

**Agenda Item Details**

Meeting	Sep 24, 2024 - Regular Meeting, 5:00 p.m.
Category	I. Superintendent's Consent Agenda
Subject	21. Determine that the Bird Rock Elementary School Whole Site Modernization Project is Exempt from Further Environmental Review Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities and 15314 – Minor Additions to Schools; and Approval of Master Site Lease Agreement and Master Facilities Lease Agreement with C.W. Driver, LLC, to Provide Preconstruction Services for the Bird Rock Elementary School Whole Site Modernization Project (Lease-Leaseback); BUDGETED: YES, MEASURE U FUNDS
Type	Action (Consent)
Fiscal Impact	Yes
Dollar Amount	459,741.00
Budgeted	Yes
Budget Source	Measure U Funds

RECOMMENDATION: Determine that the Bird Rock Elementary School Whole Site Modernization Project is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Existing Facilities and 15314 – Minor Additions to Schools; and Approve Master Site Lease Agreement and Master Facilities Lease Agreement with C.W. Driver, LLC, to provide preconstruction services at Bird Rock Elementary School (Lease-Leaseback) LB25-0201-50-00-P1. The term of these Agreements are effective September 24, 2024, and continue until the Project is complete. The preconstruction services for Bird Rock Elementary School will complete the construction design and Division of the State Architects (DSA) approved plans and specifications and will be bid out to subcontractors by C.W. Driver, LLC. District staff will submit amended Agreements to the board for the construction of the project, which will include the total guaranteed maximum price (GMP) for the Agreements.

FISCAL IMPACT: Total not-to-exceed Preconstruction Services: \$459,741.00. Budget String: 9087-90702-00-6230-8500-0000-21700-8640.

PRIOR YEAR FISCAL IMPACT: None.

IMPACT TO DISTRICT STAFFING: None.

CONSULTATION WITH BOARD ADVISORY COMMITTEE: Not applicable.

BACKGROUND: On October 10, 2023, the board adopted a resolution for procedures for evaluating the qualifications of lease-leaseback contractors and the issuance of a Request to Prequalify for Group J, which are projects at or above \$26,000,001.00 in estimated value. On October 31, 2023, the district issued a Request to Prequalify and for Statements of Qualification (RFPQ) for Preliminary and Construction Services for Group J Lease-Leaseback Projects.

On December 13, 2023, 17 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 11 of the contractors met the requirements of the RFQ for Group J Projects. From those 11 qualified contractors, the district issued a subsequent Request for Proposal ("RFP") for Preconstruction Services for the Bird Rock Elementary School Whole Site Modernization project, utilizing the lease-leaseback delivery method under 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 to the RFP were due and received on August 1, 2024. The district received a total of five proposals from Balfour Beatty Construction Company, Inc., Core West, Inc., CW Driver, LLC, Flint Design Build, LLC, and Turner Construction Company.

Based on the strengths of the proposal submitted, C.W. Driver, LLC, has been determined to provide the best value to the district. The remaining four firms were ranked in descending order based upon their proposals. C.W. Driver, LLC, is deemed a responsive and responsible proposer for this project, which is located at Bird Rock Elementary School, 5371 La Jolla Hermosa Avenue, La Jolla, CA 92037.

This whole site modernization (WSM) project consists of demolition of 11 existing portables; building 200 (administration) and building 400 (kindergarten), building 100 (classroom), building 300 (assembly) and building 500 (library) will be modernized. New construction will include an administration building, UTK/kindergarten one-story building with six classrooms and two-story building with nine classrooms. Other improvements include playground structures, accessible path of travel, parking, new electrical service, additional fire hydrant, plumbing/sewer and solar PV.

On May 10, 2011, the board approved a resolution in support of Disabled Veteran Businesses (DVBs), which includes Service-Disabled Veteran-Owned Small Businesses and Disabled Veteran Business Enterprises, and established a mandatory three percent participation requirement for DVBs for all district construction contracts. Once the Division of the State Architects (DSA) approves plans and specifications, C.W. Driver, LLC, will bid out the construction portion of the work to subcontractors. District staff will submit amended agreements to the board for the construction of the Project, which will increase the total guaranteed maximum price for the Agreements and include the mandatory DVBE percentage requirement.

CEQA ENVIRONMENTAL REVIEW: Approval of the proposed Master Site Lease Agreement and Master Facilities Lease Agreement for the Bird Rock Elementary School Whole Site Modernization Project (Proposed Project) 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 and 15314 (Class 14) – Minor Additions to Schools.

Class 1 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. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples cited by the CEQA guidelines relevant to the Proposed Project include interior or exterior alterations including interior partitions, plumbing, and electrical conveyances. The larger modernization elements associated with the Proposed Project that do not fit within a Class 1 Exemption would be exempt under the Class 14 exemption, as described below.

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). The Proposed Project consists of school modernization, minor expansion, and upgrades that would not result in any

increase in enrollment or classroom capacity beyond the criteria set forth in CEQA Guidelines Section 15314. Therefore, the application of a Class 14 categorical 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 §15300.2 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 review of the potential environmental issues associated with the Proposed Project to ensure that the above exceptions are not relevant to the project.

- a. **Location.** The Proposed Project would occur entirely within the boundaries of the existing school campus. The Proposed Project is consistent with the existing use on the project site. Furthermore, the Proposed Project would not extend into any offsite or open space areas that may be classified as an environmental resource of hazardous or critical concern. 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 timeframe of the Proposed Project, would result in a cumulatively considerable effect on the environment. Therefore, this exception does not apply to the project.
- c. **Significant Effect.** The Proposed Project includes modernization to an existing school. No work is proposed offsite that could result in impacts to sensitive vegetation or other environmentally sensitive areas as a result of the Proposed Project. As such, there is nothing unusual about existing school site or surrounding area. 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 Proposed Project would not result in the construction of new facilities that would directly, or indirectly, affect an officially designated scenic highway or scenic resources near a scenic highway because there are no district facilities visible from scenic highways. Therefore, implementation of the Proposed Project would not substantially damage scenic resources within a state scenic highway. Therefore, 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 located 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 § 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. Furthermore, according to the National Register of Historic Places (NRHP) guidelines, properties completed at least 50 years ago must be considered for eligibility for designation in the NRHP. Bird Rock Elementary School was evaluated for historical significance in 2019 as part of the Multi-Site HVAC Project and it was determined that the site does not meet any of the eligibility criteria for inclusion on the CRHR and is, therefore, not a historical resource for the purposes of CEQA. Therefore, this exception does not apply to the Project.

Approval of this item approves the Proposed Project as described, authorizes and directs staff to file the attached NOE with the San Diego County Recorder/Clerk, and approves the Master Site Lease Agreement and Master Facilities Lease Agreement to provide preconstruction services for the Proposed Project.

[Originator/Contact: Lee Dulgeroff, Senior Executive Director, Facilities Planning and Construction, Office of Deputy Superintendent, Operations, 858.637.3516, ldulgeroff@sandi.net]

 [1_Fully Executed MSL MFL Pkg Structure.pdf \(13,740 KB\)](#)  [2_CEQA Birdrock_WSM_NOE_24Sept2024_encrypted_.pdf \(1,378 KB\)](#)

Workflow

- Workflow
- Aug 29, 2024 10:04 AM :: Submitted by Kathryn Osborn. Routed to Ashley Mains for approval.
 - Sep 5, 2024 11:23 AM :: Approved by Ashley Mains. Routed to George Harris for approval.
 - Sep 9, 2024 3:18 PM :: Approved by George Harris. Routed to Sandra Chong for approval.
 - Sep 9, 2024 3:30 PM :: Approved by Sandra Chong. Routed to Kimberly Chapin for approval.
 - Sep 18, 2024 11:49 AM :: Approved by Kimberly Chapin. Routed to Lee Dulgeroff for approval.
 - Sep 18, 2024 11:57 AM :: Approved by Lee Dulgeroff. Routed to Cristen A Owens for approval.
 - Sep 19, 2024 3:09 PM :: Approved by Cristen A Owens. Routed to Drew Rowlands for approval.
 - Sep 20, 2024 1:29 PM :: Final approval by Drew Rowlands

Last Modified by Drew Rowlands on September 20, 2024