

RESOLUTION NUMBER R- 263862

ADOPTED ON AUG 13 1985

WHEREAS, JOHN H. McMAHON, an individual, "Owner," and MOBIL OIL CORPORATION, a New York corporation, "Permittee," filed an application for permission under Conditional Use Permit No. 83-0476 to modernize an existing service station by converting to self-service pumps and adding a snack shop; and

WHEREAS, on June 20, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 83-0476 and filed said decision in the office of the City Clerk; and

WHEREAS, on August 13, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, KENNETH W. ZEBAL appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 13, 1985; 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. 83-0476:

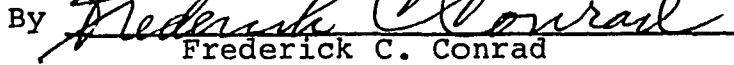
1. The proposed remodeling will not adversely affect the neighborhood, the General Plan or the Park Northeast Community Plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The remodeling would improve the appearance of an existing service station that has been operating for a number of years at this location.

2. The proposed use will comply with all relevant regulations for such use. The recommended conditions of approval would provide development and operational conditions consistent with adopted criteria.

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 hereby denies the appeal of KENNETH W. ZEBAL, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. 83-0476, 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:cc:632  
8/20/85  
Or.Dept:Clerk  
R-86-321

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CONDITIONAL USE PERMIT NO. 83-0476 - CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to JOHN H. McMAHON, "Owner," and MOBIL OIL CORPORATION, a New York corporation, "Permittee," for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner/Permittee to modernize an existing service station and to convert a portion of the service station building to a snack shop, located at 4616 Texas Street, described as Lot 1 of M & M Subdivision, Map No. 5929, in the C Zone.

2. The facility shall consist of the following:

- a. Self-service gasoline sales facilities;
- b. Snack shop;
- c. Two repair bays;
- d. Off-street parking; and
- e. Accessory uses as may be determined incidental 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 June 20, 1985, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the San Diego Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

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4. No permit to remodel 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.

5. 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 conformance with Exhibit "A," dated June 20, 1985, 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.

6. 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 identify new plantings to be installed in the existing planter boxes adjoining the eastern face of the service station building. Plans shall also show a relocation of the six street trees proposed along Mission Avenue to allow for unobstructed access to the trash enclosure area. 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.

7. 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.

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8. This Conditional Use Permit must be used within 36 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 San Diego Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

10. 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.

11. 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.

12. 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.

13. Pennants or banners shall not be permitted on the premises.

14. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted as to minimize noise disturbances to adjoining properties.

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15. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.

16. All trash shall be stored in suitable containers and the containers shall be placed within the trash enclosure which adjoins the southwest corner of the building.

17. A letter from the lessee, stating that they have read and understand and agree 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.

18. 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.

19. The snack shop and gas station shall not commence operation prior to 6:00 a.m. nor continue later than 10:00 p.m. of any day.

20. No pneumatic equipment shall be used prior to 7:00 a.m. or after 7:00 p.m.

21. There shall be no noise at the service station after 12:00 midnight.

22. 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 satisfactory to the Fire Department.

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23. Prior to issuance of any building permits in connection with this Conditional Use Permit, the applicant shall:

a. Grant a street reservation to Texas Street that will provide for half-width right-of-way of 46 feet adjacent to the site. This street reservation shall also include a 20-foot radius corner rounding on Madison Avenue.

b. Enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of a raised concrete barrier median in Texas Street northerly of Madison Avenue.

24. Prior to the issuance of any building permit in connection with this Conditional Use Permit, the applicant shall assure by permit and bond:

a. The construction of a sidewalk on Mission Avenue adjacent to the site.

b. The construction of a pedestrian ramp pursuant to Standard Drawing No. SGE-101 at the northeast corner of Madison Avenue and Mission Avenue.

c. The reconstruction of the curb and sidewalk at the northwest corner of Texas Street and Madison Avenue to provide a 30-foot curb radius and a pedestrian ramp pursuant to Standard Drawing No. SDG-101. This will also require the reconstruction of the adjacent driveway on Texas Street as required by the City Engineer.

d. The construction of new driveway ramps with a maximum width of 30 feet at the locations shown on the Conditional Use Permit exhibit, and the construction of full-height curb and sidewalk at the locations of the closed driveways in a manner satisfactory to the City Engineer.

25. The existing pump islands shall be relocated so that all station operations and permanent signs will be cleared of the dedicated right-of-way and the street reservation area.

26. "No loitering" signs shall be placed in and around the snack shop facility and the "no loitering" regulation shall be enforced by Permittee, any lessee or subsequent owner.

27. Sign identification shall consist of:

a. A seven-foot-high monument ground sign in the corner planter;

b. Two 19-square-foot wall-mounted signs identifying the snack shop and repair service; and

c. Two four-foot diameter disks on the building face.

28. A towing service shall not be permitted to operate from this site unless additional parking spaces which conform to the Planning Department's standards are provided on the lot.

29. There shall be no rental or sale of trucks, trailers or other vehicles permitted on the premises.

30. Vehicles awaiting repair or waiting to be picked up after repair shall be parked within the boundaries of the subject lot. Inoperable vehicles awaiting repair shall not be stored on the street adjoining the station or be parked in such a manner as to extend into landscaped areas or across property lines.

31. This Conditional Use Permit shall be brought back to the Planning Commission for review six months after the remodel of the facility in order to assure that the conditions of this permit are being met.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO on August 13, 1985



AUTHENTICATED BY:

\_\_\_\_\_  
Roger Hedgecock  
Mayor of The City of San Diego

\_\_\_\_\_  
Charles G. Abdelnour  
City Clerk of The City of San Diego

STATE OF CALIFORNIA )  
                          ) ss  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1985, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, 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.

MOBIL OIL CORPORATION,  
a New York Corporation

By \_\_\_\_\_

By \_\_\_\_\_

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

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Passed and adopted by the Council of The City of San Diego on AUG 13 1985,  
 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 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"/>
District 7 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>R-253862</u> Adopted <u>AUG 13 1985</u>