

RESOLUTION NUMBER R- 309491

DATE OF FINAL PASSAGE FEB 02 2015

A RESOLUTION GRANTING THE APPEAL OF THE HISTORIC DESIGNATION OF THE ALLIENE AND EDNA TREADWELL HOUSE LOCATED AT 579 SAN ELIJO STREET, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, the appeal was filed by John H. Cahalin and Helen J. Cahalin, owners of the Alliene and Edna Treadwell House, located at 579 San Elijo Street, San Diego, California, designated as Historical Resource No. 1100 by the Historical Resource Board (HRB); and

WHEREAS, the item was brought before the HRB by the owners in conjunction with a preliminary review application to determine whether or not the building was historically significant, consistent with San Diego Municipal Code section 123.0202; and

WHEREAS, as part of that consideration, a Historical Resource Research Report dated March 2013 and an Addendum dated May 2013 were prepared by IS Architecture, which concluded that the building was not eligible for designation under any criteria; and

WHEREAS, staff reviewed the report and referred the property to the HRB for a formal determination, with a recommendation not to designate the property due to a lack of integrity; and

WHEREAS, noticed public hearings were held on April 25, 2013 and May 23, 2013; and

WHEREAS, on May 23, 2013, following Board discussion, the Board moved to designate the building under HRB Criterion C as a good example of the Colonial Revival style with Neoclassical influence and as a good example of an Estate Garden from the 1930s; and

WHEREAS, the decision of the Historical Resources Board may be appealed by an applicant or an interested person within 10 business days of the Board's action to designate; and

WHEREAS, the owner filed an appeal with the City Clerk on June 6, 2013, with additional materials in support of the appeal filed on May 9, 2014; 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, violation of the 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, 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 February 2, 2015, 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 the Council adopts the following findings with respect to the HRB designation of the Alliene and Edna Treadwell House as a historical resource:

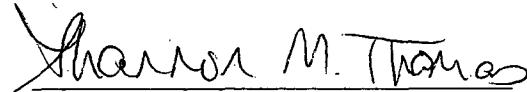
1. Violation of Hearing Procedures –there was a violation of hearing procedures when the property was designated as an Estate Garden without any information or analysis in the

Historical Report regarding Estate Gardens, and when the Board failed to return the Historical Report to staff for additional research and analysis regarding the Estate Garden. Further, there was a violation of hearing procedures when the Board failed to identify the character defining features of the Estate Garden which the property possessed and failed to provide findings stating how the building was a good example of either a Colonial Revival style building with Neoclassical influences or an Estate Garden.

2. New Information - the recent discovery of an additional nine replacement windows, which speaks to the integrity of the historic resource, constitutes new information. In addition, this new information may have influenced the decision of the Board to designate, if it were known at the time of its decision.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the appeal of John H. Cahalin and Helen J. Cahalin is granted, the decision of the Historical Resources Board designating the Alliene and Edna Treadwell House as a historical resource is reversed, and that the Alliene and Edna Treadwell House is not designated as a historical resource.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
2/4/2015
Or.Dept:Planning
Doc. No.: 949698

Passed by the Council of The City of San Diego on FEB 02 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 02 2015

(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 , Deputy

Office of the City Clerk, San Diego, California

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