

RESOLUTION NUMBER R-267461

ADOPTED ON JANUARY 13, 1987

WHEREAS, DE ANZA LAND AND LEISURE CORPORATION, by S. L. Pentoney, Secretary, appealed the decision of the Planning Commission in approving in part and denying in part Conditional Use Permit No. 10-489-3, submitted by DE ANZA LAND AND LEISURE CORPORATION, Owner/Permittee, to maintain a drive-in movie theater and to operate a swap meet and rental storage facility as accessory uses, on Bayview Drive-In Theater Tract No. 2, Map No. 4493, located on the north side of Coronado Avenue, between Green Street and I-5, in the Otay Mesa-Nestor Community Plan area, in the R-3000 and CA-RR Zones; and

WHEREAS, the matter was set for public hearing on October 14, 1986 and continued to January 13, 1987, 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. 10-489-3:

1. The continued operation of the Wednesday swap meet will not adversely affect the neighborhood, the General Plan and the community plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

2. The existing use, including the Wednesday swap meet, will comply with all the relevant regulations in the Municipal Code. Municipal Code Section 101.0510, paragraph C.3.e., grants the Planning Commission authority, under conditions, to approve open air theaters by conditional use permit. The swap meet operation was approved as an accessory use to an existing drive-in theater.

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 DE ANZA LAND AND LEISURE CORPORATION is granted; the decision of the Planning Commission is sustained in part and overruled in part, and Conditional Use Permit No. 10-489-3 is hereby granted to DE ANZA LAND AND LEISURE CORPORATION, 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

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02/27/87
08/31/87 Rev. 1
Or.Dept:Clerk
R-87-1511
Form=r.permit

Conditional Use Permit No. CUP-10-489-3
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to DE ANZA LAND AND LEISURE CORPORATION, a Utah corporation, "Owner/Permittee," for the purposed 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 hereby granted to Owner/Permittee to maintain a drive-in movie theater and operate a swap meet and rental storage facility as accessory uses, located on the north side of Coronado Avenue, between Green Street and the 1-5 Freeway, described as Bayview Drive-in Theater Tract #2, Map #4493, in the R-3000 and CA-RR Zones.
2. The drive-in movie theater shall include and the term "project" as used in this conditional use permit shall mean the total of the following facilities:
 - a. A drive-in movie theater;
 - b. A swap meet;
 - c. Rental storage facility (for swap-meet sellers) as shown on Exhibit "A," dated May 14, 1981;
 - d. Off-street parking;
 - e. Incidental accessory uses as may be determined and approved by the Planning Director.
3. All conditions originally imposed by the Zoning Administrator for this drive-in theater shall be met.
4. Swap meets shall be limited to weekends and Wednesdays.
5. No sales activities shall occur before 6:00 A.M. except that the snack bar may be opened at 6 A.M. to serve the sellers.
6. The permittee shall provide for trash collection immediately after the swap meet in the immediate vicinity of the swap meet.

7. There shall not be fewer than three off-street parking spaces located on the site for each selling space at the swap meet.

8. No public address system shall be permitted except for use in case of emergency.

9. No booth shall be permitted within 50 feet of any residential structure.

10. All sales activities shall be confined to the area designated "Theater No. 1" on the approved site plan.

11. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

12. During the Wednesday swap meet, the permittee shall charge, at a minimum, a dollar more for walk-in customers than drive-in customers except for those walk-in customers who live in the adjacent neighborhood or who arrive by public transportation.

13. During the Wednesday swap meet, the pedestrian entrance gate shall be placed as to not conflict with the vehicular entrance/exit.

14. During the Wednesday swap meet, the permittee shall control traffic along Coronado Avenue by means of traffic control devices approved by the City of San Diego Police Department, and traffic control personnel approved by the City of San Diego Police Department.

15. Sellers, at the Wednesday swap meet, shall be required to reserve their space at least one week in advance.

16. The Transportation and Land Use Committee will review the operations of the Wednesday swap meet every months. If the Transportation and Land Use Committee determines that the Permittee is in violation of any of the CUP conditions, the Planning Director shall notify the Permittee. If within thirty days of receipt of the notice the violation has not ceased, the Planning Director shall set the matter for a Planning Commission hearing, with appeal to the City Council.

Passed and adopted by City Council on January 13, 1987.

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CORRECTED COPY

JAN 13 1987

Passed and adopted by the Council of The City of San Diego on.....
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<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.

(Seal)

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

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

JAN 13 1987

Resolution *R* **267461** Adopted

Number