

Government Code Section 70397, to be added:

- (a) The Legislature finds and declares all of the following:
 - (1) The state owns two contiguous parcels of real property consisting of approximately 2.59 acres located in San Diego City 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 building that is used by the Superior Court of California, San Diego County, as a trial court facility and by the County of San Diego for County offices. Only a portion of the existing courthouse building is located on the State Property. The other building is a former County jail facility.
 - (2) A portion of the existing courthouse building is located on the adjacent County Property. The state owns the portion of the existing courthouse building that is located on the County Property, but the County of San Diego owns fee title to the County Property.
 - (3) The existing courthouse building will be replaced as part of an overall plan for consolidation and upgrade of the court facilities in San Diego County.
 - (4) The Judicial Council has constructed the new San Diego Central Courthouse on state-owned property in the downtown area of San Diego City 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. The new San Diego Central Courthouse will fully replace all space occupied by the Superior Court in the existing courthouse building located on the San Diego Property and the County Property and will improve and enhance the safety and efficiency of Superior Court operations.
 - (5) The Administrative Director of the Courts may, pursuant to subdivision (c), convey the San Diego Property to the County of San Diego for the public purpose of promoting public safety by facilitating the construction of the Inmate Tunnel.
 - (6) After acquisition of the San Diego Property, the County of San Diego intends to perform the Demolition Project on all or a portion of the San Diego Property and the County Property, and perform the Development Project on all or a portion of the San Diego Property and the County Property.
 - (7) The Judicial Council's conveyance of the San Diego Property to the County of San Diego, on behalf of the State, shall not cause or result in any obligation of the County of San Diego to provide necessary and suitable facilities under Government Code section 70311.
- (b) For purposes of this section, the following definitions apply:
 - (1) The "Central Courthouse Project" means the project analyzed in the Judicial Council EIR to construct the San Diego Central Courthouse and perform the Demolition Project.
 - (2) The "Central Jail" means the County-owned Central Jail located at 1173 Front Street in the San Diego City.
 - (3) The "City EIRs" means, together, the March 2008 City of San Diego Program Environmental Impact Report for the City of San Diego's General Plan (State Clearinghouse No. 200691032), as updated, and the March 2006 Final Environmental Impact Report for the San Diego Downtown Community Plan (State Clearinghouse No. 2003041001), as updated.

- (4) The "County Property" means the County-owned city block in the San Diego City bounded by West A Street to the North, Union Street to the West, West B Street to the South, and Front Street to the East.
- (5) The "Demolition Project" means the demolition of any or all Improvements on the San Diego Property and/or the County Property, and the construction of the Inmate Tunnel.
- (6) The "Development Project" means the disposition and development of all or a portion of the San Diego Property and the County Property by the County of San Diego, its successors, lessee or agents, including any agreements therefor, in a manner consistent with the City of San Diego's General Plan and the San Diego Downtown Community Plan.
- (7) The "Improvements" means the existing courthouse building located on the San Diego Property and the County Property and the former County jail facility located on the San Diego Property.
- (8) The "Inmate Tunnel" means a tunnel that will transport inmates between the Central Jail and the San Diego Central Courthouse.
- (9) The "Judicial Council EIR" means the Environmental Impact Report dated December 2010, State Clearinghouse No. 2000021015, certified by the Judicial Council in December 2010, as amended.
- (10) The "San Diego Central Courthouse" means the real property and improvements described in paragraph (4) of subdivision (a).
- (11) The "San Diego Property" means, together, the real property described in paragraph (1) of subdivision (a) and the Improvements.

(c)

- (1) Notwithstanding any other law, the Administrative Director of the Courts is hereby authorized, on behalf of the state of California, to convey to the County of San Diego fee title to the San Diego Property in exchange for the County's release of the Judicial Council and the state of California from all obligations related to the Demolition Project and otherwise upon the terms and conditions, and subject to the reservations, the Judicial Council deems to be in the best interests of the state of California, for the public purpose of promoting public safety by facilitating the construction of the Inmate Tunnel.
- (2) Any sale, exchange, or lease of the San Diego Property and/or the County Property by the County of San Diego as part of a Development Project does not and will not constitute a disposition of surplus property under Article 8 (commencing with section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code.
- (3) .
- (4) In connection with any conveyance of the San Diego Property pursuant to the authority granted in paragraph (1) of subdivision (c), the Administrative Director of the Courts shall have the right and authority to enter into amendments of the existing written agreements between the County of San Diego and the Judicial Council that are necessary to reflect the terms of the conveyance described in paragraph (1) of subdivision (c).

(d) The County of San Diego Board of Supervisors is authorized to approve a lease for any or all of the San Diego Property and the County Property without compliance with Article 8

(commencing with section 25520) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code.

- (e) The Judicial Council EIR analyzed the Central Courthouse Project. The Legislature finds and declares that:
- (1) The County of San Diego's approval of the acquisition of the San Diego Property and/or approval of the Demolition Project does not propose any substantial changes to the Central Courthouse Project;
 - (2) The Judicial Council's approval of the conveyance of the San Diego Property to the County of San Diego in exchange for the County's release of the Judicial Council and the state of California from all obligations related to the Demolition Project does not propose any substantial changes to the Central Courthouse Project;
 - (3) There are no substantial changes in the circumstances under which approval of the conveyance of the San Diego Property to the County of San Diego, the County's acquisition of the San Diego Property, and/or approval of the Demolition Project will be undertaken that will require major revisions to the Judicial Council EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - (4) There is no "new information of substantial importance", as that term is used in California Public Resources Code section 21166 or Title 14, Division 6, Chapter 3, Article 11, section 15162 of the California Code of Regulations, affecting the Central Courthouse Project.
 - (5) Therefore, the previously-certified Judicial Council EIR is adequate for the Judicial Council's conveyance of the San Diego Property to the County of San Diego and the County of San Diego's approval of the acquisition of the San Diego Property and the Demolition Project, and no subsequent or supplemental environmental impact report, addendum, or environmental documentation shall be required pursuant to Division 13, Environmental Quality, of the Public Resource Code.
- (f) The City EIRs evaluated the City's approved General Plan and the San Diego Downtown Community Plan. The Legislature finds and declares as follows:
- (1) The provision in Division 13, Environmental Quality, of the Public Resource Code, for development projects consistent with a community plan, general plan, or zoning identified at Title 14, Division 6, Chapter 3, Article 12, section 15183 of the California Code of Regulations, shall be deemed to apply to any Development Project.
 - (2) The City EIRs are sufficient under CEQA for any Development Project.
 - (3) There are no project-specific significant effects which are peculiar to a Development Project, the San Diego Property, or the County Property, there are no significant effects (including off-site and cumulative impacts) that were not analyzed in the City EIRs, and there are no new or more severe adverse effects than discussed in the City EIRs.
 - (4) Therefore, the previously-certified City EIRs are adequate for any Development Project, and no further environmental review shall be required pursuant to Division 13, Environmental Quality, of the Public Resource Code.
- (g) The exemption from Division 13, Environmental Quality, of the Public Resource Code for existing facilities identified at Title 14, Division 6, Chapter 3, Article 19, section 15301 of the California

Code of Regulations, shall be deemed to apply to any lease authorized by the Board of Supervisors for any or all of the Improvements on the San Diego Property and the County Property.

- (h) The Demolition Project shall be deemed to be a project that is separate and distinct from the Development Project. The Demolition Project and Development Project serve different purposes, have independent utility and can be implemented independently.
- (i) In the event that all or any portion of this section is for any reason determined to be invalid or unenforceable at any time after the completion of the Judicial Council's conveyance of the San Diego Property to the County of San Diego in accordance with the authority granted in paragraph (1) of subdivision (c), such determination shall in no event invalidate or require the reversal of such conveyance so long as the authority granted to the Judicial Council in paragraph (1) of subdivision (c) was valid and in effect when such conveyance was made.