

# The Superior Court of California

COUNTY OF SAN DIEGO

## EXECUTIVE OFFICE OF THE COURT

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August 24, 2012

**VIA EMAIL**

To: Court Facilities Working Group  
Judicial Council of California  
Administrative Office of the Courts  
[OCCMComments@jud.ca.gov](mailto:OCCMComments@jud.ca.gov)

**Re: Response to Criteria for Selection of SB1407 Projects to Move Forward San Diego New Central Courthouse**

Dear Court Facilities Working Group Members:

On behalf of the San Diego Superior Court, I would like to thank you for the opportunity to provide information on our New Central Courthouse project.

We strongly believe that continuing this project is critically important to our local court, court users and the citizens of San Diego County. We will provide information on the criteria relevant to the New Central Courthouse project, and discuss the overriding importance of this project to our court and community. We will present a number of factors to illustrate and support the critical need to move the San Diego project forward, and will discuss the risks that will accrue if the project is delayed. The new Central Courthouse project is currently in the Working Drawings phase, 50% of this phase will be completed by October 30, 2012; all necessary work in this phase will be finished on May 30, 2013.

### **PROJECT STATUS<sup>1</sup> AND ECONOMIC OPPORTUNITY**

San Diego's New Central Courthouse includes 71 courtrooms in a 704,000 gross square foot 22-story building. The site, adjacent to the existing Downtown Courthouse, the Hall of Justice and the Central Jail, is **owned by the state**. The initial EIR has been favorably completed and all preliminary permits have been obtained.

The existing courthouse occupies three city blocks, and the State owns two of the three blocks. The land fronts Broadway, the primary pedestrian and traffic corridor in downtown San Diego, and has high potential for future commercial development. **The future sale of these two city blocks will benefit the SB1407 Immediate & Critical Need Account (ICNA).**

The new Courthouse will be connected by a pedestrian bridge to the Hall of Justice (a county-owned facility comprised of 16 civil courtrooms and various court support operations plus county District Attorney and Probation offices), and by a tunnel to the Central Jail located one block

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<sup>1</sup> Attachment 1: The San Diego New Central Courthouse Project Profile dated August 2012 provides additional information on the current project status

east of the site. The **direct bridge connection and the in-custody transfer tunnel will result in ongoing annual savings to the court and the county.**

The project addresses numerous current security and safety problems in the existing Downtown Courthouse. The project will provide a total of 117 holding cells as compared to 16 holding cells in the existing courthouse. The project provides a central holding area in the basement, connected via tunnel to the County Central Jail and to each pair of trial courtroom via secure elevators dedicated only to movement of in-custody defendants. Arraignment and high volume moving calendar court departments have in-custody docks directly adjacent to the holding areas; as well as multiple non-contact attorney / client interview booths. Arraignment courtrooms also have a direct secure elevator connection to the tunnel. Between each pair of jury trial courtrooms, there will be 3 holding cells, one attorney / client interview booth, and a secure elevator to central holding. The enhanced holding system **significantly improves Sheriff's efficiency for handling in-custodies, and reduces defendant transfer wait times to courtrooms.** The tunnel between the court central holding and the Central Jail provides for continuous movement of in-custody defendants; which allows a substantial reduction in the capacity of central holding.<sup>2</sup>

The project consolidates operations from four substandard facilities: county-owned Family Court and Madge Bradley Court, the existing Downtown Courthouse, and a small claims operation currently located in a trailer in suburban Kearny Mesa. The consolidation **increases court operational efficiencies and improves access to court services in one central courthouse.**

The project team has worked closely with the City of San Diego to coordinate the development of a "green street", consistent with the city's Downtown Community Plan Update, that will connect the new courthouse with the soon-to-be-completed Federal Courthouse pedestrian plaza.

Previous phases of the Project were completed without spending all of the allocated funds; **\$11.0 million has been returned to the SB 1407 ICNA, and redirected to other court building projects.** The estimated construction cost for this Project matches the reduced construction cost budget requested by the Judicial Council in April 2012. Scope verification questions recently posed, for many SB 1407 project, by the Department of Finance have been answered.<sup>3</sup> Detailed project information is provided in the attached Progress Report<sup>4</sup>.

## **SEISMIC, SECURITY, OVERCROWDING AND PHYSICAL CONDITION ISSUES**

The seismic, security, overcrowding, physical condition, life-safety and operational deficiencies of the four facilities to be replaced have been well documented<sup>5</sup>. These critical issues are summarized below.

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<sup>2</sup> See page 11 for addition information on in-custody holding in the Project

<sup>3</sup> Attachment 2: AOC letter in response to scope verification questions dated August 7, 2012

<sup>4</sup> Attachment 3: Progress Report – New San Diego Central Courthouse, period ending June 30, 2012

<sup>5</sup> Attachment 4: Capital Outlay Budget Change Proposal (COBCP) from September 2009 details these deficiencies

**Existing Downtown Courthouse -- 220 West Broadway, San Diego**

**1. Seismic Safety Risk Level V**

A 2011 seismic risk assessment<sup>6</sup> concluded that **this building poses significant risk of capital loss, business interruption, and life safety hazard resulting from a moderate earthquake. In any five year period there is approximately a 5% probability that such an earthquake would render the entire existing court building unusable for more than one year.** The existing downtown court building contains 59 courtrooms, or 1/3 of the court departments in San Diego County. It would be particularly difficult to find available space and convert such space into a secure, in-custody-holding-capable facility that would be suitable as a replacement facility.

There is approximately a **4% probability [in any five year period] that a moderate earthquake would cause a partial building to collapse.** The existing downtown court building is used by over 54,000 people per month.

In addition to its structural deficiencies, a potentially more significant hazard to the existing complex exists. **The San Diego Fault (Rose Canyon Fault System) runs directly beneath two of the five segments of the existing building.** Geotechnical studies concluded this fault is subject to surface rupture<sup>7</sup>. Should an earthquake cause the San Diego Fault to rupture directly under one of the segments of the existing court building, the probability of significant damage or collapse is greatly increased. Lateral movement between the sides of a fault directly under a building is likely to cause significant damage and the potential for collapse.

The existing building structure **cannot be retrofitted** because of the underlying fault. The Department of Finance recognized this reality, and stipulated **that a replacement court building be funded and constructed expeditiously**<sup>8</sup>.

The State Department of Finance required the AOC to purchase **seismic liability risk insurance** for the County Courthouse and other transferred San Diego court facilities with a seismic risk level of V. **The cost of this seismic liability insurance is currently approximately \$207,400 annually.** Delay in proceeding with the project will result in the state accumulating ongoing costs and ongoing risk for general liability and personal injury claims related to a seismic event.

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<sup>6</sup> Attachment 5: Seismic Risk Assessment – Existing San Diego Central Courthouse Complex by Certus Consulting Inc., July 31, 2011

<sup>7</sup> Attachment 6: An exhibit from Geotechnical Investigation and Fault Hazard Assessment, URS, April 1, 2011. The entire report previously submitted to Court Facilities Working Group September 22, 2011; and available upon request.

<sup>8</sup> Attachment 7: Approval of court facility transfer; March 10, 2009; M. Genest Director of Finance, and related letters

## **Court Facilities Working Group**

### **Response to Criteria**

**Page 4 of 14**

**August 24, 2012**

## **2. Security**

**Courthouse spans city streets.** Courtrooms, judges' chambers and other spaces are in portions of the building located over B and C streets. This is a major security concern should an explosive device be placed beneath the building.

**Lack of secure prisoner transfer paths.** To transfer prisoners to trial courtrooms, deputies must walk in-custodies in chains through public corridors, judicial corridors, public stairwells and public elevators. Only 8 of the 59 courtrooms in the building are located adjacent to the holding areas. The other 51 courtrooms are located on the opposite side of the public corridors or on other floors. Therefore, deputies need to escort in-custodies through public and judicial areas to get to these 51 courtrooms.

**Lack of in-custody holding cells.** There are only 14 supervised and 2 temporary (unsupervised) holding cells for 59 courtrooms in the building. Due to the holding shortage, mainline in-custodies are usually held in crowded cells, in order to make room for keep-separates and female in-custodies. When the holding cells are full, in-custodies are held at the Central Jail, and then transferred to the courthouse. This creates supervision problems, increases transfer wait time and delays court proceedings. Also, most courtrooms do not have in-custody toilets. As a result, managing in-custody defendants in trial departments requires extra Sheriff's manpower and time (for moving defendants to and from secure holding/toilet facilities).

**Lack of Vehicular Sallyports.** There are no sallyports for the Sheriff's buses to load and unload in-custodies. In order to transport in-custodies from a Sheriff's bus to the holding tanks, deputies have to use the commercial delivery dock, and then walk the in-custodies up the public stairs (or public elevators) and through public and judicial corridors to the upper floor holding areas. To transport in-custodies to the first floor holding area, deputies have to park the bus next to a city sidewalk, and then transfer the in-custodies through a building side door to the holding area.

**Perimeter security.** The current building has numerous unsupervised exterior doors, including many glass doors, distributed over three city blocks. Managing these doors often brings security and fire exiting requirements into conflict.

**Unprotected Judges' Parking.** The Judge's parking lot is secured with a fabric-screened chain link fence with gates and is vulnerable to surrounding streets and buildings.

- 3. Fire safety system non-compliance.** This facility lacks complete fire sprinkler, fire detection and notification systems. Only the south tower has a functioning fire alarm system. Courtrooms do not comply with fire exiting requirements.

#### **4. Aging Building Infrastructure**

**Aging HVAC systems.** A number of the building air handlers are the original units from 1961. Building hot and chilled water distribution & central plant capacity have been problematic for years. It is becoming increasingly difficult for these aging systems to adequately heat and cool the building.

**Aging vertical transportation systems.** Escalators and elevators are old and suffer regular breakdowns. Repairs are problematic due to lack of availability of replacement parts. In September 2011, the “up” escalator at the courthouse main lobby suffered a breakdown and extended period out of service, thus shifting heavy public and staff traffic to the south tower elevator bank.

**Sewer system backups.** Aging sewer infrastructure has resulted in sewage backups. There were two major backups within a 7-month period in 2010 that impacted court operations. These backups cost the AOC in excess of \$50,000 to clean, repair and restore various public, staff and storage areas.

**Hazardous materials.** Asbestos in the sprayed-on fireproofing hampers maintenance activities above the ceiling and in mechanical rooms. For example, to change light bulbs in courtrooms, certified maintenance personnel must use approved “HAZMAT” procedures and protocols when court is not in session (i.e. at overtime rates) to work on the lighting systems above the ceiling. Asbestos in floor tile is another example of building conditions that require special handling and extra expense.

**Shortage of Toilet Facilities.** There are insufficient toilet facilities in the building, which has a particular impact on jurors. The north wing includes 7 trial courtrooms on each floor that share 1 women’s public restroom containing 2 toilet stalls, and 1 men’s public restroom containing 1 toilet and 1 urinal.

**ADA deficiencies.** These exist throughout the building and include inaccessible exits and restrooms, jury and witness boxes, and judges benches.

**General space shortage.** Court operations continue to be hampered by insufficient and undersized public corridors and courtroom waiting areas, facilities for the media, witness and peace officer waiting areas, and file storage rooms.

#### **Family Court – 1555 6<sup>th</sup> Avenue, San Diego**

- 1. Seismic Safety Risk Level V.** A 2006 study concluded that a seismic retrofit of this 6-courtroom facility would require closing the building for 12 to 18 months, and thus was judged to be impractical.

## **Court Facilities Working Group**

### **Response to Criteria**

**Page 6 of 14**

**August 24, 2012**

2. **Undersized Facility / Major Circulation Problems.** This facility is drastically undersized for the Family Law functions and programs that it contains. Out of necessity, programs and services have been placed in public lobbies and circulation spaces, including the main courtroom lobby that now houses the Family Law Facilitator program.
3. **ADA Deficiencies.** This facility, including the south portion (“B” building) containing Family Court Services, a business office, calendar department and a children’s waiting room, is inaccessible to wheelchairs. Customers in wheelchairs who wish to use these services must be escorted by Sheriff’s personnel approximately 200 feet down the public sidewalk to a locked street-level door, and be let in to a cramped lobby area.
4. **Roof Leaks.** This facility with rooftop parking facilities has a history of roof leaks during the rainy season.
5. **Mold Growth.** Mold growing in the facility’s six courtrooms was a problem in 2003-2006. It is currently under control, but the underlying cause has never been determined.
6. **Internal Building Security.** This is a problematic issue given the contentious nature of family law proceedings. The building’s general overcrowding, numerous isolated areas, and narrow hallways and stairwells make monitoring by Sheriff’s personnel very difficult.
7. **HVAC.** Over the years, the operation and reliability of the buildings HVAC systems have been erratic.
8. **Roof Structural Problems.** Rooftop parking on the south (“B”) building has been abandoned due to insufficient structural support.

### **Madge Bradley Court – 1409 4<sup>th</sup> Avenue, San Diego**

1. **Undersized Building Lobby.** This 190 square-foot area is extremely undersized for the functions it contains – weapons screening station, public queuing and elevator waiting area.
2. **Vertical Transportation – One Public Elevator.** The only public access into the building is via a single elevator, as there are no public stairs. When the elevator breaks down, the public must use the unsecured fire stair which is accessible only from the city sidewalk outside of the weapon screening area.
3. **Security.** The building’s cramped spaces and inadequate vertical transportation system cause major security challenges for the Sheriff as they attempt to monitor public activity in courtrooms, lobbies and corridors on various floors.
4. **Functionally Inefficient.** The building’s spaces are poorly laid out. These inefficient spaces hinder optimal court operations.

**Kearny Mesa Small Claims Department – Trailer C2**

1. **Security.** To access this trailer courtroom, judicial officers must cross the open public courtyard when moving between their chambers in the main building and the courtroom. This open-air courtyard is vulnerable to weapons and other contraband being thrown over the fencing that separates it from the public parking lot.
2. **Substandard Trailer Courtroom.** There is limited seating, and no rail separating the public from the well. The bench is a freestanding desk.
3. **ADA & Safety Issues.** The ramp and handrails leading to the entry door are not ADA compliant. Inside the courtroom, there is no ramp leading to the judge’s desk platform, and no railing at the step. There is no ballistic material inside the judges’ desk.

**CONSOLIDATION OF FACILITIES AND ACCESS TO COURT SERVICES**

The New Central Courthouse will be the main court facility for San Diego County. It consolidates and replaces 3 dysfunctional and unsafe court buildings and one trailer courtroom function into one main courthouse that will provide criminal, family law, probate and civil services in downtown San Diego. The project will add a small claims calendar to the downtown area from the Kearny Mesa courthouse. This allows a traffic calendar to move from a dysfunctional trailer into the Kearny Mesa courthouse. The consolidation of these facilities increases court operational efficiencies, and eliminates the need for our court users to go to three separate buildings to conduct family law business. As a result, the project will expand and improve access to court services in one central courthouse for a major population center.

**ESTIMATED POPULATION SERVED**

1. Based on the population figures from SANDAG, the New Central Courthouse is estimated to serve **over 1.35M residents** in San Diego County.

<b>Court Branch</b>	<b>Year</b>	<b>Total Population</b>	<b>Year</b>	<b>Total Population</b>
<b>Central Total</b>	2008	1,332,472	<b>2010</b>	<b>1,350,138</b>
East Total	2008	505,834	2010	529,903
North Total	2008	839,521	2010	894,802
South Total	2008	439,729	2010	467,807
Regional Total	2008	3,117,556	2010	3,242,650

## **COURTROOM LOCATIONS AND JUDICIAL OFFICER CALENDAR ASSIGNMENTS<sup>9</sup>**

Attachment 8 provides a chart that shows the judicial officer locations at each courthouse in San Diego County.

## **COURTROOM AND COURTHOUSE CLOSURES**

Effective Monday, September 3, 2012, due to budget reductions imposed on the trial courts by reductions in state court funding, the San Diego Superior Court will be temporarily closing the following courtrooms/courthouses:

- The probate department in North County (Vista) which is actually a calendar heard one day per week. The remaining four days per week, the judge hears criminal cases. With this closure, the former probate judge will hear criminal and general trial matters five days per week.
- One juvenile dependency courtroom in North County (Vista).
- Six criminal courtrooms and one civil courtroom in the 220 W. Broadway courthouse.
- The Ramona Branch courthouse which hears cases one-half day per week.

The specific impacts of these closures are unknown since the closures occur beginning September 3, 2012. However, given the experience in other courts with courthouse/courtroom closures and the projected increases in caseloads that will occur in the remaining courthouses and courtrooms assuming additional work transferred because of the closures, we anticipate that we will see many negative impacts on court operations including (but not limited to):

- The number of active/pending probate cases will significantly increase in the remaining two probate courtrooms in the Madge Bradley Court. This will result in delays scheduling court hearings and longer times to disposition.
- The number of juvenile dependency cases per judge will increase in the main Juvenile Court facility at Meadowlark Dr. There will be significantly increased commute times for the public and delays in scheduling hearings, trials, and review hearings.
- Delays in scheduling and hearing criminal and civil trials in the downtown central courthouse.
- Delays in scheduling and hearing traffic, small claims and unlawful detainer actions in East County as cases formerly heard in the Ramona Branch Court are now filed and heard in the East County (El Cajon) Branch Court.

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<sup>9</sup> Attachment 8: San Diego Superior Court Judicial Officer Locations

**Court Facilities Working Group**  
**Response to Criteria**  
**Page 9 of 14**  
**August 24, 2012**

These closures are temporary measures due entirely to the budget reductions imposed on the court in FY 2012-13. The court has successfully resisted reductions in courtrooms and courthouse closures until this fiscal year because of the significant and negative impacts on public access occurring with such closures. At the earliest opportunity, the court fully intends on restoring full access.

This court believes that by the estimated occupancy date in 2016, sufficient funding will be restored to the judicial branch to enable resumption of the level of services and court operations necessary and in place before the temporary cuts listed above went into effect.

**EXPECTED OPERATIONAL IMPACT**

<b>One Time Impacts</b>	<b>FY 2015-16 Expenses/(Credits)</b>
1. Court Moving and Relocation	\$650,000
2. Facilities Management Equipment*	\$0*
3. Employee & security overtime related to move	\$30,000
4. Custodial Services (est. two weeks, concurrent services at old & new building during move period)	\$12,000

**Total: \$692,000\*\***

<b>Ongoing Impacts</b>	<b>Ongoing Expenses/(Credits)</b>
1. Consolidation of IT staff to one location - save one position	(\$114,640)
2. Energy Costs***	\$168,000 - AOC Cost
3. Janitorial (additional costs due to larger building area)	\$100,000
6. Cancel earthquake insurance premium when vacate existing courthouse at completion of new central courthouse	(\$207,400) – AOC Savings
Premium increase for Business Property Insurance	\$1,000
Transit/parking reimbursements (employee reimbursements needed after loss of Family & Madge parking spaces)	\$30,000

<b>Total Superior Court Cost</b>	<b>\$16,360**</b>
<b>Total AOC Savings:</b>	<b>(\$39,400)</b>

\* To be included in capital project FF&E procurement

\*\*Funding source: The court may request funding for the one-time costs. It is estimated that ongoing costs will likely be offset through operational efficiencies as a result of the consolidation of staff and resources

\*\*\*The new Central Court building will be about 20% less expensive to operate<sup>10</sup> – on a square foot basis – than the existing buildings to be replaced - \$1.35 vs. \$1.69. Three prime factors provide this result: designed to consume 15% less energy than a simple California Energy code-compliant building; modern equipment and the District Chilled Water supply. The new court building is larger than the combined areas of the existing buildings 704,000 vs. 463,000 gross sq. ft. – however because of greater energy efficiency the financial impact to the AOC and Superior Court is controlled.

**PROJECT CONSTRUCTION COST METRICS**

Construction cost of the San Diego Central Courthouse will be \$20 per square foot (or 3.2%) less than the San Bernardino Justice Center; even though the San Diego project will include a 180-foot long bridge, a 320-foot long tunnel, alterations for the two existing buildings receiving these components, and will be constructed on a tight urban site – all expensive elements not part of the San Bernardino project.<sup>11</sup>

**COST IMPACTS IF PROJECT IS DELAYED**

Delays in reaching a contract for construction with a guaranteed maximum cost will incur significant financial penalties. The relatively large scale of the construction budget results in large loss of purchasing power due to additional construction cost escalation, if the project were delayed. The following table illustrates those financial impacts<sup>12</sup>;

<b>Project delay</b>	<b>Budget Impact – loss of purchasing power</b>	
	<b>3.5% annual escalation</b>	<b>5% annual escalation</b>
4 months	\$5.5 million	\$7.9 million
8 months	\$11.0 million	\$15.8 million
16 months	\$22.2 million	\$31.8 million

<sup>10</sup> Utilities: electrical, gas, chilled water, domestic water, sewer. Sources: AOC utility accounts for existing building; Whole Building Energy model (for new court building) by WSP Flack+Kurtz; MEP Engineers, with local utility rates

<sup>11</sup> Source: Rudolph & Sletten, construction manager @ risk for both projects: Estimate Comparison August 16, 2012

<sup>12</sup> Source: Rudolph & Sletten, Construction Manager at Risk report, *Impact of Delay in Project*, dated August 20, 2012. Assumption: Working Drawings are in spring of 2013 – but in start of bidding and subsequent construction is delayed

## **CREATIVE THINKING TO PROVIDE REQUIRED SCOPE AT REDUCED COST**

A representative sample of the creative solutions to the required components project are:

- Central Holding is one of the most expensive component to construct in a court building; the rated central holding capacity in this building is less than the standard for a full service court building because of the direct tunnel connection to the County Main Jail, which allows a constant flow of in-custody defendants, reducing the number of holding cells.
  - The San Diego central holding rated capacity in this building will be 244 individuals or 4.1 per trial courtroom;
  - San Bernardino Justice Center will have 251 individuals in central holding or 7.8 per trial courtroom;
  - Long Beach Court Building will have 344 individuals in central holding or 12.7 per trial courtroom.
- Instead of the traditional configuration of arraignment courtrooms adjacent to central holding on a below grade floor – in this Project arraignment holding is split from general central holding and located with arraignment courtrooms on the ground / building entry level<sup>13</sup>. This design eliminates the movement of public and attorneys to the basement level and, because of the San Diego site-size, eliminated an entire additional basement level. A direct elevator connection is provided from the inmate tunnel to arraignment courtroom holding, by-passing general central holding, which will improve the in-custody movement efficiency.
- This building will receive chilled water from nearby District Cooling Plant; rather than an in-building chiller plant, this approach saved approximately 4,100 sq. ft of space in the building and \$2.36 million in construction cost. AOC operations and maintenance costs as well as its risks are reduced by eliminating the ownership of in-building chillers and cooling towers. A life cycle cost analysis concluded that district chilled water would have a positive return on investment initially, and over 25 years.
- Twenty-five (25) courtrooms are designed without jury boxes. Of these, ten (10) are specific for arraignment or moving calendars; and fifteen (15) are family or probate departments. In the initial construction, eighteen (18) courtrooms will not have adjacent holding cell units, however; the necessary dimensions and systems capacity are in-place to support future addition of secure holding between any of these nine pairs of courtrooms.

## **EXTENT TO WHICH PROJECT SOLVES A COURT'S FACILITIES PROBLEMS**

The construction of a new San Diego Central Courthouse will solve the following facilities problems in 4 dysfunctional court buildings:

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<sup>13</sup> This configuration is also used in the new Long Beach Court building

## **Court Facilities Working Group**

### **Response to Criteria**

**Page 12 of 14**

**August 24, 2012**

#### **Downtown Courthouse:**

- Eliminate significant risk of capital loss and life-safety hazard in a moderate earthquake. A portion of the Downtown Courthouse sits directly on a seismic fault with surface rupture history.
- Eliminate the State's ongoing costs and ongoing risk for general liability and personal injury claims related to a seismic event.
- Eliminate the risk of business interruption for 59 courtrooms after a moderate earthquake.
- Eliminate the risk of loss of a direct, secure in-custody transfer path to the Central Jail.
- Eliminate the risk of an explosive device being placed directly beneath the courthouse at two city streets.
- Solve the prisoner bus transport loading and loading problem on a city street.
- Solve the in-custody transfer path problems at public and judicial corridors, lobbies, public stairs and public elevators.
- Solve the general in-custody holding cell shortage and problems with separating main-line, female and keep-separate in-custodies.
- Solve the lack of in-custody holding and adjacency issues at criminal trial courtrooms.
- Solve the building perimeter security problems that exist in a 2-1/2 block long courthouse.
- Solve the fire-safety system problems (non-compliant fire detection, notification and sprinkler systems).
- Solve the fire exiting problems (non-compliant courtroom exit door width, direction of door swing, lack of panic hardware, etc.).
- Solve the unsecured judicial parking problem.
- Solve the hazardous materials and routine maintenance issues (e.g. maintenance personnel having to use approved "HAZMAT" procedures and protocols to change light bulbs in courtrooms, etc.)
- Solve ADA deficiency problems.
- Solve aging infrastructure problems including: original HVAC/air-handlers from 1961, plumbing issues such as sewer backups and leaks, lack of availability of replacement parts for elevators and escalators, etc.
- Solve toilet facility shortage problems.
- Solve general overcrowding and inefficient building layout problems.

#### **Family Court:**

- Eliminate the existing Family Court's (seismic safety risk level V) risk of capital loss and life-safety hazard in a seismic event.
- Eliminate the risk of business interruption for 6 courtrooms after a seismic event.
- Solve the security problems due to overcrowding, poor building layout and major circulation issues.
- Solve aging infrastructure problems including ceiling leaks from rooftop parking, HVAC, mold growth history due to high moisture content in the building, aging elevator, etc.
- Solve space shortage, inefficient layout, and public and staff circulation problems.
- Solve ADA deficiency issues.
- Solve public access to family court services and court efficiency problems because the family law operations are located in 3 separate buildings.

## **Court Facilities Working Group**

### **Response to Criteria**

**Page 13 of 14**

**August 24, 2012**

#### **Madge Bradley Court:**

- Solve the security issues related to the undersized building entrance lobby and inadequate weapon screening station layout.
- Solve the security issues related to the deficient vertical transportation system (only 1 public elevator for the entire building and 1 public stair located outside of weapon screening).
- Solve the security issues due to poor building and floor layouts (cramped upper floor lobbies that are difficult to access and monitor).
- Solve the general overcrowding conditions and inefficient layouts.
- Solve ADA deficiency issues.
- Solve public access to family court services and court efficiency problems because the family law operations are located in 3 separate buildings.

#### **Kearney Mesa Small Claims Department – Trailer C2:**

- Solve the security issues relating to the trailer courtroom and judge's chambers being located next to an open-air courtyard that is vulnerable to an adjacent public parking lot.
- Solve the general courtroom safety requirements including lack of ballistic material at the Judge's bench, railing separating the well and the spectator area, adequate space from the between the litigants and the judicial officer, etc.
- Solve the substandard courtroom layout issues including a 12 to 18-inch high elevated judge's bench, adequate spectator seating capacity, etc.
- Solve the ADA deficiency issues

## **QUALITATIVE STATEMENT OF NEED TO REPLACE THE EXISTING COURTHOUSES**

The project is moving forward and making tremendous progress, Working Drawings are about 50% complete. The project site has been acquired. The initial EIR has been favorably completed, and all preliminary permits have been obtained. The Preliminary Plans phase was completed in May 2012. The design team, having gained knowledge and insight into the requirements and expectations of our court, is engaged and producing excellent work. We are working closely with the City to coordinate with other downtown initiatives and maximize the enhancement of the downtown courthouse district.

Delaying the project increases the risk of capital loss, business interruption, life safety hazard, and general liability and personal injury claims resulting from a moderate earthquake:

- In any five year period there is a 5% probability that a moderate earthquake would render the entire existing court building unusable for more than one year.
- There is a 4% probability in any five year period that a moderate earthquake would cause a partial building collapse.

## Court Facilities Working Group

### Response to Criteria

Page 14 of 14

August 24, 2012

- The San Diego Fault (Rose Canyon Fault System), which is subject to surface rupture, runs directly beneath two of the five segments of the existing building.
- Should the San Diego Fault rupture directly under one of the building segments, the probability of significant damage or collapse is greatly increased.
- The existing building structure cannot be retrofitted because of the underlying fault.
- The annual cost of seismic liability insurance is \$207,400. The state faces ongoing risk for general liability and personal injury claims related to a seismic event.
- Finding suitable replacement space for 59 courtrooms plus support space that would meet court security requirements (inmate holding capability etc.) would be costly and extremely problematic.
- Inmates would have to be transported to and from the replacement facility, incurring additional cost.

Delaying the project extends the exposure of the public, staff and judiciary to unsafe conditions (including in-custody movement in crowded hallways and insufficient in-custody holding cells) in our existing facilities.

Delaying the project delays the sale of the property under the existing courthouse, proceeds of which will benefit the overall SB1407 program ICNA.

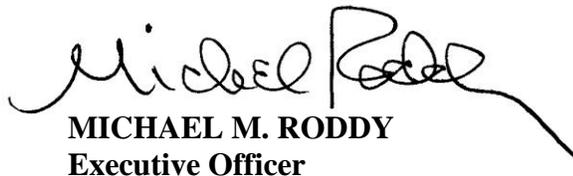
Delaying the project extends the AOC's responsibility (at a high cost) to maintain our aging, problematic facilities that include infrastructure and hazardous material issues.

Delaying the project negatively impacts our Family Law operations and court users. Family Law programs will continue to be spread out among our three downtown facilities, resulting in an inefficient deployment of resources and confusion and frustration for our customers.

Delaying the project will cost millions of dollars in escalated construction costs.

Delaying the project will break up the design team (team members may be reassigned & unavailable in the future) and disrupt the continuity and momentum that has been achieved to date. It will reduce the effectiveness of our coordination efforts with the County and the City.

Sincerely,



**MICHAEL M. RODDY**  
Executive Officer

**ATTACHMENT 1**

***PROJECT PROFILE***

*Project Profile*

**San Diego County**

**\$605.5 million**

**New Central San Diego Courthouse**

71 Courtrooms – 704,000 Gross Square Feet

Courthouse Site is: Owned

Current Phase: Working drawings are scheduled to be completed in FY 12-13 (April 2013)

**Key Issues:** Authorize completion of working drawings  
Request appropriation for construction in FY 2013-14 State Budget Act.

**A. Financial Status**

1. Total Project Budget .....	\$ 605,509,000
2. Total Funds Committed (Not Expended – August 15, 2012).....	\$ 39,032,000
3. Total Funds Spent to Date (August 15, 2012) .....	\$ 17,779,000
4. Total Funds Returned (Unspent in Acquisition and Preliminary Plans) .....	\$ 11,000,000

**B. Project Features**

- Results of Application of Prioritization Methodology ..... Critical Need  
*Security*.....5.0 of 5.0  
*Overcrowding*.....3.0 of 5.0  
*Physical Condition*.....5.0 of 5.0  
*Access to Court Services*.....0.0 of 5.0  
*Total Score*..... 13.0 of 20.0
- New Judgeships Provided in Project ..... 1 (Last 50)
- Economic Opportunity..... .Donated site and sale of existing property
- Consolidation of Existing Facilities ..... 4 Facilities

**C. Key Attributes**

- A portion of existing County Courthouse sits directly on a seismic fault with surface rupture history. The state acquired title to the entire existing County Courthouse building, the land under two of the three blocks on which the existing courthouse sits, as well as the block across the street where the new courthouse will be built as part of a county-wide deal wherein in exchange the state accepted seismic liability for court facilities countywide. The Department of Finance (DOF) required the AOC to purchase seismic liability risk insurance for the County Courthouse and other transferred San Diego court facilities with a seismic risk level of V. The cost of this seismic liability insurance is currently approximately \$207,400 annually. Delay in proceeding with the project will result in the state accumulating ongoing costs and ongoing risk for general liability and personal injury claims related to a seismic event. The acceptance of seismic liability was conditioned with a directive from DOF to proceed with the replacement central court building as quickly as possible. <sup>i</sup>

2. Disposition agreements for the three existing court facilities to be replaced by the new courthouse buildings are completed. How the existing County Courthouse will be disposed of is complex, and will involve the sale of 2 of 3 portions of the existing courthouse while the county will retain title to the third portion. The two state owned full blocks have great redevelopment potential for a large commercial building and public park.
3. In accordance with the transfer agreement, the AOC is responsible for demolishing the existing building (estimated at \$25 million and currently not funded) and replacing chilled water piping now in the existing County Courthouse (not funded). Both obligations would be transferred to others in a sale or lease of properties for redevelopment.

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<sup>i</sup> See letter to Michael Genest, Director of Finance, from Bill Vickrey, Administrative Director of the Courts, dated March 12, 2009

**ATTACHMENT 2**

***LETTER IN RESPONSE TO  
SCOPE VERIFICATION  
QUESTIONS***



# Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4900 • Fax 415-865-8885 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE  
Chief Justice of California  
Chair of the Judicial Council

JODY PATEL  
Interim Administrative Director of the Courts

CURT SODERLUND  
Interim Chief Deputy Director

LEE WILLOUGHBY  
Director, Office of Court  
Construction and Management

August 7, 2012

Mr. Brian Dewey  
Ms. Sally Lukenbill  
Department of Finance  
915 L Street, 9th Floor  
Sacramento, California 95814

Re: San Diego Central Court Building – Responses to Scope Verification Questions

Dear Brian and Sally:

We are providing responses to your recent scope verification questions pertaining to the new San Diego Central Court building.

*Question 1: How many authorized and funded judgeships will this facility house? How many authorized but unfunded judgeships will this facility have?*

*Response 1: The new San Diego Center Court building will house 59 judges, 6 commissioners, 4 assigned judges, 1 judge pro-tem and 1 new judge recommended by the Judicial Council, awaiting authorization and funding by the Legislature. These positions are fully funded (except the new judge) and are being included in this project. Assigned judges are funded from the statewide assigned judges program.*

*Question 2: Do you anticipate that all courtrooms will be occupied by the time of project completion?*

*Response 2: Yes: the deficient facilities which are being replaced will be vacated, with the judicial officers moving to the new facility. One small claims court department, currently in a trailer at the Kearny Mesa court facility will be relocated to the new San Diego Central Court building. Once relocated, the trailer will be closed.*

*Question 3: Specifically, what changes have been made to this project in order to meet the 4% cost reduction requirement mandated in December 2011?*

Response 3: The San Diego Central Court building team successfully completed a comprehensive construction cost reduction effort, reducing the construction cost by more than 7% (inclusive of an additional 3% cost reduction as mandated in April of 2012), and insuring that the project will maintain the program, the architectural character of the project and be delivered in the most efficient and cost effective manner.

Over a period of five months, starting at the Design Development 90% complete milestone, a team comprised of members of the Superior Court, the AOC Office of Court Construction & Management, the architect, engineers and CM@R examined and evaluated each project system and component for cost savings using the following criteria:

- The building systems should support the project's program and reflect construction, operational and maintenance efficiencies.
- Materials and equipment selection should be suited for their intended use while ensuring reliability, longevity and minimal maintenance costs.
- Operational and security requirements of the court should not be compromised in the selection of systems and materials.
- The project should enhance downtown San Diego through its architecture and civic presence, while ensuring that the project is designed and delivered in a cost-effective manner.
- The energy and water efficiency goals for the project should be maintained during the evaluation process for each system.

The following is a summary of the reductions implemented at the conclusion of the process:

- Building Exterior: Reduced the overall exterior enclosure component cost by 11%; changed the stone-face on structural precast panels to "architectural" precast panel design; refined the glass specification to ensure highest value and performance for the different exposures and uses.
- Structural System: Reduced the weight of the main building structural steel by 940 tons, or 10%, by fine-tuning the exterior cladding systems and structural frame connection details.
- Interior Finishes: Reduced and simplified the construction costs of the interior construction, details, materials and finishes by 26%; public lobbies and corridor finish selections to include engineered tile floors and veneer plaster walls; replaced traditional wood veneer with reconstituted wood veneer for courtrooms and public spaces.
- Furniture: Reduced this component cost by 13%; maximized the re-use of existing furniture, file system, and seating.
- Electronic Network and Equipment: Reduced the construction cost by 7%; specified more extensive wireless and less wired network and outlets; developed criteria, based on courtroom usage, for audio-visual equipment that will be either shared between adjacent courtrooms, or not provided.

- Electrical Systems: Reduced the overall construction cost of this component by 4%; coordinated electrical demand of the building elements to achieve 16% more efficiency than code requirements; reduced emergency generator sizes by refining the connected loads that will be required for emergency/life safety situations.
- Mechanical Systems: Reduced cost by replacing hot water piping for re-heat with electric re-heat, based on life-cycle cost analysis.
- Tunnel: Reduced excavation with a reconfigured alignment, both horizontally and vertically; reduced tunnel cross-section after functional mock-up confirmed minimum acceptable dimensions.

Question 4: *When will the changes be identified that will satisfy the additional cost reduction requirements mandated in April 2012.*

Response 4: The changes made to meet this mandate were included in the Preliminary Plans document approved by the State Public Works Board on May 11, 2012.

Question 5: *Will any of the mandated cost reductions result in a scope change for this project?*

Response 5: No, the scope of the project, including the size of the building and all functions has been maintained.

Question 6: *What were the staffing assumptions that were used in developing size and scope of this new court facility? Did those assumption change in 2011/12?*

Response 6: The total number of staff<sup>1</sup> to be accommodated in the new building was confirmed in August 2011, as part of the approved schematic design; these reflected a reduced count due to funding decreases in three previous years as well as a 15% position vacancy at the time.

Question 7: *Do you anticipate significant staffing or program changes to occur at this court facility once constructed?*

Response 7: No changes in staffing or program are anticipated.

Question 8: *To what extent will you be incorporating the revised court facility standards, in addition to the lessons learned from completed court projects, into the design and construction of this project?*

Response 8: The building is designed in full accordance with the 2011 edition of the California Trial Court Facilities Standards.

Many "lessons learned" from other AOC court building projects have been confirmed with life cycle cost studies and incorporated in this building design, including but not limited to: holding cells constructed of prefabricated steel panels in lieu of site-built concrete block; a single converged cable structure for telecommunications, security, audio-visual, and building controls, in lieu of separate cable networks; bench seating for courtroom spectators in lieu of auditorium style individual seats; reconstituted wood veneer for interior woodwork in lieu of traditional veneer; access floor systems

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<sup>1</sup> 746 total staff accommodated in the new court building: 515 court staff; 71 judicial officers; 160 Sheriff court services bureau. The Gross Area for Court Staff Workstations, Offices, Counter Functions accounts for only 7.4% of the Total Building Gross Area

Mr. Brian Dewey  
Ms. Sally Lukenbill  
August 7, 2012  
Page 4

with concrete-filled pans for raised platforms in courtrooms in lieu of cast-in-place concrete platforms.

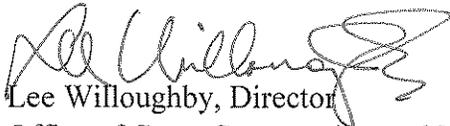
*Question 9: Have you considered how the debt service requirements for this project, assuming debt payments are funded through ICNA, will impact the long-term cash needs of the court construction program as a whole?*

Response 9: Staff has performed an analysis and has shared its recent information on this topic with the Judicial Council's Court Facilities Working Group (CFWG), at their meeting on July 11, 2012. At that meeting it was determined that the San Diego new courthouse project, as well as 30 other courthouse projects should be re-evaluated to determine which projects will be recommended to proceed, given the redirection in FY 2012–2013 of \$240 million to trial court operations, including \$50 million ongoing from the Immediate and Critical Needs Account. The CFWG will be meeting in September 2012, and plans to present their final recommendations to the Judicial Council for consideration in October 2012. The Judicial Council, last directed, in April 2012, that the San Diego Central Court project continues with Working Drawings.

We look forward to your prompt approval for continuing with Working Drawings as appropriated and planned.

If necessary, we would welcome an opportunity to discuss by phone or in person to expedite this process.

Sincerely,



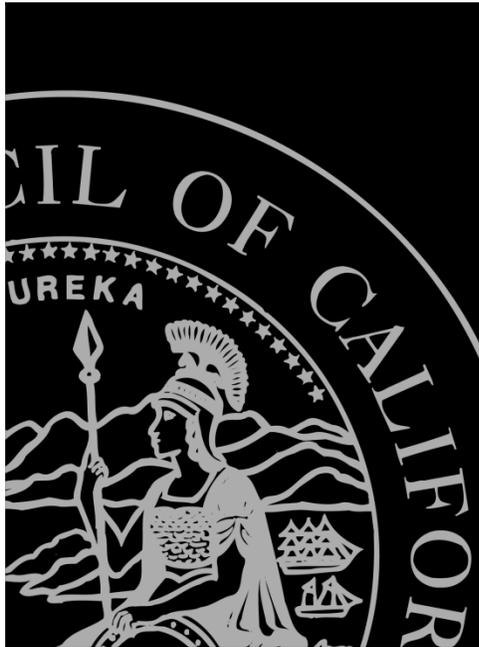
Lee Willoughby, Director  
Office of Court Construction and Management

LW/CH/zm

cc: Hon. Robert Trentacosta, Presiding Judge, Superior Court of San Diego County  
Michael Roddy, Chief Executive Officer, Superior Court of San Diego County  
Jody Patel, Interim Administrative Director of the Courts  
Curt Soderlund, Interim Chief Deputy Director, Administrative Director of the Courts  
Zlatko Theodorovic, Director, AOC Finance Division  
Curt Child, Director, AOC Office of Governmental Affairs  
Robert Emerson, Assistant Director, AOC Office of Court Construction and Management  
S. Ernest Swickard, Assistant Director, AOC Office of Court Construction and Management  
Kelly Quinn, Senior Planning Manager, AOC Office of Court Construction and Management  
Gisele Corrie, Financial Manager, AOC Office of Court Construction and Management  
Clifford Ham, Principal Architect, AOC Office of Court Construction and Management  
Raymond Polidoro, Manager, AOC Office of Court Construction and Management

**ATTACHMENT 3**

***PROGRESS REPORT***



# **Progress Report**

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NEW SAN DIEGO CENTRAL  
COURTHOUSE  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

PERIOD ENDING: JUNE 30, 2012

ADMINISTRATIVE OFFICE  
OF THE COURTS  
OFFICE OF COURT CONSTRUCTION  
AND MANAGEMENT

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PROJECT MANAGER  
CLIFFORD HAM  
ASSOCIATE PROJECT MANAGER  
JIM PETERSON

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415) 865-4043 • Fax (415) 865-8885  
clifford.ham@jud.ca.gov

## 1. Executive Summary:

The majority of activity in June involved beginning Working Drawings phase, and incorporating cost reduction related changes into Project. As of the date of this report cost reductions necessary to meet the Judicial Councils April 2012 defined additional reductions have been identified. The Preliminary Plans (Design Development) documents were accepted as presented with authorization to proceed to working drawings at the May 11, 2012 State Public Works Board (PWB) meeting. The Project Team<sup>1</sup> have identified necessary design alternate elements to meet the Judicial Council required reduced budget requirements while maintaining the original design program and scope and have proceeded into the Working Drawings phase. Discussions continued with the City and County on permitting and entitlements for the pedestrian bridge from the new courthouse to the Hall of Justice; street improvements to Union Street; and the prisoner transport tunnel from County Main Jail to the new court building.

## 2. Project Description:

The Project is a replacement court building to be occupied by the Superior Court of California, County of San Diego (the Court); it is estimated to be 704,000 program gross square feet in area (PGA), the new 22 story building includes 71 courtrooms, a secure underground connection to the nearby County's main jail and approximately 80 secure underground spaces for judicial officers, a public circulation bridge to the adjacent Hall of Justice (HOJ).<sup>2</sup>

## 3. Current Phase Summary:

Working Drawings (Construction Documents) 5/22/2012 through 4/29/2012:

The A/E Team received user review comments and included the resolution of those comments in the final Preliminary Plan Documents released on May 11, 2012. The A/E Team continued review and investigations of cost/value equations of all project elements and has achieved approximately \$28.1 million reduction in the construction costs (GMAX<sup>3</sup>) as directed by the Judicial Council on April 24, 2012. We are incorporating these changes into the development of the Construction Documents drawings

- Commencement of Working Drawings per authorization by Department of Finance and Department of Public Works meeting on May 11, 2012; and transfer of funds for WD phase on May 30. An issuance of 25% complete Working Drawings is scheduled for July 25, 2012. A formal acceptance of 100% Preliminary Plans (for Tunnel and detention elements of court building)

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<sup>1</sup>Project Team = Superior Court Advisory group & staff; AOC OCCM, & FMU; SOM, Rudolph & Sletten

<sup>2</sup> Skidmore Owings & Merrill (SOM), San Francisco are Architects and Engineers (Architects); Rudolph & Sletten (R&S), San Diego / Orange County are the construction managers at risk (CM@Risk) for the project;

<sup>3</sup> GMAX = guaranteed maximum construction cost including all construction costs plus escalation, and FF&E; the GMAX is the design budget listed in A&E contracts and CM Contract

by San Diego County has been received, per the Project Agreement between County and AOC.

- Development of all necessary encroachment applications, with the City, for the tunnel and bridge were begun this period;
- A construction cost estimate of the 100% Design Development documents was completed and verified that value engineering changes and design alternates accomplish the planned construction cost reductions.
- The team redesigned the path (horizontally and vertically) of the Tunnel to reduce the depth and amount of excavation resulting in a cost savings of approximately \$1.2 million. OCCM Facilities Maintenance Unit has accepted the cost reduction strategies, and are reviewing 100% Design Development Documents for possible suggestion to improve maintenance efficiency.

**4. Program:**

All of the functional elements of the program have been identified and located in the building plans; compromises and changes to the functional and space program have been accepted by the AOC and Superior Court.

The following tables summarize the total area of the building as designed per phase compared to the building gross area (BGSF) of the project as authorized. The building program in the Study Phase Report is currently the authorized BGSF.

<b>PROGRAM</b>				
<b>Authorized BGSF</b>			<b>Programming</b>	
<b>a</b>	<b>b</b>	<b>c=b/a</b>	<b>d</b>	<b>e=d-b</b>
<b>No. of Courtrooms</b>	<b>Currently Authorized BGSF</b>	<b>BGSF/Courtroom</b>	<b>Program BGSF</b>	<b>Program Variance</b>
71	704,000	9,915	704,000 <sup>4</sup>	0

<b>DESIGN PHASES</b>					
<b>Schematic Design (SD)</b>		<b>Design Development (DD)</b>		<b>Working Drawings (WD)</b>	
<b>f</b>	<b>g=f-b</b>	<b>h</b>	<b>i=h-b</b>	<b>j</b>	<b>k=j-b</b>
<b>Current SD PGA<sup>5</sup></b>	<b>SD Variance</b>	<b>Current DD PGA</b>	<b>DD Variance</b>	<b>Current WD PGA</b>	<b>WD Variance</b>
703,023 <sup>6</sup>	(977)	704,885	885	TBD	TBD

<sup>4</sup> Not including area of the mechanical penthouse, Tunnel or Bridge.

<sup>5</sup> PGA Project Gross Area as calculated using OCCM Procedure 3.11.

<sup>6</sup> Area calculations at 90% Design Development – December 22, 2011.

**5. Cost:**

Funding and Scope change for Working Drawing Phase was included in the approved FY 2011-2012 budget act; this incorporated updated estimated Project costs, by phase to: a) reflect the current California Construction Cost Index (construction escalation factor) and b) the request for addition scope and cost for the bridge from new court building to the HOJ<sup>7</sup> – the resulting total project costs are shown in the ‘Current Estimate’ column below.

Due to the unallocated reductions to the overall SB 1407 Court Construction program, total project cost budget estimate was reduced to re-allocate funds from this project budget to the overall program.

The following is a summary of the authorized amount and the current cost estimate for total project costs at each phase; the April 2012 Judicial Council directive on construction cost reductions.; and action of PWB regarding Preliminary Plan approval, relative to reversion of unexpended funds of Acquisition Phase:

<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e=d-c</b>
<b>Phase <sup>8</sup></b>	<b>Original Authorized Amount FY 09-10</b>	<b>Current Authorized Amount FY 11-12<sup>9</sup></b>	<b>Current Estimate</b>	<b>Variance</b>
Acquisition	\$ 8,633,000	\$ 1,558,000	\$ 1,558,000	\$ 0
Preliminary Plans	\$ 21,559,000	\$ 21,559,000	\$ 21,559,000	\$ 0
Working Drawings	\$ 31,975,000	\$ 32,367,000	\$ 32,367,000	\$ 0
Construction	\$ 571,767,000	\$ 564,633,000	\$ 564,633,000	\$ 0
<b>Total</b>	<b>\$ 633,934,000</b>	<b>\$ 620,117,000</b>	<b>\$ 620,117,000</b>	<b>\$ 0</b>

<sup>7</sup> See Progress Report, period ending July 31, 2010 for discussion of the pedestrian bridge to the adjacent HOJ

<sup>8</sup> Note: All \$ amounts are the total of funds available or authorized for the particular phase – but do not represent commitments for individual contracts – such as “Working Drawings or Construction phases”

<sup>9</sup> Previous current authorized amount (\$642,596,000) was based on the approved FY 2011-2012 budget act and was updated based on a scope change that was approved in April 2012 by the PWB. The amount also reflected the 4% reduced construction cost per JCC directive from December 2011 meeting. The current authorized amount (\$620,117,000) is now updated to reflect what was approved at the May 11, 2012 PWB meeting, which recognizes the acquisition savings to be reverted.

## 6. Schedule

a	b	c	d	e	f	g	h	i=f-d	j=g-e
Phase	Original Authorized Schedule FY 09-10		Current Authorized Schedule FY 11-12 <sup>10</sup>		Current Schedule Estimated <sup>11</sup>			Phase Duration Variance (in calendar days) <sup>12</sup>	
	Start Date	Finish Date	Start Date	Finish Date	Start Date	Finish Date	% Comp.	Start Date	Finish Date
Acquisition <sup>13</sup>	11/1/09	3/23/11	11/1/09	12/20/10	11/1/09	12/10/10	100%	0	0
Preliminary Plans	2/24/11	1/13/12	10/26/10	5/11/12	12/20/10	5/11/12	100%	0	0
Working Drawings & Approval to Bid	1/14/12	1/21/13	5/12/12	7/2/13	5/12/12	7/2/13		0	0
Bid and Construct Award	1/22/13	8/1/13	7/2/13	7/31/14	7/3/13	7/31/14		0	0
Construction	8/2/13	1/13/16	8/1/14	10/11/16	5/1/14	09/11/16		0	0
Move-in	1/14/16	2/14/16	10/12/16	11/12/16	10/12/16	11/12/16		0	0
							<b>Total days:</b>	<b>0</b>	<b>0</b>

## 7. Key Issues:

- a. The Judicial Council approved the Court Facilities Working Group recommendations on April 24, 2012, which included this project to be categorized in the Reduce Costs Now category. The proposed minimum cost reduction as a result of the Judicial Council meeting in April 2012 is 3%. This reduction is in addition to the 4% approved by the Judicial Council in December 2011.
- b. Current construction cost estimates projected below the Current Authorized Amount FY 11-12 in accordance with Judicial Council December 2011 required construction cost budget reduction of 4% and the Judicial Council's April 2012 requirement to reduce current construction cost budget by an additional 3%. The A/E team's continued efforts to identify material and design considerations has resulted in identification of sufficient design alternate elements to meet the full cost reductions required by the Judicial Council's April 2012 requirements. A

<sup>10</sup> Current authorized schedule from approved FY 2011-2012 budget act was updated based on scope change approved in April 2012 by the PWB and based on JCC directive on December 2011.

<sup>11</sup> No change to the current schedule as it is identical to the current authorized schedule.

<sup>12</sup> Number of days shown in ( ) = earlier than "current authorized schedule" for particular phase; days without ( ) = later than "current authorized schedule".

<sup>13</sup> Includes completion & certification of EIR, Feasibility Studies and Program Verification.

- construction cost estimate has been completed to verify planned alternates do meet the new budgetary requirements.
- c. Development of Working Drawings.
  - d. Securing an agreement between AOC and the City of San Diego on use of state & county land over or under city street right-of-ways (for the tunnel and bridge) and modifications to Union Street (to create a pedestrian green street per redevelopment agency's master plan).
  - e. Execute contract for District Chilled Water (NRG); and
  - f. Finalize and execute Project Management Plan.
  - g. Complete amendment to Hall of Justice Joint Occupancy Agreement (between County & AOC) to record agreements concerning the bridge and interior reconfiguration of certain court spaces in the HOJ.

#### **8. Activities Completed this Period:**

- a. AOC, Court, A&E continued examination of options for building components, materials, and finishes with consideration to life cycle analysis, to align the design with the construction cost budget. Developed list of viable alternatives resulting in opportunities to reduce estimated current construction costs by \$28,100,000 – this action then aligns the estimate with the reduced construction budget.
  - The A/E team continued of the path of the Tunnel taking advantage of topography opportunities and avoiding all together existing structural elements resulting in a cost savings of approximately \$1.2 million.
  - Building exterior Precast Concrete instead of limestone on precast panels; opportunities for cost reduction identified.
  - Electric reheat to replace hot water piping-reducing construction and life cycle costs
- b. Continued to review/align MEP design with LEED goals and energy conservation requirements.
- c. Continued design-review meetings with the Court Working Group, and Judicial Advisory Groups
- d. Detailed work sessions City and County staff on Public Improvements, tunnel, and bridge. Initiation of encroachment permitting for tunnel, and bridge from City of San Diego;
- e. Continued refinement of contractual statement of work and mutual understandings resolution agreement between AOC and San Diego NRG to provide the New Court House with Chilled Water.
- f. Detention hardware work session with Sheriff Staff.
- g. Contract amendments for A&E and CM @ Risk for Working Drawings phase
- h. Precast panel fabrication plant visit. Reviewed opportunities for further cost reduction.

#### **9. Activities Scheduled for Next Period:**

- a. Complete 25% Working Drawing Phase coordination milestone;
- b. Publicity and public outreach in San Diego about the Court Building architectural and urban design

- c. Submit documentation for encroachment permits, form City, for tunnel and bridge
- d. SDG&E approval of Electrical Vault Location outside of building and connection into building
- e. Completed electrical metering studies of existing facilities: a) Main Jail and first floor HOJ to verify capacity to accommodate tunnel and HOJ conference center work respectively; b) two recently occupied Superior Court buildings to verify electrical demand in computer / information technology equipment rooms (IDF & MDF rooms) to verify electrical service design for IDF & MDF rooms in San Diego Center Courthouse;
- f. Contract with research laboratory for performance of structural testing / shake-table testing of moment frame connections – to achieve building code pre-qualification prior to plan check;
- g. Project Risk Assessment workshop –implementation of mitigation plans.
- h. Continue Commissioning Specification development and amend contract for working drawing phase.
- i. Contract amendments for A&E and CM @ Risk, and other consultants for Working Drawings phase;
- j. Identify and retain the code review consultant.
- k. Contract with consultant for building code reviews, which supplement those of the State Fire Marshal, Department of State Architect, and Corrections Standards Authority.
- l. Follow on meetings with San Diego Metropolitan Transit System coordinate approval of bridge work in right of way.

#### **10. Project Milestones:**

- a. Authorizing Legislation for Acquisition Phase – Budget Act 2009
- b. State Public Works Board accepted title to project site as part of Court Facilities Transfer Approval – November 16, 2009
- c. Acquisition and Feasibility Study Phase – May 15, 2010-September 15, 2010
- d. Funding for preliminary plans phase \$21.559 million transferred to AOC court facilities architectural revolving fund for this project (CFARF 09-047) on May 11, 2010;
- e. COBCP for Working Drawing Phase – submitted to DOF, September 10, 2010
- f. Authorization to proceed with Schematic Design Phase, October 26, 2010
- g. Program and Verification and Feasibility Phase Report Complete, November 12, 2010.
- h. Executed lease for Courtroom Mock-Ups – November, 2010
- i. 50% Schematic Design Issuance - January 14, 2011
- j. Cost Model Reconciliation – February 8, 2011
- k. 100% Schematic Design Issuance – April 22, 2011
- l. 100% SD Phase Completion – June 30, 2011
- m. Schematic Design accepted by the Superior Court and OCCM on 7/18/11
- n. Authorization to begin Design Development phase – July 13, 2011 (revised)
- o. Space plans approved- July 29, 2011
- p. 50% DD Issuance – September 9, 2011

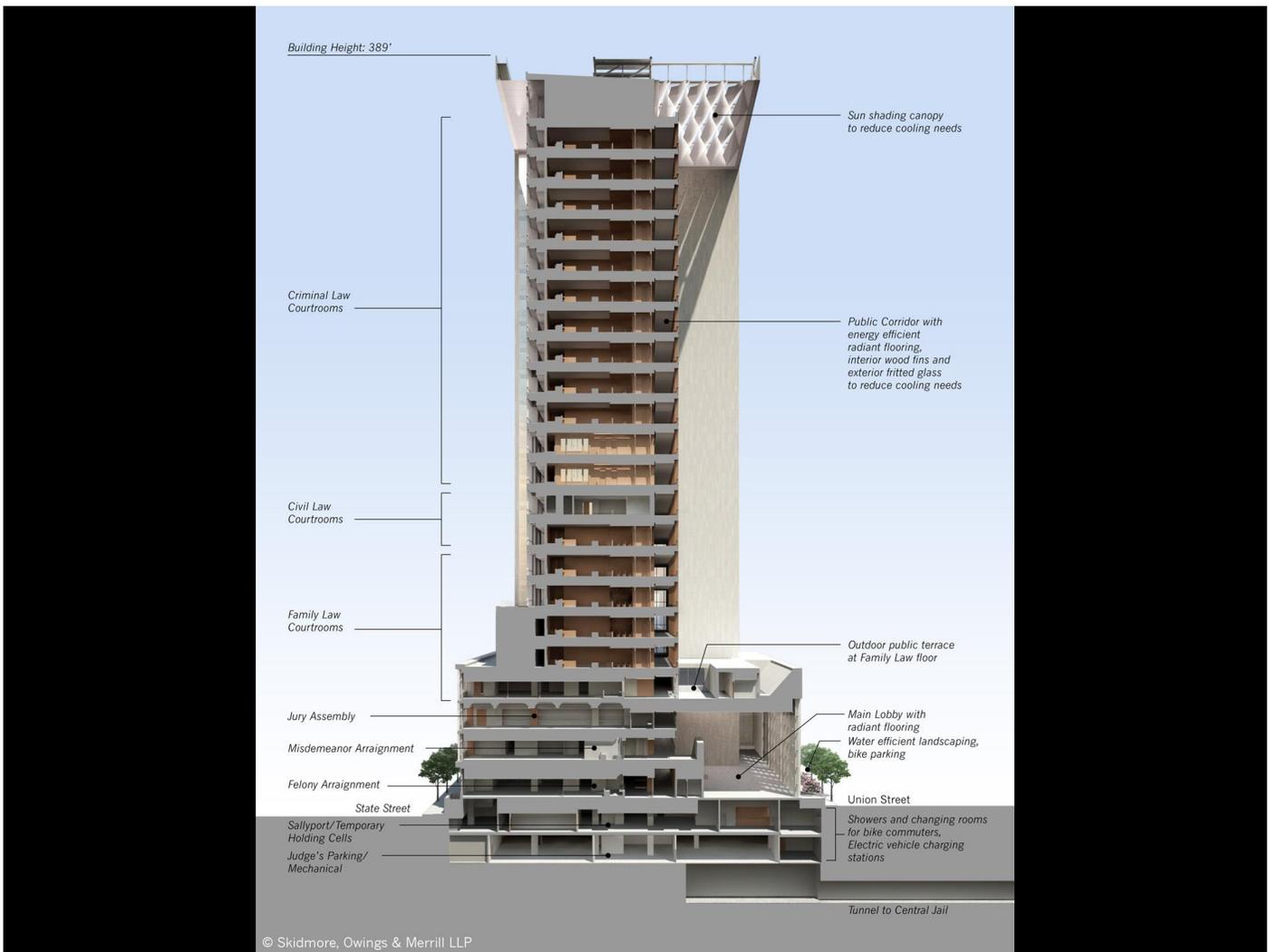
- q. 90% DD Issuance – December 22, 2011
- r. Approval Preliminary Plans – May 11, 2012
- s. Authorization to begin Working Drawings – May 11, 2012
- t. Final DD documents issued – May 21, 2012
- u. 100% DD Cost Estimate – June 20, 2012
- v. 25% Working Drawing Issuance - July 16, 2012 (scheduled)
- w. 50% Working Drawing Issuance – October 1, 2012 (scheduled)

**11. Additional Information:**

For questions, comments or additional information, please contact:

Clifford Ham  
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455 Golden Gate Avenue  
San Francisco, California 94102  
(415) 865-4043  
clifford.ham@jud.ca.gov

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Associate Project Manager  
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jim.peterson-t@jud.ca.gov



## 12. Distribution of this Report:

Hon. Robert J. Trentacosta, Presiding Judge, Superior Court of San Diego County  
Hon. Kenneth So, Judge, Superior Court of San Diego County  
Michael M. Roddy, Court Executive Officer, Superior Court of San Diego County  
Ming Yim, Director of Facilities, Superior Court of San Diego County  
Lee Willoughby, Director, OCCM  
Curtis Child, Director, Office of Governmental Affairs  
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Teresa Ruano, Communications Specialist, AOC Executive Office Programs, Office of Communications  
Ann Poppen, Vice President, Rudolph & Sletten  
Steve Sobel, Associate Partner, Skidmore, Owings & Merrill

\*End of Progress Report\*

**ATTACHMENT 4**

***CAPITAL OUTLAY BUDGET  
CHANGE PROPOSAL***

**STATE OF CALIFORNIA  
CAPITAL OUTLAY  
BUDGET CHANGE PROPOSAL (COBCP)  
COVER PAGE (REV 01/08)**

**DEPARTMENT OF FINANCE  
915 L Street  
Sacramento, CA 95814  
IMS Mail Code: A15**

**BUDGET YEAR 2009-10**

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

DEPARTMENT: JUDICIAL BRANCH  
PROJECT TITLE: SAN DIEGO-NEW SAN DIEGO CENTRAL COURTHOUSE  
TOTAL REQUEST (DOLLARS IN THOUSANDS): \$ 55,192 MAJOR/MINOR: MA  
PHASE(S) TO BE FUNDED: A/P PROJ CAT: CRI CCCI/EPI: 5263

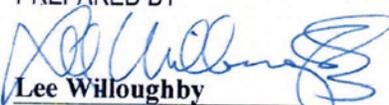
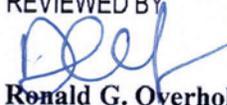
**SUMMARY OF PROPOSAL:**

The Judicial Council requests the State Public Works Board establish the scope, cost, and schedule per Chapter 10, Statutes of 2009 (SB 12, 2X) for a new 71 courtroom full service courthouse to be located in downtown San Diego. In addition, the Judicial Council requests appropriation authority from Immediate and Critical Needs Account (Fund 3138) for Acquisition and Preliminary Plans based on the approved project costs. The project will provide a consolidated courthouse providing criminal, probate, small claims, and family court services for the court's central district. This project features substantial economic opportunities in the form of consolidation of four inadequate facilities into the new courthouse resulting in operational and service efficiencies. While several potential downtown San Diego sites have been studied for the proposed new courthouse, the site will be selected pending completion of the CEQA process. The total estimated project cost for the 704,000 gross square foot (sf) courthouse is \$660.134 million without financing. The total cost of the project, including financing, will be funded by Senate Bill (SB) 1407 (Chapter 311, Statutes of 2008) resources. This project is ranked in the Critical Need priority group in the Trial Court Five-Year Infrastructure Plan adopted by the Judicial Council in October 2008, and consequently is one of the highest priority trial court capital outlay projects for the judicial branch.

HAS A BUDGET PACKAGE BEEN COMPLETED FOR THIS PROJECT? (E/U/N?): Y  
REQUIRES LEGISLATION (Y/N): N IF YES, LIST CODE SECTIONS: \_\_\_\_\_  
REQUIRES PROVISIONAL LANGUAGE (Y/N): N  
IMPACT ON SUPPORT BUDGET: ONE-TIME COSTS (Y/N): Y FUTURE COSTS (Y/N): Y  
FUTURE SAVINGS (Y/N): N REVENUE (Y/N): N  
DOES THE PROPOSAL AFFECT ANOTHER DEPARTMENT (Y/N): N IF YES, ATTACH

COMMENTS OF AFFECTED DEPARTMENT SIGNED BY ITS DIRECTOR OR DESIGNEE.

**SIGNATURE APPROVALS:**

<u>Kelly Quinn</u> PREPARED BY	<u>September 3, 2009</u> DATE	<u>Gisele Corrie/Clifford Ham</u> REVIEWED BY	<u>September 3, 2009</u> DATE
 <u>Lee Willoughby</u> DEPARTMENT DIRECTOR	<u>September 3, 2009</u> DATE	 <u>Ronald G. Overholt</u> CHIEF DEPUTY DIRECTOR	<u>September 3, 2009</u> DATE

\*\*\*\*\*  
**DOF ANALYST USE**  
\*\*\*\*\*

DOF ISSUE # \_\_\_\_\_ PROGRAM CAT: \_\_\_\_\_ PROJECT CAT: \_\_\_\_\_ BUDG PACK STATUS: \_\_\_\_\_  
ADDED REVIEW: \_\_\_\_\_ SUPPORT: \_\_\_\_\_ OTROS: \_\_\_\_\_ FSCU: \_\_\_\_\_ OSAE: \_\_\_\_\_ CALSTARS: \_\_\_\_\_  
PPBA: \_\_\_\_\_ DATE: \_\_\_\_\_

**BUDGET YEAR 2009–10**

ORG CODE: 0250 COBCP NO: 09-91-01 G2 PRIORITY: 01 PROJECT ID: 91-37-001

**A. PURPOSE OF THE PROJECT**

This project—ranked in the Critical Need priority group in the Trial Court Five-Year Infrastructure Plan adopted by the Judicial Council in October 2008—is one of the highest priority trial court capital-outlay projects for the judicial branch. The project is on the list of 41 projects to be funded by SB 1407, as adopted by the Judicial Council in October 2008.

The proposed new courthouse has many benefits to the court and will enhance its ability to serve the public. The project will:

- Consolidate and replace three unsafe and dysfunctional courthouses and one trailer courtroom in one new building to efficiently and safely provide criminal, probate, small claims, and family court services in the central, downtown area of San Diego.
- Bring to the downtown area a small claims calendar from the Kearny Mesa courthouse, which will improve service to residents of the central San Diego area. This allows the court to move a traffic calendar from a dysfunctional trailer into the main Kearny Mesa Courthouse.
- Terminate state annual cost of earthquake damage and personal liability insurance for the downtown County Courthouse to be replaced by the new courthouse. The Judicial Branch requests initial funding for this project as soon as possible in order to reduce the cost of seismic liability insurance on the County Courthouse to be replaced by the proposed new courthouse. The state is funding the cost of participation in the Earthquake Recovery Indemnity Authority (the Authority) for this building as part of the exchange for title to two of the three blocks now occupied by the County Courthouse and the Stahlman Block. The total annual participation in the Authority for the County Courthouse is approximately \$207,337. Delay in proceeding with development of the new courthouse will result in accumulated ongoing costs of participation in the Authority for the County Courthouse, and ongoing risk for general liability and personal injury claims related to a seismic event.
- Pending selection of a site in compliance with the CEQA process, reduce state capital outlay costs, improve court and county efficiency, and reduce county sheriff operating costs by constructing a secure tunnel between the Central Jail and the proposed new courthouse. Ideally the proposed new courthouse will be sited in close proximity to the existing Central Jail, to achieve these benefits.

The facilities to be vacated after the completion of the new courthouse are presented below. The court will fully vacate the County Courthouse, the Madge Bradley Courthouse, and the Family Courthouse. The County Courthouse will be disposed of to the benefit of the state. Both the Madge Bradley and Family facilities will be retained by the County as part of the agreed upon equity exchange agreement. The court will also consolidate one small claims calendar from the Kearny Mesa Courthouse into the new facility, thereby allowing the court to use trailer C-2 for storage and support functions instead of as a courtroom.

**BUDGET YEAR 2009–10**

ORG CODE: **0250** COBCP NO: **09-91-01 G2A** PRIORITY: **01** PROJECT ID: **91-37-001**

TABLE 1  
Facilities Affected by Construction of New Courthouse  
Courtrooms, Size, Ownership, Transfer Status, and Disposition Plan

Facility	Location	Number of Existing Courtrooms Affected by This Project	Departmental Square Footage Occupied by the Court and moving to New Courthouse	Type of Transfer <sup>1</sup>	Disposition	Court Space as a Percentage of Total Building Square Footage
County Courthouse.....	San Diego	59	243,266	TOR	Dispose to offset cost of new courthouse	76.2%
Family Courthouse.....	San Diego	6	39,105	TOR	County retains Title per equity exchange agreement	100.0%
Madge Bradley Courthouse .	San Diego	4	20,234	TOR	County retains Title per equity exchange agreement	100.0%
Kearny Mesa Courthouse – Trailer C2	San Diego	1	960	TOR/TOT	Trailer (C2) to be use for storage or court support	100%
TOTALS .....		70	303,565			

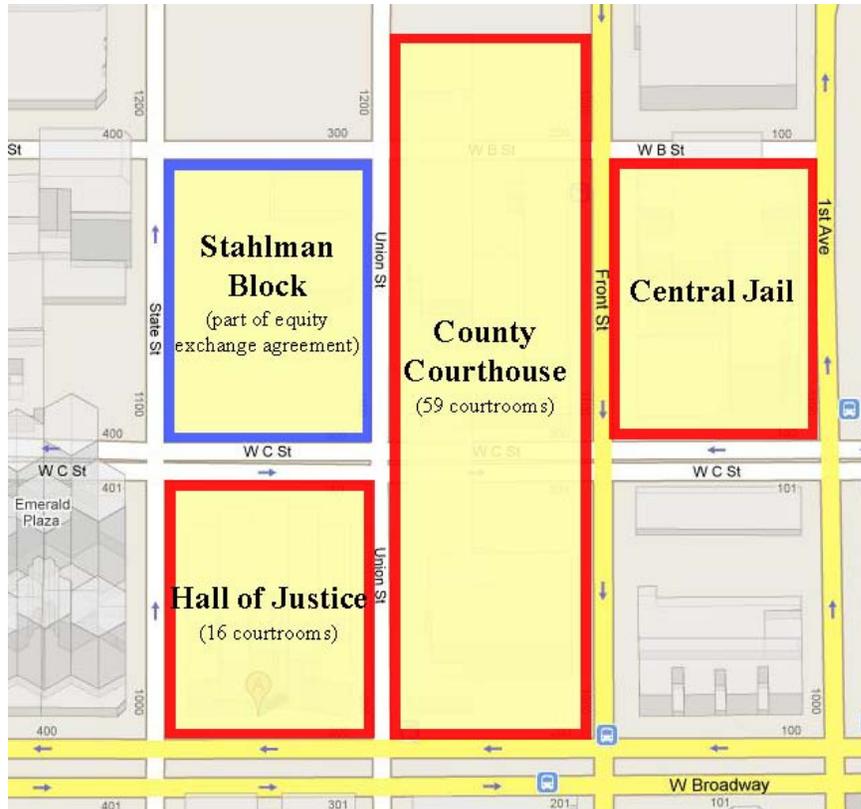
Each of the facilities listed above will be vacated by the court after the new courthouse is completed. The County of San Diego and the AOC negotiated an equity exchange agreement that includes exchange of the county’s 24 percent equity share in the existing downtown County Courthouse, the Old Jail, and the Stahlman Block for the state’s equity in both the Madge Bradley and Family Courthouses. The equity exchange agreement executed between the AOC and the County of San Diego includes other features, including the state assuming liability for any seismic damage. Figure 1 below presents a plan showing the relationship between the existing County Courthouse, the Hall of Justice, the Central Jail, and the Stahlman Block.

<sup>1</sup> TOR = Transfer of Responsibility  
TOT = Transfer of Title

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

FIGURE 1  
Existing Courthouses in San Diego’s Downtown Civic Center Area



The court functions to be located in the proposed new courthouse currently occupy 303,565 DGSF as shown in Table 1. The square footage required for the 71 courtroom courthouse is 523,308 DGSF, or 703,925 Building Gross Square Feet (BGSF) for only court functions. This represents a shortfall of 219,743 DGSF to meet the current needs of the court based on the space program for the project.

The four existing court facilities are unsafe, overcrowded, and inadequate for modern court operations. These buildings have numerous deficiencies as outlined below:

**A.1. County Courthouse**

- A.1.1. Current Functions. 59 courtrooms for criminal and civil case types. This is the largest courthouse in the county with an average of 54,500 visitors screened to enter the building each month.
- A.1.2. Seismic deficiencies. The existing courthouse has been rated as a seismic Level 5 building by the AOC’s consulting structural engineers. A seismic fault line with surface rupture history lies beneath the north tower (Figure 2).

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 2: Seismic fault lies beneath courthouse north tower

- A.1.3. Courthouse spans over city streets. A number of courtrooms, judges' chambers, deliberation rooms and public waiting areas are located above B and C Streets, which have public vehicular light rail and pedestrian access. This configuration is the source of major security concerns should an explosive device be placed beneath the building (Figure 3).



Fig. 3: Courtrooms and chambers span over two city streets. Shown above is building spanning B Street as viewed from the corner of "B" and Union Streets.

- A.1.4. Lack secure prisoner transfer paths. The courthouse lacks a dedicated prisoner transfer system. In order to transfer prisoners to the trial courtrooms, deputies

BUDGET YEAR 2009-10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

must walk them in chains and in front of jurors through public corridors, judicial corridors, public stairways and elevators. There is no vehicle sallyport in the courthouse (Figures 4 to 7).



Fig. 4: Prisoner transfer path (marked by yellow lines) through courtroom waiting/public corridor. Door on right leads to holding corridor/cells.

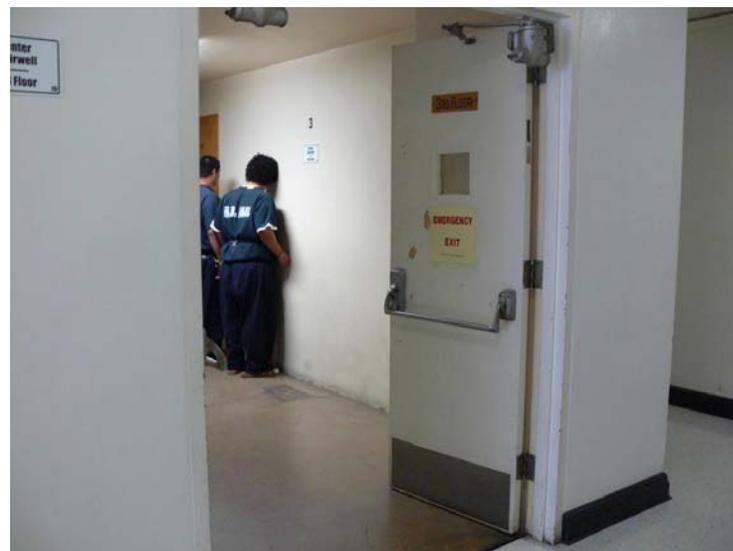


Fig.5: Prisoner transfer through public stairwells.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 6: Prisoner transfer path next to judge's chambers (on left) & gun lockers (on right).  
Back wall: lineup handprints.



Fig. 7: Public elevators are used for prisoner transfers.

- A.1.5. Lack of in-custody holding. There are no holding cells adjacent to the criminal trial courtrooms. If a prisoner needs to use a toilet room during court proceedings, a deputy must escort him/her to the nearest central holding area, often through public and judicial areas. This is extremely unsafe and requires extra sheriff manpower. All standard new courthouses are designed with holding cells adjacent to criminal courtrooms, which improves security, increases efficiency, and reduces the number and expense to the court of funding sheriff

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

deputies required to staff each criminal court proceeding involving in-custody defendants.

- A.1.6. Central in-custody holding area deficiencies. Central holding areas are too small and layouts are poor. Prisoners must pass through the sheriff's control stations to get to the cells. Ventilation and comfort air in the holding areas are almost non-existent. The spaces are always crowded, hot and stuffy. There are no attorney/prisoner interview rooms (Figure 8).

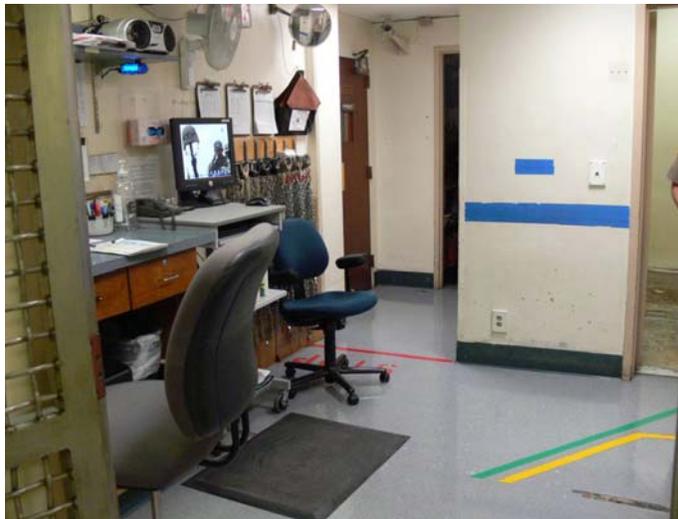


Fig. 8: Sheriff holding area control station: Prisoners must walk through the control station behind the deputies to get to holding cells.

- A.1.7. Fire-safety system non-compliance. The City of San Diego Fire Marshal cited the building for fire code violations in 1997 for lacking fire sprinkler, fire detection, and notification systems. Currently, only the south tower is equipped with a basic fire alarm system. This means that, if a fire breaks out in the south tower, occupants in the center block and north tower would not be notified by the existing fire safety systems (Figure 9 right photo).
- A.1.8. Fire exiting system violations in courtrooms. Courtroom exit doors are too narrow and do not meet the 36" width requirement; rear doors all swing inward and against the exiting traffic flow; undersized courtrooms do not provide the required exit widths; there is no panic hardware on rear exit doors, and, as mentioned above, only south tower courtrooms are served by fire detection and notification systems (Figure 9 left photo).

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 9: Typical courtroom entry doors are too narrow and do not meet fire code. Courthouse lacks fire sprinkler and fire alarm systems.

- A.1.9. Hazardous materials. Asbestos is present above the ceiling and in the vinyl floor tile adhesive throughout the courthouse. Lead paint was commonly used in the courthouse in the past. When the maintenance crew changes light bulbs in a courtroom, they must shut down the area, put up asbestos signs, wear a bio-hazard suit and then lift the ceiling diffusers to change the light bulbs. The asbestos situation, along with dysfunctional space and mechanical layouts, make remodeling in the courthouse extremely disruptive and costly (Figure 10).



Fig. 10: Due to presence of asbestos above the ceiling throughout the courthouse, cables and conduit are installed below the ceiling, including in exit corridors as shown.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

A.1.10. Aging HVAC systems. Many air handlers are still the original units from 1961; the building chill water distribution system has been problematic; fiberglass insulation inside the mechanical ducts has deteriorated to the point that black soot-like material often is blown out of the supply air grilles into habitable spaces; central plant capacity is marginal to inadequate (Figure 11).



Fig. 11: Original air-handlers from 1961 have long exceeded their useful life.

A.1.11. Aging vertical transportation systems. Escalators and elevators are old and problematic. For example, the county permanently shut down one of the three elevators in the north tower so they could use the soon-to-be obsolete parts to maintain the other two. When parts are needed for escalators they must be custom made by a machine shop, and as a result escalators may be taken out of service for weeks at a time in this 59-courtroom building, creating congestion in public hallways and delays in court proceedings when jurors and other courtroom participants cannot arrive in the courtroom on time.

A.1.12. Perimeter security issue. Due to the horizontal layout of the courthouse, there are many unsupervised courthouse exterior doors (many are glass doors) distributed over three city blocks. When the sheriff blocks off public access to these doors from the inside, they sometimes inadvertently violate the fire exiting code (Figure 12).

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

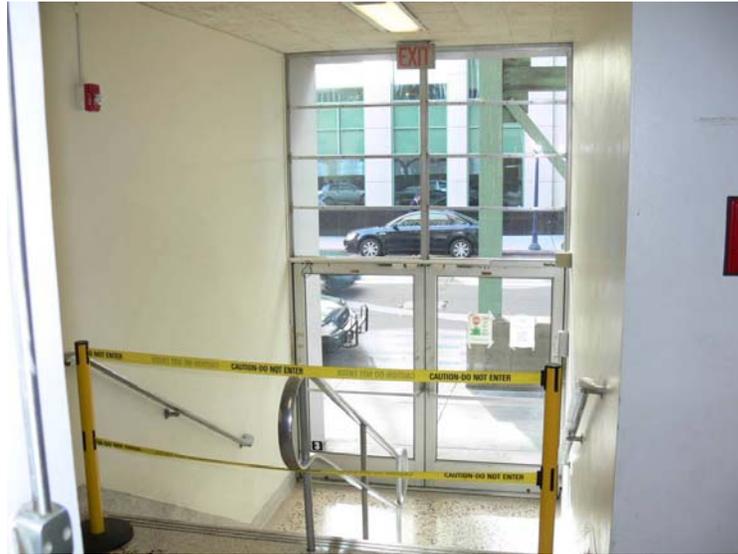


Fig. 12: Emergency exits are blocked off due to security concerns.  
This photo also illustrates ADA and fire exiting issues.

- A.1.13. Unprotected Judge's Parking. The judge's parking area is secured only with a chain-link fence, and is visible from surrounding streets, sidewalks and buildings. The parking lot is also used by night shift jail staff, with the vehicle rolling gate left open after 5 p.m. each night.
- A.1.14. Americans with Disabilities Act (ADA) deficiencies. ADA deficiencies in the building range from inaccessible building exits, restrooms, and doors to inaccessible and undersized jury boxes, witness boxes, and judge's benches.
- A.1.15. Toilet facilities shortage. There are insufficient public toilet facilities in the building. For example, there are seven jury trial courtrooms each on the fourth and fifth floors and only two women's public toilet stalls per floor.
- A.1.16. General space shortage. Undersized (or lack of) public corridors, courtroom waiting areas, witness and peace officer waiting rooms, media rooms, jury lounge, in-custody holding areas, offices, file storage, etc. continue to hamper efficient court operations (Figure 13).

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 13: Temporary media setup in public corridor (upper left) in an already-crowded main public corridor/courtroom waiting area.

## A.2. Family Courthouse

Current Functions: 6 courtrooms. Building expanded awkwardly with connecting stairs to bridge uneven floor levels. On average, over 17,000 visitors are screened to enter this facility each month.

- A.2.1. Undersized facility. The Family Courthouse is undersized for its numerous Family Law functions and programs; growth in family law caseloads have forced support and ancillary functions to take up public lobby/circulation space (Figures 14, 17, and 18). The Family Law Facilitator's office, which is located in the public lobby, is staffed by 10 staff including 6 attorneys.
- A.2.2. Seismic deficiency. Seismic level V; a county study completed in April 2006 on retrofit concluded that construction necessary to correct deficiencies would require closure of the court building for 12-18 months; thus, retrofit was judged impractical.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 14: Family Courthouse: Undersized building lobby serves as court building entrance, weapons screening station, Family Law Facilitator's office (10 staff) and service counter, courtroom waiting, attorney/client conference area and the only path to the business office and Family Counselors' offices.

- A.2.3. Major circulation problems. The path of travel between the two components of the awkwardly expanded building includes narrow stairwells that are problematic and unsafe for parents with small children and strollers, and opposing parties in contentious divorce/child custody proceedings (Figure 15).
- A.2.4. ADA deficiencies. The building addition, which includes the family court services program, family law business office, calendar department, and children's waiting room, is not wheelchair-accessible (Figure 15).

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

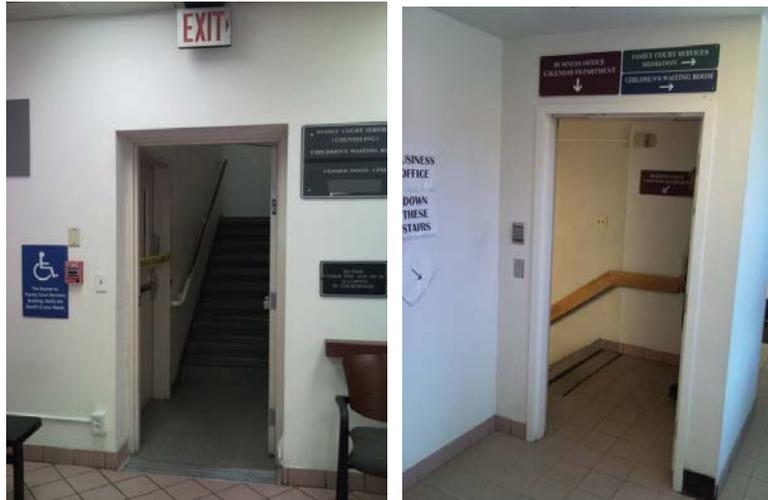


Fig. 15: Family Courthouse: Inaccessible ADA public path (actually fire exit stairs) from courtrooms to family services offices. Public must go up and down two flights of stairs to get to the business office, children’s waiting room and Family Court Services due to awkward addition to building.

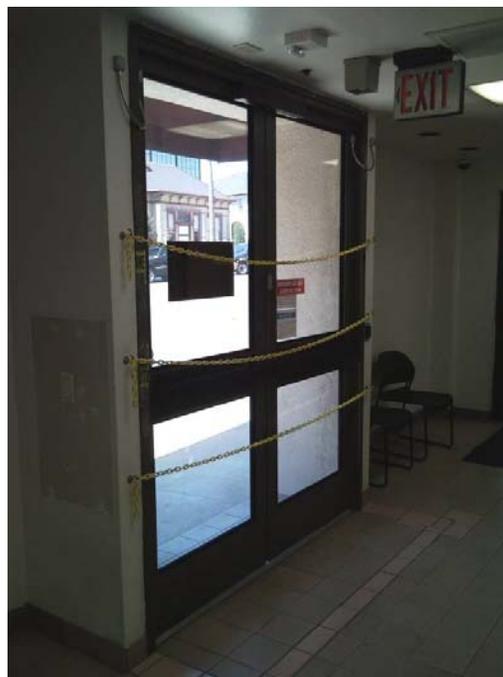


Fig. 16: Family Courthouse: Unsupervised exterior glass doors in public lobby pose perimeter security and exiting concerns.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 17: Family Courthouse: Exit corridor is used for copy machine, storage and break area due to space shortage.



Fig. 18: Family Courthouse: Files are stacked to ceiling due to space shortage.

- A.2.5. Roof leaks. Leaks occur regularly during rainy periods.
- A.2.6. Mold growth. Mold in the courtrooms had been a problem between 2003 and 2006. While it is currently under control, the underlying cause of the mold growth has never been determined.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

- A.2.7. Internal building security. This is a problematic area, considering the contentious and emotional nature of family law proceedings. Factors contributing to this include overcrowded conditions, and numerous turns, corners and isolated areas that cannot all be monitored by sheriff's personnel or security systems (Figures 15 and 16).
- A.2.8. HVAC. Operation of the building HVAC system has been erratic. Hot/cold complaints are common.
- A.2.9. Structural Problem. Rooftop parking has been abandoned due to insufficient structural support (Figure 19).



Fig. 19: Family Courthouse: Rooftop parking has been abandoned due to structural deficiencies.

**A.3. Madge Bradley Courthouse**

Current Functions: 4 courtrooms

- A.3.1. Dysfunctional building layout. Inefficient, cramped layout causes major security problems.
- A.3.2. Insufficient lobby space. The building entrance lobby is extremely undersized at 190 square feet, with insufficient space for weapons screening station, queuing area, and elevator waiting area for the average of 2,100 visitors each month to the building (Figure 20).

BUDGET YEAR 2009-10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 20: Madge Bradley: This 10'x19' entrance lobby is extremely undersized, considering its functions as a family law court building lobby, weapons screening station, and elevator waiting area.

- A.3.3. One public elevator, no public stairs. The only public access into the building is via a single elevator; there are no public stairs. When the elevator is out of service, the public has to use the unprotected fire stair which is only accessible from the city sidewalk (Figure 21).



Fig. 21: Madge Bradley: Lack of back up vertical transportation forces the use of an unsecure fire stair (white door at left) when the only public elevator breaks down.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

A.3.4. Small, isolated circulation areas. It is difficult for the sheriff to monitor public activity in the courtrooms and business office lobbies and corridors.

A.3.5. Inefficient building layout. The building suffers from poorly laid out, inefficient spaces that hinder optimal court operations.

**A.4. Kearny Mesa Trailer C2**

Current Function: one courtroom (Department KM3)

This facility will no longer be used for court proceedings when the proposed new courthouse is completed. The new courthouse will provide a courtroom for a small claims calendar now located in the main Kearny Mesa Courthouse, which will allow the traffic calendar now housed in trailer C2 to be moved into the main Kearny Mesa Courthouse. The court plans to use trailer C2 for storage or overflow court support space when the traffic calendar is moved into the Kearny Mesa Courthouse. Below are the reasons why trailer C2 is not a safe and secure facility for court proceedings.

A.4.1. Security. Judicial officers must cross the open public courtyard (which is not monitored by any surveillance cameras) when moving between their chambers in the main Kearny Mesa building and the trailer courtrooms including trailer C2. Weapons and other contraband could be thrown over the existing fencing from the public parking lot into the open-air courtyard. One wall of trailer C2, including windows and a door, is exposed to the public-accessible parking lot. (Fig. 22, 23)

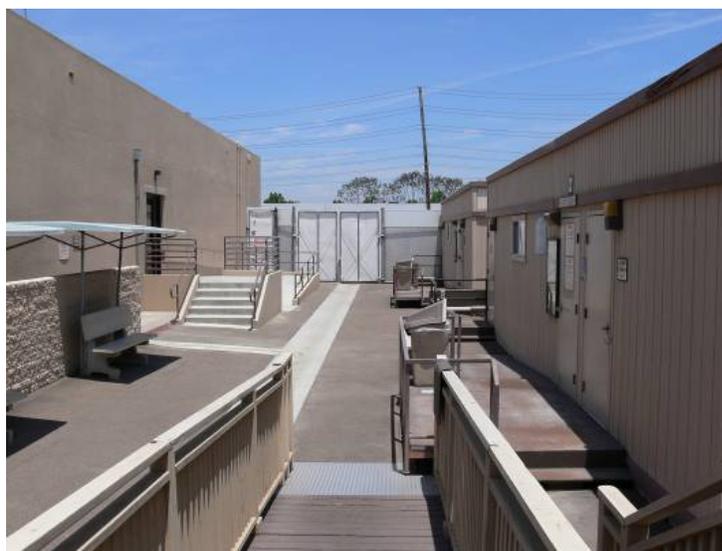


Fig. 22: Public courtyard that judicial officers cross to reach Trailer C2.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001



Fig. 23: Trailer C-2 backs up to public-accessible parking lot.

- A.4.2. Substandard courtroom. There is a limited amount of freestanding seating for the public. The bench is a desk. There is no wall or rail separating the public from the well. (Fig. 24).



Fig. 24: Substandard Trailer C2 courtroom -- Desk for Judge's bench, no ramp or rail, limited public seating. Windows facing public parking lot create security risk.

- A.4.3. ADA/safety issues. The ramp and handrails outside are not up to current ADA standards. Inside the courtroom, there is no ramp at the step up to the Judge's

**BUDGET YEAR 2009–10**

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

bench, and no railing up to the Judge or down to the clerk. There is no ballistic material inside trailer C2’s bench, which is a standard desk. (Fig. 22, 24).

**A.5. Judicial Positions**

Current and projected Judicial Position Equivalents (JPEs)<sup>2</sup> are the basis for establishing both the number of courtrooms and the size of a proposed capital-outlay project. Projected JPEs are determined by the Update of the Judicial Workload Assessment (the 2008 assessment) as adopted by the Judicial Council in October 2008. This updated assessment identified 327 currently needed new judgeships. These 327 currently-needed new judgeships do not include either the 50 SB 56 (Chapter 390, Statutes of 2006) or the 50 Assembly Bill (AB) 159 (Chapter 722, Statutes of 2007) judgeships but do include the last 50 new judgeships that are still to receive legislative authorization and funding.<sup>3</sup>

The San Diego court is scheduled to receive one new judgeship from the last 50 new judgeships. Table 2 below provides information used to determine the near-term need for this project, which includes 71 JPEs.

TABLE 2  
 Current JPEs and Projected JPEs (Including Proposed New Judgeships)

Location	Current JPEs	AB 159		Future Growth	Total JPEs	Basis for Proposed Project
		New Judgeships	Proposed last 50 New Judgeships			
Central Courthouse.....	59	0	1	0	60	60
Family Courthouse .....	6	0	0	0	6	6
Madge Bradley Courthouse.....	4	0	0	0	4	4
Kearny Mesa Courthouse – Trailer C2..	1	0	0	0	1	1
<b>TOTAL.....</b>	<b>70</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>71</b>	<b>71</b>

**B. RELATIONSHIP TO THE STRATEGIC PLAN**

The Judicial Council, as the policymaking body for the judicial branch, has the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities;

<sup>2</sup> JPEs are defined as the total authorized judicial positions adjusted for vacancies, assistance rendered by the court to other courts, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

<sup>3</sup> The last 50 (of the 150) new judgeships were proposed for funding in FY 2008–2009 through the authorization of SB 1150 (Corbett); however, the state legislature did not pass this bill.

**BUDGET YEAR 2009–10**

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

- Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law;
- Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance;
- Allocate appropriated funds for court facilities maintenance and construction;
- Prepare funding requests for court facility construction, repair, and maintenance;
- Implement the design, bid, award, and construction of all court construction projects, except as delegated to others; and
- Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes according to an approved five-year and master plan for each court.

The provision of this capital outlay request is directly related to the Judicial Council’s strategic plan Goal VI: “Branch-wide Infrastructure for Service Excellence.” By providing the trial courts with the facilities required to carry out the Judiciary’s constitutional functions, the proposed project immediately addresses this goal, but it would further all of the Council’s goals. The proposed project supports the Judicial Council’s commitment to Goal I, “Access, Fairness, and Diversity” and Goal IV, “Enhancing the Quality of Service and Justice” provided to the public.

Chapter 1082, Statutes of 2002 (SB 1732, Escutia) creates a process by which the state will assume the responsibility for transfer of responsibility and/or title to all court facilities. This program, the responsibility of the Judicial Council, was authorized to begin on July 1, 2003. AB 1491 (Ch. 9, Statutes of 2008) was enacted in April 2008 and extends the deadline for completing transfers to December 31, 2009. A list of all courthouses in San Diego County is provided for reference on the last page of this document.

This project is included in the Superior Court of California, County of San Diego Court Facility Master Plan, guided by a steering committee comprised of members of the court and the County Administrative Office. This project is also included in the Critical Need priority group in the prioritized list of trial court capital projects in the Judicial Council’s FY 2010-11 Five-Year Infrastructure Plan submitted to the Department of Finance on August 6, 2009. This project is a top priority for the Judicial Branch.

**C. ALTERNATIVES:**

The AOC and the court examined two facility development options to provide adequate space for court functions in the central district of the San Diego Superior Court:

- Project Option 1: Construct a new courthouse with 71 courtrooms;
- Project Option 2: Remain in four separate unsafe and inadequate facilities

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

These options are evaluated below.

**C.1. Project Option 1: Construction of a new courthouse with 71 courtrooms**

In Option 1, a building of approximately 703,925 BGSF with 71 courtrooms and associated support space will be constructed on a site in the downtown civic center of San Diego ideally in close proximity to the Central Jail. With Project Option 1, the court will vacate three facilities now used by the court for criminal and family court operations and administrative functions in downtown San Diego and vacate a trailer courtroom in Kearny Mesa.

C.1.1. Pros.

- This option consolidates four unsafe and inadequate facilities into a consolidated courthouse serving criminal, probate, small claims, and family matters. This will result in increased court operational efficiency and greatly enhanced service to the public.
- This option brings to the downtown area a small claims calendar from the Kearny Mesa courthouse, which will improve service to residents of the central San Diego area. This allows the court to move a traffic calendar from a dysfunctional trailer into the main Kearny Mesa Courthouse.
- This option allows the AOC to dispose of the existing County Courthouse property, located along Broadway—a prime commercial office street in San Diego—to the benefit of the state.
- The goal of locating the new courthouse as close as possible to the Central Jail has several advantages. Construction of a tunnel connecting the Central Jail to the new courthouse would provide efficiencies for the court and county sheriff.
- If the state were to acquire property at a location several blocks from the Central Jail—eliminating the ability to construct a tunnel—a substantial capital investment would be required to build a full complement of detention cells in the new courthouse. The proposed new courthouse is programmed to hold approximately 300 prisoners. By way of comparison, the 31-courtroom Long Beach Courthouse has a capacity of approximately 300 individuals in the central holding cell area to serve a courthouse less than half the size of the proposed new San Diego courthouse. The Long Beach Courthouse central holding cell area is sized at 10,500 NSF to serve 31 courtrooms, while the central holding cell area for the proposed new San Diego courthouse is planned at 9,510 NSF to serve 71 courtrooms due to the goal of siting the new courthouse in close proximity to the Central Jail. This results in significant cost savings to the project.
- Locating the proposed new courthouse on a site close to the Central Jail and constructing a tunnel connecting the Central Jail to the new courthouse also

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

reduces the sallyport requirements for the proposed new courthouse. The new courthouse will require a sallyport for only one full-sized bus to support local police, US Immigration, state prison, and other county jail buses delivering both state and county prisoners to the courthouse. In comparison, the Long Beach Courthouse's sallyport is sized for three full-sized buses to handle the many buses that bring in-custody defendants from around the county and incarcerated persons from state prisons.

- Terminates state annual cost (approximately \$207,337) of earthquake damage and personal liability insurance for the downtown San Diego buildings to be replaced by the new courthouse. Reduces risk of state liability related to a major seismic event on the fault beneath the existing downtown County Courthouse.

C.1.2. Cons.

- This option requires authorization of SB 1407 funds for site acquisition and related soft costs (including CEQA compliance), design, and construction.

**C.2. Project Option 2: Remain in four separate unsafe and inadequate facilities**

In this option, the status quo is maintained and unsafe and inadequate space in four different facilities will continue to be occupied by the court.

C.2.1. Pros.

- This option does not require a state contribution at this time.

C.2.2. Cons.

- This option does not consolidate facilities, but prolongs inefficient court operations, especially for the family law area of court services that when consolidated can maximize serve quality and efficiency for families and children.
- This option requires the continued use of a trailer courtroom in Kearny Mesa and inability of the court to return a small claims calendar to central San Diego.
- This option requires indefinite state annual payments of approximately \$207,337 for earthquake damage and personal liability insurance for the downtown San Diego buildings to be replaced by the new courthouse. This option also puts the state at risk indefinitely for liability related to a major seismic event on the fault beneath the existing downtown County Courthouse.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

D. RECOMMENDED SOLUTION:

1. Which alternative and why?

The recommended option is Option 1. This option provides the best solution for the current court operations, providing consolidated court service for the benefit of all county residents. The proposed new courthouse will accomplish the following:

- Replace four facilities to create a consolidated downtown courthouse with adequate space for criminal, probate, small claims, and family court services, which will facilitate improved service quality and efficiency.
- Bring to the downtown area a small claims calendar from the Kearny Mesa courthouse, which will improve service to residents of the central San Diego area. This allows the court to move a traffic calendar from a dysfunctional trailer into the main Kearny Mesa Courthouse.
- Terminate state annual cost (approximately \$207,337) of earthquake damage and personal liability insurance for the County Courthouse to be replaced by the new courthouse. Reduces risk of state liability related to a major seismic event on the fault beneath the existing downtown County Courthouse.
- Reduce state capital outlay costs, improve court and county efficiency, and reduce court county sheriff operating costs by constructing a secure tunnel between the Central Jail and the proposed new courthouse, pending selection of a site in compliance with the CEQA process that is in close proximity to the Central Jail.

2. Detailed scope description.

The proposed project includes the design and construction of a New San Diego Central Courthouse for the Superior Court of California, County of San Diego. The project replaces four court facilities to consolidate criminal, probate, and family court and central court administrative operations. The project will also bring one small claims courtroom from Kearny Mesa to the central court district, and therefore allow the court to move a courtroom out of a dysfunctional trailer.

The project will include 71 courtrooms; court support space for court administration, court clerk, court security operations, jury assembly, building support space. The proposed new building will be approximately 703,925 BGSF. Secure parking for up to 112 cars, a sallyport, and prisoner holding will be provided below grade. The project does not include any additional parking for staff, the public, or jurors, in support of the City of San Diego Redevelopment Agency's Downtown Community Plan goal to increase reliance on public transportation.

The project scope includes—pending selection of a site in close proximity to the Central Jail in compliance with CEQA— replacing the prisoner bridge that currently connects the San Diego Central Jail to the existing County Courthouse, by creating a new tunnel from

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

the Central Jail to the new courthouse to maintain the secure underground connection to the Jail. This secure tunnel would be constructed simultaneously with the construction of the new courthouse and may have to be constructed beneath the existing County Courthouse depending on the site selected and acquired for the new courthouse based on the transfer agreement between the County and the AOC. The project cost estimate includes a budget for demolition of existing buildings, which are likely to be found on a downtown site near the Central Jail, site preparation, and site improvements to the street front and on-site utilities. All CEQA environmental studies and requirements are the responsibility of the AOC as lead agency for the project. CEQA will be completed during the acquisition phase of the project.

3. **Basis for cost information.**

Estimated total project costs are based on the scope of work described above, the space program presented in the project feasibility report submitted with this document, and the construction cost estimate as prepared by the Cumming Corporation. Construction costs are in July 2009 dollars and escalated to construction mid-point based upon an analysis of recent construction industry economic trends and other factors.

Estimated total project cost for the new courthouse is \$660.134 million.

A site has not been selected for this project. The site acquisition budget requested in this document assumes the acquisition of approximately one city block in the downtown civic center area of San Diego. To determine a budget for site acquisition, staff reviewed current property sales comparables and listings for several properties in this area. The budget for site acquisition is based on \$25 million for one block of developed property and also includes associated soft costs for title work, architectural services, special consultants, geotechnical services, land surveying, materials testing, CEQA, property appraisals, and legal services.

The project cost estimate includes funds in the event a tunnel connecting the new courthouse to the Central Jail cannot be completed on schedule, to cover the County of San Diego Sheriff's related extra transportation costs in the unlikely event that the secure tunnel is not operational when the new courthouse opens.

The project costs DO NOT include demolition of the existing County Courthouse, demolition of the existing bridges from the existing County Courthouse to the Hall of Justice and the Main Jail, nor relocation of chilled water lines to those buildings.

4. **Factors/benefits for recommended solution other than the least expensive alternative.**

Option 1, the construction of a 71 courtroom courthouse in the City of San Diego provides the best solution for meeting the needs of the court and the public in downtown San Diego.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

The proposed new courthouse will:

- Consolidate and replace three unsafe and dysfunctional courthouses and one trailer courtroom in one new building to efficiently and safely provide criminal, probate, small claims, and family court services in the central, downtown area of San Diego.
- Bring to the downtown area a small claims calendar from the Kearny Mesa courthouse, which will improve service to residents of the central San Diego area. This allows the court to move a traffic calendar from a dysfunctional trailer into the main Kearny Mesa Courthouse.
- Terminate state annual cost of earthquake damage and personal liability insurance for the downtown County Courthouse to be replaced by the new courthouse. The Judicial Branch requests initial funding for this project as soon as possible in order to reduce the cost of seismic liability insurance on the County Courthouse to be replaced by the proposed new courthouse. The state is funding the cost of participation in the Earthquake Recovery Indemnity Authority (the Authority) for this building as part of the exchange for title to two of the three blocks now occupied by the County Courthouse and the Stahlman Block. The total annual participation in the Authority for the County Courthouse is approximately \$207,337. Delay in proceeding with development of the new courthouse will result in accumulated ongoing costs of participation in the Authority for the County Courthouse, and ongoing risk for general liability and personal injury claims related to a seismic event.
- Pending selection of a site in compliance with the CEQA process, reduce state capital outlay costs, improve court and county efficiency, and reduce court sheriff operating costs by constructing a secure tunnel between the Central Jail and the proposed new courthouse. Ideally the proposed new courthouse will be sited in close proximity to the existing Central Jail, to achieve these benefits.

5. Complete description of impact on support budget.

Impact on the trial court and the AOC's support budgets for FY 2010–2011 will not be material. It is anticipated that this project will impact the AOC and the trial court support budgets in fiscal years beyond the current year as certain one-time costs, debt service, and ongoing costs are incurred. In the long term, a new facility will be more efficient to operate due to improved systems and use of space. This will result in lower operating costs if reviewed on a per square foot basis. Any operational cost savings that result from the new facility will be redirected to offset the ongoing facility operational costs of the new courthouse.

The county facility payments established pursuant to Government Code Section 70353 with the transfer of each county facility replaced by this project will be used to offset ongoing operations and maintenance costs of the new facility.

BUDGET YEAR 2009–10

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

6. Identify and explain any project risks.

Any construction project carries risk of increased scope due to discovery of unknown conditions throughout the design and construction process that can alter the projected construction cost. These risks can be mitigated or minimized by concurrently developing a prioritized itemization of project features that can be reduced in scope, alternatively approached, or eliminated without affecting the building functionality. The list should be updated at the completion of each stage of the design process in connection with the preparation and review of the updated estimates. Risk is always inherent in the construction and ownership of real property and improvements. Standard risk management procedures will be instituted to control and/or delegate these risks. Architect and contractor contracts will also allocate risks respectively.

7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g., technology proposals).

Inter-agency cooperation will be required among state, county, and local jurisdictional authorities for successful completion of this new courthouse. Under AOC responsibility, all standard procedural reviews and approvals will be adhered to. The construction documents will be reviewed by the State Fire Marshal and Department of State Architect for fire/life/safety and accessibility.

E. CONSISTENCY WITH CHAPTER 1016, STATUTES OF 2002 – AB 857

1. Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.

The recommended solution does not include the rehabilitation of existing infrastructure. An ideal site for the new courthouse is an urban site near the existing Central Jail and Hall of Justice. Therefore, the project would be considered an infill project.

2. Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.

As indicated above, the ideal site for the proposed new courthouse will be an urban site. The judicial branch is committed to developing projects on sites with no or least impact to natural resources by utilizing previously developed land with existing infrastructure. All projects will be subject to thorough and responsible CEQA processing.

3. Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain.

Pending selection of a site in compliance with CEQA, the courthouse will ideally be located in the San Diego civic center area near the Hall of Justice and the County Central Jail. Development of civic center area sites contributes to the future development of the

**BUDGET YEAR 2009-10**

ORG CODE: 0250 COBCP NO: 09-91-01 G2A PRIORITY: 01 PROJECT ID: 91-37-001

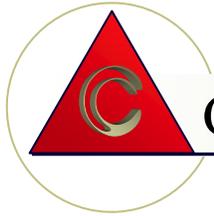
surrounding area. The development of the proposed new courthouse in this area also reinforces demand for and use of available public transit serving the area. The proposed new courthouse, which does not include construction of parking for court visitors, is consistent with City of San Diego Redevelopment Agency's Downtown Community Plan goal to increase activity in the civic center core area and support reliance on public transportation.

**Existing Courthouses in San Diego County**

<b>Bldg ID</b>	<b>Facility</b>			<b>Courtrooms</b>
37-A1	County Courthouse	220 West Broadway	San Diego	59
37-A2	Hall of Justice	330 West Broadway	San Diego	16
37-B1	Madge Bradley Building	1409 Fourth Avenue	San Diego	4
37-C1	Kearny Mesa Court	8950 Clairemont Mesa Boulevard	San Diego	4
37-C2	Traffic Court KM3 Trailer	8950 Clairemont Mesa Boulevard	San Diego	1
37-C3	Traffic Court KM4 -Trailer	8950 Clairemont Mesa Boulevard	San Diego	1
37-C4	Traffic Court KM5 and KM6 - Trailer	8950 Clairemont Mesa Boulevard	San Diego	2
37-D1	Family Court	1501-1555 Sixth Avenue	San Diego	6
37-E1	Juvenile Court	2851 Meadowlark Drive	San Diego	8
37-E2	Department 11	2901 Meadowlark Drive	San Diego	1
37-E3	Department 9 Trailer	2851 Meadowlark Drive	San Diego	1
37-E4	Department 10 Trailer	2851 Meadowlark Drive	San Diego	1
37-F1	North County Regional Center - South	325 South Melrose	Vista	12
37-F2	North County Regional Center - North	325 South Melrose	Vista	18
37-F3	Annex	325 South Melrose	Vista	2
37-F4	Department 34 Trailer	325 South Melrose	Vista	1
37-F5	Department 35 Trailer	325 South Melrose	Vista	1
37-F6	Storage A Trailer	325 South Melrose	Vista	0
37-F7	Office Trailer	325 South Melrose	Vista	0
37-H1	South County Regional Center	500 Third Avenue	Chula Vista	15
37-I1	East County Regional Center	250 East Main Street	El Cajon	20
37-J1	Ramona Courthouse	1428 Montecito Road	Ramona	1
Total Courtrooms				174

**ATTACHMENT 5**

***SEISMIC RISK ASSESSMENT***



**Certus Consulting, Inc.**

**Evan Reis, SE  
Kevin Moore, SE**

## **SEISMIC RISK ASSESSMENT SUMMARY**

**California Administrative Office of the Courts  
Existing San Diego Central Courthouse Complex**

**Prepared For:**

**Skidmore, Owings and Merrill**

**Prepared By:**

**Certus Consulting, Inc.**

**July 31, 2011**

Certus Consulting, Inc. performed a seismic risk assessment of the existing San Diego Central Courthouse Complex. The objective of this study was to estimate the seismic risks associated with the existing complex of courthouse facilities located at 220 West Broadway in San Diego. The assessment is consistent with the evaluation of the new San Diego Court facility performed by Certus Consulting in March, 2011. The opinions in this report should be considered estimates only.

Our assessment of the existing courthouse complex indicates that it poses significantly more risk than the proposed new facility, in terms of capital loss, business interruption and life safety hazard. In the table below, an estimate of losses and the probability of collapse for each facility is compared for three recurrence intervals of 100, 500 and 2500 years.

Annual recurrence Interval	Probability of occurrence in five years	Expected Loss (\$ in Million, Downtime in Days)		
			Proposed Facility	Existing Complex
		<b>Building Valuation</b>		
		AREA:	764,386	400,000
		BUILDING VALUE:	\$ 709M	\$ 371M
		REPLACEMENT TIME	1,080 Days	1,080 Days
100 YR	5.0%	CAPITAL:	\$18M	\$ 57M
		BUSINESS INTERRUPTION:	\$ 0	\$ 62M
		DOWNTIME:	0	392 Days
		COLLAPSE PROBABILITY:	0%	4%
500 YR	1.0%	CAPITAL:	\$ 60M	\$ 93M
		BUSINESS INTERRUPTION:	\$ 97M	\$76M
		DOWNTIME:	148 Days	678 Days
		COLLAPSE PROBABILITY:	0%	7%
2,500 YR	0.2%	CAPITAL:	\$135M	\$136M
		BUSINESS INTERRUPTION:	\$120M	\$ 90M
		DOWNTIME:	400 Days	978 Days
		COLLAPSE PROBABILITY:	1%	13%

**Table 1 – Comparison of courthouse facility risks**

In the table above, the 100 year event represents a level of ground shaking that has approximately a 5% probability of occurrence in a five year period. This is typically considered a moderate sized event under which modern, Code complying buildings are expected to suffer only minimal damage and downtime.

The 500 year event represents a level of ground shaking that has approximately a 1% probability of occurrence in a five year period. This is considered a large event and is typically the design basis earthquake used for a new building. Code complying buildings may suffer considerable damage and downtime, but are expected to present an insignificant risk of collapse.

The 2500 year event represents a level of ground shaking that has approximately a 1% probability of occurrence in a twenty-five year period. This is considered a maximum credible event. Code complying buildings may suffer damage that triggers replacement, but are expected to present a relatively small risk of collapse.

The design of the new courthouse facility complies with the current edition of the California Building Code (2010 Edition). A higher performing, base isolated system for the new facility was considered by the AOC, but ultimately was not selected. Therefore, the new facility as currently designed can be assumed to be a proxy for a standard Code compliant structure, employing state-of-the-art design methods, modern detailing and the expectation of good performance.

In comparison, the existing courthouse facility is expected to perform considerably more poorly than a current Code compliant structure. From the table above, the following observations can be made:

- Life safety hazard – The existing complex poses a significantly higher risk of collapse in a design level event (500 year frequency) than a typical building complying with current Code design.
- Capital losses – The building value of the proposed facility is about twice that of the existing complex, as it is about twice the size. However, in the 500 and 2500 year events, the capital losses for each facility are comparable, indicating a substantially higher loss per square foot of space for the existing complex. Particularly, in smaller, more frequent events such as the 100 year event, damage to the existing complex is likely to be considerable higher.
- Downtime – Even in relatively common events (100 year frequency), downtime resulting from building damage to the existing complex may be substantial, on the order of a year or more.
- Business Interruption – Business interruption losses are estimated based on the need to temporarily relocate court functions to alternate space in the event the building must undergo significant repairs. Once building damage has exceeded a given threshold, it is assumed that the entire space will need to be relocated. Of particular difficulty in the case of the existing court facility will be the ability to find

space and convert it into a condition suitable to replace the 59 courtrooms currently in operation.

Previous structural evaluations of the existing court complex identified several structural deficiencies that significantly increase the risk of life safety hazards and damage under large, long duration seismic forces. These deficiencies are severe enough that the existing courthouse complex was designated a Seismic Risk Level of V (5), indicative of buildings that do not meet the minimum life safety standards acceptable to the AOC.

In addition to its structural deficiencies, a potentially more significant hazard to the existing complex is present. The San Diego Fault (Rose Canyon Fault) runs along the eastern edge of the site. According to a previous geotechnical investigation, it is possible or probable that the fault runs directly beneath three of the five complex buildings. Figure 1 shows the location of the fault relative to the site.

In addition to damage caused by ground shaking, should an earthquake occur on the San Diego Fault causing it to rupture directly under one of the existing court buildings, the probability of significant damage or collapse is greatly increased. The length of fault rupture is a function of the magnitude of the earthquake. The characteristic magnitude of a large earthquake on the San Diego Fault is approximately 6.8 according to the USGS. The length of rupture for a magnitude 6.8 earthquake may be on the order of one to two meters. This amount of lateral movement between the sides of a fault directly under a building is likely to cause significant damage and the potential for collapse.

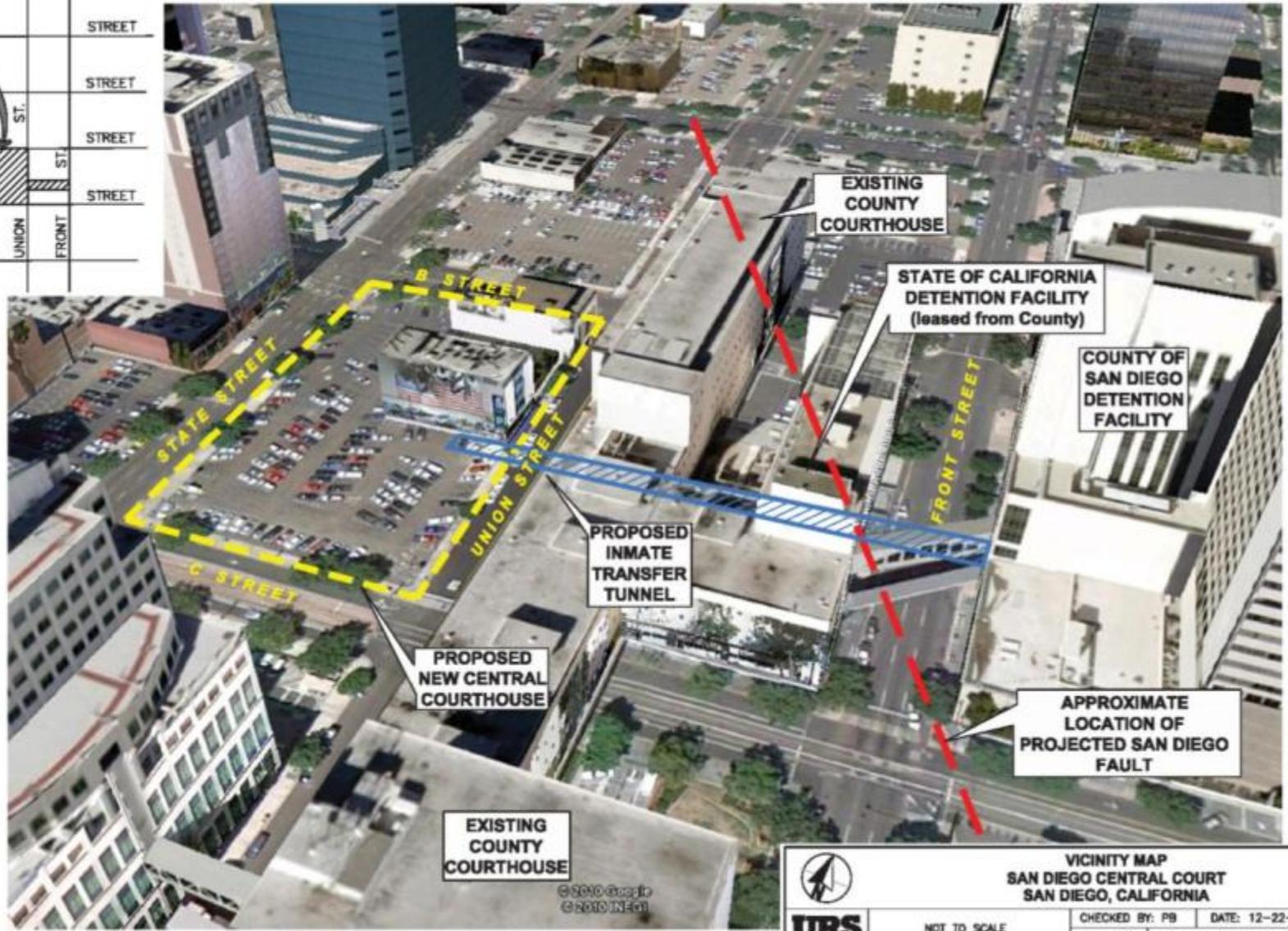


MACTEC

**Figure 1 – Existing Court Complex Site Plan**

**ATTACHMENT 6**

***GEOTECHNICAL  
INVESTIGATION AND FAULT  
HAZARD ASSESSMENT  
EXHIBIT***



	VICINITY MAP SAN DIEGO CENTRAL COURT SAN DIEGO, CALIFORNIA		
	NOT TO SCALE	CHECKED BY: PB PM: CRS	DATE: 12-22-11 PROJ. NO: 27661014.10000

X:\27661014\Courthouse Aerial.dwg Dec 20, 2011 - 9:58am

**ATTACHMENT 7**

***LETTERS AUTHORIZING  
ALTERNATIVE SEISMIC  
APPROACH AS REQUIRED BY  
LAW***



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

March 10, 2009

Michael C. Genest  
Director  
California Department of Finance  
915 L Street  
Sacramento, California 95814

### Cover Note

March 10, 2009, Correspondence:  
Letter from W. Vickrey to M.  
Genest, signature of M. Genest  
authorizing alternative seismic  
approach as required by law, and  
M. Genest personal note to W.  
Vickrey

Dear Director Genest:

I am writing to bring to closure the negotiations between the County of San Diego (County) and the Administrative Office of the Courts (AOC) regarding transfers of court facilities and a site for a new courthouse in the downtown area of the City of San Diego. This new courthouse will replace the main County Courthouse that is now located in the downtown area, as well as two other seismically deficient court facilities that are also located in the downtown area.

Although staff of the AOC proceeded in their negotiations with the County after briefing Department of Finance (DOF) staff on the outline of the agreement and receiving their approval to move forward, I understand that neither AOC nor DOF staff briefed you or received your approval during the negotiation process. The negotiations proceeded on the mistaken belief that your approval had been obtained. Nonetheless, the negotiations were conducted in good faith by both parties and have resulted in an agreement that will provide significant financial and other benefits to the state, as explained in this letter. I appreciate your good faith efforts to advance various alternatives (acceptable to the AOC) with the County. Unfortunately, none of those alternatives was acceptable to the County. Therefore, I feel that we must move forward with the earlier agreement.

Under the terms of the agreement between the AOC and the County, the County will provide a downtown site in close proximity to the Hall of Justice and County central jail at no cost to the

state (in addition to other assets such as additional space in another County facility), and the state will assume liability for property damage and personal injuries that could result from a seismic event affecting the five seismically deficient court buildings in the County, including the to-be-demolished County Courthouse in downtown San Diego. Summarized below is information concerning important aspects of the agreement reached by the AOC and the County of San Diego:

*State assumption of liability risk for five seismically deficient court buildings.* As noted above, the state will assume liability for property damage and personal injury, if any, resulting from a seismic event affecting the County Courthouse—which is now spread over three contiguous city blocks and which will be demolished and replaced by a new courthouse to be built on property to be donated by the County—and for the East County Regional Center and three other court-exclusive use facilities referred to as the Kearny Mesa and North County Two and Three facilities; title to all five properties will be transferred to the state. An assessment of the risk of loss relating to the subject properties was conducted by an outside consulting firm using tools and methodologies that meet industry standards. The County is not in an area of high seismic activity. The plan is promptly to replace the County Courthouse with a new court building; the replacement project is on the list of 41 projects approved by the Judicial Council and to be funded by SB 1407 revenue. The AOC is also developing plans to remedy the seismic deficiencies in the East County, Kearny Mesa, and North County facilities. In light of these facts, the AOC has assessed the seismic liability risk as *de minimus*. In any event, the state will be covered for property damage and personal liability insurance to protect against such risk.

*Economic benefits to the state.* The state will realize the following benefits as part of the agreement between the AOC and the County:

- Downtown property to be donated as the site for the new courthouse, to replace the County Courthouse and two other, smaller facilities in San Diego (the Family Court Building and the Madge Bradley Building).
- County to transfer to the state its equity in the County Courthouse property, which is presently a joint-use facility of which the court occupies 63 percent; the court facilities occupy 100 percent of the first block, about two-thirds of the second block, and about one-third of the third block. Under the court facilities transfer legislation, the state is entitled to about two-thirds of this property. Under this agreement, however, the court facilities that now are spread over three blocks will be consolidated on two blocks and the state will acquire 100 percent interest in those two blocks, which includes County property that is contiguous to the County Courthouse and presently occupied by an old jail that sits on a portion of a block.

With the additional property for the new courthouse, the combination of property will result in state ownership of three full city blocks in the civic center of downtown San Diego. Because the County Courthouse is a 37 percent County-use facility and the old jail property is not subject to transfer to the state, the 100 percent equity ownership by the state reflects a significant economic benefit to the state. In addition, construction of the new courthouse can proceed without dislocating the court operations that will continue at the County Courthouse, thereby resulting in additional cost savings.

- County will provide approximately 18,000 square feet (one full floor) of space in a County facility in the southern part of the County (Chula Vista) that is critically needed to expand court services in that area of rapidly expanding population growth.
- The state will transfer to the County its equity interest in the two smaller facilities previously mentioned (Family Court Building and Madge Bradley Building) and the County will retain liability for seismic-related casualty and personal loss for those buildings. Court will remain in these buildings, at no cost, until the new replacement courthouse is built.
- The state will build a prisoner transport tunnel from the County central jail to the new courthouse at an estimated cost of \$3.5 to \$5 million. This cost will be offset, however, by the cost savings to be realized by not having to build dozens of holding cells or underground parking for sheriff buses at the new courthouse and by ongoing savings in related security services that would otherwise be a state expense.

The state and the County will benefit from the comprehensive agreement that was negotiated to complete the transfer of court facilities, to provide a suitable site for the new courthouse, to alleviate shortage of court space in Chula Vista, and to address and allocate appropriately the seismic risk. After accounting for all the elements of the agreement and understanding that current real estate market conditions make precise assessments difficult, the economic benefit to the state ranges from \$29 million to \$45 million.

Based upon our prior discussions, I understand you do not object to the AOC entering into the agreement with the County. Accordingly, as Government Code section 70324(b)(4) requires approval by the Director of Finance of the parties' agreement, please sign below to indicate such.



Michael C. Genest  
Director of Finance



Date

Bill: AS YOU INDICATE, I AM NOT OBJECTING TO YOUR SIGNING THE REFERENCED MOV. I BELIEVE, HOWEVER, THAT YOUR ESTIMATE OF THE NET BENEFITS TO THE STATE IS OVERSTATED. I ALSO REMIND YOU THAT IT IS THE AOC'S RESPONSIBILITY TO OBTAIN THE AGREED UPON INSURANCE PRIOR TO CONFIRMATING THIS AGREEMENT WITH THE COUNTY. I ALSO ADVISE YOU THAT I WILL NOT APPROVE ANY AOC CONSTRUCTION PROJECT UNTIL YOU HAVE IDENTIFIED THE FUNDING NEEDED TO REPLACE THE DOWNTOWN COURTHOUSE & UPGRADE THE OTHER BUILDINGS.

Michael C. Genest  
March 10, 2009  
Page 4

A copy of this letter will be provided to you for your records.

Thank you for your cooperation and please do not hesitate to call me if you have any questions or wish to discuss.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in dark ink.

William C. Vickrey  
Administrative Director of the Courts

WCV/MMR/atg

cc: Ronald G. Overholt, AOC Chief Deputy Director

## **COVER NOTE**

Following are materials relevant to the Judicial Council's formal decision in its public business meeting on October 24, 2008, in which it voted to fund the construction of a new main courthouse in San Diego. These materials are portions of the meeting minutes and a comprehensive facility report presented to the Judicial Council for action on the date listed above.

SB 2X12 passed and was signed into law in the recent extraordinary session of the Legislature. It authorizes the Judicial Council to proceed on site acquisition, CEQA review, and preliminary design on all 41 projects (subject to notification requirements to the Legislature and PWB approval), which includes the main downtown San Diego courthouse. This work will be paid directly from the SB 1407 revenue. Subsequent projects (e.g., construction drawings, construction, etc.), will be funded through revenue bonds supported by the SB 1407 revenue stream.

### **Attachments:**

Attachment 1: Judicial Council October 24, 2008, Meeting Minutes

Attachment 2: Judicial Council Report dated October 24, 2008: Court Facilities Planning

**JUDICIAL COUNCIL MEETING**  
**Minutes of the October 24, 2008, Meeting**  
**San Francisco, California**

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, October 24, 2008, at the Administrative Office of the Courts (AOC) in San Francisco, California.

**Judicial Council members present:** Chief Justice Ronald M. George; Justices Marvin R. Baxter, Brad R. Hill, Richard D. Huffman, and Tani Cantil-Sakauye; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Peter Paul Espinoza, Terry B. Friedman, Jamie A. Jacobs May, Carolyn B. Kuhl, Thomas M. Maddock, Winifred Younge Smith, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. Joel S. Miliband, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judges Kenneth K. So and Mary E. Wiss; Commissioner Lon F. Hurwitz; Mr. John Mendes, Mr. Michael D. Planet, and Mr. Michael M. Roddy.

**Absent:** Senator Ellen M. Corbett, Assembly Member Dave Jones, Judge Dennis E. Murray.

**Others present included:** Justices James J. Marchiano, Patricia K. Sepulveda, and Douglas E. Swager; Judges Terence L. Bruiniers and Michael Nash; Mr. Stan Bissey, Ms. Jillian Ducker, Mr. Ishmail Jackson, Ms. Beth Jay, Ms. Christin Ogle, Mr. Mark Schwartz, and Ms. Deannah Thomas; **staff:** Mr. Ray Agno, Mr. Peter Allen, Mr. Nick Barsetti, Ms. Aleta Beaupied, Ms. Deirdre Benedict, Ms. Mara Bernstein, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Margie Borjon-Miller, Ms. Deborah Brown, Mr. Robert Buckley, Ms. Ayanna Cage, Ms. Sheila Calabro, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Nicole Claro-Quinn, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Patrick Danna, Ms. Charlene Depner, Ms. Marita Desuasido, Mr. Kurt Duecker, Ms. Angela Duldulao, Mr. Mark W. Dusman, Mr. Edward Ellestad, Mr. Robert Emerson, Mr. Ekuike Falorca, Ms. Audrey Fancy, Mr. Jonathan Feigenson, Mr. Bob Fleshman, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Mr. David Glass, Mr. Joe Glavin, Mr. Ruben Gomez, Ms. Michelle Gray, Mr. Bruce Greenlee, Ms. Marlene Hagman-Smith, Ms. Donna Hershkowitz, Mr. Alan Herzfeld, Mr. Burt Hirschfeld, Ms. Sidney Hollar, Ms. Lynn Holton, Ms. Bonnie Hough, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Eunice Lee, Mr. Barry Lynch, Mr. Dag MacLeod, Ms. Angela McIsaac, Ms. Susan McMullan, Mr. Frederick G. Miller, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt Ms. Jody Patel, Ms. Christine Patton, Mr. Chung-Ron Pi, Ms. Catharine Price, Ms. Kelly Quinn, Ms. Susan Reeves, Mr. Christopher Rey, Ms. Mary M. Roberts, Ms. Rona Rothenberg, Ms. Lanette Scott, Ms. Rhonda Sharbono, Ms. Deborah Silva, Ms. Nancy E. Spero, Ms. Sonya Tafoya, Ms. Marcia Taylor, Ms. Kathy Tyda, Ms. Susie Viray, Ms. Barbara Jo

**Item C      Adoption and Permanency for Children in California: A Resolution for the Courts**

Ms. Diane Nunn Center for Families, Children & the Courts, and Ms. Lanette Scott, Student Intern, presented this item.

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council again declare November "Court Adoption and Permanency Month," as it has since 1999. The month of November was selected so that the state's observance would coincide with National Adoption Month. The goal of Court Adoption and Permanency Month is to highlight innovative efforts aimed at expediting adoption and permanency while raising awareness of the need for safe and permanent homes for children. The Family and Juvenile Law Advisory Committee has worked closely with the Governor's Office and the California Legislature to develop resolutions highlighting adoption and permanency issued by the executive, legislative, and judicial branches every year. With approximately 75,000 children in California living apart from their families in child welfare-supervised out-of-home care, it is important that California's courts continue to make concerted efforts to find them safe and permanent homes.

***Council action***

The Judicial Council, declared the month of November "Court Adoption and Permanency Month," and Chief Justice Ronald M. George and Administrative Director William C. Vickrey executed a resolution commemorating the declaration.



**Item D      Court Facilities Planning: Update to Trial Court Capital-Outlay Plan, Update to Prioritization Methodology, and Selection of All Bond-Funded (SB 1407) Projects**

Mr. Lee Willoughby, Office of Court Construction and Management, Ms. Kelly Quinn, Office of Court Construction and Management, and Mr. Bob Emerson, Office of Court Construction and Management, presented this item.

Due to the enactment of Senate Bill 1407, the Administrative Office of the Courts recommended that the council update the prioritization methodology, adopt an update to the Trial Court Capital-Outlay Plan, and select 41 bond-funded (SB 1407) projects. The AOC also recommended the council delegate to the Administrative Director of the Courts the authority to determine the timing of when funding requests for these projects should be submitted funding requests for these 41 projects based on application of the methodology and availability of funding.



The updated plan, including any technical corrections, will be incorporated into the Judicial Branch (AB 1473) Five-Year Infrastructure Plan for Fiscal Year 2010–2011 to be submitted to the state Department of Finance on or about July 1, 2009. This submission supports the mission and policy direction of the Judicial Council in its Long-Range Strategic Plan—Goal III, Modernization of Management and Administration and Goal VI, Branchwide Infrastructure for Service Excellence. Meeting the July 1, 2009, deadline for submission avoids delays to the implementation of the trial court capital-outlay program.

The Administrative Director informed the members of the Judicial Council that the AOC Office of the General Counsel advised that there is no legal or ethical requirement that any member refrain from voting or interpose a recusal if 1 or more projects affect the court with which that member is affiliated. The Administrative Director analogized this circumstance to the occasions when the council approves budgets for all of the courts, including the specific courts with which the members may be affiliated.

#### *Council action*

The Judicial Council:

1. Adopted the updated Trial Court Capital-Outlay Plan based on the reevaluation of one capital-outlay project because of confirmed underlying conditions and the addition of another project. The plan update includes updated escalated costs for the 12 previous council-approved projects, based on the September 2008 submission to the DOF.
2. Adopted an update to the *Prioritization Methodology for Trial Court Capital-Outlay Projects* in accordance with SB 1407 to allow consideration and funding of Critical Need projects before funding all Immediate Need projects, to prioritize those projects with viable economic opportunities for the purpose of determining which projects should be submitted to the DOF for funding approval, and to clarify the funding request process in accordance with recommendation Nos. 3 and 4 below.
3. Adopted the list of 41 trial court capital projects to be funded by SB 1407 and directed the AOC to evaluate these 41 projects according to the updated methodology, with its emphasis on economic opportunity, to determine which projects should be submitted to the DOF for funding approval in FY 2010–2011 and if any changes should be made to projects previously approved by the council for submission to the DOF for funding from SB 1407.
4. Delegated to the Administrative Director the approval authority of when to submit projects from the attached list of trial court capital projects to be funded by SB 1407 to the DOF for funding approval, based on application of the updated methodology—including prioritizing those projects with viable economic opportunities—and availability of funding. Directed the



- Administrative Director to regularly report back to the council on the status of all SB 1407 projects.
5. Directed the AOC to present the updated plan—including any technical updates—and the selected FY 2010–2011 funding requests for trial court capital projects in the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2010–2011, to the state Department of Finance in mid-2009.

**Item E Update of the Judicial Workload Assessment**

Mr. Dag MacLeod, Executive Office Programs Division, and Mr. Ron Pi, Executive Office Programs Division, presented this item.

The Administrative Office of the Courts recommended that the council confirm the need for the Legislature to create 50 new judgeships in the trial courts identified in 2007 as the final part of a three-year plan to create 150 judgeships. The AOC also recommended that the council approve an updated priority list of 100 additional judgeships for which staff should seek legislative authority and funding over the next two years. The methodology for the Judicial Workload Assessment was approved by the Judicial Council in 2001 and serves as the foundation for quantifying the need for judicial officers and the prioritization of that need. Council action is needed to comply with the legislative mandate in Government Code section 77001.5 and to maintain the incremental progress that has been made toward meeting the long-standing need for new judgeships in California.

***Council action***

The Judicial Council:

1. Confirmed the need for the Legislature to create the remaining third 50 judgeships on the priority list approved by the Judicial Council in 2007;
2. Approved an updated priority ranking for 100 new judgeships beyond the 150 originally proposed by the Judicial Council, and directed AOC staff to seek legislation and funding authorizing these new positions; and
3. Approved the report to the Legislature on the need for judgeships in each superior court.

**Item F Juvenile Law: Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)**

Hon. Michael Nash, Presiding Juvenile Judge, Superior Court of California, County of Los Angeles; Ms. Sonya Tafoya, Center for Families, Children & the Courts; Ms. Mara Bernstein, Center for Families, Children & the Courts; and Ms. Margie Borjon-Miller, Southern Regional Office, presented this item.

\* See page 2 and second to last page of the attachment.

Attachment # 2

JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: AOC Office of Court Construction and Management  
Lee Willoughby, Acting Director, 916-263-1493,  
lee.willoughby@jud.ca.gov  
Robert Emerson, Assistant Director, 415-865-4061,  
robert.emerson@jud.ca.gov  
Kelly Quinn, Senior Manager of Planning, 818-558-3078,  
kelly.quinn@jud.ca.gov

DATE: October 24, 2008

SUBJECT: Court Facilities Planning: Update to Trial Court Capital-Outlay Plan and  
Prioritization Methodology and Projects Funded by Senate Bill 1407  
(Action Required)

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Issue Statement

Senate Bill 1407 (Perata), enacted on September 26, 2008, provides enhanced revenue streams and authorizes \$5 billion in lease-revenue bonds for trial court facility construction. Based on conservative estimates of the various revenue streams, nearly \$300 million in annual revenue will support paying directly for (1) preconstruction phase costs and debt service for construction phase costs for 41 capital-outlay projects, and (2) \$40 million annually for approximately 15 years for facility modifications—security improvements, life safety and code compliance improvements, and repair and replacement of building systems—in courthouses for which the state is responsible. This historic revenue bond is the legislature's first significant commitment to funding courthouse improvements across the state since the enactment of the Trial Court Facilities Act in 2002. An attachment outlines the key milestones related to facilities planning work and legislative initiatives from 1997 to 2008.

The AOC Office of Court Construction and Management (OCCM) recommends several actions related to planning and implementing SB 1407. These actions include the adoption of an updated Trial Court Capital-Outlay Plan to include the reevaluation of one project and the addition of another, adoption of an update to the *Prioritization Methodology for Trial Court Capital-Outlay Projects* based on SB 1407, and adoption of a list of 41 trial court capital projects to be funded by SB 1407. The AOC also recommends that the council delegate to the Administrative Director of the Courts the approval authority of when to submit projects from this list to the Department of Finance (DOF) for funding approval, based on the application of the updated methodology and availability of funding. These actions support the mission and policy direction of the Judicial Council in its long-range strategic plan—Goal III:

Modernization of Management and Administration and Goal VI: Branchwide Infrastructure for Service Excellence—by providing safe and secure facilities and improving existing court facilities to allow adequate, suitable space for conducting court business. The recommended actions have been developed based on input from the Executive and Planning Committee,<sup>1</sup> and the committee's directives are reflected in the recommendation.

#### Recommendation

The Administrative Office of the Courts recommends that the Judicial Council take the following actions:

1. Adopt the updated Trial Court Capital-Outlay Plan based on the reevaluation of one capital-outlay project because of confirmed underlying conditions and the addition of another project. The plan update includes updated escalated costs for the 12 previous council-approved projects, based on the September 2008 submission to the DOF.
2. Adopt an update to the *Prioritization Methodology for Trial Court Capital-Outlay Projects* in accordance with SB 1407 to allow consideration and funding of Critical Need projects before funding all Immediate Need projects, to prioritize those projects with viable economic opportunities for the purpose of determining which projects should be submitted to the DOF for funding approval, and to clarify the funding request process in accordance with recommendation Nos. 3 and 4 below.
- ★ [ 3. Adopt the attached list of 41 trial court capital projects to be funded by SB 1407 and direct the AOC to evaluate these 41 projects according to the updated methodology, with its emphasis on economic opportunity, to determine which projects should be submitted to the DOF for funding approval in FY 2010–2011 and if any changes should be made to projects previously approved by the council for submission to the DOF for funding from SB 1407.
4. Delegate to the Administrative Director the approval authority of when to submit projects from the attached list of trial court capital projects to be funded by SB 1407 to the DOF for funding approval, based on application of the updated methodology—including prioritizing those projects with viable economic opportunities—and availability of funding. Direct the Administrative Director to regularly report back to the council on the status of all SB 1407 projects.
5. Direct the AOC to present the updated plan, including any technical updates, in the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2010–2011 and the selected FY 2010–2011 funding requests for trial court capital projects and to submit both the Five-Year Plan and any funding requests to DOF in mid-2009.

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<sup>1</sup> Since the sunset of the Interim Court Facilities Panel on June 30, 2007, the Executive and Planning Committee has assumed the responsibility of reviewing and consulting with the AOC on matters concerning court facilities and of reviewing proposals involving such matters before they are considered by the full Judicial Council.

## Rationale for Recommendation

### *Recommendation 1*

The AOC recommends updating the plan to correct the score for the Inyo—New Bishop Courthouse project based on confirmed underlying conditions. The AOC also recommends including the Inyo—New Independence Courthouse Project in the plan, which was not included in the first Trial Court Capital-Outlay Plan adopted in FY 2006–2007. The plan update also includes the revised costs of all 12 projects previously approved by the council—in April 2007 and April 2008—based on funding requests submitted to the DOF in September 2008. An attachment provides additional information. The attached plan reflects the actions described above and now includes a total of 153 trial court capital projects. This list establishes the Immediate and Critical Priority Group projects eligible for funding by SB 1407 revenues.

### *Recommendation 2*

The council adopted the methodology in August 2006. Based on the enactment of SB 1407, two updates to the methodology need to be adopted by the council. First, the provisions of SB 1407 indicate that funds shall be applied to both Immediate Need and Critical Need Priority Group projects. The August 2006 methodology indicates that all Immediate Need projects will be selected for funding requests first before any Critical Need projects are selected. AOC staff recommends the council adopt an update to the methodology to allow both Immediate and Critical Need projects to be selected for funding requests before all Immediate Need projects have been selected.

Second, SB 1407 emphasizes economic opportunity aspects in the selection of these projects in order to prioritize projects with viable economic opportunities. Economic opportunity is defined both in the methodology (section V. A. 5.) and in Government Code § 70371.5(e), per SB 1407, as follows:

Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational cost savings from consolidation of facilities.

AOC staff recommends that the council adopt an update to the methodology to make it consistent with the intent of SB 1407, which is to give preference to those projects that feature one or more economic opportunities. The methodology update also includes language in SB 1407 that states that the AOC will consider an economic opportunity only if assured it is viable and can be realized, and that if a project is selected for funding based on an economic opportunity that is withdrawn after the project is approved, the AOC may recommend that the Judicial Council delay or cancel the project. For the purpose of implementing this feature of SB 1407, the term “withdrawn” is interpreted to include any economic opportunity that cannot be realized for some reason, and can include but not be limited to situations in which a government or private entity can no longer deliver a promised land or cash contribution to a

project in a timely manner. For projects where no or minimal viable economic opportunity exists, the AOC will evaluate the adverse cost implications—due to escalation of project costs—of delaying projects.

The methodology update is designed to ensure that trial court capital projects with viable economic opportunities are given priority when submitting detailed funding requests to the executive and legislative branches. The update also clarifies the process by which funding recommendations are selected, including the council's delegating to the Administrative Director the approval authority of when to submit projects from the list of trial court capital projects to be funded by SB 1407 to the DOF for funding approval in accordance with recommendation Nos. 3 and 4 below.

### *Recommendation 3*

In order to allow time for project planning, including the identification of viable economic opportunities consistent with SB 1407 and to provide both the executive and legislative branches a broader context in which to consider specific funding requests, the AOC recommends the council adopt the attached list of 41 trial court capital projects to be funded by SB 1407. These 41 projects include 12 projects previously approved by the council for submission to the executive and legislative branches for FY 2008–2009 and FY 2009–2010 funding.<sup>2</sup> The 41 projects include 25 Immediate Need and 16 Critical Need projects and represent 34 superior courts across the state. Each Critical Need project will be the first state-funded trial court capital project for that superior court, with the exception of those for Los Angeles. This list meets the expectations of both the judicial and legislative branches. With the 15 previously-funded projects, these additional 41 projects result in a total of 43 of the 58 superior courts benefiting from at least one state funded capital-outlay project. An attachment provides a summary of why 28 Immediate and Critical Need projects are not included on the list of projects to be funded by SB 1407.

The AOC intends to initiate these 41 projects over a period of three or four funding years. Upon adoption by the council of the attached list of 41 projects, AOC staff will seek to identify viable economic opportunities with the goal of securing cost-effective projects for the state. AOC staff will then recommend to the Administrative Director those projects with identified, viable economic opportunities be submitted for funding requests to the DOF for FY 2010–2011. AOC staff will also identify and document all economic opportunities for the first 12 projects already approved by the council and submitted to the DOF for funding in order to determine if any of these 12 projects should be delayed or canceled because of lack of viable economic opportunities.

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<sup>2</sup> Four projects approved by the council for submission of a funding request for FY 2008–2009 are authorized in SB 1407 but without an appropriation for the initial-funding phase. These projects are Butte—New North Butte County Courthouse, Los Angeles—New Southeast Los Angeles Courthouse, Tehama—New Red Bluff Courthouse, and Yolo—New Woodland Courthouse. Consequently, the AOC has resubmitted the initial-phase-funding request for each of these four projects for FY 2009–2010 funding.

#### *Recommendation 4*

Typically, the council directs the AOC to submit a specific number of projects to the executive branch as the first step in initiating a funding request for a trial court capital project. To comply with the legislative spirit of SB 1407 and allow the AOC to proceed with maximum flexibility, the AOC recommends that the council delegate to the Administrative Director the approval authority of when to submit projects from this list to the executive branch for funding approval, based on application of the updated methodology—which emphasizes funding projects with viable economic opportunities—and the availability of project funding. Paired with this delegated authority is the requirement to regularly report to the council on the status of all SB 1407-funded projects in order to ensure and support the council’s oversight responsibilities. Regular reporting shall occur annually at a minimum and at other times as deemed necessary or appropriate by the Administrative Director.

#### *Recommendation 5*

The Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404) specifies the authority and responsibility of the Judicial Council to exercise policymaking authority over appellate and trial court facilities including, but not limited to, planning, construction, and acquisition, and to “[r]ecommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund” (Gov. Code, § 70391(1)(3)). In support of this responsibility and on an annual basis, the AOC submits to the DOF the Five-Year Plan, which includes the capital plans for the superior courts, the Courts of Appeal, and the AOC.

Five-year capital-outlay plans developed under Government Code sections 13100–13104 are intended to complement the existing state budget process for appropriating funds for infrastructure by providing a comprehensive five-year overview of the types and costs of projects to be funded. The DOF requests that this plan be updated annually, under the provisions of Assembly Bill 1473. Although the judicial branch is not subject to Government Code sections 13100–13104, the AOC has historically submitted an infrastructure plan, which is a familiar vehicle for informing the executive and legislative branches of the judicial branch’s plan and funding needs. Lack of participation in this statewide infrastructure planning effort would likely preclude the judicial branch from receiving executive branch approval of funding requests.

For FY 2010–2011, the AOC will include the updated plan—including any technical revisions made to project cost information—within the Five-Year Plan, which will be submitted to the DOF to meet the mid-2009 deadline, along with any budget change proposals for the trial court capital projects based on the delegated authority of the Administrative Director described in recommendation No. 4.

#### Alternative Actions Considered

The AOC considered developing a recommended list of trial court capital projects to be funded for the next budget year cycle—FY 2010–2011—for the council’s consideration. This option was rejected in favor of presenting a recommended list of all projects (i.e., all 41 trial court capital projects) to be funded by SB 1407 so that the executive and legislative branches have a broader context in which to consider specific funding requests and the AOC has adequate time

for all aspects of project planning, including the identification of viable economic opportunities consistent with SB 1407.

#### Comments From Interested Parties

The AOC did not solicit comments on the recommended Judicial Council actions. Most of the 41 projects to be funded by SB 1407 were discussed with legislators during the spring and summer of 2008 while SB 1407 was proceeding through the legislative committee process.

#### Implementation Requirements and Costs

Preparation of this report and its attachments was performed by the AOC. No costs are initially involved to implement the recommendations. Project implementation will be funded by SB 1407.

#### Attachments:

Milestones in California's Courthouse Capital Planning and Funding

Expanded Rationale for Recommendation 1: Reevaluation of One Project and Addition of Another Project

Trial Court Capital-Outlay Plan, October 24, 2008: Sorted by Total Score and Sorted by Court

*Prioritization Methodology for Trial Court Capital-Outlay Projects*, October 24, 2008

List of Trial Court Capital Projects to be Funded by SB 1407

Immediate and Critical Need Projects Not Funded by SB 1407

**List of Trial Court Capital-Outlay Projects to be Funded by SB 1407<sup>1</sup>**  
(Presented in Alphabetical Order by Court)  
October 24, 2008

County	Project Name	Project Priority Group	Escalated Total Project Budget (to Construction Midpoint) <sup>3</sup>	Cumulative Escalated Total Project Budget
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**Council Approved and Authorized in SB 1407 (4 projects)<sup>2</sup>**

Butte	New North Butte County Courthouse	Immediate	\$83,367,000	\$83,367,000
Los Angeles	New Southeast Los Angeles Courthouse (SE)	Immediate	\$129,027,000	\$212,394,000
Tehama	New Red Bluff Courthouse	Immediate	\$78,131,000	\$290,525,000
Yolo	New Woodland Courthouse	Immediate	\$172,940,000	\$463,465,000

**Council Approved and Submitted to Department of Finance (8 projects)<sup>2</sup>**

Imperial	New El Centro Family Courthouse	Immediate	\$77,288,000	\$540,753,000
Lake	New Lakeport Courthouse	Immediate	\$71,744,000	\$612,497,000
Monterey	New South Monterey County Courthouse	Immediate	\$65,873,000	\$678,370,000
Riverside	New Indio Juvenile and Family Courthouse (Desert Reg)	Immediate	\$84,415,000	\$762,785,000
Sacramento	New Sacramento Criminal Courthouse	Immediate	\$549,276,000	\$1,312,061,000
Shasta	New Redding Courthouse	Immediate	\$211,779,000	\$1,523,840,000
Sonoma	New Santa Rosa Criminal Courthouse	Immediate	\$240,125,000	\$1,763,965,000
Sutter	New Yuba City Courthouse	Immediate	\$104,742,000	\$1,868,707,000
Program Management Fee @ 5% for 4 projects listed directly above over \$90 million			\$55,297,000	\$1,924,004,000

**Additional Projects to be Funded (29 Projects Listed in Alphabetical Order by Court)**

Alameda <sup>4</sup>	New East County Courthouse	Critical	\$50,000,000	\$1,974,004,000
Alpine	New Markleeville Courthouse	Critical	\$13,515,000	\$1,987,519,000
El Dorado	New Placerville Courthouse	Critical	\$81,091,000	\$2,068,610,000
Fresno	Renovate Fresno County Courthouse	Immediate	\$107,365,000	\$2,175,975,000
Glenn	Renovation and Addition to Willows Historic Courthouse	Critical	\$32,686,000	\$2,208,661,000
Inyo	New Independence Courthouse	Critical	\$27,030,000	\$2,235,691,000
Kern	New Delano Courthouse	Immediate	\$37,709,000	\$2,273,400,000
Kern	New Mojave Courthouse	Immediate	\$25,140,000	\$2,298,540,000
Kings	New Hanford Courthouse	Critical	\$121,637,000	\$2,420,177,000
Los Angeles	New Glendale Courthouse (NC)	Immediate	\$128,135,000	\$2,548,312,000
Los Angeles	Renovate Lancaster Courthouse (N)	Immediate	\$8,431,000	\$2,556,743,000
Los Angeles <sup>5</sup>	New Santa Clarita Courthouse (NV)	Immediate	\$50,279,000	\$2,607,022,000
Los Angeles	New Eastlake Juvenile Courthouse (JDel)	Critical	\$67,576,000	\$2,674,598,000
Los Angeles	New Los Angeles Mental Health Courthouse (MH)	Critical	\$40,545,000	\$2,715,143,000
Mendocino	New Ukiah Courthouse	Critical	\$121,637,000	\$2,836,780,000
Merced	New Los Banos Courthouse	Immediate	\$25,140,000	\$2,861,920,000
Nevada	New Nevada City Courthouse	Critical	\$81,091,000	\$2,943,011,000
Placer <sup>1</sup>	New Tahoe Area Courthouse	Immediate	\$12,570,000	\$2,955,581,000
Plumas	New Quincy Courthouse	Critical	\$25,140,000	\$2,980,721,000
Riverside	Addition to Hemet Courthouse (Mid-Cnty Reg)	Immediate	\$61,224,000	\$3,031,945,000
San Diego	New Central San Diego Courthouse	Critical	\$1,187,880,000	\$4,219,825,000
San Joaquin	Renovate Juvenile Justice Center	Immediate	\$6,252,000	\$4,226,077,000

**List of Trial Court Capital-Outlay Projects to be Funded by SB 1407<sup>1</sup>**  
(Presented in Alphabetical Order by Court)  
October 24, 2008

County	Project Name	Project Priority Group	Escalated Total Project Budget (to Construction Midpoint) <sup>3</sup>	Cumulative Escalated Total Project Budget
Santa Barbara	Renovation and Addition to Santa Barbara Figueroa Courthouse	Immediate	\$126,624,000	\$4,352,701,000
Santa Clara <sup>6</sup>	New San Jose Family Resources Courthouse	Critical	\$44,000,000	\$4,396,701,000
Sierra	New Downieville Courthouse	Critical	\$13,515,000	\$4,410,216,000
Siskiyou	New Yreka Courthouse	Critical	\$76,540,000	\$4,486,756,000
Solano <sup>7</sup>	Renovation to Fairfield Old Solano Courthouse	Immediate	\$27,173,000	\$4,513,929,000
Stanislaus	New Modesto Courthouse	Immediate	\$113,897,000	\$4,627,826,000
Tuolumne	New Sonora Courthouse	Critical	\$54,061,000	\$4,681,887,000
<i>Program Management Fee @ 5% for 7 projects listed directly above over \$90 million</i>			\$95,359,000	\$4,777,246,000

**Total of Project Budgets for 41 Projects** **\$4,777,246,000**

**Program Contingency of 4.46%<sup>8</sup>** **\$222,754,000**

**Total Budget** **\$5,000,000,000**

**Footnotes:**

1. On September 26, 2008 a \$5.0 billion lease-revenue bond (Senate Bill 1407) was enacted to finance the construction of court facility projects. The total escalated project costs of \$1.2 billion—for the nine (9) trial court projects started in FY 2007–2008—are not included in this analysis. A total of 41 projects are presented above, and the budget of each project is subject to change and will be verified when a funding request is submitted to the state Department of Finance. A project for Placer has been added to a previous draft list of 40 projects (pending availability of funding). The list above does not include the New Long Beach Courthouse.
2. Each project has escalated phase budgets based upon actual amounts submitted to the Department of Finance (DOF) in September 2008.
3. All Escalated Total Project Budgets will be refined based on confirmed project size and updated escalation rates to construction mid-point based on when the project is submitted to the DOF. Except for the 12 projects noted under Footnote No. 2, the Escalated Total Project Budget is based on providing a courthouse with courtrooms for existing and proposed judgeships from the next 100 new judgeships approved by the Judicial Council. \$8.5 million per judgeship has been allocated for the cost of the facility space. For projects with new judgeships that also include a parking structure, 25 parking spaces at \$45,100 per space (\$1.13 million) has been allocated per new judgeship. Each new construction project is assumed to have Acquisition, Preliminary Plans, Working Drawings, and Construction phases at 14%, 3%, 5%, and 78% respectively of the Total Project Budget, for purposes of escalating the phase budgets. Each addition or renovation/addition project is assumed to have Acquisition, Preliminary Plans, Working Drawings, and Construction phases at 1%, 8%, 6%, and 85% respectively of the Total Project Budget, for purposes of escalating the phase budgets.
- Each project phase budget has been escalated—at the rates of 5% for Preliminary Plans and Working Drawings, and 6% for Construction for projects with construction costs of less than \$100 million and 8% for projects with construction costs of more than \$100 million—based on the number of years from January 2008 to July of the funding year for that particular phase. Acquisition costs have been escalated by 20% beginning in FY 2010–11 (July 2010 to June 2011). Each project is assumed to be initiated in a specific year, with 24 months for site acquisition, 24 months for design, and 24 months for construction, with an average of 60 months from initial funding for acquisition to construction midpoint. Each project is assumed to require four sequential funding requests for each of its four phases, which is consistent with the current approach of the State Department of Finance. Acquisition has been estimated for renovation projects to account for potential buy-out of space occupied by county.
4. State contribution to be confirmed at time of funding request. \$50 million state contribution based on project costing approximately \$130,000 (Jan 2008 \$) based on county estimate for both county and court space and assuming county contribution of \$81 million.
5. This project has been resized to become a new four-courtroom courthouse, and its name has been changed accordingly. The original project in the trial court capital-outlay plan was for a renovation to the existing Santa Clara courthouse.
6. State contribution to be confirmed at time of funding request. Current estimate of state contribution based on subtracting from the estimated Total Project Cost in January 2008 dollars (\$162,005 million) the present value (\$131.292 million) of County and Court contributions totaling \$314.2 million over 30 years (\$5.3 million annual lease payments redirected when leased facilities are consolidated in 2015, \$3 annual civil assessments in 2009 and 2012–2042, \$1.4 million court security savings due to consolidation in 2015). One time contribution of sale of Los Gatos Courthouse estimated at \$5.5 million assumed contributed in 2009. One time court contribution of \$5.0 million assumed contributed in 2009 in initial funding year for site acquisition/design.
7. Due to the one (1) AB 159 and two (2) FY 08–09 new judgeships being accommodated in a permanent location in Fairfield, the word *Addition* has been removed from its project name, as this project would now only *Renovate* the existing facility for improved court operations. The Total Project Budget of \$16,803 million in Jan. 2007 dollars (\$15,017,000 + \$1,786,000 for seismic strengthening) is based on a cost estimate prepared by Mark Cavagnero Associates and published in a Dec. 2007 draft addendum (two) to the Old Solano Courthouse Feasibility Study.
8. Of the total proposed \$5 billion bond bill, a program contingency is set aside at 4.46% of the total program cost.



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

March 12, 2009

Mr. Michael C. Genest  
Director  
California Department of Finance  
915 L Street  
Sacramento, California 95814

Re: Your Personal Note of March 10, 2009

Dear Director *Mike* Genest:

This is a follow up to our discussion on March 10, 2009, regarding my letter to you of that date about the agreement between the County of San Diego and the Administrative Office of the Courts (AOC) concerning the transfer of court facilities and the site for a new courthouse in San Diego. Thank you again for your approval of that agreement, which satisfies the requirement of Government Code section 70324(b)(4). I am writing now to respond to your personal note to me that followed your approval, and to confirm the steps we agreed the AOC would take to address your concerns. As a preliminary matter, however, I want to address your comment about the economic benefits to the state that result from the agreement.

*Economic benefits to the state from the San Diego/AOC agreement.* My March 10 letter laid out the economic benefits the state will realize from the San Diego/AOC agreement. It is appropriate also to consider, however, the economic consequences to the state in the absence of that agreement, as they are significant.

- Absent the agreement, the state would have 67 percent equity interest in the court facilities that are now spread over three city blocks, and the County would have 37 percent interest; such joint ownership interest is of much less value than that provided by

the agreement, which gives the state 100 percent ownership interest and consolidates that interest in two complete, contiguous blocks in downtown San Diego. This asset will be of much greater value to developers, offsetting the cost of construction of the new courthouse.

- The state would not otherwise receive the third city block that the County is donating as the site for the new (replacement) courthouse; under the agreement, the state will own that property and will be able to proceed with new construction without having to provide temporary facilities for the high number of judges and court staff who work in the existing courthouse.
- If we were to acquire property at a different location several blocks from the donated site as Department of Finance (DOF) staff have suggested, a substantial capital investment would be required to build detention cells in a new courthouse at that location. By way of comparison, the Long Beach courthouse has 250 detention cells; the County Courthouse in San Diego, which is twice the size of Long Beach as measured by assigned judicial positions, would require up to 500 detention cells. The cost of just 250 cells is approximately \$11.2 million to \$13.5 million. In addition, a bus sallyport for prisoner transport would also be required, at a cost of between \$2.7 million to \$4 million. The state would also have to bear the operational costs, which, using today's figures, would be between \$2 million and \$3 million annually based on required staffing standards, and which would increase each year as sheriff security costs increase. These costs are avoided as a result of the San Diego/AOC agreement, and that cost-avoidance represents significant economic benefits to the state.
- If the County were not donating the site for the new courthouse, the state would have to begin the site selection process anew, which may very easily delay the project for up to 24 months, at additional cost.
- Absent the agreement, the state would not receive the additional 18,000 square feet of space in the Chula Vista facility to meet the critical expansion needs resulting from population growth; the state would have to locate and pay for other space to meet those needs.

As noted in my March 10 letter, the economic benefits to the state are offset to some degree by the value of what the state will provide to the County under the agreement: (1) the state will pay for the construction of the underground prisoner transport tunnel from the County jail to the new courthouse (\$3.5 million to \$5 million), and (2) the County will acquire ownership interest in two small facilities (the Family Court Building and the Madge Bradley Building). On balance, the economic benefits to the state are significant and the state assumes responsibility for seismic liability in courthouses that will be repaired or renovated under the Judicial Council's plans.

Mr. Michael C. Genest  
March 12, 2009  
Page 3

*Insurance for certain San Diego properties.* Your personal note also referred to the insurance the AOC will obtain to protect the state from the seismic liability risk relating to the properties in which the state will acquire ownership interest. As we discussed, the insurance will be in place and effective upon the transfers of title to those properties; at no time will the state have any ownership interest in the properties without having appropriate insurance coverage. We will also proceed expeditiously with plans to remedy the seismic deficiencies in the four facilities that will not be replaced, which will reduce the insurance expense.

*Expeditious progress on the San Diego replacement courthouse project.* With respect to your concern that the AOC not delay in proceeding with the San Diego project, I promised to send you documentation of action by the Judicial Council that reflects prioritization of that project as one of the 41 SB 1407 projects. Enclosed is that documentation. As we discussed, the AOC plans to proceed simultaneously with land acquisition, CEQA review, and design planning on all AB 1407 projects as revenue becomes available, so as to maximize the value of the revenue and the opportunities that are presented. The San Diego courthouse construction project (to replace the main courthouse) is part of that process, but will be expedited initially because of the County's agreement to donate the land for that project, which will accelerate the acquisition process. In light of the size and scope of that project, later phases may move at a more deliberate pace, but the project will remain a top priority through completion. The San Diego seismic renovation projects will be funded from the annual SB 1407 revenues that are dedicated to repair and renovation projects or from the State Court Facilities Construction Fund; design work to remediate the seismic deficiencies will begin within two years.

As we concluded our discussion, you also expressed—to my great relief—that the action plan adopted by the Judicial Council responds to the questions/concerns expressed in your note to me and that you have no objection to the AOC's other courthouse construction activities (the Long Beach Public-Private Partnership project, the 15 renovation projects to be funded from the State Court Facilities Construction Fund, and the 40 other projects to be funded by SB 1407 revenue bond proceeds). Issues will be presented to the Public Works Board as the AOC moves forward with all of these projects. In order to keep you apprised of the status of the AOC's courthouse construction projects, we will establish a format for reporting to you, on an annual basis, regarding the progress of our projects.

Thank you again for your support of our efforts. I appreciate the difficult decision you made with respect to the San Diego agreement, as noted in my March 10 letter. Please note that I will share that letter, with your signature indicating approval of the agreement, and this letter with the appropriate persons at the County (e.g., San Diego Board of Supervisors' Chairman Greg Cox, District Attorney Bonnie Dumanis), the leadership of the Superior Court of San Diego County, and others who have been involved in discussions (e.g., Susan Kennedy, DOF's Karen Finn).

Mr. Michael C. Genest  
March 12, 2009  
Page 4

Please call me if you have any other concerns or issues you would like to discuss. The AOC will proceed with the San Diego projects as we discussed, and will also move forward in the most expeditious process on our other courthouse construction projects.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in black ink.

William C. Vickrey  
Administrative Director of the Courts

WCV/MMR/atg  
Enclosure

cc: Members of the Judicial Council of California  
Mr. Ronald G. Overholt, AOC Chief Deputy Director  
Hon. Kenneth K. So, Presiding Judge, Superior Court of San Diego County  
Mr. Michael M. Roddy, Executive Officer, Superior Court of San Diego County  
Ms. Mary M. Roberts, General Counsel, AOC Office of the General Counsel  
Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs  
Mr. Lee Willoughby, Director, AOC Office of Court Construction and Management



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*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

July 29, 2009

Mr. Michael C. Genest  
Director  
California Department of Finance  
915 L Street  
Sacramento, California 95814

Dear Director Genest:

As a follow-up to our telephone conversation on Monday, this letter provides an update on the agreement between the Administrative Office of the Courts (AOC), on behalf of the Judicial Council, and the County of San Diego (County) regarding the transfer by the County to the State of California of certain seismic liability obligations in exchange for title to certain parcels of real property located in the downtown area of the City of San Diego and the construction of a new courthouse in the downtown area to replace the main County Courthouse and two other court facilities. Those subjects were addressed in my March 10, 2009, letter to you that outlined the terms of the agreement, including the assumption of liability by the State of California for property damage and personal injury, if any, resulting from a seismic event affecting the five seismically deficient court facilities (the County Courthouse, Kearny/Mesa Traffic/Small Claims Court, North County Regional Center [F-1], North County Regional Center [F-2], and East County Regional Center).

As Government Code section 70324(b)(4) requires your approval as Director of Finance of any agreement between the Judicial Council and a county to address seismic issues, you approved the AOC signing a memorandum of understanding (MOU) with the County as described in my March 10, 2009, letter (see attached). In doing so, you noted that the AOC is responsible for obtaining insurance to cover the seismic risk and advised that you would not approve any AOC

Mr. Michael C. Genest

July 29, 2009

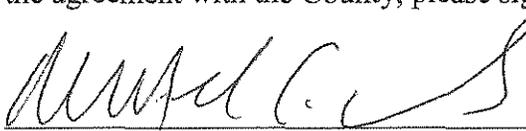
Page 2

court construction project until the AOC identified the funding needed to replace the County Courthouse in downtown San Diego and to upgrade the other buildings.

With regard to funding for the replacement of the County Courthouse and upgrades to the other buildings, the funding source is revenue generated from Senate Bill No. 1407 (2007–2008 Reg. Sess.) (SB 1407). The County Courthouse Replacement Project is one of the 16 projects identified as “critical” from among the 41 projects approved by the Judicial Council for SB 1407 funding. It will therefore be scheduled for State Public Works Board review this calendar year after which the project will be submitted to the Joint Legislative Budget Committee for approval. Upgrades to the other buildings will be funded from the SB 1407 Facility Modification Fund.

With regard to the insurance requirement, please note that AOC staff have been in close communication with Department of Finance (DOF) staff concerning the required insurance. As discussed extensively with DOF staff, the AOC will obtain insurance coverage for liability arising from seismic-related damage, injury, and death, including damage to real property, personal property, and persons, as well as coverage for direct physical loss or damage to the court buildings resulting from, among other perils, earthquakes including fire and sprinkler leakage caused by earthquakes. Also covered will be expenses associated with relocating court operations during a period of time a building is being restored following an insured loss. Depending on final policy terms and pricing, the AOC plans to contract with Scottsdale Insurance Company, Affiliated FM, Lantana Insurance Company (Glenco Group of Insurance Companies), Empire Indemnity Insurance Co. (Zurich American Insurance Companies), and Princeton E&S Insurance Company (Munich Reinsurance Company) to obtain these coverages. The State of California, the AOC, and the County will be the insureds.

The AOC will soon be at the point of executing an agreement with the County that will include reference to the State of California’s responsibility for seismic-related liabilities as described above and its agreement to indemnify, defend, and hold harmless the County and its officers, employees, and agents from related claims, lawsuits, or actions seeking remedies for such damage, injury, or death. In order to provide the County with assurance that, as required by Government Code section 70324(b)(4), you approve the AOC, on behalf of the State, executing the agreement with the County, please sign below to indicate your approval.



Michael C. Genest  
Director of Finance

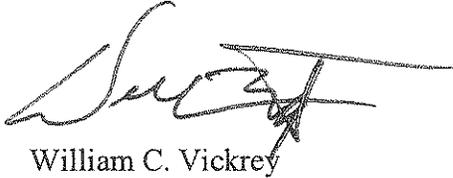
7/29/09  
Date

A copy of this letter will be provided to you for your records.

Mr. Michael C. Genest  
July 29, 2009  
Page 3

Thank you for your continued support for this important project, which will benefit not only the court users in San Diego County but the entire State of California. Please extend my appreciation to your staff for their ongoing assistance. If you have any questions, do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Vickrey", with a horizontal line drawn across the end of the signature.

William C. Vickrey  
Administrative Director of the Courts

WCV/MMR/mr

Attachment

cc: Ronald G. Overholt, AOC Chief Deputy Director

**ATTACHMENT 8**

***JUDICIAL OFFICER  
LOCATIONS***

San Diego Superior Court  
JUDICIAL OFFICER LOCATIONS

**CENTRAL DIVISION – County Courthouse**

220 W. Broadway, San Diego, CA 92101

**FIRST FLOOR**

- 1 Rotating Judge
- 2 Lee C. Witham (C)
- 3 Robert C. Rice (C)

**SECOND FLOOR**

- 4 Laura J. Birkmeyer
- 5 Cindy D. Davis (C)
- 6 Albert T. Harutunian III
- 7 *Unfilled Authorized Position*
- 8 *Assigned Judge*
- 9 Yvonne E. Campos
- 10 *Unfilled Authorized Position*
- 11 Timothy R. Walsh
- 12 David M. Szumowski
- 14 *Unfilled Authorized Position*
- 15 Howard H. Shore
- 16 Frederick Maguire (also in 53)
- 17 Peter L. Gallagher
- 18 Charles R. Gill
- 19 Amalia L. Meza
- 20 *(Assigned Judge-Vacant, temp closed-budget)*
- 21 GRAND JURY
- 22 *Assigned Judge*
- 23 *Unfilled Authorized Position*

**THIRD FLOOR**

**Robert J. Trentacosta**  
**Presiding Judge**

- 24 David J. Danielsen Asst. Presiding Judge
- 25 George W. Clarke
- 26 Frederic L. Link
- 27 Laura H. Parsky
- 28 David M. Gill
- 29 Laura W. Halgren
- 30 Dwayne K. Moring
- 31 Eugenia Eyherabide
- 32 Melinda J. Lasater
- 33 Jay M. Bloom
- 34 Desirée Bruce-Lyle

**CENTRAL DIVISION – County Courthouse**

Continued

220 W. Broadway, San Diego, CA 92101: C-44)

**THIRD FLOOR Cont.**

- 35 Margie G. Woods
- 36 Kerry Wells
- 37 Jeffrey F. Fraser
- 38 Peter C. Deddeh
- 39 Theodore M. Weathers
- 40 Gale E. Kaneshiro
- 41 David M. Rubin

**FOURTH FLOOR (South)**

- 42 Adam Wertheimer (C)
- 43 Kelly C. Doblado (C)
- 44 Keri G. Katz (C)
- 45 Steven E. Stone

**FOURTH FLOOR (North)**

- 46 Lisa C. Schall
- 47 Richard S. Whitney
- 48 Charles G. Rogers
- 49 Leo Valentine, Jr.
- 50 Michael T. Smyth
- 51 Joan P. Weber
- 52 William R. Nevitt, Jr.

**FIFTH FLOOR (North)**

- 53 Frederick Maguire (also in 16)/*Assigned Judge*
- 54 Louis R. Hanoian
- 55 Kenneth K. So
- 56 Robert F. O'Neill
- 57 Lisa Foster
- 58 John S. Einhorn
- 59 *John S. Einhorn (double jury courtroom – high profile trial)(Recommended Judge, not authorized)*

**CENTRAL DIVISION – Hall of Justice**

330 W. Broadway, San Diego, CA 92101

**THIRD FLOOR (HOJ)**

- 60 Gonzalo Curiel
- 61 John S. Meyer
- 62 Ronald L. Styn
- 63 Luis R. Vargas

**San Diego Superior Court  
JUDICIAL OFFICER LOCATIONS**

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**CENTRAL DIVISION – Hall of Justice**

Continued

*330 W. Broadway, San Diego, CA 92101*

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***FOURTH FLOOR (HOJ)***

64 Lorna A. Alksne  
65 Joan M. Lewis  
66 Joel M. Pressman  
67 William S. Dato

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***FIFTH FLOOR (HOJ)***

68 Judith F. Hayes  
69 Jeffrey B. Barton  
70 Randa Trapp  
71 Ronald S. Prager

---

***SIXTH FLOOR (HOJ)***

72 Timothy B. Taylor  
73 Steven R. Denton  
74 Kevin A. Enright  
75 Richard E. L. Strauss

---

**CENTRAL DIVISION – Family Law Court**

*1555 Sixth Avenue, San Diego, CA 92101*

F1 Susan D. Huguenor  
F2 Margo L. Lewis  
F3 Christine K. Goldsmith  
F4 Robert C. Longstreth  
F5 Maureen F. Hallahan  
F6 Edlene C. McKenzie (C)

---

**CENTRAL DIVISION – Madge Bradley  
Building**

*1409 4th Avenue, San Diego, CA 92101*

F8 Gerald C. Jessop  
F9 William H. McAdam  
PC1 Jeffrey S. Bostwick  
PC2 Julia C. Kelety

---

**CENTRAL DIVISION – Kearny Mesa Branch**

*8950 Clairemont Mesa Blvd, SD, CA 92123*

John N. Blair (C)  
Peter S. Doft (C)  
Pennie K. McLaughlin (C)  
Corinne Miesfeld (C)  
Karen A. Riley (C)

---

**CENTRAL DIVISION – Juvenile Court**

*2851 Meadow Lark Dr, SD, CA 92123*

1 Cynthia Bashant  
2 Carolyn M. Caietti  
3 Pro tem Referee Neeley  
4 Browder A. Willis III

---

**CENTRAL DIVISION – Juvenile Court**

Continued

*2851 Meadow Lark Dr, SD, CA 92123*

5 Carol Isackson  
6 Ronald F. Frazier  
7 Carlos O. Armour  
8 Richard R. Monroy  
9 David B. Oberholtzer  
10 Polly H. Shamon  
11 *(Assigned Commissioner)*

---

**SOUTH COUNTY DIVISION**

*500 3<sup>RD</sup> Avenue, Chula Vista, CA 91910*

1 Gary S. Bloch (C)  
2 Francisco P. Marty, Jr. (C)  
3 *Assigned Judge*  
4 Michael S. Groch  
5 Terrie E. Roberts (C)  
6 Roderick W. Shelton  
7 Kenneth J. Medel  
8 Alvin E. Green, Jr.  
9 Francis M. Devaney  
10 Edward P. Allard III.  
11 Garry G. Haehnle  
12 Katherine A. Bacal  
14 Kathleen M. Lewis  
15 Ana España  
16 Stephanie Sontag  
17 Esteban Hernández

---

**EAST COUNTY DIVISION**

*250 E. Main St, El Cajon, CA 92020*

1 James T. Atkins (C)  
2 Charles W. Ervin  
3 Patricia Garcia  
4 Sharon B. Majors-Lewis  
5 William C. Gentry, Jr.  
6 Evan P. Kirvin  
7 Darlene A. White (C)  
8 Lantz Lewis  
9 William J. McGrath  
10 Patricia K. Cookson  
11 John M. Thompson  
12 Allan J. Preckel  
14 Eddie C. Sturgeon  
15 Joel R. Wohlfeil  
16 Joseph P. Brannigan  
17 Herbert J. Exarhos

San Diego Superior Court  
JUDICIAL OFFICER LOCATIONS

---

EAST COUNTY DIVISION

Continued

250 E. Main St, El Cajon, CA 92020

---

- 18 Gary M. Bubis
  - 19 Roger W. Krauel
  - 20 *Assigned Judge*
  - 21 *Assigned Judge*
- 

NORTH COUNTY DIVISION

325 S. Melrose Dr, Vista, CA 92081

---

- 1 Adrienne A. Orfield
- 2 Richard G. Cline
- 3 Sim von Kalinowski
- 4 Tamila E. Ipema
- 5 K. Michael Kirkman
- 6 Kimberlee A. Lagotta
- 7 Martin Staven, Assigned Judge
- 8 Donald F. Armento (C)
- 9 Michael J. Imhoff (C)
- 10 Blaine K. Bowman
- 11 *Assigned Judge*
- 12 *Assigned Judge*
- 14 Marshall Y. Hockett
- 15 William Y. Wood (C)
- 16 Gregory W. Pollack
- 17 David G. Brown
- 18 Jeannie Lowe (C)
- 19 Patti C. Ratekin (C)
- 20 Robert J. Kearney
- 21 Richard E. Mills
- 22 Daniel B. Goldstein
- 23 Harry L. Powazek
- 24 Aaron H. Katz
- 25 Harry M. Elias
- 26 Runston G. Maino
- 27 Jacqueline M. Stern
- 28 Earl H. Maas III
- 29 Robert P. Dahlquist
- 30 Thomas P. Nugent
- 31 Timothy M. Casserly
- 32 Larry W. Jones (C)
- 33 Ernest M. Gross (C)
- 34 *Child Support Department-Comm. Doblado,  
(Wed, Thurs, first Fri of each month)*

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RAMONA BRANCH

PHYSICAL: 1428 Montecito Rd, Ramona 92065

Assigned E.C. Judge ... Fri. AM Only

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