

RESOLUTION NO. 208793  
Conditional Use Permit No. 369-PC

SEP 11 1973

WHEREAS, STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, Owner, hereafter referred to as "Permittee," filed an application for a permit to construct and operate a gasoline service station with car wash and accessory sales, located on the north side of El Cajon Boulevard, between 54th and Berting Streets, being a portion of Lot 1, Lemon Villa, Map No. 734, on file in the office of the County Recorder, more particularly described in Appendix "A" attached hereto and made a part hereof, in the C Zone; and

WHEREAS, on October 11, 1972, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 369-PC, granted a conditional use permit to Permittee to construct and operate said gasoline service station, and filed said decision in the office of the City Clerk on November 8, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MRS. ELAINE C. BRADLEY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 12, 1972, continued to February 6, 1973 and September 11, 1973, 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 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. 369-PC:

1. The proposed use at the particular location is desirable 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 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 Mid-City Development 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 2, the appeal of Mrs. Elaine C. Bradley is hereby denied and this Council does hereby grant to STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, Conditional Use Permit No. 369-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, Chief Deputy

FCC:mmb  
10-9-73

-3-

208793

CITY COUNCIL  
CONDITIONAL USE PERMIT NO. 369-PC

This conditional use permit is granted by the Council of The City of San Diego to STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, Owner, 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 a gasoline service station with car wash and accessory sales, located on the north side of El Cajon Boulevard, between 54th and Berting Streets, being a portion of Lot 1, Lemon Villa, Map No. 734, on file in the office of the County Recorder, more particularly described in Appendix "A" attached hereto and made a part hereof, in the C Zone; and

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

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

3. Not less than two off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated October 11, 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 so 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. No merchandise or supplies shall be stored or displayed 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.

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. 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.

11. 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.

12. One double-faced monument type identification sign, six feet high and twelve feet wide per sign face shall be permitted on the subject property, as shown on Exhibit "B," dated October 25, 1972.

13. Dedication of ten feet along El Cajon Boulevard with twenty feet radius property corners onto 54th and Berting Streets.

14. Install loop detectors and relocate the traffic signals satisfactory to the City Traffic Engineer.

15. Provide additional pavement, curb, and sidewalks as shown on the conditional use permit and satisfactory to the Community Development Director.

16. All underground utilities shall be installed prior to paving the streets.

17. The project shall not commence operation prior to 7 a.m.

nor continue operation later than 8 p.m. of any day.

18. All driveways shall be a maximum of 30 feet in width with a minimum of 40 feet between driveways.

19. The project shall comply with or be below the requirements of the City-wide noise ordinance.

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

Passed and adopted by the City Council on September 11, 1973.

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 11, 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 October 11, 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.



4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months 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.

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.

STANDARD OIL COMPANY OF CALIFORNIA,  
a Delaware corporation

(Seal)

By \_\_\_\_\_

By \_\_\_\_\_

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

APPENDIX "A"**Parcel 1:**

All that portion of Lot 1, Lemon Villa, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 734, on file in the office of the County Recorder, San Diego County, California, bounded and described as follows:

BEGINNING at the Southeasterly corner of that portion of said Lot 1, lying Northerly of El Cajon Boulevard and Westerly of Berting Street, said Point of Beginning being the point of intersection of the Northerly line of El Cajon Boulevard, as it now exists with the Westerly line of Berting Street, as it now exists; thence South  $80^{\circ} 43' 00''$  West along the Northerly line of El Cajon Boulevard a distance of 80.84 feet to the TRUE POINT OF BEGINNING; still continuing along the Northerly line of El Cajon Boulevard, South  $80^{\circ} 43'$  West a distance of 82.00 feet to a point of Intersection of the Northerly line of El Cajon Boulevard, as it now exists, with the Easterly line of 54th Street, as it now exists, said point being also the beginning of a tangent curve concave to the Northeast having a radius of 15.0 feet; thence Westerly, Northwesterly and Northerly along said curve, being also the Easterly line of 54th Street, a distance of 25.92 feet to a point of a reversed curve concave to the West, having a radius of 1259.46 feet and whose center bears South  $89^{\circ} 42' 32''$  West from said point; thence, still continuing along the Easterly line of 54th Street, Northerly along said curve thru a central angle of  $2^{\circ} 52' 34''$  a distance of 63.22 feet to a point on said curve, thence leaving the Easterly line of 54th Street along a line parallel to the Northerly line of El Cajon Boulevard, North  $80^{\circ} 43' 00''$  East a distance of 88.48 feet to a point; thence South  $9^{\circ} 17'$  East a distance of 80.00 feet to the TRUE POINT OF BEGINNING.

**Parcel 2:**

All that portion of Lot 1, Lemon Villa, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 734, on file in the office of the County Recorder, San Diego County, California, bounded and described as follows:

BEGINNING at the intersection of the Northerly line of El Cajon Boulevard with the Westerly line of Berting Street as said Boulevard and Street existed on July 15, 1942; thence North  $0^{\circ} 28' 30''$  East along said Westerly line of Berting Street 153.94 feet to the Northerly line of a 6 foot easement and right of way for sewer pipeline as conveyed by J. S. Perry and wife to the City of San Diego by deed dated January 24, 1929 and recorded in Book 1596 page 141 of deeds; thence South  $80^{\circ} 42'$  West (record South  $80^{\circ} 39' 30''$  West) along said Northerly line of said right of way 189.76 feet to a point on the Easterly line of 54th Street as said street existed on July 15, 1942, said point being on a curve in said Easterly line concave Westerly and having a radius of 1259.46 feet, the center of said curve bearing South  $83^{\circ} 33' 46''$  West from said point; thence Southerly along said curve 71.88 feet to the Northwesterly corner of that certain parcel of land in Lot 1 as described in a lease the Standard Oil Company of California dated June 4, 1940 and recorded in Book 1040 page 268 of Official Records and as shown on Record of Survey Map 827; thence North  $80^{\circ} 43'$  East parallel with the Northerly line of El Cajon Boulevard being along the Northerly line of the aforesaid parcel 88.48 feet to the Northeasterly corner thereof; thence at right angles South  $9^{\circ} 17'$  East along the Easterly line of said parcel 80.00 feet to said Northerly line of El Cajon Boulevard; thence North  $80^{\circ} 43'$  East along said Northerly line 80.84 feet to the POINT OF BEGINNING.

Passed and adopted by the Council of The City of San Diego on **SEP 11 1973**,  
 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" 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 *Laverne E. Miller*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <b>208793</b>	Adopted <b>SEP 11 1973</b>