

RESOLUTION NUMBER R-300825

ADOPTED ON SEPTEMBER 13, 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE HISTORICAL RESOURCES BOARD IN DESIGNATING THE CORONADO BELT LINE.

WHEREAS, on December 19, 2003, the Historical Resources Board [HRB] voted to approve the historical designation for the Coronado Belt Line [CBL] under HRB Criterion A (Cultural Landscape), Criterion B (Historical Persons) and Criterion C (Architecture), as Historical Landmark No. 640 [Site]; and

WHEREAS, San Diego Municipal Code section 123.0203 provides for appeals of an HRB designation of a site, on the basis of factual errors in materials or information presented to the Board, violations of bylaws or hearing procedures by the Board or individual member, or presentation of new information; and

WHEREAS, the Metropolitan Development Transit Board [MTDB] appealed the designation of the Site, arguing that the designation was based upon factual error; and

WHEREAS, on September 7, 2004, the Council of the City of San Diego [Council] held a noticed public hearing to consider the appeal; and

WHEREAS, after an extensive hearing, which including oral testimony as well as written materials submitted by appellant and various interested parties, the Council granted the appeal; and

WHEREAS, the Save Our Heritage Organization [SOHO] filed suit alleging that the Council abused its discretion by granting the appeal, arguing that the administrative record did not support their decision; and

WHEREAS, the Honorable Ronald S. Prager determined that the Council failed to adopt findings sufficient to enable the court to determine the sufficiency of the administrative record, and remanded the case to the Council to make the necessary findings pursuant to San Diego Municipal Code section 123.0203 (b), which provides that the Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written findings in support of its decision; and

WHEREAS, the matter was heard on remand by the Council on September 14, 2005;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the appeal by MTDB of the decision of the HRB in designating the Coronado Belt is hereby denied, and the designation is upheld.

APPROVED: MICHAEL J. AGUIRRE/ City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
11/03/05
Or.Dept:Clerk
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