

RESOLUTION NUMBER R- 265354

ADOPTED ON APR 1 1986

WHEREAS, MOBIL OIL CORPORATION, a New York corporation, "Owner" and "Permittee," filed an application for permission under Conditional Use Permit No. CUP-85-0684 to construct and operate a 24-hour self-service gasoline service station with a convenience store and car wash at the southwest corner of Paseo Montalban and Twin Trails Drive, in the Penasquitos East Community Plan area in the CA Zone; and

WHEREAS, on January 16, 1986, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. CUP-85-0684 and filed said decision in the office of the City Clerk; and

WHEREAS, on January 27, 1986, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, DAVID L. DAVIS appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 1, 1986, 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. CUP-85-0684:

1. The proposed use will adversely affect the neighborhood, the General Plan and the community plan, and will be detrimental to the health, safety and general welfare of persons living or working in the area in that the site is not appropriate for a gasoline service station due to the proposed facilities, concern about traffic and stop lights, noise factors, and the fact that there are presently three gasoline service stations in the area.

2. The proposed use will not comply with all relevant regulations in the San Diego Municipal Code. Section 101.0506 of the San Diego Municipal Code of San Diego, paragraph A.1., grants the Planning Commission authority, subject to appropriate conditions, to approve gasoline service stations by Conditional Use Permit. However, the Council believes the appropriate conditions do not exist in this instance to grant the permit.

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 grants the appeal of DAVID L. DAVIS, overrules the decision of the Planning Commission, and does hereby deny Conditional Use Permit No. CUP-85-0684.

APPROVED: JOHN W. WITT, City Attorney

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

FCC:cc:632
06/24/86
Or.Dept:Clerk
R-86-1938
Form=r.permitdenial

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Passed and adopted by the Council of The City of San Diego on APR 1 1986
by the following vote:

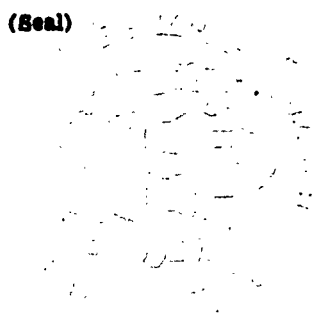
Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria 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"/>
Judy McCarty	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

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

By Ellen Board, Deputy.



Office of the City Clerk, San Diego, California

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