

RESOLUTION NUMBER R- 264561

ADOPTED ON NOV 26 1985

WHEREAS, CLINT W. ROBERTS, an individual, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 82-0399 to establish a gasoline pump island; and

WHEREAS, on September 26, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 82-0399 and filed said decision in the office of the City Clerk; and

WHEREAS, on September 30, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, RUTH J. SCHNEIDER, member of Otay Mesa-Nestor Community Planning Committee, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 26, 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. 82-0399:

1. The proposed use will fulfill a community need and 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 proposed use is consistent with, accessory to and supportive of uses approved in the planned commercial development (PCD 82-0397.2) in which the proposed service station will be located.

The use will provide a service to the nearby residential community.

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

No deviations from the Municipal Code are requested.

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 RUTH J. SCHNEIDER, member of Otay Mesa-Nestor Community Planning Committee, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. 82-0399, 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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
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02/21/86 Rev. 1
Or.Dept:Clerk
R-86-1242
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Conditional Use Permit No. 82-0399 CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to CLINT W. ROBERTS, an individual, "Owner/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 establish a gasoline pump island located at the southwest corner of Oro Vista Road and Tocayo Avenue, described as Oro Vista Unit No. 2, Map No. 11051, in the CR Zone.

2. The facility shall consist of the following:

- a. A one-island, four-pump gasoline dispensing facility;
- b. A 2,880-square-foot convenience food store;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Commission.

3. No fewer than 12 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit A, dated September 26, 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.

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

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

6. All underground petroleum product storage tanks shall be so designed as to prevent hydrocarbon vapor or gas loss to the atmosphere in accordance with the requirements of the Air Pollution Control Officer of San Diego County.

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

8. A letter from the lessee stating that he has read and understands 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. 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.

10. The convenience food store and gasoline pump island shall not commence operation prior to 6:00 a.m., nor continue operation later than 12:00 midnight of any day.

11. In the event that the gasoline pump island 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 gasoline sales and other

potentially-hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed or capped satisfactory to the Fire Department.

12. No permit for construction or 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.

13. "No loitering" signs shall be approved by the Planning Director prior to the occupancy of the convenience store/gasoline dispensing operation, and a "no loitering" policy shall be enforced by the occupant or tenant of the commercial facility.

14. 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 September 26, 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.

15. 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 September 26, 1985, on file in the office of the Planning Department. Approved plantings shall be installed before issuance of any occupancy

permit on any building. Such plantings shall not be modified or altered unless this permit has been amended.

16. 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.

17. 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 such extension must meet all Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

18. Construction and operation of the approved uses 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; 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.

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. Sign identification for the market and gasoline sales shall consist of:

a. A 6.5-foot-high by 10.25-foot-long monument ground sign;

b. Gasoline price information between the pump island posts; and

c. A 7-11 wall mounted logo on the front of the market building.

23. No construction, required parking or required landscaping shall be located within the street reservation area on the easterly side of Oro Vista Road, northerly of Tocayo Avenue.

24. This conditional use permit is subject to adoption of the related Community Plan and Progress Guide and General Plan Amendment.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 26, 1985.

AUTHENTICATED BY:

ED STRUIKSMA
Deputy 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 _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ED STRUIKSMA, known to me to be the Deputy 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.

CLINT W. ROBERTS, an individual

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

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CORRECTED COPY

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Passed and adopted by the Council of The City of San Diego on **NOV 26 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-264561** Adopted **NOV 26 1985**

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