

(R-85-1182)

RESOLUTION NUMBER R- 262138

ADOPTED ON DEC 11 1984

WHEREAS, on October 25, 1984, the Planning Commission of the City of San Diego held a public hearing to consider revocation or modification of conditions of operation under Conditional Use Permit No. 10-562-1 issued to ATLANTIC RICHFIELD CO., a Pennsylvania corporation, "Owner/Permittee," and

WHEREAS, on October 25, 1984, the Planning Commission of the City of San Diego made its findings of fact, approved modification of conditions of operation under Conditional Use Permit No. 10-562-1 and filed said decision in the office of the City Clerk; and

WHEREAS, on October 31, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, ATLANTIC RICHFIELD CO., by C. Samuel Blick, ESQ., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 11, 1984, testimony having been heard, evidence having been submitted, and the City Council having fully considered 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 No. 10-562-1:

1. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The approved use in the CA Zone is consistent with the commercial land use designation of the Navajo Community Plan. However, the site is located in a residential neighborhood. Limiting the hours of operation between 6:00 a.m. and 10:00 p.m. and the enforcement of required security measures will achieve compatibility and neighborhood tranquility in this residential area.

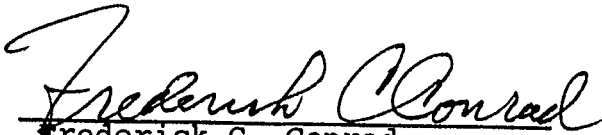
2. The proposed use will comply with all relevant regulations in the Municipal Code. Municipal Code Section 101.0506, paragraph A.1., authorizes the Planning Commission to approve a Conditional Use Permit for an automotive service station in the CA Zone, subject to appropriate conditions. The City Council believes that the recommended modifications of conditions are appropriate and should be approved.

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

BE IT FURTHER RESOLVED, that this Council does hereby deny the appeal of ATLANTIC RICHFIELD CO., by C. Samuel Blick, Esq., sustains the decision of the Planning Commission, and does hereby modify the conditions of operation under Conditional Use Permit

amendment No. 10-562-1, 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:ib:632
12/26/84
Or.Dept:Clerk
CUP-10-562-1
R-85-1182
Form=r.none

CONDITIONAL USE PERMIT NO. 10-562-1

CITY COUNCIL
AMENDMENT

This Conditional Use Permit Amendment is granted by the the Council of The City of San Diego to ATLANTIC RICHFIELD CO., a Pennsylvania corporation, Owner/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 granted to Owner/Permittee to construct and operate a mini-market and self service gasoline sales facility located at the northwest corner of Jackson and Golfcrest Drives described as a portion of Lot 399, Lakeshore Unit No. 5, Map No. 5178, in the CA Zone.

2. The mini-market and 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. Self-service gasoline sales;
- b. Mini-market;
- c. Off-street parking; and
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. No fewer than five off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 5, 1979, 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 2-inches 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 shall not be permitted on the premises.

5. A monument sign as shown on Exhibit "A," dated April 5, 1979, shall be permitted.

6. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted to minimize noise disturbance to adjoining properties.

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

8. A letter from the lessee stating that he has read, understands, and agrees to comply with 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.

9. The hours of operation shall be limited to 6 a.m. to 10:00 p.m. daily.

10. Prior to the issuance of any building permits, a final landscape plan shall be submitted to the Planning Director for approval. The landscape plan shall indicate additional tree and shrub plantings within existing landscape planters with an existing and proposed landscape planters on the site.

11. Prior to the issuance of any building permits, the existing pole price sign on site shall be removed.

12. The Owner/Permittee shall make security arrangements satisfactory to the Planning Director and Police Department for the facility between 6 p.m. and 10 p.m. on Friday and Saturday nights.

13. The Owner/Permittee shall erect a "no loitering" sign to the satisfaction of the Planning Director and Chief of Police, within one month after the approval of this permit.

14. No permit for operation 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.

15. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 5, 1979, on file in the office of the Planning

Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

16. Before issuance of any grading or 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 April 5, 1979, 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.

17. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located and not reflect onto adjacent property.

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

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

- a. Authorized by the Planning Commission; and
- 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.

20. 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.

21. 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.

22. The property owner and leaseholder are to take extraordinary measures to ensure tranquility with the adjacent residential area by prohibiting loitering, adjusting lighting, restricting reloading of underground fuel tanks to daylight hours only and other measures deemed appropriate by the Planning Director.

23. This Conditional Use Permit shall be reviewed by the Planning Department one month and every three months after approval, for a period of one year. If a violation is found, this permit shall be returned to the Planning Commission for consideration of revocation.

Passed and Adopted by the Council of The City of San Diego on December 11, 1984.

AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECK, 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 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.

ATLANTIC RICHFIELD CO.,
a Pennsylvania corporation

By _____

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

Form=ACK

DEC 11 1984

Passed and adopted by the Council of The City of San Diego on
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<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"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

(Seal)

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

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-262138** Adopted **DEC 11 1984**