

RESOLUTION NO. 209335 NOV 27 1973
Conditional Use Permit No. 393-PC

WHEREAS, PHILLIP J. WEBER, Owner, and FAIRMONT FOODS COMPANY, a Delaware corporation, Permittee, filed an application for a conditional use permit to construct and operate a gasoline service island located at the northeast corner of Morena Boulevard and Frankfort Street, more particularly described as Lots 17, 18 and 19, Block 3, Corella Tract, Map No. 1571, on file in the office of the County Recorder, in the CS Zone; and

WHEREAS, on October 10, 1973, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 393-PC, and denied Conditional Use Permit No. 393-PC and filed said decision in the office of the City Clerk on October 25, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, FAIRMONT FOODS COMPANY, by Lawrence Wasserman, attorney, under date of October 25, 1973, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 27, 1973, and 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 City Council, in considering the appeal, is empowered by the provisions of Municipal Code Section 101.0506, paragraph E.4., to affirm, reverse, or modify in whole or in part

any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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

The following facts exist with respect to Conditional Use Permit No. 393-PC.

1. The proposed use at the particular location is not necessary or desirable to provide a service 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 Clairemont Mesa 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 6 to 0, the appeal of FAIRMONT FOODS COMPANY, by Lawrence Wasserman, attorney, is

denied; and the decision of the Planning Commission denying Conditional Use Permit No. 393-PC to construct and operate said gasoline service island be, and it is hereby upheld.

APPROVED: JOHN W. WITT, City Attorney

By Frederick Conrad
Frederick C. Conrad, Chief Deputy

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Passed and adopted by the Council of The City of San Diego on NOV 27 1973,
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Yelanda Leonor*, Deputy.

Office of the City Clerk, San Diego, California

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