

RESOLUTION NUMBER R- 264745

ADOPTED ON DEC 17 1985

WHEREAS, A. J. LINCOLN, B. A. KILMAN and M. C. HILLYARD, a partnership, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 85-0526 to allow psychologists' offices in an historically designated residence; and

WHEREAS, on October 31, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 85-0526 and filed said decision in the office of the City Clerk; and

WHEREAS, on October 31, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, PAUL I. MEYER, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 17, 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 appeal is empowered by the provisions of Municipal Code, Section 101.0506 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 Conditional Use Permit No. 85-0526:

1. The proposed use will adversely affect the neighborhood, the General Plan and the community plan, and will be detrimental to the health, safety and general welfare of persons living or working in the area.

2. The proposed use will not comply with all relevant regulations in the Municipal Code. Section 101.0506 of the Municipal Code of San Diego, paragraph A.13., grants the Planning Commission authority, subject to appropriate conditions, to approve commercial uses on historic sites by Conditional Use Permit. The Council believes that the conditions proposed for this permit are inappropriate.

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 appeal of PAUL I. MEYER, overrules the decision of the Planning Commission, and does hereby deny Conditional Use Permit No. 85-0526.

APPROVED: John W. Witt, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:632
01/15/86
Or.Dept:Clerk
R-8-1278
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Passed and adopted by the Council of The City of San Diego on DEC 17 1985,
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy 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

Resolution Number R-264745 Adopted DEC 17 1985