

RESOLUTION NO. 205846

JUN 20 1972

WHEREAS, WESTMINSTER PRESBYTERIAN CHURCH, owner, and PALO ALTO EDUCATIONAL SYSTEMS, lessee, "Applicants," filed an application for a conditional use permit under Zoning Administrator Case No. 11130 to use a portion of existing church building for preschool, Monday thru Friday, between the hours of 7:00 A.M. and 6:00 P.M., where single family residential use only is permitted at 3598 Talbot Street between Canon and Albion Streets, more particularly described as a portion of PUEBLO LOT 190, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11130 pursuant to Section 101.0503 of the Municipal Code of The City of San Diego on March 31, 1972, and denied the request for said conditional use permit, which decision was filed in the office of the City Clerk on April 7, 1972; 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 May 8, 1972, overruled the decision of the Zoning Administrator under Case No. 11130, and granted the conditional use permit and filed the same in the office of the City Clerk on May 23, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, DAVID W. SINCLAIR filed an appeal from the decision of the Board of Zoning Appeals to the City Council on May 26, 1972; and

WHEREAS, said appeal was set for public hearing on June 20, 1972, 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 WESTMINSTER PRESBYTERIAN CHURCH, and PALO ALTO EDUCATIONAL SYSTEMS:

1. The proposed use at the particular location is not necessary nor desirable to provide a service or facility which will contribute to the general well-being of the neighborhood.

2. Such use under the circumstances of the particular case would be detrimental to the health, safety or general welfare of persons residing in the vicinity and would be injurious to property or improvements in the vicinity.

3. The proposed use would not comply with the regulations and conditions specified in the Municipal Code for such use.

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4. The granting of this 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 5 to 4 the appeal of DAVID W. SINCLAIR is granted, and the application of WESTMINSTER PRESBYTERIAN CHURCH, owner, and PALO ALTO EDUCATIONAL SYSTEMS, lessee, for a conditional use permit under Zoning Administrator Case No. 11130 be and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By Peter D. Bulens
Peter D. Bulens, Deputy

PDB:lc
6/28/72

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Passed and adopted by the Council of The City of San Diego on JUN 20 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *Hartrip M. Noel*, Deputy.

Office of the City Clerk, San Diego, California

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eh