

(R-2008-876) 335
1/22/08

RESOLUTION NUMBER R-303355

DATE OF FINAL PASSAGE January 22, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING BOTH APPEALS BY SHELDON ZABLOW AND DAVID A. AND SHIRLEY JO DEMER TO UPHOLD THE ACTION OF THE HISTORICAL RESOURCES BOARD.

WHEREAS, on July 16, 2007, the Historical Resources Board [HRB] of the City of San Diego considered designation of the Mission Hills District, comprised of seventy-five total properties, as a historical district, and voted to approve the designation; and

WHEREAS, Sheldon Zablow, David A. Demer, and Shirley Jo Demer, appealed the HRB decision to the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

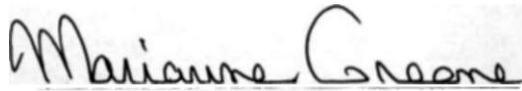
WHEREAS, the matter was set for public hearing on January 22, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of the City of San Diego, that the appeals of Sheldon Zablow, David A. Demer, and Shirley Jo Demar are denied; the decision of the HRB is sustained; and the Mission Hills District is designated a historical district.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Marianne Greene
Deputy City Attorney

MG:ca
04/08/2008
Or.Dept: Clerk
R-2008-876
MMS #6113