

(R-2001-1768)

RESOLUTION NUMBER R-294921

ADOPTED ON MAY 29, 2001

WHEREAS, Hanson Aggregates Incorporated, Pacific Southwest Region, Owner/ Permittee, is the current holder of Conditional Use Permit [CUP] No. 89-0585, subject to a five-year review by the Planning Commission as described in and by Condition 5 of aforesaid permit, to wit: "In view of the developing nature of the surrounding area, this Conditional Use Permit shall be subject to review by the Planning Commission at approximately five year intervals dating from September 13, 1990. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended." The operation is a sand and gravel mining and processing operation regulated under San Diego Municipal Code [SDMC] section 141.1004, Requirements for Processing Conditional Use Permits. These requirements are adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code ("California Surface Mining and Reclamation Act of 1975"). The project site is legally described as located south of Carroll Canyon Road between El Camino Memorial Park and Camion Road, comprised of portions of Sections 2 and 3, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the A1-10 zone; and

PLANNING COMMISSION
03 29 01 10 11 55

WHEREAS, on March 1, 2001, the Planning Commission of the City of San Diego considered the five year review of Conditional Use Permit No. 89-0585, and pursuant to Resolution No. 3104-PC voted to approve the amendment to the permit; and

WHEREAS, Mark S. Kornheiser appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on May 29, 2001, 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 it adopts the following finding with respect to CUP Permit No. 89-0585:

CUP 89-0585 should be amended to include provisions to reimburse costs incurred by City Staff time for the preparation of the annual Surface Mining and Reclamation Act [SMARA] reports, evaluation of emergency extension of working hours, review of mitigation monitoring reports required by the CUP from the mining operator and preparation of the mandatory five-year reviews. An open deposit account shall be maintained with a positive balance to reimburse the cost of staff time for the described actions and inspections required by the permit.

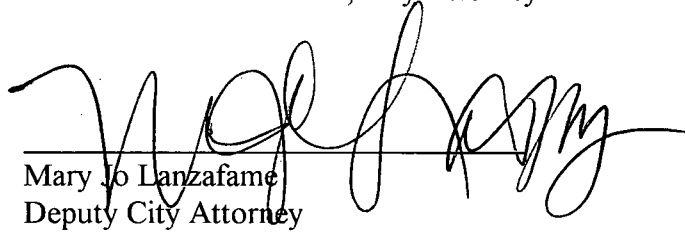
The above findings are supported by the minutes, maps and exhibits, and concurrence by the Owner/Permittee all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Mark S. Kornheiser is denied; the decision of the Planning Commission is sustained; and the amendment to Conditional Use Permit No. 89-0585 is granted to Hanson Aggregates Incorporated, Pacific Southwest Region, Owner/

Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
11/08/02
Or.Dept:Clerk
R-2001-1768
Form=permitr.frm
Reviewed by Robert Hawk

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Conditional Use Permit 89-0585.01
Amendment to CUP 89--0585
Hanson Carroll Canyon Mining Operation

City Council

This amendment to Conditional Use Permit [CUP] No. 89-0585, is granted by the City Council of the City of San Diego to Hanson Aggregates Incorporated, Pacific Southwest Region, Owner and Operator, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] section 141.1004. The site is located between Carroll and Rattlesnake Canyon, east and west of Camino Sante Fe, in the Mira Mesa Community Plan Area. The project site is located south of Carroll Canyon Road between El Camino Memorial Park and Camion Ruiz, and is described as comprised of portions of Sections 2 and 3, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the A1-10 zone.

Subject to the terms and conditions set forth in this amendment to Permit No. 89-0595, a permit condition is imposed on the Owner/Permittee to open and maintain a cost reimbursement account with the City of San Diego Development Services Department to be used by City Staff for the purpose of performing duties specified in CUP 89-0585.01. These duties include five-year reviews, annual reviews and inspection as required under SMARA, review of emergency extension of hours, and inspection as required for compliance with the approved Reclamation Plan during completion of each phase of the project. The SMARA review and inspection will be limited to \$2000.00 per year unless permission to exceed is granted by the Permittee. A copy of this amendment and the original permit shall be kept on file in the Office of the Development Services Department. This amendment and completion of the five-year review becomes valid after the effective date of final approval by the City, following all appeals.

The existing permit and this amendment to CUP No. 89-0585 will become void within three months of the effective date unless:

- a. The Permittee signs and returns the amendment to the Development Services Department;
 - b. This Amendment is recorded in the office of the San Diego County Recorder; and
 - c. A cost recovery account is created and maintained with a positive balance with the City of San Diego.
1. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
 2. This amendment to CUP No. 89-0595 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.
 3. The utilization and continued use of this amendment and CUP No. 89-0595 shall be subject to the regulations of this and any other applicable governmental agency.
 4. Issuance of this amendment to CUP 89-0595 by the City of San Diego does not authorize the holder for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto. (16 U.S.C. § 1531 et seq.)
 5. All conditions of the original permit shall remain unchanged.

APPROVED by City Council Resolution No. R-294921, on May 29, 2001.

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.

**HANSON AGGREGATES INC.,
PACIFIC SOUTHWEST REGION**
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

1/8/03
L:\LANZAFAM\Resos\Reso2001\NR-294921_R-2001-1768_CarrollCanyonMining_Permit.wpd

R 294921