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Title: STATE OF CALIFORNIA NATURAL RESOURCES AGENCY GRANT FUNDS FOR THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT
A) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, URBAN GREENING PROGRAM FOR THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT IN THE AMOUNT OF \$4,800,000, OBLIGATING MATCHING FUNDS IN THE AMOUNT OF \$740,000, WHICH ARE REFLECTED IN THE CIP FUND, AND GRANTING INDEMNITY
B) RESOLUTION AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT BUDGET BY \$4,800,000 TO BE FUNDED BY AN URBAN GREENING GRANT FROM THE CALIFORNIA NATURAL RESOURCES AGENCY

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Attachments: 1. 15. 2018-0084 Attachment A Reduced, 2. 15. 2018-0084 Attachment B Reduced, 3. 15. 2018-0084A Draft Resolution, 4. 15. 2018-0084B Draft Resolution

Date	Ver.	Action By	Action	Result
4/10/2018	1	Board of Port Commissioners	adopted	

DATE: April 10, 2018

SUBJECT:

STATE OF CALIFORNIA NATURAL RESOURCES AGENCY GRANT FUNDS FOR THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT
A) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, URBAN GREENING PROGRAM FOR THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT IN THE AMOUNT OF \$4,800,000, OBLIGATING MATCHING FUNDS IN THE AMOUNT OF \$740,000, WHICH ARE REFLECTED IN THE CIP FUND, AND GRANTING INDEMNITY
B) RESOLUTION AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT BUDGET BY \$4,800,000 TO BE FUNDED BY AN URBAN GREENING GRANT FROM THE CALIFORNIA NATURAL RESOURCES AGENCY

EXECUTIVE SUMMARY:

District staff submitted a grant application to the California Natural Resources Agency's Urban Greening Program for the Sweetwater Bicycle and Pedestrian Pathway in the Chula Vista Bayfront in May 2017. The following August, the District staff was notified that the District's application would be

awarded \$4,800,000. Since that time, District staff and Natural Resources Agency staff have been negotiating the terms of the grant agreement.

This agenda item consists of two parts. Part (A) authorizes an acceptance of grant funds from the California Natural Resources Agency's Urban Greening Program to construct the Sweetwater Bicycle and Promenade Project. Part (B) authorizes an amendment to the Capital Improvement Program (CIP) budget in order to increase the budget for an existing project to accommodate for the construction of the Sweetwater Bicycle Path and Promenade project. A copy of the grant agreement is included as Attachment A to this agenda sheet. A copy of the overview map that was included in the application is included as Attachment B.

RECOMMENDATION:

A) Adopt a Resolution authorizing acceptance of grant funds from the State of California Natural Resources Agency to fund the Sweetwater Bicycle Path and Promenade Project in Chula Vista, and obligate match funds of \$740,000, which are reflected in the CIP funds, and granting indemnity.

B) Adopt a Resolution authorizing an amendment to the Fiscal Year 2019-2023 CIP budget to increase the site preparation at the Chula Vista Bayfront Project by \$4,800,000 to be funded by an Urban Greening Grant from the California Natural Resources Agency.

FISCAL IMPACT:

Approval of this agenda item will authorize the District's acceptance of grant funds in the amount of \$4.8M from the California Natural Resources Agency's Urban Greening Grant Program, and, will amend the District's FY19-23 CIP program budget. These approvals will increase the Site Preparation at Chula Vista Bayfront CIP project budget and will authorize expenditures by \$4.8M which will be reimbursed by the grant. Matching funds of \$794,000 are budgeted in the Site Preparation at Chula Vista Bayfront project within the current CIP budget and includes staff time budgeted as capital labor. Expenditures needed in FY18 are budgeted and are currently available. Funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to board approval upon adoption of each fiscal year's budget.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Staff submitted a grant application to the California Natural Resources Agency's Urban Greening Program for the Sweetwater Bicycle and Pedestrian Promenade in the Chula Vista Bayfront in May 2017. The District received notification in August 2017 that the application was successful and that \$4,800,000 would be awarded to fund the project. Since that time, District staff and Natural Resources Agency staff have been negotiating the terms of the grant agreement. This agenda item

represents the culmination of that negotiation, with a request that the Board of Port Commissioners accept the grant, allocate matching funds, grant indemnity to the Natural Resources Agency, and amend the District's CIP budget to reflect the addition of this project.

The Urban Greening Program is funded under Senate Bill (SB) 859, signed into law on September 14, 2016, which authorized the State of California to spend \$1.2 billion in Cap and Trade funds on programs that reduce Greenhouse Gas (GHG) emissions. The California Natural Resources Agency was allocated \$80 million for its Urban Greening Program as a part of the SB859 spending authorization. The Urban Greening Program is designed to provide grant funds for green infrastructure projects that reduce GHG emissions and provide multiple social benefits. Eligible projects must demonstrate that they can achieve GHG emission reductions by including at least one of the following:

- Sequester and store carbon by planting trees
- Reduce building energy use by strategically planting trees to shade buildings
- Reduce commute vehicle miles traveled by constructing bicycle paths, bicycle lanes or pedestrian facilities that provide safe routes for travel between residents, workplaces, commercial centers, and schools.

The Sweetwater Bicycle Path and Promenade project will construct three-quarters of a mile of Class I bike path and promenade within the Sweetwater District in the Chula Vista Bayfront. The Project site is located within one half-mile of San Diego Bay, the San Diego National Wildlife Refuge, the Sweetwater Mudflats, and the F&G Street Marsh. The Path will begin in the vicinity of the Living Coast Discovery Center parking lot, and end near the Marine Group Boatworks facility. Most of the route is currently unavailable to the public. A copy of the concept map that illustrates the project site is included in this agenda item as Attachment B. This concept map was included in the District's grant application.

A cross-departmental team with staff from Government and Civic Relations, Real Estate, Engineering -Construction and Planning and Green Port jointly developed this grant application for the Sweetwater Bicycle Path and Promenade project, and identified key regional stakeholders to demonstrate support for the project. The total project budget is \$5,627,000. The Urban Greening Grant is funding \$4,800,000 in project cost. The District's match is \$794,000, and the remaining match is \$33,000 in in-kind services from the City of Chula Vista. The District's match will be funded from the CIP's Site Preparation at the Chula Vista Bayfront project and Capital Labor. A copy of the grant agreement, which includes a full budget, is attached (Attachment A).

Staff is projecting that construction on the Path will begin around July 2019. The grant agreement requires project completion no later than May 1, 2020.

General Counsel's Comments:

The Office of the General Counsel has reviewed the issues set forth in this agenda and found no legal concerns as presented and has reviewed and approved the grant agreement as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, the acceptance of grant funds for the Sweetwater Bicycle Path and Promenade project and authorizing amendments to the fiscal year

2019-2023 Capital Improvement Program was adequately covered in the Chula Vista Bayfront Master Plan and Port Master Plan Amendment Final Environmental Impact Report (CVBMP and PMPA FEIR) (UPD #83356-EIR-658, SCH #2005081077) which was certified by the Board on May 18, 2010 (Resolution No. 2010-78). The proposed project is not a separate “project” for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.) Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the CVBMP FEIR, the District finds and recommends that the approval of the acceptance of grant funds and amendment to the Capital Improvement Program does not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the Project will have one or more significant effects not discussed in the FEIR, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) no changes to mitigation measures or alternatives have been identified or are required. Because none of these factors have been triggered and the adoption of the approval of the acceptance of grant funds and amendment to the Capital Improvement Program, the District has the discretion to require no further analysis or environmental documentation (CEQA Guidelines §15162 (b)). Pursuant to CEQA Guidelines §15162(b), the District finds and recommends that no further analysis or environmental documentation is necessary. Accordingly, the proposed Board action is merely a step in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

In addition, the proposed Board action allows for the District to implement its obligation under Section 87(a)(5) of the Port Act because it accepts grant funding that will be used for the construction of a park in the Chula Vista Bayfront Master Plan area. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board direction or action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s direction or action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

Attachment A: SD Port Sweetwater Grant Agreement FINAL.pdf

Attachment B: Sweetwater Path Site Plan-Draft.pdf