

RESOLUTION NO. 209487 DEC 18 1973

Conditional Use Permit No. 392-PC

WHEREAS, HARRY A. AZUS, Owner, and STANDARD OIL COMPANY OF CALIFORNIA, a corporation, both hereafter referred to as "Permittee," filed an application for a conditional use permit to construct and operate a self-service gas station and automated car wash, located on the north side of G Street, between 11th and 12th Avenues, more particularly described as Lots E, F, G and H, Block 76, Horton's Addition, in the M-1 Zone; and

WHEREAS, on August 15, 1973, the Planning Commission of The City of San Diego made its finding of facts and filed the same in the office of the City Clerk on September 4, 1973; and

WHEREAS, the motion by the Planning Commission to approve said permit failed to receive four affirmative votes and was deemed denied; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, THE BUBBLE MACHINE COMPANY, by Gerald M. Dawson, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 13, 1973, continued to December 18, 1973; and 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 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. 392-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 General Plan or the adopted plan of any governmental agency.

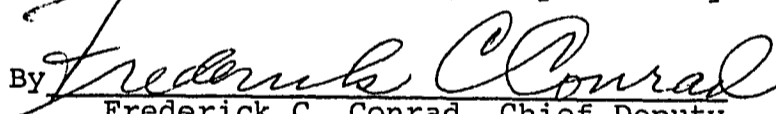
The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 8 to 1, the appeal of THE BUBBLE MACHINE COMPANY, by Gerald M. Dawson, is hereby granted and this Council does hereby grant to HARRY A. AZUS and STANDARD OIL COMPANY OF CALIFORNIA, a corporation, Conditional Use Permit No. 392-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that Environmental Impact Report No. 73-2-1017P, dated June 26, 1973, has been considered and is hereby approved and adopted.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad, Chief Deputy

FCC:mmb
1-16-74

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209487

CITY COUNCIL

CONDITIONAL USE PERMIT NO. 392-PC

This conditional use permit is granted by the Council of The City of San Diego to HARRY A. AZUS, Owner, and STANDARD OIL COMPANY OF CALIFORNIA, a corporation, both 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 self-service gas station and automated car wash, located on the north side of G Street, between 11th and 12th Avenues, more particularly described as Lots E, F, G and H, Block 76, Horton's Addition, in the M-1 Zone.

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

- a. Two gasoline islands with three gasoline dispensers each.
- b. An automated car wash facility with office and restroom facilities.
- c. Off-street parking.
- d. 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 August 15, 1973, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet 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. 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. 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. The service station shall not commence operation prior to 6:00 a.m. nor continue operation later than 12 midnight of any day.

13. Two 10-foot high, freestanding identification signs shall be permitted on the subject property, not exceeding 50 square feet each in display face area, located as shown on Exhibit A.

14. Prior to the issuance of a building permit, a parcel map for the subject property shall be recorded.

15. Prior to the issuance of any building permits, the Standard Oil Company station at 7th and Market in the City of San Diego will be torn down and the site cleared.

16. The car wash facility shall utilize equipment that will recycle water used in the car wash process.

17. The standard design of the Bubble Machine Car Wash structure shall include an extended corridor, baffling walls, and acoustical tile.

18. 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 18, 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 August 15, 1973, 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 August 15, 1973, 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.

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

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 person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

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 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

Passed and adopted by the Council of The City of San Diego on DEC 18 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"/>
Lee Hubbard	<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"/>
Jim Ellis	<input type="checkbox"/>	<input checked="" 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 Gloria Limon, Deputy.

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 CITY CLERK'S OFFICE
 1974 JAN 18 PM 4:23
 SAN DIEGO, CALIF.

CC-1276 (REV. 11-73)

Office of the City Clerk, San Diego, California

Resolution Number 209487 Adopted DEC 18 1973