

RESOLUTION NO. 215320

R.76-1865

CONDITIONAL USE PERMIT NO. 439-PC

FEB 12 1976
11:45

WHEREAS, the UNITED STATES NAVAL FACILITIES ENGINEERING COMMAND and THE CITY OF SAN DIEGO, Owners, and THE COUNTY OF SAN DIEGO, hereafter referred to as "Permittee," filed an application, under Conditional Use Permit No. 439-PC, to construct and operate a sanitary landfill on the south side of Pomerado Road, 3.8 miles east of I-15, more particularly described as portions of Sections 35 and 36, Township 14 South, Range 2 West, S.B.B.M., in the R-1-40 and A-1-10 Zones; and

WHEREAS, on August 26, 1975, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 379, and granted said Conditional Use Permit to Permittee and filed the decision in the office of the City Clerk on September 24, 1975; and

WHEREAS, on September 11, 1975, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, SCRIPPS RANCH CIVIC ASSOCIATION, by ROBERT FEUGE, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 9, 1975, continued to November 6, December 11, 1975, January 15, January 29 and February 12, 1976, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

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WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506, to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 439-PC.

1. The proposed use at the particular location is desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community. The proposed landfill is one of the few canyon areas which is both economically feasible and geologically suitable for a landfill operation. The fill site will provide sanitary waste disposal for the north San Diego City area for approximately 30 years.

2. The proposed use will not, particularly because of conditions imposed, be detrimental to the public health, safety or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. At the present time the property surrounding the proposed site is vacant and is designated on the adopted General Plan as not suitable for urban development until after 1985. The City does not believe the additional traffic on Pomerado Road will be detrimental to the residential development that exists in Scripps Ranch. The initial traffic will be utilizing Pomerado Road from Poway to the north of the site, which should not

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affect the community. Pomerado Road should be widened to four lanes in fiscal year 1982.


3. The proposed use will comply with the regulations specified in the Code for such use. Conditions will be imposed on the CUP, and sanitary landfill operations are also controlled by other county and state regulations.

4. The granting of the conditional use permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency. The General Plan called for this area to remain as undeveloped land until after 1985.

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

BE IT FURTHER RESOLVED, that by a vote of 5 to 2, the appeal of SCRIPPS RANCH CIVIC ASSOCIATION, by ROBERT FEUGE, is denied, and this Council does hereby grant to THE UNITED STATES NAVAL FACILITIES ENGINEERING COMMAND, THE CITY OF SAN DIEGO and THE COUNTY OF SAN DIEGO, Conditional Use Permit No. 439-PC, as amended, in the form and with the terms and conditions as set forth in the permit attached thereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
4/6/76

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CONDITIONAL USE PERMIT NO. 439-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to the UNITED STATES NAVAL FACILITIES ENGINEERING COMMAND and THE CITY OF SAN DIEGO, Owners, and THE COUNTY OF SAN DIEGO, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a sanitary landfill located on the south side of Pomerado Road 3.8 miles east of I-15 described as portions Sections 35 and 36, Township 14 South, Range 2 West and Section 1 and 2, Township 15 South, Range 2 West, SBBM, in the R-1-40 and A-1-10 zones.

2. The sanitary landfill shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. Solid Waste Fill Site.
- b. Landscaping.
- c. Offstreet Parking.
- d. Incidental accessory uses as may be determined

and approved by the Planning Director.

3. That prior to the issuance of any building permit and/or start of operations, a complete grading plan shall be submitted to the Planning Director for approval. Said plan shall be in

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substantial conformity with Exhibit "A" on file in the office of the Planning Department, and the property shall be developed in accordance with said grading plan, except where regulations of other governmental agencies require deviation therefrom.

4. That any materials disposed on any portion of the site shall be restricted to the following:

- | | |
|------------------|--|
| Type 3 material: | Solid inert waste such as fill dirt, concrete and asphalt paving fragments, ceramics, etc. |
| Type 2 material: | Household and commercial refuse and rubbish such as empty tin cans, metals, paper and paper products, cloth and clothing, wood and wood products, lawn clippings, roofing paper or tar paper, etc. |

5. That liquid and soluble industrial wastes shall be excluded from the site.

6. That adequate provisions shall be made to prevent surface flooding of the site by means of water from outside the site.

7. That burning shall not be permitted on the site.

8. That water shall be provided for control of dust and hot materials.

9. That the operation shall be managed in such a manner as to prevent odors, dust and fumes outside the disposal site.

10. That a fence shall be so constructed as to be capable of preventing the dispersion of paper and other materials from littering the surrounding area, with a lockable gate provided.

11. That any spilled trash along Pomerado Road within the City limits shall be picked up periodically.

12. That the operation of the facility shall be limited to the hours between 7:00 a.m. and darkness.

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13. That any flood lighting employed on the subject property shall be directed away from adjoining properties at all times.

14. That prior to use, the access road and plant-operating area roads shall be oiled, paved or otherwise dust-proofed and so maintained as the Air Pollution Control Officer of San Diego County may require to control the creation of dust.

15. That dust control methods be applied to any dust-producing condition which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control Officer.

16. That prior to final approval of a building permit the property shall be provided with facilities approved by the San Diego Department of Public Health, as follows:

a. A potable water supply.

b. Proper sanitary facilities, including toilet, handwashing facilities for employees working on the premises. These facilities shall be installed in conformance with the laws applicable thereto.

17. Any ponds or surface waters shall be maintained in such manner as to prevent the development of a pest nuisance.

18. That the construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

19. No portion(s) of, or interest(s) in, Parcel 36 (as such parcel is described in a deed from the United States of America to Thomas J. Dorsey, et al., recorded on March 19, 1965

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in the Official Records of San Diego County at File/Page No. 49137), including easements reserved over said Parcel 36, shall be used for road or above-ground utility purposes in conjunction with the landfill or operations ancillary thereto.

20. This permit shall be subject to review of operations and all conditions by the Planning Commission of the City of San Diego every five years.

21. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the City Council on February 12, 1976.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated August 26, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated August 26, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

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4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

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

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said County
and State, residing therein, duly commissioned and sworn, person-
ally appeared PETE WILSON, , known to me to be the Mayor, and
EDWARD NIELSEN, 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 persons who executed the
within instrument on behalf of the municipal corporation therein
named, and acknowledged to me that such municipal corporation
executed the same.

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 Stamp)

Notary Public in and for the County
of San Diego, State of California

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The undersigned owners and permittee, by execution hereof, agree to each and every condition of this conditional use permit and promise to perform each and every obligation of owners and permittee hereunder.

(Notary Acknowledgement to be attached)

UNITED STATES NAVAL FACILITIES ENGINEERING COMMAND

By _____

THE CITY OF SAN DIEGO

By _____

THE COUNTY OF SAN DIEGO

(Notary Acknowledgement to be attached)

By _____

STATE OF CALIFORNIA;) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared _____, known to me to be the _____ of The City of San Diego, the municipal corporation that executed the within instrument and known to me 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.

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 Stamp)

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Notary Public in and for the County of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **215320** Adopted **FEB 12 1976**

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