

(R-82-1217)

RESOLUTION NUMBER R- 255659

Adopted on JAN 12 1982

Conditional Use Permit No. CUP-10-647-0

WHEREAS, ATLANTIC RICHFIELD COMPANY, a Pennsylvania corporation, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit CUP-10-647-0, to modernize the existing service station by providing a convenience food store and self-service gasoline station, with limited hours of operation, on a 17,888 sq. ft. site in the CN Zone. The subject property is located on the southwest corner of Mission Village Drive and Shawn Avenue, in the Serra Mesa Community Plan area, and is more particularly described as Lot 1098, Mission Village Unit No. 11, Map-3977; and

WHEREAS, on December 3, 1981, the Planning Commission of The City of San Diego made its findings of fact, granted said Conditional Use Permit CUP-10-647-0, and filed said decision in the office of the City Clerk on December 30, 1981; and

WHEREAS, on December 7, 1981, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, ATLANTIC RICHFIELD COMPANY, by C. Samuel Blick, Attorney, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 12, 1982, 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 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 CUP-10-647-0:

1. The proposed use will not adversely affect the neighborhood, the General Plan or Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The proposed use of the property as a self-service gasoline station and convenience food store would be consistent with the community plan and the existing CN Zone, if limited to the normal operating hours of the CN Zone. Six parking spaces, including one handicapped space, are being provided for the facility which would be consistent with CN parking regulations. Substitution of the monument and fascia signs for the existing signage would enhance the appearance of the property. The proposed and recommended new landscaping would improve the appearance of the property and its compatibility with existing residential development in the area.

2. The proposed use will comply with all the relevant regulations in the Municipal Code. Section 101.0506 of the

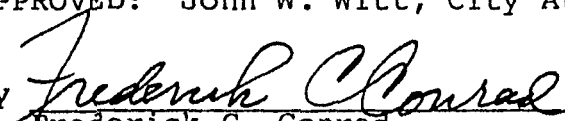
Municipal Code of San Diego, Paragraph A 1, grants the Planning Commission authority, under appropriate conditions, to approve automobile service stations by a Conditional Use Permit. A convenience food store is a permitted use in the CN Zone. The project would be consistent with adopted criteria and standards for service stations.

3. 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 appeal of ATLANTIC RICHFIELD COMPANY, by C. Samuel Blick, Attorney, is denied, and this Council does hereby grant to ATLANTIC RICHFIELD COMPANY, a Pennsylvania corporation, Owner and Permittee, Conditional Use Permit CUP-10-647-0, 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

HOV:ps
2/4/82
Or.Dept:Clerk
CUP-10-647-0
R-82-1217
Form=r.none

CONDITIONAL USE PERMIT CUP-10-647-0
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to the ATLANTIC RICHFIELD COMPANY, a Pennsylvania corporation, Owner, hereafter referred to as "Permittee," for the purpose 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 granted to Permittee to modernize the existing service station by providing a convenience food store and self-service gasoline facility, located at the southwest corner of Mission Village Drive and Shawn Avenue, described as Lot 1098, Mission Village Unit No. 11, Map No. 3977, in the CN Zone.

2. The facility shall consist of the following:

- a. A self-service gasoline sales facility;
- b. A convenience food store;
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than six off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 3, 1981, 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. 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. Parking areas shall be marked.

4. Existing permanent and portable signs shall be removed and replaced by fascia signs and one monument sign, as shown on plans dated December 3, 1981, on file in the office of the Planning Department. Signage is to be submitted to and approved by the Planning Director prior to the issuance of permits.

5. Pennants, banners, portable or temporary signs shall not be permitted on the premises.

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

7. A letter from the lessee stating that he has read and understands the conditions imposed on the service station and the convenience food store shall be written, signed and sent to the parent oil company and a copy sent to The City of San Diego Planning Department.

8. 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.

9. No merchandise or supplies shall be stored or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.

10. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of one year (12 months), the property owner shall cause to have all structures, buildings, signs and accessory uses related to the gasoline service station and other potentially hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed or capped to the satisfaction of the Fire Department.

11. Operation of the self-serve gasoline facility and convenience food store shall be limited to the hours of 6 a.m. to 12 Midnight, as stipulated by the CN Zone.

12. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision or within 30 days of a City Council decision, the permit shall be void.

13. Before issuance of any remodeling permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A" dated December 3, 1981, on file in the office of the Planning Department. No change, modifications or alterations

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shall be made unless appropriate applications for amendment of this permit shall have been granted.

14. Before issuance of any building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A" dated December 3, 1981, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

15. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as that on which the light sources are located.

16. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Sections 101.0506 and 101.0507 of the Municipal Code.

17. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

18. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

19. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. A revocation may be requested by the Permittee. Revocation of this Conditional Use Permit may be initiated by the City or the Permittee. The Planning Director shall set the revocation for a public hearing before the Planning Commission, as provided in Section 101.0506 or Section 101.0507. 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 this matter for a public hearing before the City Council as provided in Section 101.0506 or Section 101.0507.

20. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON
JANUARY 12, 1982.

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 3, 1981, 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 3, 1981, 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 JAN 12 1982,
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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"/>
Dick Murphy	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Jane A. Blackwell, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-255659 Adopted JAN 12 1982