



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

December 6, 2011

Laura Sainz  
Environmental Program Manager  
Office of Court Construction and Management  
Judicial Council of California – Administrative Office of the Courts  
2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833

**RE: Comments to the Draft Environmental Impact Report (DEIR) for the New  
Ukiah Courthouse in Mendocino County, California**

Dear Ms. Sainz:

This letter is in response to your Notice of Availability of the Draft Environmental Impact Report (DEIR) for the new Courthouse in the City Ukiah for comments. The Department of Planning and Building Services in consultation with the County Department of Transportation and the General Services Agency have reviewed the DEIR and offer the following comments to the DEIR, dated October 2011, prepared by RBF Consulting.

The proposed project would involve the Administrative Office of the Courts (AOC) to acquire property for and construct a new, approximately 114,000 sq. ft. courthouse housing nine courtrooms for the Superior Court. The DEIR has analyzed two potential sites that include the site of the current County Library and the Railroad Depot site.

**Comments:**

1. Section 2 of the DEIR, Executive Summary and also on page 3-4, under the "Existing Setting" discussion, there is no mention of how the existing library is to be replaced if it is displaced by the new courthouse. Additionally the DEIR does not address how the existing courthouse is to be utilized when vacated. Upon examination, the DEIR only focuses on the two sites but does not fully address the existing courthouse or the library.

2. Section 3, Project Description of the DEIR contains a table (3-1) on page 3-10 that notes that preliminary space allocation needs illustrate that approximately 94,500 sq. ft. of area would be devoted to vehicle/pedestrian circulation area; and 28,454 sq. ft. would be the footprint of the proposed courthouse building.

Both sites would result in varying levels of increased impermeable surface area. According to the DEIR, the project is to comply with all state, federal requirements and would include the implementation of Best Management Practices (BMPs) and low Impact Development (LID) measures which would reduce impacts to a less than significant level.

The DEIR notes that no mitigation is required. However, on both sites there could be substantial grading, excavation and with the library site demolition and earth moving that could result in sediment runoff into nearby Gibson Creek. At minimum mitigation measures should be specified in the EIR to address impacts associated with stormwater runoff instead of relying on whether what BMPs are to be installed.

3. DEIR Section 4.7 hydrology and Water Quality. Pages 4.7-2 and 4.7-3 of the DEIR acknowledge flooding as a result of dam failure (Lake Mendocino), noting that the greatest damage would likely occur south of Calpella, with both project sites located in the area. The DEIR also notes that both sites are considered to be within the 100-year flood area as defined on page 4.7-3 of the DEIR.

Page 4.7-20, Impact 4.7-8 notes that construction of structures would be located outside of the 100-floodplan, and notes that the impact is less than significant. The DEIR only illustrates the property boundaries of each site on the Flood Insurance Rate Map for the area (page 4.7-4 of the DEIR). The DEIR should clearly illustrate at minimum the footprint of the proposed structures so that the impact can truly be answered as less than significant.

4. Impact 4.7-5 notes that "...the city's stormwater drainage systems are considered to have adequate capacity to accommodate an increase in flows." Further noting that this would be less than significant impact. It should be noted that on numerous occasions over the years during periods of heavy rains, flooding occurs along both sides of East Perkins Street, easterly of both of the proposed sites, which may be further evidence that the city's drainage system does not have sufficient capacity. Verification of capacity should be confirmed before stating a less than significant impact.

5. Section 4.8 Land Use Planning: This section provides a review of consistency with the City of Ukiah's General Plan; the City's Code; City's Downtown Zoning Code; City's Zoning Code; City's Downtown Master Plan; the City's Redevelopment Agency 5-year Implementation Plan; the City's Municipal Airport Master Plan; and the Mendocino County Airport Comprehensive Land Use Plan. In reviewing the DEIR, there is no mention of the County's recently adopted Ukiah Valley Area Plan (UVAP), August 2011. The UVAP represents a commitment to a comprehensive and long range inter-jurisdictional planning document that represents the vision and foresight of the people who live and work in the Ukiah Valley.

However, throughout the DEIR, very little to no attention has been given to the UVAP. Although the UVAP is mentioned in one section, it refers to the Draft UVAP of 2010. As written, the DEIR has not performed a consistency analysis of the proposed project with the recently adopted Aug/2011 UVAP.

6. Section 4.10 Traffic and Circulation: Both sites (Library Site and Depot Site) include a number of intersections and segments that have been identified, noting traffic peaks for arriving staff, lawyers, jurists and judges. The traffic analysis has analyzed several streets/roadways within close proximity of the proposed courthouse sites. However, the analysis did not appear to consider traffic impacts between the existing County jail on Low Gap Road and the two sites being considered. The traffic analysis should consider the transportation of prisoners/individuals from the County jail to the two project sites.
7. The County Department of Transportation noted that it did not appear that the project will directly impact County Roads. It was noted by the Department of Transportation that the Highway 101 interchange at East Perkins is already identified at a failing "Level of Service – LOS". The Mendocino Council of Governments (MCOG) and the City of Ukiah are working on a \$2 million+/- project that would place traffic signals at the Southbound (SB) and Northbound (NB) Ramp intersections, sidewalk, pedestrian ramps and signal coordination with the existing traffic signal at Orchard Avenue.

The EIR should analyze their effect and if the existing MCOG/City project so if it needs to be modified an early look could save a "re-do" as the present project looks ahead to 2025 and beyond. The DEIR looks at the Highway 101 interchange at East Perkins and notes "no adverse effect", but the question that needs to be clearly answered is was the future and existing MCOG/City project considered in the analysis?

## 8. Cumulative Impacts Analysis

Page 5-6, Cumulative Impacts 4.7-11 states that the proposed project could cumulatively contribute to a degradation of the quality of receiving water bodies noting this as a less than significant cumulative impact. Further, the DEIR states in part that compliance with state and federal BMPs and State NPDES requirements, will ensure cumulative impacts to receiving water bodies will be less than significant. It should be noted that pollutants entering storm water runoff have the potential to enter Gibson Creek from either site and eventually enter the Russian River, located in the unincorporated area of the County. The DEIR should at minimum identify appropriate BMPs and NPDES requirements to be utilized and identify these as mitigations.

Under the discussion of traffic in the cumulative impacts section, the DEIR should address potential traffic patterns for prisoner transports from the existing County jail to the proposed courthouse sites (library and depot sites) and the impacts to Low Gap Road, State Street and Perkins Street.

It also appears that the DEIR did not analyze intersections beyond the Perkins Street corridor and did not assess cumulative impacts associated with the Brush Street and Orchard Avenue Intersection. This intersection (Brush Street and Orchard Avenue) provides an alternative to Low Gap/State Street/Perkins Street for transport.

## 9. Urban Decay

Page 5-8, Section 5.2 – Growth Inducing Impacts notes that the project is a replacement project addressing the deficiencies in the existing courthouse. The DEIR notes that both potential sites are located in close proximity to existing retail and services. The DEIR concluded that the proposed project does not have significant potential to induce secondary employment resulting from creation of jobs to provide goods and services to the facilities and employees, and thus the project would result in a less-than-significant impact related to growth inducement.

The Mendocino County General Services Agency (GSA) along with Planning and Building Services reviewed the DEIR, and although no growth inducing impacts are anticipated or will be less-than-significant, the DEIR has really only focused on the two potential sites and not on the current courthouse. Regarding the current library site, if this site is chosen, the current library would require relocation.

However, relocation of the library is not fully addressed in the DEIR regarding a new site for the library, including site acquisition, construction, funding, disruption of library services, etc.

Although the DEIR has concluded less-than-significant impacts as it relates to growth inducing impacts, the DEIR did not address urban decay as a result of either relocating the current library or vacating the current courthouse building. The U.S. Postal Services has announced that it is their intent to close the Post Office on Oak Street and consolidate postal services to their Orchard Street facility. The School Street corridor along with other portions of the downtown are current experiencing vacant store fronts, and a vacant courthouse building as well as vacant post office could potentially exacerbate this. Thus the DEIR should address the abandonment of the existing courthouse building and post office downtown as well as the relocation of the existing County library.

10. Relative to the current courthouse building, the current site currently contains an Underground Storage Tank (UST) that may require remediation. This should be addressed as part of the current courthouse abandonment.
11. Other Court Related Uses

Section 3.6 Project Characteristics: Under this section the DEIR describes the proposed project, including a statement that the new courthouse will replace the court space and functions in the existing courthouse, including court support space for court operations, court administration, criminal/civil/traffic/family law divisions, collaborative court, jury assembly, and jury services, self help, court security operations and holding, and building support space.

Both Sections 3.6 and 4-10 (Traffic and Circulation) failed to address the existing uses of the District Attorney, Court Collections and Victim Witness Services as uses that would either be relocated into the new courthouse or remain in the existing courthouse building. If these uses are not to be relocated into the new courthouse facility, then the analysis failed to adequately address potential traffic and parking concerns and not considering that the travel by automobile of these uses distances of 2 to 3 blocks. It is unlikely that attorneys needing to carry files, sometimes in boxes would walk

from their current location to either of the proposed sites (Library & Railroad Depot sites), especially during inclement weather.

Additionally, the DEIR did not address other court related uses that are currently located on School Street, such as the Public Defender and the Alternate Defender that would also more than likely need to drive to the new courthouse facility. Therefore, the environmental consultant should include a discussion under Sections 3.6 and 4-10 as to how these court related uses will interface into the new courthouse facility, and include a discussion on potential traffic, circulation and parking impacts and mitigations,

Thank you very much for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the new courthouse to be located within the City of Ukiah. If you should have any questions, please do not hesitate to contact me at (707) 463-4281.

Sincerely,

Ignacio Gonzalez, AICP  
Planning and Building Services Director

cc: Board of Supervisors  
CEO