

RESOLUTION NUMBER R- 313114DATE OF FINAL PASSAGE JUN 18 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE CITY'S APPROVAL OF FUNDING FOR THE FEASIBILITY EXPLORATION OF THE POTENTIAL FUTURE CONSTRUCTION OF THE FENTON PARKWAY BRIDGE IN MISSION VALLEY IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15262.

WHEREAS, the City of San Diego (City) and the Board of Trustees of the California State University, the State of California acting in its higher education capacity, on behalf of San Diego State University (CSU), have negotiated the terms and conditions of a proposed Purchase and Sale Agreement (PSA), by which the City will sell to CSU, and CSU will purchase from the City, approximately 135.12 acres of land commonly known as the Mission Valley SDCCU stadium site (Acquisition Site); and

WHEREAS, unless otherwise specified, all capitalized terms in this Resolution have the same meaning ascribed to them in the PSA, a copy of which is included as Attachment A to the staff report accompanying this Resolution; and

WHEREAS, Section 11.2 of the PSA pertains to the feasibility exploration and, subject to future environmental review, the potential future construction of an extension of Fenton Parkway across the San Diego River (Fenton Parkway Bridge) as described in the City's Mission Valley Community Plan Update approved in September 2019; and

WHEREAS, the Fenton Parkway Bridge is an established priority project of the City and has been contemplated in the City's long-range planning documents for the Mission Valley community for more than 30 years as an independent local facility that separately serves the needs of the local community and benefits the public; and

WHEREAS, Mission City Parkway Bridge / San Diego River Fund No. 400247 (Fund No. 400247) includes a balance of \$2,324,559.32 comprising developer contributions and accrued interest thereon, and is available to help fund environmental review, design, permitting, and potential future construction of the Fenton Parkway Bridge; and

WHEREAS, the Draft Mission Valley Impact Fee Study, Fiscal Year 2020 (November 2019), identifies the Fenton Parkway Bridge as Facility M-20, and the City intends to continue collecting development impact fees for the Fenton Parkway Bridge; and

WHEREAS, on January 29, 2020, pursuant to the California Environmental Quality Act, set forth at California Public Resources Code section 21000 *et seq.* (CEQA), and the CEQA Guidelines, set forth at the California Code of Regulations, title 14, section 15000 *et seq.*, CSU's Board of Trustees certified the Final Environmental Impact Report (SCH No. 2019011042) dated January 2020 for the San Diego State University Mission Valley Campus Master Plan Project (Campus Master Plan Final EIR), which describes, discloses, and analyzes the potential environmental impacts of CSU's proposed purchase of the Acquisition Site from the City and CSU's proposed development of a vibrant mixed-use campus village on the Acquisition Site and the adjacent River Park Property in Mission Valley to be used and operated by San Diego State University (SDSU) to support SDSU's education, research, entrepreneurial, technology, and athletics programs and to provide parks, recreation, and open space areas for the local community's benefit (collectively, Campus Master Plan Project); and

WHEREAS, the Campus Master Plan Final EIR contains substantial evidence demonstrating that the Fenton Parkway Bridge is not required mitigation to reduce the Campus Master Plan Project's direct significant traffic impacts and is not a functional element or component of the Campus Master Plan Project; and

WHEREAS, nevertheless, as a benefit to the local community and not as a part of the Campus Master Plan Project or as mitigation for the Campus Master Plan Project, CSU is willing to support the potential development of the Fenton Parkway Bridge by helping the City fund the exploration, preliminary feasibility, due diligence, conceptual design, environmental review, and permitting for the potential Fenton Parkway Bridge (Feasibility Exploration Project); and

WHEREAS, Section 11.2(a) of the PSA provides that, if the City deposits \$2 million into Fund No. 400247 or another designated fund upon the Closing of the Sale Transaction under the PSA that can be used to pay for the Feasibility Exploration Project, CSU will provide up to an additional \$2 million after the Closing to support the Feasibility Exploration Project; and

WHEREAS, Section 11.2(a) of the PSA further provides that the amounts currently existing in Fund No. 400247 shall first be exhausted for the Feasibility Exploration Project and thereafter, the City and CSU (collectively, Parties) will each be responsible for fifty percent (50%) of additional costs for the Feasibility Exploration Project, with each Party bearing equal responsibility for expenses as they are incurred, provided that the City will not be required to deposit more than \$2 million for funding of the Feasibility Exploration Project (in addition to the monies already existing in Fund No. 400247); and

WHEREAS, Section 11.2(a) of the PSA further provides that any funds remaining after the completion of the Feasibility Exploration Project will be utilized to construct the Fenton Parkway Bridge if it is approved, or to fund other transportation improvements in the Mission Valley Community Plan area if the Fenton Parkway Bridge is not approved; and

WHEREAS, Section 11.2(b) provides that the Feasibility Exploration Project will consider the feasibility of an all-weather bridge crossing the San Diego River, consisting of a two-lane road extending Fenton Parkway south over the San Diego River to Camino Del Rio

North at grade with the trolley crossing, with left turn lanes from southbound Fenton Parkway to Camino del Rio North and Eastbound Camino Del Rio North to Fenton Parkway, and traffic signal modifications at the intersection of Camino Del Rio North and Fenton Parkway (collectively, Potential Bridge Construction); and

WHEREAS, Section 11.2(b) of the PSA explains that there is insufficient information regarding the potential Fenton Parkway Bridge to perform environmental review at this time; for example, details such as the precise location, configuration, design, construction, alternatives, design features, federal and state regulatory compliance requirements, and feasible mitigation for the potential Fenton Parkway Bridge are largely unknown at this time, and meaningful environmental review cannot be performed in the absence of such information; and

WHEREAS, Section 11.2(c) of the PSA confirms that the Parties will explore the feasibility of the Potential Bridge Construction, but neither Party is committing to construct any kind of Fenton Parkway Bridge at this time, and any obligation to construct the Fenton Parkway Bridge is irrevocably conditioned upon the completion of environmental review in compliance with CEQA and (if applicable) the National Environmental Policy Act (NEPA); and

WHEREAS, Section 11.2(c) of the PSA further confirms that nothing in the PSA will commit or be interpreted to commit either Party to a definite course of action with respect to the Fenton Parkway Bridge, preclude the consideration of feasible mitigation measures and alternatives, including the no project alternative, or restrict denial of the Fenton Parkway Bridge, prior to the certification, approval, or consideration of the appropriate environmental compliance document for the Fenton Parkway Bridge; and

WHEREAS, Section 11.2(d) of the PSA provides that, if the Fenton Parkway Bridge is approved in compliance with CEQA and (if applicable) NEPA, then CSU will construct the

Fenton Parkway Bridge pursuant to the terms of a future, separate agreement between the Parties, provided the City has placed an additional \$6.5 million into Fund No. 400247 and makes such funding available to CSU; and

WHEREAS, California Public Resources Code section 21084, which is a part of CEQA, states that the CEQA Guidelines shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15260 through 15285 list the statutory CEQA exemptions promulgated by the California State Legislature; and

WHEREAS, City staff has established that the Feasibility Exploration Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262 (entitled “Feasibility and Planning Studies”); and

WHEREAS, the San Diego City Council (Council) has considered the potential environmental effects of the Feasibility Exploration Project; and

WHEREAS, the Council, using its independent judgment, has determined that the Feasibility Exploration Project will not have a significant effect on the environment because it meets the requirement of CEQA Guidelines section 15262, in that it is a project involving only a feasibility or planning study for possible future actions (i.e., the Potential Bridge Construction), which the City has not approved, adopted, or funded; and

WHEREAS, the Council has held a public hearing, and has reviewed and considered the written and verbal testimony and evidence presented at or before the public hearing, regarding the subject matter of this Resolution; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council determines that the Feasibility Exploration Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262.
2. The City Clerk is directed to file a Notice of Exemption with the Clerk of the San Diego County Board of Supervisors following the City's approval of any discretionary action related to the Feasibility Exploration Project.

APPROVED: MARA W. ELLIOTT, City Attorney

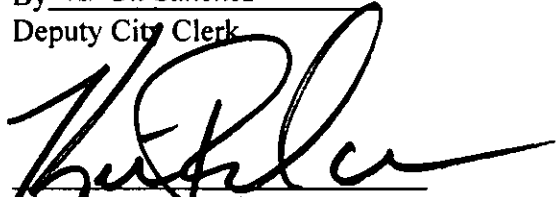
By           /s/ Kevin Reisch            
Kevin Reisch  
Senior Chief Deputy City Attorney

KJR:jdf  
6/12/20  
Or.Dept: Real Estate Assets  
Doc. No. 2395842\_3  
Companion to: R-2020-605  
                  R-2020-607  
                  O-2020-123  
                  O-2020-124

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/17/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Gil Sanchez  
Deputy City Clerk



\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Approved: 6/18/20  
(date)

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 17 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 18 2020.

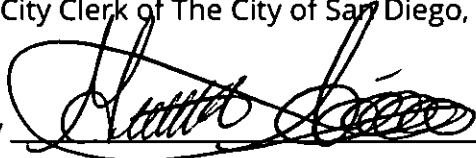
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313114