

(R-82-1652)

RESOLUTION NUMBER R- **256072**

Adopted on **MAR 23 1982**

CONDITIONAL USE PERMIT NO. 10-645-0

WHEREAS, H. G. FENTON MATERIAL COMPANY, a California corporation, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 10-645-0 to construct, use and maintain a prestressed I-Beam production facility, asphalt and concrete batch plants and related activities. The property is located approximately 1,300 feet north of Palm Avenue and 600 feet west of Beyer Boulevard and east of Hollister Street, in the FW (Floodway) Zone, in the Otay Mesa-Nestor Community Plan area and is more particularly described as a portion of Section 22, Range 2 West, Township 18 South, S.B.B.M.; and

WHEREAS, on January 28, 1982, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 10-645-0, and filed said decision in the office of the City Clerk on February 11, 1982; and

WHEREAS, on February 1, 1982, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, H. G. FENTON MATERIAL COMPANY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 23, 1982; 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:

All of the following facts exist with respect to Conditional Use Permit No. 10-645-0:

1. The proposed use will not adversely affect the neighborhood, the General Plan and the community plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

Much of the requested activity has been in existence for at least 60 years, and under the attached conditions, which include permits from the California Department of Fish and Game and the County Air Pollution Control District, the continued use with the proposed asphalt batch plant should not adversely affect the neighborhood or the Otay-Nestor Community Plan, nor be detrimental to the health, safety and general welfare of persons working in the area. The facility would provide a temporary (25-year) use for the property, not inconsistent with the Otay Mesa-Nestor Community Plan and would be reviewed every five years to insure compatibility.


2. The proposed use will comply with all the relevant regulations in the Municipal Code.

Section 101.0506 of the Municipal Code of San Diego, paragraph A 9, grants the Planning Commission authority, under appropriate conditions, to approve natural resource development by a Conditional Use Permit.

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 H. G. FENTON MATERIAL COMPANY is granted and this Council does hereby grant to H. G. FENTON MATERIAL COMPANY, a California corporation, Owner and Permittee, Conditional Use Permit No. 10-645-0 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:ps
4/21/82
Or.Dept:Clerk
CUP-10-645-0
R-82-1652
Form=r.none

CONDITIONAL USE PERMIT NO. 10-645-0
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to H. G. FENTON MATERIAL COMPANY, a California corporation, 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 construct an asphalt batch plant located west of Beyer Boulevard between Palm Avenue and Main Street, described as a portion of Section 22, T18S, R2W, SBBM, in the FW Zone.

2. The facility shall consist of the following:

- a. Existing prestressed I-beam production area, concrete batch plant, rock processing facilities and related activities;
- b. An asphalt batch plant;
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. A minimum of 35 off-street parking spaces shall be provided on the property.

01537

4. Before the issuance of any permit, a permit for operation shall be obtained from the California Department of Fish and Game.

5. The proposed new asphalt batch plant must comply with all Air Pollution Control District Rules and Regulations applicable to a new emission source. Additionally, prior to construction and operation of the asphalt batch plant, all necessary APCD Permits shall be obtained. During construction and operation of the plant, all conditions of the APCD Permits shall be met.

6. The applicant must annually renew all required APCD Permits to Operate for the existing concrete batch plant and the screening and crushing equipment and must obtain required APCD Permits for any further additions of new emission sources or modifications of existing sources at this site which are subject to APCD Rules and Regulations.

7. A review of the Conditional Use Permit for compliance with all applicable regulations shall be required after one (1) year from the date of issuance of the permit and every five (5) years thereafter until expiration.

8. Dust control methods must 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 District.

9. All air contaminant emissions from the operation and use of the plant must meet all the emission standards of the San Diego County Air Pollution Control District.

01538

10. Access roads and yards in the general area of this equipment shall be watered or otherwise treated to prevent dust generated by plant mobile traffic from exceeding the emission standards of Rule 50.

11. All dust or other air pollution emissions at any screens, at material transfer points, or at any equipment, during any phase of the operation shall be controlled by water sprays, or by such other or additional methods as may be required by the Air Pollution Control Officer to control any excessive dust or air pollutant production.

12. The hours of operation of the facility shall be limited to the hours of 6:00 a.m. to 11:59 p.m., Monday through Saturday. An exception to this may be made when an emergency exists for federal, state or local governmental contracts. Emergency extensions shall be approved by the Planning Director.

13. The life of this permit shall be limited to 25 years and to expire on January 7, 2007.

14. No permit for the expanded operation shall be granted nor shall any additional 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 Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision or

within 30 days of a City Council decision, the permit shall be void.

15. This Conditional Use Permit must be used within 18 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 101.0506 and 101.0507 of the Municipal Code.

16. Construction and operation of the approved used shall comply at all times with the regulations of this or any other governmental agencies.

17. The project 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.

18. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. A revocation may be requested by the Permittee. Revocation of this Conditional Use Permit may be initiated by the City or the Permittee. The Planning Director shall set the revocation for a public hearing before the Planning Commission, as provided in Section 101.0506 or Section 101.0507. 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 this matter for a public hearing before the City Council as provided in Section 101.0506 or Section 101.0507.

19. This Conditional Use Permit is a covenant running with the lands 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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON MARCH 23, 1982.

AUTHENTICATED BY:

P-250072

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.

H. G. FENTON MATERIAL COMPANY,
a California corporation

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

By _____

By _____

MAR 23 1982

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

By Marjorie G. Postlewaite, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-256072 Adopted MAR 23 1982