

RESOLUTION NUMBER R- 313359DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE GASLAMP QUARTER HISTORIC DISTRICT CONTRIBUTOR LOCATED AT 340 5<sup>TH</sup> AVENUE, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO RECLASSIFY THE PROPERTY FROM NON-CONTRIBUTING TO A CONTRIBUTING RESOURCE AND DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, on February 27, 2020, the San Diego Historical Resources Board (HRB) designated the Gaslamp Quarter Historic District Contributor, located at 340 5th Avenue (Property), San Diego, California, as a historical resource under Criterion F because the resource, as restored, conveyed the significance of the designated Gaslamp Quarter Historic District and was constructed within the district's 1880-1910 period of significance and reclassified the Property from a non-contributing to a contributing resource to the district; and

WHEREAS, on March 9, 2020, the applicant for the subject Property, Robert S. Green, Jr., on behalf of RGC 4J, LLC, filed an appeal with the City Clerk, with additional materials in support of the appeal filed by Scott Moomjian, the applicant's attorney, on July 7, 2020; 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, violations of 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 November 17, 2020, 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 San Diego, that the City Council adopts the following findings with respect to the HRB reclassification of the Gaslamp Quarter District Contributor, located at 340 5<sup>th</sup> Avenue, as a contributing resource to the district and designation of the Property as a historical resource:

1. Factual Errors – The HRB erred in reclassifying the Gaslamp Quarter Historic District Contributor, located at 340 5<sup>th</sup> Avenue, as a contributing resource to the district and designating the Property as a historical resource due to factual errors in the materials and information presented to the HRB as set forth in the additional materials filed in support of the appeal by Scott Moomjian, dated July 7, 2020, and his oral presentation at the hearing on November 17, 2020. Specifically, the HRB relied upon the following factual errors in materials and information, either in whole, or in part, in making its determination: the 1991 date of restoration of the Property related only to interior/tenant improvements and did not restore the exterior of the Property to its original condition; the inaccurate date of construction; the inaccurate architectural classification as one-part commercial type of architecture with influences of Romanesque Revival; and the inaccurate association of the Property with Colonel Ed Fletcher.

2. New Information – New information concerning the Gaslamp Quarter Historic District Contributor, located at 340 5<sup>th</sup> Avenue, and its reclassification and designation has been presented as set forth in the additional materials filed in support of the appeal by Scott Moomjian, dated July 7, 2020, and his oral presentation at the hearing on November 17, 2020 to reverse the HRB determination. Specifically, new information was presented to dispute that the Property’s exterior was restored to its original condition in 1991, the date of construction, the architectural classification as one-part commercial type of architecture with influences of Romanesque Revival, and the association of the Property with Colonel Ed Fletcher.

BE IT FURTHER RESOLVED, by the City Council of San Diego, that the appeal of the Gaslamp Quarter Historic District Contributor, located at 340 5th Avenue, is granted, the determination of the Historical Resources Board is reversed and that the Gaslamp Quarter District Contributor, located at 340 5th Avenue, is not reclassified as a contributing resource to the district and not designated a historical resource.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian  
Lindsey H. Sebastian  
Deputy City Attorney

LHS:als  
11/18/2020  
Or.Dept:DSD  
Doc. No.: 2527704

Passed by the Council of The City of San Diego on 11/17/2020, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 17 2020

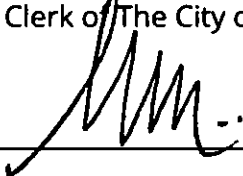
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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  
Resolution Number R- 313359