

#331  
4/20/21

RESOLUTION NUMBER R- 313497

DATE OF FINAL PASSAGE APR 20 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE FREDERICK THOMAS HOUSE LOCATED AT 540 THORN STREET AND UPHOLDING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE.

WHEREAS, on September 24, 2020, the San Diego Historical Resources Board (HRB) designated the Frederick Thomas House, located at 540 Thorn Street, as a historical resource; and

WHEREAS, on October 5, 2020, the property owner, 6<sup>th</sup> and Thorn LLC, filed an appeal of the designation, with additional materials in support of the appeal filed by the Atlantis Group, the applicant's representative, on January 22, 2021; 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, no evidence has been cited to support any of the grounds for the 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 a 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 of the Frederick Thomas House, located at 540 Thorn Street, as a designated historical resource is denied, the decision of the Historical Resources Board is upheld and that the Frederick Thomas House, located at 540 Thorn Street, is designated a historical resource.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer  
Shannon C. Eckmeyer  
Deputy City Attorney

SCE:sc  
04/26/2021  
Orig.Dept: DSD  
Doc.No.:2645042

Passed by the Council of The City of San Diego on APR 20 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 20 2021.

**(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:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By *Stacy Ruedy*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 313497