

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE AMENDING THE FISCAL YEAR 2026 BUDGET INCREASING THE BALANCED CAPITAL PROGRAM APPROPRIATION BY \$6,000,000 TO BE FUNDED FROM THE CITY OF CHULA VISTA BALANCED CAPITAL PROGRAM SUBACCOUNT

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, in accordance with Board of Port Commissioners (BPC) Policy 120, Balance Capital Program (BCP) projects proposed per the Balanced Capital Project Selection Process are presented to the BPC for their consideration for funding allocation approval at a regularly scheduled BPC meeting; and

WHEREAS, Harbor Park is an integral part of the Chula Vista Bayfront development; and

WHEREAS, taking advantage of the value of the highly utilized existing Bayside Park, Harbor Park is envisioned as the expansion of Bayside Park to provide improved beach and bay access, environmental resiliency, and long-term benefits for the Chula Vista Bayfront and San Diego Bay; and

WHEREAS, 100% Schematic Design plans were prepared and approved in 2020; and

WHEREAS, this effort is proposed to continue with the design and construction support services initiated with the Schematic Design for the implementation of the construction of the Harbor Park vision via Progressive Design-Build project delivery; and

WHEREAS, the project aims to provide landscape architectural and engineering services for the Harbor Park Upland Improvements, as defined within design advancements for the Harbor Park Upland Improvements completed in October 2024 by KTU&A; and

WHEREAS, this project will focus on permanent improvements at the perimeter of the Hotel and Convention Center site and other priority improvements for a project area of approximately 8 acres; and

WHEREAS, FY2025 expenditures are budgeted, and funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to BPC approval upon adoption of each fiscal year's budget; and

WHEREAS, upon BPC approval, BNB Builders will begin Progressive Design-Build Services in July 2025 for a 24-month period, with design and construction target value of approximately \$12,000,000 within a total project budget of \$15,000,000; and

WHEREAS, Action A of the corresponding Agenda item allocates \$6,000,000 from the Balanced Capital Program (BCP) City of Chula Vista Sub-Account to the project and Action B of the corresponding Agenda item amends the FY 2026 Budget increasing the BCP by \$6,000,000 to be funded by the City of Chula Vista's BCP subaccount; and

WHEREAS, Table A below shows the proposed Fiscal Allocations for the total project budget of \$15,000,000.

Table A

Funding Source	Amount	Timing
(OCP) Harbor Park Upland Improvements	\$3,600,000	Currently Programmed
(BCP) Chula Vista Sub-Account	\$6,000,000	Action A this Agenda
(TBD) Coastal Conservancy Grant	\$2,000,000	July or August 2025
(OCP) Wayfinding Signage at CVB (Surplus)	\$800,000	Fall 2025
(TBD) Funding Source to be Identified at a Future Date	\$2,600,000	Fall 2025
Total Proposed Project Budget	\$15,000,000	

WHEREAS, District staff recommends amending the Fiscal Year 2026 Budget increasing the Balanced Capital Program appropriation by \$6,000,000 to be funded from the City of Chula Vista's Balanced Capital Program subaccount, for the Harbor Park Upland Improvements project; and

WHEREAS, the proposed BPC action, without limitation, consists of selecting and authorizing a Progressive Design-Build agreement with BNB Builders for Progressive Design-Build Services related to Harbor Park upland improvements in the amount of \$2,000,000.00 for the design-development phase and authorizing staff to negotiate a guaranteed maximum price less than \$12,000,000.00; and

WHEREAS, the proposed BPC action was previously analyzed in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master

Plan (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562), certified by the District on May 18, 2010 (Resolution No. 2010-78) and the Third Addendum to the FEIR, which was adopted by the BPC on December 8, 2020 (Resolution No. 2020-116); and

WHEREAS, the proposed BPC action is not a separate “project” for CEQA purposes but are 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.); and

WHEREAS, 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 that the proposed BPC 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 Addendum, 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 that no further analysis or environmental documentation is necessary; and

WHEREAS, accordingly, the proposed BPC 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; and

WHEREAS, the proposed BPC action complies with Sections 21, 35, and 87 of the Port Act which allow for the BPC to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities; and

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; consequently, the proposed actions are consistent with the Public Trust Doctrine; and

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WHEREAS, the proposed BPC action was covered in the Coastal Development Permit (CDP) for the Harbor Park Project (CDP-2020-01; Clerk Document No. 72271) approved by the BPC on December 8, 2020 (Resolution No. 2020-117); and

WHEREAS, the proposed BPC action is consistent with the project in the CDP and no additional action under the California Coastal Act is required at this time.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. The Fiscal Year 2026 Budget is hereby amended by increasing the Balanced Capital Program appropriation by \$6,000,000 to be funded from the City of Chula Vista's Balanced Capital Program subaccount, for the Harbor Park Upland Improvements project.

Section 2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of June 2025, by the following vote: