



Legislation Details (With Text)

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Title: RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH KTU+A FOR CHULA VISTA PARKS DESIGN SERVICES, A COMPONENT OF THE SITE PREPARATION FOR CHULA VISTA BAYFRONT PROJECT, TO INCREASE THE AGREEMENT AMOUNT BY \$100,203, INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$2,076,460 TO \$2,176,663. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM AND THIS ACTION DOES NOT INCREASE THE PROJECT BUDGET.

Sponsors:

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Attachments: 1. 1. 2020-0270 Attachment A, 2. 1. 2020-0270 Draft Resolution

Date	Ver.	Action By	Action	Result
9/10/2020	1	Board of Port Commissioners	adopted	Pass

DATE: September 10, 2020

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH KTU+A FOR CHULA VISTA PARKS DESIGN SERVICES, A COMPONENT OF THE SITE PREPARATION FOR CHULA VISTA BAYFRONT PROJECT, TO INCREASE THE AGREEMENT AMOUNT BY \$100,203, INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$2,076,460 TO \$2,176,663. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM AND THIS ACTION DOES NOT INCREASE THE PROJECT BUDGET.

EXECUTIVE SUMMARY:

The action will authorize an amendment to the agreement with KTU+A for Chula Vista Bayfront Park Design Services, a component of the Site Preparation for Chula Vista Bayfront Project, increasing the agreement amount by \$100,203 to a total of \$2,176,663; however, this will not result in an overall increase in the total project budget. This amendment will allow the consultant to complete the schematic design of the parks, Harbor Park and Sweetwater Park, to 100% Schematic Design, complete the Chula Vista Bayfront Gateway Monuments to 100% Schematic Design Phase, and complete the Chula Vista Bayfront Wayfinding Master Plan Design Framework consistent with the Port's Baywide Signage Strategic Plan.

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 5 to the agreement with KTU+A for Chula Vista

Parks Design Services, a component of the Site Preparation for the Chula Vista Bayfront Project, to increase the agreement amount by \$100,203, increasing the aggregate total of the agreement from \$2,076,460 to \$2,176,663. Funds are budgeted in the FY 2019-2023 Capital Improvement Program.

FISCAL IMPACT:

KTU+A's Chula Vista Bayfront Park Design Service efforts are a component of the Capital Improvement Program (CIP) project - Site Preparation at Chula Vista Bayfront Project (P0460). The CIP project is included in the FY 2019-2023 CIP with a total budget amount of \$17,943,751 and approximately \$2,053,600 remaining, of which \$1,200,000 is budgeted in FY 2021. Funding for the increase in the KTU+A agreement is available in the existing CIP project budget.

COMPASS STRATEGIC GOALS:

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

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.

DISCUSSION:

On July 27, 2016 the Board authorized selection of KTU+A and authorized an agreement for the design services for the Sweetwater Park and Harbor Park in the Chula Vista Bayfront (CVB), both components of the Site Preparation for Chula Vista Bayfront Project. KTU+A, in association with Peterson Studio, was selected from multiple firms that responded to the District's advertised solicitation of written responses in accordance with BPC Policy No. 110. Staff anticipated requesting further Board authorization of amendments to the KTU+A agreement to provide public outreach for the park designs, initiation of the park design process, and design frameworks for CVB streetscape design standards. The initiation to proceed on further design was dependent on the progress on the separate Resort Hotel and Convention Center (RHCC) at the Chula Vista Bayfront.

Previously, the District, the City of Chula Vista, and RIDA Chula Vista, LLC entered into that certain Disposition and Development Agreement (DDA) dated as of May 7, 2018 for development of the RHCC. Pursuant to paragraph 4.4(b) of the DDA, the District is responsible for preparing Schematic Plans for Phase 1A Infrastructure Improvements, including Sweetwater Park and Harbor Park.

On April 10, 2018, the District entered into a Grant Agreement with the State of California Natural Resources Agency for Urban Greening Grant funding of \$4,800,000 for the Sweetwater Bicycle Path & Promenade (Sweetwater Path), a key component of the future Sweetwater Park.

On July 17, 2018 the Board authorized Amendment No 3 to the KTU+A agreement to proceed on the public outreach process for the Sweetwater Park and Harbor Park design, support the CEQA determinations required for authorization of Coastal Development Permits, develop schematic designs for the parks, complete design and construction phase services for Sweetwater Path, and design frameworks for CVB streetscape design standards.

Since that time, KTU+A, along with Petersen Studio, have participated in public outreach workshops

and collaborated with external stakeholder and staff from the District and City of Chula Vista resulting in approximately 95% completion of the parks schematic designs, 75% completion of construction of Sweetwater Path, and 50% completion of the streetscape design standards. Recently, additional services were identified as necessary to complete the KTU+A's design efforts. District staff and KTU+A have negotiated the cost of the additional services.

The additional services and associated costs, totaling \$100,203, are itemized as follows:

1. Due to increases in project scope and budget for Sweetwater Park to accommodate development policies and stakeholder input, additional compensation to KTU+A is appropriate, resulting in an additional design services cost of \$59,699.
2. Additional coordination to advance the Gateway Monuments to 100% Schematic Design Phase and to incorporate the District Baywide signage and branding into the CVB Wayfinding Design Framework, both components of the streetscape design standards, resulting in an additional design services cost of \$40,504.

These services will result in the completion of the Harbor Park and Sweetwater Park Schematic Designs and completion of the Chula Vista Bayfront Streetscape Design Standards.

Staff is requesting approval of Amendment No. 5 to increase the KTU+A design agreement capacity by \$100,203 for a new, not-to-exceed total of \$2,176,663. Approval of this action will authorize completion of the Harbor Park and Sweetwater Park Schematic Designs and completion of the Chula Vista Bayfront Streetscape Design Standards without increasing the CIP project budget.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda and the proposed resolution, as presented, as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution authorizing an amendment to the agreement for the design of parks in Chula Vista Bayfront to increase the aggregate total amount of the agreement, was adequately covered in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (CVBMP) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562), certified by the District on May 18, 2010 (Resolution No. 2010-78), the Addendum to the FEIR, which was adopted by the Board on August 13, 2013 (Resolution No. 2013-138), and the Second Addendum to the FEIR, which was adopted by the Board on April 10, 2018 (Resolution No. 2018-0069). The proposed Board action 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 FEIR and Addendums, the District finds and recommends that the proposed Board action 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 and Addendums due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; 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 and Addendums, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR and Addendums, or (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 3) no changes to mitigation measures or alternatives have been identified or are required. 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.

The proposed Board action complies with Sections 21, 35, 81, and 87 of the Port Act which allow for the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and for the use funds for the expenses of conducting the District. 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 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 it will not result in, without limitation, a physical change, change in use or increase in 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 proposed Board 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:

Due to limited known subcontracting opportunities, no SBE goal was established for this agreement.

PREPARED BY:

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Attachment(s):

Attachment A: Amendment No. 05 to the KTU+A Agreement No. 119-2016CH for Chula Vista Bayfront Park Design Services