

Agenda Item Details

Meeting	Dec 08, 2020 - Regular Meeting, 5:00 p.m.
Category	I. Superintendent's Consent Agenda
Subject	28. Determine that the Whitman Elementary School Whole Site Modernization and Joint Use Field Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15301, 15303, 15314, and 15323; and Master Site Lease Agreement and Master Facilities Lease Agreement with Nexgen Building Group, LLC, to Provide Preconstruction and Construction Services for the Whitman Elementary School Whole Site Modernization/Joint Use Field Project, Lease-Leaseback; BUDGETED: YES, MEASURE YY FUNDS
Type	Action (Consent)
Fiscal Impact	Yes
Dollar Amount	170,700.00
Budgeted	Yes
Budget Source	Measure YY Funds

RECOMMENDATION: Determine that the Whitman Elementary School Whole Site Modernization and Joint Use Field Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15301, 15303, 15314, and 15323; and Approve the Master Site Lease Agreement and Master Facilities Lease Agreement with Nexgen Building Group, Inc., to provide preconstruction design services and construction services for the Whitman Elementary School Whole Site Modernization/Joint Use Field Project, LLB (CZ21-0341-23). The term of these Agreements is December 9, 2020, through Project completion. The preconstruction services for the Whitman Elementary School Whole Site Modernization/Joint Use Field Project LLB will complete the preconstruction design phase of the project, and Division of the State Architects (DSA) approved plans and specifications will be bid out in the construction phase to subcontractors by Nexgen Building Group, Inc.. District staff will submit amended agreements to the board at a later date for the construction phase of the project, which will increase the total project cost to include the guaranteed maximum price.

FISCAL IMPACT: Total not-to-exceed preconstruction services: \$170,700.00. Budget String: 9295-90502-00-6230-8500-0000-21500-8610 (Measure YY Funds).

PRIOR YEAR FISCAL IMPACT: None.

IMPACT TO DISTRICT STAFFING: None.

CONSULTATION WITH BOARD ADVISORY COMMITTEE: Not applicable.

BACKGROUND: On June 18, 2019, the board adopted a resolution for procedures for evaluating the qualifications of lease-leaseback contractors and the issuance of a request to prequalify for Groups D, which are projects at or under \$26,000,000.00 in estimated value.

On May 15, 2019, 13 contractors submitted Statements of Qualifications (SOQs) to the district's RFQ. After evaluating each of the SOQs under the established criteria and procedures, district staff determined that 10 of the contractors met the requirements of the RFQ for Group D Projects.

The district issued an RFP for preconstruction services to Group D Contractors for Whitman Elementary School Whole Site Modernization Project, utilizing the LLB delivery method pursuant to Education Code section 17406. et. seq. The best value criteria for scoring proposals included but was not limited to demonstrated competence, relevant experience, compensation, timeliness, and staffing capacity to perform the required work.

Sealed proposals for the RFP were received on October 20, 2020. The district received a total of five proposals from Balfour Beatty Construction, Inc., Barnhart Reese Construction, Inc., Nexgen Building Group, Inc., Soltek Pacific Construction Company, and Swinerton Builders.

Based on the strengths of the proposals submitted, Nexgen Building Group, Inc., was deemed a responsive and responsible proposer, and has been determined to provide the best value to the district for the Whitman Elementary School Project, located at 4050 Appleton Street, San Diego, CA 92117. The remaining four contractors were ranked in descending order based upon their proposals.

Whitman Elementary School is an existing PreK-5 school being modernized for a capacity of 450 students. The design of Whitman Elementary School needs to be further developed. The scope which is not completely developed in the drawings, is described in the Specification Section, 01 10 00 Summary, and in this attachment and will be required as part of the contract. Once the design is completed the Project Documents will require DSA review and approval before construction of this work can begin. Public Improvements work on and adjacent to Whitman Elementary School will require further review with the City of San Diego and San Diego Parks & Recreation in order to obtain approval prior to the start of construction. Franchise Utility Coordination will also require further review with the Utility Companies.

On May 10, 2011, the board approved a resolution in support of service-disabled, veterans-owned businesses (SDVOB) and disabled veteran business enterprises (DVBE) which established a three percent required participation of DVBEs for all district construction contracting opportunities. Once the Division of the State Architects (DSA) approves plans and specifications, Nexgen Building Group, Inc., will bid out the construction portion of the work to subcontractors. District staff will submit an amended agreement to the board for the construction of the Project, which will increase the total guaranteed maximum price for the Agreement and include the minimum mandatory DVBE percentage requirement.

CEQA ENVIRONMENTAL REVIEW: Approval of the Whitman Elementary School Whole Site Modernization and Joint Use Field Project (Proposed Project) and the Master Site Lease Agreement and Master Facilities Lease Agreement is subject to the requirements of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) section 21000 et. seq., and its implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, sections 15300.2 et. seq., as amended). However, the Proposed Project is exempt from further environmental review under CEQA Guidelines Sections 15301 (Class 1) – Existing Facilities, 15303 (Class 3) – New Construction/Conversion of Existing Structures, 15314 (Class 14) – Minor Additions to Schools, and 15323 (Class 23) – Normal Operations of Facilities for Public Gatherings.

A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Demolition and removal of individual small structures is also included (CEQA Guidelines §15301). The Proposed Project generally consists of the repair and maintenance of an existing school campus that would not result in the construction of new permanent or temporary classrooms buildings and would not result in an increase in student capacity or enrollment. Therefore, the Proposed Project would result in negligible expansion of an existing use and the application of a Class 1 Categorical Exemption is appropriate.

A Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The Proposed Project includes the installation of a new joint use field and parking area that would replace an existing decomposed granite (DG) playfield. The Proposed Project also includes interior modernization and reconfiguration of existing classrooms spaces and the installation of new equipment and furnishings in existing classroom and administrative spaces. Therefore, the application of a Class 3 Categorical Exemption is appropriate for the Proposed Project.

A Class 14 exemption consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25 percent or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption (CEQA Guidelines §15314). As described above, the Proposed Project would not result in the construction of new permanent or temporary classrooms buildings and would not result in an increase in student capacity or enrollment. Therefore, the application of a Class 14 Categorical Exemption is appropriate for the Proposed Project.

A Class 23 exemption consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. Past history is defined as a similar kind of activity that has been occurring for at least three years, and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility (CEQA Guidelines §15323). As described above the proposed project includes minor alterations at the project site and includes the conversion of an existing DG play area to a natural turf field, installation of stabilized walking tracks, installation of drinking fountains, and the replacement and construction of new fencing. The proposed DG playfield has been used for recess since the construction of the school in 1958. Recess typically involves students playing several types of games and recreational activities, including basketball, soccer, and other sporting activities. The future recreational use of these areas by the general public would be substantially similar to that which currently occurs at the project site. Furthermore, the project does not represent an operational change, as the project site will continue to operate as a school with the facilities available for public recreational uses outside of school hours. Therefore, there is a reasonable expectation that the future occurrence of the activity at the project site does not represent a change in the operation and the application of a Class 23 exemption is appropriate for the Proposed Project.

Exceptions to Use of a Categorical Exemption (CEQA Guidelines section 15300.2): The Proposed Project does not have the potential to trigger any of the exceptions identified in CEQA Guidelines section 15300.2, and summarized below, prohibiting the use of a categorical exemption.

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.
- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to section 65962.5 of the Government Code.
- f. Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Environmental Review: The following provides a review of the potential environmental issues associated with the Proposed Project to ensure that the above exceptions are not relevant to the project. More detailed analysis is provided in the Initial Study

prepared for the Proposed Project (Attachment 1).

- a. Location. The Proposed Project would occur entirely within the boundaries of an existing school property and is consistent with the operation of a school. Generally, the surrounding land uses at the project site consists of residential housing and open space areas, and the Proposed Project would not extend beyond the project site into these areas. Therefore, this exception does not apply to the project.
- b. Cumulative Impact. There are no known future projects proposed at the project site or in the project vicinity that, when combined with the construction of the Proposed Project, would result in a cumulatively considerable effect on the environment. Once the Proposed Project has been constructed, existing school operations would remain unchanged compared with existing conditions. Operation of the joint use field would not result in any cumulatively significant impacts with respect to aesthetics, air quality, noise, and traffic. Therefore, this exception does not apply to the project.
- c. Significant Effect. No work associated with the Proposed Project is proposed offsite that could result in impacts to sensitive vegetation or other environmentally sensitive areas. On October 23, 2020, Environmental Science Associates Biologist Adrienne Lee completed a survey for active nests, the presence of sensitive habitat, or protected tree and plant species for the project site for areas where trees and other vegetation would be removed to facilitate construction of the proposed parking area. No active nests, sensitive, or protected habitat was identified. Furthermore, there is nothing unusual about the design of the Proposed Project that could result in a significant effect on the environment due to unusual circumstances. Therefore, there is no reasonable possibility that the Proposed Project would have a significant effect on the environment due to unusual circumstances, and this exception does not apply to the project.
- d. Scenic Highways. The project site campus is approximately 1.5 miles east of Interstate (I-) 5 and 1.5 miles west of I-805. Neither of these highways are listed as an officially designated or eligible scenic highway. A portion of State Route (SR) 52 at Santo Road in Tierrasanta is the nearest eligible state scenic highway but is over six miles away from the project site and not visible from this location. Therefore, implementation of the Proposed Project would not substantially damage any scenic resources, including trees, rock outcroppings, and historic buildings within a state scenic highway and this exception does not apply to the project.
- e. Hazardous Waste Sites. According to the California State Water Resources Control Board Geotracker database, the project site is not included on any list compiled pursuant to section 65962.5 of the Government Code. Therefore, this exception does not apply to the project.
- f. Historical Resources. According to the CEQA Guidelines regarding historical resources, a substantial adverse change in the significance of a historical resource amounts to a significant impact on the environment (Guidelines section 15064.5(b)). Accordingly, a substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. A Historical Resources Technical Memo prepared for the project site determined that no building or structure on the Whitman Elementary School campus appears to meet the criteria for listing on the California Register of Historical Resources (CRHR) individually or as a contributor to any historic district. The Whitman Elementary School campus was evaluated in accordance with CEQA Guidelines Section 15064.5(a) (2)-(3) using the criteria outlined in PRC Section 5024.1 and was determined not to be a historical resource for the purposes of CEQA. This exception does not apply to the project.

Approval of this item approves the Whitman Elementary School Whole Site Modernization and Joint Use Field Project, as described, authorizes and directs staff to file the attached Notice of Exemption (Attachment 2) with the San Diego County Recorder/Clerk, and approves the Master Site Lease Agreement and Master Facilities Lease Agreement with Nexgen Building Group, Inc., to provide preconstruction and construction services for the Proposed Project.

[Originator/Contact: Lee Dulgeroff, Chief, Facilities Planning and Construction, 858.637.3516, ldulgeroff@sandi.net]

CZ21-0341-23_Whitman ES WSM JUF LLB_Signed.pdf (3,019 KB)

Attachment_1_Whitman_WSM_JUF_IS_Checklist_08December2020.pdf (2,936 KB)

Attachment_2_Whitman_WSM_JUF_NOE_8Dec2020_ESignature.pdf (101 KB)

Workflow

Workflow

Nov 13, 2020 3:46 PM :: Submitted by Jennifer Almond. Routed to Linda Hippe for approval.
Nov 13, 2020 7:51 PM :: Approved by Linda Hippe. Routed to Andrea OHara for approval.
Nov 20, 2020 5:46 PM :: Approved by Andrea OHara. Routed to Sandra Chong for approval.
Nov 21, 2020 1:23 PM :: Approved by Sandra Chong. Routed to Kimberly Chapin for approval.
Dec 1, 2020 12:18 PM :: Approved by Kimberly Chapin. Routed to Gary Stanford for approval.
Dec 1, 2020 12:28 PM :: Approved by Gary Stanford. Routed to George Harris for approval.
Dec 2, 2020 1:45 PM :: Approved by George Harris. Routed to Lee Dulgeroff for approval.
Dec 2, 2020 4:33 PM :: Approved by Lee Dulgeroff. Routed to Debbie Foster for approval.
Dec 3, 2020 4:05 AM :: Approved by Debbie Foster. Routed to Greg Ottinger for approval.
Dec 3, 2020 3:51 PM :: Final approval by Greg Ottinger

Last Modified by Greg Ottinger on December 3, 2020