

(R-93-2123)

RESOLUTION NUMBER R- 282259

ADOPTED ON JUN 29 1993

WHEREAS, the Centre City Development Corporation, on behalf of the Redevelopment Agency of The City of San Diego and Harbor Fifth Associates, a general partnership, Permittee, filed an application for 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, the Council of The City of San Diego (the "Council") has 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, based on the facts contained in the Resource Protection Permit application and evidence presented in public hearings, the Council can find alternative compliance if the strict application of RPO would create conflict with Council policy, the Progress Guide or General Plan, or adopted community plan; and

WHEREAS, findings can be made to justify alternative RPO compliance based on standard Council policies to manage Agency-owned resources in a fiscally responsible manner; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of The City of San Diego, that the determination to grant alternative compliance to preclude conflict with adopted Council policies are supported by the following additional findings:

1. The proposed development must not adversely affect The City of San Diego's Progress Guide and General Plan.

The proposed demolition project is consistent with the General Plan as it is necessary to facilitate an economically viable new development project on the site as part of the revitalization of the Gaslamp Quarter. Revitalization of the Gaslamp Quarter is consistent with the objectives of the General Plan.

2. The proposed development must conform to the adopted community plan for the area.

Applicable provisions of the Gaslamp Quarter Planned District Ordinance authorize the Council to approve, modify, or disapprove a demolition permit application. Approval is dependent upon a finding that the permit (1) is consistent with Building and Fire Codes, (2) will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons in the district or the City, and (3) is not detrimental to the implementation of the Gaslamp Quarter Redevelopment Plan (SDMC section 103.0403(C)).

The Gaslamp Quarter Redevelopment Plan, as revised by the 1992 Redevelopment Plan for the Centre City Redevelopment Project, includes within its objectives the replanning, redesign,

and development of underdeveloped areas which are stagnant or improperly utilized.

The Land Use Goal of the Centre City Community Plan, which includes the Gaslamp Quarter, is to develop Centre City with a strong financial/commercial core surrounded by distinct, but well integrated mixed-use and residential neighborhoods along with the amenities, commerce, and services necessary to support a vibrant urban downtown.

The Urban Conservation section of the Centre City Community Plan recommends that every effort should be taken to renovate, rehabilitate, and reuse Grade One (National Register) sites and that a reasonable effort should be taken to renovate, rehabilitate, and reuse Grade Two (Local Register) sites which provide an opportunity to add to the character and diversity of downtown, but their designation should not preclude redevelopment which implements the goals of the Plan.

3. There are no feasible measures that can be taken to further minimize the potential adverse effect on environmentally sensitive lands and still avoid conflict with the substantially applicable portions of Council policy.

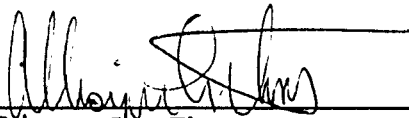
The Redevelopment Agency's preliminary planning for the site included an architectural and economic feasibility analysis conducted by City Design and Keyser Marston Associates, included as Appendix B to the Supplemental EIR. That analysis concluded that it would be economically infeasible to retain the T.M. Cobb Warehouse on the site and develop the property in a manner that would justify the Agency's acquisition cost. The analysis also

concluded that it would also be economically infeasible to retain portions of the Warehouse, including its street facades.

BE IT FURTHER RESOLVED, that the findings are supported by the testimony, documents, reports, maps and exhibits, presented at the hearing or a part of the administrative record, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the findings hereinabove adopted by the Council, Resource Protection Ordinance Permit No. 93-0128 is hereby granted to Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
06/21/93
Or.Dept:Clerk
R-93-2123
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RESOURCE PROTECTION ORDINANCE PERMIT NO. 93-0128

CITY COUNCIL

This Resource Protection Ordinance Permit is granted by the Council of the City of San Diego to Centre City Development Corporation, on behalf of the Redevelopment Agency of the City of San Diego and HARBOR FIFTH ASSOCIATES, a general partnership, pursuant to Ordinance No. 0-17868, effective November 23, 1992, found in Section 101.0462 of the Municipal Code of the City of San Diego ("SDMC") under the terms and conditions as follows:

1. Permission is granted to Permittee to demolish the historical warehouse structures, commonly referred to as the T.M. Cobb Warehouse, which consists of two structures situated on Lots K and L, Block No. 140, Horton's Addition.
2. Prior to demolition, a Historic American Buildings Survey (HABS) shall be prepared. The HABS documentation shall be performed pursuant to the direction of the National Park Service Regional Office, the agency responsible for determining the appropriate documentation level for mitigation documentation projects. The HABS documentation shall be sent to the National Park Service HABS office, the San Diego Historical Society, the California Room of the Public Library, and the San Diego Historical Site Board.
3. A photographic exhibit shall be prepared prior to the issuance of the Resource Protection Permit. The exhibit shall contain photographs and a historical narrative about the warehouse buildings and shall be permanently displayed in a public area of any new development on the project site.
4. No activity authorized by this Permit shall be conducted on the premises until:

- a. The Permittee signs and returns this permit to the Centre City Development Corporation;
 - b. The Resource Protection Ordinance Permit is recorded in the Office of the County Recorder.
5. The activity authorized by this Permit shall comply at all times with the regulations of this or any other governmental agency.
 6. This Permit may be revoked by the Council, after a noticed public hearing, if there is a material breach or default in any of the conditions of this Permit.
 7. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
 8. In the event that any condition of this Permit, on a legal challenge by the Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be subject to revocation.

Passed and adopted by the City Council on June 29, 1993.

JUN 29 1993

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By:  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R2 82259 Adopted JUN 29 1993

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