

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION (1) FINDING THE BOARD ACTION EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING WITHOUT LIMITATION CEQA GUIDELINES SECTIONS 15301; (2) APPROVING TRANSFER OF FUNDS WITHIN THE FY 2025 MAJOR MAINTENANCE BUDGET APPROPRIATION FROM MAJOR MAINTENANCE CONTINGENCY TO THE INTERIOR AND EXTERIOR PAINTING AT BROADWAY PIER PORT PAVILION IN THE AMOUNT OF \$87,500.00 PURSUANT TO BPC POLICY NO. 90, AND (3) APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2024-03 TO VARN PAINTING IN THE AMOUNT OF \$487,500.00 FOR THE INTERIOR AND EXTERIOR PAINTING AT BROADWAY PIER PORT PAVILION, SAN DIEGO, CA PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2025 MAJOR MAINTENANCE PROGRAM

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, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC/Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the Broadway Pier Port Pavilion, opened in 2010, serves as a cruise ship terminal, event venue, and public gathering space, offering visitors a dynamic waterfront experience with stunning views of San Diego Bay; and

WHEREAS, as a key revenue-generating asset and a prominent representation of the Port of San Diego, it is essential to maintain the Pavilion's structural integrity and aesthetic appeal; and

WHEREAS, over time, significant rust and corrosion have developed on the Pavilion's exterior steel structural elements, necessitating comprehensive repainting to protect the structure from further deterioration; and

WHEREAS, to date, major repainting efforts have not been completed; and

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WHEREAS, given the Pavilion's exposure to the marine environment, delaying maintenance further could result in higher repair costs and potential safety concerns; and

WHEREAS, the scope of the public works contract includes essential activities to preserve and restore the Port Pavilion, ensuring its longevity and structural integrity:

1. Washing: Pressure washing surfaces to remove dirt, salt buildup, and contaminants prior to surface preparation.
2. Surface Preparation: Cleaning and treating corroded steel elements to ensure proper adhesion of protective coatings.
3. Containment: Implementing full containment measures to prevent environmental impacts and comply with regulatory requirements.
4. Repainting: Applying a durable, high-performance coating system designed for marine environments.

WHEREAS, the Contract Documents including Plans No. EM-2024-01 and Specifications No. 2024-03 were issued for advertisement on December 30, 2024; and

WHEREAS, on February 10, 2025, eleven (11) bids were received and Port staff determined the lowest responsive and responsible bid was submitted by VARN Painting, Inc. in the amount of \$487,500.00; and

WHEREAS, Review of Bid (Attachment A) contains the checklist used for bidding qualifications and informalities; and

WHEREAS, upon BPC authorization, construction is expected to commence in May 2025 and be completed by August 2025; and

WHEREAS, a budget amount of \$500,00.00 has been allocated for the project in the FY 2025 Major Maintenance Program budget; and

WHEREAS, approval of this agenda will authorize the District to enter into a Construction Contract with VARN Painting in the amount of \$487,500.00 and will authorize the expenditure of \$587,500.000 for the Interior and Exterior Painting at Broadway Pier Port Pavilion which includes approximately a 20% construction contingency for costs of construction and oversight and inspections; and

WHEREAS, a transfer of \$87,500.00 will move from the FY 2025 Major Maintenance Contingency into the FY 2025 Project Budget, for the allocation of proper contingency during construction; and

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WHEREAS, the proposed BPC action, including without limitation, approving plans and specifications and awarding Contract No. 2024-03 to VARN Painting in the amount of \$487,500.00 for the Interior and Exterior Painting at Broadway Pier Port Pavilion Project as authorized by the Board in the FY 2025 Major Maintenance Program, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. of the District's Guidelines for Compliance with CEQA because the project would consist of maintenance cleaning, repainting and refurbishment of an existing facility that would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use; and

WHEREAS, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

WHEREAS, the proposed BPC action complies with Section 87(a)(2) of the Port Act, which allows for all visitor serving and commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities; and

WHEREAS, the proposed BPC action is consistent with the Port Act and, accordingly, the Public Trust Doctrine; and

WHEREAS, the proposed BPC action is considered excluded development pursuant to Section 8.a (Existing Facilities) of the District's Coastal Development Permit Regulations because the project would consist of maintenance cleaning, repainting and refurbishment to an existing facility that would involve negligible or no expansion of use beyond that previously existing; and

WHEREAS, if the BPC approves this action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717 and the approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame; and

WHEREAS, staff recommends the BPC adopt a resolution (1) finding the BPC action exempt under the CEQA, including but not limited to CEQA Guidelines Sections 15301 of the District's Guidelines for Compliance with CEQA; (2) approving transfer of funds within the FY 2025 Major Maintenance budget appropriation from Major Maintenance contingency to the Interior and Exterior Painting at Broadway Pier Port Pavilion in the amount of \$87,500.00 pursuant to BPC Policy No. 90; and (3) approving plans and specifications and awarding Contract No. 2024-03 to VARN Painting in the amount of \$487,500.00, as authorized by the Board in the FY 2025 Major Maintenance Program.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the action, including without limitation a resolution approving plans and specifications and awarding a contract to VARN Painting in the amount of \$487,500 for the Interior and Exterior Painting at Broadway Pier Port Pavilion Project as authorized by the Board in the FY 2025 Major Maintenance Program, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. of the District's Guidelines for Compliance with CEQA.

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC approves the transfer of funds within the FY 2025 Major Maintenance Budget Appropriation from Major Maintenance Contingency to the Interior and Exterior Painting at Broadway Pier Port Pavilion in the amount of \$87,500.00 pursuant to BPC Policy No. 90.

4. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or their designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into Contract No. 2024-03 with VARN Painting in the amount of \$487,500.00 for the Interior and Exterior Painting at Broadway Pier Port Pavilion, San Diego, CA project, as authorized by the Board in the FY 2025 Major Maintenance Program.

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 11th day of March 2025, by the following vote: