

(R-85-1185)

RESOLUTION NUMBER R- 262218

ADOPTED ON DEC 16 1984

WHEREAS, H & H PROPERTIES, a California corporation, hereafter referred to as "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 84-0487, to use an existing motel facility located at 719 Ash Street, described as Lots 1-3, portion of Lot 10, all of Lots 11 and 12, Block 12, Bay View Homestead, Map No. 1050, in the CBD Zone, to house undocumented aliens awaiting processing by the Immigration and Naturalization Service; and

WHEREAS, on November 8, 1984, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 84-0487 and filed said decision in the office of the City Clerk; and

WHEREAS, on November 19, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, H & H PROPERTIES and D. J. FINDLEY, INC., by Richard R. Waite, attorney, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 18, 1984, 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 Conditional Use Permit No. 84-0487:

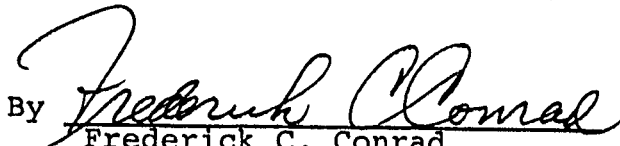
1. The proposed use will adversely affect the neighborhood, the General Plan and Community Plan and will be detrimental to the health, safety and general welfare of persons residing or working in the area. The proposed use of the building as a detention center is not compatible with existing surrounding development which includes a number of longer established residential units and an increasing number of residential units being built in the area.

2. The proposed use would not comply with the relevant regulations of the San Diego Municipal Code. Section 101.0506 of the Municipal Code of San Diego, paragraphs A.3. and A.5. grant the Planning Commission authority to approve buildings, structures and uses operated by a public utility or body having the power of eminent domain and large concentrations of persons. The proposed development does not comply with building code requirements and therefore, the finding cannot be made to approve this facility as presented.

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

BE IT FURTHER RESOLVED, that this Council does hereby deny the appeal of H & H PROPERTIES and D. J. FINDLEY, INC., by Richard R. Waite, attorney, sustains the decision of the Planning Commission and denies to Owner/Permittee Conditional Use Permit No. 84-0487.

APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:632  
12/27/84  
Or.Dept:Clerk  
CUP-84-0487  
R-85-1185  
Form=r.none

Passed and adopted by the Council of The City of San Diego on DEC 13 1984,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

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