

RESOLUTION NO. R-250705

(R.80-1509)
(REV.)

Conditional Use Permit No. 452-PC/Extension of Time

NOV 20 1979

WHEREAS, THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, SOLID WASTE DIVISION, Owner, hereafter referred to as "Permittee", filed an application for an 18-months extension of time for Conditional Use Permit No. 452-PC, for a sanitary landfill (North Chollas Landfill) on approximately 80 acres in the R-1-5 Zone. The property is located on the north side of College Grove Drive between the Chollas Heights Reservoir and 54th Street, and is more particularly described as a portion of Section 34, Township 16 South, Range 2 West, S.B.B.M.; and

WHEREAS, on August 2, 1979, the Planning Commission of The City of San Diego made its findings of facts, approved Conditional Use Permit No. 452-PC/Extension of Time, and filed said decision in the office of the City Clerk on August 15, 1979; and

WHEREAS, on August 13, 1979, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, DIANNE STUTZMAN appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 30, 1979, continued to November 20, 1979; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

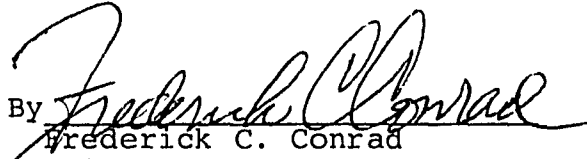
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That said Council finds that there has been no material change of circumstances since the granting of the permit, as set forth in the Planning Report dated July 19, 1979, a copy of which is attached hereto and by this reference incorporated herein.

That said 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 DIANNE STUTZMAN is hereby denied and this Council does hereby grant to THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, SOLID WASTE DIVISION, an extension of time of 18 months for Conditional Use Permit No. 452-PC, with six (6) additional conditions, in the form and with the terms and conditions as set forth in the permit extension of time attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
4/15/80 Revised 6/2/80
Or.Dept. Clerk

R- 250705

PLANNING

REPORTS PLANNING COMMISSION CONTINUED FROM

CITY PLANNING DEPARTMENT • SAN DIEGO, CALIF. 92101
236-6460

JUL 26 '79 TO AUG 26 '79

July 19, 1979

SUBJECT: CONDITIONAL USE PERMIT NO. 452-PC/EXTENTION OF TIME. A request to extend for 18 months the period of time in which to begin utilization of a sanitary land fill on approximately 80 acres in the R-1-5 Zone. It is a portion of Section 34, T18S, R2W, SBBM on the north side of College Grove Drive between Chollas Heights Reservoir and 54th Street. Applicant: City of San Diego. EQD No. 75-10-27.1 EIR.

BACKGROUND

This matter concerns a request to extend for 18 months the period of time in which to begin utilization of a conditional use permit issued for a City operated sanitary landfill in the Mid-City Community. The subject permit, CUP-452-PC was granted by the City Council on January 31, 1978, with the condition that utilization of the permit begin on or before July 31, 1979. The City of San Diego, as applicant, is now requesting an 18 month extention of time, to January 31, 1981, in which to utilize the permit.

The subject property is bounded on the north by a single-family subdivision in the R-1-5 Zone and by the George Washington Carver Elementary School in the R-2 Zone. To the east is the Chollas Naval Radio Station and the Chollas Heights Reservoir, both within the R-1-5 Zone. To the south of the subject property is located the Chollas Operations Station for the City of San Diego and the South Chollas Sanitary Landfill. Adjacent property to the east is developed with single-family residences in the R-1-5 Zone.

The Mid-City Community Plan and General Plan desinate the subject property as part of a park. The Mid-City Plan reads, in part, "the possibility of highly controlled methods of sanitary fills in selected canyons should be explored to create more usable level land. The Chollas area is a good example of a sanitary fill which will become a golf course and recreational area."

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RECOMMENDATION

The Planning Department recommends APPROVAL of the proposed 18 month time extension for the subject sanitary land fill based upon the belief that the findings established for the original granting of the permit are still in effect.

ANALYSIS

The City's General Services Director requests that the date for utilizing CUP-452-PC, for the development and operation of the North Chollas Landfill, be extended for 18 months to January 31, 1981. He indicates that, "the project has been delayed by the County of San Diego since January 1977. Under State law (government Code 66784.1) the County must make a finding that the distance from the proposed site to the nearest residence meets all State standards and that there is adequate control of noise levels, odor nuisances, traffic congestion, dust and vectors. County staff has conducted three major studies of the proposed site in the 2½ years since the City first requested the required findings. With the exception of technical issues related to the City's Noise Ordinance, which has been subsequently clarified, all the reports indicate that the proposed North Chollas Landfill meets or exceeds State minimum standards and provides more than adequate protection of the health and safety of near by residents. The issue has been continued until July 31, 1979, at which time we expect the board to take final action on the matter."

The Planning Department recommends approval of the requested time extension based upon the belief that the necessary findings established for the original granting of the permit are still in affect. Extensions of time do not require further environmental review.

CONDITIONAL USE PERMIT NO. 452-PC/
EXTENSION OF TIME
CITY COUNCIL

This conditional use permit extension of time for a period of 18 months is granted by the City Council of The City of San Diego to THE CITY OF SAN DIEGO GENERAL SERVICES DEPARTMENT, SOLID WASTE DIVISION, Owner, 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 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Permittee to utilize sanitary land fill on approximately 80 acres, located on the north side of College Grove Drive between Chollas Heights Reservoir and 54th Street, described as Portion of Section 34, T16S, R2W, SBBM, in the R-1-5 zone.

2. This conditional use permit shall be amended as follows:

Change Condition No. 4 of General Conditions for Conditional Use Permits to read:

"This Conditional Use Permit granted by the City shall be utilized prior to January 31, 1981. Failure to utilize the Conditional Use Permit prior to January 31, 1981, will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Sections 101.0506 or 101.0507 and 101.0508 of the Municipal Code. See the latter section as both terms and conditions apply hereto."

Additional Conditions:

3. Since the project is proposed as an interim site until completion of the South Bay Recovery Project, continuation of the site as a landfill be reconsidered by Council when the South Bay project initiates operations.

4. That the ultimate use of the fill be designated as a park site.

5. That bird population be monitored, and an effective program of control be instituted.

6. That continued prolonged escapement of dust in excess of State established standards, and excessive escapement of odors shall constitute violation of the C.U.P.

7. That proposed berms be declared temporary, and that ultimate site elevation shall not exceed that of the surrounding developed property.

8. That noise level standards shall take subsonic sound into consideration, and that all reasonable measures be taken to mitigate noise.

Passed and adopted by the Council of The City of San Diego on November 20, 1979.

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 December 1, 1977, 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 December 1, 1977, 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. This Conditional Use Permit granted by the City shall be utilized prior to January 31, 1981. Failure to utilize the Conditional Use Permit prior to January 31, 1981, will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Sections 101.0506 or 101.0507 and 101.0508 of the Municipal Code. See the latter sections as both terms and conditions apply hereto.

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.

AUTHENTICATED BY:

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, personally appeared PETE WILSON, known to me to be the Mayor, and CHARLES G. ABDELNOUR, 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

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

THE CITY OF SAN DIEGO GENERAL
SERVICES DEPARTMENT, SOLID WASTE
DIVISION

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED - PER
CIVIL CODE, SEC. 1180 et seq.

By _____

02132

NOV 20 1979

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250705 Adopted NOV 20 1979