

RESOLUTION NUMBER R- 255689

Adopted on JAN 19 1982

Conditional Use Permit No. 10-490-1

WHEREAS, ATLANTIC RICHFIELD COMPANY, a Pennsylvania corporation, Owner, hereafter referred to as "Permittee," filed an application for an amendment to Conditional Use Permit No. 10-490-1, to extend the hours of operation from 6:00 a.m.-10:00 p.m. to 24 hours at the existing convenience store with self-service gas station, on a .49-acre site, in the CN Zone, within the boundaries of the Clairemont Mesa Community Plan. The property is located on the northwest corner of Genesee Avenue and Clairemont Mesa Boulevard, and is more particularly described as Lot 1, Clairemont Genesee Plaza Unit No. 3, Map 6364; and

WHEREAS, on October 29, 1981, the Planning Commission of The City of San Diego made its finding of facts, denied said Conditional Use Permit No. 10-490-1 amendment, and filed said decision in the office of the City Clerk on November 25, 1981; and

WHEREAS, on November 17, 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 19, 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:

The following facts exist with respect to Conditional Use Permit No. 10-490-1:

1. The proposed amendment will adversely affect the neighborhood, the General Plan and the Clairemont Mesa Community Plan. The amendment would be detrimental to the health, safety and general welfare of persons residing in the area.

The 24-hour operation would be a disruptive element in the residential neighborhood with all-night lights and traffic.

2. The existing CN Zone allows hours of operation for commercial enterprises to be from 6:00 a.m. to twelve o'clock midnight and thereby a 24-hour operation would not be in compliance with the Municipal Code.

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, the decision of the Planning Commission is upheld, and said Conditional Use Permit No. 10-490-1 is hereby denied.

APPROVED: John W. Witt, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
4/6/82
Or.Dept:Clerk
CUP-10-490-1
R-82-1262
Form=r.none

Passed and adopted by the Council of The City of San Diego on JAN 19 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon L. Williams | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 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.

(Seal)

By Ellen Roward Deputy.

Office of the City Clerk, San Diego, California

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