

RESOLUTION NO. **217080**

R.77-929

Conditional Use Permit No. 452-PC

**NOV 9 1976**

WHEREAS, THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, Owner, "Permittee," filed an application to operate a sanitary landfill with a trash capacity of 3,000,000 cubic yards and an earth capacity of 1,500,000 cubic yards on 80 acres in the R-1-5 Zone, located on the north side of College Grove Drive between Chollas Heights Reservoir and 54th Street, more particularly described as a portion of SECTION 34, TOWNSHIP 16 SOUTH, RANGE 2 WEST, S.B.B.M.; and

WHEREAS, on September 23, 1976, the Planning Commission of The City of San Diego made its findings of fact which are set forth in Resolution No. 583, granted said conditional use permit to Permittee and filed the decision in the office of the City Clerk on October 6, 1976; and

WHEREAS, on October 18, 1976, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the NORTH CHOLLAS CITIZENS COMMITTEE, by Kerry L. Scheevel, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 9, 1976, and 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

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. 452-PC:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community. Landfill space is expected to be exhausted at the adjoining South Chollas landfill in the summer of 1977. If the proposed landfill is not approved, waste would be transported to the County's landfill at Otay with the resulting increase in transportation costs and energy consumption. Ultimate use for the North Chollas landfill will be inclusion into a large park complex consisting of the South Chollas landfill, the North Chollas landfill, and the Chollas Heights Reservoir.

2. Such use, under the circumstances of the particular case, will not be detrimental to health, safety, or general welfare of persons residing or working the vicinity or injurious to property or improvements (existing or future) in the vicinity.

All landfill operations will be performed in compliance with the recommendations set forth in the Environmental Impact Report and the applicable regulations and criteria of the State Solid Waste Management Board, the California State Water Resources Control Board and the U. S. Public Health Service Bureau of Solid Waste Management. The construction of temporary earthen berms adjacent to residences, schools and traffic arteries will provide noise and visual barriers to protect these adjacent uses from the landfill. Current solid waste management techniques, including daily cover of refuse material, will mitigate possible odor and vermin problems. Dust control will be accomplished through the use of a truck spraying water upon the dirt surfaces during the day and the completion of covering in the evening.


3. The proposed use will comply with the regulations and conditions specified in the Municipal Code for such use. Earthen berms will be constructed between the landfill and adjacent land uses to mitigate noise impact. This should meet the requirements of the City Noise Ordinance No. 11122 (New Series). Conditions applied by this permit will also control the operation of the area to protect adjacent uses.

4. The granting of this conditional use permit will not adversely affect the Master Plan of the city or the adopted plan of any governmental agency. The Mid-City Community Plan states that the area in the vicinity of the Chollas Operations Station is suitable for sanitary landfilling with open space and recreational being the ultimate uses.

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 the appeal of the NORTH CHOLLAS CITIZENS COMMITTEE, by Kerry L. Scheevel, is hereby denied and this Council does hereby grant to THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, Conditional Use Permit No. 452-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
Rev.1/19/77  
Or.Dept.:Clerk

CONDITIONAL USE PERMIT NO. 452-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, Owner, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner, "Permittee," to construct and operate a sanitary landfill located on the north side of College Grove Drive, between Chollas Heights Reservoir and 54th Street, described as Portion Section 34, T16S, R2W, SBBM, in the R-1-5 Zone.

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. 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 operation, a complete grading plan shall be submitted to the Planning Director for approval. Said plan shall be in substantial conformity with Exhibit "A" dated July 15, 1975, 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.

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4. That any materials disposed of 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. Liquid and soluble industrial waste shall be excluded from the site.

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

7. Burning shall not be permitted on the site.

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

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

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

11. Any spilled trash along College Grove Drive shall be picked up periodically.

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

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

14. 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. Dust control methods shall 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. 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 and handwashing facilities for employees working on the premises. The 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. All reasonable and prudent measures will be taken to control rats, seagulls and other vectors.

19. Earthen berms shall be provided in those areas where there is concern about the visual pollution.

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

21. This Permit shall be subject to annual review of operations and all conditions by the Planning Commission of The City of San Diego.

22. 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 November 9, 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 July 15, 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 July 15, 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.



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

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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.



Acknowledgment

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before  
me the undersigned, a Notary Public in and for said County and  
State, personally appeared \_\_\_\_\_,  
known to me to be the person whose name is subscribed to the  
within instrument and acknowledged to me that \_\_\_\_\_  
executed the within instrument.

WITNESS my hand and official seal.  
(Notary Stamp)

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

NOV 9 1976

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 <b>217080</b>	Adopted <b>NOV 9 1976</b> <i>ad</i>