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RESOLUTION NUMBER R-_____

ADOPTED ON **JUN 03 1997**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO RATIFYING AND EXTENDING RESOURCE
PROTECTION ORDINANCE 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 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, 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, 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

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 was 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

WHEREAS, circumstances have not changed from the circumstances upon which RPO Permit No. 93-0128 was 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 Council of The City of San Diego, that the determination to grant alternative compliance to preclude conflict with adopted Council policies is supported by the following 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 Agency's preliminary planning for the site included an architectural and economic feasibility analysis conducted by City Design and Keyser Marston Associates (KMA), 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 costs.

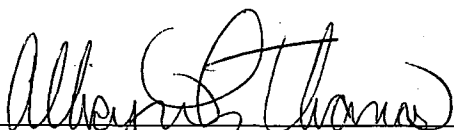
An Update to the KMA analysis, included as Attachment A to the Secondary Study for the proposed First Amended and Restated Disposition and Development Agreement which

includes lots K and L, Block 140, Horton's Addition, also 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 costs.

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

BE IT FURTHER RESOLVED, that based on the findings herein above adopted by the Council, Resource Protection 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. R-282259 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, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

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