

RESOLUTION NO. 221948 R.79-1082

CONDITIONAL USE PERMIT NO. 539-PC OCT 3 1978

WHEREAS, UNION OIL COMPANY OF CALIFORNIA, a California corporation, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 539-PC to construct and operate a gasoline sales facility, located on the northwest side of Lake Murray Boulevard between San Carlos Drive and Navajo Road in the Navajo Community Plan, more particularly described as Lot 34, San Carlos Unit No. 2, Map No. 4089, in the CA-S Zone; and

WHEREAS, on June 29, 1978, the Planning Commission of The City of San Diego made its finding of facts and granted said Conditional Use Permit No. 539-PC, requiring as a condition of approval the replacement of an existing pole-mounted sign with a pole-mounted, self-serve sign of monument style, and filed the decision in the office of the City Clerk on July 19, 1978; and

WHEREAS, pursuant to Section 101.0506 of the San Diego Municipal Code, UNION OIL COMPANY OF SAN DIEGO appealed the imposition of the condition that the pole-mounted sign be replaced with a monument sign; and

WHEREAS, said appeal was set for public hearing on August 8, 1978, continued to September 12, 1978, September 19, 1978, and October 3, 1978, 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,

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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. 539-PC:

1. The proposed use at this location would be desirable to provide a service or facility contributing to the general well-being of the neighborhood and community. The applicant indicates that this operation, which has been in effect since 1960, has and will be compatible with the surrounding uses and would replace the existing facility with a new, modern, self-service facility.

2. The subject use, under the circumstances of this particular case, 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 operation of this unit would not change the basic existing use.

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

The adopted Municipal Code provides that service station facilities may be permitted in any zone, except in the R-1-1 Zone,

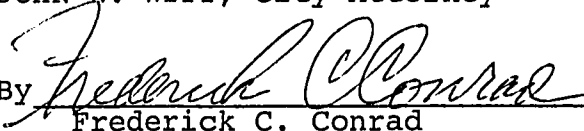
subject to the granting of a conditional use permit. The proposed signing and landscaping would meet the requirements of the CA-S Zone.

4. The granting of this conditional use permit would not adversely affect the Navajo Community Plan nor the General Plan. The adopted Navajo Community Plan and the General Plan designate this area for commercial development.

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 the appeal of UNION OIL COMPANY OF CALIFORNIA, a California corporation, is granted, and this Council does hereby grant to said corporation Conditional Use Permit No. 539-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 City Attorney

FCC:clh
12/11/78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 539-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, a California corporation, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and 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 northwesterly intersection of Lake Murray Boulevard and San Carlos Drive, described as Lot 34, San Carlos Unit No. 2, Map No. 4089, in the CA-S 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 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 June 29, 1978, 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. 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. Sign identification shall consist of the retention of the existing pole-mounted sign.

7. 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.

8. The permittee shall comply with the General Conditions for Conditional Use Permits, attached hereto and made a part hereof.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON OCTOBER 3, 1978.

RECORDED

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 June 29, 1978, 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 June 29, 1978, 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.

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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

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OCT 3 1978

Passed and adopted by the Council of The City of San Diego on
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. Ware	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Betty Goodburg*, Deputy.

(Seal)

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1978 DEC 15 AM 10:02
SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Resolution Number **221948** Adopted **OCT 3 1978**