

(R-90-160)

RESOLUTION NUMBER R- 273971

ADOPTED ON JUL 11 1989

WHEREAS, on July 11, 1989, the Council for The City of San Diego, heard the appeals of Sejour Development Corporation, by Matthew A. Peterson, Attorney, from the decision of the Board of Zoning Appeals in granting, with modifications, Conditional Use Permit C-20165, which proposes to establish a parking lot where such use is permitted by Conditional Use Permit only - Portion of Block 21-24, Tia Juana City, Map 282, located south of Camiones Way between Interstate 5 and Virginia Avenue, A-1 Zone, Proposition "D" Height Limitation Zone; and

WHEREAS, in arriving at their decision, the Council considered the staff report, decisions of the Zoning Administrator and the Board of Zoning Appeals, the plans and materials submitted prior to and at the public hearing, and public testimony presented at the hearing; and

WHEREAS, the Council adopted the findings of the Zoning Administrator. A copy of the Zoning Administrator's resolution in this case is attached hereto and incorporated by reference; and

WHEREAS, the Council found that the proposed use would not adversely affect the neighborhood, the General Plan or Community Plan, and would not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
89 SEP 14 PM 4:09
SAN DIEGO, CALIF.

pet

[Faint, illegible text, likely bleed-through from the reverse side of the page]

[Faint, illegible text, likely bleed-through from the reverse side of the page]

WHEREAS, the Council reviewed and is hereby adopting Negative Declaration No. 88-1198, which indicates that the proposed project will not have a significant impact and an environmental impact report was not required. The Negative Declaration did not contain mitigation measures; and

WHEREAS, the proposed use will comply with all relevant regulations in the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council for The City of San Diego, that the appeal of Sejour Development Corporation, by Matthew A. Peterson, Attorney, is hereby granted and the decision of the Board of Zoning Appeals is overturned. By granting the appeal, the Council is adopting the decision of the Zoning Administration, with modifications, and grants the issuance of Conditional Use Permit C-20165, subject to the following conditions:

1. That revised plans shall be submitted to and approved by Zoning Administration prior to the issuance of any permits or the installation of any improvements to the parking lot;

2. That said revised plans shall comply with Division 8 specifically a minimum of 21'-0" wide aisles for the standard parking space, parking ratio of 60 compact to 40 standard, etc.;

3. That landscape strip along the southern property line shall be increased to a minimum of 10'-0" width;

4. That all trees within the interior of the vehicle use area shall be a minimum size of 24 inch box;

5. That the landscape buffer strip adjacent to Camiones Way shall be planted with minimum size shrubs to ensure minimum 30 inch high screen of parking lot;

6. That final plans shall be specific in terms of type, size and location of all plant material and the irrigation equipment plan;

7. That the revised plans shall include minimum of three toilet facilities for the men and three for the women;

8. That the project shall comply with all the requirements of Engineering & Development, specifically drainage of the parking lot;

9. That fencing shall be vinyl coated, chain link and may be placed on the property line or behind the landscape strip along Camiones Way;

10. That this Conditional Use Permit shall be valid for ten (10) years following utilization by the Permittee. However, five (5) years following utilization, the Zoning Administrator shall review the operations on the site to assure compliance with the conditions of this Conditional Use Permit. The Zoning Administrator shall report to the Transportation and Land Use Committee on the results of this investigation. If the Transportation and Land Use Committee determines that one (1) or more of the conditions are not being adhered to, the Permittee shall be notified in writing of such violation(s). If Permittee has not corrected such violations within forty-five (45) days of the written notification, a revocation hearing for the Conditional Use Permit shall be set before the Zoning Administrator.

11. That permits shall be obtained for all signs.

12. That the parking lot shall be paved with minimum 0'-2" asphaltic concrete which shall be maintained in good condition.

13. That all the landscaping shall be maintained in green and growing condition.

14. That the revised plans shall be submitted by April 21, 1989 and that the 10-day appeal period shall begin April 22, 1989.

15. That a phasing plan for development with estimated beginning and completion dates shall be submitted to Zoning Administration and made part of this file, said phasing to be initiated within a reasonable period of time from the date of the hearing.

16. That if the Permittee does not submit the necessary applications to the appropriate City departments, for development of the northeast parcel of the subject property, within six (6) months following recordation of the final map for the project, the Permittee shall be required to landscape the northeast parcel of the parking lot consistent with the landscaping required for the remainder of the parking lot.

17. That this Conditional Use Permit shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

This Conditional Use Permit is not a permit or license and any permits and licenses required by law must be obtained from the proper department. In addition to the requirement for review by the Zoning Administrator specified in Condition No. 10 above,

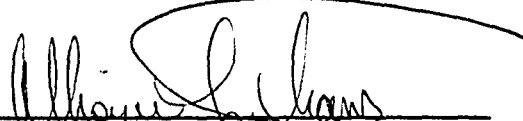
if any condition of this grant is violated, or if the same be not complied with in every respect, then this Conditional Use Permit shall be subject to revocation, provided, however, that after being notified in writing by the City that a condition has been violated and that this permit is null and void within ten (10) days, an appeal may be filed with the Board of Zoning Appeals to show cause why this permit should be reinstated.

Failure to utilize such Conditional Use Permit within the thirty-six (36) month period will automatically void the same, in accordance with Municipal Code section 101.0510. Except as provided in Section 101.0510, during the thirty-six (36) month period referred to in this Section, the property covered by a Conditional Use Permit shall not be used for any purpose other than that authorized by the Permit.

BE IT FURTHER RESOLVED, that the decision of the Council is final.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn H. Thomas
Deputy City Attorney

ALT:pev
07/25/89
Or.Dept:Clerk
R-90-160
Form=r.none


if any condition of this grant is violated, or if the same be not complied with in every respect, then this Conditional Use Permit shall be subject to revocation, provided, however, that after being notified in writing by the City that a condition has been violated and that this permit is null and void within ten (10) days, an appeal may be filed with the Board of Zoning Appeals to show cause why this permit should be reinstated.

Failure to utilize such Conditional Use Permit within the thirty-six (36) month period will automatically void the same, in accordance with Municipal Code section 101.0510. Except as provided in Section 101.0510, during the thirty-six (36) month period referred to in this Section, the property covered by a Conditional Use Permit shall not be used for any purpose other than that authorized by the Permit.

BE IT FURTHER RESOLVED, that the decision of the Council is final.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn H. Thomas
Deputy City Attorney

ALT:pev
07/25/89
Or.Dept:Clerk
R-90-160
Form=r.none

RECEIVED

CITY OF SAN DIEGO

89 JUN 13 AM 9:46

SAN DIEGO, CALIF.

CITY OF SAN DIEGO - DECISION OF THE BOARD OF ZONING APPEALS - C-20165

CONDITIONAL USE PERMIT

WHEREAS, on June 7, 1989, the Board of Zoning Appeals considered the appeal of WALLACE F. ZAGER TRUST DBA BORDER STATION PARKING from the APPROVAL by the Zoning Administrator of SEJOR DEVELOPMENT CORPORATION & SYG VENTURES request to establish a parking lot where such use is permitted by Conditional Use Permit only - Portion of Block 21-24, Tia Juana City, Map 282, located south of Camiones Way between Interstate 5 and Virginia Avenue, A1-1 zone, Proposition "D" Height Limitation Zone; and,

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the staff report, decision of the Zoning Administrator, the plans and material submitted prior to and at the public hearing, an inspection of the subject property, and public testimony presented at the hearing; and,

WHEREAS, the Board of Zoning Appeals found that the request could be approved. The appellant's representative submitted into public testimony, that they did not believe that the site plan of the proposed parking lot was adequate, nor consistent with the proposed community plan and further, that the project would negatively impact the surrounding area. The opposition pointed out that the project would have only one entrance and exit and would only add to the existing traffic problems in the area. The site would be inconsistent with the proposed community plan in regard to not landscaping the 50 foot wide buffer adjacent to the US/Mexico border.

The applicant's representative stated that the project would comply with all conditions of the Zoning Administrator's decision and that the project proposals were adequate with regard to landscaping, and the City's parking lot requirements. The proponent's traffic engineer assured the Board that due to the random use of the parking lot, over a 24-hour period, that the site design of the lot and the adjacent streets could handle the estimated traffic.

The Board of Zoning Appeals believed that the Zoning Administrator's approval was appropriate. The Board discussed the conditions and the issue regarding the buffer along the international border. The Board believed the ten-year approval by the Zoning Administrator was not sensitive to the community plan nor was the lack of landscaping appropriate - the Northeast portion of the parking lot (in the area of the existing 500 space parking lot); and,

WHEREAS, the proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and,

WHEREAS, the Board of Zoning Appeals further found that the proposed use will comply with all relevant regulations in the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, that the Board of Zoning Appeals, in light of the foregoing, by a vote of 4:1, hereby DENIES the appeal of WALLACE F. ZAGER TRUST DBA BORDER PARKING LOT, but MODIFIES the conditions of the Zoning Administrator to APPROVE the request, subject to the following conditions:

1. That revised plans shall be submitted to and approved by Zoning Administration prior to the issuance of any permits or the installation of any improvements to the parking lot;
2. That the revised plans shall indicate the northeast portion of the parking lot landscaped consistent with the rest of the site;
3. That all trees within the interior of the vehicle use area shall be a minimum size of 24 inch box;

4. That the landscape buffer strip adjacent to Camiones Way shall be planted with minimum size shrubs to ensure minimum 30 inch high screen of parking lot;
5. That final plans shall be specific in terms of type, size and location of all plant material and the irrigation equipment plan;
6. That the final plans shall include minimum of three toilet facilities for the men and three for the women;
7. That the project shall comply with all the requirements of Building Inspection and Engineering & Development, specifically drainage of the parking lot;
8. That fencing shall be vinyl coated, chain link and may be placed on the property line or behind the landscape strip along Camiones Way;
9. That this Conditional Use Permit shall be valid for five years and that any additional extensions of time shall require a public hearing;
10. That permits shall be obtained for all signs;
11. That the parking lot shall comply with Division 8 and shall be paved with minimum 0'-2" asphaltic concrete which shall be maintained in good condition;
12. That all the landscaping shall be maintained in green and growing condition;
13. That a phasing plan for development with estimated beginning and completion dates shall be submitted to Zoning Administration and made part of this file, said phasing to be initiated within a reasonable period of time from the date of the hearing;
14. That this Conditional Use Permit shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.


This Conditional Use Permit is not a permit or license, and any permits and licenses required by law must be obtained from the proper department. Furthermore, if any condition of this grant is violated, or if the same be not complied with in every respect, then this permit shall be subject to revocation.

Failure to utilize such permit within the thirty-six (36) month period will automatically void the same, in accordance with Municipal Code Section 101.0510.

The decision of the Board of Zoning Appeals shall be final on the eleventh (11) day following action by the Board of Zoning Appeals, unless a request to be heard on appeal is filed in the Office of the City Clerk and Zoning Administration in accordance with the procedures provided in Municipal Code Section 101.0240.

BOARD OF ZONING APPEALS

Edwin K. Hom, Chairman


 By: Sharren L. Carr
 Zoning Administrator

EKH:KLM:pcv

Dated: June 12, 1989

JUN 07 1989

RIGHT OF APPEAL expires
10 DAYS
after the above date.

THIS IS NOT A BUILDING PERMIT

5643

JUL 11 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 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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-273971 Adopted JUL 11 1989