

RESOLUTION NUMBER R-283519

ADOPTED ON MARCH 8, 1994

WHEREAS, on January 13, 1994, the Planning Commission recommended approval of Conditional Use Permit No. 93-0529 submitted by the San Diego Gas & Electric Company ("SDG&E), a California corporation, Owner/Permittee, for the construction, operation, and maintenance of a small, one-story hazardous waste management facility at the existing San Diego Gas & Electric Company Miramar Gas Turbine Yard, located west of Miramar Road at 6875 Consolidated Way and legally described as a portion of Lot 7 of Tract 6, Map No. 6583, in the Mira Mesa Community Plan area, in the M-1A zone; and

WHEREAS, the matter was set for public hearing on March 8, 1994, 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. 93-0529:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan.

The proposed waste management facility and related improvements are consistent with recommended land use

designations, design guidelines and standards of the existing M-1A zone, the adopted Mira Mesa Community Plan, the City's Progress Guide and General Plan, and applicable CEQA guidelines and standards.

The proposed facility would be compatible with existing manufacturing and industrial land uses surrounding the subject development site. Therefore, the project would not adversely affect the Mira Mesa Community Plan or the City's Progress Guide and General Plan.

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

The proposed hazardous waste management facility and related improvements are consistent with the relevant regulations of the Municipal Code in effect for this site, including requirements for building setbacks, floor area ratios, building height, various site coverages, structural, site design and hazardous materials storage and disposal guidelines as specified and/or recommended by the existing M-1A zone, the adopted Mira Mesa Community Plan, applicable CEQA guidelines and the City of San Diego Progress Guide and General Plan.


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 decision of the Planning Commission is sustained, and Conditional Use Permit No. 93-0529

is hereby granted to SDG&E, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
03/21/94
Or.Dept:Clerk
R-94-1402
Form=r.permit

CONDITIONAL USE PERMIT NO. 93-0529
CITY COUNCIL
SDG&E WASTE MANAGEMENT FACILITY

This Conditional Use Permit is granted by the Council of The City of San Diego to the SAN DIEGO GAS & ELECTRIC COMPANY ("SDG&E"), a California corporation, Owner/Permittee, pursuant to San Diego Municipal Code section 101.0510.

1. Permission is granted by the City Council to the Owner/Permittee to implement a small waste management facility for the limited storage and transport of various hazardous wastes on a portion of a previously graded 2.79-acre site, located west of Miramar Road at 6875 Consolidated Way, legally described as a portion of Lot 7 of Tract 6, Map No. 6583, in the M-1A zone of the Mira Mesa Community Plan.
2. The permit shall consist of the following facilities and site improvements as identified by size, dimension and location on the approved Exhibit "A," dated March 8, 1994, on file in the Planning Department
 - a. Construct, operate and maintain a one-story, three-sided (1,869-square-foot) hazardous waste management structure and related improvements at the existing San Diego Gas and Electric Company Miramar Gas Turbine Yard; and
 - b. Off-street parking; and
 - c. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. No fewer than 49 (existing) off-street parking spaces shall be maintained at all times on the property in the approximate location as shown on Exhibit "A," dated March 8, 1994, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times.
4. No permit for the construction or operation of any facility shall be granted nor shall any 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.

5. Before issuance of any building permits, a complete set of plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 8, 1994, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
6. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in San Diego Municipal Code section 101.0510(H). Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
7. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
8. After establishment of the project as described herein by this permit, the property shall not be used for any additional purposes unless:
 - a. Authorized by the Planning Commission; or
 - b. The proposed additional use(s) 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.
9. 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.
10. This Conditional Use Permit is a covenant running with the subject property 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 in this permit and all referenced documents.
11. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
12. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any federal, state or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).

13. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants are located on a dead-end main, then a dual-fed system shall be installed.
14. All common areas that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall convert to a reclaimed water irrigation system, in accordance with applicable "Rules and Regulations for Reclaimed Water Use and Distribution with the City of San Diego." The existing irrigation system shall continue to be supplied from the potable water system until reclaimed water is available. The system shall be converted from potable to reclaimed water service when available, and the conversion shall avoid any cross connections between the two systems.
15. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street fronting the property (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC 10.301).
16. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
17. The project incorporates measures to minimize the exposure of the public to emissions from hazardous materials handled at this facility. All wastes shall be stored within original project containers or in DOT approved 55-gallon steel drums. Drums containing liquids shall be 160-DOT-specified 17E drums and those containing solids shall be 120-DOT-specified 17C and 17H drums, or as otherwise specified by DOT. All lids shall be clamped shut to minimize emissions from the drums.
18. The preceding condition is designed to ensure compliance with California Public Resources Code section 21081.6 during the implementation of mitigation measures.
19. Potential impacts associated with public safety shall be reduced below a level of significance by implementation of the following measures which have been incorporated into the project design:

- a. Access to the facility shall be controlled with a chain-linked fence. The gates shall be locked when employees are not in attendance on-site.
 - b. Explosion-proof lighting shall be used on the interior of the building.
 - c. The facility shall have block walls to contain fires or explosions within the facility.
 - d. A 12-inch concrete berm around the facility shall be provided to contain spills of hazardous materials.
 - e. Fire-suppression equipment shall be readily available on-site.
 - f. Hazardous materials shall be transported to and from the facility in compliance with Department of Transportation and California Highway Patrol Requirements.
20. Prior to the issuance of any building permits, the applicant shall obtain a Hazardous Waste Treatment, Storage and Disposal Facility Permit from the California Department of Toxic Substances Control.
21. The applicant shall provide appropriate "warning" signage to be posted on the perimeter security fence surrounding this facility at appropriate intervals along the fence which shall be legible from at least 25 feet away with appropriate letter sizes; and shall consist of appropriate warning language in accordance with pages 33 and 34 of the facility operating plan approved by the State Department of Toxic Substances Control.

Passed and adopted by the Council of The City of San Diego on March 8, 1994, by Resolution No. R-283519.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

SAN DIEGO GAS & ELECTRIC COMPANY
a California corporation
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack