

ORDINANCE NUMBER O- 20583 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A PARK DEVELOPMENT AGREEMENT AND REIMBURSEMENT AGREEMENT WITH FENTON LITTLE ITALY, LLC, FOR A PUBLIC PLAZA (PIAZZA FAMIGLIA), PROJECT NO. P-13, IN THE DOWNTOWN COMMUNITY.

WHEREAS, on July 14, 2014, by Resolution No. R-309116, City Council granted Centre City Development Permit/Planned Development Permit/Site Development Permit/Neighborhood Use Permit No. 2012-10 (Permit), and by San Diego Resolution No. R-309117, vacated a portion of Date Street (Vacation), to allow the construction of a seven-story mixed-use building on a 24,000 square-foot parcel located on the north side of the vacated portion of Date Street between India and Columbia Streets, a five-story mixed-use building on a 10,000 square-foot parcel located on the south side of the vacated portion of Date Street between India and Columbia Streets, an underground parking structure under both buildings and under the vacated portion of Date Street, an 11,200 square foot public plaza on the vacated portion of Date Street (Plaza), and outdoor dining areas along the north and south sides of the vacated portion of Date Street adjacent to the Plaza, as well as the relocation of a designated historical resource, all subject to certain conditions; and

WHEREAS, on June 17, 2014, by San Diego Resolution No. R-309070, City Council adopted the Downtown Community Public Facilities Financing Plan and Development Impact Fee Fiscal Year 2015 (Financing Plan). The Financing Plan includes Project No. P-13, Downtown Park Acquisition and Development, which anticipates funding for the acquisition, design, and construction of up to 5.7 acres of public open space and park facilities throughout the Downtown Community including plazas; and

WHEREAS, Developer prepared a General Development Plan (GDP) for the Plaza, which was recommended for approval by the Park and Recreation Board on June 19, 2014, and subsequently approved by the Park and Recreation Department; NOW, THEREFORE,

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

Section 1. That the Mayor is authorized and directed to execute, for and on behalf of City, a Park Development Agreement with Fenton Little Italy LLC for the Plaza, on file in the Office of the City Clerk as Document No. OO- 20583-1 (Park Development Agreement), under the terms and conditions set forth in the Park Development Agreement.

Section 2. That the Mayor is authorized and directed to execute, for and on behalf of City, a Reimbursement Agreement with Fenton Little Italy LLC (Developer) for the Plaza, on file in the Office of the City Clerk as Document No. OO- 20583-2 (Reimbursement Agreement), under the terms and conditions set forth in the Reimbursement Agreement.

Section 3. That the consultant selection requirements of San Diego Municipal Code section 22.3202, Council Policy 300-07, and Council Policy 100-10 for the selection of Plaza design consultant services are waived.

Section 4. That the Chief Financial Officer is authorized to add CIP No. RD16000, Piazza Famiglia, to the Capital Improvements Program.

Section 5. That the Chief Financial Officer is authorized to increase the Capital Improvements Program budget in CIP No. RD16000, Piazza Famiglia, in the amount of \$1,000,000, and to appropriate and expend \$1,000,000 from Fund No. 400122 Centre City DIF-Admin, for the purpose of reimbursing the Developer for the design and construction of the Plaza consistent with the terms of the Reimbursement Agreement, contingent upon the Chief Financial

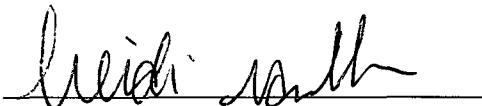
Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 6. That the Chief Financial Officer is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Section 7. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heidi K. Vonblum  
Deputy City Attorney


HKV:nja  
10/23/15  
Or.Dept: Planning  
Doc. No.: 1156769

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 08 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/15/15  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on DEC 08 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 2015

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 Sty Muey, 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

NOV 10 2015, and on DEC 16 2015

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 Sty Muey, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20583