

#333
4/23

RESOLUTION NUMBER R- 312439

DATE OF FINAL PASSAGE APR 23 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL OF THE HISTORIC
DESIGNATION OF THE HENRY B. JONES HOUSE AT 4114
IBIS STREET AND UPHOLDING THE DECISION TO
DESIGNATE THE PROPERTY AS AN HISTORIC RESOURCE.

WHEREAS, on November 20, 2009, the San Diego Historical Resources Board (HRB) designated the Henry B. Jones house at 4040 Fifth Avenue (Property) as an historic resource; and

WHEREAS, Scripps Health filed an appeal of the historic designation on December 4, 2009; and

WHEREAS, in July 2018, Scripps Health relocated the Property to 4114 Ibis Street pursuant to Site Development Permit No. 1906434; and

WHEREAS, Scripps Health wishes to withdraw and no longer proceed with its appeal, but the hearing is 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because the San Diego Municipal Code does not have a provision expressly mooting a hearing in cases where an appeal is withdrawn; and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WHEREAS, no evidence has been cited to support any of the grounds for the withdrawn appeal, whether factual error, procedural violations, or new information, and City staff accordingly recommends denial of the appeal; and

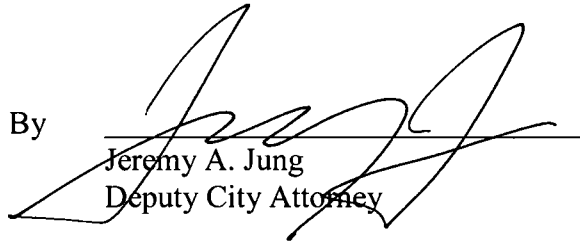
WHEREAS, the City Council finds that there is no basis to reject the HRB's designation of the property as an historic resource; and

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 the 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
04/24/2019
Or.Dept:DSD
Doc. No.: 1991986

Passed by the Council of The City of San Diego on APR 23 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 APR 23 2019.

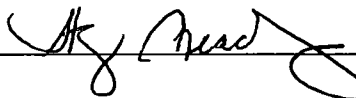
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

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

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

By , Deputy

Office of the City Clerk, San Diego, California

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