

ORDINANCE NUMBER O- 20892 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 18 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAINTENANCE, PROGRAMMING AND OPERATION AGREEMENT AMONG THE CITY OF SAN DIEGO, LITTLE ITALY ASSOCIATION AND FENTON LITTLE ITALY LLC FOR THE PIAZZA FAMIGLIA IN THE LITTLE ITALY NEIGHBORHOOD.

ITEM #56  
149 / 118

WHEREAS, on July 14, 2014, the Council of the City of San Diego (Council) adopted Resolution Number R-309116, which among other things approved a Centre City Development Permit (CCDP), Planned Development Permit (PDP), Neighborhood Use Permit (NUP), and Site Development Permit (SDP) (collectively the “CCDP/PDP/NUP/SDP No. 2013-10”) for a project known as India and Date (Project), to be developed by Fenton Little Italy LLC (Fenton); and

WHEREAS, on July 14, 2014, the Council adopted Resolution Number R-309117, which vacated a portion of Date Street between India Street and Columbia Street; and

WHEREAS, the Project consists of the construction of two mixed-use buildings on the north and south side of Date Street between India Street and Columbia Street, the construction of an underground parking structure under both buildings and underneath Date Street, and the construction of a public plaza on the vacated portion of Date Street between India Street and Columbia Street known as the Piazza Famiglia (Piazza); and

WHEREAS, the Piazza will be an 11,200 square foot plaza consisting of enhanced paving, lighting, landscaping, water fountain, and moveable tables and chairs. The Piazza will be a public space for the community to enjoy on a daily basis, as well as provide an area for cultural activities, farmers markets, art events, and music events; and

WHEREAS, Condition No. 6 of CCDP/PDP/NUP/SDP No. 2013-10 called for a park development agreement (PDA), a reimbursement agreement (RA), and a maintenance agreement (MA); and

WHEREAS, on December 8, 2015, the Council approved the PDA and RA by Ordinance Number O-20583; and

WHEREAS, the PDA requires that Fenton design and construct the Piazza on the vacated portion of Date Street and grant a perpetual recreation easement to the City for the operation, maintenance, and administration of the Piazza as a public park for park and recreation purposes; and

WHEREAS, the RA provides for City reimbursement to Fenton of up to \$1,000,000 of the cost of the construction of the Piazza; and

WHEREAS, the proposed Maintenance, Programming and Operation Agreement among the City of San Diego, Little Italy Association and Fenton Little Italy LLC shall comply with the obligation of an MA; and

WHEREAS, Little Italy Association has agreed to provide operations, maintenance, and programming for the Piazza at no cost to the City and to issue permits for use of the Piazza on behalf of the City at no cost to the permittee; NOW, THEREFORE,

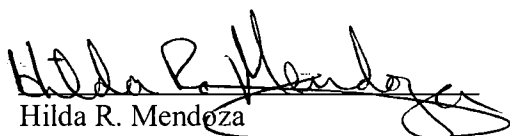
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or his designee, is authorized and directed to execute the Maintenance, Programming and Operation Agreement among the City of San Diego, Little Italy Association and Fenton Little Italy LLC, which is on file with the City Clerk as Document No. OO- 20892, for the maintenance and operation of the Piazza Famiglia for an initial term of 25 years and an option to renew the term for an additional 25 years.

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

HRM:als  
11/16/2017  
Or.Dept: Park & Rec.  
Doc. No.: 1626720

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1/18/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

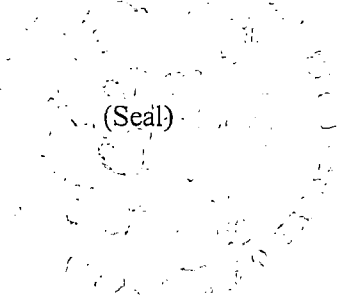
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 09 2018, 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"/> |
| Lorie Zapf      | <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"/> |
| 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"/> |
| Georgette Gomez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 18 2018

AUTHENTICATED BY:



(Seal)

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

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

By *[Signature]*, 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 DEC 18 2017, and on JAN 18 2018.

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 *[Signature]*, Deputy

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| <p>Office of the City Clerk, San Diego, California</p> <p style="text-align: right;"><b>20892</b></p> <p>Ordinance Number O-_____</p> |
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