

# 201  
03/06/2023

(R-2023-467)

RESOLUTION NUMBER R- **314631**

DATE OF FINAL PASSAGE **MAR 06 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE HISTORICAL DESIGNATION OF THE CHARLES AND MARY SCHAEFFER RESIDENCE LOCATED AT 820 WEST UNIVERSITY AVENUE AND THE FRED BUSHMAN BUILDING LOCATED AT 3951-3957 GOLDFINCH STREET, AND REVERSING THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE PROPERTY AS A HISTORICAL RESOURCE UNDER CRITERION A.

WHEREAS, on March 25, 2021, the San Diego Historical Resources Board (HRB) designated the Charles and Mary Schaeffer Residence located at 820 West University Avenue and the Fred Bushman Building located at 3951-3957 Goldfinch Street, as a historical resource under HRB Criterion A as a special element of San Diego's historic, economic, and architectural development; and

WHEREAS, the HRB also designated the Fred Bushman Building located at 3951-3957 Goldfinch Street, as a historical resource under HRB Criterion C as a good example of the two-part commercial block building type with Spanish Eclectic influences with a 1927 period of significance; and

WHEREAS, on March 29, 2021, Barzin Tom Massarat, Trustee of the Massarat Family Trust, owner of the property, filed an appeal with the City Clerk, with additional materials in support of the appeal of the Criterion A designation filed by Scott A. Moomjian, representing the property owner, on August 30, 2022; 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 an individual member, or presentation of new information; and

WHEREAS, the matter was set for public hearing on March 6, 2023, 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, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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,

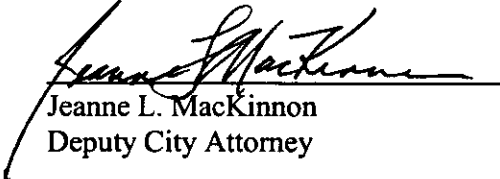
BE IT RESOLVED, by the City Council of the City of San Diego, that the City Council adopts the following findings with respect to the HRB designation of the Charles and Mary Schaeffer Residence located at 820 West University Avenue and the Fred Bushman Building located at 3951-3957 Goldfinch Street, as a historical resource under Criterion A:

1. Violation of Hearing Procedures and Bylaws – there was a violation of hearing procedures and bylaws when the subject property was designated without sufficient documentation or findings supporting that the property was a “special element of development”

under Criterion A as required by the Historical Resources Board Guidelines for the Application of Historical Resources Board Designation Criteria.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the appeal of Barzin Tom Massarat is granted, the decision of the Historical Resources Board designating the Charles and Mary Schaeffer Residence located at 820 West University Avenue and the Fred Bushman Building located at 3951-3957 Goldfinch Street as a historical resource under HRB Criterion A as a special element of San Diego's historic, economic, and architectural development is reversed, and that the Charles and Mary Schaeffer Residence is not designated as a historical resource, and the Fred Bushman Building is not designated as a historical resource under Criterion A.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jeanne L. MacKinnon  
Deputy City Attorney

JLM:hm  
March 6, 2023  
Or.Dept: DSD  
Doc. No. 3241520

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 06 2023.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Passed by the Council of The City of San Diego on MAR 06 2023, 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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input 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 MAR 06 2023.

**(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)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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