

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT NEW FORT ORD COURTHOUSE

DATE: Monday July 18, 2022

To: Responsible and Trustee Agencies, Interested Parties, and Organizations

SUBJECT: Notice of Preparation of an Environmental Impact Report for the New Fort Ord Courthouse

The Judicial Council of California (Judicial Council) will be the lead agency and will prepare an Environmental Impact Report ("EIR") compliant with the California Environmental Quality Act ("CEQA") for the proposed New Fort Ord Courthouse Project (also referred to as "the Project" or "the proposed Project"). An Initial Study will not be prepared because an EIR will be prepared for this Project (CEQA Guidelines Section 15063[a]); however, preliminary studies, including the *Biological Resources Survey Report* (2022), *Cultural Resources Survey Report* (2022), and *Site Remediation Review Memorandum* (2022) will inform the EIR analysis. In accordance with Section 15082 of the CEQA Guidelines, this Notice of Preparation ("NOP") provides the Project location, a brief Project description, and a summary of the potential environmental effects of the proposed Project.

The purpose of this NOP is to provide an opportunity to comment on the scope and proposed content of the EIR. The Judicial Council invites responsible and trustee agencies to provide information relevant to the analysis of environmental resources falling within the jurisdiction of such agencies. Specifically, input is requested on:

1. **Scope of Environmental Analysis**—guidance on the scope of analysis for this EIR, including identification of specific issues that will require closer study due to the location, scale, and character of the Project;
2. **Mitigation Measures**—ideas for feasible mitigation, including mitigation that would avoid or reduce potentially significant or significant impacts to environmental resources; and
3. **Alternatives**—suggestions for alternatives to the proposed Project that could potentially reduce or avoid potentially significant or significant impacts.

As outlined in CEQA Guidelines Section 15082(b), each responsible and trustee agency must identify specific environmental issues, alternatives, and mitigation measures that should be explored in the EIR. If there is no response within 30 days, the Judicial Council will assume that there are no specific environmental issues, alternatives, or mitigation measures that the responsible and trustee agencies believe should be incorporated into the EIR.

WRITTEN COMMENTS ON THE NOTICE OF PREPARATION

Please provide your written comments by August 17, 2022. Comments, along with the name and contact information of the appropriate person in your organization, should be addressed to:

Kim Bobic, Senior Project Manager
Judicial Council of California; Facilities Services
455 Golden Gate Avenue, San Francisco, CA 94102-3688
805-249-0911
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Information related to this Project is available for review on the Judicial Council's website at: <https://www.courts.ca.gov/facilities-monterey.htm>. Note that the estimated Project schedule start and completion dates on the website are out of date and will be updated.

The Judicial Council will hold a public scoping meeting on **Wednesday September 7, 2022, from 5:00 p.m. to 7:00 p.m.** at the following location:

Seaside Community Center, Soper Field
220 Coe Avenue
Seaside, CA 93955

Information related to the proposed Project, including how to access Project documents and how to participate in the public review process will be provided at the scoping meeting.

PROJECT LOCATION AND SURROUNDING LAND USES

The Judicial Council is proposing to construct a new courthouse on a former Fort Ord Military Base property, in the northeastern portion of an approximately 49-acre parcel located within the "Projects at Main Gate Specific Plan Area" in the city of Seaside, California ("City").

The approximately 5-acre Project site is situated in northern Monterey County, at the northern edge of the city of Seaside (Exhibit 1). The Project site is located on the south side of Divarty Street, between 1st and 2nd Avenues (Exhibit 2).

While the Judicial Council is not subject to local land use regulations,¹ the use of the property for the proposed Project is consistent with the City's General Plan (Gov. Code § 65402(a)). The General Plan designates the Project site as Regional Commercial (CRG), which is a zoning district that permits hotels, "big-box" retail, movie theaters, and business parks. A Courthouse is consistent with many of the uses identified in the Projects at Main Gate Specific Plan ("Specific Plan"), such as an office or business park.² The maximum floor area ratio (FAR) for office space is 1.0. While neither the City's General Plan nor Zoning Code define a "business park," typically, cities use this term to mean office uses in a setting that includes large parking fields and landscaped areas. The CRG zone is intended to implement the Regional Commercial (RGC) land use designation of the General Plan, which has the same set of allowable uses as the CRG zoning district. As noted above, the Judicial Council is not subject to local land use regulations, and the above information regarding the City's General Plan, Specific Plan, and zoning is presented for context.

The previously disturbed³ proposed Project site is currently vacant and consists of a mixture of native grasses and trees. Overhead electrical lines, supported by existing utility poles, run along the northern edge of the property. The southern boundary of the city of Marina, and abandoned military housing associated with the former Fort Ord Military Base, is immediately north of the Project site.⁴ State Route (SR) 1 and the Fort Ord Dunes State Park are

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

² Adopted in 2010, the Specific Plan is a planning framework document intended to set forth the land uses, circulation, site planning, conceptual building, landscaping, architectural design, and specific development standards and design guidelines for the Specific Plan Area.

³ The 5-acre project site is part of a larger approximately 49-acre parcel that was conveyed by the U.S. Department of Defense to the City of Seaside, acting as the Local Redevelopment Authority for the former Fort Ord Army Base ("Base"). The Base was closed in 1994 under the federal government's Defense Base Closure and Realignment Act. The proposed Project site was previously used as an entry point for Fort Ord and recreation on the Base and has been developed with underground and overhead utility conveyance.

⁴ Existing abandoned military housing is slated for demolition and replacement with new housing and commercial infrastructure as part of the Dunes on Monterey Bay Site 5 Project. Exact construction schedule and phasing for the Dunes on Monterey Bay Site 5 Project is unknown, however it is reasonable to assume that construction schedule may overlap

approximately 1,000 feet west of the Project site, and the Pacific Ocean is approximately 0.8 mile west of the Project site. Immediately east of the Project site, and west of Second Avenue, is an approximately 1-foot-wide strip of land controlled by California State University Monterey Bay, which prevents access directly onto Second Avenue near the California State University Monterey Bay property, which lies to the east. East of Second Avenue, the land has been redeveloped as part of the California State University's Monterey Bay campus. South of the Project site is undeveloped land, also associated with the former Fort Ord Military Base.⁵

PROJECT DESCRIPTION

The Monterey County Superior Court is currently decentralized with operations in six facilities: the Salinas Courthouse (Main), Monterey Courthouse, Gabilan Annex, Juvenile Delinquency Facility, Marina Courthouse, and King City Courthouse. The Court assigns cases to facilities based on case type and in some instances where courtrooms are available. The Salinas Courthouse (240 Church Street, Salinas) functions as the main courthouse. It houses the court administration and handles criminal, prison, collaborative court, and juvenile dependency case types. The Gabilan Annex (118 West Gabilan Street, Salinas) houses self-help center services and court offices. The Juvenile Delinquency Facility (1422 Natividad Road, Salinas) handles juvenile delinquency cases. The Marina Courthouse (3180 Del Monte Boulevard, Marina) handles traffic, child support, and small claims cases and the Monterey Courthouse (1200 Aguajito Road, Monterey) handles restraining orders, family law, probate, and civil case types. The King City Courthouse (250 Franciscan Way, King City) provides self-help and traffic counter services, and handles traffic cases one day a month through a limited pre-set traffic arraignment calendar with a plan to expand to two-days a month by end of 2022. The Greenfield Civic Center (599 El Camino Real, Greenfield) was utilized before the Covid-19 pandemic to provide the same services currently provided in King City and is currently closed.

The purpose of the proposed Project is to consolidate most family law, probate, and civil operations into one location which will facilitate access to justice for the community. Court operations will be optimized by moving the Salinas Courthouse's juvenile dependency case load and the Marina Courthouse's child support case load into the new Monterey Courthouse. Three existing non-state-owned facilities will be vacated as a result of this Project: the Monterey Courthouse, the Gabilan Annex, and the Juvenile Delinquency Facility.

PROPOSED FACILITIES

The proposed 3-story, approximately 83,000-gross-square-foot courthouse would include seven multi-purpose courtrooms, chambers, central holding, jury assembly, self-help, and administrative support areas. The Courthouse would be constructed near the center of a 5-acre parcel, flanked by parking to the east and the west. The proposed Project includes approximately 280 surface parking spaces for staff and the public, including jury parking and a secured parking area for judicial officers. Solar power generation will be planned at 150 of the parking spaces together with the corresponding battery energy storage system.

ACCESS AND UTILITIES

The Project site would be accessed from two locations along Divarty Street: the westernmost access driveway would be controlled for use by court staff only and in-custody transports to a secure sallyport to the back of the courthouse; the easternmost access driveway would be used for public/jury parking and service deliveries. The main entry to the courthouse would be located along Divarty Street. Retaining walls may be necessary at the east, south, and/or west sides of the property. California Native Plants and climate-appropriate, drought-tolerant

with construction of the proposed project. The draft EIR will address direct and reasonably foreseeable indirect cumulative impacts of the proposed project.

⁵ Undeveloped land south of Light Fighter Drive has been approved for housing and commercial development as part of the Campus Town Project. This Project involves development of a mixed-use urban neighborhood with approximately 1,485 housing units; hotels; 150,00 square feet of retail, restaurants, and entertainment; as well as light industrial space. Exact construction schedule and phasing for the Campus Town Project is unknown, however it is reasonable to assume that construction may overlap with construction of the proposed Project. The EIR will address direct and reasonably foreseeable indirect cumulative impacts of the proposed Project.

plants and trees would be installed in landscape areas around the courthouse perimeter consistent with the Judicial Council's Water Conservation Policy of June 2015.

Potable water would be provided via a new connection from an existing water line that is located along 2nd Avenue. On-site pipelines for water use, such as pipelines required for landscape irrigation, would be installed at the time of construction. Additionally, the proposed Project intends to provide connection to an inactive recycled water line that is located along 2nd Avenue. To the extent that recycled water becomes available in the future, select operations, such as landscape irrigation, may utilize recycled water in place of potable water. The Project would not require the use of groundwater.

Wastewater is anticipated to be piped westward and connected to an existing 12- or 18-inch sewer line, both of which run north-south between the Project site and 1st Avenue. Wastewater would be conveyed north to Monterey One Water's Regional Treatment Plant. Bioretention basins would be installed throughout the property to collect on-site stormwater, as shown on Exhibit 2, detaining stormwater until it percolated into on-site soils.

Electrical service would be provided by Pacific Gas & Electric (PG&E), via existing overhead electrical lines along the northern property boundary that would be relocated underground. Natural gas service would be provided via a new connection to an existing 4-inch line in 2nd Avenue just north of Divarty Street.

CONSTRUCTION

All construction equipment and vehicles would be staged on the 5-acre Project site. Construction will be phased in alignment with the Office of the State Fire Marshal's permitting. Phase 1 construction (site preparation work, undergrounding of utilities, and foundations) is anticipated to start May 2025. Phase 2 construction (building construction) is anticipated to start in June 2026 with construction completed by July 2028.

The proposed Project would involve some tree and vegetation removal. Site preparation would involve grading (approximately 5 feet for the building structure location and fills of up to 10 feet for the parking lot areas). Grading would generally be followed by trenching, building construction, architectural coatings, paving, and finishing.

PROJECT OBJECTIVES

The Judicial Council has identified the following Project Objectives to guide planning for the Project site, as well as the analysis included within the EIR:

- Enhance the public's access to justice by consolidating most family law and civil operations in one central location.
- Relieve the current court space shortfall, increase security, and replace inadequate and obsolete buildings in Monterey County.
- Replace the Monterey Courthouse, which is rated as a Federal Emergency Management Agency (FEMA) P-154-rated Very-High-Risk seismically deficient building.
- Avoid future deferred maintenance expenditures associated with the ongoing use of older facilities.
- Consolidate functions and optimize use of court facilities.

REQUIRED APPROVALS

Approvals required for the proposed Project may include, but are not necessarily limited to:

- Office of the State Fire Marshal—approvals to construct and occupy
- Judicial Council of California—approval of the Project and acquisition of property

- City of Seaside—sale of 5-acre parcel; Fire Department review of emergency access and fire flow
- City of Marina—encroachment permits
- Monterey Bay Air Resources District—authority to construct/permit to operate emergency generators
- Marina Coast Water District—domestic water supply, recycled water, and fire flow
- Marina Coast Water District —sewer connections and conveyance

ENVIRONMENTAL REVIEW

As required by CEQA, the EIR will describe existing conditions and evaluate the potential environmental effects of the proposed New Fort Ord Courthouse and a reasonable range of alternatives, including the no-project alternative. It will address direct, reasonably foreseeable indirect, cumulative, and growth-inducing effects. The EIR will identify feasible mitigation measures, if available, to reduce significant and potentially significant impacts.

POTENTIAL ENVIRONMENTAL IMPACTS

The following environmental topic areas are preliminarily anticipated to be evaluated in the EIR:

- **Aesthetics, Light and Glare**—The EIR will describe the existing visual conditions and will evaluate the potential impacts on scenic resources and visual character that may result from development of the proposed Project, as well as impacts related to light and glare. With regards to potential impacts on scenic highways, SR 1 from the intersection with Route 68 in the south to Castroville in the north is not a designated State Scenic Highway but is eligible for such designation.
- **Agriculture and Forestry Resources**—The Project site is not zoned or designed for agricultural or forestry uses. The Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; it is designated by the California Department of Conservation as Urban and Built-Up Land, which does not fall under the Important Farmland umbrella. The Project site is not encumbered by a Williamson Act contract. The EIR will also document that no forest land resources are present.
- **Air Quality**—The EIR will discuss the regional and local air quality setting and quantify air pollutant emissions for construction and subsequent operation of proposed uses. The emissions estimates will be derived in consideration of recommended methods and significance thresholds developed by the Monterey Bay Air Resources District, and the EIR will explain how methods and thresholds are designed to assess potential human health effects.
- **Biological Resources**—The EIR will define the biological resources in the Project area, identify existing habitats, and evaluate the Project's potential effects on wetlands, other sensitive natural communities, and special-status plant and animal species. The EIR will consider applicable measures to avoid, minimize, and offset covered species impacts as described in the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP).
- **Cultural Resources**—The EIR will describe any existing Cultural Resources and evaluate potential impacts on those resources, including the potential to affect undiscovered resources during excavation and grading.
- **Tribal Cultural Resources**—The EIR will describe any existing Tribal Cultural Resources and evaluate potential impacts on those resources, including the potential to affect undiscovered resources during excavation and grading. The EIR, including level of impact and opportunities for avoidance, preservation in place, and mitigation of Tribal Cultural Resources will be informed by consultation with traditionally and culturally affiliated California Native American tribes whom request consultation pursuant to AB 52 (Gatto, 2014) to assess potential impacts on Tribal Cultural Resources.

- **Energy**—The EIR will describe the Project’s consistency with energy conservation standards and evaluate whether the Project would lead to wasteful or inefficient use of energy or affect local or regional energy supplies.
- **Geology, Soils, Minerals, and Paleontology**—The EIR will briefly describe the geological setting and potential environmental effects related to geologic and soils hazards, and unique paleontological (fossil) resources. This section will outline design measures, best management practices, and regulatory requirements to minimize impacts on people or structures from geologic and soil hazards. The EIR will also identify any potential impacts to undiscovered fossils. Deposits of regionally or locally important mineral resources are not present at the Project site.
- **Greenhouse Gas Emissions**—The EIR will include a description of the current science surrounding climate change. The EIR will quantify greenhouse gas (GHG) emissions for construction and subsequent operation of the proposed courthouse. Emissions estimates will be evaluated for consistency with the State legislative framework for reducing GHG emissions reductions.
- **Hazards and Hazardous Materials**—The EIR will briefly summarize hazards and hazardous materials issues and evaluate potential Project impacts arising from use of the Project site as part of the former Fort Ord Military Base, along with hazardous materials sites on the Cortese List (California Government Code Section 65962.5). The EIR will briefly discuss potential impacts from the transport, use, or disposal of hazardous materials; accidental releases of hazardous materials; emissions of hazardous or acutely hazardous materials, substances, or waste near a K–12 school; proximity to known location within an airport land use plan or in the vicinity of a private airstrip; and impairment of an adopted emergency response or evacuation plan.
- **Hydrology and Water Quality**—The EIR will briefly discuss hydrologic and water quality conditions and potential short-term construction-related effects on water quality from stormwater runoff, as well as potential long-term operational effects on stormwater drainage volume, peak flows, and maintenance effects on water quality. The EIR will also briefly consider potential impacts related to groundwater recharge and sustainability from the addition of impervious surfaces associated with the proposed development. The Project site is not located in a FEMA 100-year flood hazard zone. This section will outline design features and best management practices included to minimize hydrology and water quality effects.
- **Land Use and Planning**—The EIR will describe existing land uses and zoning and evaluate the potential for the proposed Project to divide an existing community and a discussion of conflicts with policies and plans adopted for the purpose of reducing or avoiding environmental effects.
- **Noise and Vibration**—The EIR will describe existing noise and vibration conditions and the potential impacts of construction and operation of the proposed development. Noise and vibration levels from construction, and noise levels from operation of the courthouse and associated parking, will be estimated and compared with existing ambient noise levels.
- **Population and Housing**—The EIR will evaluate the potential for the proposed Project to induce substantial unplanned population growth. Because the Project site was formerly part of the Fort Ord Military Base and is currently undeveloped, no impacts are anticipated related to displacing substantial numbers of housing units or people that could lead to potentially significant environmental effects.
- **Public Services**—The EIR will describe existing public services related to fire, police, and schools, and will evaluate whether the proposed Project could result in potential increases in demand. The EIR will evaluate whether those demands would require new facilities, the construction of which could cause significant environmental impacts.
- **Recreation**—The EIR will briefly describe existing recreational facilities in the Project area. Because the Project site was formerly part of the Fort Ord Military Base and does not involve the construction of new housing, no impacts are anticipated related to recreation resources.

- **Transportation**—The EIR will summarize an analysis of vehicle miles traveled ("VMT") related impacts of the proposed Project and explain that adverse physical environmental impacts associated with VMT are included in the air quality, greenhouse gas emissions, and other relevant topic sections of the EIR. The proposed Project site plan will be evaluated for access and on-site circulation, including interface with the public roadway network, emergency vehicle access and circulation, and pedestrian and bicycle access and circulation within and adjacent to the site.
- **Utilities and Service Systems**—The EIR will evaluate physical environmental impacts related to the provision of utility systems, including water supply, wastewater treatment, and solid waste disposal. Because the proposed Project is less than 250,000 square feet and includes fewer than 1,000 office employees, a water supply assessment is not required by Senate Bill 610 (Corta, 2001). Stormwater drainage facilities will be assessed in the Hydrology and Water Quality section of the EIR.
- **Wildland Fire Hazards**—The Project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, the EIR will explain why no significant impacts related to wildland fire hazards would be likely to occur.



Exhibit 1. Project Location



Note: GSF = gross square footage of the proposed building.
FF = finish floor elevation of the proposed building.
Source: Dreyfuss+Blackford Architecture 2022; adapted by AECOM 2022

Exhibit 2. Project Site and Conceptual Plan