

RESOLUTION NO. 205232  
Conditional Use Permit No. 331-PC

MAR 30 1972

WHEREAS, PERRY D. EDSON, HENRY L. and SYLVIA WILSON, and AGNES SYNEK, individuals, Owner, and SHELL OIL COMPANY, a Delaware corporation, Permittee, filed an application for a conditional use permit to construct and operate a service station with accessory sales, located on the west side of Euclid Avenue, between State Highway 94 and Hilltop Drive, being a portion of Lot 29, Horton's Purchase of Ex-Mission Lands, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-5 Zone; and

WHEREAS, on February 2, 1972, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 331-PC, and denied Conditional Use Permit No. 331-PC, to Permittee for the construction and operation of said service station, and filed said decision in the office of the City Clerk on February 18, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, PERRY D. EDSON, INC., by Paul A. Peterson, attorney, under date of February 15, 1972, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 30, 1972, testimony having been heard, 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:

All of the following facts exist with respect to the denial of said Conditional Use Permit No. 331-PC on the property described in the preamble of this resolution.

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

2. Such use will, under the circumstances of the particular case, be detrimental to the 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 and conditions specified in the Code for such use.

4. The granting of this conditional use will adversely affect the Southeast San Diego Community Plan, the General Plan of the City and 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 2, the appeal of PERRY D. EDSON, INC., by Paul A. Peterson, attorney, is hereby denied; and the decision of the Planning Commission denying Conditional Use Permit No. 331-PC be, and it is hereby upheld.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad, Deputy

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APPENDIX "A"

LEGAL DESCRIPTION OF PROPERTIES TO BE EXCHANGED

PARCEL "A" (To be acquired by San Diego Unified School District)

The Westerly 410 feet of the North Half of the North Half of the Southeast Quarter of Lot 29, Horton's Purchase, in the Ex-Mission Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 203, filed in the Office of the Recorder of San Diego County, March 9, 1876.

PARCEL "B" (To be acquired by Perry D. Edson)

That portion of the Northeast Quarter of Lot 29 in that portion of Rancho Ex-Mission of San Diego, commonly known as Horton's Purchase, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 203, filed in the Office of the County Recorder of said San Diego County March 9, 1876, described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Lot 29; thence along the Westerly line of said Northeast Quarter, North  $00^{\circ} 24' 52''$  East, 223.66 feet; thence South  $85^{\circ} 32' 07''$  East, 61.86 feet; thence South  $69^{\circ} 46' 55''$  East, 151.74 feet; thence North  $81^{\circ} 14' 04''$  East, 199.48 feet to a point herein designated as Point "A"; thence South  $77^{\circ} 35' 29''$  East, 99.22 feet to the beginning of a tangent 150.00 foot radius curve, concave Southwesterly and being the TRUE POINT OF BEGINNING; thence Southeasterly and Southerly along the arc of said curve through a central angle of  $77^{\circ} 59' 04''$  a distance of 204.16 feet; thence tangent to said curve South  $00^{\circ} 23' 35''$  West, 32.37 feet to the Southerly line of the Northeast Quarter of said Lot 29; thence Westerly along said Southerly line a distance of 200.00 feet; thence Northerly at right angles to said Southerly line to a line which bears South  $77^{\circ} 35' 29''$  East from said Point "A"; thence South  $77^{\circ} 35' 29''$  East to the TRUE POINT OF BEGINNING.

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on MAR 30 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
Mayor of The City of San Diego, California.

EDWARD NIELSEN  
City Clerk of The City of San Diego, California.

By *Richard M. Noel*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 205232 Adopted MAR 30 1972

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