

RESOLUTION NO. R-253178

(R.81-1398)

Conditional Use Permit No. 10-616-0

NOV 24 1980

WHEREAS, MDC MARK II, a joint venture, Owner, and SCRIPPS-MIRAMAR CAR WASH, a partnership, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 10-616-0 to construct and operate a car wash, gasoline and retail sales and auto service establishment with parking and landscaping on .905 acres in the M-1B Zone, in the Mira Mesa Community Plan area. The subject property is located on the north side of Miramar Road between Kearny Villa Road and Black Mountain Road, and is more particularly described as Lot 2, Mark II, Industrial Park, Map-9310; and

WHEREAS, on September 4, 1980, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 10-616-0 and filed said decision in the office of the City Clerk on September 17, 1980; and

WHEREAS, on September 11, 1980, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MCDONALD, HECHT & WORLEY, by Paul E. Robinson, appealed the decision of the Planning Commission: and

WHEREAS, said appeal was set for public hearing on October 7, 1980, continued to November 18 and November 24, 1980, 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

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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. 10-616-0:

1. The proposed use will not adversely affect the adopted Mira Mesa Community Plan and the General Plan and would not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The adopted community plan and the General Plan designate this area for industrial use. The proposal is a commercial use and is consistent with this designation.

The City Council believes that a need exists for an additional service station and car wash facilities in the area.

The proposed commercial use of the area would not incrementally deplete the availability of industrial properties.

The additional traffic generated over and above industrial uses would not be detrimental to the health safety and general welfare of persons working in the area.

2. The proposed use would comply with all the relevant regulations in the Municipal Code.


Paragraph Section 101.0506 of the Municipal Code of San

Diego, paragraph A1, grants the Planning Commission authority under conditions to approve automobile service stations by a Conditional Use Permit. The proposed identification ground sign does conform to adopted sign regulations for the zone and area.

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

BE IT FURTHER RESOLVED, that the appeal of MCDONALD, HECHT & WORLEY, by Paul E. Robinson, is granted, and this Council does hereby grant to MDC MARK II, a joint venture, and SCRIPPS-MIRAMAR CAR WASH, a partnership, Owner and Permittee, Conditional Use Permit No. 10-616-0, 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:ps
1/29/81
Or.Dept. Clerk
CUP 10-616-0

CONDITIONAL USE PERMIT NO. 10-616-0
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to MDC MARK II, a joint venture, Owner, and SCRIPPS-MIRAMAR CAR WASH, a partnership, 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 car wash, self service gas sales, retail sales, and automobile service facilities located on the north side of Miramar Road between Black Mountain Road and Kearny Villa Road and described as Lot 2, Mark II Industrial Park, Map No. 9310 in the M-1B Zone.

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

a. Car wash, self-service gasoline sales, retail sales and automobile service facilities within three buildings, 2,700 square feet of floor area.

b. Off-street parking.

c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 8 off-street parking spaces shall be provided and maintained on the subject property in the approximate

location shown on Exhibit "A" dated September 4, 1980, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than two inch 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 and temporary signs shall not be permitted on the premises.

5. All trash shall be stored in suitable containers and placed within an enclosed solid wall.

6. Signs shall conform to the regulations of the City-wide Sign Ordinance. The sign for the car wash shall have a 20-foot height limitation.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO
NOVEMBER 24, 1980.

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 September 4, 1980, 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 September 4, 1980, 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.

Passed and adopted by the Council of The City of San Diego on NOV 24 1980,
 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"/>
Bill Cleator	<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 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"/>
Mike Gotch	<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"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 Barbara Berridge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-253178 Adopted NOV 24 1980