

RESOLUTION NUMBER R- 291105

ADOPTED ON DEC 08 1998

WHEREAS, Music Village, LLC, filed an application for a Resource Protection Ordinance [RPO] Permit for modifications to the Jessop Building, a historic building designated as a local landmark by the San Diego Historical Site Board [the Board] on September 23, 1998, on Lot "C" of Block 35, Horton's Addition, located within the Core Sub Area of the Centre City Redevelopment Project; and

WHEREAS, on October 28, 1998, the Board, pursuant to San Diego Municipal Code [SDMC] section 26.0205(C) filed objections to the project with the City Manager, thereby prohibiting the issuance of permits for the project for at least 180 days unless and until the Council of The City of San Diego [the Council] withdraws and cancels the objection; and

WHEREAS, the Council has considered a RPO Permit for the Music Village pursuant to the Resource Protection Ordinance provisions enacted by Ordinance No. O-17867 effective November 23, 1992, found in SDMC section 101.0462; and

WHEREAS, based on the facts contained in the Resource Protection Ordinance Permit application and evidence presented in public hearings, the Council can find alternative compliance if the strict application of the RPO would create conflict with Council policy, the Progress Guide or General Plan, or adopted community plan; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the objections to the project, filed by the Board on October 28, 1998, and confirmed on November 23, 1998, are withdrawn and canceled.

BE IT FURTHER RESOLVED, that determination to grant alternative compliance to the RPO to preclude conflict with adopted Council policies is supported by the following findings:

A. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of the RPO would deprive the property owner of reasonable use of the land.

The special circumstances or conditions applying to this land that are peculiar to such land are as follows:

(1) The project site consists of two interrelated buildings. The Jessop Building occupies a 5,000 square footprint and it is bounded on the north and east by the Woolworth Building which occupies a 15,000 square footprint.

(2) The Woolworth Building is the only "through block" building in this vicinity and, therefore, because of the one way street pattern, this two-building combination presents the only opportunity to create a parking garage without tearing down other historic or potentially historic buildings in the vicinity.

(3) This two-building combination is also unique because the Woolworth Building is the only building structurally capable of supporting both the Jessop Building and the additional floors needed to create the parking garage.

(4) The Jessop Building was constructed between 1898 and 1900 and renovated on at least six occasions while under Jessop ownership. Subsequent renovations, in 1985 and 1993,

replaced all of the original walls and ceiling with a wood frame structure. As the result of all of these renovations, only the upper portion of the facade retains its historic appearance.

(5) In spite of these extensive renovations and improvements, the Jessop Building has been vacant for all but three of the past fourteen years and, as the result of the most recent renovations, it was left with a multi-floor layout with limited headroom and lack of exterior daylight. Significant modifications would be required to conform the building for use in a manner that would meet current standards for commercial space in Centre City.

(6) The Jessop Building, standing alone, is not structurally adequate to support additional floors or development to make it commercially viable even if it were to be further renovated.

(7) It is not possible to create off street parking to serve the Jessop Building without incorporation of the Woolworth Building, it is not possible to create off street parking to serve the Woolworth Building without incorporation of the Jessop Building and it is not possible to create off street parking to serve neighboring historic and older buildings without utilizing the proposed building combination.

(8) The Jessop Building site (5,000 square feet) is zoned for commercial/office uses with a floor area ratio of 10 for a total development potential of 50,000 square feet, approximately 5 times the square footage of the existing structure. The Jessop and Woolworth sites combined have a total development potential of 240,000 square feet when redevelopment incentives are applied. Only the incorporation of the Jessop Building within the Woolworth Building, to create a larger, more commercially viable property, will make retention of the Jessop Building economically feasible. And only the incorporation of the Jessop Building within the Woolworth

Building will facilitate the construction of a public parking garage needed to serve the vicinity as a whole.

(9) If the proposed incorporation is not permitted, the property owners will be deprived of their right to develop this property in accordance with current zoning and adopted redevelopment policies.

(10) The proposed incorporation of the Jessop building has been designed to protect its existing historic fabric, recreate a portion of the storefront as it appeared in the 1940's and distinguish it from the adjacent new development in a manner consistent with the objectives of the Resource Protection Ordinance.

Consequently, the strict application of the provisions of this section, which would not permit the proposed alteration of this structure and its incorporation into the project, would deprive the property owner of reasonable use of his land.

B. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

(1) Implementation of the first optional Mitigation Measure from the MEIR, retention of substantial portions of the historic structure, such as its facade, and incorporation of that facade into the proposed development, can further minimize potential adverse effects on this environmentally sensitive land. This first optional Mitigation Measure will be implemented and the only historic portion of the existing structure will be incorporated into the proposed development to further minimize potential adverse effects.

(2) Implementation of the second optional Mitigation Measure from the MEIR, relocation and preservation of the historic structure at another site in a manner acceptable to the Agency,

can also further minimize potential adverse effects on this environmentally sensitive land. This second optional Mitigation Measure, relocation of the entire structure to another site, is not economically feasible because of the age and condition of its masonry components and its structural dependency on surrounding buildings.

For purposes of application of the Resource Protection Ordinance, “feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factor.” [SDMC section 101.0462.0006.5, emphasis added.]

Consequently, there are no feasible measures that can further minimize the potential adverse effects on this environmentally sensitive land.

C. Alternative compliance will not adversely affect the Progress Guide and General Plan for the City of San Diego.

The 1992 Redevelopment Plan for the Centre City Redevelopment Project Area found that the proposed redevelopment of the expansion area, which included the subject property, was in conformity with the Progress Guide and General Plan for the City of San Diego.

[Redevelopment Plan, Section 100.6.]

Within the expansion area, the objectives of the Redevelopment Plan include elimination of blighting influences caused by obsolete and deficient structures, the elimination of environmental deficiencies including the inadequate utilization of land, and the redevelopment of areas that are stagnant or improperly utilized. [Redevelopment Plan, Section 110.4.]

Alternative compliance as proposed will therefore permit redevelopment of the site in accordance with the Redevelopment Plan and the Progress Guide and General Plan.

A. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies, and ordinances.

(1) Centre City Community Plan:

The Land Use Goal of the Centre City Community Plan, which includes the Core Area, 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.

There are not 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.

(2) Centre City Planned District Ordinance [CCPDO]:

The Music Village project meets the CCPDO for land use, height and floor area ratio.

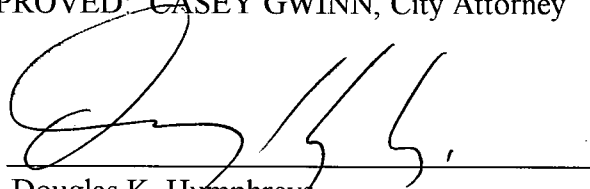
BE IT FURTHER RESOLVED, that the strict application of the RPO would result in unnecessary hardship to the applicant.

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 is hereby granted to Music Village, LLC, a copy of which is on file in the office of the City Clerk as Document No. RR- 291105.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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11/30/98 COR.COPY
Or.Dept:CCDC
Aud.Cert:N/A
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