

(R-89-1865)

RESOLUTION NUMBER R-272793

ADOPTED ON JANUARY 31, 1989

WHEREAS, UNOCAL Corporation of California, appealed the decision of the Planning Commission condition of approval for Conditional Use Permit No. 88-0105, in limiting operating hours for a gasoline service station, submitted by UNOCAL Corporation of California, Owner/Permittee, described as Lot 3 of Clairemont Subdivision, Map No. 6155, located on the northwest corner at the intersection of Clairemont Drive and Denver Street, in the Clairemont Community Plan area, in the CA Zone; and

WHEREAS, the matter was set for public hearing on January 31, 1989, 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. 88-0105:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Clairemont Community Plan.

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.

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3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to conditional use permits and meets the criteria and guidelines of the adopted Clairemont Community Plan.

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 UNOCAL Corporation of California is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 88-0105 is hereby granted to UNOCAL Corporation of California, 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:lc
03/28/89
Or. Dept: Clerk
R-89-1865
Form=r.permit

CONDITIONAL USE PERMIT NO. 88-0105

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of the City of San Diego to UNOCAL CORPORATION, a California corporation, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 45-square-foot cashiers booth and modify existing pump island by extending the pump island facing Denver Street to 16 feet and the pump island facing Clairemont Drive to 28 feet. The property is located on the northwest corner at the intersection of Denver Street and Clairemont Drive, described as Lot 3 of Clairemont Subdivision, Map No. 6155, in the CA Zone.

2. The facility shall consist of the following:

- a. Three fuel dispensing islands with a total of five multigrade gasoline pumps;
- b. A 43-square-foot cashiers booth;
- c. Maintain existing 1,431-square-foot service building
- d. Maintain 1,200 square feet of pump island canopy area;
- e. Removal of 70-foot-high pole sign;
- f. Off-street parking; and
- g. Accessory uses as may be determined incidental and approved by the Planning Planning Director.

3. No fewer than eight off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated September 22, 1988, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Zoning Regulations 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit for construction 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.

5. 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 September 22, 1988, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. 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 September 22, 1988, 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 and is to be maintained in a disease-, weed- and litter-free condition at all times.

7. 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.

8. 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 101.0510.k. of the Municipal code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

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

10. 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.

11. 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.

12. This Conditional Use Permit is a covenant running with the subject property 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 in this permit and all referenced documents.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

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

15. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to cause no noise disturbances to adjoining properties.

16. 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.

17. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except lubricants, supplies and accessories on suitable racks on pump islands.

18. 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 feet in height. Refuse shall not be visible from outside the enclosed area.

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 rear of the station shall be lighted from 6:00 p.m. to 6:00 a.m.

22. 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.

23. Signs will be installed requesting that customers and the public at large refrain from making any excessive noise.

24. Gasoline deliveries will be limited to the hours between 6:00 a.m. and 10:00 p.m.

25. Access around the rear of the station will be blocked from 10:00 p.m. to 6:00 a.m.

26. The air compressor tank will be bled only between the hours of 7:00 a.m. and 7:00 p.m.

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

28. Performance of minor automotive maintenance and repair, including all government-mandated automobile diagnostic evaluations are permitted. Major automotive repair and engine rebuilding is specifically prohibited. Any such repair and maintenance permitted shall be done within enclosed buildings.

29. 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.

30. 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 ("Recission 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 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.

31. 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 Municipal Code Section 101.0508. ("Failure to Conform or Comply with Conditions").

32. 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 from the premises. Underground fuel storage tanks shall also be removed or capped satisfactory to the Fire Department.

33. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

PASSED AND ADOPTED by the City Council on January 31, 1989.

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 _____, 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.

UNOCAL Corporation of California
Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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JAN 31 1989

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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.

Ina Martin
By....., Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 272793 Adopted JAN 31 1989

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