

(R-90-1439)


RESOLUTION NUMBER R- 275260

ADOPTED ON MAR 12 1990

BE IT RESOLVED, by the Council of The City of San Diego, that it hereby ratifies the signing of the Memorandum of Agreement between the United States Advisory Council on Historic Preservation, the California Office of Historic Preservation and The City of San Diego regarding the Savage Tire Factor/Aztec Brewery, attached hereto as Exhibit A.

APPROVED: JOHN W. WITT, City Attorney

By

  
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc  
03/08/90  
Or.Dept:Prop.  
R-90-1439  
Form=r.none

## MEMORANDUM OF AGREEMENT

WHEREAS, the City of San Diego (City) has determined that the redevelopment of the property at 2201 and 2301 Main Street, San Diego, California will have an effect upon the Aztec Brewery/Savage Tire Factory, a property eligible for inclusion in the National Register of Historic Places, and has consulted with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR part 800, regulations implementing section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, Northern Automotive Corporation and Luis E. Garcia, Inc. participated in the consultation and have been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the City, the California SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

### Stipulations

The City will ensure that the following measures are carried out.

1. Prior to the demolition of the Aztec Brewery/Savage Tire Factory, the City of San Diego shall contact the Historic American Survey/Historic

R 275260

American Engineering Record (HABS/HAER), Western Regional Office, National Park Service (NPS) to determine what level and kind of recordation is required for the property. Unless otherwise agreed to by the NPS, the City shall ensure that all documentation is completed and accepted by HBS/HAER prior to the demolition, and that copies of this documentation are made available to the SHPO and a City designated local repository.

2. The City shall enter into an agreement with the Northern Automotive Corporation (Northern) whereby Northern will transfer all title and right of possession to the artwork and other artifacts, including murals painted by Jose Moya del Pino (the art) formerly located within the Aztec Brewery/Savage Tire Factory to the City. The City further agrees to make certain elements of the art available and accessible for viewing by the public as well as to safely store the remaining elements, both on an interim basis until a permanent and appropriate site incorporating a replica interior of the building from which the art was removed can be provided, and on a permanent basis. To this end, the City has negotiated with Luis E. Garcia, Inc. (LEG, Inc.) to enter into a loan for use agreement. When these negotiations are consummated the City shall notify the SHPO and the Council and shall take further steps to ensure that the art is protected and made available for public display. The City shall notify the SHPO and the Council regarding any subsequent negotiations and shall provide the Council with the opportunity to review and approve said agreement. If the loan agreement terminates before June 30, 1995, the City shall notify the SHPO and the Council and shall initiate steps to protect the art.

3. Failure of the City to enter into an agreement with Northern and/or with LEG, Inc., as described in Stipulation 2, requires that the City resubmit the undertaking for Council comment by preparing a new Memorandum of Agreement (MOA) or amendments to the existing MOA, or if consultation to prepare a new MOA or amendments proves unproductive, seek Council comment in accordance with 36 CFR 800.6(b).

4. Should the SHPO or the Council object within thirty (30) days to any actions proposed pursuant to this agreement, the City shall consult with the objecting party to resolve the objection. If the City determines that the objections cannot be resolved, the City shall request the further comments of the Council pursuant to 36 CFR 800.6(b). Any Council comments provided in response to such a request will be taken into account by the City in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the City's responsibility to carry out all actions under this agreement that are not the subject(s) of the dispute will remain unchanged.

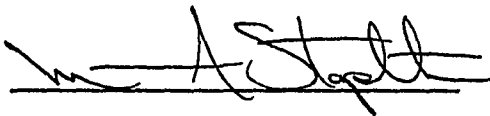
Execution of the Memorandum of Agreement and implementation of its terms evidence that the City has afforded the Council an opportunity to comment on the redevelopment of the property at 2201 and 2301 Main Street, San Diego, California and its effects on historic properties, and that the City has taken into account the effects of the undertaking on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

CITY OF SAN DIEGO

BY:   
Maureen A. Stapleton  
Deputy City Manager

Date: 11/7/89

MJ64MOA110.6

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

BY: Kathryn Theobald

DATE: 2-1-90

Concur:

NORTHERN AUTOMOTIVE CORPORATION

BY: [Signature]

DATE: 11/7/89

LUIS E. GARCIA, INC.

BY: [Signature]

DATE: 11-8-89

R-275260

#12-92

MAR 12 1990

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Ellen Poovard*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275260* Adopted **MAR 12 1990**