

RESOLUTION NO. 204364
Conditional Use Permit No. 313-PC

DEC 9 1971

WHEREAS, MOBIL OIL CORPORATION, a New York corporation, Owner, hereafter referred to as "Permittee," filed an application for a permit to construct and operate a service station with accessory sales, located on the south corner of the intersection of Mira Mesa Boulevard and Marbury Avenue, more particularly described as Lot 1, Mira Mesa Shopping Center No. 1, Map No. 5385, on file in the office of the County Recorder, in the CA Zone; and

WHEREAS, on October 13, 1971, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 313-PC, and granted a conditional use permit to Permittee to construct and operate a service station with accessory sales, and filed said decision in the office of the City Clerk on November 1, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, Permittee, under date of October 28, 1971, appealed from the imposition by the Planning Commission of certain conditions set forth in the proposed conditional use permit as Conditions No. 4 and 6; and

WHEREAS, said appeal was set for public hearing on December 9, 1971, 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 the issuance of said Conditional Use Permit No. 313-PC on the property described in the preamble of this resolution.

1. The proposed use at the particular location is necessary to provide a facility which will contribute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this Conditional Use Permit will not adversely affect the General Plan of the City, or the Clairemont Mesa Community Plan.

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

BE IT FURTHER RESOLVED, that by a vote of 9 to 0, the appeal of Permittee is hereby granted in part and this Council does hereby grant to MOBIL OIL CORPORATION, a New York corporation, Conditional

Permit No. 313-PC in the form and with the terms and conditions
as set forth in the permit attached hereto and made a part
hereof.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad, Chief Deputy

FCC:plm
12-30-71

-3-

204364

CONDITIONAL USE PERMIT - CITY COUNCIL
Case No. 313-PC

This conditional use permit is granted by the Council of The City of San Diego to MOBIL OIL CORPORATION, a New York corporation, Owner, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a service station with accessory sales, located on the south corner of the intersection of Mira Mesa Boulevard and Marbury Avenue, more particularly described as Lot 1, Mira Mesa Shopping Center No. 1, Map No. 5385, on file in the office of the County Recorder, in the CA Zone.

2. The service station shall include, and the term "Project" as used in this conditional use permit shall mean the total of the following facilities:

- a. Service station.
- b. Accessory sales.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than five off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated October 13, 1971, on file

in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 x 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

4. One freestanding monument sign not to exceed 6 feet in length shall be permitted, as shown on Exhibit "B," dated December 9, 1971, and one 3 x 5 foot price sign shall be permitted.

5. Prior to the issuance of any building permits, complete building and landscaping plans including signs shall be submitted to the Planning Director for approval.

6. One 4 foot diameter pegasus sign shall be permitted on each street frontage and shall be attached to the face of the building below the parapet or eave.

7. Pennants or banners shall not be permitted on the premises.

8. The rental of utility trailers having capacity of not more than 100 cubic feet shall only be permitted on the premises and areas devoted to the rental of utility trailers shall be screened by fences, walls or landscaping from streets and adjoining property.

9. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted as to minimize noise disturbances to adjoining properties.

10. All underground petroleum product storage tanks shall be so designed as to prevent hydrocarbon vapor or gas loss to the atmosphere in accordance with the requirements of the Air Pollution Control Officer of San Diego County.

11. All vehicles shall be repaired and serviced entirely within service bays except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored outdoors except that motor oils may be stored on suitable racks on pump islands.

12. All trash shall be stored in suitable containers and the containers shall be placed either within the building or within enclosed solid walls or fences.

13. All outdoor lighting fixtures shall be ground lights not to exceed 18" in height or attached to the building or walls and in no case shall be carried on freestanding signs.

14. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on December 9, 1971.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated October 13, 1971, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A dated October 13, 1971, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before
me, the undersigned, a Notary Public in and for said County and
State, personally appeared _____,
known to me to be the _____ and
_____ known to me to be the
_____ of _____

the corporation that executed the within instrument and known
to me to be the persons who executed the same on behalf of said
corporation and acknowledged to me that said corporation
executed the same, pursuant to its bylaws or a resolution of
its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on DEC 9 1971,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Judith A. Nielsen*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 204364 Adopted DEC 9 1971