



Legislation Text

File #: 24-021, **Version:** 1

Adopt a Resolution to Approve and Authorize the City Manager to Execute a Consulting Services Agreement with Gates and Associates, Inc. for design of the Shoreline Park Project 2020.3080 for a Total not to Exceed Amount of \$3,015,700; to Authorize Individual Agreement Amendments up to 5% (\$150,785) of the Total Not to Exceed Amount and to Authorize Cumulative Agreement Amendments up to 15% (\$452,355)

COUNCIL PRIORITY

- Infrastructure

SUMMARY

The resolution approves and authorizes the City Manager to execute an agreement for design of phase 1 of a new 13 acre park on the jetties of the old Marina.

RECOMMENDATIONS

Staff recommends:

- Approving an agreement with Gates and Associates, Inc for the Shoreline Park project for the not to exceed amount of \$3,015,700.00.
- Authorizing the City Manager to negotiate and approve individual amendments up to 5% of total not to exceed amount.
- Authorizing the City Manager to negotiate and approve cumulative amendments up to 15% of the total not to exceed amount.

BACKGROUND

In the 1960's, San Leandro constructed a new marina on the shore of the San Francisco Bay that included a harbor master's office, boat docks, fueling station, parking lots, restrooms for the public and for boaters, and three restaurants: the Blue Dolphin, El Torito, and Horatio's. A 9-hole golf course was built across the street and shortly thereafter an 18-hole course with driving range, a new Marina Park, and the Marina Inn were subsequently added. While the San Leandro Marina operated successfully for more than thirty years, by 2000, the Blue Dolphin was vacant, and the Army Corps of Engineers had reduced its dredging to just the shipping channel out in the San Francisco Bay. Dredging from the harbor to the shipping channel, and in particular the disposal of the dredged material, proved to be prohibitively expensive for the City and the last dredging of the harbor was performed in 1997.

As the Marina silted in and the water became more shallow and less navigable, the City began to consider redevelopment of the area. The City solicited development proposals and in 2008, signed

an exclusive negotiating agreement with Cal Coast Companies (Cal Coast) to redevelop the area. That same year, the City formed the Shoreline Citizens Advisory Committee (SCAC) to provide input and guide the design of the development. Over the next three years, dozens of public meetings were held and the community developed goals for the project. In 2012, the project scope was well defined, the SCAC was dissolved and a subgroup consisting of a portion of the original committee formed the Shoreline Advisory Group (SAG) to continue to provide input on the project.

Cal Coast developed an initial project concept in 2015, but subsequent conversations with the San Francisco Bay Conservation and Development Commission (BCDC) revealed that significant work would be required to protect the proposed improvements against sea level rise, rendering the plan financially infeasible. Cal Coast developed a second concept in 2017 that included a public park on the Marina jetties rather than hotel and conference facilities. Public meetings were held in 2017 to get input on the park and negotiations began on an agreement with Cal Coast to entitle the project. The negotiations culminated in a Disposition and Development Agreement (DDA) that was executed in 2020.

As described in the agreement, Cal Coast purchased a portion of the 9-hole golf course for construction of a new neighborhood of approximately 200 homes and has leased land at the Marina for an apartment building consisting of approximately 285 units as well as for a hotel consisting of approximately 210 rooms. Cal Coast will reconfigure the 9-hole golf course and improve Monarch Bay Drive. The City will receive about \$29,000,000 for the land sale and, depending on the cost of improvements constructed by the developer, may also receive park development fees. The City will also receive annual revenue from the lease of the property and hotel occupancy tax. As part of the agreement, the City is obligated to deconstruct the Marina, construct a park along the Marina jetties, and construct a new Mulford-Marina branch library.

On behalf of the City, BKF Engineers developed the 2017 park concepts into schematic drawings and received approval for the project from the BCDC Design Review Board, which is an important step toward receiving permits. With this approval the City is ready to complete the design and develop construction drawings. At the City's direction, BKF split the project into two phases. Phase 1 was originally defined to cost around \$35,000,000, which was thought to be an achievable funding level in the short term; however, BCDC objected to the spartan nature of Phase 1 and the fact that the City could not commit to a definite schedule for the full build out of Phase two. As a result, BCDC required that Phase 1 be expanded to its current scope and cost.

Phase 1 includes all deconstruction and demolition, raising the grade to protect against sea level rise, complete build out of improvements on Pescador Point including a boat launch, docks, and new building with public restrooms, and much of the pathways and landscaping of the park to be built on Mulford Point. Phase two will add restrooms and amenities to the portion of the park on Mulford Point.

Analysis

The City solicited design services for preparation of construction documents and in May 2023 received five proposals. Three firms were invited for interviews and a panel of City staff selected Gates and Associates, Inc. (Gates) as the team deemed most advantageous for the project.

Gates is a Bay Area landscape architecture firm that has been in business for 46 years. They have worked on numerous public projects including parks in Dublin, Emeryville, Livermore, and Santa

Clara. They designed the Middle Harbor Shoreline in Oakland, a project that has similar size, location, and regulatory requirements to San Leandro's Shoreline Park. During the interview Gates impressed the panel with their project understanding, vision for creating human scale spaces, and their knowledge of the permitting process.

Staff recommends contracting with Gates for the design of Phase 1 of this project, and the consultant has agreed to the terms of the contract. Additional design work will be required when Phase two of the project is funded.

This contract represents our current understanding of the work required. From time to time changes to the scope of contracts are necessary to respond to new information and/or to include additional items of work necessary for a complete product. In order to resolve these issues in a timely fashion and avoid delaying work, staff requests authorization to issue individual contract amendments to the consultant up to 5% or \$150,785 each and cumulative contract amendments up to 15%, or \$452,355 of the original contract's total not to exceed amount.

Current Agency Policies

- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Previous Actions

- On November 20, 2023, through Resolution No. 2023-160, the City Council authorized an amendment to the agreement with BKF for additional services related to the Shoreline Park.
- On November 16, 2020, through Resolution No. 2020-145, the City Council authorized an agreement with BKF for schematic design of the Shoreline Park.
- On April 20, 2020 through Resolution No. 2020-039, City Council rescinded Resolution No. 2020-020 and approved a DDA with Cal Coast Companies LLC, Inc. to develop the Shoreline area and committing the City to installing this project.
- On February 24, 2020 through Resolution No. 2020-020, City Council approved a DDA with Cal Coast Companies LLC, Inc.
- On February 24, 2020 via Resolution No. 2020-019, City Council adopted an addendum to an Environmental Impact Report (EIR) that includes the work for this project.
- On July 20, 2015 via Resolution No. 2015-125, City Council certified an EIR that includes the work for this project.

Committee Review and Actions

The project was discussed with the City Council Facilities and Transportation Committee on 10/05/2022. The Committee provided suggestions for features to be included in the final design.

Applicable General Plan Policies

- **Goal LU-9.** Reinforce the San Leandro Shoreline as a regional destination for dining, lodging, entertainment, and recreation, while creating a new waterfront neighborhood with housing, retail, and office uses
- **Policy LU-9.1 Waterfront Enhancement.** Enhance the San Leandro waterfront as a distinguished recreational shoreline and conservation area, with complementary activities that boost its appeal as a destination for San Leandro residents and visitors. Future development at the Shoreline should be compatible with the area's scenic and recreational qualities
- **Policy LU-9.3. Public Amenities in Shoreline Development.** Ensure that future development at the Shoreline includes complementary amenities that benefit San Leandro residents and current shoreline users, such as improved park space, restaurants, pedestrian and bicycle paths, and access to the Bay Trail

Permits and/or Variances Granted

This project will require permits from the San Francisco Bay Regional Water Quality Control Board, the Army Corps of Engineers, California Department of Fish and Wildlife, the San Francisco Bay Conservation and Development Commission, and the San Leandro Building Department.

Environmental Review

This project is included in the work covered by an EIR certified in 2015 and certified as amended in 2020.

Board/Commission Review and Actions

The project was presented to the Recreation and Parks Commission on 07/06/2022. The Commission provided positive comments and feedback on the design.

Summary of Public Outreach Efforts

- Numerous public meetings were held with the Shoreline Citizens Advisory Committee between 2008 and 2011
- Six public meetings were held with the Shoreline Advisory Group between 2012 and 2020
- Public meetings to collect input on the Shoreline Park at the Marina were held in November and December 2017
- Three public meetings listed below were held as part of the schematic design phase; the team also contacted the Ohlone tribal representatives directly in the summer of 2022:
 1. Community Meeting - Senior Community Center: 07/06/2022
 2. Community Meeting - San Leandro Public Library: 07/09/2022
 3. Community Meeting - Marina Community Center: 07/13/2022

Financial Impacts

Sufficient funds are included in the Fiscal Year 2024-2025 General Fund budget for the design phase of this project.

The estimated Phase 1 project cost is shown below. Only City costs are shown, the cost of improvements such as relocation of the boat launch ramp that are the responsibility of Cal Coast are not shown.

Design and Bid:	\$5,000,000
Marina Deconstruction & Park Construction	\$40,500,000
Project Contingency	\$5,000,000
Utility company fees and permits	\$500,000
Construction Management and Inspection:	\$2,000,000
<u>Total</u>	<u>\$53,000,000</u>

This Council action will not impact the current fund balance because there are funds available in the FY 2023-2024 adopted budget as follows:

Capital Improvement Fund, Account 210-57-203: \$7,906,849

The funds listed in account 210-57-203 include a down payment from Cal Coast for land purchase. The City will receive an additional \$24,888,000 from Cal Coast to complete the land purchase. Approximately \$20,200,000 of additional funding will be required to construct Phase 1 of this project. The project costs and funding shortfall are based on a mid-point of construction in September 2025. Park Development Fees and General Fund revenue may be used to fund this project. In addition staff will apply for any grants for which the project qualifies. Annual income from the property leases and hotel transfer tax can partially offset any General Funds used for the work.

Attachments

- Att A: Resolution CSA Gates and Assoc*
- Att B: CSA Gates Scope of Work*
- Att C: CSA Gates Compensation Schedule*

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