

RESOLUTION NUMBER R- 312249

DATE OF FINAL PASSAGE MAR 11 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE EDGAR AND CARRIE COLEMAN RESIDENCE AT 7510-7516 ½ DRAPER AVENUE, AND OVERTURNING THE DECISION TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, on September 20, 2016, the San Diego Historical Resources Board (HRB) designated the Edgar and Carrie Coleman Residence located at 7510-7516½ Draper Avenue (Property), as a historical resource; and

WHEREAS, on September 27, 2016, the property owner, Steve Ross, filed an appeal of the historic designation of the Property; and

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

WHEREAS, 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 an individual member, or the presentation of new information; 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,

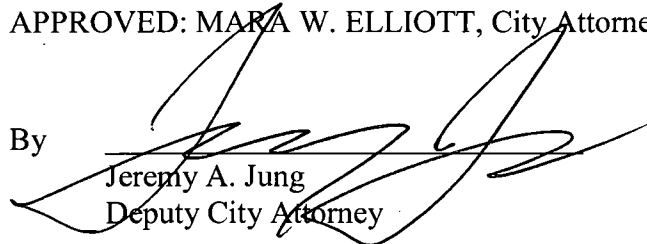
BE IT RESOLVED, by the City Council of the City of San Diego as follows:

1. That it finds factual errors in materials or information presented to the HRB and that new information has been presented, as set forth in the letter by Scott Moomjian, attorney for Steve Ross, dated September 7, 2018, and his oral presentation at the hearing on March 11, 2019, where he detailed nine factual errors and presented new information in the form of a report by Brian F. Smith & Associates, Inc.

2. That the appeal of the designation of the Property as a historical resource is granted and that the designation of the Property as an historical resource is hereby overturned.

APPROVED: MARA W. ELLIOTT, City Attorney

By

A handwritten signature in black ink, appearing to read "Jeremy A. Jung", is written over a horizontal line. The signature is stylized and cursive.

Jeremy A. Jung
Deputy City Attorney

JAJ:als
03/12/2019
Or.Dept:DSD
Doc. No.: 1954005

Passed by the Council of The City of San Diego on MAR 11 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 2019.

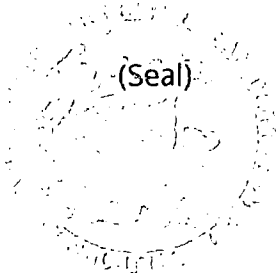
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 Irwin, Deputy



Office of the City Clerk, San Diego, California

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