

RESOLUTION NO. 218000

R.77-2432
MAR 29 1977

Conditional Use Permit No. 477-PC

WHEREAS, TIERRASANTA NO. 2, Owner, and MOBIL OIL CORPORATION, hereafter referred to as "Permittee," filed an application to construct and operate a two-bay service station with signs and landscaping on 22,349 square feet in the CA-S Zone, located on the south side of Tierrasanta Boulevard between La Cuenta Drive and Santo Road in the Elliott Community Plan area, more particularly described as Lot 1, Tierrasanta Townsite; and

WHEREAS, on February 10, 1977, the Planning Commission of The City of San Diego made its findings of facts, approved said Conditional Use Permit No. 477-PC, and filed said decision in the office of the City Clerk on February 17, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MICHAEL R. PENT, for himself and as president of and for the TIERRASANTA COMMUNITY COUNCIL, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 29, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; 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. 477-PC:

1. The proposed service station, at this location, would be desirable to provide a service or facility which would contribute to the general well-being of the neighborhood and community.

The Elliott Community is a recently established residential area currently served by only one service station, located approximately one-quarter mile to the west (CUP-406-PC). The applicant indicates that this area is far below average in the provision of service station facilities and services.

2. The subject use, under the circumstances of this particular case, should not be detrimental to the health, safety or general welfare of persons living or working in the area, or injurious to property or improvements either existing or future in the vicinity.

The proposed service station is to be part of a larger, 21-acre community shopping center currently under construction at this location. A service station would be compatible with the intended commercial development of the area. The applicant indicates that all City building codes will be met during construction for control of dust and noise, and that the architectural design and landscaping of the station would be compatible with the adjacent shopping center.

3. The proposed service station would comply with the regulations and conditions specified in the Municipal Code for such use.

The adopted Municipal Code (Zoning Ordinance) provides that service stations may be developed in any commercial zone

218000

with the granting of a conditional use permit by the Planning Commission. The Planning Department believes that the proposed service station meets adopted locational and developmental criteria for service stations, provided additional tree plantings are included as indicated on the landscape plan exhibit.

4. The granting of this Conditional Use Permit would not adversely effect the General Plan of the City, the Elliott Community Plan, or the adopted plan of any governmental agency.

The adopted General Plan and Elliott Community Plan designate the subject property for development as a community shopping center.

The Environmental Quality Division has reviewed the available information concerning this development and has determined that the project appears to have no significant environmental effects. A Negative Declaration has been prepared for the project, and it contains the following cautionary comment:

Although underground piping for a future vapor control system would be installed in this facility, the system would not be utilized until such time as a list of certified emission control equipment is made available by the Air Pollution Control District. Thus, there would be a short term, low-level effect on the air quality.

BE IT FURTHER RESOLVED, that the appeal of MICHAEL R. PENT, for himself and as president of and for the TIERRASANTA COMMUNITY COUNCIL, is denied, and this Council does hereby grant to TIERRASANTA NO. 2 and MOBIL OIL CORPORATION,

218000

Conditional Use Permit No. 477-PC, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By Frederick Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
5/24/77
Or.Dept.:Clerk

218000

CONDITIONAL USE PERMIT NO. 477-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to TIERRASANTA NO. 2, Owner, and MOBIL OIL 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 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a service station located at the northwest corner of Tierrasanta Boulevard and La Cuenta Drive, described as a portion of Lot 1, Tierrasanta Townsite, Map No. 7883, in the CA-S 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. A two-bay service station.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than five offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated February 10, 1977, 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 marked. Parking spaces and aisles

shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Prior to the issuance of any building permits, a final parcel map shall be recorded on the subject property.

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

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

7. 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 Office of San Diego County.

8. 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 or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.

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

10. All outdoor lighting fixtures shall be ground lights not to exceed two feet in height or attached to the building or walls, and in no case shall be carried on freestanding signs.

11. Prior to the issuance of any building permit, a revised landscape plan shall be submitted to the Planning Director for approval.

218000

12. 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.

13. The applicant shall work with staff to determine a satisfactory solution with respect to the traffic hazards, and include conditions approved by the Planning Commission and the revised plot plan.

14. 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.

15. 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 March 29, 1977.

218000

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 February 10, 1977, 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 February 10, 1977, 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) 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

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 MAR 29 1977,
 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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Allyn D. Nevitt, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 218000 Adopted MAR 29 1977

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