

RESOLUTION NUMBER R- 313546

DATE OF FINAL PASSAGE MAY 18 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE FLORENCE HOTEL CARRIAGE HOUSE LOCATED AT 2004 4<sup>TH</sup> AVENUE, AND REVERSING 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 Florence Hotel Carriage House, located at 2004 4th Avenue (Property), as a historical resource under HRB Criterion A as a special element of Bankers Hill's historical and architectural development with a period of significance beginning in 1889 with its early adaptive reuse as a carriage house and ending in 1821 as an apartment building; and

WHEREAS, on October 1, 2020, Nexus Planning & Research, on behalf of Fenton Bankers Hill LLC, the owner of the subject Property, filed an appeal with the City Clerk, with additional materials in support of the appeal filed by Andrea Contreras Rosati, the owner's attorney, on December 3, 2020 and May 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 May 18, 2021, 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 the City of San Diego, that the City Council adopts the following findings with respect to the HRB designation of the Florence Hotel Carriage House, located at 2004 4th Avenue, as a historical resource:

1. Factual Errors – The HRB erred in designating the Property as a historical resource due to factual errors in the materials and information presented to the HRB as set forth in City staff's Staff Report to the City Council dated April 30, 2021 and City staff's recommendation on the appeal. Specifically, the HRB relied upon the following factual errors in materials and information, either in whole or in part, in making its determination: The 1888 Sanborn Fire Insurance Map footprint of a stable and the 1906 Sanborn Fire Insurance Map footprint of a similarly sized residential unit in a different location on the parcel presented to the HRB during public testimony does not show that the Property is the same structure as the 1888 stable. Additionally, the statements regarding buildings the same size as the Property not likely being built in 1889 presented to the HRB during public testimony were incorrect. These factual errors in the materials and information presented to the HRB are further confirmed by the new information provided by the appellant.

2. New Information – New information concerning the Property has been presented as set forth in City staff's Staff Report to the City Council dated April 30, 2021 and City staff's recommendation on the appeal. Specifically, the Nexus Planning and Research Letter, New Evidence of Footprint Size and the Nexus Planning and Research Letter, New Evidence of Permitting submitted by the appellant provides significant new information that was not previously considered by the HRB when the Property was evaluated for designation. The Nexus Planning and Research Letter, New Evidence of Footprint Size confirms that the Property is not the same structure as the 1888 stable as there is a 151 square foot difference in size between the 1888 and 1906 Sanborn Fire Insurance Map footprints. Additionally, the Nexus Planning and Research Letter, New Evidence of Permitting confirms that buildings the same size as the Property or larger were constructed in 1889. Specifically, the new information includes permits posted in the Union Tribune for the construction of personal residences throughout downtown San Diego in 1889 that were the same size or larger than the Property. The new information also shows buildings that are currently historically designated on the City's HRB register, which were constructed in 1889 that are the same size or larger than the Property. The new information shows that the Property was not originally a stable that was remodeled and relocated to its current site, and the designation of the Property under Criterion A is not supported.

BE IT FURTHER RESOLVED, by the City Council of San Diego, that the appeal of the Florence Hotel Carriage House, located at 2004 4th Avenue, is granted, the decision of the Historical Resources Board designating the Florence Hotel Carriage House as a historical

resource is reversed, and that the Florence Hotel Carriage House is not designated as a historical resource.

APPROVED: MARA W. ELLIOTT, City Attorney

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

LJS:als:nja  
05/19/21  
Or. Dept: DSD  
Doc. No.: 2666181

Passed by the Council of The City of San Diego on MAY 18 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 type="checkbox"/>	<input checked="" 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 MAY 18 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 , Deputy

Office of the City Clerk, San Diego, California

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