

RESOLUTION NUMBER R-268282

ADOPTED ON MAY 5, 1987

WHEREAS, SUNROAD ENTERPRISES, and related entities, by F. O. Tronboll, appealed the decision of the Planning Commission in approving Conditional Use Permit No. CUP-83-0393, an amendment to CUP-5073, submitted by H. G. FENTON MATERIAL CO., a California corporation, Owner/Permittee, for a reduction in the permit boundaries approved in CUP-5073 from 336 to 321.4 acres for the construction and operation of sand, gravel and rock pits and plants, plants for manufacture of pre-cast concrete products and concrete products and operation of concrete mixing and batching plants, together with the usual and necessary buildings, equipment, parking and storage facilities and stockpiling and loading facilities, on portions of Pueblo Lots 1108, 1109, 1173, 1183, Lot 3, a partition of portions of Pueblo Lots 1173 and 1174 and all of Pueblo Lot 1184, located north of Interstate 8, east of Highway 163, bisected by Texas Street, in the Mission Valley Community Plan area, in the R-1A and R-1 Zones; and

WHEREAS, the matter was set for public hearing on April 7, 1987 and continued to May 5, 1987, 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 Conditional Use Permit No. CUP-83-0393:

1. The removal of a portion of the project area as approved in CUP-5073 will not adversely affect the neighborhood, General Plan or the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area in that the requested amendment lessens the intensity of the special use for which the permit is required by removing 14.6 acres from its coverage.

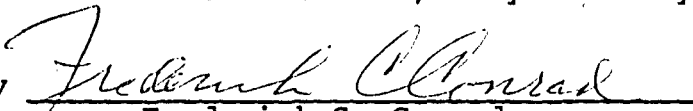
2. The proposed use complies with all relevant regulations in the Municipal Code in that the use is currently conducted under CUP-5073 pursuant to the provisions of Section 101.0510, and all conditions of such approval have been and continue to be observed by Owner/Permittee.

3. Removal of a portion of the project area requested from coverage under CUP-5073 is justified because the land has reached the limits of feasible economic extraction and may be reclaimed under the California Surface Mining Act of 1975 and CUP-5073 can no longer be utilized insofar as this area is concerned.

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 SUNROAD ENTERPRISES, and related entities, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-83-0393 is hereby granted to H. G. FENTON MATERIAL CO., under the terms and conditions 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

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05/20/87  
Or.Dept:Clerk  
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**CONDITIONAL USE PERMIT NO. CUP-83-0393**  
**(AN AMENDMENT TO CUP-5073)**  
**CITY COUNCIL**

This Conditional Use Permit, an amendment to CUP-5073, is granted by the City Council of The City of San Diego to H. G. FENTON MATERIAL CO., a California corporation, Owner/Permittee, under the conditions contained in San Diego Municipal Code Section 101.0506.

1. Permission is granted to Owner/Permittee for a reduction in the permit boundaries approved in CUP-5073 from 336 to 321.4 acres for the continued operation of sand, gravel and rock pits and plants, plants for manufacture of pre-cast concrete products and concrete products and operation of concrete mixing and batching plants, together with the usual and necessary buildings, equipment, parking and storage facilities and stockpiling and loading facilities, on portions of Lots 3 and 4 of Licensed Survey Map No. 170, a partition of portions of Pueblo Lots 1173 and 1174 (Tax Assessor's Parcel Nos. 438-011-12 and 13), located north of Interstate 8, east of Highway 395, bisected by Texas Street, in the Mission Valley Community Plan area, in the R-1A and R-1 Zones.

2. With exception of the acreage reduction set forth in Condition 1 above, the conditions in CUP-5073 are incorporated herein and by this reference made a part hereof, and said conditions shall remain in full force and effect.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON MAY 5, 1987

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

STATE OF CALIFORNIA )  
                          ) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him 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, and that said affiant subscribed his name to the within instrument as a witness.

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 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 permit and promises to perform each and every obligation of Permittee hereunder.

H. G. FENTON MATERIAL CO.,  
a California corporation

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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MAY 05 1987

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

| Council Members        | Yeas                                | Nays                     | Not Present                         | Ineligible               |
|------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer       | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Gloria McColl          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| William Jones          | <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"/> |
| Judy McCarty           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Celia Ballesteros      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Raymond L. Johnston*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-268282* MAY 05 1987  
 Number ..... Adopted .....