

RESOLUTION NUMBER R- 264617

ADOPTED ON DEC 3 1985

WHEREAS, ARTHUR HERZMAN, an individual, "Owner," and E. WILLIAM KINTZELE, an individual, "Permittee," filed an application for permission under Planned Residential Development Permit No. 83-0867 to construct 106 multi-family, attached units with off-street parking, recreation building, pool and incidental accessory uses; and

WHEREAS, on August 8, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Planned Residential Development Permit No. 83-0867 and filed said decision in the office of the City Clerk; and

WHEREAS, on August 15, 1985, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, BURTON JAY, M.D., JUDITH M. HOPPS, HERBERT D. SOLOMON, NUNNELLY SIMS, et al., appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on October 1, 1985, and continued to December 3, 1985, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

WHEREAS, the City Council in considering said appeals is empowered by the provisions of Municipal Code, Section 101.0900 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:

All of the following facts exist with respect to Planned Residential Development Permit No. 83-0867:

1. The proposed use will not fulfill an individual and/or community need and will adversely affect the General Plan and the community plan.

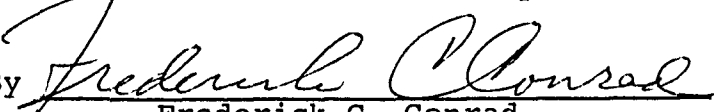
2. The proposed use, because of conditions that would have been applied to it, will be detrimental to the health, safety and general welfare of persons residing or working in the area and will adversely affect other property in the vicinity.

3. The proposed use will not comply with the relevant regulations in the San Diego Municipal Code.

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 hereby grants the appeals of BURTON JAY, M.D., JUDITH M. HOPPS, HERBERT D. SOLOMON, NUNNELLY SIMS, et al., overrules the decision of the Planning Commission, and does hereby deny Planned Residential Development Permit No. 83-0867.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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Or.Dept:Clerk
R-86-1277
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DEC 3 1985

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struiksmas	<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"/>
Judy McCarty	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	R-264617
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