

RESOLUTION NUMBER R-304896

DATE OF FINAL PASSAGE MAY 12, 2009

A RESOLUTION GRANTING THE APPEAL OF MARIE BURKE LIA, AGENT AND ATTORNEY FOR MITCH GERSON, OWNER OF THE 1220 J STREET PROPERTY AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS AN HISTORICAL RESOURCE.

WHEREAS, on June 26, 2008, the San Diego Historical Resources Board designated the Kolbeck Auto Works, located at 1220 J Street, San Diego, California 92101, as an historical resource under Criterion C as an industrial vernacular building; and

WHEREAS, on July 9, 2008, Marie Burke Lia, agent and attorney for Mitch Gerson, owner of the 1220 J Street property, appealed the decision of the Historical Resources Board to the City Council; and

WHEREAS, on appeal the City Council may reject designation 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, this activity is exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines Section 15060(c)(3); and

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

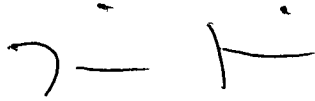
WHEREAS, the matter was set for public hearing on May 12, 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it finds that based on the facts and testimony, there is no warehouse district being contemplated, and therefore the staff recommendation to uphold the appeal is appropriate.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the appeal of Marie Burke Lia, agent and attorney for Mitch Gerson, owner, 1220 J Street LLC, is granted; the decision of the Historical Resources Board is reversed and Kolbeck Auto Works located at 1220 J Street is not designated as an historical resource.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:pev
05/18/09
Or.Dept:Clerks
R-2009-1164
MMS #8824