

RESOLUTION NO. 205791
Conditional Use Permit No. 321-PC

JUN 13 1972

WHEREAS, MOBIL OIL CORPORATION, a New York corporation, Owner, and RINKER DEVELOPMENT CORPORATION, a California corporation, Permittee, filed an application for a conditional use permit to construct and operate a service station with accessory sales, located on the northeast corner of the intersection of 47th Street and Imperial Avenue, more particularly described as Lots 1 through 11, Sunshine Gardens, Map No. 1804, on file in the office of the County Recorder, in the C and R-4 Zones; and

WHEREAS, on December 8, 1971, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 321-PC, and approved Conditional Use Permit No. 321-PC, to Permittee for the construction and operation of said service station, and filed said decision in the office of the City Clerk on December 16, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MOBIL OIL CORPORATION and RINKER DEVELOPMENT CORPORATION, by Gerald M. Dawson, attorney, under date of December 27, 1971, appealed one of the conditions of said conditional use permit heretofore approved by the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 25, 1972, continued to February 22, May 16, and June 13, 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:

The following facts exist with respect to Conditional Use Permit No. 321-PC.

1. The proposed use at the particular location is not necessary or desirable to provide a facility which will contribute to the general well-being of the community.

2. Such use will, 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 granting of this conditional use will adversely affect the Southeast San Diego Community Plan, the General Plan of the City and 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.

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BE IT FURTHER RESOLVED, that by a vote of 6 to 1, the appeal of MOBIL OIL CORPORATION and RINKER DEVELOPMENT CORPORATION, by Gerald M. Dawson, attorney, is denied; and the decision of the Planning Commission approving Conditional Use Permit No. 321-PC is reversed, and said conditional use permit is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Chief Deputy

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FCC:jh
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Passed and adopted by the Council of The City of San Diego on JUN 13 1972,
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Edward Nielsen* Deputy.

Office of the City Clerk, San Diego, California

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