

RESOLUTION NO.

204771

FEB 1 1972

WHEREAS, GAYLON DUKE, purchaser, and VIRGINIA PERRY, owner, "Applicants," filed an application for a conditional use permit under Zoning Administrator Case No. 10845 to develop property for use as a private elementary school where residential use only is permitted at 3162 Second Avenue, between Spruce and Redwood Streets, more particularly described as Lots A, B, K and L, Block 360, Horton's Addition, in the R-4 (Lots A and B) and R-1-5 (Lots K and L) Zones; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10845 pursuant to Section 101.0503 of the Municipal Code of The City of San Diego on October 18, 1971, and denied the request for said conditional use permit, which decision was filed in the office of the City Clerk on November 10, 1971; and

WHEREAS, Applicants appealed the decision of the Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0504 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on December 22, 1971 overruled the decision of the Zoning Administrator under Case No. 10845, and granted the conditional use permit and filed the same in the office of the City Clerk on December 27, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, BEAULAH K. GIOVANAZZI, by Joseph Giovanazzi, attorney, filed an appeal from the decision of the Board of Zoning Appeals to the City Council on January 4, 1971; and

WHEREAS, said appeal was set for public hearing on January 25, 1972 and continued to February 1, 1972 at the request of Applicants and appellant, testimony having been heard and evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That all of the following facts exist with respect to the denial of the conditional use permit to GAYLON DUKE and VIRGINIA PERRY:

1. The proposed use at the particular location will not provide a service or facility which will contribute to the general well-being of the neighborhood or community.

2. The proposed use would, particularly because of conditions imposed, be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

3. The proposed use will not comply with the regulations specified in the Code for such use; and

4. The granting of the conditional use permit would adversely affect the Progress Guide and General Plan of the City of San Diego or the adopted plan of any governmental agency.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 7 to 0 the appeal of BEAULAH K. GIOVANAZZI, by Joseph Giovanazzi, attorney, is granted, and the application of GAYLON DUKE, purchaser, and VIRGINIA PERRY, owner, for a conditional use permit under Zoning Administrator Case No. 10845 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By


C. Alan Sumption, Deputy

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2/9/72

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SAN DIEGO, CALIF. #2

Passed and adopted by the Council of The City of San Diego on FEB 1 1972 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Judith A. Dillon*, Deputy.

Office of the City Clerk, San Diego, California

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