

RESOLUTION NUMBER R- 304166

DATE OF FINAL PASSAGE OCT 06 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL AND OVERTURNING THE DECISION OF THE HISTORICAL RESOURCES BOARD IN DESIGNATING THE PROPERTY AT CASA DEL HORIZONTE, LOCATED AT 7417-7427 OLIVETAS AVENUE AS HISTORICAL RESOURCE.

WHEREAS, on March 27, 2008, the Historical Resources Board [HRB] voted to approve the historical designation for the Casa del Horizonte located at 7417-7427 Olivetas Avenue under HRB Criterion A (Cultural Landscape), as a special element of La Jolla's historical, cultural, social, economic, aesthetic and architectural development as the only Contemporary style bungalow court in La Jolla; and under HRB Criterion C (Architecture), as a very good example of a post-WWII (1948), Contemporary style bungalow court with high integrity; 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, on February 28, 2008, and March 27, 2008, the Council of the City of San Diego [Council] held a noticed public hearing to consider the appeal; and

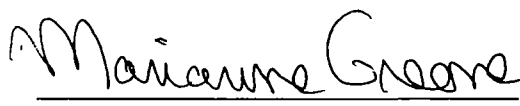
WHEREAS, after an extensive hearing, which including oral testimony as well as written materials submitted by appellant and various interested parties, the Council, based on factual errors in materials or information presented to the Historical Resources Board, granted the appeal; and

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;

WHEREAS, the matter was heard by the Council on October 6, 2008; NOW,  
THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the appeal by Gerald Rudick, Managing Member of Olivetas Associates LLC, is granted, and overturned the decision of the HRB in designating the Casa del Horizonte, located at 7417-7427 Olivetas Avenue.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Marianne Greene  
Deputy City Attorney

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10/17/08  
Or.Dept:DSD  
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