

RESOLUTION NO. 211797  
Conditional Use Permit No. 401-PC      OCT 17 1974

WHEREAS, LA JOLLA VILLAGE, a partnership, Owner, and SEVERIN CONSTRUCTION COMPANY, a California corporation, both hereafter referred to as "Permittee," filed an application for a conditional use permit to construct and operate a private tennis club, located on the east side of Gilman Drive, between Via Alicante and the I-5 and Gilman Drive Interchange, more particularly described as Lot 2, La Jolla Village Apartments Unit 2, Map No. 7174, on file in the office of the County Recorder, in the R-1-5 Zone; and

WHEREAS, on July 31, 1974, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 401-PC, and denied Conditional Use Permit No. 401-PC and filed said decision in the office of the City Clerk on August 12, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, LA JOLLA VILLAGE and WALTER LAPINSKI, by John D. Butler, attorney, under date of August 12, 1974, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for hearing on October 17, 1974, 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 said 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:

That the following facts exist with respect to Conditional Use Permit No. 401-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 University 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 7-1, the appeal of LA JOLLA VILLAGE and WALTER LAPINSKI, by John D. Butler, attorney, is denied and the decision of the Planning Commission denying Conditional Use Permit No. 401-PC to construct and operate said private tennis club be, and it is hereby upheld.

APPROVED: JOHN W. WITT, City Attorney

By *Frederick C. Conrad*  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:mmb  
10-31-74

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211797

Passed and adopted by the Council of The City of San Diego on OCT 17 1974,  
 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"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input 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 LaVerne E. Miller, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California	
Resolution Number <b>211797</b>	Adopted <b>OCT 17 1974</b>
	<i>R. J.</i>