

RESOLUTION NO. 205755
Conditional Use Permit No. 342-PC

JUN 8 1972

WHEREAS, DIVERSIFIED PROPERTIES, a partnership, Owner, and ALONA-REY HOMES, INC., a California corporation, hereafter referred to as "Permittee," filed an application for a permit to construct and operate an automobile service station for the retail sale of gasoline only, with no accessory uses, located at the southeast corner of Mercury Street and Clairemont Mesa Boulevard, more particularly described as portion of Lot 60, Kearny Industrial Park Unit No. 6, Map No. 6970, on file in the office of the County Recorder, in the M-1A Zone; and

WHEREAS, on April 26, 1972, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 342-PC, and granted a conditional use permit to Permittee to construct and operate an automobile service station for the retail sale of gasoline only, with no accessory uses, and filed said decision in the office of the City Clerk on April 28, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, James L. Goff, Planning Director of The City of San Diego, appealed the decision of the Planning Commission; and

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WHEREAS, said appeal was set for public hearing on June 8, 1972, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council, in considering said appeal, is empowered by the provisions of Municipal Code Section 101.0506, paragraph E.4., 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. 342-PC.

1. The proposed use at the particular location is desirable to provide a service 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 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.

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4. The granting of this conditional use permit will not adversely affect the Kearny Mesa West Community Plan, the General Plan of the City or the adopted plan of any governmental agency.

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 7 to 1, the appeal of JAMES L. GOFF, Planning Director, is hereby denied and this Council does hereby grant to DIVERSIFIED PROPERTIES, a partnership, and ALONA-REY HOMES, INC., a California corporation, Conditional Use Permit No. 342-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:nr
6-20-72

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CITY COUNCIL

CONDITIONAL USE PERMIT NO. 342-PC

This conditional use permit is granted by the Council of The City of San Diego to DIVERSIFIED PROPERTIES, a partnership, Owner, and ALONA-REY HOMES, INC., a California corporation, hereafter referred to as "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 an automobile service station for the retail sale of gasoline only, with no accessory uses, located at the southeast corner of Mercury Street and Clairemont Mesa Boulevard, more particularly described as portion of Lot 60, Kearny Industrial Park No. 6, Map No. 6970, on file in the office of the County Recorder, in the M-1A 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 for retail sale of gasoline only.
- b. Off-street parking.

3. Not less than six off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated April 26, 1972, on file in the

office of the Planning Department. Each parking space shall be a minimum of 8 1/2 feet by 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. Pennants or banners shall not be permitted on the premises.

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

6. 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.

7. 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.

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

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

10. One 4' by 6', double-faced monument sign shall be permitted on the subject property, as shown on Exhibit "A" dated April 26, 1972.

11. A letter from the lessee stating that he has read and understands the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.

12. A copy of this conditional use permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.

13. Sidewalks shall be constructed adjacent to Mercury Street and Clairemont Mesa Boulevard.

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 June 8, 1972.

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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 April 26, 1972, 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 April 26, 1972, 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.

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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 specifically authorized by the Planning Commission, or

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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.

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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.

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

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, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)

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

The undersigned Permittee by execution hereof agrees to each
and every condition of this conditional use permit and promises to
perform each and every obligation of Permittee hereunder.

DIVERSIFIED PROPERTIES,
a partnership (Seal)

ALONA-REY HOMES, INC.,
a California corporation (Seal)

By _____

By _____

By _____

By _____

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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

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 _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

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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JUN 8 1972

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

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1972 JUN 20 PM 4:11

SAN DIEGO, CALIF.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Harry M. Doe, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 205755 Adopted JUN 8 1972

eh

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(REV. 12-71)

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