

#60
11/01/22

(O-2023-44)

ORDINANCE NUMBER O- 21564 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 03 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE DESIGN, ENVIRONMENTAL REVIEW, PERMITTING, AND POTENTIAL CONSTRUCTION OF THE FENTON PARKWAY BRIDGE AND RELATED FISCAL ACTIONS.

WHEREAS, 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), is responsible for the design, environmental review, permitting, and potential construction of the Fenton Parkway Bridge (Project) pursuant to the terms of the Purchase and Sale Agreement and Joint Escrow Instructions (PSA), fully incorporated by reference to the Memorandum of Understanding (MOU) on file in the Office of the City Clerk as Document No. OO- 21564; and

WHEREAS, CSU and the CITY OF SAN DIEGO, a California municipal corporation (City), agree to enter into the MOU regarding design, environmental review, permitting, and potential construction of the Project; and

WHEREAS, the Project site is described as 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; and

WHEREAS, a conceptual drawing of the Project is attached as Exhibit A to the MOU and shall be used for feasibility determinations; and

WHEREAS, the final design of the Fenton Parkway Bridge will include the open cell structure shown on Exhibit A to meet existing and future City Enterprise Fund bond covenant requirements and also conform to the alignment shown on Exhibit A to not be in conflict with future realignment of Camino del Rio North (provided that CSU shall not be required to study or construct any improvements for such future realignment); and

WHEREAS, the City and CSU will work cooperatively in connection with CSU's processing of permits, application, agreements, and other approvals with local, state, and federal departments or agencies having jurisdiction over the Project; and

WHEREAS, approval of the Project, establishing a protocol for preparing the necessary California Environmental Quality Act (CEQA) environmental documents and carrying out the design and potential construction of the Fenton Parkway Bridge is exempt from CEQA pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies); and

WHEREAS, in addition, this Project is a subsequent discretionary project of the San Diego State University Mission Valley Campus Master Plan project as the MOU is adequately covered by the Final Environmental Impact Report (EIR) for the San Diego State University Mission Valley Campus Master Plan (SCH No. 2019011042), that Final EIR was certified and approved by the California State University Board of Trustees on January 29, 2020, and certified by the San Diego City Council (City Council) on June 30, 2020, and it was also analyzed in the Final EIR for the Mission Valley Community Plan Update (Project No. 518009/SCH No. 2017071066), certified by City Council Resolution R-312653 on September 12, 2019; and

WHEREAS, the matter was set for public hearing on October 17, 2022, with testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff [including information provided by CSU and verified by City staff], with the understanding that this information is complete, true, and accurate; NOW, THEREFORE

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

Section 1. The City Council approves the MOU on file in the City Clerk as Document No. OO- 21564.

Section 2. That the Mayor or their designee are authorized to execute any consents, applications, or documentation required from the City, including in its capacity as the fee title owner of the Project site, and to cooperate with CSU on such applications or documentation, in order for CSU to process and obtain necessary approvals from state and federal agencies for the Project in relationship to the MOU on file in the City Clerk as Document No. OO- 21564.

Section 3. That the Mayor or their designee are authorized to make, review, and/or concur with any findings that are necessary or appropriate regarding the Project's consistency with the City's delegated authority under the Multiple Species Conservation Program (MSCP). Such findings may be substantially similar to those set forth in San Diego Municipal Code sections 126.0505(b)(c), capital improvement program project or public project with a wetland deviation pursuant to Table 143-01A Applicability of Environmentally Sensitive Lands Regulations, 143.0130, 143.0140, 143.0141, 143.150, and 143.0305.

Section 6. That the Mayor or their designee is authorized to take any other actions necessary to carry out the purpose and intent of the MOU.

Section 7. That the Chief Financial Officer is authorized to add CIP RD-23000, Fenton Pkwy Ext to Camino Del Rio N, to the Capital Improvements Program.

Section 8. That the Chief Financial Officer is authorized to reappropriate an amount not to exceed \$231,876.46 from CIP P-21004, Fenton Pkwy Ext to Camino Del Rio N.

Section 9. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP RD-23000, Fenton Pkwy Ext to Camino Del Rio N, and to appropriate and expend an amount not to exceed \$2,377,787.44 from Fund 400247, Mission City Parkway Bridge/San Diego River, and to appropriate and expend \$8,500,000.00 from Fund 400874, Capital Outlay-Mission Valley Trans, for the purpose of design and potential construction of the Fenton Parkway Bridge

Section 10. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been made available to the Council and the public a day prior to its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:cm
August 25, 2022
Or.Dept: Planning
Doc. No. 3072550

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 01 2022.

ELIZABETH S. MALAND
City Clerk

By *Kristell Medina*
Deputy City Clerk

Approved: 11/3/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 03 2022

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

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

By Krystell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on OCT 17 2022, and on NOV 03 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

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

By Krystell Medina, Deputy

Office of the City Clerk, San Diego, California

21564

Ordinance Number O-_____