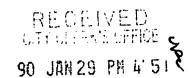
(R-90-1157)

ADOPTED ON JAN 2 3 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

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Allisyn L. Thomas Deputy City Attorney

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R-275035

Passed and adopted by the Council of	the Council of The City of San Diego on			JAN 2 3 1990	
Council Members Abbe Wolfsheimer Ron Roberts John Hartley H. Wes Pratt Linda Bernhardt J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	Yeas	Nays	Not Present	Ineligible	
AUTHENTICATED BY: (Seal)	MAUREEN O'CONNOR Mayor of The City of San Diego, California. CHARLES G. ABDELNOUR City Clerk of The City of San Diego, California.				
	Ву	EU	Con Bo	varel,	Deputy,
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	O	Office of the City Clerk, San Diego, California			
	Resolution Number	275	0 35 Adopte	JAN2;	3 199 0

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