

December 12, 1986

REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
APPEAL OF RONALD AVERY REGARDING REVOCATION OF PAWNSHOP LICENSE

Mr. Ronald Avery obtained a license to operate a pawnshop at 1038 25th Street in August 1985. Whereafter, it was learned that pawnshops are not a permitted use in the Golden Hill Planned District (GHPD). The Police Department sent Mr. Avery notice to revoke this license in December 1985. The City and Mr. Avery agreed to postpone administrative review pending the outcome of litigation in Superior Court.

Meanwhile, Mr. Avery filed for a second license to sell firearms. This application was denied and a Manager's hearing was scheduled on May 16, 1986. The Hearing Officer reversed the denial. The City appealed this decision to the Public Services and Safety Committee. On July 16, 1986, the Committee decided to hear the merits of the City's appeal with respect to the firearms license.

On July 22, 1986, the Manager's Office conducted an administrative hearing on the underlying pawnshop license. The hearing officer decided in favor of the City upholding the revocation of the pawnshop license on September 26, 1986. Mr. Avery's attorney filed a timely notice of appeal on October 26, 1986, requesting this Committee to review the hearing officer's decision with respect to the pawnshop license. This is the request which is now before the Committee.

RECOMMENDATION

A hearing on the merits is necessary to resolve an issue of citywide significance regarding the permissible location of pawnshops and interpretations of our zoning ordinances. See, SDMC Sec. 33.0502(4). Since the firearms and pawnshop licenses involve the same issues, the City Attorney would recommend that

the Committee grant Mr. Avery's request to review the decision of the hearing officer regarding the pawnshop license and consolidate its review of both licenses at a Committee meeting in early 1987.

Respectfully submitted,
JOHN W. WITT
City Attorney

JMS:lbc:639(x043.1)

Attachment

cc Ted Bromfield, Chief Deputy City Attorney

Ernie Anderson, Committee Consultant
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