the proposed Project to implement the recommendations of the Cultural Resources Report and reduce the Project's potential impacts on the overall design intention of the potential historic district or cultural landscape associated with the Old Solano Courthouse to a less-than-significant level. With implementation of Mitigation Measures CUL-1a and CUL-1b, the Project's potential impacts on historic resources would be less than significant with mitigation incorporated.

Impact CUL-1: Project construction along Union Avenue has the potential to impact the overall design intention of the potential historic district or cultural landscape associated with the Old Solano Courthouse through upsetting the balance in scale of the grand avenue.

Mitigation Measure CUL-1a: Setbacks along Union Avenue Viewshed. The Project shall ensure the new Courthouse building has a 25-foot setback from Union Avenue per the recommendations of the project Cultural Resources Report (2023).

Mitigation Measure CUL-1b: Protection or Replacement of Potentially Historic Palm Trees. The Project shall ensure the existing palm trees along Union Avenue are either retained and protected in place or replaced in-kind per the recommendations of the project Cultural Resources Report (2023).

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

Less Than Significant with Mitigation Incorporated. The **P**roject site is currently developed with buildings, parking areas and other hardscape, and landscaping and does not contain known archaeological resources. A Cultural Resources Report was prepared for the proposed Project by MIG, Inc. and Basin Research Associates in October 2023 (henceforth referred to as the "Cultural Resources Report") (MIG and Basin 2023). The intent of the Cultural Resources Report is to evaluate the **P**roject site's potential for cultural resources that represent potential constraints to construction feasibility, cost, and/or schedule. Constraints to proposed development typically take the form of potential or known historic sites, objects, buildings, structures, or districts, and archaeological sensitivity.

Research conducted for the proposed Project included a prehistoric and historic site records and literature search for the project site and 0.25-mile radius completed by staff of the CHRIS, and NWIC with negative results. MIG, Inc. and Basin consulted reference materials available online. Research also included contact with the Native American Heritage Commission (NAHC) to conduct a review of the Sacred Lands File (SLF); the SLF search also returned negative results. Basin conducted a field orientation review of the site on July 5, 2023 to determine if surface indications of archaeological materials could be present. No previously unidentified cultural resources were recorded by Basin during the field survey. The review of background documents and field surveys did not uncover any known or recorded archaeologically significant sites, structures, landmarks, or points of interest.

According to the Cultural Resources Report, the *Draft Environmental Impact Report (DEIR) City of Fairfield: Heart of Fairfield Plan* ("Heart of Fairfield Plan DEIR") lists no recorded archaeological resources within the project site, a finding consistent with the records search results (F/MIG 2017:7-3; CHRIS/NWIC File No. 22-1862). However, the Heart of Fairfield Plan DEIR notes the presence of Union Avenue Creek, a probable engineered drainage channel, adjacent to Site 2 (i.e., adjacent to the Fairfield Justice Campus). The proximity of this channel, if it was a former natural creek modified for historic land drainage, suggests some potential for prehistoric and/or protohistoric Native American occupation in the general area. Historic USGS topographic maps indicate the presence of seasonal marsh and wetlands to the near south, suggesting that the Project site may have not been suitable for occupation, which may account for the lack of recorded prehistoric archaeological sites [on the project site].

The Cultural Resources Report determined there are no known cultural (prehistoric or historic) resources on site. The Cultural Resources Report did not provide recommendations related to the protection of archaeological resources.

The *Draft Environmental Impact Report for the Fairfield General Plan 2050 and Climate Action Plan* (2040) states that, due to documented historic-period activity within the City of Fairfield Planning Area, "there is a high potential for unrecorded historic-period archaeological resources to be within the proposed City of Fairfield Planning Area." Additionally, per the General Plan DEIR, "there is a high potential for unrecorded Native American resources to be within the proposed City of Fairfield Planning Area," given the ethnographic and archaeological sensitivity of the area and the similarity of the environmental setting and features within the Planning Area (e.g., areas at the hill to valley interface, in valleys, near intermittent and perennial watercourses and near areas populated by oak, buckeye, manzanita, and pine, as well as near a variety of plant and animal resources) to that of known archaeological sites in Solano County. The General Plan DEIR notes there are 37 recorded historic-period archaeological resources and 35 recorded Native American archaeological resources within the Planning Area.

Given that no major development has occurred on or immediately adjacent to the Project site since the preparation of the Cultural Resources Report in late 2023, it is unlikely that any new previously unknown historic-period archaeological resources or Native American archaeological resources have been recorded on site with the CHRIS and SLF since the preparation of the Cultural Resource Report.

The Project could have potentially significant impacts on historic-period and Native American archaeological resources. While the Cultural Resources Report determined there are no known cultural resources on site through records searches with the CHRIS and SLF and a field survey and suggests the site may not have been suitable for occupation, the presence of unrecorded archaeological resources on site cannot be ruled out. The Project is located near a waterway that is potentially suitable for habitation and sources indicate that the region has a high probability of undiscovered cultural resources. However, no California Native American tribe sought consultation on the Project or stated that it believed undiscovered cultural resources are present on the Project site. In the event unrecorded cultural resources are discovered on site during Project implementation, Project construction activities are subject to existing state regulations that establish protocol to be followed in the event of accidental discovery of archaeological resources (see regulations listed under Section 3.5.2). Mitigation Measures CUL-2a and CUL-2b have been incorporated into the proposed Project to require the

implementation of protocol for the unintended discovery of archaeological resources, including buried human remains, and reduce the Project's potential impacts on archaeological or tribal cultural resources that may exist on the Project site to a less-than-significant level. The Judicial Council would review all appropriate bid, contract, and engineering and site plan documents (e.g., building, grading, and improvement plans) for inclusion of cultural resource mitigation. With implementation of Mitigation Measures CUL-2a and CUL-2b, the Project's potential impacts on archaeological resources would be less than significant with mitigation incorporated.

Impact CUL-2: Project construction may unearth or disturb previously unidentified buried cultural resources, including human remains, during project demolition and construction.

Mitigation Measure CUL-2a: Protection of Archaeological Resources. In the event that archaeological remains from either a historic or prehistoric period are discovered (or have been suspected to have been discovered) during Project construction, all ground disturbing work within a 100' radius buffer of the discovery will cease. An archaeologist who meets the Secretary of the Interior's Standards for Archaeology will be brought in to assess the discovery before any additional ground disturbing work within the 100' buffer will be allowed to continue. No further ground disturbing work will be allowed to continue until the archaeologist has fully evaluated the find and permits work to continue. Dependent on the evaluation by the archaeologist, archaeological excavation and recordation may be required before construction can continue. Archaeological monitoring will be enacted on the site at the discretion of the archaeologist.

Should the newly discovered artifacts be determined to be Native American in origin, traditionally and culturally affiliated California Native American tribes on the list maintained by the Native American Heritage Commission (NAHC) will be contacted and consulted. If requested by a tribe, Native American construction monitoring will be initiated. All artifacts of Native American origin will to be considered potentially significant until the Judicial Council has made a determination of significance based on evidence obtained in consultation with California Native American tribes.

In the event of an archaeological discovery, the Judicial Council shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. If the discovery is Native American in origin, the Judicial Council shall consult with traditionally and culturally affiliated California Native American tribes on the contact list maintained by the NAHC regarding an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. An archaeological report will be written detailing all archaeological finds and submitted to the Judicial Council and the Northwest Information Center.

Mitigation Measure CUL-2b: Protection of Human Remains. The Judicial Council and all **P**roject personnel and contractors will comply with existing law relating to an inadvertent discovery of human remains including 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 Solano County Coroner shall be immediately notified to determine the nature of the remains (Health and Safety Code Section 7050.5[b]). If the coroner determines that

the remains are those of a Native American, the coroner will contact the Native American Heritage Commission (NAHC) which will determine the most likely descendant (MLD; PRC §5097.98). Additional steps are required to comply with the statues that are relevant to the find.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant with Mitigation Incorporated. See discussion in response 3.5 b). The Project could have potentially significant impacts on cultural resources, including human remains. While the Cultural Resources Report determined there are no known cultural resources on site through records searches with the CHRIS and SLF and a field survey, and no unrecorded archaeological resources were discovered during previous site development, the potential for discovery of human remains cannot be ruled out. The Project is located near a waterway that is potentially suitable for habitation and sources indicate that the region has a high probability of undiscovered cultural resources. However, no California Native American tribe sought consultation on the Project or stated that it believed undiscovered cultural resources are present on the Project site.

In the event buried human remains are discovered on site during project implementation, project construction activities are subject to existing state regulations that establish protocol to be followed in the event of accidental discovery of human remains (see regulations listed under Section 3.5.2). California Health and Safety Code section 7050.5 regulates procedures in the event of human remains discovery. Pursuant to Public Resources Code section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the County Coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are determined to be Native American, the County Coroner is required to contact the NAHC. The NAHC is responsible for contacting the most likely Native American descendent, who would consult with the local agency regarding how to proceed with the remains. Mitigation Measures CUL-2a and CUL-2b have been incorporated into the proposed Project to require the implementation of protocol for the unintended discovery of cultural resources, including buried human remains, and reduce the project's potential impacts on human remains that may exist on the Project site to a less-than-significant level. See Mitigation Measures CUL-2a and CUL-2b above under item b). With implementation of Mitigation Measures CUL-2a and CUL-2b, the Project's potential impacts on human remains would be less than significant with mitigation incorporated.

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 Environmental Setting

Energy consumption is closely tied to the issues of air quality and greenhouse gas (GHG) emissions, as the burning of fossil fuels and natural gas for energy has a negative impact on both.

In general, California's per capita energy consumption is relatively low, in part due to mild weather that reduces energy demand for heating and cooling, and in part due to the government's proactive energy-efficiency programs and standards. According to the California Energy Commission, Californians consumed about 276,213 gigawatt hours (GWh) of electricity and 11,964 million therms of natural gas in 2023 (CEC 2025a and CEC 2025b).

In 2023, Solano County accounted for approximately 1% of statewide electricity consumption and less than 1% of statewide natural gas consumption. Total electricity use in Solano County was approximately 3,128 GWh, including 2,030 GWh of consumption for non-residential land uses (CEC 2025a). Natural gas consumption was 228.2 million therms in 2023, including 166.1 million therms from non-residential uses (CEC 2025b).

Energy conservation refers to efforts made to reduce energy consumption to preserve resources for the future and reduce pollution. It may involve diversifying energy sources to include renewable energy, such as solar power, wind power, wave power, geothermal power, and tidal power, as well as the adoption of technologies that improve energy efficiency and adoption of green building practices. Energy conservation can be achieved through increases in efficiency in conjunction with decreased energy consumption and/or reduced consumption from conventional energy sources.

3.6.2 Regulatory Setting

Since increased energy efficiency is so closely tied to the State's efforts to reduce GHG emissions and address global climate change, the regulations, policies, and action plans aimed at reducing GHG emissions also promote increased energy efficiency and the transition to renewable energy sources. The U.S. EPA and the State address climate change through numerous pieces of legislation, regulations, planning, policy-making, education, and implementation programs aimed at reducing energy consumption and the production of GHG.

The proposed Project would not involve the development of facilities that include energy intensive equipment or operations. While there are numerous regulations that govern GHG emissions reductions through increased energy efficiency, the following regulatory setting description focuses only on regulations that: 1) provide the appropriate context for the proposed Project's potential energy usage; and 2) may directly or indirectly govern or influence the amount of energy used to develop and operate the proposed improvements. See the Environmental and Regulatory Setting discussion in Section 3.8, Greenhouse Gas Emissions, for a description of the key regulations related to global climate change, energy efficiency, and GHG emission reductions.

Federal Regulations

Federal Vehicle Standards

In 2009, the NHTSA issued a final rule regarding fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the U.S. EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016. In 2010, U.S. EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of carbon dioxide (CO2) in model year 2025, on an average industry fleetwide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the U.S. EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the U.S. EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6% to 23% over the 2010 baselines.

In August 2016, the U.S. EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018–2027 for certain trailers, and model years 2021–2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO2 emissions by approximately 1.1 billion metric tons (MT) and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program (U.S. EPA and NHTSA 2016).

In August 2018, the U.S. EPA and NHTSA released a notice of proposed rulemaking called Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule). On September 27, 2019, the U.S. EPA and the NHTSA published the SAFE Vehicles Rule Part One: One National Program." (84 Fed. Reg. 51,310 (Sept. 27, 2019)). The Part One Rule revoked California's authority to set its own greenhouse gas emissions standards and set zero emission vehicle (ZEV) mandates in California.

In April 2020, the U.S. EPA and NHTSA issued the SAFE Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (Final SAFE Rule) that relaxed federal greenhouse gas emissions and fuel economy standards. The Final SAFE Rule relaxed federal greenhouse gas emissions and Corporate Average Fuel Economy (CAFE) standards to increase in stringency at approximately 1.5 percent per year from model year (MY) 2020 levels over MYs 2021–2026. The previously established emission standards and related "augural" fuel economy standards would have achieved approximately 4 percent per year improvements through MY 2025. The Final SAFE Rule affects both upstream (production and delivery) and downstream (tailpipe exhaust) CO2 emissions (CARB 2020). NHTSA repealed and the U.S. EPA rescinded the SAFE Rule Part One in December 2021 and March 2022, respectively, restoring California's authority to implement its GHG standards and ZEV mandates (NHTSA 2024 and U.S. EPA 2023).

State Regulations

Senate Bill 350 (Clean Energy and Pollution Reduction Act) and Senate Bill 100

SB 350 was signed into law in September 2015 and establishes tiered increases to the state's Renewable Portfolio Standard (RPS). The bill requires 40 percent of the state's energy supply to come from renewable sources by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy efficiency savings in electricity and natural gas through energy efficiency and conservation measures. The state's RPS program was further strengthened by the passage of SB 100 in 2018. SB 100 revised the state's RPS Program to require retail sellers of electricity to serve 50 percent and 60 percent of the total kilowatt-hours sold to retail end-use customers be served by renewable energy sources by 2026 and 2030, respectively, and requires 100 percent of all electricity supplied come from renewable sources by 2045.

Title 24 Energy Standards

Title 24 of the CCR, known as the Building Standards Code, contains regulations that govern structural safety and sustainability of buildings in California. The code is organized into 12 different parts, including:

Part 6 of the Title 24 Building Standards Code is referred to as the Building Energy Efficiency Standards (BEES, or Energy Code). The CEC first adopted energy efficiency standards for residential and non-residential development in 1978 in response to a legislative mandate to reduce energy consumption in the State. The standards are updated on an approximately three-year cycle to allow for the consideration and inclusion of new energy efficiency technologies and methods. The current 2022 BEES were adopted in August 2021, went into effect on January 1, 2023, and focused on establishing or expanding standards for electric heat pumps, for solar photovoltaic system and battery storage, and for ventilation systems (CEC 2021). The California Building Standards Commission approved the 2025 BEES in December 2024, and the 2025 BEES are expected to take effect on January 1, 2026, as scheduled.

Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CalGreen Code). The purpose of the CalGreen Code is to "improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging

sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality" (California Department of Housing and Community Development n.d.). The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission. CalGreen contains both mandatory and voluntary measures. For non-residential land uses there are 39 mandatory measures including, but not limited to, exterior light pollution reduction, wastewater reduction by 20 percent, and commissioning of projects over 10,000 square feet. Two tiers of voluntary measures apply to nonresidential land uses, for a total of 36 additional elective measures.

Local Regulations

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 Fairfield Climate Action Plan

The City of Fairfield adopted the Climate Action Plan (CAP) in December 2024, which is a qualified GHG reduction strategy that may be used for the streamlining of GHG emissions analyses under CEQA. The CAP identifies several strategies and actions to help the City reduce its GHG emissions and support California's goal to achieve carbon neutrality by 2045. As discussed earlier in this section, energy efficiency and GHG emissions are closely related. The CAP includes strategies and actions that affect energy consumption from transportation sources and building energy systems. The following strategies and actions related to energy efficiency may be relevant to the proposed Project.

Policy TR-2: Reduce VMT per capita by at least 3 percent from 2020 levels by 2030 and 8 percent by 2050.

- TR-2F: Bike Share and E-Bike Program

Policy TR-3: Create supportive policies and programs that facilitate ZEV uptake.

- TR-3D: ZEV Car Share

Policy BE-1: Encourage electrification in new buildings, decarbonize existing buildings, and enhance communitywide electric readiness.

- BE-1B: Energy Benchmarking
- BE-1C: Building Performance Standards

Policy BE-2: Support the City of Fairfield's transition to renewable energy.

- BE2-B: Electrical Grid Infrastructure
- BE-2C: Battery Storage
- BE-2D: Solar Infrastructure

Policy BE-3: Reduce energy demand and consumption through energy efficiency and conservation.

- BE-3B: Energy-Compliant Technologies
- BE-3C: Energy Efficiency Loans

Policy BE-4: Lead by Example

- BE-4F: Solar and Battery Power at City Facilities

Policy SW-1: Reduce the amount of solid waste that is generated and sent to landfills, especially organic waste.

- SW-1H: Expand Waste-to-Energy System

Policy WW-1: Work with the Fairfield-Suisun Sewer District to reduce emissions from wastewater treatment.

- WW-1B: Capacity of Waste-to-Energy

3.6.3 Impact Discussion

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?

Less Than Significant Impact. The proposed Project involves the demolition of existing Solano HOJ and Co-Op buildings and the construction of a new, approximately 141,000 square foot courthouse on approximately 2.94 acres of land. Construction activities would require the use of heavy-duty off-road construction equipment and on-road vehicles (e.g., passenger vehicles truck trips for deliveries and hauling) that would combust fuel, primarily diesel and gasoline. The use of this fuel energy would be necessary to construct the Project. Equipment and vehicles associated with construction and operation of the Project would be subject to clean fuel standards at the state and federal level. The Project would inherently benefit from programs implemented to achieve the goals of the Sustainable Freight Plan, such as the turnover of older, less fuel-efficient trucks, as fuel economy standards are rolled out and ZEV trucks become more widely available and cost effective for business.

Once constructed, the new facility would consume electricity and natural gas to power building lighting, space heating, and water heating facilities. Electricity, natural gas, and gasoline fuel consumption are energy sources necessary to operate and maintain the proposed Project in a safe manner. Lighting is essential for safety and security, and natural gas consumption is needed for heating and other temperature-controlled activities. Due to energy efficiency standards being improved over time, the new courthouse structure would be more efficient in its energy consumption compared to the existing Solano HOJ building and much of the existing building stock in California. As described in Section 2.4, the proposed Project does not include changes to existing facility operations or operational capacity, including the number of staff employed on-site, the number of courtroom proceedings, or visitor use, and therefore would not result in a substantial increase in energy consumption. The new building would be subject to

more stringent energy efficiency requirements that would be more energy efficient than existing Solano HOJ facilities. The proposed building would be designed to the 2022 Title 24 Building Code standards, and benefit from other actions taken at the State level. In addition, the Judicial Council's Facilities Standards require all new courthouse projects to 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 (Judicial Council 2023b). All court facility projects must target 15 percent increased energy efficiency and 12 percent increased water conservation levels as compared to the minimum requirements of Title 24. Further, the Facilities Standards establish the efficient operation of building systems and reduction in energy consumption as objectives for court facility building management systems. As a result, the new courthouse building would not substantially increase consumption of energy resources related to on-site operations compared to existing conditions. For these reasons, the proposed Project would not result in the wasteful, inefficient, or unnecessary use of energy resources. This impact would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The proposed Project would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing the amount of renewable energy or energy efficiency. As discussed above, the proposed courthouse building would be subject to the California Title 24 Building Code energy efficiency standards for non-residential buildings, which would reduce energy consumption. Equipment and vehicles associated with construction and operation of the Project would also be subject to fuel standards at the state and federal level. The Project would inherently benefit from programs implemented to achieve the goals of the Sustainable Freight Plan, such as the turnover of older, less fuel-efficient trucks, as fuel economy standards are rolled out and ZEV trucks become more widely available and cost effective for business. The Project would not conflict with nor obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.

3.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation	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? *Note: 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 waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

3.7.1 Environmental Setting

<u>Geology</u>

The following geologic setting information is summarized from the geologic hazards assessment and geotechnical investigation report prepared for the project (Haley & Aldrich, Inc. 2025) (see Appendix D).

Regional Geology

The project site is situated on the eastern edge of the Coast Ranges geomorphic province, near its contact with the western edge of the Great Valley geomorphic province.

The site is in the west-central portion of the Sacramento Valley, the northern portion of California's Great Central Valley. The Sacramento Valley contains thousands of feet of accumulated fluvial, overbank, and fan deposits resulting from erosion of the adjacent Sierra Nevada Mountains to the east, Northern Coast Range to the west, and Klamath and Cascade Mountains to the north. These deep alluvial deposits pinch out as the boundaries of the basin are approached and general bedrock units of the Foothills Metamorphic Belt and the basement complex of the Sierra Nevada Batholith are exposed to the east, sedimentary and mélange bedrock of the Coast Range are exposed to the west, and meta-sedimentary, mélange, igneous, and volcanic bedrock of the Klamath and Cascade Ranges are exposed to the north. Figure 3-5 shows the region's underlying geologic units.

Site Geology

The distribution of geologic materials in the site vicinity has much to do with the vicinity of the Grizzly Bay and associated wetland and slough networks to the south as well as alluvial fans that shed erosional debris from the Coast Ranges to the west.

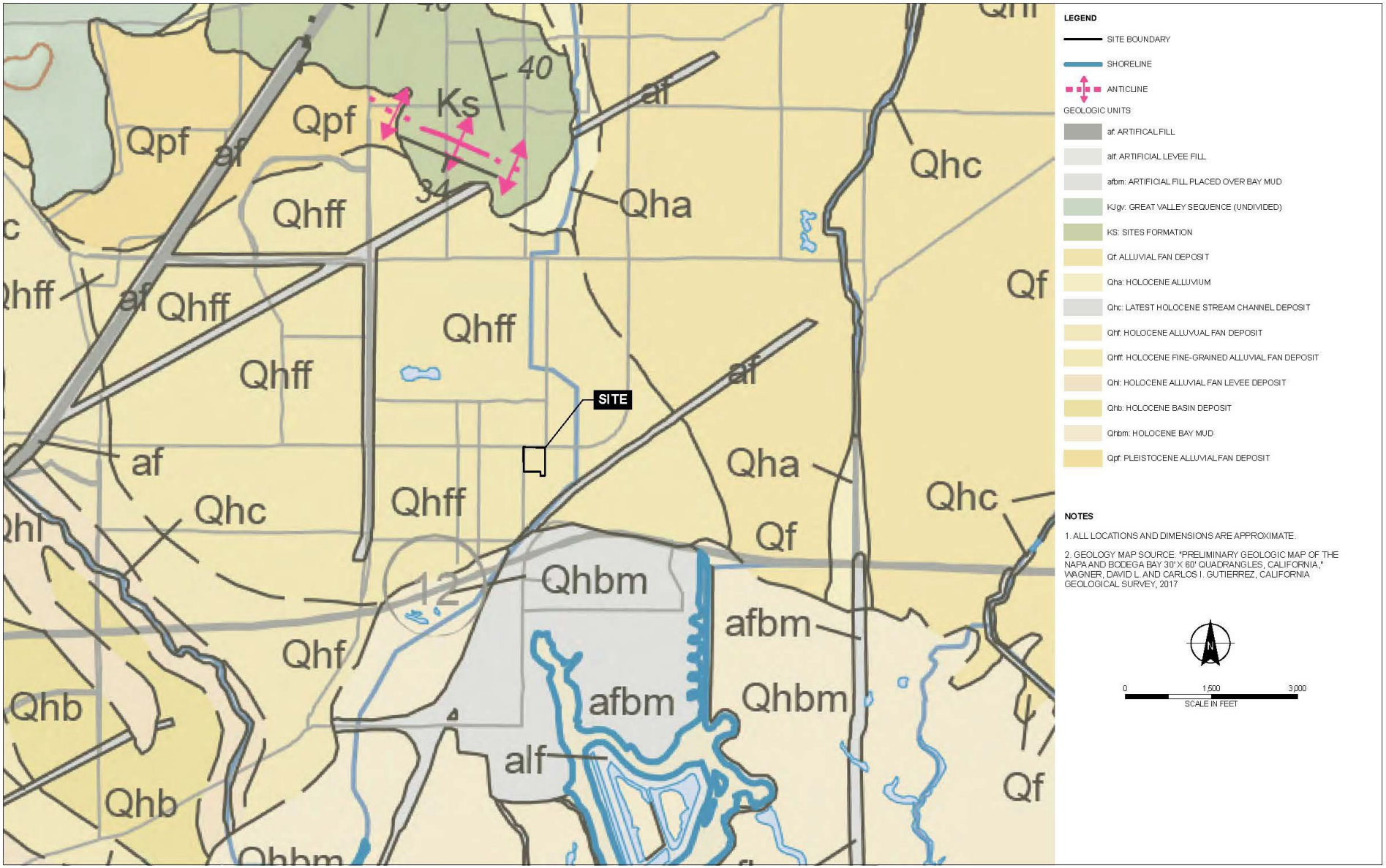
The general vicinity of the project site has been mapped several times, with geologic mapping having different emphases.

Haley & Aldrich (2025) presented a map showing the site as being underlain by Holocene basin deposits, which consist of sediments that were deposited in topographic lows and are more fine-grained than flood plain sediments because basins collect standing water, allowing clay-sized particles to deposit. The sediments mapped in the site vicinity consist predominantly of silt and clay.

Haley & Aldrich (2025) presented a map of Quaternary geologic materials in detail for much of the San Francisco Bay Area, including the project site. The project site is mapped as Latest Pleistocene to Holocene alluvial fan deposits, which generally include sand, gravel, silt, and clay, and is moderately to poorly sorted, and moderately to poorly bedded.

Corrosive Soils

Near-surface soils at the project site have been mapped by the Natural Resources Conservation Service (NRCS) as Capay Clay, which is considered moderately corrosive for concrete and highly corrosive for steel. One sample of the near-surface soils encountered at the site was subjected to chemical analysis for the purpose of corrosion assessment. The sample was tested for pH, resistivity, and soluble sulfates and chlorides.



Source: Hailey Aldrich 2025

Figure 3-5 Regional Geology

New Solano Hall of Justice Courthouse Project

Expansive Soils

Expansive soils are characterized by their ability to undergo significant volume change (shrink or swell) due to variations in moisture content. Changes in soil moisture content can result from rainfall, landscape irrigation, utility leakage, roof drainage, perched groundwater, drought, or other factors and may cause unacceptable settlement or heave of structures, concrete slabs supported-on-grade, or pavements supported over these materials. Depending on the extent and location below finished subgrade, these soils could have a detrimental effect on the proposed construction.

Near-surface soils at the project site have been mapped by the NRCS as Capay Clay, which is documented as having plasticity index values ranging from 8 to 39. These soils are considered expansive based on the upper plasticity index range values for these soils.

Shallow native soils beneath the on-site fill soils consist of low- to high-plasticity clay with variable amounts of silt and sand based on the results of our field logging.

Seismicity

The following regional and site seismicity information is sourced, with edits, from the geologic hazards assessment and geotechnical investigation report prepared for the project (Haley & Aldrich, Inc. 2025)

The site is located within the greater San Francisco Bay Area, which is recognized as one of the more seismically active regions of California. The seismic activity in this region results from the complex movements along the transform boundary between the Pacific Plate and the North American Plate. Along this transform boundary, the Pacific Plate is slowly moving to the northwest relative to the more stable North American Plate at approximately 40 millimeters per year (mm/yr) in the Bay Area. The differential movements between the two crustal plates caused the formation of a series of active fault systems within the transform boundary. The transform boundary between the two plates extends across a broad zone of the North American Plate within which right-lateral strike-slip faulting predominates. In this broad transform boundary, the San Andreas fault accommodates less than half of the average total relative plate motion. Much of the remainder of the motion in the eastern Bay Area is distributed across faults such as the Hayward, Calaveras, Green Valley, Greenville, and West Napa fault zones.

Due to the site's location in the seismically active San Francisco Bay Area, it will likely experience strong ground shaking from a large (Moment Magnitude [Mw] 6.7 or greater) earthquake along one or more of the nearby active faults during the design lifetime of the project. Some contributors to seismic risk for the project include the San Andreas, Hayward, Concord, Calaveras, Green Valley, Greenville, and West Napa faults. A large-magnitude earthquake on any of these fault systems has the potential to cause significant ground shaking in the vicinity of the site. The intensity of ground shaking that is likely to occur in the area is generally dependent upon the magnitude of the earthquake and the distance to the epicenter. Relevant seismic sources in the San Francisco Bay Area and their distances from the site are summarized in Table 3-9 below. Figure 3-6 shows the locations of regional faults and seismicity. According to the U.S. Geological Survey (USGS) Quaternary Fault and Fold Database of the United States, there are no active faults mapped as crossing the Project site.

Table 3-9. Distances of Selected Active Fault Traces

Fault Name	USGS Fault No.	Approx. Distance to Nearest Surface Fault Trace (km)	Direction From Site	Mean Slip Rate (mm/yr)
Lagoon Valley	518	4	Northeast	Unspecified
Cordelia	219	8	West	Unspecified
Rio Vista	246	9	Northeast	Unspecified
Green Valley	37	11	West-Southwest	1.0-5.0
West Napa	36	20	West-Southwest	0.2-1.0
Concord	38	21	South-Southwest	1.0-5.0
Soda Creek	227	22	Northwest	Unspecified
Greenville – Clayton Section	53	31	South-Southeast	0.2-1.0
Rodgers Creek	32	35	Southwest	>5.0
Hayward	55	39-40	Southwest	>5.0
Calaveras	54	44	South	>5.0
San Andreas	1	67	Southwest	>5.0
Source: Haley & Aldrich 2025; U.S. Geological Survey (USGS) Quaternary Fault and Fold Database of the United States.				

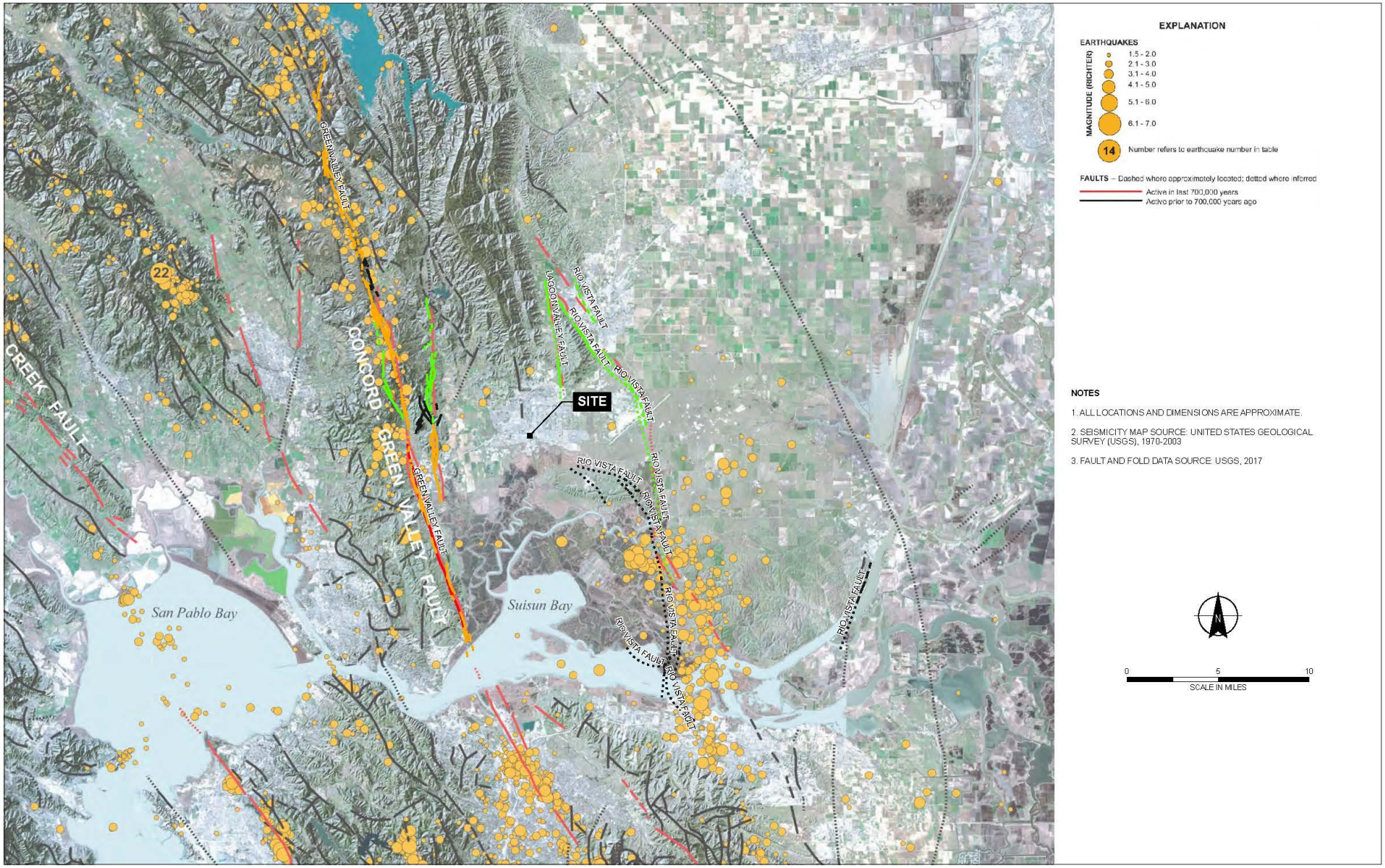


Figure 3-6 Regional Fault and Seismicity

New Solano Hall of Justice Courthouse Project

Liquefaction

Earthquake-induced soil liquefaction can be described as a significant loss of soil strength and stiffness caused by an increase in pore water pressure resulting from cyclic loading during shaking. The primary factors affecting soil liquefaction include: 1) intensity and duration of seismic shaking; 2) soil type and relative density; 3) overburden pressure; and 4) depth to groundwater. Liquefaction is associated primarily with loose (low density), saturated, fine- to medium-grained, cohesionless soils below the groundwater table, but can also occur in non-plastic to low-plasticity finer-grained soils. The potential consequences of liquefaction to engineered structures include loss of bearing capacity, buoyancy forces on underground structures, ground oscillations, or “cyclic mobility,” increased lateral earth pressures on retaining walls, liquefaction settlement, and lateral spreading or “flow failures” in slopes.

Haly & Aldrich (2025) presented a map showing liquefaction susceptibility for the San Francisco Bay Area with a five-class scale that includes very low (essentially in bedrock areas), low, moderate, high, and very high liquefaction susceptibility classes. Mapping shows the soil underlying the project site has moderate liquefaction susceptibility.

The CGS has generated Earthquake Zones of Required Investigation Maps for most of the 7.5 Minute Quadrangles throughout the San Francisco Bay Area. These maps show active fault traces, earthquake fault zones, liquefaction hazard zones, and earthquake-induced landslide zones; however, the CGS has not yet prepared an Earthquake Zones of Required Investigation Map for the Fairfield South 7.5 Minute Quadrangle that addresses liquefaction hazards.

Haley & Aldrich assessed the liquefaction potential of the soil and groundwater conditions encountered for the site investigation. Based on subsurface information collected from borings and CPT probes during the investigation, the potential for liquefaction at the project site is moderate to high due to the presence of occasional interbedded layers of granular sediments beneath the shallow groundwater table. Figure 3-7 shows regional liquefaction susceptibility.

Seismic Densification

Seismic densification is the densification of unsaturated, loose to medium-dense granular soils due to strong vibration such as that resulting from earthquake shaking. The potential for seismic densification at the site is low in the encountered native materials due to the encountered soils above the shallow groundwater table being primarily cohesive, with the exception of shallow gravel fill, which would likely be over-excavated during construction.

Ground Lurching

Lurching is the phenomenon in which loose to poorly consolidated deposits move laterally as a response to strong ground shaking during an earthquake. Lurching is typically associated with soil deposits on or adjacent to steep slopes. As the site and immediate vicinity are essentially flat and level, the potential for structural damage due to lurching is considered to be nil.

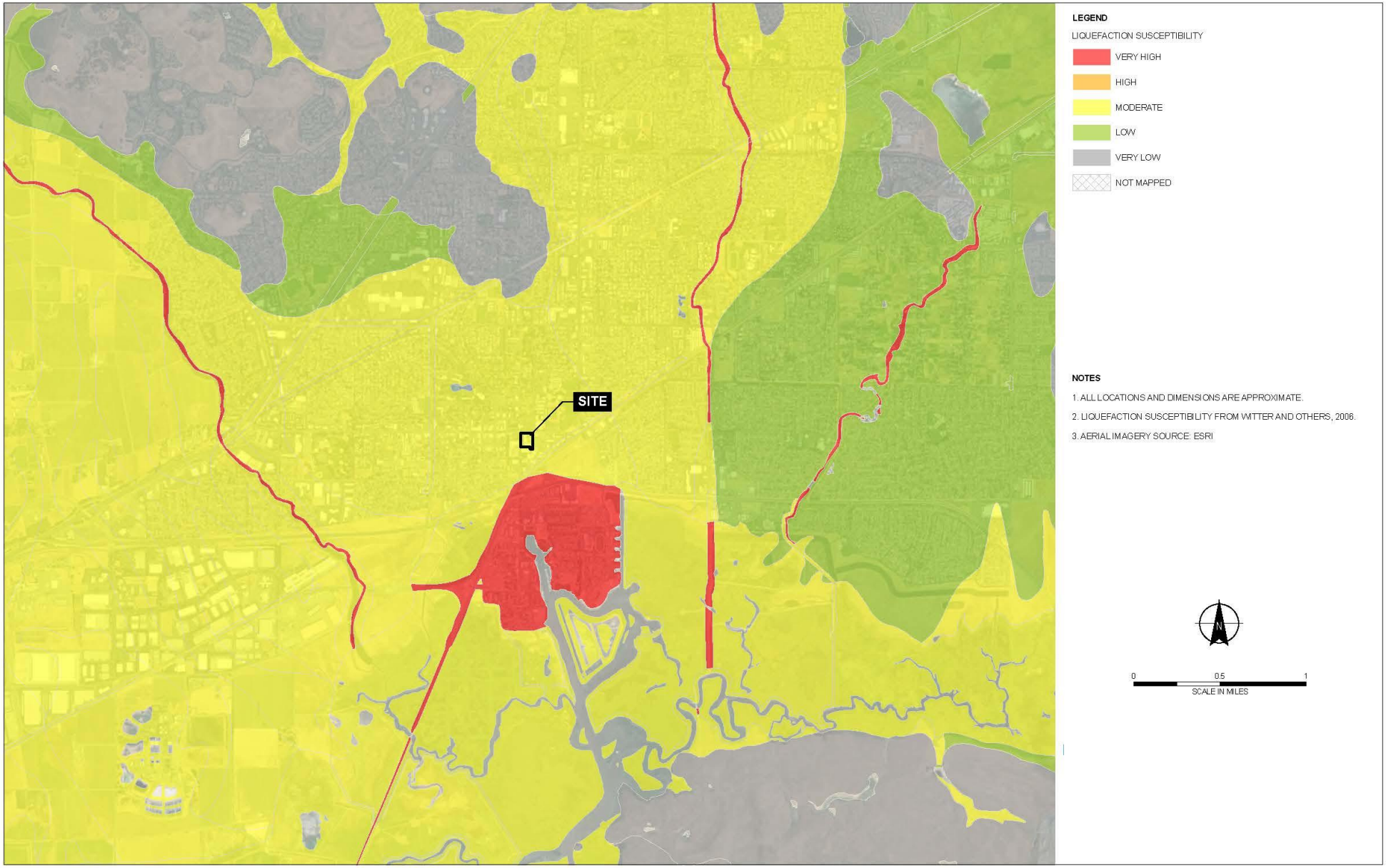


Figure 3-7 Liquefaction Susceptibility

New Solano Hall of Justice Courthouse Project

MIG

Landslides and Seismically Induced Slope Failures

The general site vicinity is located on level ground. As such, the potential for damage to the site from landslides or seismically-induced slope failures is deemed to be nil.

Regional Subsidence

The extraction of groundwater or oil from sedimentary source rock can cause the permanent collapse of pore space that was previously occupied by the removed fluid. The compaction of the subsurface sediments resulting from fluid withdrawal could cause the ground surface overlying the fluid reservoir to subside. If sufficiently great, the subsidence can significantly damage nearby engineered structures.

A *Summary of Recent, Historical, and Estimated Potential for Future Land Subsidence in California* prepared by the California Department of Water Resources (DWR) states that the Suisun-Fairfield Valley Groundwater Basin has a medium to high estimated potential for land subsidence; however, there is currently no documented subsidence in the Suisun-Fairfield Valley Groundwater Basin. No subsidence data were found on the USGS website for this region. (Haley & Aldrich 2025)

Paleontological Resources

Paleontological resources are the fossil remains or traces of past life forms, including both vertebrate and invertebrate species, as well as plants. The Fairfield General Plan Planning Area is located in the Sacramento Valley, which forms part of the northern portion of the Great Valley Geomorphic Province of California. The province, a sedimentary basin, is bounded by the Coastal Ranges to the west and the foothills of the Sierra Nevada to the east. The Sacramento Valley is mainly composed of alluvial sediments. The Fairfield General Plan Planning Area is underlain with Quaternary-age alluvium, consisting of an unstratified mix of sand, silt, clay, and gravel. According to a records search of the University of California Museum of Paleontology Specimen Search, no paleontological resources have been found in Fairfield. Multiple resources have been discovered throughout Solano County and in neighboring cities, including Vacaville just to the north of Fairfield, with similar geological features as the Fairfield General Plan Planning Area. Therefore, there is a possibility for paleontological resources to be discovered in the Fairfield General Plan Planning Area. (City of Fairfield 2024b)

3.7.2 Regulatory Setting

Federal Regulations

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:

> (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 Regulations

California Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (PRC 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. 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.

Seismic Hazards Mapping Act

As with the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (SHMA) (PRC 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.

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. 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 2022 California Building Standards Code (Cal. Code Regs., Title 24) was published July 1, 2022, with an effective date of January 1, 2023.

California Environmental Quality Act

Treatment of paleontological resources under CEQA is conducted according to guidance from the Society for Vertebrate Paleontology 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

PRC 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.

California Trial Court Facilities Standards

The Facilities Standards establishes architectural and structural criteria to ensure the design of new trial court facilities reflects functional and programmatic needs, adaptability for future technology, the ability to withstand potential damage, and the ability to minimize impact on disruption of building services and operations from disasters and rare events.

While new trial court facilities are subject to the requirements of the CBC, structural components, systems, and methods of design not specifically recognized by the CBC are permitted under approved requests for alternative means of compliance. Criteria for such components or systems must be reviewed by one or more peer reviewers acceptable to the

Judicial Council and shall be submitted to the council for approval in accordance with provisions established by the CBC.

3.7.3 Impact Discussion

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 significant evidence of a known fault?

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

Less Than Significant Impact. The Project site is not located within an earthquake fault zone, liquefaction zone, or landslide zone (CDC 2025). Therefore, the likelihood of damage to the proposed building or other proposed site features is considered unlikely. However, in the event of a major earthquake on one of the San Francisco Bay Area region's active faults, strong ground shaking at the Project site may occur and the Project, including the new courthouse building intended for human occupancy, may be at risk of loss of life or property as a result.

The geotechnical investigation prepared for the Project (Haley & Aldrich, Inc. 2025) (see Appendix D) evaluated potential geologic and seismic hazards on the Project site through an exploration of subsurface conditions to determine the suitability of the Project site for the proposed new courthouse building and develop preliminary geotechnical engineering recommendations for the design and construction of the proposed improvements. The geotechnical investigation found that the primary geotechnical issues that should be addressed during the design and construction of the proposed Project include expansive soils, soft compressible soils, undocumented fill, site seismicity and liquefaction potential, high groundwater levels, and foundation system selection. The geotechnical investigation determined that ground improvement elements or deep foundations are needed to support the proposed building and presented recommendations regarding the deep foundations, site grading, fill compaction, and other geotechnical aspects of the Project. Foundation recommendations include ground improvement or deep foundations to mitigate excessive consolidation settlement and liquefaction-induced settlements. Appropriate foundation types include shallow foundations over ground improvement or driven piles. Earthwork and trenching operations can be completed with conventional equipment.

Per Haley & Aldrich, during Project construction, a qualified geotechnical engineer should observe pile installation, excavation of soil within the abutment foundation area, check compaction of the subgrade and backfill, and be involved in other geotechnical considerations that may arise during the course of construction activities. The purpose of these observations is

to observe compliance with the design concepts, specifications, or recommendations, and to allow design changes or evaluation of appropriate construction measures in the event that subsurface conditions differ from those anticipated prior to the start of construction.

The new courthouse building may have a driven pile foundation to ensure the building is supported by an appropriate type of foundation given the site's geologic conditions. Section 6.2 Foundations of the Haley Aldrich geology report prepared for the Project contains a detailed discussion of the onsite geologic conditions and factors to consider in designing and construction a pile foundation for the Project (see Appendix D) such that the pile driving would not cause geologic impacts to adjacent structures, underground utilities or exacerbate existing on-site liquefaction conditions. The Haley Aldrich report recommends that as the Project team finalizes the structural loads in cooperation with the Project's Structural Engineer, that Haley Aldrich is contacted so they can update the driven pile recommendations in the geology report.

The geotechnical investigation ultimately concluded that the proposed Project is geotechnically feasible. Project compliance with the recommendations contained within the geotechnical investigation is required by the CBC. The Project must design and construct the new courthouse and associated site improvements in accordance with the applicable provisions of the current CBC. For these reasons, the proposed Project would not increase the risk of surface fault rupture; strong seismic ground shaking; seismically-induced liquefaction, lateral spreading, and seismic densification; or landslides, nor would the Project increase the exposure of people or structures to these risks. This impact would be less than significant.

b) Result in significant soil erosion or the loss of topsoil?

Less Than Significant Impact. Construction of the Project would disturb the ground and expose soils, thereby increasing the potential for wind- and water-related erosion and sedimentation at the site until the completion of construction.

As discussed in Section 2.10 Hydrology and Water Quality, the Project involves more than one acre of land disturbance and is therefore required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP), which would identify BMPs intended to prevent erosion and sedimentation as well as pollution of surface runoff during the construction period. The BMPs would address tracking control, non-stormwater management control (including, but not limited to, dewatering operations, paving and grinding operations, illicit connections/discharge, and non-stormwater discharges), waste management and materials pollution control (spill prevention and control, solid, liquid, and hazardous waste management, etc.).

The Project has the potential to increase the amount of permeable area on the Project site compared to existing conditions, which may increase erosion potential if soils in permeable areas are not stabilized. While detailed Project landscaping plans are not yet available, conceptual site plans that are currently available show permeable areas of the Project site would be landscaped under proposed conditions. As such, exposed soils on the Project site would be landscaped or otherwise stabilized following completion of construction activities.

The Project must comply with existing state regulations created to avoid or minimize potential soil erosion impacts. Compliance with the requirements described above during Project construction and the Project's plans to landscape or otherwise stabilize permeable areas of the site post-construction would ensure the Project would not result in substantial soil erosion or the loss of topsoil. This impact would be less than significant.

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?

Less Than Significant Impact. As discussed in response 7.a.i-iv. above, the Project site is not located within a landslide hazard zone and is not in the vicinity of a slope that could be affected by a landslide.

The California Geological Survey has generated Earthquake Zones of Required Investigation Maps for most of the 7.5 Minute Quadrangles throughout the San Francisco Bay Area. These maps show active fault traces, earthquake fault zones, liquefaction hazard zones, and earthquake-induced landslide zones; however, the CGS has not yet prepared an Earthquake Zones of Required Investigation Map for the Fairfield South 7.5 Minute Quadrangle, in which the Project site is located, that addresses liquefaction hazards. The Project geotechnical investigation determined through an analysis of subsurface information collected from borings, the potential for liquefaction on the Project site is moderate to high due to the presence of occasional interbedded layers of granular sediments beneath the shallow groundwater table. (Haley & Aldrich, Inc. 2025)

Construction of building foundations and slabs over potentially liquefiable soils could result in significant damage unless the liquefaction risk is mitigated through ground improvement. The geotechnical investigation determined the potential for adverse total and differential ground movement can be reduced by supporting the proposed structure on either a shallow foundation consisting of continuous perimeter spread footings and isolated interior column footings or a deep foundation consisting of auger cast-in-place piles. In-depth discussion of the recommended foundation types for the proposed building can be found in the geotechnical investigation. The Project geotechnical investigation determined the Project proposal is geotechnically feasible and the moderate to high liquefaction potential of on-site soils can be addressed through appropriate building foundation design.

The Project would construct the new courthouse building and associated site improvements consistent with CBC requirements consistent with the recommendations of the geotechnical site investigation. As discussed under item 3.7.3 a) above, the Project's compliance with the geotechnical investigations recommendations and CBC requirements would ensure the proposed Project would not increase the risk of surface fault rupture; strong seismic ground shaking; seismically-induced liquefaction, lateral spreading, and seismic densification; or landslides, nor would the Project increase the exposure of people or structures to these risks. This impact would be less than significant.

d) Be located on expansive soil, as noted in the 2010 California Building Code, creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Expansive soils are clay rich soils that can undergo large volume changes with changes in moisture content. The large fluctuations in volume, often referred to as shrink/swell potential, can adversely impact building and structure foundations.

According to the Project geotechnical investigation, field investigation results show near-surface soils on the Project site consist of asphalt pavement underlain by artificial fill over Quaternary alluvium within the depths explored. Encountered alluvium consisted of predominantly stiff to hard, lean to fat clay with varying amounts of sand and silt. Occasional granular beds of sand mixtures (e.g., silty sand, clayey, sand, poorly graded sand, or well-graded gravel with varying amounts of clay and silt) were encountered and ranged from about 1 to 5 feet in thickness. The near-surface clays exhibit high expansion potential (Haley & Aldrich, Inc. 2025). Additionally, the geotechnical investigation conducted for the Fairfield Justice Campus Project found the Fairfield Justice Campus, which includes the Project site, is underlain by expansive soils to depths of up to 4 to 5 feet below the existing grade (FirstCarbon Solutions 2023).

Per the Project geotechnical investigation, the impacts of expansive soils can be mitigated by proper moisture conditioning of subgrade material during site preparation and grading, by placing non-expansive fill over the potentially expansive soils and deepening the footings.

The Project geotechnical investigation determined the Project proposal is geotechnically feasible and potential impacts related to on-site expansive soils can be addressed through appropriate Project design. The Project would construct the new courthouse building and associated site improvements consistent with CBC requirements consistent with the recommendations of the geotechnical site investigation. This impact would be less than significant.

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?

No Impact. The Project proposes construction of a new building that would tie into the City of Fairfield's existing sanitary sewer system. No septic systems would be constructed or used.

Given the nature of the proposed Project, the Project would have no effect related to septic systems or soils supporting septic use. No impact would occur.

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

Less Than Significant with Mitigation Incorporated. Soils on the Project site have been previously disturbed by construction of the existing on-site buildings and parking lot. There are no known paleontological sites or unique geological features in the Project area.

According to the results of a recent (2023) paleontological records search conducted by Kenneth L. Finger, PhD through the University of California Museum of Paleontology (UCMP)

databased Natural History Museum for the Fairfield Justice Campus Asset Protection and Resiliency Project, the Fairfield Justice Campus, including the Project site, is on Holocene alluvium (Qa,Qal) (FirstCarbon Solutions 2023). Holocene deposits are too young to be fossiliferous and therefore have no paleontological potential or sensitivity; hence, the paleontological record search for the Fairfield Justice Campus Asset Protection and Resiliency Project focused on the late Pleistocene deposits of Solano County. The exposure of late Pleistocene deposits 0.75 miles away from the Fairfield Justice Campus suggests that the depth of Pleistocene deposits at the Fairfield Justice Campus is greater than all planned excavations for the Fairfield Justice Campus Asset Protection and Resiliency Project, which proposes to replace or upgrade existing storm drainage facilities near ground surface level. Construction of the proposed Project would likely require excavation to depths exceeding that required for the Fairfield Justice Campus Asset Protection and Resiliency Project.

Project grading and excavation activities may uncover previously unknown paleontological resources on site. Project disturbance of previously unknown paleontological resources could potentially cause significant impacts to paleontological resources. Mitigation Measure GEO-1 has been incorporated into the proposed Project to ensure demolition and construction activities halt if paleontological resources are discovered and to require paleontological resource recovery and treatment if deemed necessary by a qualified paleontological, which would reduce the Project's potential impacts to a less-than-significant level. The Judicial Council shall review all appropriate bid, contract, and engineering and site plan (e.g., building, grading, and improvement plans) documents for inclusion of paleontological mitigation. If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist describing the find and its deposition as required by the MMRP adopted for the Project. With implementation of Mitigation Measure GEO-1, the Project's potential impacts on paleontological resources would be less than significant with mitigation incorporated.

Impact GEO-1: Project demolition and construction activities could unearth paleontological resources, including fossils.

Mitigation Measure GEO-1: Protection of Paleontological Resources. If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find will be temporarily halted until the resource is recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

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, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Environmental Setting

Gases that absorb and emit infrared thermal radiation (heat) in the atmosphere and affect regulation of the Earth's temperature are known as greenhouse gases (GHGs). There are many compounds present in the Earth's atmosphere which are GHGs, including but not limited to water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). GHGs allow solar radiation (sunlight) to enter the atmosphere freely. When solar radiation strikes the earth's surface, it is either absorbed by the atmosphere, land, and ocean surface, or reflected back toward space. The land and ocean surface that has absorbed solar radiation warms up and emits infrared radiation toward space. GHGs absorb some of this infrared radiation and "trap" the energy in the earth's atmosphere. Entrapment of too much infrared radiation produces an effect commonly referred to as the "Greenhouse effect." Human activities since the beginning of the Industrial Revolution (approximately 1750) have increased atmospheric GHG concentrations. Average global surface temperatures have risen as a result of GHG emissions. This increase in globally averaged surface temperatures is commonly referred to as "Global Warming," although the term "Global Climate Change" is preferred because effects associated with increased GHG concentrations are not just limited to higher global temperatures (NOAA 2023).

GHGs that contribute to climate regulation are a different type of pollutant than criteria or hazardous air pollutants because climate regulation is global in scale, both in terms of causes and effects. Some GHGs are emitted to the atmosphere naturally by biological and geological processes such as evaporation (water vapor), aerobic respiration (carbon dioxide), and off-gassing from low oxygen environments such as swamps or exposed permafrost (methane); however, GHG emissions from human activities such as fuel combustion (e.g., carbon dioxide) and refrigerants use (e.g., hydrofluorocarbons) significantly contribute to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

Human production of GHG has increased steadily since pre-industrial times (approximately pre-1880) and atmospheric carbon dioxide concentrations have increased from a pre-industrial value of 280 parts per million (ppm) in the early 1800's to 426 ppm in July 2025 (NOAA 2025). The effects of increased GHG concentrations in the atmosphere include increasing temperature, shifts in precipitation patterns and amounts, reduced ice and snow cover, sea level rise, and

acidification of oceans. These effects in turn will impact food and water supplies, infrastructure, ecosystems, and overall public health and welfare.

The six common GHGs are described below. These GHGs are the primary GHGs emitted into the atmosphere by human activities.

- *Carbon Dioxide (CO_2)* is released into the atmosphere when fossil fuels (oil, gasoline, diesel, natural gas, and coal), solid waste, and wood or wood products are burned.
- *Methane (CH_4)* is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in municipal solid waste landfills and the raising of livestock.
- *Nitrous oxide (N_2O)* is emitted during agricultural and industrial activities, as well as during combustion of solid waste and fossil fuels.
- *Sulfur hexafluoride (SF_6)* is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 occur during maintenance and servicing as well as from leaks of electrical equipment.
- *Hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs)* are generated in a variety of industrial processes.

GHG emissions from human activities contribute to overall GHG concentrations in the atmosphere and the corresponding effects of global climate change (e.g., rising temperatures, increased severe weather events such as drought and flooding). GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which has a GWP of one. By comparison, CH_4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHGs by their GWP determines their carbon dioxide equivalent (CO_2e), which enables a project's combined global warming potential to be expressed in terms of mass CO_2 emissions. GHG emissions are often discussed in terms of metric tons of CO_2e, or $MTCO_2e$.

3.8.2 Regulatory Setting

<u>Federal Regulations</u>

Federal Clean Air Act

On December 7, 2009, the U.S. EPA issued an endangerment finding that current and projected concentrations of the six Kyoto GHGs in the atmosphere (CO_2, CH_4, N_2O, SF_6, HFCs, and PFCs) threaten the public health and welfare of current and future generations. This finding came in response to the Supreme Court ruling in *Massachusetts v. EPA*, which found that GHGs are pollutants under the Federal Clean Air Act. As a result, the U.S. EPA issued its GHG Tailoring Rule in 2010, which applies to facilities that have the potential to emit more than 100,000 $MTCO_2e$. In 2014, the U.S. Supreme Court issued its decision in *Utility Air Regulatory Group v. EPA* (No. 12-1146), finding that the U.S. EPA may not treat GHGs as an air pollutant

for purposes of determining whether a source is a "major" source required to obtain a permit pursuant to the "Clean Air Act's Prevention of Significant Deterioration" or "Title V" operating permit programs. The U.S. EPA's Greenhouse Gas Reporting Program requires facilities that emit 25,000 $MTCO_2e$ or more of GHG to report their GHG emissions to the U.S. EPA to inform future policy decision makers.

State Regulations

California Air Resources Board (CARB) is the lead agency for implementing AB 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that will be used to achieve reductions in GHG emissions in California.

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, sets a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. By directing state agencies to take measures consistent with their existing authority to reduce GHG emissions, this order establishes coherence between the 2020 and 2050 GHG reduction goals set by AB 32 and seeks to align California with the scientifically established GHG emissions levels needed to limit global warming below two degrees Celsius.

To reinforce the goals established through Executive Order B-30-15, Governor Brown signed SB 32 and AB 197 on September 8, 2016. Senate Bill 32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement as opposed to a goal. Assembly Bill 197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, "protect the state's most impacted and disadvantaged communities …[and] consider the social costs of the emissions of greenhouse gases."

CARB Scoping Plan

On December 14, 2017 CARB adopted the second update to the Scoping Plan, the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update; CARB 2017). The primary objective of the 2017 Scoping Plan Update is to identify the measures needed to achieve the mid-term GHG reduction target for 2030 (i.e., reduce emissions by 40 percent below 1990 levels by 2030), as established under Executive Order B-30-15 and SB 32. The 2017 Climate Change Scoping Plan identifies an increased need for coordination among State, regional, and local governments to realize the potential for GHG emissions reductions that can be gained from local land use decisions. The third update to the scoping plan, the 2022 Scoping Plan, was released in May 2022 and adopted by CARB in December 2022 (CARB 2022). The plan presents a scenario for California to meet the State goal of reducing GHG emissions 40% below 1990 levels by 2030 and to achieve carbon neutrality by 2045 (CARB 2022).

Local Regulations

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

Plan Bay Area 2050

Plan Bay Area was the integrated long-range transportation, land-use, and housing plan developed for the Bay Area pursuant to SB 375 that was adopted by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) in 2013. An update to Plan Bay Area, titled Plan Bay Area 2040, was jointly approved by the ABAG Executive Board and by MTC in 2017. Plan Bay Area and Plan Bay Area 2040 identified Priority Development Areas, which were transit-oriented infill development opportunities in areas where future growth would not increase urban sprawl.

On October 1, 2021, MTC and ABAG released Plan Bay Area 2050 which focused on the elements of Housing, Economy, Transportation, and Environment (ABAG/MTC 2021). Across these elements, there were a total of 35 strategies, which are long-term policies or investments, and 80 implementation actions, which contain advocacy and legislation, initiatives, and planning and research. Plan Bay Area 2050 projected that it would achieve a 20% reduction in GHG emissions from cars and light duty trucks by 2035 if all of its strategies were implemented, which would meet SB 375's GHG target.

Bay Area Air Quality Management District

The BAAQMD's 2022 CEQA Guidelines indicate GHG emissions from an individual project are not likely to have any detectable impact on the global climate, but they may contribute to a significant cumulative climate effect associated with many projects around the world emitting GHGs. As described in the BAAQMD 2022 CEQA Guidelines Chapter 6, proposed projects may have a significant impact in terms GHG if they will be making a cumulatively considerable contribution to the significant cumulative climate impact resulting from GHG emissions globally (BAAQMD 2023).

Appendix B of the BAAQMD's CEQA Guidelines, CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Project and Plans, establishes non-binding recommendations for evaluating impacts related to GHG emissions (BAAQMD 2023, Appendix B).

The BAAQMD analyzed the requirements of land use development projects that would achieve California's long-term climate goal of carbon neutrality by 2045. The resulting approach, if implemented and incorporated by a land use project, would result in the project contributing its portion ("fair share") toward achieving California's long-term climate goals and carbon neutrality by 2045.

3.8.3 Impact Discussion

Global climate change is the result of GHG emissions worldwide; most individual projects do not generate enough GHG emissions to substantially influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

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

Less Than Significant Impact with Mitigation Incorporated. As described in Section 3.8.2, the BAAQMD's CEQA Guidelines Chapter 6 describes the focus on whether a project's incremental addition of GHGs is "cumulatively considerable" in the context of global emissions. The BAAQMD recommends using a "fair share" approach for determining whether an individual project's GHG emissions would be cumulatively considerable, and if a project is doing its "fair share" to implement California's plans to address the cumulative problem, its contribution can be treated as less than cumulatively considerable (BAAQMD 2023). The BAAQMD's fair share approach is consistent with the state Air Resources Board's approach to GHG emissions. The Judicial Council finds BAAQMD's analysis persuasive. For this Project, the Judicial Council elects to adopt BAAQMD's recommended approach to limiting GHG emissions to a less than significant level through Project design elements.

The proposed Project would generate GHG emissions from both short-term construction and long-term operational activities. Construction activities would generate GHG emissions primarily from equipment fuel combustion as well as worker, vendor, and haul trips to and from heavy-duty off-road equipment operating within the Project site during site preparation, grading, building construction, paving, and architectural coating activities. Construction activities would cease to emit GHGs upon completion, unlike operational emissions that continue year after year until the building constructed as part of the Project closes or ceases operation.

The BAAQMD's CEQA guidelines indicate that for a project to have a less-than-significant impact related to operational GHG emissions, it must include the following project design elements:

- Buildings:
    - The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    - The project will not result in any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
- Transportation:
    - The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target that reflects the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
        - Residential projects: 15 percent below the existing VMT per capita
        - Office projects: 15 percent below the existing VMT per employee
        - Retail projects: no net increase in existing VMT

- The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

As described in Section 2.4.4, the proposed Project does not include natural gas service. Section 3.6.3, concluded the proposed Project will not result in wasteful, inefficient, or unnecessary energy use under the State CEQA Guidelines. Therefore, the proposed Project would meet the above BAAQMD building-related project design element criteria for a less-than-significant impact related to operational GHG emissions. The proposed Project would include a minimum of 79 EV capable vehicle spaces, of which a minimum of 26 would provide Level 2 electric vehicle charging stations, in compliance with CALGreen Tier 2 off-street electric vehicle requirements. Offsite vehicle trips and VMT are not anticipated to substantially increase with the implementation of the proposed Project. This Project is within the category of office projects under the BAAQMD project design elements for GHG reduction, requiring a 15 percent reduction in VMT below existing levels. A VMT/transportation demand management (TDM) reduction plan would be required to reduce VMT to 15 percent below the existing VMT per employee to meet BAAQMD guidelines. With implementation of the VMT/TDM reduction plan, GHG impacts related to VMT would be less than significant.

Impact GHG-1: The Project could potentially result in a GHG impact associated with project-generated VMT.

Mitigation Measure GHG-1: Prepare VMT/TDM Reduction Plan. The Project shall implement a commute trip reduction program consisting of transportation demand management (TDM) measures that achieve a minimum VMT reduction of 15 percent, consistent with the BAAQMD's CEQA guidelines transportation design elements criteria for operational GHG emissions.

With the above mitigation incorporated, the proposed Project would meet the BAAQMD's project design elements criteria for a less than significant cumulative impact on GHG emissions. Therefore, implementation of the proposed Project would not result in GHG emissions that would have a significant impact on the environment. This impact would be less than significant.

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

Less Than Significant Impact. The proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, including the 2022 Scoping Plan. The policies contained in the 2022 Scoping Plan generally apply to larger projects and land uses that result in long-term trip generation and energy consumption (e.g., commercial buildings, residential structures, etc.) but the proposed Project would benefit from decisions made at the state level that would result in emissions reductions such as, but not limited to, VMT reduction and carbon neutral energy. The proposed Project would not conflict with a local GHG reduction plan as the proposed Project is not subject to a local GHG reduction plan. This impact would be less than significant.

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, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, 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 Environmental Setting

Under CCR Title 22, the term “hazardous substance” refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: (1) toxicity, (2) ignitability, (3) corrosivity, and (4) reactivity (CCR Title 22, Chapter 11, and Article 3). A hazardous material is defined in CCR Title 22 Section 66260.10 by way of reference to Health and Safety Code Section 25501, which provides in part:

> Hazardous material means a material … that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment….

Existing Hazards and Hazardous Materials

The following description of on-site hazards and hazardous materials is sourced from the Phase I Environmental Site Assessment (Phase I ESA) (Ninyo & Moore 2023) (see Appendix E) and the Phase II Environmental Site Assessment (Phase II ESA) (Ninyo & Moore 2025) (see Appendix F) prepared for the Project by Ninyo & Moore.

Phase I ESA

During the site reconnaissance conducted for the Phase I ESA (Ninyo & Moore 2023), Ninyo & Moore documented the following hazards and hazardous materials on site:

- Cleaning and disinfectant chemicals, fire suppressant chemicals, and pesticides, located throughout the site.
- Petroleum products, including aboveground storage tanks (ASTs), an underground storage tank (UST), and 55-gallon drums were observed on or adjacent to the site. More specifically, the on-site petroleum products included a 10,000-gallon gasoline UST and a 500-gallon used oil AST at the Fleet Services building [currently used for storage] adjacent to the project site. One 350-gallon diesel belly tank is located on site as part of the emergency generator. No signs of leaks or spills were observed.
- Three pad-mounted transformers are located throughout the site. Ninyo & Moore notes this transformer is a potential PCB-containing piece of equipment.
- Floor drains were located throughout the on-site buildings. An on-site sump reportedly discharges to the City's municipal storm water system.
- Five elevators were located throughout the site. No signs of leaks or spills were observed in the elevator mechanical rooms.
- One 55-gallon waste oil drum and one 55-gallon waste hydraulic oil drum were located on site. No signs of leaks or spills were observed.
- Storm water drain inlets were located throughout the site. The inlets reportedly drain to the City's municipal storm water system.

According to the Phase I ESA, none of the properties adjoining the site [not including 447 Texas Street, which the Phase I ESA included as part of the Project site] are likely to have impacted the environmental integrity of the Project site at this time.

Ninyo & Moore reviewed the California State Water Board GeoTracker website for hazardous substances or hazardous materials records for the site. According to the RWQCB, four USTs were removed from the Solano County Fleet Services building (447 Texas Street) in April 1989. After subsequent monitoring, the Solano County Department of Resource Management Environmental Health Division (SCDRMEHD) concluded that contamination associated with the USTs presented no significant risk to the environment or human health for the current and future use as a commercial property. The SCDRMEHD issued a site closure letter in September 2003. As part of the Phase I ESA, Ninyo & Moore compared the 2002 contamination levels at the site to the 2019 RWQCB Commercial Environmental Screening Levels (ESLs). All of the concentrations were below their respective ESLs. The SCDRMEHD noted that additional

investigation and remediation activities may be necessary if the land use should change. Due to the historical contamination on the site and the present land use limitations, Ninyo & Moore determined this site condition is considered a Controlled REC (CREC).

SCDRMEHD had records pertaining to the removal of a 1,500-gallon diesel UST to the west of the Solano County Courthouse [HOJ] (550/600 Union Avenue), adjacent to the site. During excavation for the Hall of Justice cross connect in February 2004, a 1,500-gallon diesel UST was discovered approximately 2 to 3 feet below ground surface (bgs). The UST was removed on March 13, 2004, and floor, sidewall, and composite stockpile soil samples were collected. The soil samples were analyzed for TPHd, TPHg, BTEX, lead, and VOCs. Only the composited stockpile soil samples had detections over the laboratory detection limits, which included TPHd, TPHg, ethylbenzene, xylenes, and lead. All concentrations were below their respective RWQCB Commercial screening levels. The SCDRMEHD later issued a site closure letter. As part of the Phase I ESA, Ninyo & Moore compared the contamination levels to the 2019 RWQCB Commercial ESLs. All of the concentrations were below their respective ESLs. Due to the site closure letter and the contamination levels beneath the UST being below the ESLs, Ninyo & Moore determined this site condition is not considered a REC.

The Phase I ESA documented several off-site hazardous materials/waste facilities; however, none of the listed facilities are considered RECs to the site based on several factors, including distance from the site, location relative to the regional groundwater flow direction (e.g., hydraulically downgradient or cross gradient to the site), database listing type, and/or affected media (e.g., soil only).

Lastly, the Phase I ESA included completion of a Vapor Encroachment Condition (VEC) screening matrix for the site. Using the results of the VEC screening matrix, Ninyo & Moore presumed it is likely that a VEC currently exists beneath the site due to historical contamination from the four USTs removed from the Fleet Services building.

Phase II ESA

According to the Phase II ESA, soil samples 1-foot below ground surface (bgs) were collected and analyzed for asbestos, polychlorinated biphenyls (PCBs), and Title 22 Metals. Some samples were additionally tested for select constituents (i.e., nickel, arsenic, lead, and vanadium) at 2-feet bgs. A soil waste composite sample was tested for Title 22 Metals, total petroleum hydrocarbons (TPHd, TPHg), and VOCs. Soil vapor samples were analyzed for TPHg, VOC, and fixed gases carbon dioxide, oxygen, methane, and the tracer gas helium. No asbestos or PCBs were detected in any soil samples. Title 22 metals arsenic, chromium, lead, nickel, and vanadium were detected at elevated concentrations at 1-foot bgs. However, lower concentrations of these metals were detected in soil samples analyzed at 2-feet bgs. No soil vapor concentrations exceed commercial ESLs, except for chloroform. However, based on the ubiquitous nature of chloroform in the urbanized Bay Area, it is rarely evaluated as a human health risk at these low concentrations.

<u>Airports</u>

The nearest public use airport to the Project site is the Travis Air Force Land Use Base, which is located approximately 3.75 miles to the east. While the Project site is not located within two

miles of this airport, the Project site is located within Travis Air Force Base Land Use Compatibility Zone D (Other Airport Environs).

Wildfire Hazards

Fire Hazard Severity Zones (FHSZ) are mapped by the 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 2024).

Land within Fairfield's city limits and surrounding regions to the south and east are primarily designated as Local Responsibility Areas (LRA) for wildfire protection and are not included on CAL FIRE FHSZ maps. However, surrounding areas to the north and west of Fairfield are classified primarily as Moderate and High FHSZ (City of Fairfield 2024a).

The Project site is located within an urbanized developed part of the City that is designated as LRA. Existing on-site vegetation is minimal. Vegetation in the wider area primarily consists of street trees, commercial landscaping, and residential landscaping.

3.9.2 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 San Francsico Bay RWQCB.

Federal Regulations

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act (RCRA) established a U.S. EPA-administered program to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980. This law (42 United States Code 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the

environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enabled the revision of the National Contingency Plan. This plan (Title 40, CFR, Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The National Contingency Plan also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Occupational Safety and Health Administration

OSHA's mission is to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in 29 CFR 1910.

State Regulations

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991. It unified California's environmental authority in a single cabinet-level agency and brought the California Air Resources Board, SWRCB, RWQCB, CalRecycle, DTSC, Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed under the Cal/EPA "umbrella" for the protection of human health and the environment to ensure the coordinated deployment of state resources. Their mission is to restore, protect, and enhance the environment and ensure public health, environmental quality, and economic vitality. CalEPA also manages the Unified Program and has certified the Union City Environmental Programs Division as the Certified Unified Program Agency (CUPA) to implement state hazardous materials requirements within the jurisdiction.

Hazardous Materials Worker Safety Requirements

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The California Division of Occupational Safety and Health (Cal OSHA) and the federal OSHA are the agencies responsible for ensuring worker safety in the workplace. Cal OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. In California, Cal OSHA assumes primary responsibility for developing and enforcing workplace safety regulations; Cal OSHA standards are generally more stringent than federal regulations.

California Labor Code (Division 5, Parts 1, 6, 7, and 7.5)

The California Labor Code is a collection of regulations that include regulation of the workplace to ensure appropriate training on the use and handling of hazardous materials and operation of equipment and machines that use hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who are in charge of handling hazardous materials are appropriately trained and

informed with respect to the materials they handle. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

Department of Toxic Substances Control and Cortese List

DTSC, a department of Cal/EPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transport, disposal, treatment, reduction, cleanup, and emergency planning.

California Government Code 65962.5 (commonly referred to as the Cortese List) includes the DTSC list of hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, SWRCB list of sites having UST leaks or a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material.

State of California Emergency Plan, 2017

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Response to hazardous material incidents is one part of this plan. The plan is managed by the California Emergency Management Agency, which coordinates the responses of other agencies, including CalEPA, the California Highway Patrol, California Department of Fish and Wildlife (CDFW), and RWQCB.

Office of Environmental Health Hazard Assessment

The OEHHA is the lead state agency for the assessment of health risks posed by environmental contaminants. The OEHHA implements provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). Proposition 65 requires the governor to publish, at least annually, a list of chemicals known to the state to cause cancer or reproductive toxicity. The proposition protects California citizens and the state’s drinking water sources from chemicals known to cause cancer, birth defects, or other reproductive harm and informs the public about potential exposures to such chemicals.

California Department of Transportation

The California Department of Transportation (Caltrans) manages more than 50,000 miles of California's highway and freeway lanes, provides inter-city rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on highway and freeway lanes and inter-city rail services.

State Water Resources Control Board

The Porter-Cologne Water Quality Control Act of 1969 established the SWRCB and divided the state into nine regional basins, each with a RWQCB. The SWRCB is the primary state agency responsible for protecting the quality of the state's surface and groundwater supplies, while the regional boards are responsible for developing and enforcing water quality objectives and implementation plans. The Project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board. The act authorizes the SWRCB to enact state policies regarding water quality in accordance with the U.S. EPA Clean Water Act (CWA) section 303. The SWRCB regulates the handling, storage, and disposal of hazardous substances in construction projects. Permits and/or other action by the SWRCB may be required if contamination of water or soils occurs during the construction associated with the proposed Project. In addition, the act authorizes the SWRCB to issue Waste Discharge Requirements for projects that would discharge to State waters.

California Public Resources Code Section 2115.4

Public Resources Code Section 21151.4 regulates hazardous materials near schools. Public Resources Code Section 21151.4 prohibits the certification of a DEIR for a project involving the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions or handle extremely hazardous air emissions in a quantity greater than a certain threshold, within one-quarter mile of a school.

<u>Local Regulations</u>

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.

Travis Air Force Base Land Use Compatibility Plan

The Travis Air Force Base Land Use Compatibility Plan includes land use compatibility policies that apply to future development in the vicinity of Travis Air Force Base. These land use compatibility policies are designed to ensure that future land uses in the areas surrounding the Travis Air Force Base will remain compatible with the realistically foreseeable, ultimate potential aircraft activity at the base. As adopted by the Solano County Airport Land Use Commission (ALUC or Commission), these policies provide the foundation through which the ALUC can navigate its duties in land use development review, in accordance with Section 21670 et seq. of the California State Public Utilities Code. As discussed in detail under item 3.9.3 e) below, the Travis Air Force Base is located approximately 3.75 miles to the east of the Project site. The Project site is located within Travis Air Force Base Land Use Compatibility Zone D (Other Airport Environs). In addition, the Project site is located within the Land Use Compatibility Plan's Outer Perimeter.

3.9.3 Impact Discussion

Would the Project:

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

Less Than Significant Impact. The proposed Project consists of the demolition of existing structures and construction of a new courthouse building and associated site improvements, including a new, reconfigured parking lot and landscaping. The Project would not involve the routine transport, use, or disposal of hazardous materials. Use of hazardous materials would be limited to small quantities of fuels and fluids during the construction period as well as small quantities of chemicals for landscaping, building maintenance, and cleaning. These materials would be stored and used in accordance with the manufacturer's specifications.

Given the Project would not involve the routine transport, use, or disposal of hazardous materials, and the Project must comply with all applicable local, State, and federal safety codes and regulations related to transporting, using, or disposing of hazardous materials, this impact would be less than significant.

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 Incorporated. The proposed Project consists of the demolition of the existing Solano HOJ and Solano County Co-Op buildings and construction of a new courthouse building and associated site improvements. The Project would not include the use of hazardous materials after Project completion except for small amounts used in landscaping, building maintenance, and cleaning supplies. Project operation would not cause 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. Hazardous materials, including fuels, oils, solvents, paints, and other building materials, could be accidentally released into the environment during demolition and construction activities.

An Asbestos, Lead, and Mold Inspection report was prepared for the existing Solano HOJ building by National Analytical Laboratories, Inc. on April 20, 2010 (henceforth referred to as the "HOJ Asbestos, Lead, and Mold Report") (National Analytical Laboratories 2010). The HOJ Asbestos, Lead, and Mold Report's conclusions regarding the potential presence of lead, asbestos, mold, biological hazards, and PCBs on the Project site is summarized below.

A Building Inspection Lead Report was prepared for the existing Solano County Co-Op building by National Analytical Laboratories, Inc. on April 23, 2004 (henceforth referred to as the "Co-Op Building Lead Report") (National Analytical Laboratories 2004).

<u>Lead</u>

Preparation of the HOJ Asbestos, Lead, and Mold Report included a building inspection completed to EPA standards and laboratory testing of samples of suspected lead-containing

material (LCM) obtained from the building (e.g., insultation, varnishes, paints, tiles, etc.). Laboratory testing results showed that of the 22 suspected LCM samples taken from the site, 13 were found to contain LCM and of the 13 samples of confirmed LCM, samples from the insulation, varnish, white light blue splash ceramic tile, beige paint, green paint, light blue-green paint, and yellow pain wall surfaces contained LCM levels above the California Division of OSHA limit of detection. Therefore, the HOJ Asbestos, Lead, and Mold Report determined a certified lead worker must complete any work that would disturb painted surfaces on site, including site preparation, in-place management, and/or abatement.

Preparation of the Co-Op Building Lead Report included a site investigation to determine the presence of LCM on site. The one suspected lead-containing sample was not found to be a LCM. Although the suspected lead-containing sample contained lead levels below the OSHA acceptable level of 0.06% or 600 parts per million (ppm) for lead containing paint, the sample is considered an LCM. OSHA requires that the general contractor completing demolition/renovation work in the subject building conduct a Negative Exposure Assessment on at least 25% of the employees conducting the work to prove there is no active health threat to their employees. The Co-Op Building Lead Report contains detailed recommendations to mitigate impacts related to potential worker exposure to LCM. Adherence to the recommendations within the Co-Op Building Lead Report is required of the Project through implementation of Mitigation Measure HAZ-1, below.

<u>Asbestos</u>

Preparation of the HOJ Asbestos, Lead, and Mold Report included a building inspection completed to the United States Environmental Protection Agency's (EPA) Asbestos Containing Building Materials (ACBM) In-School Rules; 40 CFR 763.85 (Inspection and Re-Inspection). At the time the HOJ Asbestos, Lead, and Mold Report was prepared, EPA regulations classified ACBM as materials containing more than one percent of asbestos and Cal-OSHA regulated asbestos to more than 0.1 percent of asbestos and requiring a certified asbestos worker conduct any work necessitating handling of ACBM.

Bulk suspect asbestos-containing samples underwent laboratory testing. The site inspection and sample testing results determined the existing Solano HOJ building was free of ACBM. However, because no destructive sampling (i.e., removal of coverings, knocking holes into walls, and dismantling equipment to access hidden areas) of on-site materials was conducted during the site visit, the HOJ Asbestos, Lead, and Mold Report recommended that in the event future renovation and/or demolition work reveals any unforeseen suspect materials (i.e., suspected ACBM), the Project contractor shall coordinate further testing. Adherence to the recommendations within the HOJ Asbestos, Lead, and Mold Report is required of the Project through implementation of Mitigation Measure HAZ-1, below.

<u>Mold</u>

During the site investigation conducted for the HOJ Asbestos, Lead, and Mold Report, no visible mold was found to be present. However, because no destructive sampling was conducted during the site investigation, the HOJ Asbestos, Lead, and Mold Report recommended that in the event any future renovation [and/or demolition] work occurs on site and any mold is found, the Project contractor should conduct additional testing prior to the completion of any additional

work. Adherence to the recommendations within the HOJ Asbestos, Lead, and Mold Report is required of the Project through implementation of Mitigation Measure HAZ-1, below.

Biological Waste

According to the HOJ Asbestos, Lead, and Mold Report, no problematic biological hazards were observed (e.g., pigeon droppings) at the time of the building inspection. The HOJ Asbestos, Lead, and Mold Report concluded any remediation, renovation, or demolition work could proceed without any health or safety concerns regarding exposure to biological/bacterial hazards.

Polychlorinated Biphenyls (PCBs)

According to the HOJ Asbestos, Lead, and Mold Report, based on the age of the existing Solano HOJ building, the fluorescent light ballasts were assumed to have been manufactured prior to July 1, 1978, and are considered PCB-containing items. The HOJ Asbestos, Lead, and Mold Report advised all ballasts not marked by the manufacturer as being “Non-PCB, PCB-free” or other words stating explicitly that the ballasts are “Non-PCB” should be considered PCB-containing items and recommended these materials should be handled and disposed of as required by state and federal law. Additionally, the HOJ Asbestos, Lead, and Mold Report recommended fluorescent light tubing should be boxed and recycled by the Project contractor. Adherence to the recommendations within the HOJ Asbestos, Lead, and Mold Report is required of the Project through implementation of Mitigation Measure HAZ-1, below.

Conclusion

The Project could potentially cause significant impacts related to the presence of confirmed lead and PCBs, and potential asbestos and mold in the existing Solano HOJ building, and confirmed lead and potential asbestos, PCBs, mold, and/or biological hazards in the existing Co-Op building. Implementation of mitigation measures recommended by the Project Asbestos, Lead, and Mold Report and Co-Op Building Lead Report such as site preparation, in-place management, and/or abatement for confirmed LCM and PCBs and additional testing in the event future demolition work reveals any unforeseen suspected ACBM, mold, or biological hazards would reduce these impacts to a less-than-significant level. Mitigation Measure HAZ-1 has been incorporated into the proposed Project to implement the recommendations of the Project’s Asbestos, Led, and Mold Report and Co-Op Building Lead Report to reduce the severity of the potential impacts related to the potential accidental release of lead, PCBs, asbestos, and mold from the demolition of the existing Solano HOJ building and Co-Op building to a less-than-significant level. With implementation of Mitigation Measure HAZ-1, the Project’s potential impacts related to accidental release of lead, PCBs, asbestos, mold, and biological hazards during demolition activities would be less than significant with mitigation incorporated.

> **Impact HAZ-1:** Project demolition of the existing Solano HOJ and Co-Op buildings has the potential to release ACMs, LBP, PCBs, and/or mold, the presence of which could pose a significant hazard to contractors during proposed demolition activities.

Mitigation Measure HAZ-1: Construction Worker Protections. Due to the confirmed presence of ACMs, LBP, and PCBs in the existing Solano HOJ building and Co-Op building, the Project shall implement the following mitigation:

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- Materials containing more than one-percent asbestos shall also be subject to BAAQMD regulations. Removal of materials containing more than one-percent asbestos shall be required to be completed in accordance with BAAQMD requirements and notifications.

A protocol will be implemented for managing PCB-containing materials and waste during building demolition so that PCBs do not enter municipal separate storm sewer systems (MS4s). This protocol shall adhere to U.S. EPA guidelines for determining the presence of manufactured PCB products in buildings or other structures and conducting abatement efforts. This protocol shall be implemented consistent with MRP 3 (Orders No. R2-2022-0018 and R2-2023-0019) Provision C.12.g (Manage PCB-Containing Materials and Wastes During Building Demolition Activities). The protocol shall, at a minimum, include the following measure:

- For demolition of applicable structures containing building materials with PCBs concentrations of 50 ppm or greater, the Solano Stormwater Alliance, as the designated MRP Permittee, shall require the demolition contractor to provide notification to the Solano Stormwater Alliance, the Water Board, and U.S. EPA at least one week before any demolition is to occur.

In addition, in the event any mold is found during future on site demolition work, demolition work must proceed in accordance with Cal/OSHA regulations on mold in the workplace.

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

Less Than Significant with Mitigation Incorporated. The nearest school to the Project site is Armijo High School, located approximately 450 feet to the northeast at 824 Washington Street (California Department of Education 2025). The proposed courthouse building would not emit hazardous emissions. Use of hazardous materials would be limited to small quantities of fuels and fluids during the construction period as well as small quantities of chemicals for

landscaping, building maintenance, and cleaning. The handling of these materials is subject to applicable, local, state, and federal regulations and manufacturer's specifications. The potential to expose sensitive receptors to airborne pollutants during construction is addressed in response 3.c.

The proposed Project's construction activities would emit TACs that have the potential to disperse and result in adverse health risks at sensitive receptor locations near the Project site. A health risk assessment was prepared as part of the CEQA review to determine the significance of this impact. As discussed in Air Quality (section 3.3.3) unmitigated construction exhaust emissions would have the potential to result in incremental cancerogenic health risk increases that are in excess of the BAAQMD's significance threshold of 10 excess cancers per million population. Restrictions on construction equipment as identified in Mitigation Measure AIR-1 would reduce the increased risk to less than the BAAQMD's significance threshold. With implementation of this measure, the impact would be less than significant.

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

Less Than Significant with Mitigation Incorporated. The Project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (otherwise known as the Cortese List; CalEPA 2025, DTSC 2025, SWRCB 2025). As discussed in Section 3.9.1 Environmental Setting, a Phase I ESA was prepared for the proposed Project by Ninyo & Moore on June 29, 2023 (henceforth referred to as the "Phase I ESA") (Ninyo & Moore 2023). The objective of the Phase I ESA was to identify, to the extent feasible pursuant to the process described in ASTM E1527-21, RECs.[3] The conclusions and recommendations of the Phase I ESA are summarized below.

<u>Phase I ESA</u>

As discussed in detail in Section 3.9.1 Environmental Setting, the Phase I ESA reached the following conclusions during the site investigation and subsequent laboratory analysis of on-site soil, groundwater, and soil vapor samples:

- The 2002 soil and groundwater contamination levels associated with four USTs that were removed from the Solano County Fleet Services building (447 Texas Street) in April 1989 were below their respective 2019 RWQCB Commercial Environmental Screening Levels (ESLs). The SCDRMEHD noted that additional investigation and remediation activities may be necessary if the land use should change. Due to the historical contamination on the site and the present land use limitations, Ninyo & Moore determined this site condition is considered a Controlled REC.

[3] According to the ASTM, recognized environmental conditions (RECs) are defined as: *"(1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment."*

- The contamination levels associated with a former 1,500-gallon diesel UST located west of the Solano County Courthouse [HOJ] (550/600 Union Avenue) that was removed in 2004 were below their respective 2019 RWQCB Commercial ESLs [for TPHd, TPHg, BTEX, lead, and VOCs]. Due to the site closure letter issued by SCDRMEHD and the contamination levels beneath the UST being below the ESLs, Ninyo & Moore determined this site condition is not considered a REC.
- None of the listed, off-site hazardous materials/waste facilities are considered RECs to the site based on several factors, including distance from the site, location relative to the regional groundwater flow direction (e.g., hydraulically downgradient or cross gradient to the site), database listing type, and/or affected media (e.g., soil only).
- It is likely that a VEC currently exists beneath the site due to historical contamination from the four USTs removed from the Fleet Services building.

Based on the information compiled during the preparation of the Phase I ESA, Ninyo & Moore concluded there is no evidence of RECs or Historical RECs associated with the Project site. The proposed Project could potentially cause significant impacts related to the historical contamination and the present land use limitations associated with the removed USTs at the adjacent Fleet Services building, which is located at 447 Texas Street adjacent to the proposed Project site. For this reason, the Phase I ESA recommended the preparation of a Phase II ESA to determine current site conditions and evaluate how they may impact both the construction and operational phases of the proposed Project, and whether mitigation to reduce potentially significant impacts is warranted.

<u>Phase II ESA</u>

As recommended by the Phase I ESA, a Phase II ESA (Ninyo & Moore 2025) was prepared to determine current site conditions and evaluate how they may impact both the construction (i.e., potential environmental hazards to construction workers) and operational phases (i.e., land use compatibility with proposed development and potential impacts to Project occupants) of the proposed Project, and whether mitigation to reduce potentially significant impacts is warranted. The laboratory testing results presented in the Phase II ESA are summarized in Section 3.9.1, Environmental Setting.

Based on some of the elevated metal detections in soil between the surface grade and 1.5 feet bgs, the Phase II ESA recommends a soil management plan be drafted and utilized to limit exposure to soil and dust for future construction workers and the general public during construction activities at the site. The detections from the Phase II ESA did not identify any specific area of the site, in the upper few feet of the subsurface, that would severely limit shallow earthwork-type construction. Based on the five exceedances at 1-foot bgs, it is recommended that shallow soils be handled utilizing BMPs and if reused on-site these soils should be placed beneath hardscape (buildings, park lot, etc.) or a couple of feet of softscape (covered with clean soil). The contractor(s) involved with subsurface construction would need to be made aware of the soil conditions and BMP recommendations to properly handle shallow soils, thus necessitating a soil management plan.

Based on the soil analytical data, site soils appear to be Class II waste once excavated. However, additional testing will likely be needed at the time of soil disposal, since soil analytical data is only valid for one calendar year for soil disposal profiling purposes.

Conclusion

Mitigation Measure HAZ-2 has been incorporated into the proposed Project to require preparation of a soil management plan to minimize construction worker exposure to elevated levels of metals and further testing of waste characterization at the time of soil off-haul for proper disposal. Mitigation Measure HAZ-2 would reduce the Project's potential impacts related to documented soil contamination to a less-than-significant level. With implementation of Mitigation Measure HAZ-2, the Project's potential impacts the public and the environmental from on-site hazardous materials would be less than significant with mitigation incorporated.

Impact HAZ-2: The reported concentrations of metals detected in on site soil could pose a significant hazard to contractors and Project employees, and the environment.

Mitigation Measure HAZ-2: Prepare and Implement Soil Management Plan. Prior to issuing building permits for the proposed Project, the Project contractor shall submit a soil management plan (SMP), prepared by a qualified firm or individual, to the Judicial Council, which would then submit the SMP to the San Francisco RWQCB. San Francisco RWQCB would be responsible for approving the SMP. The SMP shall include provisions for notifications to contractors, and subcontractors concerning § 5194. Hazard Communication. The SMP must include a provision requiring the disclosure of the on-site soil analytical results to the selected receiving facility that may accept exported soil from the site should export to a licensed receiving facility become necessary.

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

Less Than Significant Impact. While the Project site is not within two miles of a public or public use airport, the Project site is within the area covered by the Travis Air Force Base Land Use Compatibility Plan (County of Solano 2024). The Travis Air Force Base is the nearest public use airport, located approximately 3.75 miles to the east of the Project site. The 2024 Travis Air Force Base Land Use Compatibility Plan updates the land use compatibility policies that apply to future development in the vicinity of Travis Air Force Base. The Project site is located within Travis Air Force Base Land Use Compatibility Zone D (Other Airport Environs). There are no general restrictions for Zone D. Limitations on the height of structures and notice of aircraft overflights are the only compatibility factors for Zone D. As a condition for approval of development within Zone D, a notice regarding aircraft operational impacts on the property shall be attached to the property deed. Land uses that constitute hazards to flight[4] are prohibited, and

[4] Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Any new consistency determinations for general plan amendments or zoning changes in the Bird Strike Hazard Zone will be required to analyze the potential for wildlife attractants of this nature and must incorporate reasonably feasible mitigation measures.

ALUC review is required for objects greater than 200 feet above ground level. In addition, the Project site is located within the Land Use Compatibility Plan's Outer Perimeter, which requires the preparation of a wildlife hazard analysis for any new or expanded land use involving discretionary review that has the potential to attract the movement of wildlife that could cause bird strikes.

The proposed new courthouse would have an estimated building height of 86 feet. The Project does not propose development of an object greater than 200 feet above ground level; therefore, the Project does not require ALUC review. The Project does not propose development that would constitute a physical, visual, or electronic form of interference with the safety of aircraft operations. While the Project site is located within the Outer Perimeter, the Project proposal includes the construction of a new courthouse building within roughly the same footprint of the existing Solano HOJ building and the same uses of the building, as such, does not constitute a new or expanded land use. Therefore, a wildlife hazard analysis is not required.

The Project does not propose development that would constitute a physical, visual, or electronic form of interference with the safety of aircraft operations. This impact would be less than significant.

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

Less Than Significant Impact. The City of Fairfield does not have an emergency evacuation plan. The City of Fairfield's adopted emergency response plan is the City of Fairfield Emergency Operations Plan (EOP) (2022). The City's EOP is the guidance document and foundation for disaster response and recovery operations for the City. The EOP establishes the emergency organization and the concept of operations for the City and specifies policies, general procedures, and processes to coordinate the City's responsibilities as a member of the Solano County Operational Area.

Roadways adjacent to the Project site (e.g., Union Avenue, Texas Street, and Washington Street) would be utilized during construction for the delivery of materials to the construction site. Should the need for road and lane closures arise during Project construction, the Project contractor would be required to maintain access for emergency vehicles for the duration of construction. Fire access plans shall be reviewed and approved by the Fairfield Fire Department. After Project construction is completed, there would be no impediment to vehicular or emergency vehicle access. Because the Project would not impede vehicular or emergency vehicle access at any point during Project construction or operation, the Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The Project site is not located in or near a state responsibility area (SRA) nor a very high fire hazard severity zone (VHFHSZ). The nearest lands classified as SRA are located over 2.7 miles to the northwest of the Project site, and the nearest lands classified as VHFHSZ are located over 4.5 miles to the west of the Project site.

Lands classified as SRA and/or VHFHSZ do not exist in or near the Project area; therefore, the Project would have no effect on wildland fire risk. No impact would occur.

3.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 off-site;	☐	☐	☒	☐
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 Environmental Setting

The City of Fairfield is within the San Francisco Bay Area Region, which is characterized as a Mediterranean-type climate with cool, wet winters, and warm, dry summers. The average maximum temperature in the summer months (generally June through September) is 88 degrees Fahrenheit (°F), and the average minimum temperature during the winter months (generally December through March) is 42 °F (U.S. Climate Data 2025). Summer temperatures can include extreme high temperatures like the nearby Central Valley, but summer may also include periods when extreme heat in the Central Valley draws coastal fog through the Carquinez Straits and the fog acts as a moderating influence that reduces air temperatures in Fairfield. The mean annual precipitation is 21.4 inches, with most of the rainfall occurring

between November and March and the highest average rainfall totals occurring in January. July is exceptionally arid, with average rainfall levels plummeting to zero inches (City of Fairfield 2024b).

Surface Waters

The City of Fairfield is situated in the Suisun-Fairfield Valley, which is within the San Francisco Bay Hydrologic Region. Surface water features within the City include a mixture of natural channels and modified systems for municipal and agricultural water supply delivery, as well as infrastructure for irrigation and stormwater management. A number of intermittent and perennial streams drain through the City to the Suisun Marsh. The City encompasses nine watersheds and a number of stream alignment modifications have been constructed at lower elevations leading to Suisun Marsh to increase flow capacity in channels and reduce flooding hazard.

The Putah South Canal (PSC) is a U.S. Bureau of Reclamation (USBR) water conveyance facility that flows from northeast to southwest across the city, delivering water from Lake Berryessa via Putah Creek. The PSC is a concrete lined channel with a maximum capacity of about 956 cubic feet per second (cfs). The Solano Irrigation District (SID) distributes irrigation water delivered via the PSC to agricultural lands in the vicinity of Fairfield, primarily in the Suisun Valley. The other major water conveyance facility is the North Bay Aqueduct (NBA), which conveys State Water Project water as water supply to the city. The NBA runs generally parallel to the PSC from northeast to southwest, but it is a large underground pipeline, rather than a surface water feature (City of Fairfield 2024b).

Groundwater

The City of Fairfield is within the Suisun-Fairfield Valley Subbasin, which has a total surface area of approximately 133,600 acres. The Solano County Water Agency (SCWA) divides the Suisun-Fairfield Subbasin into seven hydrogeologic sub-areas, including Suisun Valley, Tolenas Bench, Putah Creek Fan, Los Putos Foothills, Southwest Putah plain, English Hills/Vaca Valley and Green Valley. The majority of the City, including the Project site, falls within the Tolenas Bench sub-area. The Suisun-Fairfield Basin is designated as a low priority basin by the California DWR (City of Fairfield 2024b).

The Tolenas Bench subbasin is a limited, highly mineralized ground water supply not used for irrigation and not considered a viable source for domestic irrigation and drinking water due to brackish conditions from tidal inflow in Suisun Valley basin. Brackish conditions usually require prohibitively expensive treatment before drinking use. Although some private well owners may use groundwater for irrigation, it should be noted that groundwater is not used in the municipal water supply of Fairfield and is not considered a viable component of water in the City because of tidal inflows that impact water quality (City of Fairfield 2024b).

Water Quality

Surface water quality can be affected by point source and non-point source pollutants. Point source pollutants are those that originate from a specific point, such as a pipe, while non-point source pollutants are generated by surface runoff from diffuse sources, including streets, parking lots, agricultural lands, or landscaped areas. Point source pollutants are controlled by

pollutant discharge regulations or waste discharge requirements (WDRs). Non-point source pollutants are more difficult to regulate and control, although they contribute significantly to surface water quality, especially in urbanized areas. Quality of surface water in the City can vary greatly depending on the surrounding land use types, topography, amount of impervious cover, and intensity and frequency of rainfall. Non-point source pollutants in urbanized areas typically contain oil, grease, pesticides, herbicides, particulate matter, animal waste, pathogens, metals, and salts.

Fairfield's source water originates from Lake Berryessa and the Sacramento Delta. Water is transported for treatment through the Putah South Canal and the North Bay Aqueduct. Ensuring good water quality in Fairfield involves rigorous monitoring to detect pollutants, implementing effective treatment and filtration processes, and preventing contamination from various sources such as industrial runoff and sewage. While Fairfield benefits from high-quality drinking water sourced from Lake Berryessa and the Sacramento-San Joaquin Delta, certain areas within the city face heightened threats of groundwater contamination, posing potential risks to human health.

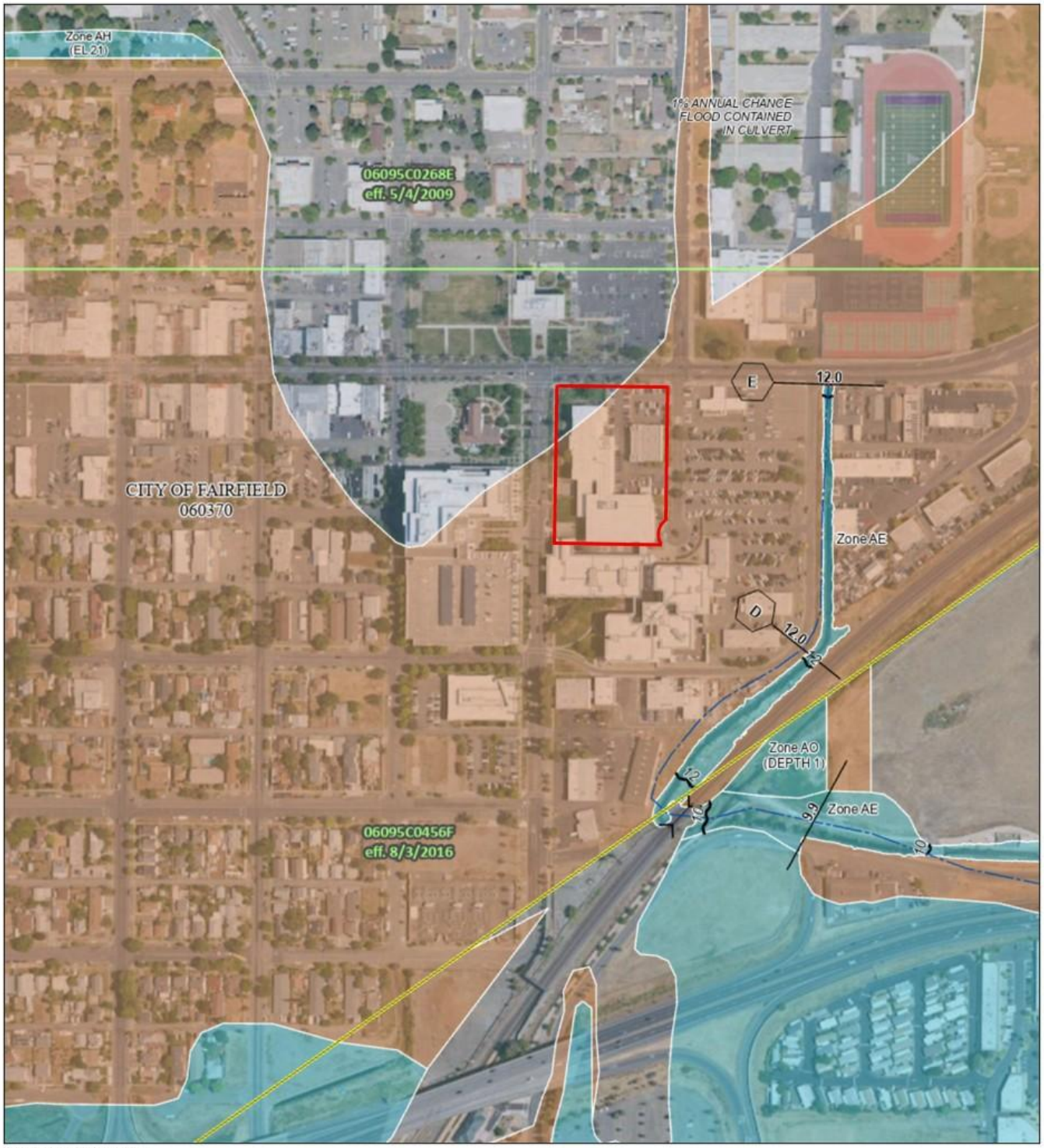
Stormwater

Stormwater runoff in the City travels through storm drains, constructed channels, and creeks to the Suisun Marsh. The low-lying areas in and around Fairfield have a long history of flooding, as streams carrying runoff from the Coast Range hills meet the valley floors, slow down, spread, and interact with tidally influenced water levels in the adjacent downstream marshlands. Extensive dike and levees have been built throughout the Suisun Marsh to manage water flows and inundation patterns within the marsh and allow productive land uses (i.e., grazing and growing crops).

Flooding

Historically, the City has experienced periodic flooding, notably in 1982, 1983, 1986, 1996, 1998, and most recently in 2005. Low-lying areas in and around Fairfield are particularly prone to flooding as runoff from streams interacts with tidally influenced water levels in downstream marshlands. Increased paving and urbanization in the city have led to more water runoff, heightening the risk of flood damage.

The majority of the Project site is located within a FEMA-designated Flood Hazard Zone, Zone X, (see Figure 3-8) defined as areas of a 0.2 percent annual chance flood hazard, and areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. The northwest corner of the site is not within a flood hazard zone. According to the City's General Plan, Figure 8-4: Known Flooding Locations, repeated flooding has occurred at the Project site.



Source: FEMA 2024

Legend

- Project Boundary
- 0.2% Annual Chance Flood (Zone X)
- 1% Annual Chance Flood (Special Flood Hazard Zone)

N

Not to Scale

Figure 3-7 FEMA Flood Zones

New Solano Hall of Justice Courthouse Project

3.10.2 Regulatory Setting

Federal Regulations

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 SWPPP describes the BMPs that will be implemented to avoid adverse effects on receiving water quality as a result of construction activities, including earthwork.

Federal Clean Water Act of 1972

The Clean Water Act (CWA) was enacted in 1972 and is the primary federal law that protects water quality of the nation's surface waters, including rivers, lakes, and coastal wetlands. The CWA is administered by the EPA, which has delegated its authority to implement and enforce provisions of the CWA to individual states, aside from Section 404 permits. In California, the provisions of the CWA related to point source and non-point source pollution are enforced by the nine Regional Water Quality Control Boards (RWQCBs) under the authority of the SWRCB. The Planning Area is within the jurisdiction of the San Francisco Bay RWQCB.

CWA Section 303(d) – Total Maximum Daily Load (TMDL) Program Section 303(d) of the CWA requires that states prepare a list of waters that are not attaining water quality standards after the technology-based limits on point sources are put into place. For impaired bodies on this list, the states must develop TMDLs. A TMDL is a written plan that serves as the means to attain and maintain water quality standards for an impaired water body. In technical use, TMDL is also a calculation of the maximum amount of a pollutant that a water body can receive and still safely meet water quality criteria. Under the CWA, the SWRCB must report biennially to the EPA on the condition of its surface water quality.

CWA Section 401 – Water Quality Certification Section 401 of the CWA protects each state's rights to ensure that their interests are protected in any federally permitted activity occurring in or adjacent to "Waters of the U.S." If a proposed project requires a Corps CWA Section 404 permit, the project proponent must obtain a CWA Section 401 Water Quality Certification to verify compliance with state water quality standards. Water Quality Certifications are issued by the RWQCB, or in the case of projects occurring across multiple RWQCBs, by the SWRCB.

CWA Section 402 – National Pollutant Discharge Elimination System (NPDES) Program Section 402 of the CWA requires that a discharge of any pollutant or combination of pollutants from a point source to surface waters that are deemed "Waters of the United States" be regulated through the NPDES permit program. Waters of the United States are defined in the CFR as including territorial seas, and waters which are currently used, or were used in the past, or may

be susceptible to use in interstate or foreign commerce, such as tributaries, lakes and ponds, impoundments of waters of the U.S., and wetlands that are hydrologically connected with these navigable features (33 CFR 328.3). In California, the SWRCB is authorized by the EPA to oversee the NPDES program. The NPDES program is administered by the RWQCBs via the Porter-Cologne Act, as described in the State Regulations section below.

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.

CWA Section 404 – USACE Fill or Dredge Discharge Permits Under Section 404 of the CWA, the United States Army Corps of Engineers (Corps) is responsible for regulating "Waters of the United States" through a permit program. Activities in "Waters of the United States" that are regulated under Section 404 include any activity involving the placement of fill such as for development, water resource projects (such as dams and levees), infrastructure development, and conversion of wetlands to uplands for farming and forestry.

National Flood Insurance Program

The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) and is distributed to the public through a network of more than 50 insurance companies and the NFIP Direct. The NFIP makes federally backed flood insurance available to communities that agree to adopt and enforce floodplain management regulations that will reduce future flood damage. Flood insurance is available to property owners, renters, and businesses located within one of the participating communities. To manage the NFIP, FEMA creates Flood Insurance Rate Maps that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in 100 (one percent) chance of being flooded in any given year, based on historical data, and defines the base flood level for a given area. Under the NFIP, FEMA regulates changes to the 100-year floodplain.

<u>State Regulations</u>

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act ([Porter-Cologne Act] California Water Code, Division 7, Water Quality), promulgated in 1969, implements the federal CWA and is the primary state law governing water quality regulation. The Porter-Cologne Act controls and regulates discharges into "Waters of the State" (California Water Code § 13050[e]). "Waters of the State" are defined as any surface water or groundwater, including saline waters, within the boundaries of the state (California Water Code § 13050[e]). Under the Porter-Cologne Act, the state retains authority to regulate waste discharges into any "Waters of the State," regardless of whether the Corps has any federal jurisdiction under Section 404 of the CWA.

The Act establishes the SWRCB and divides the state into nine hydrologic regions, each of which is overseen by a RWQCB. The SWRCB is the primary state agency responsible for protecting the quality of the state's surface water and groundwater resources, however, much of its implementation authority is delegated to the nine RWQCBs. The City of Fairfield is within the San Francisco Bay Hydrologic Region which is overseen by the San Francisco Bay RWQCB (Region 2).

The Porter-Cologne Act requires that each RWQCB adopt a Water Quality Control Plan (Basin Plan) that designates beneficial uses of water bodies and groundwater basins and establish narrative and numerical water quality objectives to protect these beneficial uses. National Pollutant Discharge Elimination System (NPDES) Permit If a proposed project would discharge waste that could affect the quality of surface waters of the State, the project would require coverage under an NPDES permit. The NPDES permit program is implemented by the RWQCB under the Porter-Cologne Act and offers permits under three categories of potential pollutant sources. Construction projects may choose to obtain individual NPDES permits or coverage under a State General Permit. All permit holders are required to implement BMPs and conduct monitoring and annual reporting.

Construction General Permit

Projects that would disturb over one acre of land are subject to permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, superseded by Order No. 2022-0057-DWQ, known as the Construction General Permit. To obtain coverage under the Construction General Permit, the discharger must provide a Notice of Intent, a (SWPPP, and other documents as required by Attachment B of the Construction General Permit. Construction activities that are subject to the Construction General Permit include clearing, grading, and other ground-disturbing activities, such as grubbing and clearing.

Under the Construction General Permit, projects are given a risk level of Level 1, 2, or 3 based on the risk of sediment discharge and the receiving water risk. The sediment discharge risk depends on the project location and timing, such as whether the project would occur in the dry season or wet season. The receiving water risk depends on the designated beneficial uses and existing water quality conditions of the receiving water body. All permittees must minimize or prevent pollutants in stormwater discharges and authorized non-stormwater discharges through the use of minimum BMPs. For Level 2 and Level 3 projects, numeric action levels for pH and turbidity are imposed, as well as numeric effluent limits for Level 3 projects.

Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP is a requirement under the Construction General Permit which must be prepared by a Qualified SWPPP Developer that meets the certification requirements of the permit. The purpose of a SWPPP is to 1) identify sources of sediment and other pollutants that could affect the quality of stormwater discharges, and 2) describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges resulting from construction activity. For Level 2 and Level 3 projects, a Rain Event Action Plan must also be prepared as part of the SWPPP which must describe protocols to protect all exposed portions of the construction site within 48 hours prior to any likely

precipitation event. The SWPPP must also include a construction site monitoring program, which may include visual observations of site discharges, water quality monitoring of site discharges (pH, turbidity, and non-visible pollutants, if applicable), and receiving water monitoring (pH, turbidity, suspended sediment concentration, and bioassessment). SWPPP oversight is provided by the RWQCB.

Municipal Stormwater Permit

The Statewide municipal stormwater permitting program regulates stormwater discharges from municipal storm sewer systems (MS4s). MS4 Permits were issued in two phases. Phase I was initiated in 1990, under which the RWQCBs adopted individual NPDES stormwater permits for medium sized municipalities (serving between 100,000 and 250,000 people) and large municipalities (serving 250,000 people). Most of these permits were issued to groups of co-permittees encompassing large metropolitan areas. Phase II was initiated in 2013, under which the SWRCB adopted the Phase II Small MS4 General Permit (Phase II General Permit), a Statewide General Permit for the Discharge of Storm Water from Small MS4s (Water Quality Order No. 2003-0005-DWQ, General Permit No. CAS000004).

Currently, the Municipal Regional Stormwater NPDES Permit (MRP) issued by the San Francisco Bay RWQCB (Orders No. R2-2022-0018 and R2-2023-0019) includes the City of Fairfield under its coverage as part of the Solano Stormwater Alliance (Solano Permittees), which includes the cities of Fairfield, Suisun City, Vallejo, and the Vallejo Flood & Wastewater District. Under Provision C.3 of the MRP, new development and redevelopment projects are required to implement appropriate source control, site design, and stormwater treatment measures. The Solano Stormwater Alliance is a partnership of the cities of Fairfield, Suisun City, Vallejo, and the Vallejo Flood & Wastewater District, which all share the MRP. The Solano Stormwater Alliance requires submittal of the C.3 and C.6 Development Review Checklist for new development and redevelopment projects to ensure that the appropriate construction BMPs, source control measures, low impact development site design measures, and stormwater treatment measures will be implemented.

Sustainable Groundwater Management Act (SGMA)

California Assembly Bill 1739 (2011) and California Senate Bills 1168 & 1319 (2014) are collectively known as the Sustainable Groundwater Management Act (SGMA). The act requires the establishment of local groundwater sustainability agencies that are responsible for monitoring conditions of groundwater in local basins and adopt locally based groundwater sustainability plans for basins that cannot demonstrate sustainable yields for at least ten years. There are three groundwater basins subject to SGMA in Solano County: the Solano Subbasin, the Suisun-Fairfield Valley Basin, and the Napa-Sonoma Lowlands Subbasin. The Suisun-Fairfield Basin and Napa-Sonoma Lowlands Subbasin are designated as low priority basins and therefore are not subject to SGMA. The Solano Subbasin is designated as a medium priority basin and is managed by the Solano Groundwater Sustainability Agency. The Solano Subbasin is overlain by the cities of Dixon, Rio Vista, and Vacaville.

Suisun Marsh Preservation Act

In 1977, the California State Legislature enacted the Suisun Marsh Preservation Act (Marsh Act; Public Resources Code, § 29000 et seq.), which implements most of the recommendations contained in the 1976 Suisun Marsh Protection Plan. The Suisun Marsh Protection Plan aims to "preserve and enhance the quality and diversity of the Suisun Marsh aquatic and wildlife habitats and to assure retention of upland areas adjacent to the Marsh in uses compatible with its protection." The Marsh Act defines the boundaries of the Suisun Marsh and establishes primary and secondary management areas within the Marsh. The Marsh Act requires that the individual agencies with jurisdiction in the Marsh, including the City of Fairfield, bring the plans, ordinances, regulations and standards into conformity and that these efforts of all the local agencies constitutes the Local Protection Plan for the Suisun Marsh for review by the Suisun Resource Conservation District (Suisun RCD) and certification by the San Francisco Bay Conservation and Development Commission (BCDC).

Local Regulations

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. To the extent that the Project interconnects with the City of Fairfield's stormwater system, or the SWPPP requires compliance with local policies, it may be subject to local requirements associated with that system.

City of Fairfield General Plan

The Land Use and Urban Design Element; Public Facilities and Services Element; Open Space, Conservation, and Recreation Element; Sustainability Element; Health and Safety Element; and Environmental Justice and Public Health Element of the City's General Plan outline the following policies relevant to hydrology and water quality that are relevant to the proposed Project:

Policy PFS-9.3: Storm Drainage Plan. Prior to project approval, require new development and redevelopment projects to submit a storm drainage plan that meets the following requirements:

- Adherence to the City of Fairfield Standard Specifications and Details, Engineering Design Standards (Section 4 - Storm Drainage);
- Prevention of on and off-site flooding through "green infrastructure", Low Impact Development techniques and, if applicable, trash capture devices; and
- Demonstration of stormwater runoff volumes that are no greater than the capacity of any portion of the existing downstream system through utilization of detention, retention, or other approved methods of stormwater management.

Policy SUS-10.2: Stormwater Management. Require stormwater management techniques that minimize surface water runoff in public and private developments. Utilize low impact development techniques such as bioswales and other best management practices to manage stormwater.

3.10.3 Impact Discussion

Would the Project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The proposed Project would not violate any water quality standards or waste discharge requirements. The proposed Project could impact surface water quality during the short-term construction period through the accidental release of construction fuels or fluids or through an increase in sedimentation or erosion due to ground disturbance. The Project involves more than one acre of land disturbance and is therefore required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the preparation of a SWPPP, which would identify BMPs intended to prevent erosion and sedimentation as well as pollution of surface runoff during the construction period. The BMPs would address tracking control, non-stormwater management control (including, but not limited to, dewatering operations, paving and grinding operations, illicit connections/discharge, and non-stormwater discharges), waste management and materials pollution control (spill prevention and control, solid, liquid, and hazardous waste management, etc.). These measures would ensure the Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality during Project construction.

In addition to construction period regulations, the Project would be subject to conformance with the post-construction requirements of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP), which specify that projects creating or replacing 5,000 square feet or more of impervious surface area must provide site design, source control and on-site treatment measures to reduce the volume, flow and pollutant loads of runoff from the site.

The Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality during Project construction. The Project would comply with existing state regulations created to avoid or minimize potential water quality impacts related to stormwater runoff. This impact would be less than significant.

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 Impact. The proposed Project's water supply would be provided by the City of Fairfield municipal supply. The City's current raw water supply is exclusively from surface water that is then treated and distributed to meet the demands of the City's water customers. The City does not use groundwater for its municipal water supply. Therefore, the Project would not use groundwater for its water supply.

The proposed demolition of the existing buildings and construction of the new building and paved parking area would not be anticipated to result in a substantial increase in water demand compared to existing conditions. The proposed Project would result in 29,240 square feet in

ground floor building area (i.e., the total lot coverage/footprint of the proposed building). The new courthouse would have roughly the same footprint as the South Wing of the existing Solano HOJ building, indicating the Project would result in a net decrease in on-site building lot coverage. The site currently contains a large lawn area with ornamental vegetation that is regularly irrigated. The Project proposes a large lawn area, though the difference in square footage of the proposed lawn area as compared to the existing lawn area, and whether there would be an increase or decrease in area, is not known at this stage of Project design. While the proposed amounts of pervious and impervious surface area compared to existing conditions have not been derived at the current stage of Project design, if the Project adds impervious surface area compared to existing conditions, the increase in impervious surface area and subsequent decrease in pervious surface area would not be substantial. Because the site is currently developed and is not located in a dedicated groundwater recharge zone (Solano County Water Agency 2025), the Project would not result in a decrease in groundwater supplies.

Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. This impact 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 Impact. There are no surface waters, including ponds, streams, creeks, lagoons and other naturally occurring bodies of water on the Project site. The nearest named surface water body is Suisun Slough, located approximately 1,650 feet to the south. A drainage canal (Union Avenue Creek), which ultimately discharges to Suisun Slough, is located adjacent to Clay Street, approximately 400 feet east of the site.

As described above, the Project involves more than one acre of land disturbance and is therefore required to obtain coverage under the Construction General Permit, which requires preparation and implementation of a SWPPP. Based on the conceptual site plan presented in Figure 2-8, it is anticipated that the Project would result in a net decrease in impervious surface area and would be expected to generate less stormwater runoff than would be generated under existing conditions. Compliance with the post-construction requirements of the MRP, including the provision of on-site treatment controls such as bioretention facilities would further reduce runoff volumes and rates over existing conditions, resulting in a decreased potential for on-site and off-site (Union Avenue Creek and Suisun Slough) erosion and sedimentation. This impact 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 off-site;

Less Than Significant Impact. As stated above under item a), the Project would construct on-site stormwater runoff treatment facilities in conformance with MRP requirements. Compliance with the post-construction requirements of the MRP, including the provision of on-site treatment

controls such as bioretention facilities, would increase stormwater drainage capacity and reduce runoff volumes and rates, resulting in a decreased potential for on-site and off-site flooding due to surface runoff. Additionally, Mitigation Measure HYDRO-1a and HYDRO-1b presented below would ensure the Project design is coordinated with the Solano County Asset Protection Project (which includes this Project site) that addresses existing surface flooding with the construction of berms, sumps, pump stations, and stormwater infrastructure around the Project site. Therefore, the proposed Project would not substantially increase the rate or amount of surface water runoff in a manner which would result in flooding on- or off-site. This impact 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; or

Less Than Significant Impact with Mitigation Incorporated. As stated above under item a), the Project would construct on-site runoff treatment facilities in conformance with MRP requirements. This would result in the generation of reduced stormwater runoff volumes and flow rates over existing conditions. Therefore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned City stormwater drainage systems or provide substantial additional sources of polluted runoff. Additionally, Mitigation Measure HYDRO-1a and HYDRO-1b presented below would ensure the Project design is coordinated with the Solano County Asset Protection Project (which includes this new courthouse Project site) that addresses existing surface flooding with the construction of berms, sumps, pump stations, and stormwater infrastructure around the Project site. This impact would be less than significant.

iv) Impede or redirect flood flows?

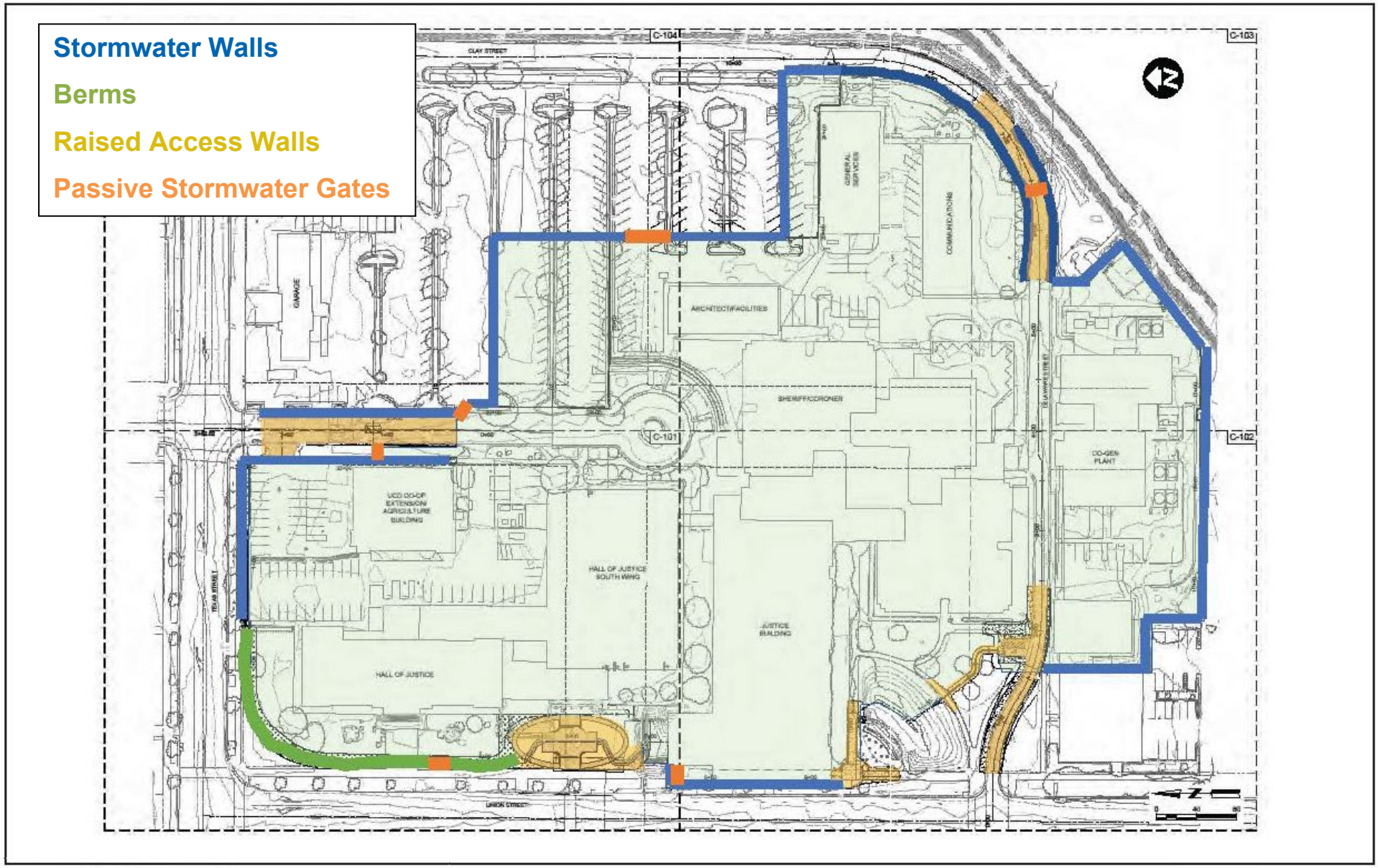
Less Than Significant with Mitigation Incorporated. The majority of the **P**roject site is located within a FEMA-designated Flood Hazard Zone, Zone X, defined as areas of a 0.2 percent annual chance flood hazard, and areas of 1 percent annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (FEMA 2016). The northwest corner of the site is not within a flood hazard zone. The surrounding areas to the northeast, east, south, and southwest, including the remainder of the Fairfield Justice Campus, are located in a Flood Hazard Zone. The nearest Special Flood Hazard Area (SFHA) is Zone AE, defined as an area with a 1 percent chance of annual flooding with a base flood elevation of 12 feet, located approximately 425 feet east of the Project site within the banks of the Union Avenue Creek drainage canal at the eastern limit of the Fairfield Justice Campus.

The Solano County's ongoing Fairfield Justice Campus Asset Protection and Resiliency Project (also referred to as the Asset Protection Project in this Initial Study), which includes improvements to the Project site and areas surrounding the Project site on the east and south sides, will construct low barrier walls, hydraulic gates, landscaped berms, and additional storm drains and pump capacity on the Fairfield Justice Campus, which would increase storm drainage control and capacity and thereby reduce risks from flooding on the campus. The Judicial Council is a key stakeholder for the Asset Protection Project.

Specifically, the proposed flood control features include:

- A flood protection berm located on the Project site along Texas Street and Union Avenue,
- A stormwater wall along Texas Street (beginning at the terminus of the flood protection berm) that makes a 90-degree turn at the intersection of Texas Street and Washington Street and continues along Washington Street to a point parallel with the existing Co-Op Building,
- A stormwater wall immediately adjacent to the project site along a portion of the east side of Washington Street,
- Stormwater walls throughout the remainder of the Fairfield Justice Campus,
- Raised access area on site west of the existing HOJ South Wing,
- Raised access area immediately adjacent to the site along Washington Street,
- Two additional raised access areas in the southern portion of the Fairfield Justice Campus,
- Two on-site passive stormwater gates, one of which would be located in the proposed berm at a point along Union Avenue and the second of which would be located adjacent to the proposed stormwater wall along Washington Street,
- Two off-site, immediately adjacent passive stormwater gates, one of which would be located near the southwest corner or the Project site adjacent to the Solano County Justice Center building and the second of which would be located at a point in the stormwater wall along the east side of Washington Street, and
- Two additional passive stormwater gates in the eastern portion of the Fairfield Justice Campus.

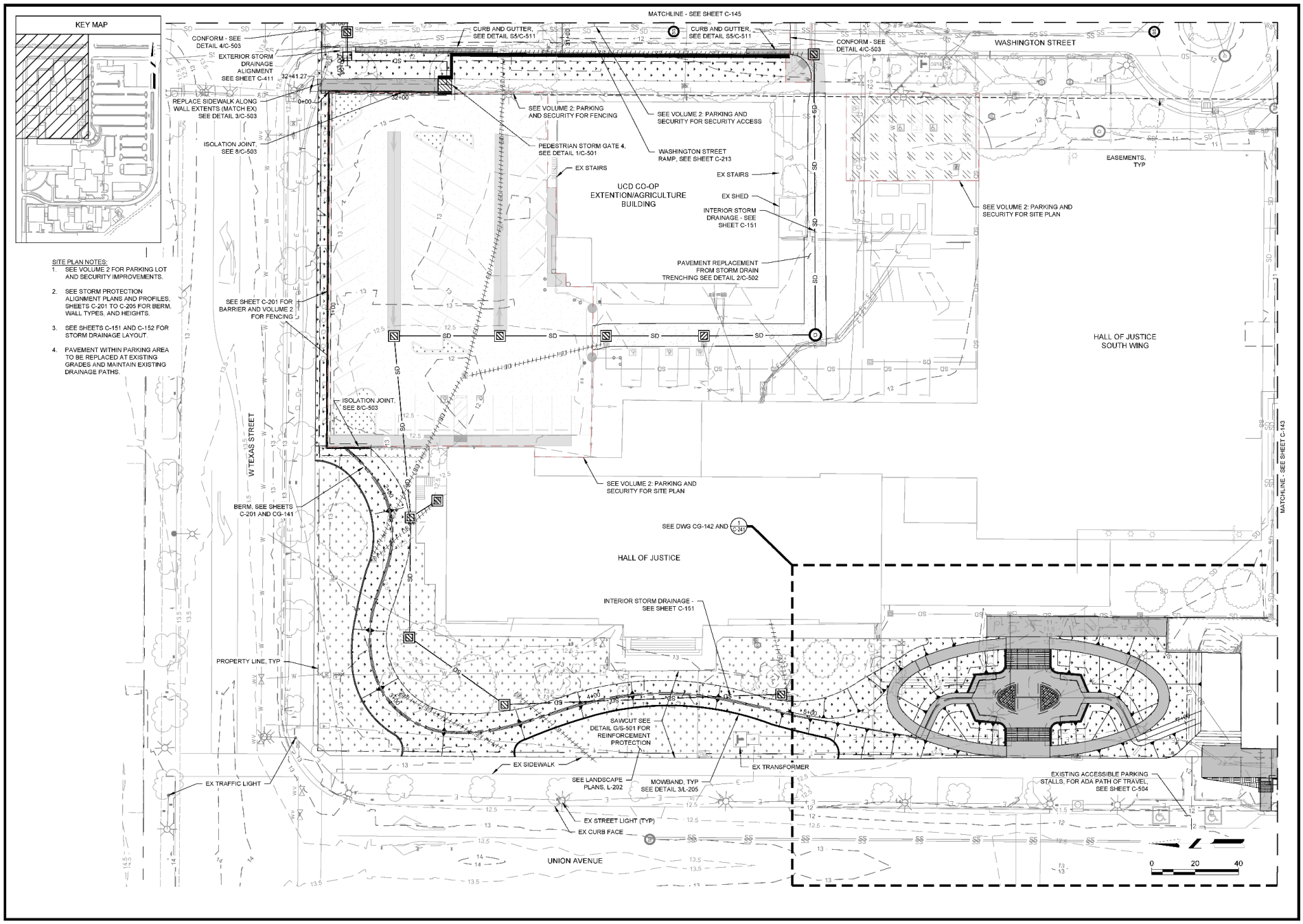
See Figure 3-9 for an illustration of the flood protection features proposed as part of the Fairfield Justice Campus Asset Protection Project. See Figure 3-10 for the Asset Protection Project's site plan for the northwest corner of the campus in which the new courthouse would be constructed. See Figure 3-11 for the plan and profile for the segment of the proposed earthen flood protection berm and stormwater wall that would be located on the Project site. See Figure 3-12 for the plan for the raised plaza that would be located on the project site.



Source: Mead & Hunt, Inc., Solano County, 2021.

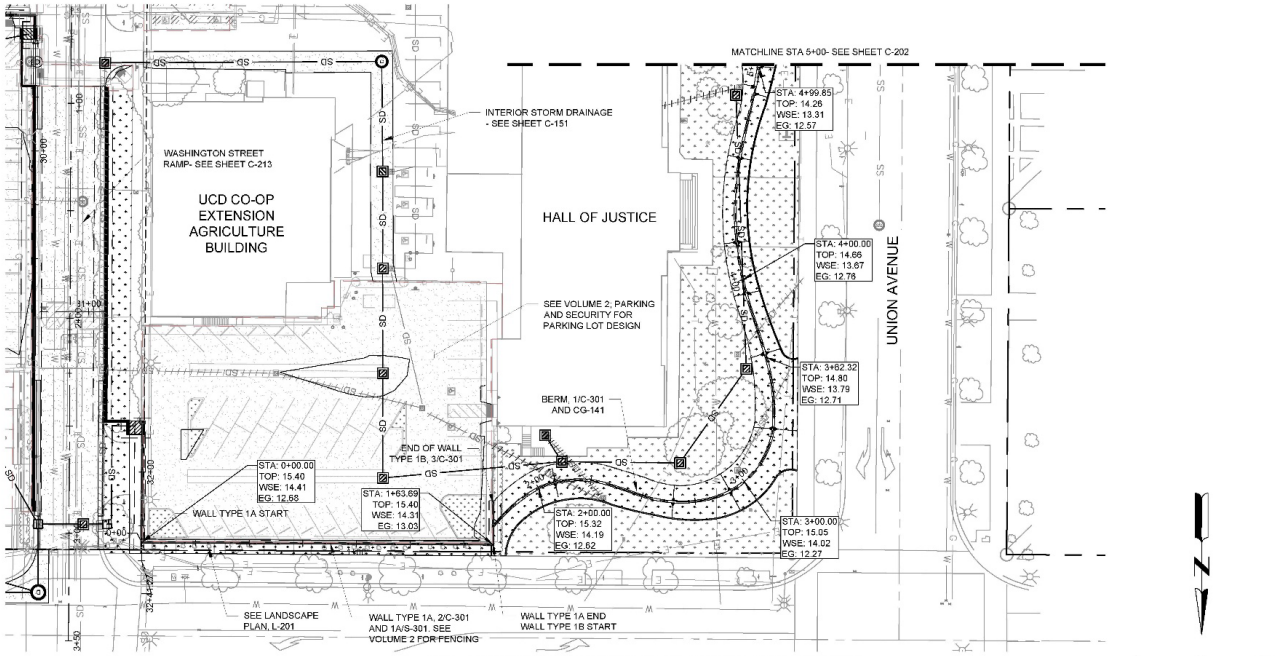
Figure 3-9 Asset Protection Project Features

New Solano Hall of Justice Courthouse Project



Source: Mead and Hunt, Inc. 2025

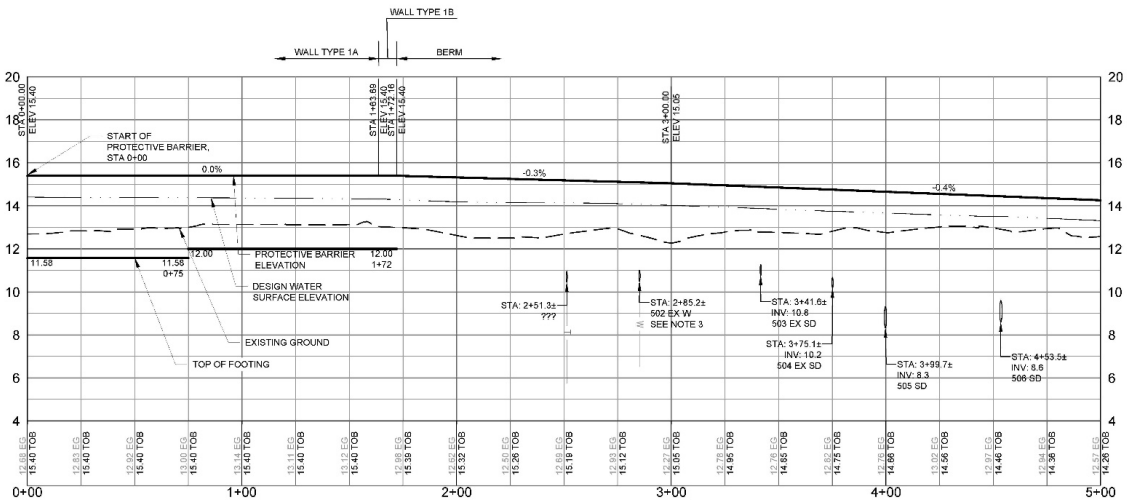
Figure 3-10: Asset Protection Project Northwest Corner Site Plan



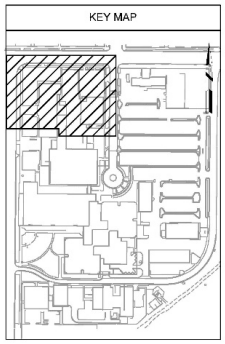
1 **PROTECTIVE BARRIER PLAN STA 0+00 TO 5+00**
1"=30'

NOTES:

1. TOP OF BARRIER BERMS/WALLS, WATER SURFACE, EXISTING GRADE LABELS ON PLAN ARE FOR REFERENCE ONLY. CONTRACTOR SHALL CONSTRUCT BARRIER BASED ON PROFILE ELEVATIONS.
2. FOR EXCAVATION AND UTILITY LOCATION REQUIREMENTS, SEE GENERAL NOTES ON SHEET G-002.
3. WATER UTILITIES ARE SHOWN FOR REFERENCE ONLY IN ACCORDANCE WITH FAIRFIELD CITY STANDARDS. CONTRACTOR TO FIELD VERIFY.
4. ELECTRICAL UTILITIES ARE SHOWN FOR REFERENCE ONLY WITH 24" MIN COVER. HIGH VOLTAGE UTILITIES COULD BE 36" TO 48" DEEP. ALL CONDUITS SHALL BE PROTECTED IN PLACE UNLESS OTHERWISE SPECIFIED. CONTRACTOR TO FIELD VERIFY.
5. GAS LINES ARE SHOWN FOR REFERENCE ONLY WITH 24" COVER IN ACCORDANCE WITH PG&E GAS DESIGN STANDARDS FOR MINIMUM DEPTH OF DISTRIBUTION MAINS AND SERVICES.
6. TELECOMMUNICATION UTILITIES ARE SHOWN FOR REFERENCE ONLY WITH 24" COVER.CONTRACTOR TO FIELD VERIFY.
7. UTILITIES ARE SHOWN IN PROFILE BASED UPON THE ASSUMED DEPTHS DESCRIBED IN NOTES 3, 4, 5, AND 6. WHERE AVAILABLE UTILITY ELEVATIONS ARE SHOWN FOR REFERENCE ONLY. CONTRACTOR TO FIELD VERIFY.
8. SEE DETAIL 13/C-301 FOR WALL GEOMETRY AT UTILITY CROSSINGS.
9. REFER TO DEMOLITION, UTILITY, AND ELECTRICAL PLANS FOR ADDITIONAL DESIGN INFORMATION.

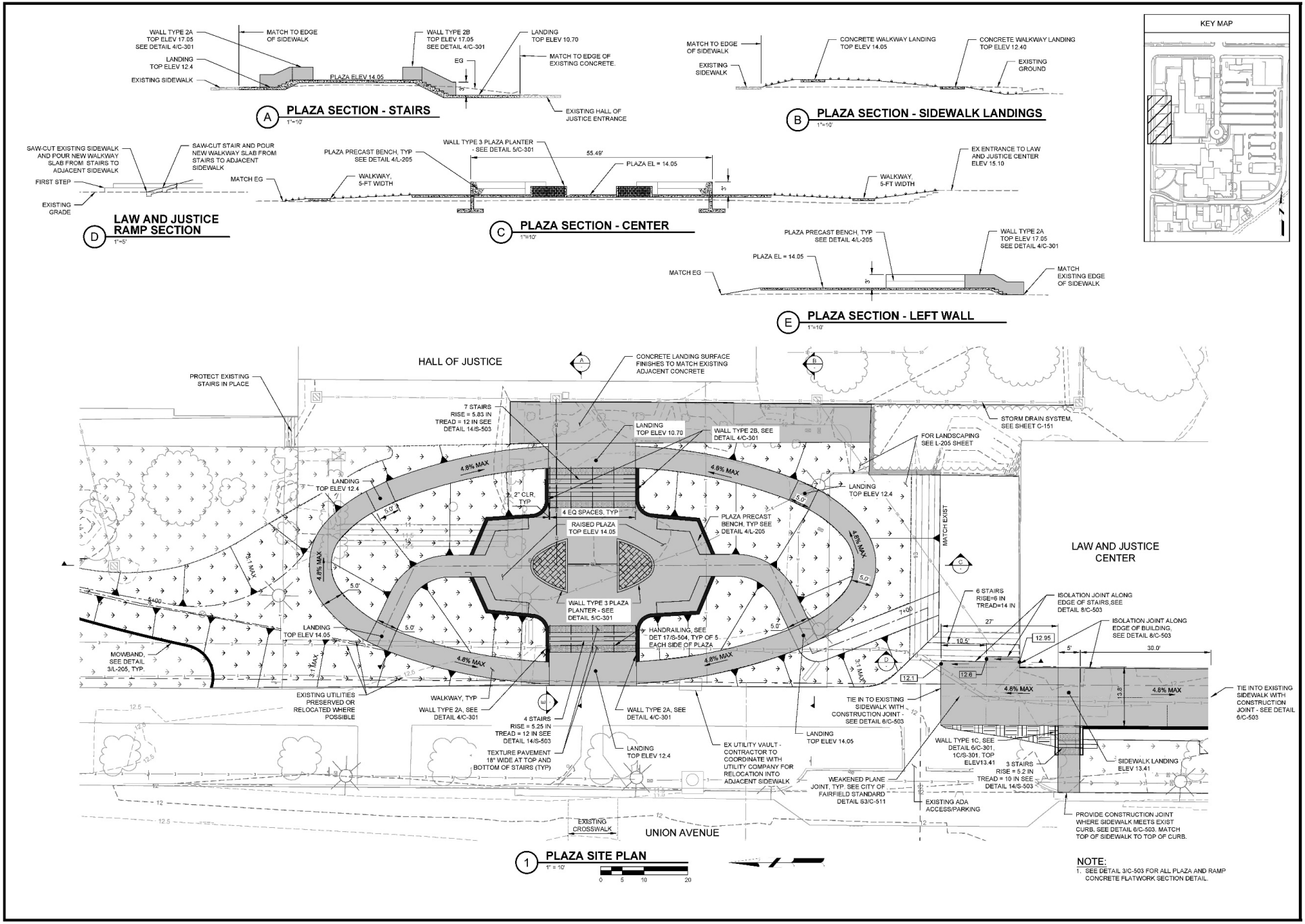


2 **PROTECTIVE BARRIER PROFILE**
1"=30' HORIZ
1"=3' VERT.



Source: Mead and Hunt, Inc. 2025

Figure 3-11: Asset Protection Project Northwest Corner Storm Protection Alignment



Source: Mead and Hunt, Inc. 2025

Figure 3-12: Asset Protection Project Northwest Corner Raised Plaza

In addition to the features listed above, the Asset Protection Project proposes a 50 cubic feet per second (cfs) capacity 30-inch bypass pipe system east of the Fairfield Justice Campus and pump upgrades to the County Pump Station in the southern section of the campus. The proposed 50 cfs capacity bypass pipe would originate along Texas Street and Clay Street beginning at the Texas Street/Washington Street intersection eastward to the Texas Street/Clay Street intersection, then travel along Clay Street southward to a point of terminus at the County Pump Station. (Mead & Hunt 2024)

The Basis of Design Report for the Fairfield Justice Campus Asset Protection Project (Mead & Hunt 2024) ("Basis of Design Report") provides the 100% design level for the project and includes documentation of existing site conditions, hydraulic and hydrologic modeling results to inform the design of the proposed flood control and drainage improvements, storm protection barrier (i.e., earthen flood protection berm, raised roadways/access points, etc.) design criteria, mechanical design criteria for the pumps at three new lift stations at the County Pump Station in the southernmost section of the Fairfield Justice Campus, electrical design criteria for the existing and new lift stations at the County Pump Station, measures to ensure the new storm barrier system avoids existing utilities infrastructure, and construction considerations. (Mead & Hunt 2024)

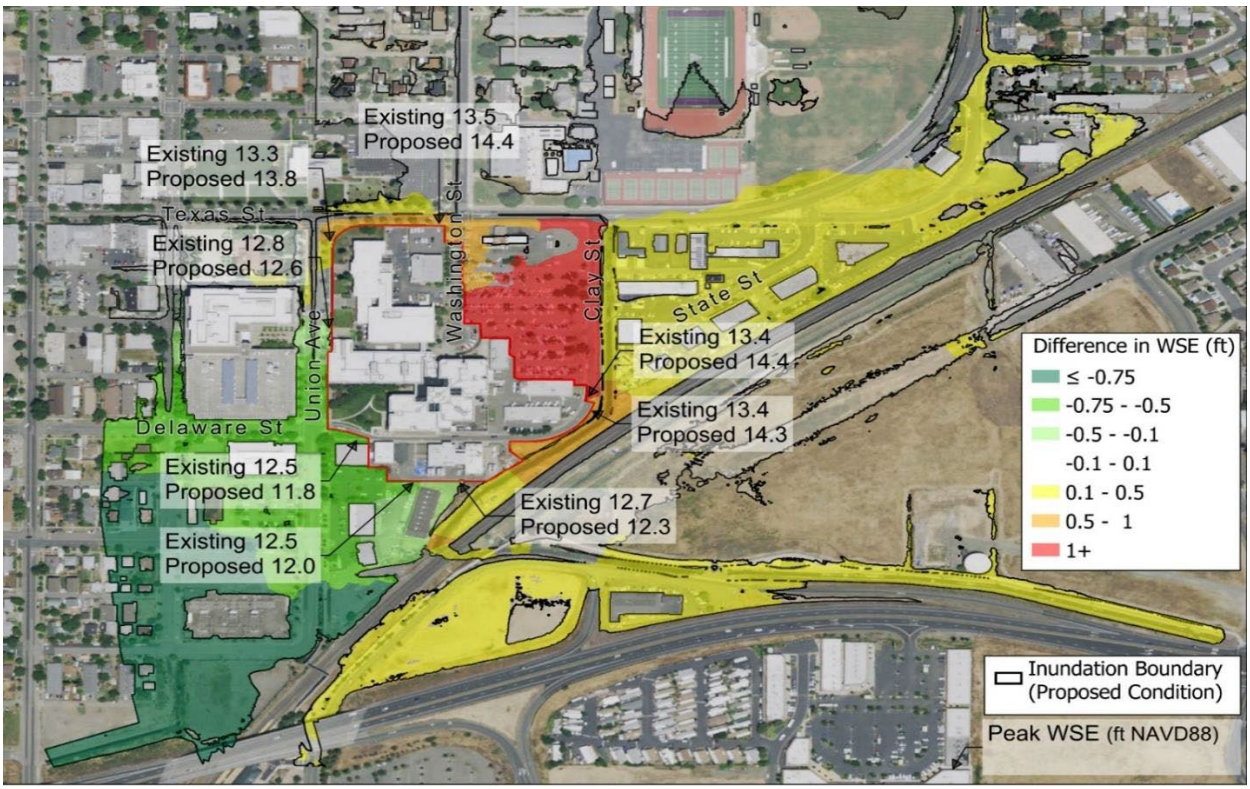
To inform the design of the Fairfield Justice Campus Asset Protection Project storm barrier system, which consists of the proposed flood control features described above, the Basis of Design Report used the December 2005 event as the design storm for hydrologic analysis. The December 2005 event was selected for the design storm as this storm event was the most recent in a series of recurrent flood events in recent decades that caused considerable damage at the Fairfield Justice Campus. The December 2005 event had a rainfall depth of 4.4 inches in 12 hours. The hydraulic analysis also used the December 2005 event as the design storm for modeling. Both the hydrologic and hydraulic analyses conducted for the Basis of Design Report conservatively assumed all runoff from the watershed that contributes to flooding at the Fairfield Justice Campus would be overland flow, as the existing stormwater collection system on site was assumed to be full and ineffective for reducing overland flooding at the modeled, very high flow velocities ranging from 80 cfs at Clay Street to 386 cfs at State Street to the east of the campus. (Mead & Hunt 2024)

Using the results of the hydrologic and hydraulic analyses, the Basis of Design Report produced and mapped existing (i.e., the physical conditions on the ground at the time the Basis of Design Report was prepared) vs proposed (i.e., projected conditions incorporating the effects of the proposed storm barrier system) water surface elevations at the Fairfield Justice Campus. (Mead & Hunt 2024)

Under proposed conditions, the storm barrier wall would prevent overland stormwater conveyance through the Fairfield Justice Campus and force a split flow into the county parking lot (i.e., the County fleet parking lot at 447 Texas Street), or conveyance would continue in a westerly direction along Texas Street. Because flow would no longer travel south from Texas Street across the campus and west along Clay Street, there would be a decrease in the peak water surface elevations along most of Union Avenue and the area southwest of the proposed storm barrier wall and the campus. The campus parking lot at 447 Texas Street acts as on-campus detention storage, with the barrier protecting campus facilities while allowing for a rise in on-campus peak design water levels. Modeled existing condition versus proposed condition

peak water surface elevations from the Basis of Design Report are shown in Figure 3-13. (Mead & Hunt 2024)

Figure 3-13: Asset Protection Project Comparison of Peak Water Surface Elevations



For the purposes of the Project, the Basis of Design Report shows under proposed conditions an elimination of inundation on the Project site on the interior side (i.e., within the site) of the proposed flood protection berm and stormwater wall alignment. Peak water surface elevations immediately adjacent to the Project site to the east, north, and northwest would increase as flood water that would otherwise flood the existing Solano HOJ facilities is redirected away from the facilities. Peak water surface elevations immediately adjacent to the Project site to the west/southwest would decrease because, as stated in the previous paragraph, flow would no longer travel south from Texas Street across the campus and west along Clay Street.

Construction of the Asset Protection Project is expected to be occur over a 10-month period from March 2026 to December 2026 and will be completed prior to the start of the new courthouse construction in 2029.

The new courthouse building would be located in the portion of the Project site within a Flood Hazard Zone. At the current stage of Project design it is not known whether the new building would need to include specific design measures to protect the new building from future flood events. While it can be expected that the new courthouse building would be protected from flooding to some extent by the flood control features proposed in the Fairfield Justice Campus Asset Protection and Resiliency Project, it cannot be determined with the currently available information whether these features would fully protect the proposed building or whether

additional flood protection (i.e., raising the building finish floor level, appropriate foundation design, etc.) is needed to protect the new courthouse building from future flood events and rising groundwater levels. Without building design plans, it also cannot be determined whether the proposed Project would impede or redirect flood flows.

In the absence of building design plans for the proposed Project, a less-than-significant impact cannot be achieved without mitigation. Mitigation Measure HYDRO-1a is included to require the Judicial Council to use the Asset Protection Project's Basis of Design Report (2024) and Progress Set (2025) to evaluate how the proposed Project would affect and be affected by future projected flood flows. The Judicial Council would not approve the final building design plans without ensuring a consistent approach to flood control between the proposed Project and the Asset Protection Project, including ensuring the new courthouse building's final design plans and any other proposed flood protection measures are consistent with the flood control goals of the Asset Protection Project and that the new courthouse building is protected from future flood events. Mitigation Measure HYDRO-1b is included to ensure construction of the proposed Project does not damage the proposed flood control features of the Asset Protection Project.

Mitigation Measure HYDRO-1 has been incorporated into the proposed Project to reduce flooding impacts on the Project and surrounding areas to a less-than-significant level. With implementation of Mitigation Measure HYDRO-1, the Project's potential impacts related to flooding, including the potential to impede or redirect flood flows, would be less than significant with mitigation incorporated.

Impact HYDRO-1: The new courthouse building has the potential to be adversely affected by flood events originating from the nearby Special Flood Hazard Area (SFHA) along Union Avenue Creek, and the design of the new courthouse building may adversely affect flooding conditions in the surrounding areas if not designed for consistency with the Asset Protection Project.

Mitigation Measure HYDRO-1a: Incorporation of the Fairfield Justice Campus Asset Protection and Resiliency Project Basis of Design Report and Plan Set. The Judicial Council or its design/build contractor (DBE) shall use the Fairfield Justice Campus Asset Protection and Resiliency Project Basis of Design Report and Plan Set to (1) evaluate whether the proposed Project would impede or redirect flood flows, (2) determine to what extent the finished floor of the new courthouse building must be raised to avoid inundation, and (3) identify any additional measures beyond raising the building's finished floor elevation to provide protection against inundation.

The design of the new courthouse building shall incorporate flood protection measures consistent with the Asset Protection Project including foundation design and storm water runoff management. The Judicial Council shall prepare building design plans for the new courthouse building that demonstrate the building's finished floor elevations would be constructed above the modeled 100-year flood elevation and that the new courthouse building would not materially impede or redirect projected flood flows.

The Judicial Council shall also monitor the effectiveness of the Asset Protection Project flood control features in protecting the new courthouse building and site improvements from flooding over time and share its observations with Solano County.

Mitigation Measure HYDRO-1b: Protection of Fairfield Justice Campus Asset Protection and Resiliency Project Features. The Judicial Council and its contractor shall ensure construction of the proposed Project protects or repairs the flood protection features that will be constructed by the Fairfield Justice Campus Asset Protection and Resiliency Project. The timing of demolition of existing structures and construction of the new courthouse building and associated site improvements shall be carried out in a way that would not permanently damage the new flood control features. Specifically, the proposed Project shall protect or repair any damage to the following flood control features that would be located on or immediately adjacent to the project site:

- A flood protection berm located on the Project site along Texas Street and Union Avenue,
- A stormwater wall along Texas Street (beginning at the terminus of the flood protection berm) that makes a 90-degree turn at the intersection of Texas Street and Washington Street and continues along Washington Street to a point parallel with the existing Co-Op Building,
- A stormwater wall immediately adjacent to the Project site along a portion of the east side of Washington Street,
- Raised access area on site west of the existing HOJ South Wing,
- Raised access area immediately adjacent to the site along Washington Street,
- Two on-site passive stormwater gates, one of which would be located in the proposed berm at a point along Union Avenue and the second of which would be located adjacent to the proposed stormwater wall along Washington Street, and
- Two off-site, immediately adjacent passive stormwater gates, one of which would be located near the southwest corner or the Project site adjacent to the Solano County Justice Center building and the second of which would be located at a point in the stormwater wall along the east side of Washington Street.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less Than Significant with Mitigation Incorporated. The terms tsunami or seiche are described as ocean waves or similar waves in large water bodies, usually created by undersea fault movement or by a coastal or submerged landslide. The Project site is not located near the coast or a large water body. The Project site is not located in a Tsunami Hazard Area (California Department of Conservation 2025b). Because there is no nearby waterbody capable of producing a tsunami or seiche, the Project is not at risk to release pollutants in the event of a seiche or tsunami.

As described under item 3.10.1 c) iv), the proposed Project is in a Flood Hazard Zone. The proposed Project would benefit from the ongoing Solano County Fairfield Justice Campus Asset Protection and Resiliency Project, which includes the construction of low barrier walls, hydraulic gates, landscaped berms, and additional storm drains and pump capacity to reduce flood impacts on the Fairfield Justice Campus, which includes the Project site. However, at the current stage of the Project, building design plans have not yet been developed that show the

required design features for anticipated stormwater flows and potential flood elevations. Coordination between the Judicial Council Design/Build civil engineering team and the County's Asset Protection Project team is needed to ensure the new courthouse building is adequately protected from future flood events. To protect against inundation, the final building design plans must show the new courthouse building's finished floor elevations would be constructed above the modeled 100-year flood elevation. Mitigation Measure HYDRO-1 is included under item 3.10.1 c) iv) to ensure the proposed Project designs the new courthouse building and conducts Project construction to reduce or minimize the potential for Project inundation.

Project implementation of Mitigation Measure HYDRO-1 would reduce the potential for Project inundation and, as a result, reduce the risk of release of pollutants in a flood zone. This impact would be less than significant with mitigation incorporated.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The Project would comply with all applicable regulations to protect water quality (see response to item a). The Project site lies outside the boundaries of the Solano Subbasin Groundwater Sustainability Plan (Solano County Water Agency 2025). As described above under item b), the Project would not interfere with groundwater recharge and would not affect groundwater supplies. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This impact would be less than significant.

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 Environmental Setting

The Project site is located in the central portion of the City of Fairfield in a government building complex. As described in Section 2.3.1, the Project site is zoned PF-Public Facilities by the City of Fairfield and is surrounded by government, commercial, and residential buildings. A high school exists to the northeast and railroad tracks exist to the south.

3.11.2 Regulatory Setting

Federal Regulations and State Regulations

No federal or state regulations are applicable to land use and planning in relation to the proposed Project.

Local Regulations

The Judicial Council, acting as the judicial branch of the 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 Fairfield General Plan

The Land Use and Urban Design Element of the City's General Plan outlines the following policies relevant to land use and planning that are applicable to the proposed Project:

Policy LU-7.4: Building Orientation. Require developments to be oriented towards streets through attention to building massing, landscaping, location of entrances from the street, locating residential building stoops and balconies to face the street, to have "eyes on the street" and foster active, walkable, and enjoyable street frontages.

Policy LU-10.2: Building Orientation. Require buildings to be oriented toward the street. Do not allow parking lots (except for angled parking) in front of buildings adjacent to the area's primary circulation network.

3.11.3 Discussion

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?**

No Impact (Responses a and b). The Project would replace the existing Solano HOJ building with a new building developed within the same footprint. The Project does not include any physical barriers that would result in the division of an established community. Additionally, the Project is consistent with the Fairfield General Plan and City zoning designation. Therefore, the Project would have no conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

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 Environmental Setting

Solano County is rich in a number of nonfuel mineral resources. Mineral resources mined or produced within Solano County include mercury, sand and gravel, clay, stone products, calcium, and sulfur. Known mineral resource zones (MRZs) are located to the northeast of Vallejo, to the south and southeast of Green Valley, in areas south and east of Travis Air Force Base, and in pockets located within both Vacaville and Fairfield. Stone, gravel, sand, and clay mines are spread out around the county. There is one permitted, but inactive, aggregate mine within the City's Sphere of Influence (SOI), which is located approximately 4.3 miles southwest of the Project site on Cordelia Road (City of Fairfield 2024b).

The Project site is located in a developed urban area classified as MRZ-1, which are areas where available geologic information indicates that little likelihood exists for the presence of significant concrete aggregate resources (City of Fairfield 2024b). Additionally, the Project site is not zoned for mineral extraction and does not support mineral extraction activities.

3.12.2 Regulatory Setting

<u>Federal Regulations</u>

No federal regulations are applicable to mineral resources in relation to the proposed Project.

<u>State Regulations</u>

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) of 1975 mandates that the State Mining and Geology Board and Division of Mines and Geology 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 CDC, Office of Mine Reclamation. SMARA requires cooperative efforts from the California Geological Survey and the State Mining and Geology Board to identify and classify mineral areas in the state.

3.12.3 Impact Discussion

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?**

No Impact (Responses a and b). As stated above, the Project site is in an area classified as MRZ-1, which are areas where available geologic information indicates that little likelihood exists for the presence of significant concrete aggregate resources (City of Fairfield 2024b). Additionally, the Project site is not zoned for mineral extraction and does not support mineral extraction activities. Therefore, the Project would have no impact on mineral resources.

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 in other 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 or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.13.1 Environmental Setting

"Sound" is a vibratory disturbance created by a moving or vibrating source and is capable of being detected. For example, airborne sound is the rapid fluctuation of air pressure above and below atmospheric pressure. "Noise" may be defined as unwanted sound that is typically construed as loud, unpleasant, unexpected, or undesired by a specific person or for a specific area. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying.

<u>The Decibel Scale (dB)</u>

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

<u>Sound Characterization</u>

There are several methods of characterizing sound. The most common method is the "A-weighted sound level," or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale. Human hearing matches the logarithmic A-weighted scale, so that a sound of 60 dBA is perceived as twice as loud as a sound of 50 dBA.

In a quiet environment, an increase of three dB is usually perceptible, however, in a complex noise environment such as along a busy street, a noise increase of less than three dB is usually not perceptible, and an increase of five dB is usually perceptible. Normal human speech is in the range from 50 to 65 dBA. Generally, as environmental noise exceeds 50 dBA, it becomes intrusive and above 65 dBA noise becomes excessive. Nighttime activities, including sleep, are more sensitive to noise and are considered affected over a range of 40 to 55 dBA. Table 3-10 lists typical outdoor and indoor noise levels in terms of dBA.

Table 3-10. Typical Outdoor and Indoor Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	-110-	Rock Band
Jet flyover at 1,000 feet		
	-100-	
Gas lawn mower at 3 feet		
	-90-	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	-80-	Garbage disposal at 3 feet
Noise urban area, daytime		
Gas lawnmower, 100 feet	-70-	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	-60-	
		Large business office
Quiet urban daytime	-50	Dishwasher next room
Quite urban nighttime	-40-	Theater, large conference room (background)
Quiet suburban nighttime		
	-30-	Library
Quite rural nighttime		Bedroom at night
	-20-	
		Broadcast/recording studio
	-10-	
Lowest threshold of human hearing	-0-	Lowest threshold of human hearing

Source: Caltrans 2013

Sound levels are typically not steady and can vary over a short time period. The equivalent noise level (L_{eq}) is used to represent the average character of the sound over a period of time. The L_{eq} represents the level of steady noise that would have the same acoustical energy as the sum of the time-varying noise measured over a given time period. L_{eq} is useful for evaluating shorter time periods over the course of a day. The most common L_{eq} averaging period is hourly, but L_{eq} can describe any series of noise events over a given time period.

Variable noise levels are values that are exceeded for a portion of the measured time period. Thus, L01 is the level exceeded one percent of the time and L90 is the level exceeded 90

percent of the time. The L90 value usually corresponds to the background sound level at the measurement location.

Noise exposure over the course of an entire day is described by the day/night average sound level, or L_{dn}, and the community noise equivalent level, or CNEL. Both descriptors represent the 24-hour noise impact on a community. For L_{dn}, the 24-hour day is divided into a 15-hour daytime period (7:00 AM to 10:00 PM) and a nine-hour nighttime period (10:00 PM to 7:00 AM) and a 10 dB "penalty" is added to measure nighttime noise levels when calculating the 24-hour average noise level. For example, a 45 dBA nighttime sound level would contribute as much to the overall day-night average as a 55 dBA daytime sound level. The CNEL descriptor is similar to L_{dn}, except that it includes an additional five dBA penalty beyond the 10 dBA for sound events that occur during the evening time period (7:00 PM to 10:00 PM). The artificial penalties imposed during L_{dn} and CNEL calculations are intended to account for a receptor's increased sensitivity to sound levels during quieter nighttime periods.

Sound Propagation

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by six dB with each doubling of distance from a point source. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. Outdoor noise is also attenuated by the building envelope so that sound levels inside a residence are from 10 to 20 dB less than outside, depending mainly on whether windows are open for ventilation or not.

When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a three dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73 dB.

Noise Effects

Noise effects on human beings are generally categorized as:

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

Most environmental noise levels produce subjective or interference effects; physiological effects are usually limited to high noise environments such as industrial manufacturing facilities or airports. Such physiological effects occur when the human ear is subjected to extremely high short-term noise levels (i.e., 140 dBA from an explosion) or from a prolonged exposure to high noise environments. For example, to protect workers from noise-induced hearing loss, the U.S. OSHA limits worker noise exposure to 90 dBA as averaged over an 8-hour period (29 CFR 1910.95).

Predicting the subjective and interference effects of noise is difficult due to the wide variation in individual thresholds of annoyance and past experiences with noise; however, an accepted method to determine a person's subjective reaction to a new noise source is to compare it to the existing environment without the noise source, or the "ambient" noise environment. In general, the more a new noise source exceeds the ambient noise level, the more likely it is to be considered annoying and to disturb normal activities.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern one-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of one to two dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of three dB in typical noisy environments. Further, a five dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness that would almost certainly cause an adverse response from community noise receptors.

Groundborne Vibration

Vibration is the movement of particles within a medium or object such as the ground or a building. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared, in inches per second (in/sec). PPV represents the maximum instantaneous positive or negative peak of a vibration signal and is most appropriate for evaluating the potential for building damage. Human response to groundborne vibration is subjective and varies from person to person.

Sensitive Receptors

Noise sensitive receptors are buildings or areas where unwanted sound or increases in sound may have an adverse effect on people or land uses. Hospitals, residential areas, schools, and parks are examples of noise sensitive receptors that could be sensitive to changes in existing environmental noise levels. The noise sensitive receptors in proximity (within 1,000 feet) of the proposed Project site include:

- Student receptors at Armijo High School along North Texas Street and Washington Street, approximately 100 feet northeast of the Project site.
- Single-family residential receptors along Empire Street and Washington Street, approximately 450 feet north of the Project site.
- Single-family residential receptors along Delaware Street and Jefferson Street, approximately 500 feet west of the Project site.

3.13.2 Regulatory Setting

Federal Regulations

Federal Transit Administration

No federal regulations apply to noise or vibration from the proposed Project, but the FTA's 2018 Transit Noise and Vibration Impact Assessment Manual establishes construction noise guidelines for a general quantitative assessment that recommends modeling typical construction equipment noise levels from the center of a Project site. The FTA document also establishes groundborne vibration annoyance criteria for general assessments. The criteria vary by the type of building being subjected to the vibrations, and the overall number of vibration events occurring each day. Category 1 buildings are considered buildings where vibration would interfere with operation, even at levels that are below human detection. These include buildings with sensitive equipment, such as research facilities and recording studios. Category 2 buildings include residential lands and buildings where people sleep, such as hotels and hospitals. Category 3 buildings consist of institutional land uses with primarily daytime uses. The FTA standards vary for "frequent" events (occurring more than 70 times per day, such as a rapid transit project), "occasional" events (occurring between 30 to 70 times per day), and "infrequent" events (occurring less than 30 times per day). The FTA's vibration annoyance criteria are summarized in Table 3-11.

Table 3-11. FTA Ground-Borne Vibration Impact Criteria for General Assessment

Land Use Category/Type	Impact Level (Velocity Decibels)		
	Frequent Events	Occasional Events	Infrequent Events
Category 1 – Buildings with sensitive equipment	65 VdB	65 VdB	65 VdB
Category 2 – Buildings where people sleep	72 VdB	75 VdB	80 VdB
Category 3 – Institutional buildings	75 VdB	78 VdB	83 VdB
Source: FTA 2018			

State Regulations

Caltrans

The California Department of Transportation's (Caltrans) Transportation and Construction Vibration Guidance Manual provides a summary of vibration criteria that have been reported by researchers, organizations, and governmental agencies (Caltrans 2020). Chapters 6 and 7 of the aforementioned guidance manual summarizes vibration detection and annoyance criteria from various agencies and provides Caltrans' recommended guidelines and thresholds for evaluating potential vibration impacts on buildings and humans from transportation and construction projects. These thresholds are summarized in Table 3-12 and Table 3-13.

Table 3-12. Caltrans' Vibration Threshold Criteria for Building DamageCaltrans' Vibration Threshold Criteria for Building Damage

Structural Integrity	Maximum PPV (in/sec)	
	Transient	Continuous
Historic and some older buildings	0.50	0.12 to 0.2
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial and commercial structures	2.00	0.50
Source: Caltrans 2020		

Table 3-13. Caltrans' Vibration Threshold Criteria for Human Response

Human Response	Maximum PPV (in/sec)	
	Transient	Continuous
Slightly perceptible	0.035	0.01
Distinctly perceptible	0.24	0.04
Strongly perceptible	0.90	0.10
Severe/Disturbing	2.0	0.7 (at 2 Hz) to 0.17 (at 20 Hz)
Very disturbing	--	3.6 (at 2 Hz) to 0.4 (at 20 Hz)
Source: Caltrans 2020		

Local Regulations

The Judicial Council, acting as the judicial branch of the 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 Fairfield General Plan

Chapter 8, Health and Safety Element, of the Fairfield General Plan includes the following noise related policies relevant to the proposed Project:

Policy HS-6.2: Noise Compatibility. Use the noise and land use compatibility matrix and Projected Noise Contours map as criteria to determine the acceptability of a given proposed land use, including the improvement/construction of streets, railroads, freeways, and highways.

Policy HS-6.3: Noise Attenuation. For all projects that have noise exposure levels that exceed the standards in noise and land use compatibility matrix table, site planning and architecture should incorporate noise-attenuating features. With mitigation, development should meet allowable sound level limits in the non-transportation noise standards table and the maximum allowable noise exposure to ground transportation noise sources table.

Policy HS-6.4: Noise Generation. Ensure that new development does not generate noise in excess of the sound level limits outlined in the non-transportation noise standards table and the maximum allowable noise exposure to ground transportation noise sources table, whenever feasible.

Policy HS-6.9 Construction Noise. Address appropriate construction noise and vibration control measures, standards, and monitoring procedures for future development in the City's Municipal Code to reduce impacts to nearby uses.

The Health and Safety Element also identifies the City's noise compatibility guidelines for different land uses. According to Table 8-1 of the General Plan, the normally acceptable noise limit for office buildings, business commercial and professional land uses is 70 DNL.

Municipal Code

The Fairfield municipal code Chapter 25 Zoning Ordinance, Article X Noise Regulations implements the City's noise policies, in part. Municipal Code Section 25.1403 Noise Standards establishes noise standards which state it is unlawful for any person to create any noise at any location in the City of Fairfield that results in the exposure to other properties in the vicinity that exceeds the levels of Municipal Code Table 25.1401, except as otherwise provided for in this ordinance, which sets a daytime exterior noise level standard of 50 dBA L_{eq} / 70 dBA L_{max} for residential land uses and 65 dBA L_{eq} for playgrounds and parks land uses, and a daytime interior noise level standard of 40 dBA L_{eq} / 60 dBA L_{max} for residential land uses and 45 dBA L_{eq} for schools, libraries, and museums land uses. Section 25.1404 Specific Prohibitions limits operating or permitting the operation of any tools or equipment used in construction, grading or demolition works between the hours of 10:00 p.m. and 7:00 a.m. except by written permission of the Director of Public Works.

3.13.3 Impact Discussion

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 in other applicable local, state, or federal standards?

Less Than Significant Impact. As described in more detail below, the proposed Project would not result in a substantial temporary or permanent increase in noise levels in the vicinity of the Project from construction or operational activities. This impact would be less than significant.

Construction Noise

The proposed Project involves the demolition of existing HOJ and Co-Op buildings and the construction of a new courthouse over an approximately 27-month period. Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating work. The proposed Project would generate construction noise from the following sources:

- Heavy equipment operations throughout the Project area. Some heavy equipment would consist of mobile equipment such as a loader, excavator, etc. that would move around work areas; other equipment would consist of stationary equipment (e.g., air compressors) that would generally operate in a fixed location until work activities are complete. Heavy equipment generates noise from engine operation, mechanical systems and components (e.g., fans, gears, propulsion of wheels or tracks), and other sources such as back-up alarms. Mobile equipment generally operates at different loads, or power outputs, and produce higher or lower noise levels depending on the operating load. Stationary equipment generally operates at a steady power output that produces a constant noise level.
- Vehicle trips, including worker, vendor, and haul truck trips. These trips would occur on Texas Street and Washington Street that provide access to the Project site.

Table 3-14 presents estimated noise levels for the types of equipment that would be used to construct the proposed Project. Potential construction noise levels are presented for worst-case equipment operations at a distance of 50 feet (reference noise level) and at specific distances to sensitive receptors in proximity to the Project's construction work areas (e.g., 100 feet to Armijo High School, the closest sensitive receptor).

Table 3-14. Project Construction Equipment Noise Levels (dBA)

Equipment	Reference Noise Level at 50 Feet (L_{max})[(A)]	Percent Usage Factor[(B)]	Predicted Noise Levels (L_{eq}) at Distance[(C)]					
			50 Feet	100 Feet	250 Feet	350 Feet	450 Feet	500 Feet
Backhoe	80	0.4	76	70	62	59	57	56
Bulldozer	85	0.4	81	75	67	64	62	61
Compressor	80	0.4	76	70	62	59	57	56
Concrete Mixer	85	0.4	81	75	67	64	62	61
Crane	85	0.16	77	71	63	60	58	57
Delivery Truck	85	0.4	80	74	66	63	61	60
Excavator	85	0.4	81	75	67	64	62	61
Front End Loader	80	0.4	76	70	62	59	57	56
Generator	82	0.5	79	73	65	62	60	59
Grader	85	0.4	81	75	67	64	62	61
Impact Pile Driver	95	0.2	88	82	74	71	69	68
Man Lift	85	0.2	78	72	64	61	59	58
Paver	85	0.5	82	76	68	65	63	62
Pneumatic Tools	85	0.5	82	76	68	65	63	62
Roller	85	0.2	78	72	64	61	59	58
Scraper	85	0.4	81	75	67	64	62	61
Tractor	84	0.4	80	74	66	63	61	60
Vacuum Truck	85	0.4	81	75	67	64	62	61
Welder	73	0.4	70	64	56	53	51	50

Equipment	Reference Noise Level at 50 Feet (L_{max})(A)	Percent Usage Factor(B)	Predicted Noise Levels (L_{eq}) at Distance(C)					
			50 Feet	100 Feet	250 Feet	350 Feet	450 Feet	500 Feet
Sources: Caltrans 2013 and FHWA 2010. Notes: (A) L_{max} noise levels based on manufacturer's specifications. (B) Usage factor refers to the amount of time the equipment produces noise over the time period. (C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans 2013: L_{eq} (hourly) = L_{max} at 50 feet – 20log (D/50) + 10log (UF), where: L_{max} = reference L_{max} from manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.								

Based on construction equipment information available from Caltrans, typical default heavy-duty off-road construction equipment available on the market may generate noise levels of 76 dBA L_{eq} at a distance of 100 feet (i.e., the approximate distance between the Project site and the nearest sensitive receptor). The proposed Project may include pile driving activities during construction of the new courthouse foundation in Phase 2. Pile driving activities could potentially occur approximately 350 feet from the Armijo High School, i.e., the nearest sensitive receptor with direct line of sight to work areas on the Project site. As shown in Table 3-14, an impact pile driver may generate noise levels of 71 dBA L_{eq} at a distance of 350 feet. The analysis presented in this section uses the Federal Transit Administration's (FTA) daytime (80 dBA L_{eq}) and nighttime (70 dBA L_{eq}) detailed construction noise analysis criteria to assess whether potential construction activities would result in a substantial temporary increase in noise levels in the vicinity of the Project (FTA, 2018). As described above, the Project could generate temporary construction noise levels of approximately 76 dBA dBA L_{eq} at the nearest sensitive receptor. Therefore, proposed Project's potential construction noise levels would not exceed the FTA's daytime (7 AM to 10 PM) noise criterion of 80 dBA L_{eq} at modeled sensitive receptor locations. Furthermore, the potential construction noise levels described above are considered to be worst-case noise levels as the proposed Project's construction noise levels would vary by the distance between the construction activity and receptor areas. Additionally, Project construction would be phased which would limit which receptors would be most impacted at any one time. The above noise level estimates are based on worst case conditions and do not account for potential shielding by existing buildings along Union Avenue from residential receptors west of the Project site as equipment moves around work areas within the Project site and operates farther away from nearby receptors. Thus construction noise associated with the proposed Project would not significantly impact nearby receptors.

Operational Noise

Once operational, the proposed Project would generate noise from both on-site sources (e.g., onsite vehicle parking, garbage collection activities, HVAC equipment, and building maintenance) and off-site sources (e.g., vehicle trips). In general, it takes a doubling of traffic to increase traffic noise volumes by 3 dBA, which is considered an audible increase for exterior noise environments (Caltrans, 2013). The proposed Project is located in an area with existing government building development to the south and west (across Union Avenue) that contributes to existing traffic volumes on Union Avenue and Texas Street. The proposed Project would not include an increase in existing facility operations or operational capacity, number of employees

present onsite, hours of operation, number of courtroom proceedings, or visitor use, and thus would not result in a doubling of traffic on Union Avenue or Texas Street or any other roadway segment at or in the vicinity of the Project site. Since the proposed Project would not result in a doubling of traffic along any roadway segment at or in the vicinity of the Project site, the proposed Project would not increase noise levels to a discernible level on local roads used to access the Project site. Therefore, the proposed Project would not result in a substantial, permanent increase in noise levels along the roadways used to access the proposed Project as compared to existing or future conditions.

Although the Project could result in new noise sources at the existing courthouse facilities, these noise sources would not generate substantial noise levels that exceed local standards or otherwise result in a substantial permanent increase in noise levels in the vicinity of the Project site. Some noise sources, such as HVAC equipment on the existing Solano HOJ North Wing building, would be eliminated after completion of the proposed Project as this building would ultimately be demolished. Other noise sources would be relocated or repositioned around the Project site as buildings, landscaping, and parking areas are updated or modernized. However, the proposed Project would not include an increase in existing facility operations or operational capacity, number of employees present onsite, hours of operation, number of courtroom proceedings, or visitor use. Therefore, the proposed Project would not result in a substantial increase in terms of operations and would not generate a substantial permanent increase in ambient noise levels in the vicinity of the Project site. This impact would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Construction activities have the potential to result in varying degrees of ground vibration, depending on the specific construction equipment used and activities involved. Vibration generated by construction equipment spreads through the ground and diminishes with increases in distance. The effects of ground vibration may be imperceptible at low levels, result in low rumbling sounds and detectable vibrations at moderate levels, and can disturb human activities such as sleep and vibration sensitive equipment at high levels. Ground vibration can also potentially damage the foundations and exteriors of existing structures even if it does not result in a negative human response. Pile drivers and other pieces of high impact construction equipment are generally the primary cause of construction-related vibration impacts. The use of such equipment is generally limited to sites where there are extensive layers of very hard materials (e.g., compacted soils, bedrock) that must be loosened and/or penetrated to achieve grading and foundation design requirements. The need for such methods is usually determined through site-specific geotechnical investigations that identify the subsurface materials within the grading envelope, along with foundation design recommendations and the construction methods needed to safely permit development of a site. As described in Section 2.4, the new building may be supported on driven pile foundations, and therefore, pile driving equipment may be included during construction of the proposed Project.

Construction vibration impacts generally occur when construction activities occur in close proximity to buildings and vibration-sensitive areas, during evening or nighttime hours, or when construction activities last extended periods of time. For the proposed Project, these types of equipment would primarily operate during pile driving activities and during the site preparation, grading, and paving phases. During pile driving activities, impact pile driving equipment could, at worst-case, operate within approximately 30 feet of the nearest structure, the law and justice

center building, to the south and 140 feet of the nearest structure, Solano County Records Office building, to the west (across Union Avenue). Most pile driving operations would generally take place in the interior of the site, farther from receptor locations. All pile driving activities would occur at least 350 feet from any school or residence. During site preparation and grading activities, large equipment could also, at worst-case, operate within approximately 30 feet of the nearest structure to the south and 140 feet of the nearest structure to the west (across Union Avenue). Similarly, most typical construction equipment operations would generally take place in the interior of the site, farther from receptor locations. The ground-borne vibration levels generated by the type of equipment that would be used to construct the proposed Project are shown in Table 3-15.

Table 3-15. Potential Project Construction Vibration Levels

Equipment	Peak Particle Velocity (in/sec)(A)				Velocity Decibels (VdB)(B)			
	25 feet	30 feet	140 feet	350 feet	25 feet	30 feet	140 feet	350 feet
Small bulldozer	0.003	0.002	0.000	0.000	58	55.6	35.6	23.6
Jackhammer	0.035	0.028	0.004	0.001	79	76.6	56.6	44.6
Loaded truck	0.076	0.060	0.008	0.002	86	83.6	63.6	51.6
Large bulldozer	0.089	0.070	0.009	0.003	87	84.6	64.6	52.6
Vibratory Roller	0.21	0.166	0.022	0.01	94	91.6	71.6	59.6
Impact Pile Driver (36,000 ft-lbs)	0.65	0.51	0.07	0.02	112	109.6	89.6	77.6

Sources: Caltrans, 2020 and FTA, 2018

(A) Estimated PPV calculated as: PPV(D)=PPV(ref)*(25/D)^1.1 where PPV(D)= Estimated PPV at distance; PPVref= Reference PPV at 25 ft; D= Distance from equipment to receiver; and n= ground attenuation rate (1.3 for competent soils).

(B) Estimated VdB calculated as: VdB(D)=VdB(ref)-30*log(D/25) where VdB(D)= Estimated VdB at distance; VdB(ref)= Reference VdB at 25 ft; D= Distance from equipment to receiver

As shown in Table 3-15, the vibration levels associated with typical construction equipment are dependent on the type of equipment used. For structural damage, the use of an impact pile driver would produce PPV levels up to 0.51 in/sec at 30 feet. This PPV value is below the Caltrans' guidelines standards for potential structural damage for the types of buildings south of the Project site, which consist of modern structures (2.0 in/sec PPV for transient vibration sources). The use of typical equipment during construction activities (e.g., bulldozer, jack hammer, trucks etc.) would produce PPV levels up to 0.070 in/sec at 30 feet and the use of a vibratory roller would produce PPV levels up to 0.166 in/sec at 30 feet. These PPV values are well below Caltrans' guidelines standards for potential structural damage for the types of buildings south of the Project site, which consist of modern structures (0.5 in/sec PPV for continuous vibration sources).

For human annoyance and interference responses, pile driving equipment would not produce vibrations that exceed Caltrans' strongly perceptible detection threshold (0.9 in/sec PPV for transient vibration sources) at any structure in the vicinity of the Project. Similarly, the use of typical equipment (e.g., bulldozer, jack hammer, trucks, etc.) would not produce vibrations that

exceed Caltrans' strongly perceptible detection threshold (0.1 in/sec PPV for continuous vibration sources) at any structure in the vicinity of the Project. The use of vibration-generating equipment (e.g., vibratory rollers) would produce vibrations that could potentially exceed Caltrans' strongly perceptible detection threshold but would not exceed Caltrans' severe/disturbing threshold (0.17 in/sec PPV for continuous vibration sources). Although some vibration associated with construction activities may be felt by nearby government building properties that surround the site, this potential vibration effect would not be excessive because it would be infrequent (occurring only when equipment is in full operation, not idling or in low power modes), be intermittent (equipment would not operate in the same location every day and would move around the site so that properties are not exposed to continuous peak vibration levels), and would not damage buildings or structures at any point. The proposed Project, therefore, would not generate substantial or excessive groundborne vibration levels.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport, Travis AFB, is located approximately 4.4 miles east of the Project site. According to the Travis Air Force Base Land Use Compatibility Plan, the Project site is not located within the 60 CNEL noise contour zone (Travis AFB 2024). The proposed Project would not expose people to excessive aircraft noise levels. No impact would occur.

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 a 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 Environmental Setting

As of 2024, the City of Fairfield has a population of 119,429 people with a median age of 36.8 and a median household income of $102,321 (City of Fairfield 2024c). As of 2022, the estimated number of housing units in the City is around 41,172, and the average household size is around 2.96 persons (California Department of Finance 2022).

3.14.2 Regulatory Setting

Federal & State Regulations

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

3.14.3 Impact Discussion

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)?**

Less Than Significant Impact. (Responses a and b). The Project consists of the demolition of existing buildings and site features and construction of a new courthouse and associated site improvements. The Project, when completed, would not alter existing on-site operations, including the number of staff employed on-site, the number of courtroom proceedings, or visitor use. Additionally, the Project does not propose any new homes, roads, or other features that could directly or indirectly induce population growth. Therefore, the Project would not induce substantial unplanned population growth in the City or the surrounding areas. This impact would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site is a property currently developed with judicial and other government use buildings; therefore, the Project would not remove any existing housing or displace people. The Project would have no impact on the displacement of people or housing.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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 Environmental Setting

Fire Protection

The Fairfield Fire Department is responsible for all aspects of fire service operations within the City. The City's fire department is divided into two sections: Operations and Support, further organized into six divisions: Administration, Emergency Response, Emergency Medical Services, Prevention, Emergency Management, and Training. The city is divided into five districts, each served by a specific fire station. The Project site is within Fire District 37 and is served by Fire Station 37, which is located approximately 0.88-mile northwest on Pennsylvania Avenue. To address growing demand for fire services, the City if currently constructing a new Fire Station (Fire Station 36) and relocating Fire Station 39 (City of Fairfield 2024a).

Police Protection

Police services in Fairfield are provided by the Fairfield Police Department headquartered at 1000 Webster Street. The City's police department is divided into two bureaus: Operations and Support Services. Operations include patrol, traffic, investigations, and special operations, while Support Services is comprised of administrative staff, community services, records, and dispatch. During each shift, patrol officers serve specific geographic areas of the city. The City of Fairfield is now comprised of eight geographically structured policing areas. The Fairfield Police Department is located approximately 0.6-mile northwest of the Project site.

Schools

The City contains two public school districts: the Fairfield-Suisun Unified School District (FSUSD) and the Travis Unified School District (TUSD). FSUSD manages 27 schools, including 17 elementary schools, four middle schools, three high schools, two alternative schools, and one adult school. TUSD manages seven schools: three elementary schools, one middle school, one high school, and two alternative schools. Additionally, two public schools within the City are overseen by the Solano County Office of Education. The City also has five private schools: one kindergarten school, one K-8 school, and three K-12 schools, totaling 39 schools within the City. The Project site is within the FSUSD, and the closest school to the project site is Armijo High school located approximately 600 northeast of the Project site across Texas Street (City of Fairfield 2024a).

Parks

Fairfield includes a total of 22 public parks, comprising 19 neighborhood parks and three community parks covering 256.3 acres. These parks offer amenities such as playgrounds, walking paths, picnic areas, sports fields, and green spaces. Additionally, the city manages seven specialized or pocket parks across 46.5 acres (City of Fairfield 2024a). As stated in Section 3.16.1, the closest park to the Project site is Heritage Park which is located approximately one mile east of the site on Village Drive.

Other Public Facilities

Other public facilities in the City include a community center, three aquatic centers, an adult recreation center, and two libraries.

3.15.2 Regulatory Setting

<u>Federal Regulations</u>

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

<u>State Regulations</u>

California Green Building Standards (CALGreen)

CALGreen (California Building, Electrical, and Fire Codes). The California Building Standards Code (Title 24 of the 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.

3.15.3 Impact Discussion

Would the Project:

a) **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?

No Impact. The Project would continue to draw the same number of employees and visitors to the site, which currently allows public access. As such, the Project would not likely increase the need for fire protection services or require construction of new fire stations. The Project would not change operational capacity compared to existing conditions, and the new courthouse building and site improvements would be designed in compliance with current fire codes. The Project design plans would be reviewed and approved by the State Fire Marshall to ensure compliance with all applicable fire code provisions. The Project would have no impact on fire protection facilities or services.

ii) Police?

No Impact. As stated above, the Project would continue to draw the same number of employees and visitors to the site, which currently allows public access. The Project would not change operational capacity compared to existing conditions. As such, calls for emergency services would likely remain similar to existing conditions, and the need for police services would also remain similar to existing conditions. The Project would not require the construction of new police facilities. The Project would have no impact on police protection facilities or services

iii) Schools?

No Impact. As discussed in Section 3.14, the Project does not include housing and would not directly induce population growth. The Project would not increase the number of staff currently working on site. Given that the Project would not induce population growth or add staff compared to existing conditions, the Project would have no impact on schools.

iv) Parks?

No Impact. The Project proposal does not include housing, nor does it propose any changes to existing operational capacity (i.e., staff numbers and visitor use). The Project would not increase demand on the surrounding parks and recreational facilities because the Project would not induce population growth or otherwise increase the number of potential users directly or indirectly. As such, the Project would not require the construction of new parks.

v) Other public facilities?

No Impact. The Project would not increase demand on other types of public facilities because the Project would not induce population growth or otherwise increase the number of potential users directly or indirectly. As such, the Project would have no impact on other public facilities.

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 Environmental Setting

Fairfield includes a total of 22 public parks, comprising 19 neighborhood parks and three community parks covering 256.3 acres. These parks include amenities such as playgrounds, walking paths, picnic areas, sports fields, and green spaces. The City also manages seven pocket parks across 46.5 acres. The Project site is bounded on three sides by public roadways in downtown Fairfield, and is surrounded by government and commercial buildings, as well as residential developments. The closest park to the Project site is Heritage Park, which is located approximately one mile east of the site on Village Drive (City of Fairfield 2024b).

3.16.2 Regulatory Setting

<u>Federal Regulations and State Regulations</u>

No federal or state laws, regulations, or policies are applicable to recreation in relation to the proposed Project.

3.16.3 Impact Discussion

Would the Project:

a) **Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?**

No Impact. The Project consists of the demolition of existing buildings and site features and construction of a new courthouse building and associated site improvements. The proposed Project would not increase the use of existing neighborhood and regional parks because it would not directly induce population growth, and it does not propose any changes to existing on-site staff numbers or visitors. The Project would have no impact on the physical deterioration of these facilities.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project consists of the demolition of existing buildings and site features and construction of a new courthouse building and associated site improvements. The proposed Project does not include recreational facilities. As described above in criterion 16.a, the proposed Project would not increase the use of existing neighborhood and regional parks because it would not directly induce population growth, and it does not propose any changes to existing on-site staff numbers or visitors. The Project therefore would not require construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

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) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?	☐	☐	☒	☐
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 Environmental Setting

A CEQA Transportation Analysis was prepared for the Project and is presented as Appendix G. Information in this Transportation section is obtained from both the Fairfield Forward 2050 General Plan and the CEQA Transportation Analysis prepared by Hexagon Transportation Consultants (Appendix G).

Regional access to the Project site is provided via I-80 to the west at the Travis Boulevard Exit, and Highway 12 to the south and the Jackson Street and Webster Street Exits. Local access to the existing Solano HOJ parking area is provided via Washington Street and Delaware Street. The Project site is served by Fairfield and Suisun Transit System (FAST) bus stops (Fehr & Peers 2023). The Suisun/Fairfield transit station is situated three blocks to the south and contains bus stops with connections to FAST. Additionally, the Project site is served by bicycle facilities on Texas Street and Union Avenue, and pedestrian pathways are located along outer edges of the site, as well as existing intersections contiguous with the site currently maintain ADA accessible provisions (Fehr & Peers 2023).

This point of vehicular access onto the site would be retained by the Project. Vehicular access to the new staff parking lot would be provided from Washington Street. As vehicular access to the site is currently provided via Washington Street, the Project does not propose altering the existing circulation system that gives access to and from the site.

The Project site is served by Fairfield and Suisun Transit System (FAST) bus stops (Fehr & Peers 2023). The Suisun/Fairfield transit station is situated three blocks to the south and contains bus stops with connections to FAST. The proposed Project would not impact nor interfere with the existing transit facilities that serve the site. Due to the convenient location of the bus stops and the Suisan/Fairfield Transit Station, it is assumed that some employees and

visitors of the Project are utilizing and would continue to utilize the existing transit services. The Project would not affect any existing transit services (Hexagon 2025).

The Project site is served by bicycle facilities on Texas Street and Union Avenue (Fehr & Peers 2023). The Project does not propose to remove or otherwise alter these existing bicycle facilities.

The Project site is served by pedestrian pathways along outer edges of the site, and existing intersections contiguous with the site currently maintain ADA accessible provisions (Fehr & Peers 2023). The Project does not propose to remove these existing pedestrian facilities. Proposed site improvements that may impact existing ADA accessible facilities are required to maintain ADA accessible provisions after completion of Project construction. A plan to ensure pedestrian safety while maintaining building access during the Project construction period would be prepared.

Project construction is expected to take approximately 28 months, and would include construction employee vehicles, materials delivery vehicles, and heavy vehicles (for excavation, concrete pours, etc.) for periods throughout the construction schedule. The construction workforce could average about 100 workers. These workers are expected to travel primarily by car (drive-alone and carpooling) to the Project site. Typical hours for construction sites are generally 7:30 AM to 4:30 PM, although the JCC is proposing construction hours that could range from 7:00 AM to 7:00 PM.

3.17.2 Regulatory Setting

Federal Regulations

No federal regulations are applicable to transportation in relation to the proposed Project.

State Regulations

California Complete Streets Act of 2008

Originally passed in 2008, California's Complete Streets Act (AB 1358) 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 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 Land Use and Climate Innovation (LCI) 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, LCI issued revised CEQA Statute & Guidelines, along with a Technical Advisory: On Evaluating Transportation Impacts in CEQA (LCI 2018) to assist practitioners in implementing the CEQA Statute & Guidelines revisions to use VMT as the new metric.

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 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. The City of Fairfield would be subject to these and any modified State standards.

California Trial Court 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 Regulations

The Judicial Council, acting as the judicial branch of the 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 Fairfield General Plan

The Circulation Element of the City of Fairfield General Plan outlines the following policies relevant to Transportation that are applicable to the proposed Project:

Policy CIR-3.1: Vehicle Miles Traveled (VMT) Screening Criteria. Evaluate new development and redevelopment projects for compliance with adopted VMT significance thresholds and transportation impact screening criteria. All projects, residential projects that generate more than 50 peak hour trips (AM or PM), and nonresidential projects that generate more than 100 peak hour trips, must prepare a local transportation analysis. In the event a project is unable to screen for VMT, the developer shall be required to perform an LOS (Level of Service) analysis.

Policy CIR-7.11: Minimizing Conflicts. Minimize bicycle/pedestrian/ motor vehicle conflicts by providing proper trail, street, and intersection signage, design, and separation. Bicycle trails should cross at marked crosswalks or controlled intersections. Continue to monitor and consider for adoption new tested technologies that improve bicyclists' mobility and convenience while addressing safety considerations.

3.17.3 Impact Discussion

Would the Project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant with Mitigation Incorporated. The Project does not propose altering the existing circulation system that provides access to and from the site. Vehicular access to the site would be retained by the Project and access to the new staff parking would be provided via Washington Street. The proposed Project would not impact or interfere with the existing transit facilities that serve the site. Due to the convenient location of the bus stops and the Suisan/Fairfield Transit Station, it is assumed that some employees and visitors of the Project are utilizing and would continue to utilize the existing transit services. Therefore, the Project would not affect any existing transit services (Hexagon 2025). Additionally, the Project does not propose to remove or otherwise alter the existing bicycle facilities.

The Project site is served by pedestrian pathways along outer edges of the site, and existing intersections contiguous with the site currently maintain ADA accessible provisions (Fehr &

Peers 2023). The Project does not propose to remove these existing pedestrian facilities. Proposed site improvements that may impact existing ADA accessible facilities are required to maintain ADA accessible provisions after completion of Project construction. A plan to ensure pedestrian safety while maintaining building access during the Project construction period would be prepared.

Project construction is expected to take approximately 28 months, and would include construction employee vehicles, materials delivery vehicles, and heavy vehicles (for excavation, concrete pours, etc.) for periods throughout the construction schedule. The construction workforce could average about 100 workers. These workers are expected to travel primarily by car (drive-alone and carpooling) to the work site. The normal work hours for construction are typically 7:30 AM to 4:30 PM, with most workers arriving prior to the start of the morning peak hour of traffic and some likely departing after the end of the afternoon peak hour.

The early construction phases – demolition and site clearing, earthwork and underground utilities, and foundations and slabs – are expected to require the largest number of heavy vehicles. Daily vehicle estimates are not available, and the duration of these phases are not yet identified but would likely last for several months. Construction vehicles would be required to utilize designated truck routes to minimize roadway impacts. Haul truck traffic at local intersections could be disruptive to traffic flow and introduce vehicle and pedestrian safety concerns. A detailed construction traffic management plan identified in Mitigation Measure TR-1 would is recommended to address traffic conditions through the construction period and ensure public safety. The proposed Project is required to ensure public safety through the implementation of construction-period traffic management as required by Fairfield Municipal Code Chapter 16 – Streets and Sidewalks. Therefore, the proposed Project would not permanently or substantially alter the existing circulation system and would not have substantial operational impacts. The Project could result in potentially significant impacts related to construction traffic. The construction traffic management plan would be included in final Project design and construction documents. With implementation of the measures identified in a construction traffic management plan, the impacts would be less than significant.

Impact TR-1: The Project could potentially impact pedestrian safety and traffic safety during the construction period.

Mitigation Measure TR-1: Prepare Construction Traffic Management Plan. The Judicial Council or its contractor shall prepare a detailed CTMP to address traffic conditions throughout the construction period. The Judicial Council shall develop the plans for review and approval by the City of Fairfield Public Works Department prior to commencing the work. The CTMP shall at a minimum, include the following:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- Location of construction staging areas for materials, equipment, and vehicles at approved off site locations (if needed).
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. The manager shall

determine the cause of the complaints and shall take prompt action to correct the problem.

- Provision for accommodation of pedestrians and bicyclists in the construction area.
- Identification of construction worker parking areas on the Project site and designated off-site areas to ensure construction workers do not park in neighborhood streets.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Less Than Significant Impact. VMT Section 15064.3 of the CEQA Guidelines provides considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts.

The Project does not propose any changes to existing on-site operations. Staff numbers and operational capacity (i.e., visitor use and number of courtroom proceedings) would remain the same. As such, the Project does not propose operational changes that could result in an increase in VMT generated on site. As a result, the Project would not have a significant impact on VMT (Hexagon 2025).

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

Less Than Significant Impact. As stated above, access to the existing Solano HOJ parking area is provided via Washington Street; this point of vehicular access onto the site would be retained by the Project and vehicular access to the new staff parking lot would be provided via Washington Street. Access to the 17 proposed secured judicial parking spaces would be provided via a new ingress/egress driveway extending from the new courthouse building to Washington Street.

Any modification to adjacent public sidewalks, streets, access or encroachments into the City right-of-way shall be reviewed and approved by the City of Fairfield. Any traffic signal adjustments or modifications to traffic movements as well as street lighting within the public right-of-way shall be reviewed by the City of Fairfield Traffic Division. Project driveways would be constructed to local, regional, and federal standards and, as such, would not be expected to introduce any hazardous design features.

Project construction-related traffic (including worker vehicles and large trucks) would interact with other vehicles, bicyclists, and pedestrians and could create traffic safety hazards. During the construction period, trucks delivering materials and equipment would travel to and from the Project site along local streets in Fairfield. The presence of slow-moving, large construction vehicles could obstruct passenger vehicle drivers' field of vision and make turns or passing more hazardous for all roadway users. The creation of potential traffic safety hazards as a result of Project construction would be a potentially significant impact. The proposed Project is required to ensure public safety through the implementation of construction-period traffic management as required by Fairfield Municipal Code Chapter 16 – Streets and Sidewalks. Implementation of Project traffic control measures would reduce Project construction traffic safety impacts.

The Project could introduce road hazards, but given points of site ingress and egress would be designed to meet all applicable local, regional, and federal standards, thereby reducing the potential for roadway hazards, and a construction- traffic management plan would be implemented, reducing the impact to less than significant.

d) Result in inadequate emergency access?

Less Than Significant Impact. As discussed in Section 3.9.3, item (f), the proposed Project would not interfere with emergency response access in the Project vicinity. Currently, site access is provided via Washington Street; this point of vehicular access onto the site would be retained by the Project. And vehicular access to the new staff parking lot would be provided via Washington Street. New site access points are required to meet the width requirements of the Fairfield Municipal Code. Fire and emergency service access plans shall be reviewed and approved by the Fairfield Fire Department.

Construction of the proposed Project could result in temporary access point closures that may alter emergency vehicle access. However, potential impacts would be limited to the construction period, and the implementation of the required traffic control plan (Mitigation Measure TR-1) would ensure potential impacts would not be significant. Given the design of the proposed site access points (e.g., new driveways) and the Project's fire access plans must be reviewed and approved by the City of Fairfield, including the Fairfield Fire Department, the impact would be reduced to less than significant.

3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
Cause a substantial adverse change in the significance of a tribal cultural resources, 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☒	☐	☐

3.18.1 Environmental Setting

The following tribal cultural resources setting information is summarized sourced from the *Draft Environmental Impact Report for the Fairfield General Plan 2050 and Climate Action Plan* (2024).

<u>Tribal Cultural Resources</u>

A tribal cultural resource (TCR) is a site, feature, place, cultural landscape, sacred place, or object with cultural value to a tribe that is included or determined to be eligible for inclusion in the California Register of Historic Resources (CRHR), included in a local register of historical resources, or otherwise determined to be significant by the lead agency of an environmental review process.

Based on the NWIC evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Solano County have been found in areas at the hill to valley interface, in valleys, near intermittent and perennial watercourses and near areas populated by oak, buckeye, manzanita, and pine, as well as near a variety of plant and animal resources. The City of Fairfield General Plan Planning Area is bisected by several watercourses including Union Creek, Putah South Canal, Denverton Creek, Green Valley Creek, American Canyon Creek, Suisun Creek, Ledgewood Creek, and Laurel Creek. Given the similarity of these environmental factors, and the ethnographic and archaeological sensitivity of the region, there is a high potential for unrecorded tribal cultural resources to be within the proposed City of

Fairfield General Plan Planning Area. The City of Fairfield General Plan Planning Area has 35 recorded Native American archaeological resources, including lithic scatters, and isolates, habitation sites, burials, bedrock milling features, architectural features, such as rock shelters and caves, and hearths and pits.

3.18.2 Regulatory Setting

Federal Regulations

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

State Regulations

California Environmental Quality Act (CEQA)

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.

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.

California Health and Safety Code Section 7050.5

Section 7050 of the California Health and Safety Code 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)).

3.18.3 Impact Discussion

Would the Project:

a) Cause a substantial adverse change in the significance of a tribal cultural resources, 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 Resources 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 Incorporated. Under CEQA, a resource that is listed in the CRHR or local historic register, or is eligible to be listed, and is significant to a California Native American tribe, is a TCR (PRC 21074(a)(1)). In addition, a resource that is not listed or eligible for listing and which has significance to a California Native American tribe that JCC determines is a significant resource within the framework of the CRHR (PRC 5024.1(c)) is also a TCR (PRC 21074(a)(2)). As such, lead agencies have a responsibility to evaluate such resources against the CRHR criteria prior to making a finding as to a proposed project's impacts to TCR (PRC § 20174, 5024.1). It is possible for a lead agency to determine that an artifact, site, or feature is considered significant to a local tribe, without necessarily being eligible for the CRHR.

Research conducted for the proposed Project included a prehistoric and historic site records and literature search for the Project site and 0.25-mile radius completed by staff of the CHRIS, Northwest Information Center, Sonoma State University (NWIC) with negative results (MIG and Basin Research Associates 2023). MIG, Inc. and Basin consulted reference materials available online. Research also included contact with the Native American Heritage Commission (NAHC) to conduct a review of the Sacred Lands File (SLF) and a field orientation review of the site. The NAHC review of the SLF was negative for registered tribal resources. No previously unidentified cultural resources were recorded during the field survey. The review of background documents and the field survey did not uncover any known or recorded archaeologically significant sites, structures, landmarks, or points of interest. The Cultural Resources Report determined there are no known cultural (prehistoric or historic) resources on site. The Cultural Resources Report did not provide recommendations related to the protection ofTCR, including archaeological resources. See Cultural Resources section 3.5.3 responses b and c for further discussion.

The Judicial Council distributed "Invitations to Consult on Tribal Cultural Resources" (AB 52 consultations) for the Project to the eight tribes identified by the NAHC as traditionally and culturally affiliated with the Project area on October 1, 2024. These notices of an opportunity to consult included a general project description, project location, contact information for the Judicial Council, and notice that pursuant to CEQA that tribes must request consultation within thirty days (PR 21080.3.1(d)). These invitation letters were followed up with emails and phone calls to ensure the invitations were received. The Judicial Council did not receive any requests for tribal consultation. Two tribes expressed interest in receiving copies of any new cultural resource information if found during Project implementation On September 5, 2025 the Judicial Council sent letters to the tribes informing them that the 30-day window for initiating tribal consultation had closed The Judicial Council did not receive any information from tribes or the

public regarding the existence of TCR on which the Project may have a potentially significant impact.

While the Cultural Resources Report determined there are no known cultural resources on site through records searches with the CHRIS and SLF and a field survey, no unrecorded archaeological resources were discovered during previous site development, and the Project proponent did not receive any requests for AB 52 consultation, the potential for discovery of TCR cannot be ruled out given the general characteristics and history of the area surrounding the Project site. In the event TCR are discovered on site during Project implementation, Project construction activities are subject to existing state regulations that establish protocol to be followed in the event of accidental discovery of TCR. Given the available information about TCR essentially overlaps with that of archaeological and historical resources, Mitigation Measures CUL-2a and CUL-2b in Section 3.5, Cultural Resources will likewise mitigate the Project's potentially significant impacts on TCR to a less than significant level. Mitigation Measures CUL-2a and CUL-2b have been incorporated into the proposed Project to reduce the potential impact on unrecorded archaeological resources and buried human remains. With implementation of Mitigation Measures CUL-2a and CUL-2b, the Project’s potential impacts on TCR would be less than significant.

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, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication 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 Environmental Setting

Water

The City's current raw water supply is exclusively from surface water that is then treated and distributed to meet the demands of the City's water customers. The City's raw water supply is derived from two sources – the Solano Project and the State Water Project (SWP). The Solano Project, which is operated by the Solano Irrigation District, delivers Lake Berryessa water to four cities, including Fairfield (City of Fairfield 2024a).

The City's contracts for potable water delivery are administered by the Solano County Water Agency, which acts as the wholesaler of raw water for the Solano Project and the SWP. The raw water from these sources is treated at the Waterman Water Treatment Plant, which treats Solano Project water, and the North Bay Regional Water Treatment Plant, which treats Solano Project and SWP water. North Bay Regional is jointly owned with the City of Vacaville. The Solano Project is a federal project with the United States Bureau of Reclamation that is operated by the Solano Irrigation District. The SWP is a State project operated by the California DWR (City of Fairfield 2024a).

Sewer

The Fairfield-Suisun Sewer District (FSSD) and the cities of Fairfield and Suisun City jointly operate and maintain the wastewater collection system that serves both cities. The joint operation owns and operates the trunk sewer system, which includes all sewers 12 inches and larger, while both cities manage their own gravity sewers smaller than 12 inches that connect to the FSSD trunk sewer system. The FSSD trunk sewer system flows to the FSSD Wastewater Treatment Plant (WWTP) for treatment and disposal. During the summers of 2018, 2019, and 2020, Average Dry Weather Flows (ADWFs) averaged approximately 12.5 million gallons a day. To accommodate growing demands, enhancements completed in 2010 increased the plant's capacity from 17.5 to 23.7 million gallons a day ADWF (City of Fairfield 2024a).

Stormwater

Storm runoff from Fairfield travels through storm drains and natural channels that ultimately drain into McCoy, Union, Pennsylvania Avenue, Ledgewood, Laurel, and Union Avenue Creeks. These waterways discharge into tidal channels leading to Suisun Slough, and into American Canyon, Suisun, Jameson Canyon, Green Valley, and Dan Wilson Creeks, which discharge into tidal channels that flow into Cordelia Slough. All stormwater from the city eventually reaches the Suisun Marsh, a tidal area comprising marshlands, sloughs, and bays. The FSSD is responsible for operating and maintaining City-owned stormwater pump stations (City of Fairfield 2024a).

Fairfield holds a Municipal Regional Stormwater NPDES Permit issued by the California RWQCB. This permit mandates that all new development projects, including public and private roadway widening projects, incorporate stormwater quality measures during and after construction. Erosion control and stormwater quality measures must comply with the latest NPDES permit requirements at the project's completion (City of Fairfield 2024a).

Fairfield Justice Campus Asset Protection Project

The Solano County Department of General Services (DGS) is sponsoring the Fairfield Justice Campus Asset Protection Project which intends to make improvements to the storm drainage system through and around the Project site to prevent further stormwater damage (flooding), loss of function, and impairment of operations within the Justice Campus. The DGS is proposing to replace or upgrade existing storm drainage facilities across approximately 4.6 acres to improve drainage and overland stormwater runoff. Specific upgrades include low barrier walls, hydraulic gates, landscaped berms, and roadway ramps on Delaware Street and Washington Street. A new Americans with Disabilities Act (ADA)-compliant plaza would be installed in front of the Hall of Justice. Pedestrian and vehicle ramps would provide access during normal operations and would also allow for emergency access during severe storm events. Additional storm drains and pump capacity are also included. The proposed Project would improve security to protect operations and staff including new pedestrian facilities, lighting features, vehicle access gates, card readers, and metal fencing (Solano County Department of General Services 2023).

Solid Waste

Solid waste generated by the City's households and businesses that is not recycled or composted goes to a landfill. In 2019, 93 percent of the City's municipal solid waste was directed to the Potrero Hills Landfill. Four percent went to Recology Hay Road, and two percent to Keller Canyon Landfill, with the remaining waste handled by other regional facilities. According to CalRecycle, the Potrero Hills Landfill currently possesses approximately 13.9 million cubic yards of remaining capacity and is anticipated to remain operational until 2048. If capacity concerns arise in the future, the City has authority through its franchise agreement to redirect waste to another facility with available capacity. In 2022, the City disposed of approximately 7.7 pounds of waste per resident per day (PPD) into landfills, an increase from 5.9 PPD in 2007 (City of Fairfield 2024b).

3.19.2 Regulatory Setting

Federal Regulations

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 Regulations

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 waste by 2000 (PRC 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.

California Green Building Standards (CALGreen) Code Section 5.408.1: Construction Waste Management.

The 2022 California Green Building Standards Code, Title 24, Part 11 (CALGreen), Section 5.408.1 requires residential, commercial and industrial construction or demolition projects over 1,000 square feet must recycle and/or salvage for reuse a minimum of 65 percent of the non-hazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.

CALGREEN Code Section 5.408.1.1 requires the preparation of a Construction Waste Management Plan that identifies the construction and demolition waste materials to be diverted from disposal by efficient usage, recycling, reuse on the Project or salvage for future use or sale. The Construction Management Plan also indicates if construction and demolition waste materials will be sorted on-site (source separated) or bulk mixed (single stream), identifies diversion facilities where construction and demolition waste material collected will be taken, and specifies that the amount of construction waste and demolition materials diverted shall be calculated by weight or volume, but not by both.

CALGreen Code Section 5.408.1.2 allows the owner or contractor to utilize a waste management company that can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the land fill complies with this section.

CALGreen Code Section 5.408.1.3 provides an alternative to the waste stream reduction requirement. The combined weight of new construction disposal that does not exceed 2 pounds per square foot of building area may be deemed to meet the 65-percent minimum requirement, as approved by the enforcing agency.

California Trial Court Facility 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 Regulations

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 Fairfield General Plan

The Public Facilities and Services Element of the City of Fairfield General Plan outlines the following policies relevant to utilities and service systems that are relevant to the proposed Project:

Policy PFS-7.7: Require all new development located within City limits connect to the public water system, construct all potable water lines serving such development, and provide adequate funding for the development's use of all potable water infrastructure and facilities.

Policy PFS-8.4: Require that all new development located within City limits connect to the public wastewater collection system, construct all sanitary sewer lines serving such development (including oversizing of sewers if requested by the Fairfield-Suisun Sewer District or the City), and provide adequate

funding for the development's use of all wastewater infrastructure and facilities.

Policy PFS-9.3: Storm Drainage Plan. Prior to project approval, require new development and redevelopment projects to submit a storm drainage plan that meets the following requirements:

- Adherence to the City of Fairfield Standard Specifications and Details, Engineering Design Standards (Section 4 - Storm Drainage);
- Prevention of on and off-site flooding through "green infrastructure," Low Impact Development techniques and, if applicable, trash capture devices; and
- Demonstration of stormwater runoff volumes that are no greater than the capacity of any portion of the existing downstream system through utilization of detention, retention, or other approved methods of stormwater management.

The Sustainability Element of the City's General Plan provides the following policies relevant to utilities and service systems that are relevant to the proposed Project:

Policy SUS-9.1: Water Conservation Techniques. Require water conservation techniques to be incorporated into the design of all development projects.

Policy SUS-9.5: Require the planting of native and/or drought-tolerant landscaping at the site of new/existing City facilities, landscaped medians, and parkway strips to reduce water use and maintenance costs. Consider requiring that compost be applied to these areas to further reduce water loss.

Policy SUS-10.2: Stormwater Management. Require stormwater management techniques that minimize surface water runoff in public and private developments. Utilize low-impact development techniques such as bioswales and other best management practices to manage stormwater.

Fairfield Municipal Code Construction and Demolition Debris Recycling

Consistent with CALGreen state requirements, the City of Fairfield's City Code Section 9.460 requires that Construction and Demolition (C&D) projects divert 65% of their waste from entering the landfill. Residential, commercial and industrial construction or demolition projects over 1,000 square feet must complete their Construction and Demolition Waste Reduction and Recycling Plan (C&D Recycling Plan) prior to beginning construction.

3.19.3 Impact Discussion

Would the Project:

a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

Less Than Significant Impact. The Project consists of constructing a new courthouse building for the Solano Superior Court on the site of the existing Solano HOJ facility. Existing buildings and site features would be demolished requiring new utility connections to the new building. Utility rerouting would be required including sanitary/storm systems, electrical components, emergency generator, gas service, HVAC systems, and fire alarm control. The Project may increase utility demands as described further below under item (b) and (e); however, because the Project would not alter the existing land use of the **P**roject site or expand the operational capacity of the existing facility (e.g., number of courtrooms, on-site employees, hours of operation, or visitor use), a substantial increase in demand for potable water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities compared to existing conditions is not expected such that construction of new or expanded utility or service systems infrastructure is required. The relocation of utilities on the Project site to meet the new courthouse needs is not likely to have geology, soils, cultural resources, or other environmental effects as described under the relevant sections.

The Project site is part of the larger Solano County Fairfield Justice Campus Asset Protection and Resiliency Project which will be making stormwater drainage improvements to the Project site and the area surrounding the Project site to prevent flooding during storm events. As discussed in Hydrology section 3.10.3 response c) iv), the Project design and construction must reflect the planned improvements of the Fairfield Justice Campus Asset Protection and Resiliency Project (see Mitigation Measure HYDRO-1). This impact would be less than significant.

b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

No Impact. The Project would use water temporarily in the short-term for construction and over the long-term for domestic use (e.g., water fountains, restrooms, and other plumbed water facilities) in the new courthouse building and for irrigation of new landscape plantings. Water service, including fire water service, for the Project would be reviewed, approved, and provided by the City of Fairfield (Fairfield Municipal Utilities).

Water usage from the existing Solano HOJ building during Fiscal Year 2024/2025 was 138,000 cubic feet or 1,032,240 gallons as shown below in Table 3-16. Proposed water usage in the new building would be 750,568 gallons per year based on building occupancy (171 staff and 860 guests), 3.5 gallons per person usage rates, 260 days per year building operation, and a 20 percent variance.

Table 3-16. Existing Solano Hall of Justice Annual Water Use (FY 2024/2025)

Meter Location	Meter Description	Water Use (cubic feet)	Water Use (gallons)
600 Union Street	¾" water line	200	1,496
600 Union Street	HOJ N Wing Meter #4	91,400	683,672
600 Union Street	HOJ irrigation	0	0
550 Union Street	HOJ S Wing	46,400	347,072
	TOTAL	**138,000**	**1,032,240**
Source: Solano County 2025			

Because the Project site is already occupied by a courthouse building (i.e., no change in land use) and the new courthouse would not expand the operational capacity beyond existing levels, water demand would not be increased compared to existing conditions. Further, current building codes require water conservation measures such as low-flow water fixtures and flush toilets in new construction buildings. The new courthouse building would operate more efficiently compared to the older systems in the existing building resulting in a permanent decrease in water use demand by roughly 281,672 gallons per year. As a result, the project would have no impact to water supply.

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?

No Impact. The Project proposal includes restroom facilities that would generate wastewater, similar to existing conditions. Sanitary sewer service for the Project would be reviewed, approved, and provided by the City of Fairfield (Fairfield-Suisun Sewer District).

Operation of the Project would result in reduced wastewater generation due to the anticipated decrease in building water usage from 1,032,240 to 750,568 gallons per year as described above in response b).. As a result, no significant adverse impact to wastewater treatment plant capacity are not expected.

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?

Less Than Significant Impact (Responses d and e). The Project would generate construction debris during the construction period. Construction and demolition debris generated by the Project during the construction period would be recycled consistent with CALGreen requirements (CALGreen Code Section 5.408.1) for recycling construction and demolition debris. All construction and demolition would be disposed of in accordance with applicable local and state requirements. The Project contractor would implement a Waste Management Plan consistent with LEED silver certification requirements and for compliance with the CalGreen

Code regarding salvage, reuse, or recycle of inert solids and construction and demolition debris created by the Project.

Solid waste generated by Project operation would be disposed of in accordance with applicable local and state requirements. The existing Solano HOJ building currently generates solid waste, and the new courthouse building can be expected to continue to generate amounts of solid waste equivalent to the site's land use, although the amount of solid waste generated may increase marginally due to the proposed increase in building square footage (i.e., an increase of approximately 33,900 square feet). The Project would not generate solid wase in excess of local infrastructure nor would it impair attainment of solid waste reduction goals. This impact would be less than significant.

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 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 Environmental Setting

Fire Hazard Severity Zones (FHSZ) are mapped by the 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, 2024).

Land within Fairfield's city limits and surrounding regions to the south and east are primarily designated as Local Responsibility Areas (LRA) for wildfire protection and are not included on CAL FIRE FHSZ maps. However, surrounding areas to the north and west of Fairfield are classified primarily as Moderate and High FHSZ (City of Fairfield 2024a).

The Project site is located within an urbanized developed part of the City that is designated as LRA. Existing on-site vegetation is minimal. Vegetation in the wider area primarily consists of street trees, commercial landscaping, and residential landscaping.

3.20.2 Regulatory Setting

<u>Federal Regulations</u>

No federal regulations are applicable to wildfire in relation to the proposed Project.

State Regulations

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;
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 (PRC Section 4442).
b. Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (PRC 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 (PRC 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 (PRC Section 4431).

3.20.3 Impact Discussion

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 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?

No Impact (Response a-d). The Project site is not located in or near a state responsibility area (SRA) nor a very high fire hazard severity zone (VHFHSZ) (CAL FIRE 2024). The nearest lands classified as SRA are located over 2.75 miles to the northwest of the Project site, and the nearest lands classified as VHFHSZ are located over 5 miles to the west of the Project site.

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 plant 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 the incremental effects of a project are considerable when viewed in connection with the efforts 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

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 plant 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?

Less Than Significant Impact with Mitigation Incorporated. The Project site is the location of the existing Solano HOJ and is located in an urbanized, extensively developed area of the City of Fairfield. The existing Solano HOJ property has several buildings and a large, paved parking lot, landscaping, and pedestrian walkways. There are no sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat occurring at the Project site. However, Mitigation Measure BIO-1 is recommended to protect nesting birds during construction. This measure would reduce impacts to birds protected under the Migratory Bird Treaty Act to less than significant. Mitigation Measure BIO-2 is recommended to reduce potential impacts of the new building through birds flying into large reflective glass windows (bird strike). Mitigation Measures BIO-1 and BIO-2 would reduce Project impacts to biological resources to less than significant.

There are no buildings currently listed or eligible for listing on the California Register of Historical Resources, no recorded archaeological sites, and no known paleontological resources located on the Project site. The HRE prepared for the Project determined that the existing Solano HOJ is not eligible for individual listing on the California and National Registers. Having undergone several phases of alteration, the building does not retain sufficient integrity to be eligible as representative of a historic period, architectural style, or as a work of a master. The building does not meet the criteria necessary for listing as a CHL. The HRE also concludes that the proposed Project does not appear to pose a significant impact on the county government center area as a potential historic district as long as the building setbacks and the historic palm trees are retained in the construction of a new county building.

The Project could potentially cause significant impacts to potential historic resources by encroaching on the view of Old Solano Courthouse along Union Avenue. Mitigation Measures CUL-1a and CUL-1b have been incorporated into the proposed Project to implement the recommendations of the project Cultural Resources Report and reduce the Project's potential impacts on the overall design intention of the potential historic district or cultural landscape associated with the Old Solano Courthouse to a less-than-significant level. With implementation of Mitigation Measures CUL-1a and CUL-1b, the Project's potential impacts on historic resources would be less than significant with mitigation incorporated.

While the Cultural Resources report determined there are no known cultural resources on the site, the presence of unrecorded archaeological resources on site cannot be ruled out. In the event unrecorded archaeological resources are discovered on site during Project implementation, Project construction activities are subject to existing state regulations that establish protocol to be followed in the event of accidental discovery of archaeological resources (see regulations listed under Section 3.5.2). Mitigation Measures CUL-2a and CUL-2b have been incorporated into the proposed Project to require the implementation of protocol for the unintended discovery of archaeological resources, including buried human remains, and reduce the Project's potential impacts on archaeological resources that may exist on the Project site to a less-than-significant level. With implementation of Mitigation Measures CUL-2a and CUL-2b, the Project's potential impacts on archaeological resources would be less than significant with mitigation incorporated.

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) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less Than Significant with Mitigation Incorporated. The proposed Project is intended to replace the existing courthouse building which is substantially out of compliance with regulatory safety, seismic, accessibility codes, and Judicial Council space standards, and is considered one of the most defective and inefficient court facilities. There are needed improvements for seismic conditions, flooding, fire and life safety conditions, ADA requirements, and environmental hazards (see Section 2.1 Project Need and Objectives for further discussion).

The new approximately 141,000 square-foot courthouse would be constructed within the footprint of the South Wing of the existing courthouse building. The Project would not increase activities at the site through adding new courtrooms, adding employees, or introducing new activities at the site that are not currently housed there. The Project would not result in long-term cumulative impacts.

The primary Project impacts would occur during construction and could combine with other construction projects in the area to cause potentially significant cumulative construction impacts. However, Mitigation Measures BIO-1, CUL-1, CUL-2, GEO-1, GHG-1, HAZ-1, HAZ-2, HYDRO-1, and TR-1 that are included in the Project would reduce potential impacts from construction to less than significant. With implementation of these mitigation measures the 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) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact with Mitigation Incorporated. The proposed Project would not have environmental effects which could cause substantial adverse effects on human beings. The Project proposes demolishing the existing courthouse building and constructing an approximately 141,000 square-foot new courthouse within the footprint of the South Wing of the existing Solano HOJ building. Mitigation measures have been incorporated into the Project to reduce potentially significant impacts to less than significant for Air Quality (AIR-1), Hazardous Materials (HAZ-1, HAZ-2), and construction traffic (TR-1). The Project would be designed and constructed to prevent future flooding of the new building and associated parking lot. The Project would not increase vehicle traffic to the site, and it would not introduce new activities that would create new potential impacts on the environment. The proposed Project's environmental effects would be less than significant.

Chapter 4. Report Preparation

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