

(R-94-1046)

RESOLUTION NUMBER R-283261

ADOPTED ON JANUARY 11, 1994

WHEREAS, TEXACO REFINING AND MARKETING, INC., a Delaware corporation, Owner/Permittee, filed an application for a Conditional Use Permit/Carmel Valley Planned District Development Permit to remodel an existing gas and service station, located at 3015 Del Mar Heights Road, described as Lot 2, Tentative Map Subdivision, Map No. 6214, in the Carmel Valley Community Plan area, in the Employment Center (EC) zone; and

WHEREAS, the matter was set for public hearing on January 11, 1994, pursuant to Sections 101.0510 and 103.0612 of the San Diego Municipal Code; and

WHEREAS, 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 the proposed Development Plan is consistent with the Neighborhood 2 Carmel Valley Precise Plan and the EC Zone, as set forth in Planning Report No. 94-015, dated January 5, 1994, a copy of said Planning Report by this reference incorporated herein.

BE IT FURTHER RESOLVED, that this Council adopts the following findings with respect to Conditional Use/Carmel Valley Planned District Development Permit No. 92-0487:

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 proposed development is to only remodel an existing service station and to bring the property into compliance with current development regulations.

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 existing service station is surrounded by office commercial land uses. The nearest residential land use is across Del Mar Height Road.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed remodel will allow the existing service station to be rehabilitated to correct Building and Municipal Code violations.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based upon the findings hereinbefore adopted by the City Council, Conditional Use/Carmel Valley Planned District Development Permit No. 93-0487 is hereby

granted to TEXACO REFINING AND MARKETING, INC., 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



John K. Riess
Deputy City Attorney

JKR:pev
02/02/94
Or.Dept:Clerk
R-94-1046
Form=r.permit

CONDITIONAL USE/CARMEL VALLEY PLANNED DISTRICT
DEVELOPMENT PERMIT NO. 92-0487

DEL MAR HILLS TEXACO

CITY COUNCIL

This Conditional Use/Planned District Development Permit is granted by the Council of The City of San Diego to TEXACO REFINING and MARKETING, INC., a Delaware corporation, Owner/Permittee, pursuant to Sections 101.0510 and 103.0612 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to remodel an existing gas and service station, located at 3015 Del Mar Heights Road, described as Lot 2, Tentative Map Subdivision, Map No. 6214, in the Employment Center ("EC") zone of the Carmel Valley Planned District.
2. The facility shall consist of the following:
 - a. A 2,667-square-foot service station building with three service bays and food mart;
 - b. Two above ground propane tanks (each 500-gallon size);
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 11 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 11, 1994, 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 proposed 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/Carmel Valley Planned District Development Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 11, 1994, 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 January 11, 1994, 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/Carmel Valley Planned District Development 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 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/Carmel Valley Planned District Development 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. 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.
22. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director.
23. 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.

24. 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.
25. 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"). 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").

26. 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.

27. This project contains a street which must be vacated by City Council to accommodate this proposal. If the vacation is denied by Council, then this Conditional Use Permit shall be deemed denied.
28. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for private improvements and signage to be located within the public right-of-way. This condition does not constitute approval of the Encroachment Removal Agreement, which requires separate application.
29. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the relocation of the existing two-inch water meter currently located within the driveway on Del Mar Hills Drive, satisfactory to the Water Utilities Director and the City Engineer.
30. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) section 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC section 10.301).
31. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
32. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of standard City driveways (curb-return access is not allowed), satisfactory to the City Engineer.
33. Due to the code enforcement situation of this property proper building permits must be obtained for the existing rear addition, the existing propane tank, and any non-building permitted signage on or before the 90th day from the effective date of this permit.
34. The existing and proposed propane tanks shall comply with the County of San Diego, Department of Public Health requirements and permits.
35. Upon completion of the Food Mart, bicycle parking shall be installed to the satisfaction of the Planning Director.
36. All future signage for this site must comply with the Carmel Valley Signage Guidelines.

37. 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.
38. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the City Council on January 11, 1994 by Resolution No. R-283261.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

TEXACO REFINING AND MARKETING, INC.
Owner/Permittee

By _____

By _____

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