

(R-90-1157)

RESOLUTION NUMBER R- 275035

ADOPTED ON JAN 23 1990

WHEREAS, on January 23, 1990, the Council of The City of San Diego considered the appeal of "Citizens for Safety," by Jeffrey R. Stoke, Esq., from the decision of the Board of Zoning Appeals in granting a variance in case C-20348, to operate an adult entertainment establishment/theater and cabaret, "Pure Platinum of California, Inc.," located approximately ninety (90) feet from a residential zone where a distance of one-thousand (1,000) feet is required. The subject property is located at 2828 Camino del Rio South and is more particularly described as Parcel 2 of Parcel Map PM-6040 being a division of Pueblo Lot 1110, Map-36, and portions of Lots 5, 6, 7 and 8 of Zshockfelts Subdivision, Map-875 in Zone CR of the Mission Valley Community Plan area; and

WHEREAS, in arriving at their decision, the City Council considered the staff report, decisions of the Zoning Administrator and Board of Zoning Appeals, the plans and materials submitted prior to and at the public hearing, and public testimony presented at the hearing; and

WHEREAS, the City Council found that a proper factual foundation was not established to make the mandatory legal findings necessary to grant the variance. Specifically, the City Council found that the proposed use would be injurious to the neighborhood and that there were no special circumstances that distinguished the subject property from other properties in the

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neighborhood. It was determined to be not relevant that there were not residential uses currently in the residential zone located ninety (90) feet away. Finally, it was determined that granting the variance would not deprive Pure Platinum of California, Inc., of reasonable use of the property. The subject property had previously been leased to several successful restaurant operations; and


WHEREAS, the denial of the variance would not deprive Pure Platinum of California, Inc. of reasonable use of the subject property, and granting of the variance would be injurious to the neighborhood and would have adverse impacts on the General Plan; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of "Citizens for Safety" by Jeffrey R. Stokes, Esq., is hereby granted and the decision of the Board of Zoning Appeals is overturned in Case C-20348.

BE IT FURTHER RESOLVED, that the decision of the City Council is final.

APPROVED: JOHN W. WITT, ~~City Attorney~~

By

  
Allisyn I. Thomas  
Deputy City Attorney

ALT:pev  
01/26/90  
Or.Dept:Clerk  
R-90-1157  
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R-275035

JAN 23 1990

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

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