

(R-87-987)

RESOLUTION NUMBER R- 266894

ADOPTED ON OCT 28 1986

WHEREAS, THRIFTY OIL CO., by A. W. Johnson, Jr., appealed the decision of the Planning Commission in approving Conditional Use Permit No. CUP-86-0446, an amendment to CUP-85-0263, submitted by THRIFTY OIL COMPANY, Owner/Permittee, for permission to construct a 95-square-foot pole sign (26 feet, 5 inches high) to be erected in place of the existing monument sign, and to permit an increase in the amount of wall signage for the operation of an automobile service station and mini-mart on Parcel D, Parcel Map PM-1228, located on the northwest corner of Clairemont Mesa Boulevard and Lakehurst Avenue, in the Clairemont Mesa Community Plan area, in the CA Zone; and

WHEREAS, said appeal was set for public hearing on October 28, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. CUP-86-0446:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed signs would fulfill an individual need. The additional 23-square-foot wall sign

proposed for the eastern building elevation will provide needed identification for a new use on this site, and that the 20-square-foot increase to the southerly wall sign is consistent with the previously approved sign program. However, the replacement of an existing monument sign with a 26-foot high pole sign and the placement of a third wall sign requested for the northern building elevation would be consistent with the guidelines of the Clairemont Mesa Community Plan. The community plan states that the problem of sign clutter is prevalent in shopping centers and makes a specific reference to North Clairemont Plaza, which adjoins this site. In addition, the community plan states that the size, placement, design and height of signs in the community should be restricted. The existing monument sign is adequate to identify the well-established service station and an increase in the height and size of this sign would only increase the visual clutter along Clairemont Mesa Boulevard. The wall sign approved for the eastern building elevation combined with the 128-square-foot wall sign previously approved for the southern elevation will provide adequate identification for the food market.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. Approval of a second 23-square-foot wall sign for the eastern building elevation will not have a detrimental effect. However, the proposed pole sign and the additional wall signage requested

would have a detrimental effect on the area by adding unnecessary visual clutter.

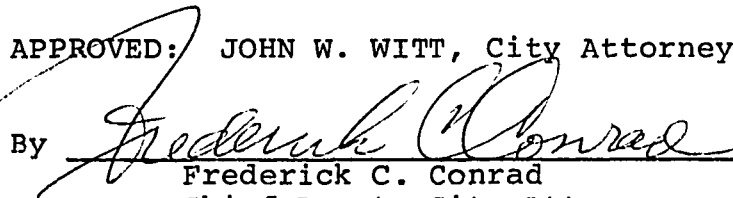
3. The proposed use will comply with the relevant regulations in the Municipal Code.

The above 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 THRIFTY OIL CO. is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0446 is hereby granted to THRIFTY OIL CO., under the terms and conditions 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:640  
01/16/87  
Or.Dept:Clerk  
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Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0446  
CITY COUNCIL

This Conditional Use Permit Amendment is granted by the City Council of The City of San Diego to Thrifty Oil Company, Owner/Permittee, under the conditions 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 an automobile service station and mini-mart and amend Conditional Use Permit 85-0263 to allow additional wall signage located at 4202 Clairemont Mesa Boulevard, described as Parcel D, Parcel Map 1228, in the CA Zone.

2. The facility shall consist of the following:

- a. a gasoline sales facility;
- b. a mini market;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than seven off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 28, 1987, 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. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No sign permits shall be issued for this 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. Construction of the facility shall be in accordance with Exhibit "A," dated October 28, 1987, 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 occupancy permits landscaping shall be installed in accordance with Exhibit "A," dated October 28, 1987, 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.

7. This Conditional Use Permit Amendment 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 Section 101.0506 and 101.0507 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

9. 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.

10. This Conditional Use Permit Amendment may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

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

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

13. All new 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.

14. No merchandise or supplies shall be stored or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.

15. All trash shall be stored in suitable containers and the containers shall be placed within the trash enclosure provided at the southwest corner of the lot.

16. A letter from the lessee stating that they have read, understand, and agree to comply with the conditions imposed on

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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.

17. 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.

18. Signage for the project shall consist of 1) two wall signs (a) one 128 square foot identification sign on the southerly elevation, (b) one 23 square foot identification wall sign on the easterly elevation; and 2) one eight-foot-high, 64-square-foot monument gasoline identification and price sign.

19. "No loitering" signs shall be placed in and around the mini-market building and the no loitering policy shall be enforced by permittee, any lessee, or subsequent owners.

20. 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.

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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON OCTOBER 28, 1986.



STATE OF CALIFORNIA)  
 )  
COUNTY OF SAN DIEGO)

ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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

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Passed and adopted by the Council of The City of San Diego on OCT 28 1986,  
by the following vote:

Council Members	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

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