

(R-94-2027)

RESOLUTION NUMBER R-284128

ADOPTED ON JUNE 21, 1994

WHEREAS, Joel J. Cloud/Hester Granite Company appealed the decision of the Planning Commission in granting Conditional Use Permit No. 94-0161 submitted by Superior Ready Mix Concrete, a limited partnership, Owner/Permittee, to construct and operate an aggregate extraction and concrete batch plant at the City of San Diego West Miramar Landfill located at 5198 Convoy Street, in the A-1-10 zone; and

WHEREAS, the matter was set for public hearing on June 21, 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 Condition Use Permit No. 94-0161:

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

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

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

4. The City hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

5. The City further finds that the reclamation of mined lands, as provided in San Diego Municipal Code section 101.0510, will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined reclaimed land.

6. The City further finds that the surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

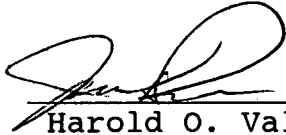
BE IT FURTHER RESOLVED, that the appeal of Joel J. Cloud/Hester Granite Company is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. 94-0161 is hereby granted to Superior Ready Mix Concrete, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to return to the Public Facilities and Recreation

("RF&R") Committee or the City Council with the questions: "Can the Council require that the plant be put out for a competitive bid?"

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
07/21/94
Or.Dept:Clerk
R-94-2027
Form=r.permit

CORRECTED COPY

CONDITIONAL USE PERMIT NO. 94-0161

WEST MIRAMAR LANDFILL AGGREGATE EXTRACTION

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to Superior Ready Mix Concrete, a limited partnership, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to the Permittee to operate an aggregate extraction operation at the West Miramar Landfill site located at 5198 Convoy Street. The operation shall consist of the excavation of existing geologic formations within the Phase II Matrix at the West Miramar Landfill site; and stockpiling, processing and export of materials from the site as described in Attachment 1 to the Lease Agreement between the City of San Diego and Superior Ready Mix Concrete and West Coast General Corporation, dated November 23, 1992 (Document No. RR-281140).
3. No fewer than ten (10) off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 21, 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. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit for operation of the 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. 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(K). Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

6. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
7. After establishment of the project, the 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.
8. 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.
9. 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.
10. 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.).
11. All operations on the site shall comply with the current lease agreement between The City of San Diego and the operator. Any other use on the site shall require an amendment to this permit.
12. Prior to operation of the facility, the operator must contact the Planning Department for a site inspection to verify compliance with the conditions of this permit. The inspection fee shall be equal to that of a plan check fee.
13. Prior to operation of the facility, the operator must contact the City Fire Department to ensure compliance with relevant Fire Department standards.
14. In accordance with the City of San Diego Lease Agreement with the Permittee (City Clerk Document No. RR-281140, adopted November 23, 1992), this Conditional Use Permit shall expire twenty (20) years from the date this permit is approved, June 21, 2014, or when resources have been depleted whichever occurs first.

Additional Conditions added September 25, 1995:

21. Permittee will comply with all NPDES requirements and will install and maintain run-off detention and sedimentation basins within the areas of the Miramar Landfill, where Permittee is excavating material and where its plant operations are located.
22. If the City of San Diego is made aware that sediment deposit has occurred in San Clemente Canyon, and, if, in the judgment of the Environmental Analysis Section of the City Development Services Department, the sediment deposit is directly or indirectly attributable to Permittee's operations, then after notification from the Environmental Analysis Section, Permittee shall remove the sediment and revegetate the areas where sedimentation or its removal impacts native plants.
23. Permittee will maintain an adequate water supply on site for fire protection, as determined by the San Diego Fire Department.
24. Permittee will provide sufficient landscaping around the extraction and operating area to screen the rock processing plants from public roads to the extent the processing plants are not already screened from existing roads.
25. Permittee will pave, with asphalt or concrete, the on-site haul roads within the plant facility. The dust will be controlled by use of a water truck on all operating roads and by wet sweeping of all paved areas.
26. Permittee will comply with all federal, state and local laws, regulations, code and ordinances applicable to the work to be performed by Permittee at the Miramar Landfill.
27. Permittee shall not allow any aggregate trucks traveling to or from the facility to use Convoy Street south of State Road No. 52, unless such trips are solely for the purpose of making a delivery of aggregate material in the immediate area (within a 3.0 mile radius from the facility).
28. Permittee shall not import and recycle asphalt and/or concrete rubble at the facility unless Permittee has first applied for and received all necessary permits and approvals from the City of San Diego and other governmental agencies.
29. The export of rock and sand aggregates (excluding up to 40,000 tons of yellow fill but including aggregates used in production of concrete, asphalt and CTB) by Permittee from the facility shall not exceed 1,872,000 tons per calendar year. Permittee shall submit quarterly reports to the City of San Diego verifying the amount of export. Copies of the reports shall be supplied to Hester's Granite Company.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

SUPERIOR READY MIX CONCRETE
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack
09/29/95

EXHIBIT A

Attachment to CUP No. 94-0161

- a. A ready mix concrete batch plant consisting of cement powder and aggregate material storage bins and silos, weigh hoppers, control tower, baghouse, batch controls, conveyors, fuel storage and ancillary equipment and uses.
- b. An asphaltic concrete batch plant consisting of asphalt oil tanks and aggregate material storage, combination drum mixer and batch tower, control tower, batch controls, conveyors, fuel storage, asphaltic concrete storage silos, scale and ancillary equipment and uses.
- c. A cement treated base plant consisting of cement powder storage, pug mill, conveyors, and ancillary equipment and uses.

R- 284128