

RESOLUTION NO. R-250698 (R.80-1772)

Conditional Use Permit No. 530-PC/Extension of Time

NOV 20 1979

WHEREAS, THE SOUTHLAND CORPORATION, a Texas corporation, Owner, hereafter referred to as "Permittee", filed an application for an 18-months extension of time for Conditional Use Permit No. 530-PC, to convert an existing gasoline station into a 7-11 Food Store with self-serve gasoline, parking and landscaping on a 12,456 square foot parcel in the CN Zone. The subject property is located on the east side of Linda Vista Road between Daniel Avenue and Wheatley Street and is more particularly described as a portion of Lot 23 and all of Lots 24 through 26, Block 4, Chesterton Extension, Map No. 2062; and

WHEREAS, on September 20, 1979, the Planning Commission of The City of San Diego made its findings of facts, approved Conditional Use Permit No. 530-PC/Extension of Time, and filed said decision in the office of the City Clerk on October 2, 1979; and

WHEREAS, on September 27, 1979, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, CHARLOTTE FONTENOT and LOANIE TYSON appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 20, 1979; 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 hearing; NOW, THEREFORE,

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

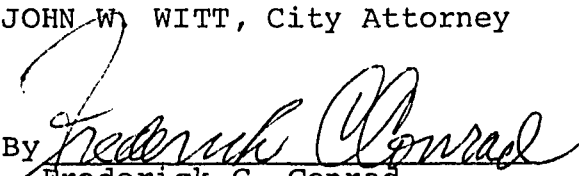
That said Council finds that there has been no material
change of circumstances since the granting of the permit, as
set forth in the Planning Report dated September 13, 1979, a
copy of which is attached hereto and by this reference
incorporated herein.

That said findings are supported by the minutes, maps and
exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the City Manager is directed
to investigate the appropriateness of placing a crosswalk in
subject location.

BE IT FURTHER RESOLVED, that the appeal of CHARLOTTE
FONTENOT and LOANIE TYSON is denied and this Council does hereby
grant to THE SOUTHLAND CORPORATION, a Texas corporation, Owner
and Permittee, an extension of time of 18 months for Conditional
Use Permit No. 530-PC, in the form and with the terms and
conditions as set forth in the permit extension of time attached
hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
3/24/80
Or.Dept. Clerk

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PLANNING

REPORTS

CITY PLANNING DEPARTMENT - SAN DIEGO, CALIF. 92101
236-6460

Item No. 4

September 13, 1979

SUBJECT: CONDITIONAL USE PERMIT 530-PC/EXTENTION OF TIME. An extention of time in which to convert an existing full-service gasoline station to a self-service facility. The property is a 12,456 square foot, CN Zoned lot located at the northeast corner of Linda Vista Road and Daniel Avenue. It is a portion of Lot 23 and all of Lots 24 through 26, Block 4, Chesterton Extension, Map 2062. Applicant: The Southland Corporation. EQD No. 78-02-25 Exempt.

BACKGROUND

This hearing concerns a request to extend for 18 months, the period of time in which to effectuate a Conditional Use Permit for a self-serve gasoline station in the Linda Vista Community. The subject permit, CUP-530-PC was initially granted by the Planning Commission in April, 1978, with the condition that construction of the new station begin on or before November 1, 1979. The subject property is located in the Linda Vista Community, at the northeast corner of Linda Vista Road and Daniel Avenue. Property is zoned CN, contains approximately .3 acres in area, and is developed with an abandoned service station. Development and zoning surrounding the subject property consists of a commercial structure to the southeast, in the CN Zone; Chesterton Elementary School to the northeast in the R-2 Zone; and the Capehart Naval Housing Project to the west and south in the R-1-5 Zone. The adopted Clairemont Mesa Community Plan designates the subject property for low density residential development.

RECOMMENDATION

The Planning Department recommends APPROVAL of the requested Conditional Use Permit Time Extention based upon the belief that the original findings for granting the permit can still be met.

THESE RECOMMENDATIONS ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF THIS REPORT.

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ANALYSIS

The applicant proposes to remove the existing abandoned service station on site and replace it with a convenience food market and a single pump island containing three gasoline dispensers. The convenience food market would be permitted by the underlying CN Zone, however, the new gasoline sales facility requires the issuance of a Conditional Use Permit. A condition of the Conditional Use Permit issued for the new gasoline sales facility requires that new construction of the project begin on or before November 1, 1979. The applicant indicates that problems concerning the site would necessitate delay of the construction until 1980. The applicant has requested an 18 month extension for the permit, to May 1, 1981.

The Planning Department recommends approval of the requested 18 month extension of time based upon the belief that the necessary findings for the original granting of the permit are still in effect.

The Environmental Quality Division has exempted this time extension from the processing of an Environmental Report.

CONDITIONAL USE PERMIT NO. 530-PC/
EXTENSION OF TIME
CITY COUNCIL

This conditional use permit extension of time for a period of 18 months is granted by the City Council of The City of San Diego to THE SOUTHLAND CORPORATION, a Texas 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 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Permittee to construct and operate a gasoline sales facility located at the northeast corner of Linda Vista Road and Daniel Avenue described as a portion of Lot 23 and all of Lots 24-26, Block 4, Chesterton Extension, Map No. 2062, 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. One pump island containing three gasoline dispensers.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than one offstreet parking space shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated April 20, 1978, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be

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permanently maintained and not 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 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. No merchandise or supplies shall be stored or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.

7. One monument sign 24 square feet in area (4' x 6') 8 feet in height and two 12 square foot gasoline price signs on the pump island shall be permitted.

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. 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.

10. 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

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see the document.

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

12. Delete Condition No. 4 of General Conditions for Conditional Use Permits and, in its stead, substitute:

"This Conditional Use Permit Extension of Time shall be utilized within 18 months of the effective date thereof. Failure to utilize the Conditional Use Permit Extension of Time within an 18-month period will automatically void the same. This Conditional Use Permit Extension of Time shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto."

13. Operator will be obliged to remove debris from the property.

Passed and adopted by the Council of The City of San Diego
on November 20, 1979.

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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 April 20, 1979, 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 April 20, 1979, 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. This Conditional Use Permit Extension c Time shall be utilized within 18 months of the effective date thereof. Failure to utilize the Conditional Use Permit Extension of Time within an 18-month period will automatically void the same. This Conditional Use Permit Extension of Time shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.

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

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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 CHARLES G. ABDELNOUR, 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.

THE SOUTHLAND CORPORATION, a Texas corporation

By _____

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED - PER
CIVIL CODE, SEC. 1180 et seq.

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Passed and adopted by the Council of The City of San Diego on NOV 20 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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)

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

By Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250698 Adopted NOV 20 1979