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RESOLUTION NUMBER R-307427

DATE OF FINAL PASSAGE MAY 8, 2012

A RESOLUTION GRANTING THE APPEAL OF SLA-BRA, LLC, OWNER OF THE ANDERSON FURNITURE BUILDING, LOCATED AT 741 F STREET, SAN DIEGO, CALIFORNIA, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, on January 26, 2012, the San Diego Historical Resources Board (HRB) designated the Anderson Furniture Building, located at 741 F Street, San Diego, California, 92101 (Property), as a historical resource under Criterion C; and

WHEREAS, on February 3, 2012, SLA-BRA, LLC, the owner of the Property, appealed the decision of the HRB to the City Council of the City of San Diego (City Council); and

WHEREAS, on appeal the City Council may by resolution affirm, reverse, or modify the determination of the HRB; and

WHEREAS, on appeal the City Council may reject the HRB's designation of a property as a historical resource 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 the presentation of new information; 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; requires by law that the Council consider evidence at a hearing and make legal findings based on the evidence presented; and because a public hearing is required by law implicating due process rights of individuals affected by the decision; and

WHEREAS, the matter was set for public hearing on May 8, 2012, 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 City Council of the City of San Diego, that the Council finds that there was a violation of HRB hearing procedures when the HRB designated the Property based on an aspect of Criterion C that was not addressed in the final research report for the Property and that the designation criteria were incorrectly applied in the HRB's motion to designate the Property.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the appeal of SLA-BRA, LLC, is granted, the decision of the Historical Resources Board designating the Anderson Furniture Building, located at 741 F Street, as a historical resource is reversed, and that the Anderson Furniture Building, located at 741 F Street, is not designated as a historical resource.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KGB:sc
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Or.Dept:DSD
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