

(R-92-1794)

RESOLUTION NUMBER R-279869

ADOPTED ON APRIL 28, 1992

WHEREAS, on February 13, 1992, the Planning Commission recommended approval of Conditional Use Permit No. 90-0435 (Canyon Hills Commercial Center) submitted by J. L. Elder Company, individual, Owner/Permittee, for the construction and operation of a 24-hour automotive service station with a convenience store and a car wash, located at the northwest corner of Interstate 15 and Mercy Road on both sides of Alemania Road and described as a portion of Lot 125 of Map No. 11833 in the Mira Mesa Community Plan area, in the CA zone; and

WHEREAS, the matter was set for public hearing on April 28, 1992, 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. 90-0435:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The service station will be as part of a neighborhood commercial/retail center which conforms to the Specialized Commercial designation of the Mira Mesa Community Plan.

2. The proposed use, because of 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 proposed 24 hour use should not be detrimental to surrounding properties due to the commercial center separating it from the residential use.

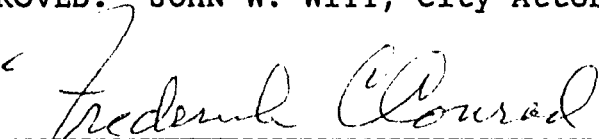
3. The proposed use will comply with the relevant regulations in the Municipal Code. The service station will be of new construction and is designed to be a component of the associated Planned Commercial Development ("PCD") Permit and will meet all development regulations except for the signage variance of the PCD.

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 recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 90-0435 is hereby granted to J. L. Elder Company, individual, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
07/01/92  
Or.Dept:Clerk  
R-92-1794  
Form=r.permit

CONDITIONAL USE PERMIT NO. 90-0435  
CANYON HILLS COMMERCIAL CENTER

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to J. L. ELDER COMPANY, Individual, 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 24 hour use auto service station and car wash, located at the northwest corner of Interstate 15 and Mercy Road on both sides of Alemania Road, described as a portion of Lot 125 of Map No. 11833, in the CA zone.
2. The facility shall consist of the following:
  - a. One 960-square-foot mini-mart building;
  - b. One 614-square-foot car wash;
  - c. Off-street parking; and
  - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than seven off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 28, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 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 April 28, 1992, 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 April 28, 1992, 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 Commission; 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. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director.
21. 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.
22. 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(O), Rescission of Permit by Applicant Following Establishment of Use. 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.

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 101.0510(N), Failure to Conform or Comply with Conditions.

23. 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 or capped satisfactory to the Fire Department.
24. The Conditional Use Permit is subject to each and every condition set out in the associated Tentative Map and Planned Commercial Development Permit No. 90-0435.
25. Sign permits shall conform to the sign plan Exhibit "A," dated April 28, 1992, to the satisfaction of the Planning Director. The approved sign plan does not include sign 5-2, the "Free Car Wash" sign.
26. 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 Council of The City of San Diego on April 28, 1992, by Resolution No. R-279869.



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Passed and adopted by the Council of The City of San Diego on APR 28 1992,  
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"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

By , Deputy.

Office of the City Clerk, San Diego, California

Resolution R-279869 Adopted APR 28 1992  
Number.....