

RESOLUTION NO. 220012

R.78-1550

Conditional Use Permit No. 502-PC

JAN 10 1978

WHEREAS, UNION OIL COMPANY OF CALIFORNIA, Owner, hereafter referred to as "Permittee," filed an application to construct and operate a self-service gasoline sales facility with parking and landscaping on a 17,742 square foot parcel in the CN Zone, located on the north side of Clairemont Drive and Pocahontas Avenue in the Clairemont Mesa Community Plan area, more particularly described as Lots 3109 and 3110, Clairemont Unit No. 15; and

WHEREAS, on December 1, 1977, the Planning Commission of The City of San Diego made its finding of facts, denied said Conditional Use Permit No. 502-PC, and filed said decision in the office of the City Clerk on December 23, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, UNION OIL COMPANY OF CALIFORNIA appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 17, 1978; 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; and

WHEREAS, said matter was continued until January 18, 1978 for written findings from the applicant; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

**MICROFILMED**

OCT 10 1978

01471

All of the following facts exist with respect to Conditional Use Permit No. 502-PC:

1. The proposed self-serve station at this location would be necessary and desirable to provide a service and facility contribution to the general well-being of the neighborhood and community.

During the month of December, 1977, the research firm of Marketing Information Systems, Inc., 861 6th Avenue, Suite 419, San Diego, California 92101, conducted a survey of the area around the subject location to verify the demand for self-serve.

This survey produced the following information:

a. Respondents Usage of Self-Service Versus Full Service:

<u>SERVICE</u>	<u>PERCENT</u>
Self-Service	65.9% Use Exclusively
Full Service	21.4% Use Exclusively
Both	<u>12.7%</u> Depending on Circumstances
TOTAL	100.0%

b. The survey further indicated that there were 2.2 automobiles per household with 30% having 3 automobiles. This compared with the 1960 census for the area which indicated 1.35 automobiles per household.

The number of automobiles has increased, but the number of service stations in the Clairemont area has decreased over the corresponding time. As stated in the Clairemont Plan ". . . that the prime person mover will be the automobile." Therefore, this self-service station

will provide a necessary function and service. Existing station at this location is a full service unit, but the demand is for self-service.

It is also felt that developing this location as a service station under a conditional use permit is higher and better use for the property under CN zoning than alternate uses such as a liquor store, bar, fast food, or convenience market which would not have to appear before the Planning Commission, and provide a better contribution to the general well-being of the neighborhood and community.

2. The proposed facility would not be detrimental to the health, safety, or general welfare of persons living or working in the area nor be injurious to property or improvements in the vicinity.

The subject property is presently zoned for commercial development. The landscaping and fencing proposed around the perimeter of the site area should promote a compatible development with adjacent land uses.

3. The proposed gasoline sales facility would comply with regulations and conditions specified in the Municipal Code for such use.

The adopted Municipal Code (Zoning Regulations) provides that gasoline sales facilities may be permitted subject to the granting of a Conditional Use Permit by the Planning Commission.

**MICROFILMED**

OCT 10 1978

220012

01473

4. The granting of this Conditional Use Permit would not adversely affect the adopted Clairemont Mesa Community Plan.

Since the Clairemont Mesa Plan was approved, many conditions have changed in the area and many service stations have been removed, with an overall reduction in total number.

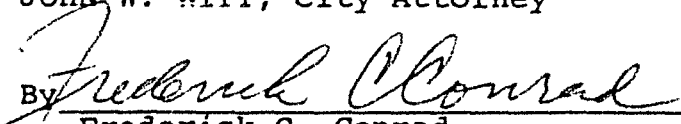
At this intersection there will be two units, one self-serve and one full serve as compared to four units when the plan was approved. A similar situation exists at Balboa and Clairemont Drive where there were four units and now there are two units, one self-serve and one full serve.

Further, this installation assists the objectives of the community plan in regard to developing and utilization of vacant, commercially zoned land by providing an attractive facility with ample parking and attractive landscaping.

It also provides additional employment opportunities and improves the tax return to the community.

BE IT FURTHER RESOLVED, that the findings as submitted by the UNION OIL COMPANY OF CALIFORNIA are approved, the appeal of UNION OIL COMPANY OF CALIFORNIA is granted, and this Council does hereby grant to UNION OIL COMPANY OF CALIFORNIA Conditional Use Permit No. 502-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 C. Conrad  
Chief Deputy City Attorney

FCC:clh  
2/13/78  
Or.Dept.:Clerk

CONDITIONAL USE PERMIT NO. 502-PC  
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to UNION OIL COMPANY OF CALIFORNIA, 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 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a gasoline sales facility located at the northwest corner of Clairemont Drive and Clairemont Mesa Boulevard described as Lots 3109 and 3110, Clairemont Unit No. 15, Map No. 3008 and a walkway vacated, in the CN Zone.

2. The gasoline sales facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. Gasoline sales.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than three offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit A, dated December 1, 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

**MICROFILMED** OCT 10 1978

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

4. The property shall be maintained in a neat and orderly fashion at all times.

5. Sign identification on site shall consist of lettering affixed to the south elevation of the canopy and an eight-foot high by eight-foot wide monument price sign.

6. Pennants or banners shall be permitted on the premises.

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

8. 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.

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 2 feet in height or attached to the building or walls, and in no case shall be carried on freestanding signs.

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. The service station shall not commence operation prior to 6:00 a.m. nor continue operation later than 12 midnight of any day.

14. Additional ficus trees shall be added to the development as shown on Exhibit A, dated December 1, 1977.

15. Permittee shall demolish or reopen station with ninety (90) days of abandonment.

16. 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 January 10, 1978.

**MICROFILMED**  
OCT 10 1978

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 December 1, 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 December 1, 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.

**MICROFILMED**

OCT 10 1978



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

**MICROFILMED**

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.

**MICROFILMED**

OCT 10 1978

220012

01480

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, person-  
ally 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.

UNION OIL COMPANY OF CALIFORNIA

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

**MICROFILMED**

OCT 10 1978

Passed and adopted by the Council of The City of San Diego on JAN 10 1978,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

**MICROFILMED**

OCT 10 1978

RECEIVED  
 1978 FEB 17 PM 4:04  
 SAN DIEGO, CALIF

Office of the City Clerk, San Diego, California	
Resolution Number <b>220012</b>	Adopted <b>JAN 10 1978</b>