

(R-88-1265)

RESOLUTION NUMBER R-269881

ADOPTED ON DECEMBER 1, 1987

WHEREAS, Atlantic Richfield Company, by Lynne L. Heidel of Peterson, Thelan and Price, appealed the decision of the Planning Commission in denying Conditional Use Permit No. 87-0145 submitted by Miramar Industrial Partners, a general partnership, Owner, described as Lot 3, Oliver McMillan Industrial Park, Map 11620, located at the northeast corner of the intersection of Miramar Road and Camino Santa Fe, in the Mira Mesa Community Plan area, in the M-1B Zone; and

WHEREAS, the matter was set for public hearing on December 1, 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. 87-0145:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan. The proposed use fulfills the community need for a service station and convenience store serving users of the industrial and commercial developments in western Mira Mesa. The Community Plan states that such commercial uses should be permitted when the need for such uses

is established. Inasmuch as there is only one (1) service station between Interstate 5 and the stations at Interstate 15 along Miramar Road, there is clearly a need for the proposed use. Development along Miramar Road is a mixture of industrial and commercial uses. Service stations such as the one proposed are needed as support uses for the area.

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. The project will be developed pursuant to, and is consistent with, the "Guidelines for Automobile Service Stations" and the planned industrial development design criteria. A high standard of design for the site's development will be ensured by the conditions of the Conditional Use Permit and Planned Industrial Development Permit. The proposed use will be beneficial to the health, safety and general welfare of persons residing and working in the area by providing needed commercial and industrial uses that are also consistent with the development along Miramar Road.


3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. Section 101.0512(2.1) of the San Diego Municipal Code authorizes the Planning Director to grant conditional use permits for automobile service stations in any zone except the R-1 Zones, subject to the locational and operational standards contained within the document entitled "Guidelines for Automobile Service Stations,"

adopted by resolution of the City Council. The proposed project complies with the San Diego Municipal Code concerning conditional use permits for automobile service stations, subject to the conditions of the permit. Section 101.0920 of the San Diego Municipal Code authorizes the Planning Director to grant Planned Industrial Development Permits subject to the standards contained within that section. The proposed project complies with the San Diego Municipal Code concerning Planned Industrial Development Permits, subject to the conditions of 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 the appeal of Atlantic Richfield Company, by Lynne L. Heidel of Peterson, Thelan and Price, is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 87-0145 is hereby granted to Miramar Industrial Partners, a general partnership, under the terms and conditions set forth in the conditional use permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ta  
02/29/88  
Or.Dept:Clerk  
R-88-1265  
Form=r.permit

CONDITIONAL USE PERMIT NO. 87-0145

CITY COUNCIL

This Conditional Use Permit ("Permit") is granted by the Council of The City of San Diego to MIRAMAR INDUSTRIAL PARTNERS, a general partnership ("Owner"), and ATLANTIC RICHFIELD COMPANY, a Delaware corporation ("Permittee"), under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to construct and operate an automobile service station with a mini-market (24 hour operation), located at the northeast corner of the Camino Santa Fe and Miramar Road intersection, described as a 0.73 acre portion of Lot 3, Oliver McMillan Industrial Park, Map No. 11620, in the M-1B Zone.

2. The facility shall consist of the following:

a. An automobile service station consisting of eight (8) pumps on two (2) islands.

b. A two thousand four hundred (2,400) square foot convenience market (24 hour operation).

c. Off-street parking.

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than nine (9) off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 1, 1987, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the 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 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 Permit is recorded in the office of the County Recorder.

c. A final subdivision map is recorded.

If the signed Permit is not received by the Planning Department within thirty (30) days of the City Council decision, the Permit shall be void.

5. Signage for the service station shall be limited to the following:

a. One (1) double-faced monument identification and price sign, not to exceed forty-two (42) square feet in sign face area and a height of 5.5 feet.

b. One (1) single faced monument entrance identification sign not to exceed nine (9) square feet in sign face area and a height of three (3) feet.

c. Two (2) wall signs - one (1), twenty-five (25) square foot, "24" Hour sign, and one (1), forty-eight (48) square foot "AM/PM Mini-Market" sign on the fascia.

d. Two (2) canopy logo signs not to exceed nine (9) square feet and incidental signage to consist of pump island instruction.

6. Pennants, portable signs or banners shall be permitted on the premises.

7. A final Subdivision map, Parcel Map No. 87-0145, shall be recorded prior to the issuance of grading or building permits for this property; development shall be in accordance with all conditions of the map.

8. 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.

9. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences at least six (6) feet in height. Refuse shall not be visible from outside the enclosed area.

10. 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.

11. A copy of this 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.

12. 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.

13. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director.

14. 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.
- f. Automobile repair.

15. When operations are discontinued at an automobile service station for a period approaching twelve (12) months, the Permittee of the Permit has the following options:

- a. Apprise the City Planning Department that the Permit should be rescinded pursuant to Code Section 101.0510.0 ("Rescission of Permit by Applicant"). In the underlying zone or planned district, including underground tanks, shall be removed.
- b. Redevelop the property as a service station through an amended Permit, as set forth in Code Section 101.0510.I. ("Amendment to Permit").
- c. Resume use as a service station under the existing 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 nonconforming structures, as set forth in Code Section 101.0508. ("Failure to Conform or Comply with Conditions").

16. 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.

17. Before the 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 December 1, 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.

18. 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 December 1, 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.

19. 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.

20. This Permit must be used within thirty-six (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 101.0510 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.

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

22. Should either the related Planned Industrial Permit amendment or Parcel Map be denied, the Conditional Use Permit is deemed denied and Planned Industrial Development No. 85-0282 shall remain in force and effect and shall control the property.

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

a. Authorized by the Planning Commission.

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion.

c. The Permit has been revoked by the City.

24. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this Permit.

25. This 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 December 1, 1987.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk  
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 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 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

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

ATLANTIC RICHFIELD COMPANY  
(Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq.



333D

DEC 1 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 type="checkbox"/>	<input checked="" 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"/>
District 4	<input 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 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"/>

VACANT

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.

By Blanda B. Barnes Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number B-269881 Adopted DEC 1 1987