

(RA-97-85)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2764

ADOPTED ON JUNE 3, 1997

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO RATIFYING AND EXTENDING GASLAMP QUARTER PLANNED DISTRICT ORDINANCE DEMOLITION PERMIT NO. 93-0128.

WHEREAS, the Centre City Development Corporation, Inc., on behalf of the Redevelopment Agency of The City of San Diego (the "Agency"), and Harbor Fifth Associates, a California general partnership, Permittee, filed an application for Gaslamp Quarter Planned District Ordinance Permit No. 93-0128 and Resource Protection Ordinance ("RPO") Permit No. 93-0128 for the demolition of two historical warehouse structures, commonly referred to as the T.M. Cobb buildings, on Lots K and L, Block 140, Horton's Addition, located within the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project; and

WHEREAS, on June 29, 1993, the Council of The City of San Diego (the "Council") considered RPO Permit No. 93-0128 pursuant to the Resource Protection Ordinance provisions enacted by Ordinance No. O-17868 effective November 23, 1992, found in San Diego Municipal Code ("SDMC") section 101.0462; and

WHEREAS, on June 29, 1993, the Agency considered Gaslamp Quarter Planned District Ordinance Demolition Permit No. 93-0128 pursuant to San Diego Municipal Code ("SDMC") section 103.0403;

and

WHEREAS, based on the facts contained in the RPO Permit application and in the Final Supplement to the MEIR for the Demolition Permit and Resource Protection Ordinance Permit for the T.M. Cobb Warehouse (Supplemental EIR), certified by the City Council on June 29, 1993, by Resolution No. R-282258, and evidence presented in public hearings, the Council found that the strict application of the RPO would conflict with Council policy, the City of San Diego Progress Guide and General Plan, or the adopted community plan; and

WHEREAS, based on the above-mentioned factors and pursuant to RPO provisions allowing for alternative compliance, the Council made findings for alternative RPO compliance based on standard Council policies to manage Agency-owned resources in a fiscally responsible manner; and

WHEREAS, RPO Permit No. 93-0128 was granted by the Council, on behalf of the Redevelopment Agency of The City of San Diego, to Harbor Fifth Associates, pursuant to Ordinance No. O-17868, on June 29, 1993; and

WHEREAS, Gaslamp Quarter Planned District Ordinance Permit No. 93-0128 was granted by the Agency to Harbor Fifth Associates pursuant to Resolution No. 2257 on June 29, 1993; and

WHEREAS, the Agency entered into a Disposition and Development Agreement dated December 7, 1993, by and between the Agency and Harbor Fifth Associates, which requires the demolition of the site which is the subject of RPO Permit No. 93-0128 and Gaslamp Quarter Planned District Ordinance Permit No. 93-0128; and

WHEREAS, the Agency authorized a First Implementation Agreement to Disposition and Development Agreement which extended the Disposition and Development Agreement by twenty-two (22) months in recognition of a period of litigation concerning the site, now concluded in favor of The City of San Diego and the Agency; and

WHEREAS, RPO Permit No. 93-0128 and Gaslamp Quarter Planned District Ordinance Permit No. 93-0128 were extended to November 7, 1998, in recognition of the period of litigation; and

WHEREAS, the Agency authorized a Second Implementation Agreement to Disposition and Development Agreement which extended the Disposition and Development Agreement by another 120 days to negotiate a hotel alternative for the site; and

WHEREAS, the Agency proposes to enter into a First Amended and Restated Disposition and Development Agreement by and between the Agency and Harbor Fifth Associates which requires the demolition of the site which is the subject of RPO Permit No. 93-0128 and Gaslamp Quarter Planned District Ordinance Permit No. 93-0128; and

WHEREAS, circumstances have not changed from the circumstances upon which RPO Permit No. 93-0128 and Gaslamp Quarter Planned District Ordinance Permit No. 93-0128 were originally granted and findings can continue to be made to justify alternative RPO compliance based on standard Council policies to manage Agency-owned resources in a fiscally responsible manner; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, that based on the determination hereinbefore adopted by the Agency, Gaslamp Quarter Planned District Ordinance Permit No. 93-0128 is hereby ratified and extended to March 7, 1999, under the terms and conditions set forth in the permit attached to Resolution No. 2257 and the terms and conditions set forth in the previous extension of the permit to November 7, 1998, and made a part hereof.

APPROVED: CASEY GWINN, General Counsel

By

Allisyn L. Thomas  
Deputy General Counsel

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