



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
April 22, 2015	Recommend for Judicial Council Sponsorship
To	Deadline
Members of the Policy Coordination and Liaison Committee	N/A
From	Contact
Court Facilities Advisory Committee Hon. Brad R. Hill, Chair Hon. Patricia M. Lucas, Vice-chair	Laura Speed, 916-323-3121 laura.speed@jud.ca.gov Charles R. Martel, 415-865-4967 charles.martel@jud.ca.gov
Subject	
Proposal for Judicial Council-sponsored Legislation: Disposition and Demolition of the San Diego County Courthouse	

Executive Summary

Legislation is needed to dispose of the (1) existing San Diego County Courthouse (the County Courthouse), which is being replaced by the New San Diego Central Courthouse (New Courthouse) currently under construction, (2) jail building adjacent to the County Courthouse (Old Jail) and (3) land on which the County Courthouse and Old Jail are located.¹ The legislation will also authorize the disposal of the San Diego Property in a fair market value transaction allowing the Judicial Council to fulfill obligations to the County of San Diego (County) undertaken as a result of County's transfer to the Judicial Council of the San Diego Property and the property on which the New Courthouse is being constructed, and to potentially provide for development of an underground inmate transportation tunnel similar to the one removed from the New Courthouse project due to cost considerations. Any additional proceeds would be used to offset rental or debt service payments owed with respect to the bond financing for the New Courthouse.

Recommendation

The Court Facilities Advisory Committee (CFAC) reviewed this proposal on April 21, 2015 and requests that the Policy Coordination and Liaison Committee (PCLC) join the CFAC in recommending that the Judicial Council sponsor legislation authorizing the Judicial Council to dispose of the San Diego Property at its fair market value in exchange for cash to pay for, or the in-kind performance of, certain Judicial Council obligations to the County of San Diego (County) undertaken as a result of the Judicial Council's acquisition of the San Diego Property and the property on which the New Courthouse is being constructed, and, if possible, construction of an underground inmate transportation tunnel between the New Courthouse and the County central jail on Front Street (the Tunnel), or some combination thereof, with any excess proceeds applied to rental or debt service payments owed with respect to the bond financing for the New Courthouse. The proposed draft legislation is attached hereto as Attachment 1.

Background

The New Courthouse is being constructed on a parcel of real property (the Stahlman Block) that was acquired from the County as part of a complex county-wide transaction (the County-Wide Transaction).¹ As part of that transaction in addition to the Stahlman Block, the state, acting by and through the Judicial Council, also acquired title to the San Diego Property² consisting of two parcels totaling approximately 2.59 acres.

The County Courthouse is and will continue to be occupied and used by the Superior Court of California, County of San Diego (the Court) and the County until the New Courthouse is ready for occupancy expected in the summer of 2017. The Old Jail is being leased out by the Judicial Council to the GEO Group, which operates a private detention facility on contract with the U.S. Marshall Service.

As partial consideration for the Stahlman Block and the San Diego Property, the Judicial Council agreed with the County, among other things, to do the following:

- Demolish and remove the County Courthouse and Old Jail shortly after the date that the Court ceases all court operations in the County Courthouse;
- As part of the demolition of the County Courthouse and the Old Jail, demolish and remove the existing pedestrian skybridges running from (1) the County Courthouse to the County-owned Hall of Justice (HOJ) across Union Street (the HOJ Bridge), and (2) the Old Jail to the new County jail (County Jail) across Front Street (the Old Jail Bridge), and

¹ The terms of the County-Wide Transaction are documented in the Amended and Restated Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts, and the County of San Diego for the Transfer of Responsibility for and Transfer of Title to Court Facilities, Transfer of Title to the Old Jail, and Conveyance of Title to Stahlman Block by and between the Judicial Council and the County dated November 3, 2009 (the ARTA).

² Note that a small portion of the County Courthouse extends over West B Street. The Judicial Council owns and controls that portion of the Courthouse that extends over West B Street and onto that next block. While the Judicial Council owns that portion of County Courthouse building, the County continues to own the real property on which it is located.

repair the HOJ and the County Jail to the extent necessary to restore any damage caused by demolition and removal of the HOJ Bridge and the Old Jail Bridge; and

- Replace the County's system for delivering chilled water³ from the County-owned chilled water central plant located on the block north of B Street to the HOJ and Central Jail in a manner satisfactory to the County in its reasonable discretion.

Completion of these items (the Required Items), while part of the consideration for the Stahlman Block, was not considered part of the New Courthouse project; therefore, funds necessary to complete them were not included in that project's budget. Use of proceeds from the future sale of the Courthouse Property as an offset to the cost of the New Courthouse was and continues to be understood to be a significant benefit of the County-Wide Transaction by current and former Capital Program staff and Executive Office leadership.⁴

In February, 2013, the CFAC (then called the Court Facilities Working Group) reviewed another aspect of the New San Diego Central Courthouse project, namely, the obligation of the Judicial Council to the County under the ARTA to include the Tunnel, which would increase operational efficiency at the new courthouse for both the County and the Court, and decrease in-custody transport costs for the County. Because of the projected cost of the Tunnel, the CFAC decided to eliminate the Tunnel from the project because of the broad, state-wide need to reduce the scope and budget of all courthouse construction projects. The County and the court have made clear that they still value the efficiencies that would result from the Tunnel.

Judicial Council staff has started the work necessary to sell the San Diego Property. To date, the following has been accomplished:

- A Request for Information (RFI) was prepared and published in February, 2014 to gauge general interest among developers in the San Diego Property. One response was received. A copy of the RFI and the response is attached as Attachment 2.
- Authorizing legislation modeled on Government Code section 14673.10⁵ has been drafted. A copy of the proposed draft legislation that is the subject of this memorandum's recommendation is attached as Attachment 1. A copy of section 14673.10, provided for reference, is attached as Attachment 3.

³ The basement of the County Courthouse presently houses chilled water supply and return lines (for air conditioning load) to transmit chilled water from the central plant to the HOJ and the County Jail.

⁴ This understanding is evidenced by, among other things, the Capital Outlay Budget Change Proposal for the New San Diego Central Courthouse dated September 3, 2009 (the 2009 COBCP) under the heading "A. Purpose of the Project" in Table 1 – Facilities Affected by Construction of New Courthouse – Courtrooms, Size, Ownership, Transfer Status, and Disposition Plan states in relation to the County Courthouse: "Dispose to offset cost of new courthouse." The 2009 COBCP was submitted to and approved by the Joint Legislative Budget Committee and State Public Works Board pursuant to Government Code sections 70371.5 and 70371.7, and provides the basis for the New Courthouse's initial funding.

⁵ All statutory references are to the Government Code unless otherwise indicated. Use of section 14673.10 as a model for the proposed draft legislation was suggested by staff at the Department of Finance (DOF) with whom Judicial Council staff has discussed the proposed disposition of the San Diego Property. DOF staff has reviewed and commented on the proposed draft statute and is supportive of Judicial Council efforts to frame the proposed disposition transaction as described in this memorandum.

- To ensure a public and transparent sale process and to encourage the highest number of quality bidders, a Request for Proposals (RFP) offering the Courthouse Property for sale in exchange for assumption of all Required Items and, if possible, construction of the Tunnel and cash, is being prepared.
- An appraisal of the San Diego Property has been obtained to support the Judicial Council and its staff in assessing bids received in response to the RFP. Because the purpose of the appraisal is to aid in the process of negotiating a real property transaction, it will be held in confidence until the sale of the Courthouse is complete.
- An estimate of the cost of demolition and removal of the County Courthouse and Old Jail has been obtained from Turner Construction Company⁶ to further support the Judicial Council and its staff in assessing bids received in response to the RFP. Because the purpose of this estimate is to aid in the process of negotiating a real property transaction, it will be held in confidence until the sale of the Courthouse is complete, though a separate summary of work describing the scope of the demolition and removal obligation to be assumed by the successful bidder has been prepared and will be included as part of the RFP. A copy of that summary of work is attached as Attachment 4.
- An assessment of the hazardous materials contained in the County Courthouse has been obtained from Forensics Analytical Environmental Consulting Service (FACS)⁷ to support the estimate of costs of demolition and removal of the Courthouse and Old Jail and to aid the Judicial Council in making disclosures regarding the condition of the property in the RFP. A copy of the FACS assessment will be included as part of the RFP and is attached as Attachment 5.

Previous Council Action

No previous Judicial Council action on the disposition of the San Diego Property.

Rationale for Recommendation

Under California law, state owned real property may only be disposed of in a manner specified by statute.⁸

The Legislature has given specific authority to sell or otherwise dispose of state owned real property to the State Lands Commission (Public Resources Code section 6216) and the California Department of Transportation (Caltrans) (Streets and Highway Code section 118). Government Code section 14664 gives the Department of General Services (DGS) the authority to execute “grants to real property belonging to the state in the name and upon behalf of the state,

⁶ Turner Construction Company is a large construction company known to the Capital Program from its work on other capital projects. The work in this case was performed pursuant to a competitively bid contract.

⁷ FACS is an environmental consulting firm that is a subcontractor to Barragan Corporation International, a consultant under an existing contract with the Judicial Council through Capital Programs. The work performed here with respect to the County Courthouse was done pursuant to a work order under the existing contract with Barragan Corporation International.

⁸ See *People v. Chambers*, 37 Cal.2d 552, 561: “Lands of the state, at least those devoted to a public use, may be disposed of only in the manner specified by statute . . . and an attempt by a state officer, not authorized to dispose of state land devoted to a public use, is void” (Citations omitted).

whenever the sale or exchange of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to execute the grants.”

The Judicial Council’s authority over trial court facilities is established in section 70391. Section 70391(a) gives the council a general grant of authority over trial court facilities, but one that does not include specific authorization to sell, exchange or otherwise dispose of trial court facilities (compare with authorizations for the State Lands Commission and Caltrans cited above):

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

(a) Exercise full responsibility, jurisdiction, control and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.

In section 70391(c), the council is given authority to dispose of surplus court facilities in compliance with section 11011. By generally requiring compliance with section 11011, section 70391(c) imposes on the Judicial Council the obligation to determine whether a given court facility is “surplus” and thus eligible for disposal, and then to request authorization by the legislature to dispose of it. As a result of the passage of Proposition 60A in November, 2004, proceeds from disposition of a court facility deemed surplus are to be applied to pay the principal and interest on bonds issued under the Economic Recovery Bond Act, and after those bonds are fully paid, then into the Special Fund for Economic Uncertainties, or any successor fund⁹ rather than the State Court Facilities Construction Fund as provided in section 70391(c)(1).

The state sometimes sells (or attempts to sell) real property that has not been declared surplus and to use proceeds from such sales for purposes other those identified immediately above. Examples of legislative authorizations of such sales may be found at sections 14673.3 through 14673.10.

In this case, however, the San Diego Property is not a candidate for treatment as “surplus” because it does not meet the criteria established under section 11011 for determining when state-owned property is excess or surplus. Those criteria, codified at sections 11011(a)(1)-(3), include:

- (1) Land not currently being utilized, or currently being underutilized, by the state agency for any existing or ongoing state program.
- (2) Land for which the state agency has not identified any specific utilization relative to future programmatic needs.
- (3) Land not identified by the state agency within its master plans for facility development.

⁹ California Constitution, article III, section 9.

In this case, the San Diego Property is not “excess” or “surplus” because it is currently being fully utilized as a court facility and will continue to be so used until at least the summer of 2017 when the New Courthouse becomes operational. More importantly, as evidenced by, for example, the 2009 COBCP, the Judicial Council has identified a specific utilization of the San Diego Property for the future programmatic needs of the Court and Judicial Council in that the cash or other form of proceeds (including completion of the Required Items) derived from its sale, exchange or other disposition would be used exclusively to partially offset the cost of the New Courthouse.

Inasmuch as the San Diego Property is not “surplus” and because of the general requirement noted above that all state-owned property may only be disposed of in the manner specified by statute, disposal of the San Diego Property requires its own authorizing legislation separate from the “surplus” court facility process under sections 70391(c) and 11011. As noted above, as identified by DOF staff, examples of legislation authorizing sales of non-surplus state owned property are found at sections 14673.3 through 14673.10.

Comments, Alternatives Considered, and Policy Implications

Because the Judicial Council is contractually obligated to perform the Required Items and no source of funding exists to meet those obligations, no alternatives to the proposed disposition transaction were considered. Because specific authorizing legislation is required by law in order to complete the disposal of non-surplus property, no alternative to the proposed authorizing statute has been considered.

Implementation Requirements, Costs, and Operational Impacts

Judicial Council staff time will be required to complete the sale of the San Diego Property. In addition, several outside professionals have been sourced to assist Judicial Council staff in this transaction: outside legal counsel to assist in completing necessary transaction documents, a real estate appraiser to establish the property’s fair market value, a construction industry expert to establish an estimate of the cost of demolition and removal of the County Courthouse and Old Jail, and an environmental consultant to assess the extent of hazardous materials contained in the County Courthouse.

Attachments

- Attachment 1: Draft legislation
- Attachment 2: RFI and Response to RFI
- Attachment 3: Government Code section 14673.10
- Attachment 4: Summary of Work
- Attachment 5: FACS Report

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: State property: Judicial Council: authorization to sell, exchange, or lease.

Existing law authorizes the Judicial Council to exercise full responsibility and control over court facilities, including planning and funding recommendations for construction of new court facilities. Existing law authorizes the disposition of state property, including transfer to local agencies, subject to specified criteria. Existing law requires generally that moneys received from the disposition of state property be paid into the General Fund.

This bill would authorize the Judicial Council to sell, exchange, or lease approximately 2.59 acres of real property located in the City of San Diego and the buildings located on the property. The bill would require the Judicial Council to deposit all cash consideration received from the disposition of the property into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, which is



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a continuously appropriated fund, segregated only for use for one or more specified purposes. The bill would require Judicial Council to give written notice to the chairperson of the committee in each house of the Legislature that considers appropriations and to the Chairperson of the Joint Legislative Budget Committee of its intention to enter into a lease or other agreement for disposition of some or all of the property and to obtain approval from the Department of Finance prior to executing the agreement.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.



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An act relating to state property, and making an appropriation therefor.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The state owns approximately 2.59 acres of real property located in the City of San Diego, on two city blocks bounded by West B Street on the north, Union Street on the west, Broadway on the south, and Front Street on the east. Two buildings are located on the real property. One of the buildings is a courthouse, which is currently used by the Superior Court of California, County of San Diego, as a trial court facility and by the County of San Diego for county offices. The other building is leased to a third party tenant for operation as a private jail facility.

(2) A portion of the courthouse building described in paragraph (1) is located on a city block owned by the County of San Diego that is located to the north of the San Diego Property and bounded by West A Street on the north, Union Street on the west, West B Street on the south, and Front Street on the east. For purposes of this section, the real property described in this paragraph shall be referred to as the "county property." The state owns the portion of the courthouse building that is situated on the County Property, but does not own the land underlying that portion of the courthouse building.

(3) For purposes of this section, the real property and improvements described in paragraph (1), including those portions of the courthouse building situated on the county property, shall be referred to as the "San Diego property."

(4) The existing courthouse building is inadequate to house future superior court operations and is to be replaced as part of an overall plan for consolidation and upgrade of the court facilities in the County of San Diego.



(5) The Judicial Council is constructing a new courthouse building on state-owned property in the downtown area of the City of San Diego that is bounded by West B Street on the north, State Street on the west, West C Street on the south, and Union Street on the east. For purposes of this section, the real property described in this paragraph shall be referred to as the "court project site." The new courthouse building constructed on the court project site will fully replace all space occupied by the superior court in the existing courthouse building located on the San Diego property and, in part, the county property, and will improve and enhance the safety and efficiency of superior court operations.

(6) The San Diego property may be sold, exchanged, leased, or any combination thereof.

(7) The Judicial Council shall use the consideration derived from any disposition of the San Diego property made pursuant to this section to meet outstanding contractual obligations described in subparagraph (A) of paragraph (1) of subdivision (c) in favor of the County of San Diego undertaken by the Judicial Council in connection with replacement of the existing courthouse building on the San Diego property, to pay rental or debt service payments owed with respect to bond financing of the new courthouse building on the court project site, or to cause construction of an inmate pedestrian transport tunnel connecting the existing county jail to the new courthouse being constructed on the court project site.

(8) (a) The disposition of the San Diego property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning



of Section 9 of Article III of the California Constitution, subdivision (g) of Section 11011, or subdivision (c) of Section 70391 of the Government Code.

(b) The Judicial Council may sell, exchange, lease, or any combination thereof, all or any portion of the San Diego property, in one or more transactions, at the same or different times, and to one or more third parties.

(c) The Judicial Council may accept consideration for any disposition of the San Diego property made pursuant to this subdivision, as follows:

(1) Consideration in the form of cash to pay either of the following:

(A) Costs and expenses associated with performance of outstanding contractual obligations in favor of the County of San Diego undertaken by the Judicial Council in connection with the state's acquisition of the San Diego property or the court project site, including demolition and removal of the existing structures on the San Diego property and related bridges to other county-owned buildings and replacement of the County's existing chilled water delivery system that runs through the existing courthouse on the San Diego property and that serves two existing nearby county-owned facilities.

(B) Rental or debt service payments associated with the bond financing of the new courthouse building on the court project site.

(2) Consideration in the form of in-kind performance of either of the following:

(A) Outstanding contractual obligations described in subparagraph (A) of paragraph (1).

(B) Construction of an inmate pedestrian transport tunnel connecting the existing county jail to the new courthouse being constructed on the court project site.

(3) Any combination of consideration described in paragraphs (1) and (2).



(d) Any sale, exchange, lease, or any combination thereof of properties carried out pursuant to this section shall be for no less than fair market value, as determined by the Judicial Council, and based upon an independent appraisal or pursuant to a competitive bid process for selection of the buyer, lessee, or other acquirer.

(e) (1) The Judicial Council shall deposit all cash consideration received from the disposition of the San Diego property authorized by this section into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established pursuant to Section 70371.5 of the Government Code and segregated for use only for one or more of the purposes identified in paragraph (1) of subdivision (c).

(2) For purposes of this section, the terms "lease" or "leased" mean a lease, lease with an option to purchase, or lease-purchase pursuant to this section.

(f) The Judicial Council shall obtain approval from the Department of Finance prior to execution of any agreement for sale, exchange, lease, or any combination thereof of all or any part of the San Diego property.

(g) The Judicial Council shall give written notice to the chairperson of the committee in each house of the Legislature that considers appropriations and to the Chairperson of the Joint Legislative Budget Committee, or his or her designee, of its intention to enter into a lease or other agreement for disposition of some or all of the San Diego property, not later than the minimum time that the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.



(h) For the purposes of this section, the San Diego property shall not be subject to Section 11011.1, Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5, or subdivision (c) of Section 70391 of the Government Code.

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Request for Information

DISPOSITION OF THE SAN DIEGO COUNTY COURTHOUSE SITE



ADMINISTRATIVE OFFICE
OF THE COURTS

JUDICIAL AND COURT ADMINISTRATIVE
SERVICES DIVISION

OFFICE OF REAL ESTATE & FACILITIES MANAGEMENT

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For planning and information purposes only

I. THE OPPORTUNITY

After the passage of the Trial Court Facilities Act of 2002, (Escutia) the Judicial Council of California, Administrative Office of the Courts (AOC) has been responsible for the ongoing operations and maintenance of court facilities that were transferred to the state from the 58 counties. In 2009, the AOC took over the ownership and responsibility for the courthouse locally known as County Courthouse, located at 220 West Broadway, San Diego, California. The County Courthouse building straddles more than two city blocks from Broadway on the south, over C Street (County Courthouse site), and partially into the city block north of B Street, all between Union and Front Streets. Also at this location is the former jail facility of the County of San Diego (County) with a street address of 222 Front Street, San Diego, California (Old Jail). The Old Jail occupies a portion of one of the city blocks (between B and C Streets) in conjunction with the County Courthouse. The land beneath the County Courthouse site and Old Jail bounded by Broadway, Union, B and Front streets are referred to herein as the Property.

Pursuant to rule 10.184(b) of the California Rules of Court the AOC is responsible for the acquisition, space programming, construction, and design of court facilities. The AOC will begin construction of a new court building (the San Diego Central Courthouse) for the Superior Court of California, County of San Diego to be located on the city block bounded by B and C Streets and Union and State Streets in March 2014. The new court building will replace the County Courthouse as well as other existing court buildings.

The AOC's Office of Real Estate and Facilities Management is considering various approaches to leverage the Property and to engage the private sector to strengthen the portfolio of public buildings. Through this Request for Information (RFI), AOC is exploring potential strategies that may foster the private-sector development of the Property.

AOC's key strategic objectives are to:

- Engage the expertise of the private sector real estate development industry for ideas on the prospective future use(s) of the Property;
- Within the requirements set forth below, maximize financial return to the government and taxpayers;
- Contribute to the vitality of the downtown Civic Center area of San Diego;
- Demolish the existing San Diego Courthouse complex upon completion of the new facility.

AOC invites investors, development teams, and other parties (Respondents) to submit ideas that could assist AOC to attain these objectives. With AOC's interest in contributing to the vitality of the downtown and supporting the local community, a vibrant reuse of the Property could be accomplished with your input and vision.

AOC intends to use the information submitted by Respondents for planning purposes only and to help it make strategic decisions regarding the Property. AOC will not enter into a conveyance agreement as a result of this RFI. AOC will not reimburse Respondents for any expenses associated with responding to this RFI, although AOC sincerely appreciates Respondents' efforts and input. AOC may issue a Request for Qualifications (RFQ) or a Request for Proposals (RFP), or both, at some point in the future, if AOC determines that redevelopment or repositioning the Property provides value to the state.

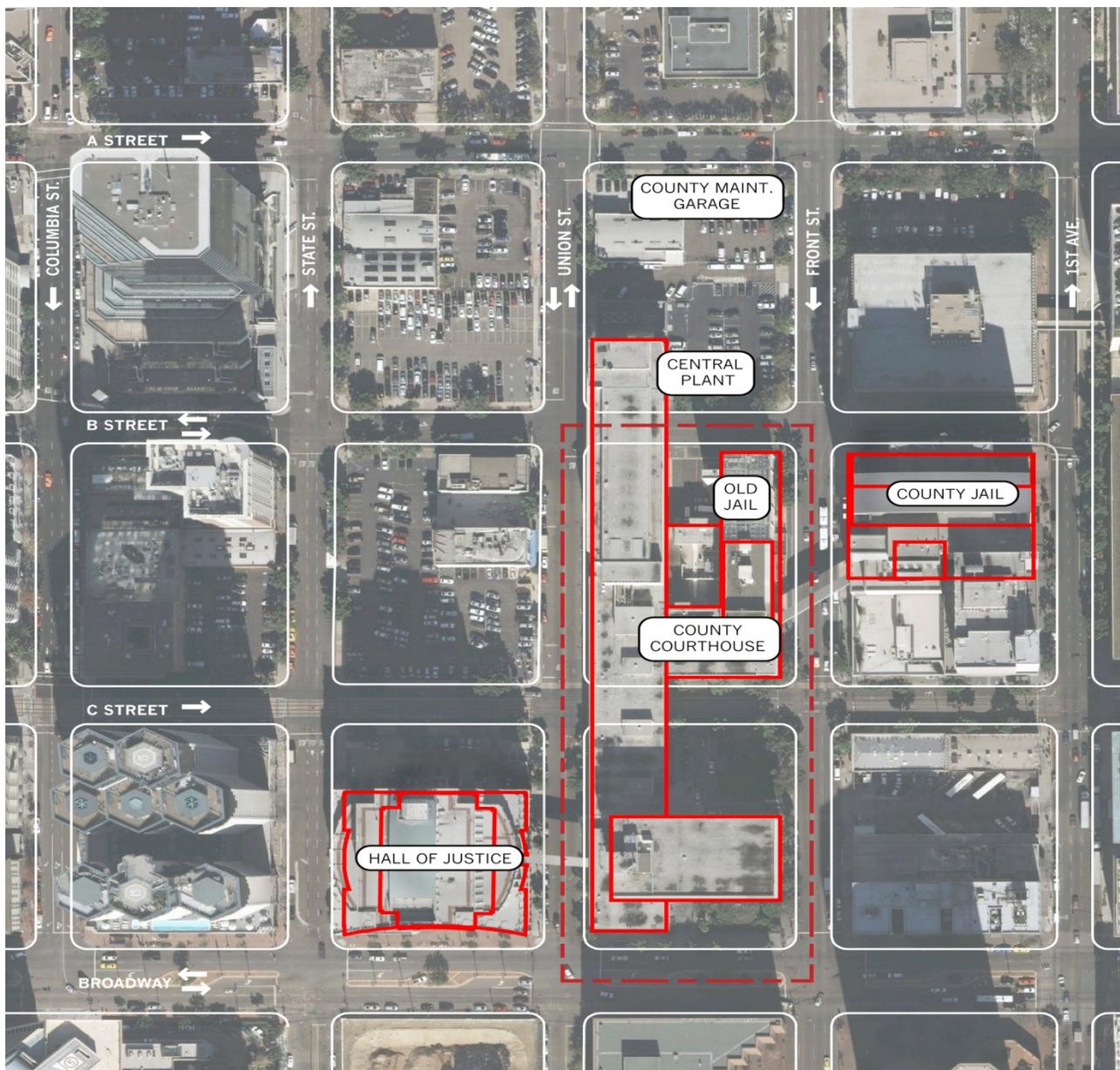
For additional information on the submission process, see Sections VII and VIII.

II. OVERVIEW

AOC is issuing this RFI to obtain responses from real estate developers, construction entities, joint ventures, and other members of the real estate development community who are potentially interested in acquiring the Property. In considering such options, AOC may exercise its authorities under Government Code section 70391, as possibly augmented in the future by additional special legislation to sell, exchange or otherwise leverage the Property.

The purpose of this RFI is to elicit private sector market perspectives of a possible sale, exchange or other transaction, and suggestions to ensure success. Such market perspectives will assist in informing AOC’s strategic decisions to enable it to maximize the value of the Property.

Upon review of the responses, AOC will determine if there is sufficient interest from Respondents to proceed with an open, competitive RFQ and/or RFP from the best qualified respondents.



III. PROPERTY DESCRIPTION

The subject Property encompasses two full city blocks, and is bordered by Front Street, Broadway, Union Street and B Street, in downtown San Diego, California. It comprises approximately 2.75 acres (\pm 120,000 square feet) and includes a courthouse and a jail facility (Assessor's Parcel Number: 533-517-01). The City has classified the Property as CBD with FAR of 12; FAR of 20 w/incentives

The County Courthouse building is located at 220 West Broadway and straddles the entirety of the Property, as well as a portion of the block just north of B Street. The Old Jail building is located at 222 Front Street and shares the block located between Front, C Street, Union and B Street with the County Courthouse.

The County Courthouse contains 59 courtrooms, holding cells, office and administrative space, and includes 67 parking spaces. The building is 503,305 \pm gross square feet and occupies the majority of the site. The County Courthouse is currently fully operational and is occupied by the Superior Court of California, County of San Diego. The jail contains 140,138 \pm gross square feet and is currently leased to the County and subleased to a private sector jail operator. The lease is scheduled to terminate January 6, 2016 unless the lease is renewed.

The portion of the Property between B and C Streets is traversed by an easement in favor of the County giving the County the right, but not the obligation, to construct, operate and maintain an underground pedestrian tunnel for the transport in-custody prisoners to and from the existing County Central Jail located on Front Street between B and C Streets and the new San Diego Central Courthouse.

Structures

The County Courthouse building, built in 1961, includes several units separated by four inch joints: a North Block, a South Block and an eight story jail facility. In 1962 an Annex was constructed adjacent to the North Block.

The site is flat with a slight slope along the north-south axis of the building.

The South Tower has eight stories (including a Mezzanine) plus one basement level, the North Tower has four stories (including a Mezzanine) plus one basement level, and the Annex has five stories and one basement level. The top floor of the Annex is used for mechanical equipment. The North Tower contains a bridge over C Street and the Annex contains a bridge over B Street.

Floor heights vary between 10 and 15 feet.

The structural system is steel frame with concrete shear walls; the lateral force resisting system is solid/punched concrete shear walls, cantilever shear walls and shear yielding steel piers.

The foundation includes concrete spread footings and wall strip footings.

Exterior walls are precast concrete shear panels with punched window openings.

An initial geotechnical investigation suggests that surface fault rupture and surface displacement may occur at the block bounded by C, Union, B, and Front Streets. If this occurs, the foundation of the building would be subjected to large differential movements that may induce large forces in the building superstructure. This could result in a significant life safety risk. The initial geotechnical investigation does not indicate a surface fault under the block bounded by Broadway, Union, C, and Front Streets.

Existing Condition

The County Courthouse is generally in poor but serviceable condition. The building contains various hazardous materials, including asbestos. Any inquiries regarding necessary additional information should be directed to the Project Manager.

The Old Jail is generally in good condition. The lessee has expended funds in building improvements during its lease term, however this building may also contain various hazardous materials.

Zoning/Entitlements

The Property is within the Centre City Planned District (CCPD).

The City of San Diego 2006 Downtown Community Plan envisions a public park with parking below ground on the C St. to B Street block.

Downtown Community Plan –

http://civicsd.com/images/stories/downloads/planning/dcp/Downtown_Community_Plan_All.pdf

Centre City Planned District Ordinance – http://civicsd.com/images/stories/downloads/meetings-and-events/event-calendar/2013/Final_CCPDO_with_adopted_Coastal_Suggested_Mods.2013.pdf

“AS-IS” Condition

Respondents should assume that the Property, including supporting building infrastructure, will be conveyed “AS-IS” and “WHERE-IS” without representation, warranty or guaranty as to quantity, quality, title, character, condition, size, or kind, or that the same is in proper condition or fit to be used for the Respondent’s purpose.

Respondents should rely on their own independent research and conclusions for all demolition, development, financing, and construction costs.

IV. POSSIBLE TRANSACTION STRUCTURES

Under its existing authorities, AOC may sell, lease or exchange all or a portion of the Property. AOC is interested in receiving any/all prospective proposals. However, the below Required Items must be included in all Respondent proposals.

Required Items

- The AOC, or its successor, has and will have a contractual obligation to the County to demolish and remove the entire County Courthouse building (including that portion north of B Street) and Old Jail building within 30 days after the Superior Court of California, County of San Diego ceases all court operations in the County Courthouse building, though it may be possible to negotiate with the County a modification of that obligation with respect to the Old Jail. Demolition is to be conducted in accordance with all applicable laws and regulations including CEQA. (See section 3.5.4 *et seq* of the Amended and Restated Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts and the County of San Diego for the Transfer of Responsibility for and Transfer of Title to Court Facilities, Transfer of Title to the Old Jail, and Conveyance of Title to Stahlman Block (the ARTA), a copy of which is included herewith).
- The AOC, or its successor, has and will have a related contractual obligation to the County to demolish and remove two bridges: (1) across Union Street, between the County Courthouse building and the County-owned Hall of Justice (located at 330 West Broadway, San Diego); and (2) across Front Street, connecting the County-owned Central Jail (located at 1173 Front Street) to the Old Jail building, and to restore those portions of the facades of the two County-owned buildings to which those bridges were attached (See section 3.5.4 *et seq* of the ARTA).
- The AOC, or its successor, has and will have a contractual obligation to the County to provide to the County a replacement chilled water delivery system currently running from and between the County's Central Plant (located north of B Street), to the Hall of Justice and the County's Central Jail (See section 3.5.4 *et seq* of the ARTA).

Beneficial Items

The below listed item would be beneficial (but not required) to include in Respondents proposal:

- New space for the Court of Appeal, Fourth Appellate District to replace existing leased space. Approximately 65,000 RSF of secured space to include appellate courtroom; chambers for 10 justices, mediation center; conference room; office and administrative space; clerk's office; and 14 secured parking spaces.

See AOC Design Guidelines for specifications:

http://www.courts.ca.gov/documents/Guidelines_Appellate.pdf

V. STATEMENT OF LIMITATIONS

1. AOC represents that this RFI, submissions from Respondents to this RFI and any relationship between AOC and Respondents arising from or connected or related to this RFI, are subject to the specific limitations and representations expressed below, as well as the terms contained elsewhere in this RFI. By responding to this RFI, Respondents are deemed to accept and agree to this Statement of Limitations. By submitting a response to this RFI and without the need for any further documentation, the Respondent acknowledges and accepts AOC's rights as set forth in the RFI, including this Statement of Limitations.
2. AOC reserves the right, in its sole discretion, without liability, to use any or all of the RFI responses in its planning efforts, and to develop and operate the Property, in whole or in part, outside of the RFI process. AOC reserves the right to retain all the materials and information, and the ideas and suggestions therein, submitted in response to this RFI. All such material, information, ideas, and suggestions will become the property of AOC.
3. This RFI does not create an obligation on the part of AOC to enter into any agreement, nor to implement any of the actions contemplated herein, nor to serve as the basis for any claim whatsoever for reimbursement for any costs for efforts associated with the preparation of responses submitted to this RFI.
4. The submission of an RFI response is not required to participate in any potential future conveyance process, nor does submission of a response preclude Respondents from participating in any actual future conveyance.
5. To the best of AOC's knowledge, the information provided herein is accurate. However, AOC makes no representations or warranties whatsoever with respect to this RFI or the Property, including representations and warranties as to the accuracy of any information or assumptions contained in this RFI or otherwise furnished to Respondents by AOC, site and environmental conditions on the Property or the suitability of the Property, or any portion thereof, for any specific uses or development.

Respondents should undertake appropriate investigation in preparation of responses. A site inspection may be coordinated to give all respondents the opportunity to examine existing conditions.

6. This RFI is issued solely for information and planning purposes and does not constitute a solicitation. Responses to this notice are not an offer and cannot be accepted by AOC to form a binding contract.
7. No claims for broker's fee will be paid by AOC.
8. All information submitted by Respondents that they consider confidential and not releasable to third parties outside of AOC, and its employees, agents, consultants, and representatives, must be clearly and conspicuously so marked.

VI. KEY EVENTS/ADDITIONAL INFORMATION

No.	Key Events	Key Dates
1	AOC issues RFI	2/3/14
2	Tour of the Property	2/21/14
3	Deadline for respondents to submit questions, requests for clarifications to capitalprogramsolicitations@jud.ca.gov (3:00 PM, PDT)	2/28/14
4	Post respondents' Questions and AOC Answers	3/7/14
5	Submittal due date and time (3:00 PM, PDT)	3/20/14

Pre-submittal Briefing and Tour

AOC may schedule a pre-submittal briefing for interested parties in early 2014 (not yet confirmed). The date will be posted on <http://www.courts.ca.gov/rfps.htm>

A tour of the Property will be conducted on February 21, 2014 beginning at 10:00 a.m. Please contact capitalprogramsolicitations@jud.ca.gov via email to sign up to attend the tour. Please sign-up for the tour no later than February 19, 2014. Meet inside of security screening area, near antique clock in lobby.

Project Inquiries

Written questions must include the requestor's name, e-mail address and the Respondent represented. Oral questions also will be accepted from Respondents during the pre-submittal conference. Regarding questions not received in a timely manner, the Project Manager will decide, based on the amount of research needed to answer the question, whether an answer can be given before the proposal due date.

VII. SUBMISSION OF RESPONSES

All interested parties should submit a cover sheet, company description and the attached completed questionnaire with appropriate supporting information clearly marked “Response to RFI –San Diego Courthouse Property” by submittal due date and time to the following Point of Contact:

Nadine McFadden
Business Services, Fiscal Services Office
455 Golden Gate Avenue
San Francisco, CA 94102
Fax: 415-865-4962
nadine.mcfadden@jud.ca.gov

AOC would like to thank you in advance for reviewing this RFI and assisting us in our efforts to plan for the future disposition of the Property.

Response Format

- 1) Cover Sheet, including:
 - Company Name
 - Company Address
 - Name and Contact Information for Company Representative, including:
 - Telephone Numbers
 - E-mail Address
 - Signature of Representative
- 2) Brief company description; size of company; years in business; type of entity.
- 3) Response to RFI items in numerical order followed by any additional materials (see section VIII. Request for Information Questionnaire).

Oral Presentations

AOC may seek to engage in follow-up discussions with any or all Respondents. The Project Manager will arrange with Respondents for the time, date and location of the discussions. Submission of a response does not guarantee the opportunity to participate in the discussions.

VIII. REQUEST FOR INFORMATION QUESTIONNAIRE

1. Describe the transaction structure(s) that would address each of the Required Items set forth in Section IV above, provide the maximum amount of cash that might be applied to help offset the cost of constructing and operating the new Central Courthouse, and contribute to the vitality of the downtown Civic Center area of San Diego
2. Please identify any concerns or risks that would affect your potential interest in the Property.
3. What level of detail would be needed to reduce transaction risks to the point of not materially affecting the value you are willing to provide for the Property?
4. Does the requirement to demolish the existing County Courthouse and Jail buildings make you more likely or less likely to participate in a solicitation? Why or why not?
5. Does the requirement to replace the delivery system for chilled water between the County’s Central Plant (located north of B Street), the Hall of Justice and the County’s Central Jail make you more likely or less likely to participate in a solicitation? Why or why not?
6. Does the inclusion of providing a new appellate court facility make you more likely or less likely to participate in a formal solicitation? Why or why not?

March 17, 2014

Nadine McFadden
Business Services, Fiscal Services Office
455 Golden Gate Avenue
San Francisco, CA 94102



The GEO Group, Inc.

Corporate Headquarters
One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

TEL: 561 893 0101
866 301 4436

www.geogroup.com
dventurella@geogroup.com

**Re: Response to RFI#OREFM-2014-02-BR
San Diego County Courthouse Site**

Dear Ms. McFadden:

The GEO Group, Inc. (GEO) is pleased to submit our enclosed response to your Request for Information - RFI#OREFM-2014-02-BR for Disposition of the San Diego County Courthouse Site.

We look forward to participating in this project which will lead to an enhancement of the San Diego downtown center.

I shall be GEO's primary point of contact. My contact information, inclusive of the company address, is as follows:

David J. Venturella
Senior Vice President, Business Development
The GEO Group, Inc.
621 Northwest 53rd Street
Boca Raton, Florida 33487
Telephone: 866-301-4436, extension 7343
Email: dventurella@geogroup.com

We look forward to participating in any subsequent Request for Qualifications or Request for Proposal. Should you have any questions or need any additional information please don't hesitate to contact me.

Sincerely,

David J. Venturella
Senior Vice President, Business Development

Description of The GEO Group, Inc.

1. *Brief company description:*

GEO Response: The GEO Group, Inc. is a publicly-traded company listed on the New York Stock Exchange. GEO is established as a Real Estate Investment Trust (REIT) pursuant to rules promulgated by the U.S. Internal Revenue Service (IRS). The corporate offices are located at One Park Place, Suite 700, 621 NW 53rd Street, Boca Raton, FL 33487.

2. *Size of company:*

GEO Response: GEO is a world leader in the provision of contracted detention, correctional, re-entry, community, youth and electronic monitoring services. We have approximately 18,000 employees in the US, UK, Australia and South Africa. GEO has annual revenues of approximately \$1.5 billion and an enterprise value of approximately \$4 billion.

3. *Years in business:*

GEO Response: GEO has approximately thirty (30) years' experience, having been incorporated in 1984 under its predecessor name Wackenhut Corrections Corporation.

4. *Type of entity:*

GEO Response: GEO is registered as a Real Estate Investment Trust (REIT) with the U.S. Internal Revenue Service (IRS).

GEO Response to RFI Items

Required Items:

- GEO acknowledges that AOC, or its successor, has and will have a contractual obligation to remove the entire County Courthouse Building and Old Jail Building within 30 days after the Superior Court of California, County of San Diego, ceases all court operations in the County Courthouse building, though it may be possible to negotiate with the County a modification with respect to the Old Jail. Demolition is to be conducted in accordance with all applicable laws and regulations including CEQA.

GEO takes exception to the demolition of the Old Jail as expressed under GEO's answer to Question 4 of the RFI questionnaire.

- GEO acknowledges that AOC, or its successor, has and will have a related contractual obligation to the County to demolish and remove the two bridges and to restore these portions of the facades of the two County-owned buildings to which those bridges were attached.

GEO takes exception to the demolition of the bridge between the Old Jail and the County Jail as expressed in GEO's answer to Question 4 of the RFI Questionnaire indicating GEO's desire to continue operating the Old Jail through purchase of the facility, as well as the adjoining South Block.

- GEO acknowledges that AOC, or its successor, has and will have contractual obligations to the County to provide to the County a replacement chilled water delivery system currently running from and between the County's Central Plant.

GEO is in agreement with this requirement.

Beneficial Items:

- GEO acknowledges AOC's desire for new space for the Court of Appeal, Fourth Appellate District to replace existing, leased space that would total approximately 65,000 RSF of secured space to include appellate courtrooms; chambers for 10 justices mediation center; conference room; office and administrative space; clerk's office; and 14 secured parking spaces.

GEO desires to provide the above referenced space for AOC.

Request for Information Questionnaire

1. *Describe the transaction structure(s) that would address each of the Required Items set forth in Section IV above, provide the maximum amount of cash that might applied to help offset the cost of constructing and operating the new Central Courthouse, and contribute to the vitality of the downtown Civic Center area of San Diego*

GEO Response: GEO is interested in purchasing all of the property referenced, on an all cash basis which can be made available upon receipt of title for each block of property. The amount of compensation would be substantial and facilitate a meaningful reduction to the cost of construction and operation of the new Central Courthouse, and will contribute to the vitality of the downtown Civic Center area of San Diego.

2. *Please identify any concerns or risks that would affect your potential interest in the Property.*

GEO Response: See GEO response to Question Number 4 below.

3. *What level of detail would be needed to reduce transaction risks to the point of not materially affecting the value you are willing to provide for the Property?*

GEO Response: Substantial additional detail is necessary regarding a replacement chilled water delivery system.

4. *Does the requirement to demolish the existing County Courthouse and Jail buildings make you more likely or less likely to participate in a solicitation? Why or why not?*

GEO Response: With respect to the state's prior obligation to demolish and abate the existing facilities; demolition of the Jail buildings would not be acceptable. GEO is the present operator of the Jail being used as a detention facility on behalf of the U.S. Marshals Service (USMS). This is an important facility for the USMS and the San Diego Court System. Accordingly, GEO is interested in continuing its operation of the detention facility.

5. *Does the requirement to replace the delivery system for chilled water between the County's Central Plant (located north of B Street), the Hall of Justice and the County's Central Jail make you more likely or less likely to participate in a solicitation? Why or why not?*

GEO Response: The requirement to replace the chilled water delivery system does not impact our decision to participate.

6. *Does the inclusion of providing a new appellate court facility make you more likely or less likely to participate in a formal solicitation? Why or why not?*

GEO Response: The inclusion of providing a new appellate court facility does not impact our decision to participate.

Additional Information:

In addition to the information noted above, GEO would like to acknowledge that we have reviewed the Deed of Easement and Easement Agreement. We are prepared to connect the new Courthouse and existing County Jail. The Easement Agreement will require some minor modifications.

GOVERNMENT CODE SECTION 14673.10

(a) The Legislature finds and declares all of the following:

(1) Located in the City of San Diego, the state owns approximately 2.7 acres of real property on two city blocks bounded by Ash Street on the north, Front Street on the east, "A" Street on the south, and State Street on the west, with improvements, currently used for state offices.

(2) For purposes of this section, the real property described in paragraph (1) shall be referred to as the "San Diego Property."

(3) Continuing the consolidated operations of the various state agencies in one location will greatly facilitate and improve the efficiency of the administrative operations of the state.

(4) The San Diego Property may be sold, exchanged, leased, or any combination thereof, and the proceeds used to carry out the intent of the Legislature to consolidate various departments and state agencies to protect the health and safety of the people.

(5) The disposition of the San Diego Property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution or subdivision (g) of Section 11011.

(b) The Director of General Services may sell, exchange, lease, or any combination thereof, all or a portion of the San Diego Property. The director shall use the proceeds of any sale, exchange, or lease made pursuant to this subdivision to acquire the land and facilities described in subdivision (g) to consolidate various state departments within the downtown area of the City of San Diego.

(c) Any exchange, lease, or sale of properties carried out pursuant to this section shall be for no less than fair market value, as determined by an independent appraisal or pursuant to a competitive selection process. Compensation for the San Diego Property may include land, or a combination of land, improvements, and money.

(d) (1) Any funds received from the sale, exchange, or lease of the San Diego Property authorized by this section shall be held in trust and used only for the acquisition, lease, lease-purchase, lease with an option to purchase, or lease-purchase finance of the land and facilities identified in subdivision (g) and are hereby appropriated to the Department of General Services for expenditure for the purposes of this subdivision.

(2) For the purposes of this section, the terms "lease" or "leases" mean the selection and acquisition of a lease-purchase, lease-purchase finance, or lease with an option to purchase pursuant to this subdivision.

(e) The Department of General Services shall be reimbursed for any reasonable cost or expense incurred for the transactions described in this section from the proceeds of the sale, lease, or exchange of the San Diego Property.

(f) For the purposes of this section, the San Diego Property shall not be subject to the provisions of Section 11011.1 or Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(g) (1) The director may enter into one or more agreements or leases for the purposes of providing usable office and related space not to exceed 120,000 net square feet in the City of San Diego in order to consolidate various departments and state agencies. It is the intent of the Legislature that the state obtain an equity interest in any land or facility authorized by this subdivision.

(2) Notwithstanding Section 14669, the department shall advertise and award the lease or leases to the proposer offering to provide a building or buildings that meet the state's requirements and that the director determines are in the best interest of the state. The director may also lease all or part of the San Diego Property for a period not to exceed 66 years.

(h) (1) The Department of General Services shall develop the terms and conditions of any agreements or lease, and provide them to the Department of Finance for review prior to soliciting bids. The Department of General Services shall obtain approval from the Department of Finance prior to execution of any agreement or lease.

(2) The Department of General Services shall notify the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or his or her designee, in writing of the director's intention to enter into a lease or an agreement, not sooner than a lesser time that the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. If any of the three committees fail to take an action with respect to the submittal within 45 days after the submittal, this inaction shall be deemed to be approval for purposes of this section.

(Added by Stats. 2008, Ch. 513, Sec. 2. Effective January 1,

CONSTRUCTION CONSULTING – SAN DIEGO COUNTY COURTHOUSE – ATTACHMENT A

SUMMARY OF WORK

San Diego County Courthouse Redevelopment

- Request for Proposal:** The Judicial Council of California requests that this Summary of Work be included as part of any proposal for the property. The Summary of Work is prepared to clarify and provide detail of the demolition and re-development requirements for the property.
- Project Name:** San Diego County Courthouse Redevelopment (San Diego County “Old” Courthouse)
- Address:** 220 West Broadway
San Diego, CA 92101
- Project Summary:** Upon completion of the new San Diego Central Courthouse, the current existing courthouse will be available for redevelopment. As part of the Judicial Council responsibilities the existing old courthouse building demolition and any necessary remediation of its contents will be required once the existing courthouse is vacated. Demolition limits are shown conceptually below. The complete courthouse building, jail and two (2) pedestrian bridges are included in the demolition scope.



- Documents:**
- Hazardous Material Report by Forensic Analytics, February, 2015.
 - Pedestrian Tunnel & Central Jail modification construction documents – February 22, 2013
 - File Sharing Site: TBD

Scope of Work:

The Purchaser shall be responsible for the scope of work related to the requirements for the demolition of the property including the complete demolition and all required remediation of any hazardous materials work (the “**Work**”) for the existing courthouse and jail facility located at 220 West Broadway San Diego, CA. Further clarified:

1. The **Work** shall include the complete demolition of the facility within the defined limits of the base scope of work and/ or Alternates. All of the Work must be performed in compliance with all State, Local and Other Agency requirements as well as industry best practices. The specific Base Demolition scope includes but is not limited to the following:
 - a. Complete demolition and removal of the existing facility, including structure and any remaining partitions, millwork, finishes and fixtures above street level.
 - b. As an option, the demolition of the basement foundation walls, below grade foundations and horizontal structure at the street level may be deferred should the basement structure be incorporated as part of the temporary shoring for a future underground parking structure or other permitted use of the property (Alternate No. 1). Demolition work shall include the demolition, removal and legal disposal of existing construction debris as required for providing a clean site. Provide a secure, clean and safe site as required during any period of deferred demolition.
 - c. Include repairs and protection to Hall of Justice (HOJ) and Central Jail necessitated by demolition of the bridges, as well as protection of HOJ and Central Jail from the elements until the repairs are made.
 - d. Complete all required abatement and demolition of the basement area of buildings other than structure at the time of the above grade abatement and demolition irrespective of any potential deferral of the basement structure and foundations are deferred.
 - e. Obtain and pay for any for any required permits, including but not limited to city demolition permit and State and Federal OSHA permits.
 - f. MTS and California Public Utilities Commission permits / approvals are required prior to any work in the C Street right-of-way.
 - g. The Purchaser shall be responsible for public improvements required by the City of San Diego including but not limited to “Green Street” sidewalk widening along Union Street.
 - h. The Purchaser shall be responsible for damages to existing utilities, construction and materials not scheduled for demolition, repair or replacement, and shall repair damages to adjacent property or work in the public right of ways.
 - i. Provide all required temporary traffic control in accordance city and other local rules and regulations.
 - j. Provide all temporary lane closures, scaffolding, scrim, pedestrian walkways, barricades, fencing and all other necessary protection, permits and coordination for working in the public right of ways, including the MTS Light-Rail line on C Street that intersect the property.
 - k. All removed utilities shall be cut and capped at the distribution main. Any utility laterals that service buildings located adjacent to the construction project shall be protected to maintain service to these structures.
 - l. Terminate any utilities in accordance with state and local rules and regulations. Protect any existing utilities designated to remain. Where removal of existing utilities and pavement is required, provide approved barricades, temporary

covering of exposed areas, and temporary services or connections. Abandonment of utility systems shall be done in a manner that conforms to applicable codes and regulations, removes their presence from the area of construction and clearly indicates that they have been abandoned. Utilities shall not be abandoned in place underneath or within 3.0 m (10 feet) of any new facilities. The extent of this requirement will depend on the specific site plan developed by the respondent.

- m. The existing utility tunnels below “C” street may be abandoned in place provided this structure is sealed or grouted in a manner permitted by the city and other local rules and regulations.
 - n. Prevent the spread of dust and debris to adjacent occupied buildings or on pavements and avoid the creation of a nuisance or hazard in the surrounding area. Sweep pavements as often as necessary to control the spread of debris and dust.
 - o. Whenever possible, all features demolished shall be salvaged or recycled in lieu of being disposed of as waste in a landfill. Existing features to be demolished which are not salvageable or reused, shall become the property of the buyer of their contractor and shall be removed from project site.
 - p. Provide all engineering required for removal of structures in any required sequence to maintain compliance with permits and city and other authority or agency rules and regulations as they may apply including sheeting, shoring, bracing, cribbing and underpinning.
 - q. The design of any temporary dewatering system shall account for the soil conditions, rainfall, fluctuations in the groundwater elevations and the potential settlement impact on adjacent facilities due to dewatering. Provide dewatering of the site as required by site conditions and city and other local rules and regulations. Account for and address any effects of the water table on the partially demolished structure.
 - r. Develop and implement and maintain temporary erosion and sediment control measures in accordance with state Erosion and Sediment Control Laws and Regulations and Best Management Practices (BMPs) prior to start of demolition work. Remove all non-permanent erosion control measures after vegetation is fully established. Maintain temporary erosion control measures throughout the project until areas are fully stabilized.
2. The existing courthouse requires abatement of hazardous materials, primarily asbestos assumed to be contained in fireproofing materials adhered to the steel structure, metal decks (scope uncertain), overhead piping insulation, drywall walls and vinyl flooring tile below existing inert floor coverings, lead paint and miscellaneous other materials. Remediation of this material would be required to occur prior to demolition of the building structure. Proposers may suggest alternate schedules which entail demolition of building segments, which have been abated prior to completion of full abatement.

Provide any required remediation of hazardous materials. For reference only a Hazardous Materials Report has been prepared for the property. For any buildings or areas or contents demolished where the existing hazardous material survey, tests and report for these buildings is not available or referred to, the purchaser shall assume responsibility to provide any additional survey, test and report on hazardous material contents. As required by the city or other agencies submit a plan for the demolition, removal, transporting and disposal of said hazardous material. Hazardous materials abatement shall conform to the completed Hazards Analysis Report and all applicable federal, state and local regulations. Specific Abatement and Remediation scope includes but is not limited to the following:

- a. Provide, (Furnish, Install and Maintain) all containment partitions as required.
 - b. All hazardous and non-hazardous material to be legally disposed of.
 - c. Provide required air monitoring and dust control throughout project per SCAQMD and EPA standards.
 - d. All permits and fees included for remediation and abatement.
 - e. All permits and fees and requirements for Construction Waste Management plan and documentation
 - f. Demolition and Abatement shall be completed with 24 months of a notice to proceed from the Judicial Council
3. If included in the buyer's terms with the Judicial Council, construct an underground secure prisoner transport tunnel between the new Central Courthouse and the County Central Jail as well as connection to the County's Central Jail. The minimum requirements for size, scope, character and functionality of such a tunnel is delineated in the Tunnel Agreement between the Judicial Council and County of San Diego and the Judicial Council dated May 31, 2011; the County will own & operate the tunnel and therefore will be the 'Client' during design and construction; construction documents, including specifications, soils reports, and design documents were developed for the Tunnel and Jail Modifications. These documents are made available for reference only. The tunnel is planned to run under Union Street, the Property and Front Street to an East Portal structure which provides vertical circulation from the tunnel to Level 1 of the County Jail certain and limited modifications inside the Main Jail also included. Work within the Main Jail shall be performed by the County with coordination within this scope of Work. Further clarified:
- a. Adapt the previous design to site conditions, current codes and existing facilities site logistics, security and access conditions and requirements. Complete the final Construction Documents including MEP tie-ins, smoke control systems.
 - b. Obtain and pay for all required permits, inspections, additional reports and design required to complete the tunnel final design and construction.
 - c. Construct the pedestrian tunnel per the final approved Construction Documents including tunnel excavation within the property limits and below the public right of ways for final tie-in to the East Portal of the County Main Jail and the New Courthouse. Included with this scope of work are modifications within the County Main Jail but not within the New Courthouse.
 - d. Complete all electrical (normal & standby) power, security, fire/life/ safety, plumbing, HVAC and smoke control systems, cabling, devices and equipment work within the pedestrian tunnel. The source for such utilities and systems, and smoke control shall be provided from the County Main Jail. The County has previously reported that its Main Jail had sufficient capacity to provide utilities for the Tunnel.
 - e. Provide all patch and repair of existing paving, curbs, sidewalks and other site features required to complete the pedestrian tunnel work. Comply with all city and other agency requirements for construction design, permitting, inspection and construction. Provide all required temporary lane closures, scaffolding, scrim, pedestrian walkways, barricades, fencing and all other necessary protection, permits and coordination for working in the public right of ways.

Reference Documents:

The Judicial Council of California has prepared reference documentation to help inform prospective buyers of some of the range of costs and possible optional or alternate costs for the demolition and re-development of the property. These are reference documents only. It shall be the responsibility of the buyer or prospective buyer to perform all necessary investigations, estimates and other due diligence to establish the value and schedule to perform the demolition and re-development requirements for the property.



March 26, 2015

To: Ms. Hiroko Nagata
Health & Safety Analyst
Risk Management Unit
Capital Program
Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA 94102

hiroko.nagata@jud.ca.gov
Phone: 415-865-4256

From: Mark Smith
Forensic Analytical Consulting Services
2959 Pacific Commerce Dr.
Rancho Dominguez, CA 90221

msmith@forensicanalytical.com
Phone: 310-668-5629

Subject: Environmental Review for Hazardous Building Components – San Diego Courthouse: Summary Of Findings

Forensic Analytical Consulting Services (FACS) was tasked to provide environmental health consulting services for hazardous building components at the San Diego County Courthouse, located at 220 West Broadway, San Diego, California.

Services included review of historic documentation and electronic records related to hazardous building components, and supplemental sampling to: (i) confirm historic findings; (ii) provide additional information to prospective purchasers of the property; and (iii) assist with assessing a cost value for future abatement. In order to maximize the information obtained (within client time constraints and without impact to current occupants or ongoing court functions and aesthetics) supplemental sampling was limited to materials and locations that FACS believes are likely to have the most significant impact on future abatement/demolition and associated waste disposal costs.

FACS understands that there are three structures that were to be included in the review: South Tower, Central Block, and North Annex. Any additional structures, such as the adjacent jail building and other buildings attached to the County Courthouse, were not included in the FACS review (though records that were discovered for these buildings have been included in the RFP documentation). Evaluations (such as asbestos and lead testing) will need to be made for these adjacent and attached structures, as the connection points (bridges, etc.) will need to be sealed following demolition of the County Courthouse structure.

Based on our findings, the below bullet list includes items that should be considered for removal/abatement by specialty contractors prior to demolition of the County Courthouse:

ASBESTOS

- Fireproofing - Throughout structure (potentially not present in basement level)
- Interior ceilings - Throughout (various ceiling systems are asbestos-containing; in addition, due to the presence of fireproofing, the ceilings will need to be treated as asbestos-contaminated)
- Interior walls - Throughout (various wall systems are asbestos-containing; in addition, due to the presence of fireproofing, the walls will need to be treated as asbestos-contaminated -- e.g., in wall cavities)
- Thermal Systems Insulation (e.g., boiler tanks, return and supply piping) – Some basement areas were reportedly abated, though most of the thermal systems insulation is anticipated to be original installation materials
- Vinyl flooring and mastic - Throughout (some portions of the basement are bare concrete. Additionally, some flooring has been replaced and may ultimately prove negative, though additional sampling is required to determine asbestos classifications of such newer flooring areas)
- Terrazzo flooring - Various areas (approximately 40,000 square feet observed. This material has not been tested, but does potentially contain asbestos.)

- Marble panel adhesive/mortar - Main lobby and elevator lobbies and other public areas (approximately 4,000 square feet observed) – Assumed asbestos. Testing would require destructive measures.
- Exterior wall coating - Throughout entire building exterior – Confirmed asbestos containing. (Also, confirmed California hazardous waste for Lead and Zinc. Presumed to be California hazardous and federal RCRA hazardous for Arsenic, Barium, Cadmium, Chromium, Mercury, Lead and Zinc.)
- Window putty - Throughout windows of County Courthouse structure
- Roofing - Throughout roofs (top membrane/rock ballast layer, insulation, lightweight concrete layer and bottom tar/felt layer should be considered in demolition cost, as well as mastics, sealants, pitchpockets and similar roofing components – Assumed asbestos. Not tested due to waterproofing considerations of occupied building
- Duct seam sealant - Throughout air handler unit seams and ductwork junctions – Assumed asbestos.
- Potential asbestos materials at grade or below grade, such as membrane below asphalt, membrane below concrete slab, waterproofing outside basement walls, asbestos cement pipe or conduit, etc. – Assumed asbestos.
- Miscellaneous items - Such as sink undercoating, mirror mastics, fire doors, elevator doors, packings/gaskets, etc. – Assumed asbestos.

LEAD AND HEAVY METALS

- Ceramic wall tiles
- Porcelain components and restroom fixtures
- Paint - Lead and other heavy metals, which could affect building material disposal/recycling
 - Exterior coating – Confirmed California Hazardous waste for Lead and Zinc, based on the TTLC results, and presumed to be California hazardous and federal RCRA hazardous waste (since STLC and TCLP analysis has not been performed) for Arsenic, Barium, Cadmium, Chromium, Mercury, Lead and Zinc (as previously noted, also confirmed as asbestos-containing)
- Lead pipes and solder – Assumed present; testing not performed
- Lead roof flashings – Assumed present; testing not performed

OTHER HAZARDOUS MATERIALS (for consideration – no testing performed as part of this review)

- Fluorescent light bulbs
- PCB containing light ballasts - PCB status of light ballasts is typically determined by examination of ballasts for the presence of PCB-related labeling. Potential purchasers should be aware that the light fixtures located throughout the courtrooms appear to be mounted to the ceiling deck (which is coated with asbestos fireproofing). As such, future inspection/removal of light fixtures would need to be conducted using asbestos-related engineering controls.
- High Intensity Discharge (HID) lamps
- Thermostats containing mercury
- Switches/relays/controls and other such components containing mercury
- Batteries
- Containerized chemicals or wastes
- Pad-mounted transformers that may contain PCB fluid
- Hydraulic equipment that may contain PCB fluid
- Refrigeration equipment that may contain ammonia
- Air conditioning or refrigeration equipment that may contain freon
- Fire extinguishers (portable or installed) that may contain halon
- Smoke detectors or luminescent exit signs that may contain radioactive material
- PCB in caulking/paints/sealants - Potential leaching of PCBs from these materials could also require special removal/disposal actions for the concrete structure itself

Limitations

Inspection, document review and all other tasks associated with Underground Storage Tanks (USTs), other sub-grade components and materials, or other environmental issues were not included in the scope of work.

Forensic Analytical has performed this environmental review in a substantial and workmanlike manner, in accordance with generally accepted methods and practices of the profession, and consistent with that level of care and skill ordinarily exercised by reputable environmental consultants under similar conditions and circumstances. No other representation, guarantee or warranty, express or implied, can be included or intended in the survey

report. Care must be exercised by the demolition contractor during demolition of the structures reviewed. In the event that suspect materials are discovered during that have not been addressed, these materials should be tested and handled as required, based upon the analytical results.

This investigation is limited to the conditions and practices observed and information made available to FACS. The methods, conclusions, and recommendations provided are based on FACS' judgment, experience and the standard of practice for professional service. They are subject to the limitations and variability inherent in the methodology employed. As with all environmental investigations, this investigation is limited to the defined scope and does not purport to set forth all hazards, nor indicate that other hazards do not exist.

Please do not hesitate to contact our office at 310-668-5600 if you have any questions about our report. Thank you for the opportunity to assist the Judicial Council of California in promoting a more healthful environment.

Respectfully,
FORENSIC ANALYTICAL

Reviewed by:
FORENSIC ANALYTICAL



Mark Smith



Stephen Long