

RESOLUTION NUMBER R- 312262
DATE OF FINAL PASSAGE MAR 18 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL OF THE HISTORIC
DESIGNATION OF THE CARNEGIE APARTMENTS AT 950
NINTH AVENUE AND UPHOLDING THE DECISION TO
DESIGNATE THE PROPERTY AS AN HISTORIC RESOURCE.

WHEREAS, on April 22, 2004, the San Diego Historical Resources Board (HRB)
designated the Carnegie Apartments at 950 Ninth Avenue (Property), as an historic resource; and

WHEREAS, Carnegie Equity, LP filed an appeal of the historic designation on May 5,
2004; and

WHEREAS, the subsequent and current owner, Community at Carnegie, LLC, wishes to
withdraw and no longer proceed with the appeal, but the hearing is nevertheless required to be
held because the San Diego Municipal Code does not have a provision expressly mooting a
hearing in cases where an appeal is withdrawn; and

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

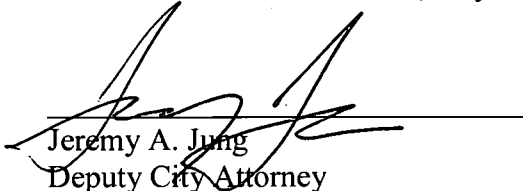
WHEREAS, the City Council may reject the HRB's designation of a property as a
historic resource on the basis of factual errors in materials or information presented to the HRB,
violations of bylaws or hearing procedures by the HRB or an individual member, or the
presentation of new information; and

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, that the appeal is denied, and designation of the Property as an historic resource is upheld.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:als
03/20/2019
Or.Dept:DSD
Doc. No.: 1961640

Passed by the Council of The City of San Diego on MAR 18 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 18 2019.

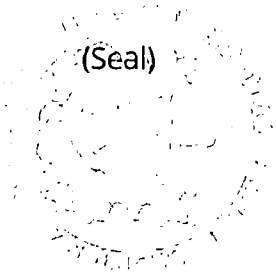
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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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