

RESOLUTION NUMBER R- 267944

ADOPTED ON MAR 24 1987

WHEREAS, Michael R. Mele, President of the Tierrasanta Community Council, appealed the decision of the Planning Commission in approving Conditional Use Permit No. 86-0525 submitted by Mobil Oil Corporation, located at the north side of Clairemont Mesa Boulevard between Santo Road and Antigua Boulevard, described as Parcel 2 of Parcel Map No. 4522, located in the Tierrasanta Community Plan area; and

WHEREAS, said appeal was set for public hearing on March 24, 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 City Council adopts the following findings with respect to Conditional Use Permit No. 86-0525:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan or the Community Plan. The area is designated for commercial uses in the General Plan and the adopted Tierrasanta Community Plan and the proposed project will fulfill a community need since there are no gasoline service stations in the vicinity.

2. The proposed project, 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.

The following conditions have been placed upon the project to ensure that it will not be detrimental to the health, safety, and general welfare of persons in the area: restriction of hours of operations, adherence to the window of visibility requirement, construction of a traffic signal at the intersection with future reimbursement for costs exceeding \$50,000.00 and extensive landscaping of the project area and adjacent shopping center.

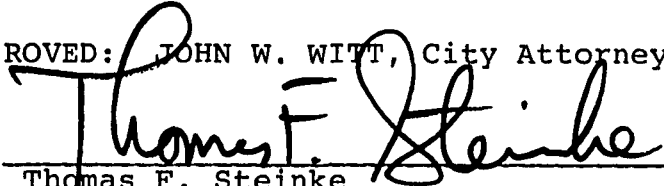
3. The proposed project will comply with all the relevant regulations in the San Diego Municipal Code. The project fulfills the requirements of the City Council adopted service station guidelines. The project is located in a CN Zone, provides the required amount of parking and the hours of operation meet requirements of these guidelines.

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 Michael R. Mele, President of the Tierrasanta Community Council, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. 86-0525 is hereby granted, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Thomas F. Steinke  
Deputy City Attorney

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04/01/87  
Or.Dept:Clerk  
R-87-2026  
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*Sum*  
CITY ATTORNEY

CONDITIONAL USE PERMIT NO. 86-0525  
CITY COUNCIL

APR 16 12 19 PM '87

This Conditional Use Permit is granted by the City Council of The City of San Diego to MOBIL OIL CORPORATION, a corporation, Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Permittee to construct and operate a gasoline service station with a mini-mart located on the north side of Clairemont Mesa Boulevard between Santo Road and Antigua Boulevard, described as, Parcel 2 of Parcel Map No. 4522, in the CN Zone.

2. The facility shall consist of the following:

- a. a gasoline service station with four pump islands;
- b. a 950-square-foot mini-mart;
- c. Off-street parking; and
- d. 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 March 24, 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. One of the parking spaces on the western property line shall be designated for employee parking. No parking shall be permitted on Santo Road and Clairemont Mesa Boulevard adjacent to the property.

4. Signage shall consist of the following and be maintained on the property in the location shown on Exhibit "A", dated March 24, 1987.

- a. combination identification and price sign: 89 square feet.
- b. free-standing price sign: 15 square feet.
- c. Mobil-mart identification sign: seven square feet.
- d. Pegasus disc: 20 square feet.

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- e. canopy signs to include price, light units, self-serve, and identification sign: 39 square feet.

5. No permit for construction and 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.

6. 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 March 24, 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.

7. 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 be in substantial conformity to Exhibit "A," dated March 24, 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.

8. 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.

9. Pennants, portable signs or banners shall not be permitted on the premises.

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

11. The requirements of the County Health Department and the City of San Diego Fire Department for storage of all hazardous materials, including underground chemical storage, shall be met at all times.

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

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

14. Prior to the issuance of any building permits, the applicant shall:

- a. Enter into an agreement with the City Engineer for the installation of traffic signals at the intersection of Clairemont Mesa Boulevard and Santo Road in accordance with plans to be approved by the City Engineer. The agreement shall provide that all costs of design and installation of the signals shall be borne by the applicant, and that the City shall reimburse the applicant for all costs and expenses of design and installation of the signals in excess of \$50,000 from available Facilities Benefit Assessment funds. The signal shall be operational prior to issuance of a certificate of building occupancy.
- b. Assure by permit and bond the construction of a pedestrian ramp per Standard Drawing SDG-101.

15. The applicant shall complete either of the following sewer alternatives in a manner satisfactory to the Water Utilities Director:

- a. Install a sewer main in Santo Road from the existing 10-inch sewer main at Remora Street southerly to the northerly property line, or
- b. Provide evidence satisfactory to the Water Utilities Director providing for the operation and maintenance of a private sewer lateral across adjacent property.

16. The adjacent shopping center shall be landscaped in a manner complimentary to the service station. Both the interior and exterior of the shopping center shall be so landscaped. This landscape plan shall be submitted to the Planning Director for approval.

17. The exterior of the 950-square-foot mini-mart facility shall be finished with stucco and the roof shall be tiled in concert with the adjacent shopping center.

18. No video games or pinball machines shall be permitted.

19. A letter from the lessee stating that they have read, 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.

20. 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.

21. The Service Station shall not commence operation prior to 6:00 a.m. nor continue operation later than 12 Midnight of any day. Signs and area lighting shall not be lighted between the hours of 12 Midnight and 6:00 a.m.

22. No alcohol shall be sold from this site.

23. No loitering signs shall be placed in and around the mini-market facility and no loitering enforced by the permittee, any lessee or subsequent owner.

24. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director and in substantial conformance with Exhibit "A," dated March 24, 1987.

25. Activities specifically prohibited on-site include:

- a. Painting, body and fender work;
- b. Sales or rentals of any new or used vehicle, boat or trailer;
- c. Sales or rental of power tools;
- d. Outdoor storage and display of any product for sale, other than automotive fuels, lubricants, supplies and accessories;
- e. Stand-alone kiosks providing services and sales of products.

26. When operations are discontinued at an automobile service station for a period approaching 12 months, the permittee of the Conditional Use Permit has the following options:

- a. Apprise the City Planning Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code Section 101.0510.0 ("Rescission of Permit by Applicant").

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- b. Redevelop the property as a service station through an amended Conditional Use Permit, as set forth in Municipal Code Section 101.0510.I. ("Amendment to Permit").
- c. Resume use as a service station under the existing Conditional Use Permit.

If none of the above options is taken by the permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to rescind the permit and abate the non-conforming structures, as set forth in Municipal Code Section 101.0508. ("Failure to Conform or Comply with Conditions").

27. 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.

28. 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 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.

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

30. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; 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.

31. 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.

32. 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.

Passed and Adopted by the City Council on March 24, 1987.

**MAR 24 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 type="checkbox"/>	<input checked="" 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 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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-267944** Adopted **MAR 24 1987**

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