

#201a
10/17/2022

(R-2023-134)

RESOLUTION NUMBER R- 314396

DATE OF FINAL PASSAGE OCT 26 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE MEMORANDUM OF UNDERSTANDING REGARDING DESIGN, ENVIRONMENTAL REVIEW, PERMITTING, AND POTENTIAL CONSTRUCTION OF THE FENTON BRIDGE PARKWAY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15262 (FEASIBILITY AND PLANNING STUDIES).

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 California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) 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 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

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

WHEREAS, on October 17, 2022, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the City Council, using its independent judgment, has determined that the Project is exempt from CEQA and meets the criteria set forth in CEQA section 15262 (Feasibility and Planning Studies); and

WHEREAS, CEQA Guidelines section 15262 (Feasibility and Planning Studies) allows for projects involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an environmental impact report or negative declaration but does require consideration of environmental factors and it was determined that the exemption is appropriate; and

WHEREAS, the Office of the City Attorney has drafted this resolution 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 RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies) and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED that the City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

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. 3072547

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 17 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 10-26-22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 17 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
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 OCT 26 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314396