

RESOLUTION NUMBER R-308801

DATE OF FINAL PASSAGE MAR 10 2014

A RESOLUTION GRANTING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE SPRECKELS BROTHERS COMMERCIAL COMPANY WAREHOUSE LOCATED AT 372 FOURTH AVENUE, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, on June 27, 2014, the San Diego Historical Resources Board (HRB) designated the Spreckels Brothers Commercial Company Warehouse, located at 372 Fourth Avenue, La Jolla, California, as a historical resource under Criterion A and Criterion C; and

WHEREAS, on March 10, 2014, William Family Trust/Elizabeth W. Awes Separate Property Trust, the owners of the Spreckels Brothers Commercial Company Warehouse 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 HRB; violations of bylaws or hearing procedures by the HRB or individual member; or 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 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council adopts the following findings with respect to the HRB designation of the Spreckels Brothers Commercial Company Warehouse as a historic resource:

1. There was a violation of bylaws and hearing procedures by HRB when the subject property was designated under HRB Criterion C without documentation or findings supporting significance related to method of construction consistent with the City's Designation Criteria Guidelines. Specifically, there was no documentation which illustrated that the subject building was a rare or important example of this method of construction, as required by the Criteria Guidelines, and the motion and action of the HRB did not provide findings supportive of designation under Criterion C.

2. There was a violation of bylaws and hearing procedures by the HRB when the subject property was designated under HRB Criterion A without documentation or findings supporting significance consistent with the City's Designation Criteria Guidelines. Specifically, while the subject building does reflect warehouse development, there was no information presented which illustrated that the subject building was distinct among others or surpassed the usual in significance, as required by the Criteria Guidelines. As a result, the motion and action of the HRB spoke only generally of the building's use as a warehouse, and did not provide the required findings supportive of designation under Criterion A.


3. There was a factual error in information presented to the HRB regarding how significance is established under HRB Criterion C that was not consistent with the City's Designation Criteria Guidelines, and that error did influence the action of the HRB. Specifically,

the information provided to the HRB during HRB discussion that a property needs to be common when you look at the method of construction aspect of HRB Criterion C was a factual error. Furthermore, based upon the HRB's action to designate the property under HRB Criterion C without documentation or findings illustrating the rarity or importance of the building's method of construction as required by the Criteria Guidelines, the HRB did rely on this error when acting to designate.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the appeal of Spreckels Brothers Commercial Company Warehouse, located at 372 Fourth Avenue, is granted, the decision of the Historical Resources Board is overturned and that the Spreckels Brothers Commercial Company Warehouse, located at 372 Fourth Avenue, is not designated as a historical resource.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
March 13, 2014
Or.Dept: DSD
Doc. No. 745061

Passed by the Council of The City of San Diego on MAR 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 10 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Zumaiga*, Deputy

Office of the City Clerk, San Diego, California
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