

RESOLUTION NUMBER R- **311802**

DATE OF FINAL PASSAGE **JUN 12 2018**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORIC DESIGNATION OF THE FRAZEE-KURTS PAINT AND WALLPAPER BUILDING, 1045 TENTH AVENUE, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, an appeal was filed by Robert C. Wright, representative for the owners of the Frazee-Kurts Paint and Wallpaper Building, located at 1045 Tenth Avenue, San Diego, California (Property), of the decision by the Historical Resource Board (HRB) to designate the Property as Historical Resource No. 656; and

WHEREAS, on March 25, 2004, following a noticed public hearing and discussion, the HRB designated the Property under HRB Criterion C as a good example of Spanish Eclectic commercial architecture; and

WHEREAS, the decision of the HRB may be appealed by an applicant or interested person within ten (10) business days of the HRB's action to designate; and

WHEREAS, the owner filed an appeal with the City Clerk on March 30, 2004; 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, the matter was set for public hearing on June 12, 2018, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego 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 City 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 Property as a historical resource:

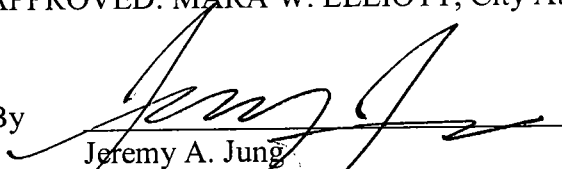
1. Violation of HRB bylaws or hearing procedures: HRB policy defines architectural sites as being limited to important examples of a specific period, trend or style of architecture but HRB did not find the Property to be an important example of Spanish Eclectic in conformance with their guidelines, which constitutes failure by HRB to follow its policies and guidelines.
2. Factual error: the October 2003 State of California Department of Parks and Recreation Forms A and B that were presented to HRB stated there were no alterations to the Property when there were in fact 18 different alterations.

BE IT FURTHER RESOLVED, that based on the foregoing findings, which are more fully set forth in the appellant's materials submitted in support of his appeal, which is by this reference incorporated herein and made a part hereof, the appeal of the historic designation is

granted, and the decision of the HRB designating the Frazee-Kurts Paint and Wallpaper Building as a historical resource is reversed.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:nja
06/14/18
Or. Dept: DSD
Doc. No.: 1772965

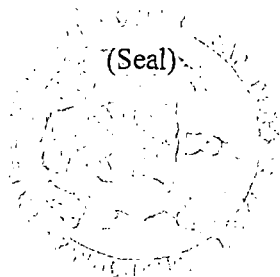
Passed by the Council of The City of San Diego on JUN 12 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 12 2018.

(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.

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California
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