

RESOLUTION NUMBER R-289642

ADOPTED ON JANUARY 13, 1998

WHEREAS, G&M Oil Company, Owner/Permittee, filed an application for a Coastal Development Permit/Conditional Use Permit/Barrio Logan Permit to remodel, operate and maintain an existing automobile service station with a new mini-mart and two ground signs, located 3774 Main Street, and described as Lots 11 through 17, Block 256 of Hoels Subdivision Re-Filed Map 457, in the Barrio Logan Community Plan area, in Barrio Logan Subdistrict B and the Coastal Zone; and

WHEREAS, on August 20, 1997, the City Manager approved the request to replace the dry cleaner outlet with a mini-mart but denied the request for two ground signs where only one is permitted by the sign code; and

WHEREAS, on August 27, 1997, J. Marconi filed an appeal to the Planning Commission of The City of San Diego of the Hearing Officer's approval of the project but denial of the second ground sign; and

WHEREAS, on October 30, 1997, the Hearing Officer's decision on the subject project was heard by the Planning Commission and the vote was three in favor of the appeal and three against the appeal; since four affirmative votes were not obtained, the decision of the Hearing Office was sustained; and

WHEREAS, on November 6, 1997, Andrea M. Fiscus, on behalf of Chevron Products Company, RFA, Inc., filed an appeal to the Council of The City of San Diego; and

WHEREAS, the matter was set for public hearing on January 13, 1998, 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 Coastal Development Permit/Conditional Use Permit/Barrio Logan Permit No. 96-7362, Chevron Service Station No. 20-5979:

COASTAL DEVELOPMENT PERMIT FINDINGS:

A. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The automobile service station location is approximately a mile from the harbor and does not encroach on any existing or proposed physical access to the coast, nor will it obstruct ocean or other scenic views from public vantage points.

B. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

The project is located on a developed urban site and will not adversely affect marine resources, environmentally sensitive areas, archaeological or paleontological resources.

C. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

The project is located on a developed site. Biologically sensitive lands, prehistoric or historic resources do not exist on the site.

D. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

These facilities and resources do not exist in this area.

E. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

The project is not located adjacent to or close to any parks, recreation areas, environmentally sensitive habitats, or scenic coastal resources.

F. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

The project will not alter the natural landform nor will it result in undue risks from geologic and erosional forces. The site is flat and located in an urbanized area that does not need brush management for fire protection.

G. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

The proposed exterior remodeling and the increased landscaping of the automobile service station will enhance the visual quality of this freeway interchange.

H. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

The proposed remodeling of the service station that replaces a dry cleaner outlet with a mini-mart conforms to the General Plan, the Local Coastal Program, and the Barrio Logan Planned District Ordinance which propose commercial and industrial uses in this area. The increase in the number of ground signs, sign height, and area is consistent with intent and purpose of these plans and regulations as it will assist the traveling public without impacting coastal resources.

The area is not coastal visitor oriented. It is freeway oriented in an industrial neighborhood. The project is uniquely situated next to a freeway and across the street from the 32nd Street Naval Base, far away from residential areas and coastal resources. In addition, competing service stations, located around the same freeway off-ramp, but in another jurisdiction, do have the same type of signs which the applicant is requesting.

CONDITIONAL USE PERMIT FOR AUTOMOBILE SERVICE STATION FINDINGS:

A. The proposed use will not adversely affect the neighborhood, the General Plan or the community plan and, if conducted in conformity with the conditions provided

by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The proposed use will not adversely affect the neighborhood, the General Plan or the Barrio Logan Community Plan and as proposed will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The existing freeway oriented service station would be upgraded to provide additional goods and services for the traveling public in a commercial area adjacent to a freeway interchange.

Pursuant to San Diego Municipal Code section 101.0510(E)(4), deviations to underlying sign regulations can be granted in connection with issuance of a Conditional Use Permit. The granting of the two proposed signs at this location maintains the project's consistency with the intent and purpose of the community plan, the Local Coastal Program and the General Plan. In addition, there would be no adverse impact to the health, safety, and welfare of the community through the granting of the appeal.

B. The proposed use would comply with all the relative regulations in San Diego Municipal Code.

The proposed remodeling of the service station that replaces a dry cleaner outlet with a mini-mart conforms to the General Plan, the Local Coastal Program, and the Barrio Logan Planned District Ordinance which propose commercial and industrial uses in this area. The increase in the number of ground signs, sign height, and area is consistent with the intent and purpose of these plans and regulations as it will assist the traveling public without impacting coastal resources.

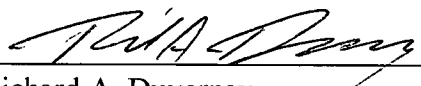
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The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Andrea M. Fiscus, on behalf of Chevron Products Company, RFA, Inc., is granted; the decision of the Hearing Officer is overturned; and Coastal Development Permit/Conditional Use Permit/Barrio Logan Permit

No. 96-7362 is hereby granted to G&M Oil Company, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
02/25/98
Or.Dept:Clerk
R-98-789
Form=permitr.frm

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CITY COUNCIL
COASTAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/
BARRIO LOGAN PERMIT NO. 96-7362
CHEVRON SERVICE STATION #20-5979

This permit is granted by the Council of The City of San Diego to G&M OIL COMPANY, Owner/Permittee, pursuant to San Diego Municipal Code sections 111.1202, 101.0510, and 103.0906.

Permission is hereby granted by the City Council of The City of San Diego to the referenced Owner/Permittee to remodel, use and maintain an existing automobile service station to include a mini-mart and two ground signs on a .59 acre site located at 3774 Main Street in the Barrio Logan Community Plan area legally described as Lots 11 through 17, Block 256 of Hoels Subdivision Re-Filed Map 457, in the Barrio Logan Subdistrict B and the Coastal Zone.

1. This permit shall consist of the following facilities and/or site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A," dated January 13, 1998, on file in the Office of Development Services. The remodeling may be phased, i.e., new signs may be installed before the dry cleaners is converted to a mini-mart; however; landscaping must be installed concurrently with installation of the new sign(s) or the remodeling to a mini-mart, whichever occurs first:
 - a) Existing canopy and fuel pumps,
 - b) 1,836 square foot convenience store (mini-mart) that will replace an existing dry cleaner outlet,
 - c) 8 parking spaces,
 - d) Landscaping,
 - e) A 50 foot high, 163 square foot freeway oriented ground sign; a 30 foot high, 77 square foot high ground sign at the corner of Main Street and the freeway off-ramp; a monument sign on Main Street; and wall and canopy signs as per sign plan, and
 - f) Incidental accessory uses as approved by the City Manager.

2. This permit is effective as of January 13, 1998.
3. No permit for the construction, occupancy or operation of any facility described in this permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the permit to Development Services; and
 - b. The permit is recorded by Development Services in the office of the San Diego County Recorder.
4. This Coastal Development Permit/Conditional Use Permit/Barrio Logan Permit is granted for a period of twenty (20) years from January 13, 1998, at which time it will become null and void unless a new application for a CDP/CUP/BLP Permit is applied for and approved under the procedures in effect at that time. At such time as the CDP/CUP/BLP Permit expires or ceases to be utilized, all buildings, equipment and underground tanks shall be removed from the site by the last Owner/Permittee of the use to the satisfaction of the City of San Diego Fire Department, the San Diego County Department of Health Services Hazardous Materials Management Division and any other responsible government agency.
5. This permit must be used within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted as set forth in Section 111.1122 of the Municipal Code.
6. Prior to issuance of any building permits, complete landscape construction documents including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved) shall be submitted to The City of San Diego for approval. The plans shall be in substantial conformity to the approved Exhibits "A," dated January 13, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless Substantial Conformance Review or amendment of this permit shall have been granted.
7. Prior to issuance of any building permits to convert the dry cleaners to a mini-mart, complete building construction documents for the mini-mart building (including plans and/or detailed specifications) shall be submitted to The City of San Diego for approval. The plans shall be in substantial conformity to the approved Exhibits "A," dated January 13, 1998, on file in the Office of Development Services, and shall show the location of all fire hydrants. No changes, modifications or alterations shall be made unless Substantial Conformance Review or amendment of this permit shall have been granted.
8. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Removal Agreement from the City Engineer for landscaping on Main Street.

9. Prior to final inspection of new signs or issuance of a Certificate of Occupancy (whichever occurs first), it shall be the responsibility of the Owner/Permittee to install all required landscape, obtain all required landscape inspections, obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of the street trees and to provide copies of these approved documents to the City Manager.
10. The Owner/Permittee shall be responsible for maintenance of the landscape identified on the approved Exhibit "A," Landscape Concept Plan, dated January 13, 1998, on file in the Office of Development Services. All approved landscape shall be maintained in a disease, weed and litter-free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications, such as severely pruning or "topping," are not allowed unless specifically noted in this permit.
11. If any existing or proposed landscape (including pavement, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Owner/Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.
12. Prior to building occupancy, the Owner/Permittee shall conform to San Diego Municipal Code section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvement is required, the Owner/Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
13. Prior to issuance of a Certificate of Occupancy, the Owner/Permittee shall provide facilities for parking and locking four bicycles.
14. All trash and refuse shall be stored within an area enclosed by a wall at least six feet in height. Wall material shall match the exterior of the main building. Doors to the area shall be closable and constructed of solid materials. Refuse shall not be visible from outside the enclosed area. No storage of any kind will be permitted on the roof.
15. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the roof or upper outside walls of buildings/canopies on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.
16. Outdoor lighting shall conform to city regulations. The lights may be mounted only to buildings, walls, or on free-standing posts not to exceed a height of 14 feet. All fixtures and lenses should be so

designed and capable of being adjusted so as to direct light only onto the premises from which it emanates. Energy conservation is encouraged.

17. 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.
18. The Owner/Permittee is permitted a 50 foot high, 163 square foot freeway oriented ground sign; a 30 foot high, 77 square foot ground sign at the corner of Main Street and the freeway off-ramp; an eight foot monument sign on Main Street; and canopy and building signs as per sign plan. Sign permits shall be obtained prior to the installation of any signs on this property.
19. Pennants, portable signs or banners shall not be permitted on the premises.
20. The fuel pump islands and the convenience store may operate 24 hours a day.
21. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to cause no noise disturbances to adjoining properties.
22. When operations are discontinued at an automobile service station for a period approaching 24 months, the Permittee of the Coastal Development Permit/Conditional Use Permit/Barrio Logan Permit has the following options:
 - a. Apprise Development Services that the permit should be rescinded. In this case, all buildings and structures not conforming with the underlying zone, including underground storage tanks, shall be removed.
 - b. Redevelop the property as a service station through an amended permit, as set forth in Municipal Code section 101.0510.
 - 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 twenty-fourth month, the City may initiate proceedings to rescind the permit and abate the nonconforming structures.

23. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of two years (24 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 property included within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit

unless otherwise authorized by the City Manager and the permit has been revoked by The City of San Diego.

25. This permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Owner/Permittee.
26. This permit is a covenant running with the subject property and shall be binding upon the Owner/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.
27. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of this permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of the permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary right conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the conditions contained therein.

28. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.
29. A copy of this permit shall be posted on the premises of the service station at all time and be available for viewing by any person or persons who may desire to see the document.
30. A letter from the Permittee 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 Development Services, LDR Division, within thirty (30) days of permit recordation.
31. Within thirty (30) days of issuance of mini-mart Certificate of Occupancy, no loitering signs shall be placed in and around the mini-

mart facility and no loitering enforced by the Permittee, any lessee or subsequent owner.

32. Performance of minor automotive repair, and/or major automotive maintenance and repair is prohibited. Minor automotive maintenance consisting only of the addition of fuel, oil, water and air is permitted.
33. Stand-alone kiosks providing services and sales of any products are prohibited.

Passed and adopted by the Council of The City of San Diego on January 13, 1998, by Resolution No. R-289642.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

G&M OIL COMPANY
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

2/3/98

LADUVERNAYPERMITS96-7362.PER